

MAINE STATE LEGISLATURE

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DATE: 5/24/05

(Filing No. H-481)

EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 691, L.D. 981, Bill, "An Act To Change the Name of the Governor Baxter School for the Deaf"

Amend the bill by striking out the title and substituting the following:

'An Act To Add an Organizational Name to the Governor Baxter School for the Deaf'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 5 MRSA §285, sub-§1, ¶A-1, as enacted by PL 2001, c. 239, §1 and affected by §5, is amended to read:

A-1. Any employee of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf, unless a different health program is established by collective bargaining agreement or otherwise consistent with applicable law;

Sec. 2. 5 MRSA §931, sub-§1, ¶H, as amended by PL 1989, c. 443, §7 and PL 2003, c. 20, Pt. 00, §2 and affected by §4, is further amended to read:

H. Officers and employees of the unorganized territory school system; the teachers, administrators and professional employees of the state community colleges and the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf; and the teachers, administrators and professional employees of school systems in other state institutions;

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2 **Sec. 6. 20-A MRSA §7401**, as amended by PL 1999, c. 775, §1,
is further amended to read:

4 **§7401. School established**

6 The Maine Educational Center for the Deaf and Hard of
8 Hearing and the Governor Baxter School for the Deaf is
established as a public school pursuant to this chapter for the
10 purpose of educating deaf and hard-of-hearing students. The
school is a body politic and corporate and is an instrumentality
12 and agency of the State. The exercise by the school of the
powers conferred by this chapter is the performance of an
14 essential public function by and on behalf of the State.

16 **Sec. 7. 20-A MRSA §7402**, as amended by PL 1999, c. 775, §3,
is further amended to read:

18 **§7402. Definitions**

20 As used in this chapter, unless the context otherwise
22 indicates, the following terms have the following meanings.

24 1. **School.** "School" means the Maine Educational Center for
the Deaf and Hard of Hearing and the Governor Baxter School for
26 the Deaf established under this chapter, including the center
school located at Mackworth Island known as the Governor Baxter
28 School for the Deaf and any satellite school within the State
that may be operated under a contracted services agreement.

30 2. **School board.** "School board" means the School Board of
the Maine Educational Center for the Deaf and Hard of Hearing and
32 the Governor Baxter School for the Deaf.

34 3. **Sending school.** "Sending school" means any school
administrative unit that has a student in attendance at the
36 ~~Governor Baxter School for the Deaf~~ center school or at a
satellite school.

38 4. **Superintendent.** "Superintendent" means the
40 Superintendent of the Maine Educational Center for the Deaf and
Hard of Hearing and the Governor Baxter School for the Deaf.

42 5. **Center school.** "Center school" means the kindergarten
44 to grade 12 day and residential programs established and operated
by the Maine Educational Center for the Deaf and Hard of Hearing
46 and the Governor Baxter School for the Deaf at the Governor
Baxter School for the Deaf located at Mackworth Island, ~~including~~
48 ~~the residential program, day school program, statewide~~
~~consultation and outreach programs, parent infant program,~~

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2 ~~preschool---program,---communication---garden---program,---distance~~
3 ~~education-program-and-community-education-program.~~

4 **6. Satellite school.** "Satellite school" means the
5 programs, including a residential program, day school programs,
6 early childhood programs and outreach programs, that are located
7 near the population centers of deaf and hard-of-hearing students
8 within the State established by the School Board of the Maine
9 Educational Center for the Deaf and Hard of Hearing and the
10 Governor Baxter School for the Deaf.

12 **7. Statewide educational services or outreach.** "Statewide
13 educational services" or "outreach" means consultation services
14 provided to families of children from birth to 5 years of age who
15 are deaf or hard-of-hearing students, consulting services to
16 school administrative units that serve school-age deaf or
17 hard-of-hearing children and services provided through the
18 parent-infant-toddler program, the preschool program and the
19 communication garden program provided at the center school.

20 **8. Statewide resource center.** "Statewide resource center"
21 means the information and referral services provided by the
22 library at the center school and the distance education program
23 and the community education program offered at the center school.

26 **Sec. 8. 20-A MRSA §7406, first ¶,** as enacted by PL 1995, c.
27 676, §5, is amended to read:

28 The School Board of the Maine Educational Center for the
29 Deaf and Hard of Hearing and the Governor Baxter School for the
30 Deaf is established as the policy-making authority and the
31 governing body of the school.

