

131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1309

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)

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

R(+ B. Hunt

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
- Whereas, a shortage of high-quality, affordable early childhood education and care is a crisis for affected families and for organizations who support them, and the young children with special education needs served by these agencies are not appropriately served by other available community child care providers; and
- Whereas, without these special purpose private preschools, hundreds of children
 would lose access to professional, specialized prekindergarten education and care and
 would likely become dependent upon their families for that education and care; and
- Whereas, specialized, early intervention is particularly vital for these children and families, since it gives these children the best chance to develop cognitive, physical, social and emotional skills to prepare them for future education and life challenges; and
- Whereas, tuition payments for educational services are provided to special purpose private schools and agencies serving children in elementary and secondary school, but are not provided when the child has not attained 6 years of age; and
- Whereas, restoration and full payment of tuition payments for educational 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
- Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, 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 <u>G. A special purpose private school or private general purpose agency that provides</u>
- 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.

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

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

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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 provide from the Child Development Services System within the Department of Education. 17 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.