

# MAINE STATE LEGISLATURE

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R. 015

Date: 3-28-12

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MAJORITY

EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE

SENATE

125TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 637, L.D. 1839, Bill, "An Act To Define Cost Responsibility for Transporting Deaf and Hard-of-hearing Students to the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf"

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

'An Act To Define Cost Responsibility for Deaf and Hard-of-hearing Students Receiving Services from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf'

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

'Sec. 1. 20-A MRSA §7402, as amended by PL 2005, c. 279, §7, is further amended to read:

§7402. Definitions

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

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

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

3. Sending school. "Sending school" means any school administrative unit that has a student in attendance at the center school or at a satellite school.

COMMITTEE AMENDMENT

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**4. Executive director.** ~~"Superintendent"~~ "Executive director" means the ~~Superintendent~~ Executive Director of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf.

**5. Center school.** "Center school" means the kindergarten to grade 12 ~~day and residential~~ programs established and operated by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf at the Governor Baxter School for the Deaf located at Mackworth Island or at a location determined by the school board in accordance with section 7407, subsection 17.

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

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

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

**9. Center preschool.** "Center preschool" means the preschool program established and operated by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf at the Governor Baxter School for the Deaf.

**Sec. 2. 20-A MRSA §7403**, as amended by PL 1999, c. 775, §4, is further amended to read:

**§7403. Responsibility; location; geographic access**

The center school is responsible for providing a free, appropriate public education to students enrolled pursuant to chapter 301. The center school programs are operated by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf located on Mackworth Island or at a location determined by the school board in accordance with section 7407, subsection 17. Satellite school programs, including a residential program in accordance with section 7407, subsection 17, may be located near the population centers of deaf and hard-of-hearing students within the State.

**Sec. 3. 20-A MRSA §7404, sub-§1**, as amended by PL 2007, c. 111, §2, is further amended to read:

**1. Funding.** Students from this State may attend the center school free of tuition and room and board expense. Funding for these students is provided by legislative appropriation based on the services necessary, including room and board, to satisfy the individualized education programs of the students enrolled in the center school. Funding must support maintenance of the center school and that portion of the island used by the

R. G. S.

1 center school, security, outreach services, adult education, access to the education  
2 network of Maine and operations of the center school, including the residential program,  
3 parent-infant program, preschool program and communication garden program. Funding  
4 must also support maintenance and operations of any satellite school.

5 **Sec. 4. 20-A MRSA §7405, sub-§1**, as amended by PL 2003, c. 533, §7, is  
6 further amended to read:

7 **1. Enrollment.** The superintendent of the school administrative unit in which a deaf  
8 or hard-of-hearing student resides, with the consent of that student's parent or legal  
9 guardian and in accordance with the limitations in section 5051-A, may enroll that  
10 student in the center school or in one of the center school programs or the satellite school  
11 programs. The For students enrolled in the center school, the sums necessary for to  
12 ensure that services required to meet the individualized education program for each  
13 student, including tuition and room and board of the student while attending one of the  
14 center school programs or satellite school programs, as determined by the individualized  
15 education program of the student, must be paid by the school board. Beginning July 1,  
16 2013, the sums necessary to provide transportation services for a student enrolled in the  
17 center school, as determined by the individualized education program of the student, must  
18 be paid by the school board.

19 **Sec. 5. 20-A MRSA §7405, sub-§2**, as amended by PL 1999, c. 775, §6, is  
20 further amended to read:

21 **2. State and federal educational services requirements.** The center school, center  
22 preschool and any satellite school must comply with all standards for state public schools  
23 and must comply with all federal and state laws and department rules for the provision of  
24 educational services to children with disabilities.

25 **Sec. 6. 20-A MRSA §7407, sub-§2**, as enacted by PL 1995, c. 676, §5 and  
26 affected by §13, is amended to read:

27 **2. Selection of executive director.** The school board shall hire a superintendent an  
28 executive director.

29 **Sec. 7. 20-A MRSA §7407, sub-§4-A**, as amended by PL 2005, c. 279, §9, is  
30 further amended to read:

31 **4-A. Budget development.** The school board shall, with the aid of the  
32 superintendent executive director and staff, prepare an annual budget for the operation of  
33 the school and exercise budgetary responsibility. The school board shall allocate for  
34 expenditure by the school and programs under its jurisdiction all the resources available  
35 for the operation of the school and its programs. Annually, not later than January 1st,  
36 beginning for fiscal year 2001-02, in addition to complying with the provisions of Title 5,  
37 sections 1665 and 1666, the school board shall present the administrative operating  
38 budget for the Maine Educational Center for the Deaf and Hard of Hearing and the  
39 Governor Baxter School for the Deaf to the Governor and the Legislature for review by  
40 the joint standing committee of the Legislature having jurisdiction over education  
41 matters. The administrative operating budget must be presented as a line item budget for  
42 each of the programs under its jurisdiction. A liability or obligation may not be incurred  
43 under this chapter beyond the amount approved in the administrative operating budget.

