

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 310, L.D. 399)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 1346

8 H.P. 944

House of Representatives, April 19, 1985

9 Reported by Representative Brown from the Committee on Education
10 and printed under Joint Rule 2. Original bill sponsored by Representative
11 Rydell of Brunswick. Cosponsored by Representative Chonko of Topsham
and Senator Brown of Washington.

EDWIN H. PERT, Clerk

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FIVE
17

18 AN ACT to Allow School Administrative Units
19 to Provide Services to Preschool
20 Handicapped Students.
21

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

24 Sec. 1. 20-A MRSA c. 307, first 2 lines are re-
25 pealed and the following enacted in their place:

26 CHAPTER 307

27 PRESCHOOL HANDICAPPED CHILDREN

28 SUBCHAPTER I

29 PRESCHOOL COORDINATION PROJECTS

30 Sec. 2. 20-A MRSA §7706, as enacted by PL 1981,
31 c. 693, §§5 and 8, is repealed.

1 Sec. 3. 20-A MRSA c. 307, sub-c. II is enacted
2 to read:

3 SUBCHAPTER II

4 ADDITIONAL PROGRAMS

5 §7721. Additional speech and language programs

6 In addition to the programs authorized in this
7 chapter, the commissioner may authorize expenditures
8 to institutions and organizations for speech and lan-
9 guage education of hearing and language impaired
10 children who have not reached compulsory school age.

11 §7722. Preschool services to handicapped children

12 In addition to the programs authorized in sub-
13 chapter I, the commissioner may authorize expendi-
14 tures to school administrative units for services to
15 preschool handicapped students.

16 1. School year 1985-86. For the school year
17 1985-86 expenditures will be made directly to school
18 administrative units based on costs for the base year
19 1983-84 updated to 1984-85 expenditures.

20 2. School year 1986-87 and subsequent years.
21 Starting in 1986-87 for base year costs in 1984-85
22 expenditures will be made through the school subsidy
23 formula.

24 3. Federal and state funds. Federal and state
25 grants awarded to school administrative units to ini-
26 tiate these services shall be considered local funds
27 in computing the units educational costs in chapter
28 606. For the base year 1984-85 only, federal money
29 passed through to the local units under the federal
30 Public Law 94-142 legislation and used to fund pre-
31 school classrooms for handicapped students may be
32 considered local funds in computing the units educa-
33 tional costs under chapter 606.

34 4. Governance and financial responsibility. The
35 school board responsible for operating the preschool
36 service shall assume the financial responsibility for
37 the program. It shall receive the state subsidy for

1 the program and may charge tuition for costs which
2 exceed expenditures made for those programs in the
3 base year.

4 Sec. 4. 20-A MRSA §15603, sub-§22, ¶¶B and C, as
5 enacted by PL 1983, c. 859, Pt. G, §§2 and 4, are
6 amended to read:

7 B. The costs of tuition and board to other
8 schools for programs which have been approved by
9 the commissioner. Medical costs shall not be al-
10 lowable as part of a tuition charge; ~~and~~

11 C. The cost of programs for gifted and talented
12 students which have been approved by the commis-
13 sioner; and

14 Sec. 5. 20-A MRSA §15603, sub-§22, ¶D is enacted
15 to read:

16 D. Starting in 1986-87 for expenditures in the
17 base year 1984-85, the following preschool handi-
18 capped services:

19 (1) The salary and benefit costs of certi-
20 fied professional, assistants and aides or
21 persons contracted to perform preschool
22 handicapped services which have been ap-
23 proved by the commissioner; and

24 (2) The cost of tuition to other schools
25 for programs which have been approved by the
26 commissioner.

27 Sec. 6. 20-A MRSA §15612, sub-§9 is enacted to
28 read:

29 9. Preschool handicapped services adjustment.
30 The allocation for services under section 15603, sub-
31 section 22, paragraph D, shall not include 80% of the
32 service costs which have been funded under health in-
33 surance policies, federal and state programs, other
34 than those listed in section 7722, or other 3rd-party
35 providers.

36 Wherever practical, school administrative units shall
37 utilize these insurance and other 3rd-party payors as

1 the first source of funds for these preschool handi-
2 capped services.

3 FISCAL NOTE

4 It is estimated that this bill will have the fol-
5 lowing effect on revenues.

6	<u>1985-86</u>	<u>1986-87</u>
7 General Fund		
8 All Other	\$300,000	\$270,240

9 STATEMENT OF FACT

10 There is a general consensus among professionals
11 and research studies on young children with special
12 needs that early intervention in the provision of
13 services to these children can significantly reduce
14 the need for special education services in the
15 child's school career. The Department of Educational
16 and Cultural Services has tried to address this need
17 in 2 ways. First, through a system of preschool co-
18 ordination sites, it encourages areas to maximize the
19 use of available community and regional services.
20 Second, through a program of preschool discretionary
21 grants, it helps local school administrative units
22 develop educational programs for preschool handi-
23 capped children. These new services are designed to
24 fill gaps in the local service systems so that the
25 new programs complement rather than compete with ex-
26 isting services available in the area.

27 While the grants have led to a number of very in-
28 novative programs in local school units, the grants
29 are only for one or 2 years. Since preschool pro-
30 grams for handicapped students are not eligible for
31 state support under the School Finance Act, once the
32 grant is over the local unit must fund the project
33 totally with local property tax dollars.

1 This bill allows the cost of preschool programs
2 to be included as special education costs under the
3 School Finance Act. Federal and state grants could
4 be used as seed money to determine the cost of the
5 program for state subsidy purposes. The commissioner
6 would have control over the number and quality of
7 the programs through the requirement that services
8 eligible for state subsidy must be approved by the
9 commissioner. It would be permissive at the local
10 level and provide help to those units which decided
11 to develop programs but it would not extend the man-
12 date for required programs. The bill also attempts
13 to limit costs by providing an incentive for school
14 administrative units to collect payments for certain
15 special services presently the responsibility of oth-
16 er 3rd-party payors.

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