

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1309

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H.P. 834

House of Representatives, March 23, 2023

**An Act to Clarify Requirements for Payment of Tuition for  
Children with Disabilities by the Department of Education's Child  
Development Services System**

(EMERGENCY)

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

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT  
Clerk

Presented by Representative GATTINE of Westbrook.  
Cosponsored by Senator PIERCE of Cumberland and  
Representatives: BRENNAN of Portland, CRAFTS of Newcastle, JAVNER of Chester,  
LANIGAN of Sanford, MEYER of Eliot, MILLETT of Cape Elizabeth, MURPHY of  
Scarborough.

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,** Maine has committed to safeguarding and expanding the number of  
4 available slots for early childhood education across the State; and

5           **Whereas,** certain special purpose private schools and private general purpose  
6 agencies that provide both educational services and medically necessary behavioral health  
7 services to children with disabilities who have not attained 6 years of age do not have access  
8 to tuition payments for educational services and are receiving only MaineCare payments  
9 for medically necessary behavioral health services; and

10           **Whereas,** the ongoing lack of tuition payments for educational services threatens the  
11 continued economic viability of schools and agencies that provide both educational  
12 services and medically necessary behavioral health services to children with disabilities  
13 who have not attained 6 years of age and the ability of those schools and agencies to  
14 continue to provide needed special education services; and

15           **Whereas,** a shortage of high-quality, affordable early childhood education and care is  
16 a crisis for affected families and for organizations who support them, and the young  
17 children with special education needs served by these agencies are not appropriately served  
18 by other available community child care providers; and

19           **Whereas,** without these special purpose private preschools, hundreds of children  
20 would lose access to professional, specialized prekindergarten education and care and  
21 would likely become dependent upon their families for that education and care; and

22           **Whereas,** specialized, early intervention is particularly vital for these children and  
23 families, since it gives these children the best chance to develop cognitive, physical, social  
24 and emotional skills to prepare them for future education and life challenges; and

25           **Whereas,** tuition payments for educational services are provided to special purpose  
26 private schools and agencies serving children in elementary and secondary school, but are  
27 not provided when the child has not attained 6 years of age; and

28           **Whereas,** restoration and full payment of tuition payments for educational services  
29 for children with disabilities who have not attained 6 years of age will improve the  
30 economic viability of schools and agencies and foster their ability to continue to provide  
31 these important services; and

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

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

37           **Sec. 1. 20-A MRSA §7302, sub-§2, ¶G** is enacted to read:

38           G. A special purpose private school or private general purpose agency that provides  
39           both educational and medically necessary behavioral health services to children with  
40           disabilities who have not attained 6 years of age is entitled to receive payment for the  
41           educational services they provide from the Child Development Services System.

1 Before the beginning of the 2023-2024 school year, the Child Development Services  
2 System shall cooperate with special purpose private schools and private general  
3 purpose agencies to establish appropriate daily rates for the educational component of  
4 services provided by special purpose private schools and private general purpose  
5 agencies, relying on the methodology currently being used for the establishment of  
6 daily rates for public schools and special purpose private schools serving children in  
7 elementary and secondary school. Following the establishment of the daily rates, the  
8 Child Development Services System shall make payments required by this paragraph  
9 to special purpose private schools and private general purpose agencies at the  
10 established daily rates for the educational services they provide.

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

13 **SUMMARY**

14 This bill requires special purpose private schools and private general purpose agencies  
15 that provide both educational and behavioral health services to children with disabilities  
16 who have not attained 6 years of age receive payments for the educational services they  
17 provide from the Child Development Services System within the Department of Education.  
18 The bill requires that the Child Development Services System work with these private  
19 schools and general purpose agencies to establish, prior to the beginning of the 2023-2024  
20 school year, appropriate daily rates for payments for the educational component of their  
21 services. These daily rates rely on the daily rate methodology now used. These daily rates  
22 must then be used to calculate payments for educational services.