

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 1371

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H.P. 950

House of Representatives, April 11, 2017

### An Act To Address Costs for Certain Special Education Students

(EMERGENCY)

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative DEVIN of Newcastle.

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

3           **Whereas,** this legislation must take effect in time for the 2017-2018 school year;  
4 and

5           **Whereas,** immediate enactment of this legislation is necessary to authorize the  
6 allocation of additional funds for the high cost of educating certain special education  
7 students in the 2017-2018 school year; and

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

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

13           **Sec. 1. 20-A MRSA §15681-A, sub-§2, ¶B,** as enacted by PL 2005, c. 2, Pt. D,  
14 §44 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

15           B. For high-cost in-district special education placements. Additional funds must be  
16 allocated for each student estimated to cost 3 times the statewide special education  
17 EPS per-pupil rate. The additional funds for each student must equal the amount by  
18 which that student's estimated costs exceed 3 times the statewide special education  
19 EPS per-pupil rate;\_

20           (1) Notwithstanding any other provision of this Title, beginning in fiscal year  
21 2017-18 and in subsequent fiscal years, additional funds allocated for each  
22 student estimated to cost more than \$100,000 must be equal to the amount by  
23 which that student's cost exceeds \$100,000;

24           **Sec. 2. 20-A MRSA §15681-A, sub-§2, ¶C,** as enacted by PL 2005, c. 2, Pt. D,  
25 §44 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

26           C. For high-cost out-of-district special education placements. Additional funds must  
27 be allocated for each student estimated to cost 4 times the statewide special education  
28 EPS per-pupil rate. The additional funds for each student must equal the amount by  
29 which that student's estimated costs exceed 4 times the statewide special education  
30 EPS per-pupil rate;\_and\_

31           (1) Notwithstanding any other provision of this Title, beginning in fiscal year  
32 2017-18 and in subsequent fiscal years, additional funds allocated for each  
33 student estimated to cost more than \$100,000 must be equal to the amount by  
34 which that student's cost exceeds \$100,000; and

35           **Sec. 3. 20-A MRSA §15689, sub-§1, ¶B,** as amended by PL 2015, c. 389, Pt. C,  
36 §7, is further amended to read:

37           B. The school administrative unit's special education costs as calculated pursuant to  
38 section 15681-A, subsection 2 multiplied by the following transition percentages;\_

1 except that beginning in fiscal year 2017-18 these transition percentages do not apply  
2 to funds allocated under section 15681-A, subsection 2, paragraph B, subparagraph  
3 (1) and paragraph C, subparagraph (1), which must be multiplied by 100%:

- 4 (1) In fiscal year 2005-06, 84%;
- 5 (2) In fiscal year 2006-07, 84%;
- 6 (3) In fiscal year 2007-08, 84%;
- 7 (4) In fiscal year 2008-09, 45%;
- 8 (5) In fiscal year 2009-10, 40% including funds provided under Title XIV of the  
9 State Fiscal Stabilization Fund of the American Recovery and Reinvestment Act  
10 of 2009;
- 11 (6) In fiscal year 2010-11, 35% including funds provided under Title XIV of the  
12 State Fiscal Stabilization Fund of the American Recovery and Reinvestment Act  
13 of 2009;
- 14 (7) In fiscal year 2011-12, 30%;
- 15 (8) In fiscal year 2012-13, 30%;
- 16 (9) In fiscal year 2013-14, 35%;
- 17 (10) In fiscal year 2014-15, 30%;
- 18 (11) In fiscal year 2015-16, 30%;
- 19 (12) In fiscal year 2016-17, 30%;
- 20 (13) In fiscal year 2017-18, 35%;
- 21 (14) In fiscal year 2018-19, 40%;
- 22 (15) In fiscal year 2019-20, 45%; and
- 23 (16) In fiscal year 2020-21 and succeeding years, 50%.

24 **Emergency clause.** In view of the emergency cited in the preamble, this  
25 legislation takes effect when approved.

## 26 SUMMARY

27 This emergency bill amends and enacts new statutory provisions in the school  
28 funding formula to address the high costs for certain in-district and out-of-district special  
29 education students beginning in the 2017-2018 school year. The bill provides school  
30 administrative units with additional state funding for certain special education students  
31 under the Essential Programs and Services Funding Act.

32 The bill amends the calculation of special education costs that are included in the  
33 amount of state subsidy that is allocated to school administrative units for the placement  
34 of special education students, including high-cost in-district and high-cost out-of-district  
35 students, under the essential programs and services school funding formula for those

1 special education students whose costs for the special education programs and services  
2 required by federal and state law exceed \$100,000 in a given fiscal year.

3 The bill also amends a provision of law in Title 20-A, section 15689 to establish a  
4 new adjustment to the state share of the total allocation provided to school administrative  
5 units that receive a minimum state allocation to guarantee additional state funding for  
6 special education costs for special education students whose costs for the special  
7 education programs and services required by federal and state law exceed \$100,000 in a  
8 given fiscal year.