



116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 911

H.P. 673

House of Representatives, March 15, 1993

An Act to Require State Funding for All Special Education Costs That Exceed Double the State Average Tuition Rates.

Reference to the Committee on Education suggested and ordered printed.

OSEPH W. MAYO, Clerk

Presented by Representative COFFMAN of Old Town.

-	Be it enacted by the People of the State of Maine as follows:
2 4	Sec. 1. 20-A MRSA \$15604, sub-\$1, C, as enacted by PL 1983, c. 859, Pt. G, \$2 and 4, is amended to read:
-	c. cos, ic. c, 332 and 4, is allended to fedd.
6	C. Special education tuition and board, excluding medical costs, defined as follows:
8	(1) Tuition and board for pupils placed by school
10	administrative units;
12	(2) Tuition and board for pupils placed directly by
14	the State in accordance with rules adopted or amended by the commissioner;
16	(3) Special education tuition and other tuition for institutional residents of state-operated institutions
18	attending programs in school administrative units in
20	accordance with rules adopted or amended by the commissioner; and
22 [°]	(4) Adjustments under section 15612, subsection 6 $\underline{15}$;
24	Sec. 2. 20-A MRSA 15607 , sub- 12 , as amended by PL 1989, c. 502, Pt. C, 57 and 8, is further amended to read:
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28	12. Appropriation for special education tuition and costs for out-of-district placements. Appropriate the necessary funds
30	for special education tuition under section 15612, subsection 11 <u>15</u> .
32	Sec. 3. 20-A MIRSA §15608, sub-§2, ¶A, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to read:
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36	A. The special education portion of the program cost allocation shallbe <u>is</u> the special education costs in section 15603, subsection 22, as adjusted <u>, excluding any</u>
38	amount that exceeds the product of the number of elementary special education students multiplied by double the state
40	average elementary tuition rate and the product of the number of secondary special education students multiplied by
42	double the state average secondary tuition rate.
44	Sec. 4. 20-A MRSA §15612, sub-§6, as amended by PL 1989, c. 554, §1, is repealed.
46	Sec. 5. 20-A MRSA §15612, sub-§11, as repealed and replaced by
48	PL 1989, c. 878, Pt. D, §7, is repealed.
50	Sec. 6. 20-A MRSA §15612, sub-§13, as enacted by PL 1989, c. 875, Pt. E, §32, is amended to read:

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13. Adjustment limitations. The amounts of the adjustments paid to school administrative units or municipalities in subsections 1, 2, 4, θ_7 7, 10, 11-and 12 and 15 are limited to the amounts appropriated by the Legislature for these adjustments.

Sec. 7. 20-A MRSA §15612, sub-§15 is enacted to read:

15. Special education adjustment. A school administrative unit must receive an adjustment for special education costs equal to the amount by which total special education costs in the unit exceed the product of the number of elementary special education students in the unit multiplied by double the state average elementary tuition rate and the product of the number of secondary special education students in the unit multiplied by double the state average secondary tuition rate.

STATEMENT OF FACT

22 Public school special education costs are currently subsidized through the school funding formula in 3 ways: special 24 education costs are combined with vocational education costs, transportation costs and bus service costs and subsidized at a 26 level equal to at least each school unit's state share of education subsidy; an increase in state subsidy may be granted 28 for a unit that experiences a budgetary hardship due to special education costs; and an adjustment may be granted to a unit with 30 out-of-district placement costs in excess of a certain limit.

This bill requires full state subsidization of all special education costs over a minimum level. The minimum level is calculated as the number of elementary special education students times double the state average elementary tuition rate plus the number of secondary special education students times double the state average secondary tuition rate.

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