

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 795

H.P. 585

House of Representatives, March 14, 1995

**An Act to Require the State Agency Placing a Child in Foster Care to
Pay for Special Education for the Child.**

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BUNKER of Kossuth Township.
Cosponsored by Representatives: ADAMS of Portland, CLOUTIER of South Portland,
GOOLEY of Farmington, PEAVEY of Woolwich, STEVENS of Orono, WHEELER of
Bridgewater.

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

4 **Sec. 1. 20-A MRSA §5205, sub-§3, ¶A,** as enacted by PL 1981, c.
693, §§5 and 8, is amended to read:

6 A. The state agency, child placement agency or parent
8 proves to the school administrative unit's satisfaction that
10 the costs of educating that student and providing any
approved education services will be paid to the school
administrative unit in the year they are incurred; and

12 **Sec. 2. 20-A MRSA §15607, sub-§9,** as amended by PL 1989, c.
14 875, Pt. E, §28, is further amended to read:

16 **9. Appropriation for special education pupils placed
directly by the State.** Appropriate the necessary funds for:

18 A. Tuition and board for pupils placed directly by the
20 State in accordance with rules adopted or amended by the
commissioner; and

22 B. Special educational tuition and other tuition for
24 residents of state-operated institutions attending programs
in school administrative units in accordance with rules
adopted or amended by the commissioner.

26 The funds disbursed in accordance with this subsection are
28 limited to the amounts appropriated by the Legislature for this
purpose, except that a state agency placing a pupil in a foster
30 home shall pay 100% of the costs of any approved special
education services;

32 **Sec. 3. 20-A MRSA §15612, sub-§15** is enacted to read:

34 **15. Adjustment for special education tuition and costs for
36 students placed in a foster home by a state agency.** A school
administrative unit that provides approved special education
38 services to a student placed in a foster home within the unit by
a state agency is entitled to receive an adjustment equal to 100%
40 of the costs of providing the services. State payments to school
administrative units pursuant to this subsection must be made in
42 the year of allocation.

44 **STATEMENT OF FACT**

46 This bill requires the State to pay 100% of the costs of
48 providing approved special education services for a student
placed in a foster home by a state agency.