

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1200

H.P. 828

House of Representatives, March 10, 2005

An Act To Establish a Uniform Private Facilities Tuition Rate Establishment Procedures

Submitted by the Department of Education pursuant to Joint Rule 204.
Reference to the Committee on Education and Cultural Affairs suggested and ordered
printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative FINCH of Fairfield.
Cosponsored by Representatives: DAVIS of Falmouth, MAKAS of Lewiston, STEDMAN of
Hartland, Senator: MILLS of Somerset.

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

4 **Sec. 1. 20-A MRSA §7302, sub-§2**, as amended by PL 1983, c.
5 278, §2, is further amended to read:

6 **2. Private special education facilities; private general**
7 **purpose agencies.** Private agencies that operate facilities which
8 that exclusively serve exceptional students and private general
9 purpose agencies that receive state aid for special education
10 programs shall comply with the following in computing tuition
11 rates.

12 A. All tuition rates shall be are subject to approval by
13 the commissioner.

14 B. The tuition rates shall may not exceed the actual per
15 student cost incurred in the operation during the preceding
16 school year.

17 C. The commissioner shall adopt or amend rules to define
18 allowable expenditures used to determine per student costs.

19 D. An agency shall file an annual financial report
20 detailing the allowable expenditures and the computation of
21 the tuition rate at such time and in the form the
22 commissioner may require.

23 E. Increases in the tuition rate from one year to the next
24 may not exceed 15% the tuition rate established through
25 negotiation unless evidence is presented to the commissioner
26 that a hardship will exist if a higher rate of increase is
27 not approved, and this evidence is deemed determined
28 sufficient by the commissioner.

29 F. The commissioner shall establish a tuition rate for new
30 special education programs in special purpose private
31 schools and private general purpose agencies based on the
32 estimated allowable costs of these schools.

33 **Sec. 2. 20-A MRSA §7302, sub-§3**, as amended by PL 1997, c.
34 736, §1, is repealed.

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43 **SUMMARY**

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45 The Maine Revised Statutes, Title 20-A, chapter 303,
46 subchapter 3 prescribes 2 methods for computing special education
47 tuition rates: one for private special purpose education
48 facilities that exclusively serve exceptional students and one
49 for private general purpose schools that receive state aid ~~for~~
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special education programs. This bill establishes a single
2 rate-setting process for all tuition subject to approval by the
Commissioner of Education and limits tuition increases from one
4 year to the next.