

# MAINE STATE LEGISLATURE

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(After Deadline)  
SECOND REGULAR SESSION

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ONE HUNDRED AND EIGHTH LEGISLATURE

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**Legislative Document**

**No. 2096**

H. P. 2028 House of Representatives, January 23, 1978  
The Committee on Education suggested. Approved for introduction by a  
Majority of the Legislative Council pursuant to Joint Rule 25.

EDWIN H. PERT, Clerk

Presented by Mr. Howe of South Portland.

Cosponsors: Mr. Jackson of Yarmouth, Mrs. Huber of Falmouth, Mr. Curran  
of South Portland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-EIGHT

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**AN ACT Relating to Tuition Computation Charged by Private Schools under the  
Education of Exceptional Children Law.**

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Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 20 MRSA § 3130, sub-§ 2, ¶ A, 1st sentence, as enacted by PL 1977, c. 358, § 4, is amended to read:

The tuition rates charged by private schools, agencies or institutions which serve exceptional children ~~exclusively~~ shall not exceed the actual per pupil cost incurred in the operation during the preceding school year.

Sec. 2. 20 MRSA § 3130, sub-§ 2, ¶ A, as enacted by PL 1977, c. 358, § 4, is amended by adding after the 1st paragraph the following 2 new paragraphs:

**A private school, agency or institution which serves exceptional children shall be considered a special purpose school, agency or institution if it meets the following criteria: It serves exceptional children exclusively, or exceptional children**

**comprise at least 5% but not more than 20% of the student enrollment, the staff pupil ratio is one to 10 or less and the exceptional children are integrated into classes with the other students in a normal learning environment to a substantial degree in accordance with the mainstreaming concept mandated by section 3121, subsection 2, while meeting their educational needs.**

**The commissioner is also authorized to establish and pay special purpose school tuition rates for placement of exceptional children at any school, agency or institution within the State which in his opinion meets the criteria of section 3125, subsection 1, when that placement will adequately meet the educational needs of those children and will avoid the necessity for placement of those children in a program outside the State at a greater cost to the State.**

#### STATEMENT OF FACT

The purpose of this bill is to ensure that schools, agencies and institutions within the State are adequately compensated for services to exceptional children in order to ensure that adequate numbers of programs for exceptional children are available within the State and to avoid the necessity for placement of Maine children in programs outside the State.

This bill is further intended to support the "mainstreaming" concept embodied in the pertinent federal laws and which has been adopted in Title 20, section 3130, subsection 2, paragraph A.