

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 2083

S.P. 733

In Senate, March 30, 1999

An Act Regarding Out-of-District Placement.

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 FERGUSON of Oxford.
Cosponsored by Representative GAGNE of Buckfield and
Senator RAND of Cumberland.

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

2
4 **Sec. 1. 20-A MRSA §7201, sub-§2, ¶C**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

6 C. An exceptional student may be placed in a regional program, a residential school or institution, or in a
8 private day school or program, only after supporting evaluative data justifying the placement have been submitted
10 to and approved by the commissioner.

12 **Sec. 2. 20-A MRSA §7253, sub-§4**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

14 **4. Funding.** The regional program shall must be supported
16 by funds included in the special education appropriations of each of the member school administrative units. The department shall appropriate funds only for out-of-district special education placements approved by the commissioner under section 7201, subsection 2, paragraph C.

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

24 F. If for any fiscal year, the total amount appropriated
26 for the State's share of the total allocation is less than the amount specified in the certified funding level for that
28 year, then all subsidizable costs except as noted in subparagraphs (1) and, (2) and (3) are reduced by a
30 percentage of the original cost amounts. The reduction percentage is the smallest percentage that results in a
32 state share of the total allocation that does not exceed the amount appropriated for this purpose, except that the
34 reduction percentage that would ordinarily be used for operating and program costs must be reduced for the purpose
36 of computing state subsidy for transportation operating costs as defined in subsection 29. The reduction percentage
38 ordinarily used for transportation operating costs must be reduced by the amount necessary to provide additional state
40 subsidy equal to \$4,500,000 for this category of costs. The statewide adjustment factor under section 15654, subsection
42 1, paragraph B must be adjusted by an amount sufficient to provide this additional funding for program costs. The
44 following subsidizable costs may not be reduced:

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

48 (2) Approved lease costs; and

50

2 (3) Approved special education tuition costs for an
3 out-of-district placement.

4 **Sec. 4. 20-A MRSA §15612, sub-§11**, as amended by PL 1997, c.
5 736, §2, is further amended to read:

6 **11. Special education tuition and costs for out-of-district**
7 **placement adjustment.** A school administrative unit that places a
8 student in an out-of-district placement, in a regional program
9 established consistent with section 7253 or in a regional program
10 recognized by the department prior to July 1, 1997 must receive
11 an adjustment equal to the amount, if any, by which the tuition,
12 treatment and room and board costs for an approved
13 out-of-district special education placement in the year of
14 allocation exceeds ~~3--times~~ the secondary foundation per pupil
15 operating rate for that year, or a prorated amount if the
16 placement is less than a full year. State payments to school
17 administrative units pursuant to this subsection must be made
18 during the year of allocation. ~~The funds for the adjustment are~~
19 ~~limited to the amount appropriated by the Legislature for that~~
20 ~~purpose, and the department is authorized to prorate payments to~~
21 ~~units if the amount appropriated is insufficient to make full~~
22 ~~payments to all units.~~

23 **Sec. 5. 20-A MRSA §15613, sub-§17**, as enacted by PL 1997, c.
24 395, Pt. R, §1, is amended to read:

25 **17. Unobligated balances.** Unobligated balances from
26 amounts appropriated for general purpose aid for local schools
27 may not lapse but must be redistributed to school administrative
28 units in the same fiscal year. The commissioner shall make the
29 final determination of the total amount of unobligated funds and
30 must redistribute ~~75% of~~ those funds to program costs and ~~25% of~~
31 ~~these funds to out of district placement costs.~~ To redistribute
32 the ~~75%--portion~~ unobligated balances to the state share of
33 program costs, the ~~reduction~~ percentage originally calculated for
34 program costs pursuant to section 15603, subsection 26-A,
35 paragraph F must be reduced by an amount sufficient to distribute
36 the ~~75%--share~~ unobligated funds. The reductions in these
37 ~~percentages~~ the percentage apply to all program cost areas except
38 the transportation operating cost allocation.

42 SUMMARY

43 This bill requires the State to reimburse a school
44 administrative unit for 100% of the unit's special education
45 tuition and costs for an out-of-district placement approved by
46 the Commissioner of Education. Under this bill, the Department
47 of Education is required to appropriate funds for out-of-district
48 of Education is required to appropriate funds for out-of-district

2 special education placements to those school administrative units
that have submitted supporting evaluative data justifying the
4 placement of an exceptional student in an approved regional
program.