

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND TENTH LEGISLATURE  
4

5 **Legislative Document**

**No. 1990**

6  
7 S. P. 861 In Senate, February 18, 1982  
Filed by the Joint Standing Committee on Education pursuant to S.  
P. 580 of the 108th Legislature and approved for introduction by a  
majority of the Legislative Council under Joint Rule 18.  
8 MAY M. ROSS, Secretary of the Senate

9  
10 **STATE OF MAINE**  
11

12 IN THE YEAR OF OUR LORD  
13 NINETEEN HUNDRED AND EIGHTY-TWO  
14

15 **AN ACT Recodifying the Law Regarding**  
16 **Exceptional Students in Residential**  
17 **Placements.**  
18

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

20 **Sec. 1.** 20 MRSA §3122, sub-§3, as amended by PL 1975,  
21 c. 732, §2, is further amended by adding at the end a new  
22 sentence to read:

23 The school administrative unit where an exceptional  
24 student's parent resides shall pay to the State the cost of  
25 tuition for the special education program at the State oper-  
26 ated institution which the student attends. In calculating  
27 the tuition charge the State shall first deduct any payments  
28 from federal or other sources.

29 **Sec. 2.** 20 MRSA §3122, sub-§4, first ¶, 2nd sentence,  
30 as enacted by PL 1975, c. 732, §2, is amended to read:

31 The school shall be located in the County of Cumberland and  
32 the State shall have the entire charge, responsibility and  
33 expense of maintaining operate the school.

1       Sec. 3. 20 MRSA §3122, sub-§4, 3rd ¶, as enacted by PL  
2 1975, c. 732, §2, is repealed.

3       Sec. 4. 20 MRSA §3130, sub-§4 is enacted to read:

4       4. The commissioner shall approve tuition rates  
5 charged for special education programs at state-operated  
6 schools.

7       Sec. 5. 20 MRSA §4743, sub-§18, ¶B, as amended by PL  
8 1981, c. 500, §1, is further amended to read:

9       B. The costs of tuition and board to other schools for  
10 programs which have been approved by the commissioner;  
11 and

12       Sec. 6. 20 MRSA §4748, sub-§4, ¶A, as repealed and  
13 replaced by PL 1981, c. 464, §22, is repealed and the fol-  
14 lowing enacted in its place:

15       A. The special education allocation shall be:

16       (1) The expenditures for special education day  
17 programs operated or contracted for by the admin-  
18 istrative unit or operated by the State; and

19       (2) The expenditures for tuition costs for excep-  
20 tional students, except for state wards, placed in  
21 private, state-operated or publicly-funded resi-  
22 dential or boarding school special education pro-  
23 grams.

24       Sec. 7. 20 MRSA §4750, sub-§8, as enacted by PL 1977,  
25 c. 625, §8, is repealed and the following enacted in its  
26 place:

27       8. Direct special education payments. The following  
28 costs for special education services shall be paid directly  
29 by the State:

30       A. The commissioner may pay tuition and board payments  
31 directly to private special education boarding schools  
32 which receive state wards or other pupils placed  
33 directly by the State; and

34       B. The Commissioners of Educational and Cultural Ser-  
35 vices, Human Services and Mental Health and Mental  
36 Retardation shall pay the board, care and treatment  
37 costs of all special education students placed by  
38 school administrative units in private, state-operated

1 or publicly-funded residential treatment or boarding  
2 school programs. The tuition payments by school admin-  
3 istrative units to state-operated programs pursuant to  
4 section 3122, subsection 3, may be used to offset the  
5 board, care and treatment costs to the State. The 3  
6 commissioners shall develop an interdepartmental agree-  
7 ment to apportion the remaining board care and treat-  
8 ment costs among the 3 departments.

9 STATEMENT OF FACT

10 The bill is part of recodification. It places the  
11 decision for the evaluation and program development for deaf  
12 students with the school administrative unit's team and the  
13 student's parent as specified for other special education  
14 students under sections 3124 and 3131. It creates a unitary  
15 method for dividing the cost of residential placements  
16 between local units and the State thereby eliminating the  
17 unequal treatment of one special education group over  
18 another. By making the local school administrative units  
19 responsible for tuition costs of both day and residential  
20 placements and the State responsible for the board, care and  
21 treatment costs, it reduces the possibility that the state  
22 funding formula encourages either inappropriate,  
23 understructured programming by making residential programs  
24 disproportionately expensive or overly restrictive program-  
25 ming by encouraging residential programming through the  
26 offering of free placements.

27 The tuition payments for special education students at  
28 state-operated institutions would reduce the state's cost of  
29 absorbing the present local costs for care, board and treat-  
30 ment at private facilities. In the first 2 years the local  
31 tuition payment will basically equal the added state expense  
32 for board and care. In the 3rd and subsequent years local  
33 units will receive a subsidy for the tuition costs through  
34 the school subsidy formula and the state's expenses will  
35 increase by that amount. The State already pays treatment  
36 costs for emotionally disturbed students placed in residen-  
37 tial facilities.