

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1867

H.P. 1292

House of Representatives, May 16, 1991

Reference to the Committee on Education suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative COLES of Harpswell.

Cosponsored by Representative KILKELLY of Wiscasset, Representative HANDY of Lewiston and Senator ESTES of York.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act to Provide for Direct Reimbursement of Special Education Costs.**

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

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4       **Sec. 1.** 20-A MRSA §15603, sub-§2, ¶A, as amended by PL 1985, c. 797, §56, is further amended to read:

6           A. Program costs for ~~special education costs in subsection~~  
8           22, vocational education costs in subsection 30,  
10          transportation operating costs in subsection 29, bus  
12          purchase costs in subsection 7 and early childhood costs in  
14          subsection 10;

12       **Sec. 2.** 20-A MRSA §15603, sub-§4, ¶A, as enacted by PL 1983,  
14       c. 859, Pt. G, §§2 and 4, is repealed.

16       **Sec. 3.** 20-A MRSA §15604, sub-§1, ¶¶B and C, as enacted by PL  
18       1983, c. 859, Pt. G, §§2 and 4, are repealed.

20       **Sec. 4.** 20-A MRSA §15605, sub-§2, ¶C, as enacted by PL 1983,  
22       c. 859, Pt. G, §§2 and 4, is amended to read:

24           C. The requested funding levels for program costs under  
26          ~~section 15604, subsection 1, paragraph B; section 15604,~~  
28          ~~subsection 1, paragraph C, subparagraph (1);~~ section 15604,  
30          subsection 1, paragraphs D, E and J, shall must be the  
32          actual local program costs for the base year adjusted to the  
34          equivalent of the year prior to the year of allocation; and  
36          under section 15604, subsection 1, paragraph F, for the year  
38          prior to the year of allocation.

40       **Sec. 5.** 20-A MRSA §15605, sub-§2, ¶E, as enacted by PL 1983,  
42       c. 859, Pt. G, §§2 and 4, is repealed.

44       **Sec. 6.** 20-A MRSA §15607, sub-§12, as amended by PL 1989, c.  
46       502, Pt. C, §§7 and 8, is repealed.

48       **Sec. 7.** 20-A MRSA §15607, sub-§13 is enacted to read:

38       13. Appropriation for special education costs. Appropriate  
40       the necessary funds for reimbursement of special education costs  
42       under section 15612-A.

44       **Sec. 8.** 20-A MRSA §15608, sub-§2, ¶A, as enacted by PL 1983,  
46       c. 859, Pt. G, §§2 and 4, is repealed.

48       **Sec. 9.** 20-A MRSA §15612, sub-§6, as amended by PL 1989, c.  
50       554, §1, is repealed.

52       **Sec. 10.** 20-A MRSA §15612, sub-§11, as repealed and replaced  
54       by PL 1989, c. 878, Pt. D, §7, is repealed.

2                   Sec. 11. 20-A MRSA §15612-A is enacted to read:

4                   §15612-A. Reimbursement for special education costs

6                   1. Payment formula. The commissioner shall pay to each  
8                   school administrative unit, in the year of allocation, an amount  
10                   equal to the unit's special education costs as defined in section  
12                   15603, subsection 22, multiplied by the average statewide state  
14                   share percentage for program costs in the year of allocation.  
Payments must be made monthly, not more than 7 days after the  
department receives notification from the unit of its prior  
month's special education costs. This subsection is repealed  
effective June 30, 2000.

16                   2. Full payment. Effective July 1, 2000 the commissioner  
18                   shall pay to each school administrative unit, in the year of  
20                   allocation, 100% of the unit's special education costs as defined  
22                   in section 15603, subsection 22. Payments must be made monthly  
not more than 7 days after the department receives notification  
from the unit of its prior month's special education costs.

24                   3. Special education costs; delayed payments. Special  
26                   education costs that would have been payable to a school  
28                   administrative unit under the School Finance Act of 1985 in the  
30                   1991-92 school year will be paid to the school administrative  
unit over a 5-year period beginning July 1, 1994. The  
commissioner shall establish a schedule for payment of special  
education costs. These funds do not affect the calculation of  
state subsidy under this chapter.

32                   **STATEMENT OF FACT**

34                   This bill guarantees that each school administrative unit in  
36                   the State will receive compensation for its current year special  
38                   education costs on a monthly basis. Compensation for special  
40                   education costs will equal the unit's most recent monthly special  
education expenditure, multiplied by the average statewide state  
share percentage of program costs in the current year.

42                   It also increases the State's share of special education  
44                   costs to 100% effective July 1, 2000 and adds a provision for  
paying 1991-92 school year special education costs to school  
units over a 5-year period, beginning in July 1994.

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