

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1606

H.P. 1183

House of Representatives, March 13, 2001

An Act to Limit Funding for Special Education.

(EMERGENCY)

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative PERKINS of Penobscot.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 **Whereas,** the State has limited resources for subsidizing its
share of kindergarten to grade 12 pupil education costs,
including the rising levels of special education costs; and

8
10 **Whereas,** the Federal Government has consistently not
provided the State with its full share of federal funds to
support the implementation of the federal Individuals with
12 Disabilities Education Act; and

14 **Whereas,** the next school year is likely to begin before the
90-day period has passed; and

16
18 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
20 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

24 **Sec. 1. 20-A MRSA §7301, sub-§1,** as enacted by PL 1981, c.
26 693, §§5 and 8, is amended to read:

28 **1. State aid; maximum limits.** The State shall provide
financial aid to school administrative units for special
30 education programs. Beginning in fiscal year 2001-02, the
commissioner shall establish annually maximum limits on the
32 percentage of exceptional students for each school administrative
unit in the State for whom state aid may be allocated for special
34 education services. The maximum limits established by the
commissioner must be calculated based on the pupil counts within
36 the school administrative units as defined in section 15656. The
financial aid provided to school administrative units must be
38 limited to the maximum percentage of subsidizable exceptional
students established for each school administrative unit by the
40 commissioner.

42 **Sec. 2. Maximum limits for fiscal year 2001-02.** The Commissioner
of Education shall report on the maximum limits on the percentage
44 of exceptional students for whom state aid may be allocated for
special education services established for each school
46 administrative unit in the State for fiscal year 2001-02 by
January 15, 2002 to the Joint Standing Committee on Education and
48 Cultural Affairs.

