



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 136

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H.P. 118

House of Representatives, January 17, 2019

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**An Act To Establish a Special Education Circuit Breaker  
Reimbursement Program**

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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 RUDNICKI of Fairfield.  
Cosponsored by Representatives: ARATA of New Gloucester, BRADSTREET of Vassalboro,  
GRIFFIN of Levant, WHITE of Waterville.

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

2 **Sec. 1. 20-A MRSA §15689, sub-§16** is enacted to read:

3 **16. Special education circuit breaker reimbursement program.** The special  
4 education circuit breaker reimbursement program is established. Beginning in fiscal year  
5 2019-20 and in each subsequent year, the department shall in accordance with this  
6 subsection reimburse school administrative units, for a student whose eligible special  
7 education costs exceed 4 times the statewide EPS per-pupil rate, 75% of the amount of  
8 the special education costs that are above 4 times the statewide EPS per-pupil rate.

9 A. For purposes of this subsection, "special education costs" include only those costs  
10 directly attributable to providing the special education services in a student's  
11 individual education plan and do not include transportation costs.

12 B. To be eligible for reimbursement under this program, a school administrative unit  
13 must:

14 (1) Include an estimate of a student's special education costs that the school  
15 administrative unit expects to be eligible for reimbursement under this program  
16 in the school administrative unit's school budget document prepared pursuant to  
17 section 15693;

18 (2) Annually report special education costs eligible for reimbursement under this  
19 subsection to the department for each eligible student on forms provided by the  
20 department; and

21 (3) Notify the department within 30 days of any change in previously approved  
22 special education costs, including but not limited to any changes in a student's  
23 enrollment status or individual education plan.

24 C. The department shall distribute reimbursements on a quarterly basis.

25 D. Funds received by a school administrative unit pursuant to this subsection must be  
26 deposited in a separate revolving account and may be spent only on eligible special  
27 education costs.

28 E. The department may not reimburse a school administrative unit for a student's  
29 special education costs for which a school administrative unit has otherwise received  
30 or expects to receive payment under this chapter, including but not limited to  
31 payment received pursuant to section 15689-A.

32 **SUMMARY**

33 This bill establishes the special education circuit breaker reimbursement program, in  
34 which the Department of Education reimburses school administrative units, for a student  
35 whose eligible special education costs exceed 4 times the statewide EPS per-pupil rate,  
36 75% of the amount of the special education costs that are above 4 times the statewide  
37 EPS per-pupil rate. The bill requires the department to distribute reimbursements to  
38 eligible school administrative units on a quarterly basis, and the reimbursements must be

1 deposited in a separate revolving account that may be spent only on approved special  
2 education services.