

# MAINE STATE LEGISLATURE

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(New Title)  
New Draft of: H. P. 1709, L. D. 1814  
SECOND REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 1993**

H. P. 1945

House of Representatives, March 13, 1980

Reported by Mrs. Beaulieu from the Committee on Education. Printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk of the House

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

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**AN ACT to Assist Schools Receiving Tuition Students in Complying with Federal Handicapped Laws on Program Accessibility.**

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

20 MRSA § 1292, as last amended by PL 1977, c. 690, §§ 9 and 10 is further amended by adding at the end a new paragraph:

**Notwithstanding the other limitations of this section, public and private schools are authorized to adjust their legal tuition rate for the express purpose of complying with the requirements of United States Vocational Rehabilitation Act of 1973, Section 504, Public Law 93-112. Projects, costs and the methods of financing to bring the facilities into compliance must receive prior approval of the commissioner. The cost adjustment per pupil shall be calculated by dividing the lesser of the actual compliance costs or debt retirement payments of the year immediately prior to the year for which the tuition charge is computed by the average number of pupils attending the school on October 1st and April 1st of the same year. The adjustment of the legal tuition rate and the period of time the adjustment may be charged is subject to the approval of the commissioner. Administrative units are authorized to make tuition payments in excess of the legal rate in accordance with this paragraph. The provisions of this paragraph shall apply to minor capital projects which have received departmental approval before June 30, 1982.**

## FISCAL NOTE

The Department of Educational and Cultural Services indicates the proposed bill allows schools to recover the costs of making facilities accessible to the handicapped. They are allowed to charge in excess of the legal tuition rate for only the purpose stated until the costs are recovered. Costs will be reimbursed to local units as appropriate under the School Finance Act for those public pupils attending schools on a tuition basis. It is estimated that actual costs to either the state or local units will be minimal.

## STATEMENT OF FACT

As of July 1, 1980, all schools in the State must make their programs accessible to handicapped students in compliance with United States Vocational Rehabilitation Act of 1973, Section 504. This will entail added minor capital costs for remodeling in certain schools.

The present formula for allocating these costs and for establishing tuition rates between sending and receiving schools will, in certain cases, lead to an inequitable situation where receiving schools must subsidize sending schools by paying the latter's proportionate share of these mandated remodeling costs. In calculating tuition rates, both public and private schools are limited by the average per pupil cost for elementary or secondary students in the State. Receiving schools, which are at or above the State per pupil average, cannot, under the existing statute, add a proportionate share of the costs resulting from compliance with Section 504 on to their tuition charges. In these cases, the receiving school must absorb the total cost of the required remodeling.

L. D. 1814 would, for the limited purpose of financing these minor capital costs **mandated** by Section 504, allow receiving schools to pass a proportionate share on to sending schools.

The extra cost to the State will be minimal. In computing its state and local allocation, a school is limited by the same average per pupil cost maximum now applied to tuition rates. Thus, only in the case where the receiving school is above and the sending school is below the state per pupil average would a proportion of these additional costs be passed on to the State and then only up to the state average. In addition, the state's liability would be further limited to the 50% state share of the State and local allocation. The allowable costs for compliance with Section 504 would be added to the state and local allocation and, on a statewide basis, the State would be responsible for 50% of the increase.