34 **Sec. 9. 20-A MRSA §7407, sub-§4-A,** as amended by PL 1999, c.
35 790, Pt. L, §1 and affected by §2, is further amended to read:

36 **4-A. Budget development.** The school board shall, with the
37 aid of the superintendent and staff, prepare an annual budget for
38 the operation of the school and exercise budgetary
39 responsibility. The school board shall allocate for expenditure
40 by the school and programs under its jurisdiction all the
41 resources available for the operation of the school and its
42 programs. Annually, not later than January 1st, beginning for
43 fiscal year 2001-02, in addition to complying with the provisions
44 of Title 5, sections 1665 and 1666, the school board shall
45 present the administrative operating budget for the Maine
46 Educational Center for the Deaf and Hard of Hearing and the
47 Governor Baxter School for the Deaf to the Governor and the
48 Legislature for review by the joint standing committee of the
49 Legislature having jurisdiction over education matters. The
50

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administrative operating budget must be presented as a line-item budget for each of the programs under its jurisdiction. A liability or obligation may not be incurred under this chapter beyond the amount approved in the administrative operating budget. The school board may make expenditures only in accordance with allocations approved by the Legislature. Any balance of an allocation or subdivision of an allocation made by the Legislature for the school that at the time is not required for the purpose named in the allocation or subdivision may be transferred prior to the closing of the books for the fiscal year to any other allocation or subdivision of any allocation made by the Legislature for the use of the school for the same fiscal year. The transfer is subject to review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. Financial statements describing the transfer must be submitted by the school board to the Office of Fiscal and Program Review 30 days before the transfer is implemented. In case of extraordinary emergency transfers, the 30-day prior submission requirement may be waived by vote of the committee. These financial statements must include information specifying the accounts that are affected, the amounts to be transferred, a description of the transfer and a detailed explanation of the reason the transfer is needed. The school board shall also provide an annual justification for the finances and operations of the programs under the jurisdiction of the school to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over education matters. The justification for the finances and operations of the school must be presented as a line-item budget for each of the programs under its jurisdiction.

Sec. 10. 20-A MRSA §7407, sub-§17, as amended by PL 1999, c. 775, §11, is further amended to read:

17. School programs. The school board may create, maintain and expand center school programs and programs for children and families that may be served by the school at any satellite school, through statewide educational services and through the statewide resource center. For the 2000-01 and 2001-02 school years only, the residential program at the Governor Baxter School for the Deaf located on Mackworth Island is limited to enrolling up to 20 students who are deaf or hard-of-hearing. The superintendent may request that the commissioner approve a waiver of the residential enrollment limit and establish additional placements for students in the residential program at the Governor Baxter School for the Deaf located on Mackworth Island; the commissioner may approve those placements on a case-by-case basis and only if the individual education plan of the prospective student who is deaf or hard-of-hearing requires

placement in a residential program. Beginning with the 2002-03 school year, the school board shall establish a satellite school program that offers an array of educational programs that provide students who are deaf or hard-of-hearing with geographically convenient access to placement options that may be required by their individualized education program.

Sec. 11. 20-A MRSA §7412, as amended by PL 2001, c. 429, Pt. T, §§6 and 7, is further amended to read:

§7412. Maine Educational Center for Deaf and Hard of Hearing and the Governor Baxter School for the Deaf Student Trust Fund established

1. Fund established. Notwithstanding the provisions of Title 5, section 135-A, the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf Student Trust Fund, referred to in this section as the "fund," is established.

2. Investment of funds. The money in the fund may be invested by the Treasurer of State with the assistance of one or more fiduciaries or registered investment advisors. The duties and expenses of the fiduciaries or registered investment advisors must be handled in a manner consistent with Title 5, section 17108, subsections 2 and 3. All earnings must be credited to the fund.

3. Nonlapsing fund; transfer to General Fund. Until July 1, 2007, any unexpended funds remaining in the fund may not lapse but must be carried forward for the benefit of the fund. On July 1, 2007, any unexpended funds remaining in the fund must be transferred to the General Fund.

Sec. 12. 20-A MRSA §13402, sub-§3, as amended by PL 1995, c. 676, §7 and affected by §13, is further amended to read:

3. Substitute teachers. Substitute teachers must be compensated at the rate of not less than \$30 for each day of service. Any substitute teacher under contract with the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf is deemed for the purposes of civil liability to be an employee of a governmental entity under the Maine Tort Claims Act.

