

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 999

S.P. 345

In Senate, February 4, 1999

**An Act to Reduce Property Taxes by Reimbursing Out-of-District
Special Education Placements and to Establish Oversight of Those Costs.**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator DOUGLASS of Androscoggin.
Cosponsored by Representative MENDROS of Lewiston and
Senator BERUBE of Androscoggin, Representative: BOUFFARD of Lewiston.

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

2
3 **Sec. 1. 20-A MRSA §15603, sub-§26-A, ¶F,** as amended by PL
4 1995, c. 665, Pt. J, §2, is further amended to read:

6 F. If for any fiscal year, the total amount appropriated
7 for the State's share of the total allocation is less than
8 the amount specified in the certified funding level for that
9 year, then all subsidizable costs except as noted in
10 subparagraphs (1) and (2) are reduced by a percentage of the
11 original cost amounts. The reduction percentage is the
12 smallest percentage that results in a state share of the
13 total allocation that does not exceed the amount
14 appropriated for this purpose, except that the reduction
15 percentage that would ordinarily be used for operating and
16 program costs must be reduced for the purpose of computing
17 state subsidy for transportation operating costs as defined
18 in subsection 29. The reduction percentage ordinarily used
19 for transportation operating costs must be reduced by the
20 amount necessary to provide additional state subsidy equal
21 to \$4,500,000 for this category of costs. The statewide
22 adjustment factor under section 15654, subsection 1,
23 paragraph B must be adjusted by an amount sufficient to
24 provide this additional funding for program costs. The
25 following subsidizable costs may not be reduced:

26 (1) Principal and interest on approved school
27 construction costs; and

28 (2) Approved lease costs; and

29 (3) Special education tuition costs for an
30 out-of-district placement.

31
32 **Sec. 2. 20-A MRSA §15612, sub-§11,** as amended by PL 1997, c.
33 736, §2, is further amended to read:

34
35 **11. Special education tuition and costs for out-of-district**
36 **placement adjustment.** A school administrative unit that places a
37 student in an out-of-district placement, in a regional program
38 established consistent with section 7253 or in a regional program
39 recognized by the department prior to July 1, 1997 must receive
40 an adjustment equal to the amount, ~~if any, by which~~ of the
41 tuition, treatment and room and board costs for an approved
42 out-of-district special education placement ~~in the year of~~
43 ~~allocation exceeds 3 times the secondary foundation per pupil~~
44 ~~operating rate for that year, or a prorated amount if the~~
45 ~~placement is less than a full year.~~ State payments to school
46 administrative units pursuant to this subsection must be made
47 during the year of allocation. ~~The funds for the adjustment are~~
48
49
50

2 ~~limited to the amount appropriated by the Legislature for that~~
3 ~~purpose, and the department is authorized to prorate payments to~~
4 ~~units if the amount appropriated is insufficient to make full~~
5 ~~payments to all units.~~

6 **Sec. 3. Department to oversee special education services and**
7 **out-of-district placement.** The Department of Education is
8 responsible for overseeing entities that provide special
9 education services and out-of-district placements. The
10 department shall report to every school district on an annual
11 basis to describe all cost-saving measures that the department
12 has taken throughout the year.

14

15 SUMMARY

16

17 This bill requires the State to reimburse a school
18 administrative district for 100% of the district's special
19 education tuition and cost for an out-of-district placement.
20 This bill also requires the Department of Education to oversee
21 entities that provide special education services and
22 out-of-district placements and to report annually to all school
23 districts all of the cost-saving measures taken by the department
24 in the year reported.