

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1679

S.P. 611

In Senate, December 17, 2003

An Act To Reimburse School Districts for Children in Group Care Facilities

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 16, 2003. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 218.

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

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator HALL of Lincoln.

Cosponsored by Representatives: BLANCHETTE of Bangor, CRAVEN of Lewiston, EARLE of Damariscotta, HATCH of Skowhegan, TRAHAN of Waldoboro.

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

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4 **Sec. 1. 20-A MRSA §15603, sub-§26-A, ¶F,** as amended by PL
1999, c. 401, Pt. GG, §2, is further amended to read:

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F. If for any fiscal year the total amount appropriated for the State's share of the total allocation is less than the amount specified in the certified funding level for that year, then all subsidizable costs except as noted in subparagraphs (1) and, (2) and (3) are reduced by a percentage of the original cost amounts. The reduction percentage is the smallest percentage that results in a state share of the total allocation that does not exceed the amount appropriated for this purpose, except that the reduction percentage that would ordinarily be used for operating and program costs must be reduced for the purpose of computing state subsidy for transportation operating costs as defined in subsection 29. Until fiscal year 2000-01, the reduction percentage ordinarily used for transportation operating costs must be reduced by the amount necessary to provide additional state subsidy equal to \$4,500,000 for this category of costs. The statewide adjustment factor under section 15654, subsection 1, paragraph B must be adjusted by an amount sufficient to provide this additional funding for program costs. Beginning in fiscal year 1999-00, the reduction percentage must be phased out over 4 years. In fiscal year 1999-00, the reduction percentage for program costs other than transportation operating costs must be 15.88%. It is the intent of the Legislature that the reduction percentage for all program costs and the insured value factor be lowered to 9.97% in fiscal year 2000-01, to 4.98% in fiscal year 2001-02 and to 0% in fiscal year 2002-03. Beginning in fiscal year 2000-01, if the appropriation and any increase in the mill rate determined by the Legislature to be needed under section 15653 are not sufficient to achieve both the targeted reduction percentage and the targeted per pupil guarantee, as defined in section 15653, then the per pupil guarantee must advance toward the targeted per pupil guarantee in the same proportion as the reduction percentage, as defined in this section, is lowered toward the targeted reduction percentage. The following subsidizable costs may not be reduced:

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

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(2) Approved lease costs; and

2 (3) Certain special education costs as set forth in
3 section 15612, subsection 6-A.

4 **Sec. 2. 20-A MRSA §15612, sub-§6-A** is enacted to read:

6 **6-A. Special education adjustment; residential placements.**
7 Beginning in fiscal year 2004-05 and notwithstanding any other
8 provision of this chapter or chapter 606-A, the commissioner
9 shall adjust each school administrative unit's state share of
10 state subsidy to include:

12 A. An amount equal to 100% of the unit's actual special
13 education costs for the placement of state agency clients
14 and state wards in a residential placement within the unit
15 during the year of allocation;

16 B. An amount equal to 100% of the local share of the
17 foundation allocation for the placement of each state agency
18 client and state ward placed in a residential placement
19 within the unit during the year of allocation; and

20 C. Notwithstanding any provision of chapter 219, an amount
21 equal to 100% of the actual local per-pupil expenditure for
22 each state agency client and state ward placed in a
23 residential placement within the unit who is educated as a
24 tuition student in another school administrative unit or at
25 a private school. State payments for this paragraph must be
26 made during the year of allocation.

27 For the purposes of this subsection, the unit's actual special
28 education costs include 100% of the costs defined in subsection
29 11; section 15603, subsection 22; section 15607, subsection 3,
30 paragraph A, subparagraphs (1) and (2); and section 15613,
31 subsection 5.

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36 **SUMMARY**

37 This bill provides that the General Purpose Aid for Local
38 Schools program would provide state subsidy for 100% of the
39 actual special education costs of the placement of state agency
40 clients and state wards in a residential placement within the
41 unit. Under this bill, the Commissioner of Education is required
42 to adjust each school administrative unit's state share of state
43 subsidy to include an amount that equals 100% of the unit's
44 actual special education costs, including the unit's personnel
45 costs, to provide special education services and special
46 education costs for state wards, state agency clients and
47 out-of-district placements.
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2 The bill also provides that the General Purpose Aid for
Local Schools program fully fund the local share of actual local
4 special education costs, the local share of the foundation
allocation and the actual local per-pupil expenditure for each
6 state ward, state agency client and out-of-district placement who
is educated as a tuition student in another school administrative
unit or at a private school.