Sec. 13. 22 MRSA §3174-D, as amended by PL 1995, c. 676, §9 and affected by §13 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

2 **§3174-D. Medicaid coverage for services provided by**
3 **the Maine Educational Center for the Deaf**
4 **and Hard of Hearing and the Governor**
5 **Baxter School for the Deaf**

6 The Department of Health and Human Services may administer a
7 program of Medicaid coverage for speech and hearing services,
8 psychological services, occupational therapy and any other
9 services provided by the Maine Educational Center for the Deaf
10 and Hard of Hearing and the Governor Baxter School for the Deaf
11 that qualify for reimbursement under the United States Social
12 Security Act, Title XIX. The Department of Education has fiscal
13 responsibility for providing the State's match for federal
14 revenues acquired under this section. Any funds received as
15 Medicaid reimbursement must be retained by the Maine Educational
16 Center for the Deaf and Hard of Hearing and the Governor Baxter
17 School for the Deaf.

18 **Sec. 14. 22 MRSA §4088, sub-§7,** as enacted by PL 2001, c. 265,
19 §4, is amended to read:

20 **7. Access to records related to Maine Educational Center**
21 **for the Deaf and Hard of Hearing and the Governor Baxter School**
22 **for the Deaf.** Notwithstanding Title 20-A, section 6101,
23 subsection 2, when the team is conducting an investigation of a
24 person at the Maine Educational Center for the Deaf and Hard of
25 Hearing and the Governor Baxter School for the Deaf who is
26 subject to licensure by the Department of Education, the Maine
27 Educational Center for the Deaf and Hard of Hearing and the
28 Governor Baxter School for the Deaf and the Department of
29 Education shall disclose to the team records related to:

- 30 A. Background checks related to the person;
- 31 B. The person's credentials;
- 32 C. Any conduct on the part of the person related to the
33 allegation; and
- 34 D. Any action taken by the Maine Educational Center for the
35 Deaf and Hard of Hearing and the Governor Baxter School for
36 the Deaf or the Department of Education in response to
37 conduct of any person at the Maine Educational Center for
38 the Deaf and Hard of Hearing and the Governor Baxter School
39 for the Deaf that is similar to the allegation.

40 **Sec. 15. 26 MRSA §962, sub-§7, ¶A,** as amended by PL 2003, c.
41 646, §3, is further amended to read:

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A. Any officer, board, commission, council, committee or other persons or body acting on behalf of:

(1) Any municipality or any subdivision of a municipality;

(2) Any school, water, sewer, fire or other district;

(3) The Maine Turnpike Authority;

(4) Any board of directors functioning as a regional intermediate education unit pursuant to Title 20-A, section 7730;

(5) Any county or subdivision of a county;

(6) The Maine State Retirement System; or

(7) The Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf;

Sec. 16. 26 MRSA §1419-A, sub-§4, as amended by PL 2003, c. 553, Pt. A, §3, is further amended to read:

4. Specialized customer communications equipment needs in public school system. The Department of Education, in consultation with the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf and advocacy groups for deaf and hard-of-hearing persons and for the information technology interests of consumers, shall conduct an annual survey of all public schools in the State for the purpose of assessing the need for specialized customer communications equipment in the school system and report its findings to the joint standing committee of the Legislature having jurisdiction over labor matters. The report must include: the number of deaf and hard-of-hearing students and their needs for specialized customer communications equipment; the availability of specialized customer communications equipment; the number of requests for specialized customer communications equipment; and the status of training for teachers and other school personnel in the use of specialized customer communications equipment.

Sec. 17. 35-A MRSA §8704, sub-§1, ¶E, as amended by PL 2001, c. 377, §3, is further amended to read:

E. Eight members appointed by the Governor as follows:

(1) One member from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf;

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- 2 (2) One member from a statewide association for the
deaf;
- 4
- 6 (3) One member from a center on deafness;
- 8 (4) One member from a company providing
telecommunications relay service in this State;
- 10 (5) One member of a telephone association in this
State;
- 12
- 14 (6) Two members from the general public who must rely
on TTYs for telecommunications; and
- 16 7. (7) One member representing a cellular or wireless
18 service provider.'

20 **SUMMARY**

22 This amendment changes the title of the bill and strikes and
24 replaces the bill to provide an expanded organizational name to
the Governor Baxter School for the Deaf in order to better
26 reflect the range of programs and services provided to the deaf
and hard-of-hearing pursuant to state law. The expanded name of
the organization is the Maine Center for the Deaf and Hard of
28 Hearing and the Governor Baxter School for the Deaf. The
amendment also retains the name Governor Baxter School for the
30 Deaf for the center school located on Mackworth Island. The
amendment also corrects cross-references in the statutes to
32 reflect the name change.

34

36 **FISCAL NOTE REQUIRED**
(See attached)



Approved: 05/02/05 *MAC*

122nd MAINE LEGISLATURE

LD 981

LR 0928(02)

An Act To Change the Name of the Governor Baxter School for the Deaf

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Governor Baxter School for the Deaf associated with the name change can be absorbed within existing budgeted resources.