

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 115

H.P. 86

House of Representatives, February 9, 1989

Reported by Representative NUTTING for the Special Commission to Study School Funding and State Tax Law pursuant to Public Law 1987, chapter 848.

Reference to the Joint Standing Committee on Appropriations and Financial Affairs suggested and printing ordered under Joint Rule 18.

Ed Pert

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Provide for State Payment of Excessive Costs of
Out-of-district Special Education Placements.

(EMERGENCY)



1 **Emergency preamble.** Whereas, Acts of the Legislature do not
2 become effective until 90 days after adjournment unless enacted
3 as emergencies; and

5 Whereas, the provisions of this Act must be effective for
6 the school subsidy year 1989-90; and

7 Whereas, in the judgment of the Legislature, these facts
8 create an emergency within the meaning of the Constitution of
9 Maine and require the following legislation as immediately
10 necessary for the preservation of the public peace, health and
11 safety; now, therefore,

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

14 **Sec. 1.** 20-A MRSA §15612, sub-§6, ¶B, as enacted by PL 1983, c.
15 859, Pt. G, §§2 and 4, is amended to read:

17 B. The funds for the adjustment shall be limited to the
18 amount appropriated by the Legislature for that purpose.
19 Unexpended funds may be used to fund the out-of-district
20 placement provisions under subsection 11.

21 **Sec. 2.** 20-A MRSA §15612, sub-§10, as enacted by PL 1987, c.
22 850, §§4 and 5 and as amended by c. 861, §§16 and 17, is repealed.

23 **Sec. 3.** 20-A MRSA §15612, sub-§11 is enacted to read:

24 11. Special education tuition and cost for out-of-district
25 placement adjustment. A school unit which places a student in an
26 out-of-district placement shall receive an adjustment as follows.

27 A. The adjustment shall be equal to an amount the school
28 unit would have received if, in the year of allocation, the
29 State added to the unit's program allocation an amount, if
30 any, by which the tuition, treatment and room and board
31 costs for an approved out-of-district special education
32 placement exceeds 3 times the secondary foundation per pupil
33 operating rate, or a prorated amount if the placement is
34 less than a full year.

35 B. The funds for the adjustment shall be limited to the
36 amount appropriated by the Legislature for that purpose.

37 It is the intent of the Legislature to provide 100% of the cost
38 of implementing this section from General Fund revenue sources.

39 **Sec. 4. Transition.** For the school years 1989-90 and 1990-91
40 the following provision shall apply. If out-of-district expenses
41 exist for a student in a unit in the base year, the State shall
42 add to the unit's program allocation the lesser of

1 the amount calculated under section 3 of this Act or the amount,
3 if any, by which the tuition, treatment and room and board costs
5 for an approved out-of-district special education placement
exceeds the base year costs for the student updated to year-old
expenditures.

7 **Emergency clause.** In view of the emergency cited in the
9 preamble, this Act shall take effect July 1, 1989.

11
13 **STATEMENT OF FACT**

15 This bill allows units to add the excessive costs of
17 out-of-district special education placements to the unit's
19 program allocation in the current year. Costs up to 3 times the
secondary per pupil rate will be treated as other special
education costs and added to the formula on a 2-year-old cost
basis.