



114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 729

S.P. 283

In Senate, March 13, 1989

Reference to the Committee on Education suggested and ordered printed.

E O'Bren

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator BOST of Penobscot. Cosponsored by Senator ESTES of York, Representative SMALL of Bath and Senator PERKINS of Hancock.

STATE OF MAINE

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

An Act Regarding Reimbursement for Out-of-district Special Education Placements.

(EMERGENCY)

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

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

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

13 15

17

19

21

23

25

1

3

5

7

9

11

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

20-A MRSA §15612, sub-§10, as enacted by PL 1987, c. 827, §2 and as amended by c. 861, §§16 and 17, is repealed and the following enacted in its place:

10. Special education tuition and cost for out-of-district placement adjustment. The State shall pay the amount, if any, by which the tuition, treatment and room and board costs for an approved out-of-district special education placement exceeds 3 times the secondary foundation per pupil operating rate. State payments to local school districts pursuant to this section shall be made during the year of allocation.

27

29

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

31

33

STATEMENT OF FACT

This bill corrects an error in legislation passed during the 35 Second Regular Session of the 113th Legislature to alleviate some the financial burden placed on local school of units by 37 out-of-district special education placements. The bill reported out of the Joint Standing Committee on Education established a 39 ceiling for costs local units would be required to pay for each placement and required that all costs above that ceiling be borne The purpose of the ceiling was twofold: to help 41 by the State. local school units by limiting the financial burden of 43 out-of-district placements to a manageable level; and to help children with special education needs by minimizing the financial obstacles that often inhibit school units from placing them in 45 the most appropriate setting.

47

49 51

However, the formula establishing the ceiling was inadvertently deleted in amendments. This bill restores the formula assuring that funds appropriated to implement this bill will go to those school units needing costly out-of-district special education placements. This bill also helps local school

Page 1-LR1017(1)

units to manage their budgets efficiently by specifying that state reimbursement under this section shall occur in the year the funds are allocated.

1

3

()