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Date: (Filing No. H- )

**EDUCATION AND CULTURAL AFFAIRS**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 834, L.D. 1309, “An Act to Clarify Requirements for Payment of Tuition for Children with Disabilities by the Department of Education's Child Development Services System”

Amend the bill in the 2nd paragraph after the title in the 2nd line (page 1, line 4 in L.D.) by inserting after the following: "education" the following: ', including special education preschool programming,'

Amend the bill by striking out all of the 5th paragraph after the title and inserting the following:

**'Whereas**, a shortage of high-quality, affordable early childhood education and care overall is a crisis for affected families and for organizations that support them; and'

Amend the bill by striking out all of the 8th and 9th paragraphs after the title and inserting the following:

**'Whereas**, the creation of a funding formula for special purpose preschool tuition payments for educational services and medically necessary behavioral health services for children with disabilities who have not attained 6 years of age will improve the economic viability of schools and agencies and foster their ability to continue to provide these important services; and'

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting the following:

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

G. A special purpose private preschool that provides both educational and medically necessary behavioral health services to children with disabilities who have not attained 6 years of age is entitled to receive payment for the educational services the preschool provides for the Child Development Services System. Before the beginning of the 2024-2025 school year, the Child Development Services System shall collaborate with special purpose private preschools to establish a funding formula that provides appropriate daily tuition rates for the educational services provided by each special

**COMMITTEE AMENDMENT**

1 purpose private preschool. The funding formula for the daily tuition rates must include,  
2 but is not limited to, the costs of supporting each preschool's site director and teachers  
3 and allocations for agency support staff, supplies, equipment, curricula, staff  
4 development, technology and noninstructional expenses such as heating, insurance,  
5 maintenance, occupancy costs, office supplies, phones and utilities. Following the  
6 establishment of a daily rate, and no later than the start of the 2024-2025 school year,  
7 the Child Development Services System shall make daily tuition rate payments  
8 required by this paragraph to special purpose private preschools for the educational  
9 services they provide.

10 **Sec. 2. Intermediate payments.** No later than the start of the 2023-2024 school  
11 year and prior to the provision of the daily tuition rate in accordance with the Maine  
12 Revised Statutes, Title 20-A, section 7302, subsection 2, paragraph G, the Department of  
13 Education and the Child Development Services System shall assist in maintaining  
14 education programming at special purpose private preschools by paying each special  
15 purpose private preschool for every hour of approved specially designed instruction in a  
16 child’s individualized education program. Payments must be made using the current  
17 quarter-hour rate provided for in the 2023 Child Development Services System contract  
18 RIDER D.

19 **Sec. 3. Report.** No later than December 15, 2023, the Department of Education shall  
20 submit a report to the Joint Standing Committee on Education and Cultural Affairs on the  
21 development of the funding formula for daily tuition rates under the Maine Revised  
22 Statutes, Title 20-A, section 7302, subsection 2, paragraph G, including recommendations  
23 and suggested legislation. The Joint Standing Committee on Education and Cultural Affairs  
24 may report out a bill related to the report to the Second Regular Session of the 131st  
25 Legislature.

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

28 **EDUCATION, DEPARTMENT OF**

29 **Child Development Services 0449**

30 Initiative: Provides ongoing funds for payments to special purpose private schools for the  
31 educational component of the services provided to children with disabilities who have not  
32 attained 6 years of age.

33 <b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
34 All Other	\$12,181,440	\$9,928,960
35		
36 GENERAL FUND TOTAL	<u>\$12,181,440</u>	<u>\$9,928,960</u>

37 ' ,

38 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
39 number to read consecutively.

40 **SUMMARY**

41 This amendment provides that, before the beginning of the 2024-2025 school year, the  
42 Child Development Services System is required to collaborate with special purpose private

1 preschools to establish appropriate daily tuition rates for the educational services provided  
2 by each special purpose private preschool through a funding formula. Following the  
3 establishment of a daily rate, and no later than the start of the 2024-2025 school year, the  
4 Child Development Services System is required to make daily tuition rate payments to  
5 special purpose private preschools for the educational services they provide.

6 This amendment also requires that, no later than the start of the 2023-2024 school year  
7 and prior to the provision of the daily tuition rate in the Maine Revised Statutes, Title 20-A,  
8 section 7302, subsection 2, paragraph G, the Department of Education and the Child  
9 Development Services System are required to make intermediate payments to assist in  
10 maintaining education programming at special purpose private preschools by paying each  
11 special purpose private preschool for every hour of approved specially designed instruction  
12 in a child’s individualized education program.

13 The amendment also directs the Department of Education to report to the Joint Standing  
14 Committee on Education and Cultural Affairs, no later than December 15, 2023, on the  
15 development of the funding formula for the daily tuition rates.

16 **FISCAL NOTE REQUIRED**

17 **(See attached)**