

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2120

H.P. 1344

House of Representatives, January 3, 2024

**An Act to Fund the Delivery of Educational Services to Children
with Special Needs as Required by State and Federal Law in Special
Purpose Private Preschools**

(EMERGENCY)

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

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 LIBBY of Cumberland and
Representatives: MILLETT of Waterford, MURPHY of Scarborough, SAMPSON of Alfred,
Speaker TALBOT ROSS of Portland, Senators: President JACKSON of Aroostook, PIERCE
of Cumberland, RAFFERTY of York, STEWART of Aroostook.

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,** Public Law 2023, chapter 412 allocated to the Child Development Services
4 System one-time funds of \$15,000,000 in fiscal year 2023-24 for payments for specially
5 designed instruction provided by special purpose private preschools; and

6 **Whereas,** Public Law 2023, chapter 412 directed the Child Development Services
7 System to collaborate with special purpose private preschools to establish a funding
8 formula for the 2024-2025 school year that provides appropriate daily tuition rates for the
9 educational services provided by each special purpose private preschool; and

10 **Whereas,** that funding formula has not been established and will likely not be
11 established before the expiration of the 90-day period; and

12 **Whereas,** failure to provide funding for these services for the 2024-2025 school year
13 will result in children not having access to this necessary federally required specially
14 designed instruction and medically necessary therapeutic services; and

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

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

20 **Sec. 1. Intermediate payments.** No later than the start of the 2024-2025 school
21 year and until the daily tuition rate is implemented in accordance with the Maine Revised
22 Statutes, Title 20-A, section 7302, subsection 2, paragraph G, the Department of Education
23 and the Child Development Services System shall assist in maintaining education
24 programming at special purpose private preschools by providing payments for specially
25 designed instruction provided by each special purpose private preschool at a rate of \$125
26 per day, per child receiving medically necessary therapeutic services through the
27 MaineCare program for scheduled school days in accordance with a child's individualized
28 education plan. The Department of Education and the Child Development Services System
29 shall make the payments for specially designed instruction provided by special purpose
30 private preschools no later than July 1, 2024 and until the daily tuition rate in accordance
31 with Title 20-A, section 7302, subsection 2, paragraph G is implemented.

32 **Sec. 2. Transfer from General Fund unappropriated surplus; Child**
33 **Development Services program.** Notwithstanding any provision of law to the contrary,
34 on or before June 30, 2025, the State Controller shall transfer \$15,000,000 from the
35 unappropriated surplus of the General Fund to the Department of Education, Child
36 Development Services program, Other Special Revenue Funds account to fund payments
37 for specially designed instruction provided by special purpose private preschools at a rate
38 of \$125 per day, per child receiving medically necessary therapeutic services through the
39 MaineCare program for scheduled school days in accordance with a child's individualized
40 education program. The Department of Education and the Child Development Services
41 System shall make the payments for specially designed instruction provided by special
42 purpose private preschools no later than July 1, 2024 and until the daily tuition rate in

1 accordance with the Maine Revised Statutes, Title 20-A, section 7302, subsection 2,
2 paragraph G is implemented.

3 **Sec. 3. Appropriations and allocations.** The following appropriations and
4 allocations are made.

5 **EDUCATION, DEPARTMENT OF**

6 **Child Development Services 0449**

7 Initiative: Allocates one-time funds for payments for specially designed instruction
8 provided by special purpose private preschools at a rate of \$125 per day, per child receiving
9 medically necessary therapeutic services through the MaineCare program for scheduled
10 school days in accordance with a child's individualized education plan and until the daily
11 tuition rate in accordance with the Maine Revised Statutes, Title 20-A, section 7302,
12 subsection 2, paragraph G is implemented.

13	OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
14	All Other	\$0	\$15,000,000
15			
16	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$15,000,000

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

19 **SUMMARY**

20 This bill requires the Department of Education and the Child Development Services
21 System to assist in maintaining education programming at special purpose private
22 preschools by providing payments for specially designed instruction provided by each
23 special purpose private preschool at a rate of \$125 per day, per child receiving medically
24 necessary therapeutic services through the MaineCare program for scheduled school days
25 in accordance with a child's individualized education plan until the daily tuition rate in
26 accordance with the Maine Revised Statutes, Title 20-A, section 7302, subsection 2,
27 paragraph G is implemented. The bill includes a one-time transfer of \$15,000,000 in fiscal
28 year 2024-25 from the unappropriated surplus of the General Fund to the Child
29 Development Services System for the estimated cost of the payments.