



Maine Education Association

Jesse Hargrove *President*
Beth French *Vice President*
Jaye Rich *Treasurer*
Rebecca Cole *NEA Director*
Rachelle Bristol *Executive Director*

Testimony

In Support Of

LD 71: An Act Regarding Special Education Funding

John Kosinski, Government Relations Director, Maine Education Association

Before the Education and Cultural Affairs Committee

February 26, 2024

Senator Rafferty, Representative Murphy and other esteemed members of the Education and Cultural Affairs Committee,

My name is Jan Kosinski, and I am the Director of Government Relations for the Maine Education Association (MEA). The MEA represents nearly 24,000 educators, including teachers and other educators in nearly every public school in the state, as well as full-time faculty and other professional and support staff in both the University of Maine and Community College systems. Thousands of retired educators continue their connection and advocacy work through the MEA- Retired program. I offer this testimony today on behalf of the MEA in SUPPORT of LD 71, *An Act Regarding Special Education Funding*.

This legislation is now a perennial bill attempting to fix a perennial problem. Namely, both the state and the federal government have not followed through on their commitment to properly fund special education services for Maine's students, leaving local property taxpayers to shoulder the burden. Undoubtedly, you will hear a lot over the course of this session about the ballot initiative passed by voters in 2003 and 2004 (and later affirmed by a voter-approved ballot initiative in 2016) to fund 55% of the cost of pre-K public education with state aid. However, we often overlook another key component of the ballot initiative. The 2003/2004 initiative clearly stated that the state shall pay "100% of the costs of special education services that are mandated by the federal or state law." This component of the initiative was designed to provide direct state support for special education, as many special education requirements borne by public schools are directly attributable to federal and state regulation. I would also surmise this component of the ballot initiative was included to ensure that minimum receiver towns receive some state support for public education. This is particularly relevant as the school funding formula (EPS) determines whether towns have enough funding to provide the basic level of education to their students.

LD 71 proposes a modest 5% increase in state funding for required special education programs,



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raising the current funding level from 50% to 55%. It is important to note, in fiscal year 2005-2006 until fiscal year 2007-2008, the state was paying 84% of the special education costs for minimum receivers. However like other funding for public schools during the LePage Administration, special education funding was reduced. From 2011-2012 until the 2016-2017 school year, the state covered only 30% of the cost of qualified special education services, except for one year where the state contribution was lifted to 35%. While we believe the state should provide 100% funding for required special education services as mandated by Maine's voters, we support any effort to lift the amount the state's contribution.

The current pressure on special education funding is compounded by the federal government's negligence to honor their commitments as well. The Individual with Disabilities Education Act (IDEA) was passed in 1975 and created a robust regulatory framework that guides states and the work of public schools to support students with special needs. When it was enacted, the law promised to fund 40% of the cost of special education services. However, according to the National Association of Elementary School Principals, "since the law was enacted, the closest the federal government has come to reaching the 40 percent commitment was 18 percent in 2004-2006, and current funding is at less than 13 percent."¹ In Maine, this lack of federal commitment has a major impact on our schools and towns.. For example, for the 2020-2021 school year, Maine received \$59.5 million in IDEA funding, yet full funding of 40% would have provided \$186.2 million for this important program.² The difference, \$126.7 million was paid by the property taxpayers in our state.

I must caution that the bill before you intends to implement a 5% increase in the 2025-2026 school year. While we certainly support increased special education funding to districts as soon as practicable, we have concerns about implementing this change for next school year. Many school districts are already building their budgets for the 25-26 year based on the Governor's two-year biennial proposal and the 279s reports prepared by the Department of Education. This bill will increase the cost of education and therefore could slightly change budget calculations for school districts and towns. We suggest the Committee consider implementing this change for the 26-27 school year and consider writing future increases in the law for subsequent school years.

Special education is a very important component of the work schools do. We all benefit when all students have the resources they need to learn and succeed in our public schools. Investing in special education is an investment in helping students with the greatest challenges learn, grown and thrive.

Thank you for your attention and your service to the people of Maine. I will do my best to answer to any questions you may have.

¹ Please see, *Funding Falls Short for Students with Disabilities*, National Association of Elementary School Principals, November 2023, found here: [Funding Falls Short for Students with Disabilities - NAESP](#)

² Please see, National Education Association, IDEA Funding Gap, 2020-2021 School Year, found here: [IDEA Funding Gap by State FY 2020.pdf](#)



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