# COMMITTEE AMENDMENT

1 ~~The school board may make expenditures only in accordance with allocations approved~~  
 2 ~~by the Legislature. Any balance of an allocation or subdivision of an allocation made by~~  
 3 ~~the Legislature for the school that at the time is not required for the purpose named in the~~  
 4 ~~allocation or subdivision may be transferred prior to the closing of the books for the fiscal~~  
 5 ~~year to any other allocation or subdivision of any allocation made by the Legislature for~~  
 6 ~~the use of the school for the same fiscal year. The transfer is subject to review by the~~  
 7 ~~joint standing committee of the Legislature having jurisdiction over appropriations and~~  
 8 ~~financial affairs. Financial statements describing the transfer must be submitted by the~~  
 9 ~~school board to the Office of Fiscal and Program Review 30 days before the transfer is~~  
 10 ~~implemented. In case of extraordinary emergency transfers, the 30 day prior submission~~  
 11 ~~requirement may be waived by vote of the committee. These financial statements must~~  
 12 ~~include information specifying the accounts that are affected, the amounts to be~~  
 13 ~~transferred, a description of the transfer and a detailed explanation of the reason the~~  
 14 ~~transfer is needed. The school board shall also provide an annual justification for the~~  
 15 ~~finances and operations of the programs under the jurisdiction of the school to the joint~~  
 16 ~~standing committee of the Legislature having jurisdiction over appropriations and~~  
 17 ~~financial affairs and the joint standing committee of the Legislature having jurisdiction~~  
 18 ~~over education matters. The justification for the finances and operations of the school~~  
 19 ~~must be presented as a line item budget for each of the programs under its jurisdiction.~~

20 **Sec. 8. 20-A MRSA §7407, sub-§4-B** is enacted to read:

21 **4-B. Budget presentation.** Annually, not later than January 1st, in addition to  
 22 complying with the provisions of Title 5, sections 1665 and 1666, the school board shall  
 23 present the budget for the Maine Educational Center for the Deaf and Hard of Hearing  
 24 and the Governor Baxter School for the Deaf to the Governor and the Legislature for  
 25 review by the commissioner and the joint standing committee of the Legislature having  
 26 jurisdiction over education matters. Beginning for fiscal year 2013-14, the budget must be  
 27 presented in a cost center summary budget format pursuant to section 1485, subsection 1,  
 28 paragraph A and must include specific budget information, including revenues and  
 29 expenditures, for the center school, the center preschool and statewide educational  
 30 services or outreach. Revenue sources must include revenue received through state  
 31 appropriation pursuant to section 7404, as well as fees and other revenues collected from  
 32 school administrative units. The school board shall provide a detailed accounting of the  
 33 fees and other revenue collected from each school administrative unit and the services  
 34 provided to each unit. A liability or obligation may not be incurred under this chapter  
 35 beyond the amount approved in the administrative operating budget. The school board  
 36 may make expenditures only in accordance with allocations approved by the Legislature.  
 37 Any balance of an allocation or subdivision of an allocation made by the Legislature for  
 38 the school that at the time is not required for the purpose named in the allocation or  
 39 subdivision may be transferred prior to the closing of the books for the fiscal year to any  
 40 other allocation or subdivision of any allocation made by the Legislature for the use of  
 41 the school for the same fiscal year. The transfer is subject to review by the joint standing  
 42 committee of the Legislature having jurisdiction over appropriations and financial affairs.  
 43 Financial statements describing the transfer must be submitted by the school board to the  
 44 Office of Fiscal and Program Review 30 days before the transfer is implemented. In case  
 45 of extraordinary emergency transfers, the 30-day prior submission requirement may be  
 46 waived by vote of the committee. These financial statements must include information

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1 specifying the accounts that are affected, the amounts to be transferred, a description of  
2 the transfer and a detailed explanation of the reason the transfer is needed.

3 **Sec. 9. 20-A MRSA §7407, sub-§§14 and 18**, as enacted by PL 1995, c. 676, §5  
4 and affected by §13, are amended to read:

5 **14. Criteria for enrollment.** The school board shall establish and disseminate to  
6 school administrative units the criteria to be used in determining eligibility of applicants  
7 for enrollment in the center school.

8 **18. Fees and charges.** The school board shall establish and collect necessary fees  
9 and set policies relating to other appropriate charges for students. The school board shall  
10 annually submit a schedule of fees to be charged to school administrative units for each  
11 service provided by the Maine Educational Center for the Deaf and Hard of Hearing and  
12 the Governor Baxter School for the Deaf to the Governor. A detailed accounting of fees  
13 collected from each unit and the services provided, including statewide educational  
14 services or outreach, must be included in the presentation of the budget pursuant to  
15 subsection 4-B.

16 **Sec. 10. 20-A MRSA §7408**, as enacted by PL 1995, c. 676, §5 and affected by  
17 §13, is amended to read:

18 **§7408. Powers and duties of executive director**

19 The powers and duties of the superintendent executive director include the following.

20 **1. Staff and administration.** The superintendent executive director shall hire staff  
21 and administer school operations.

22 **2. Enrollment.** The superintendent executive director shall work with  
23 superintendents from other school administrative units, pursuant to section 7405,  
24 subsection 1, to enroll students.

25 **Sec. 11. Implementation; report.** The Commissioner of Education and the  
26 Executive Director of the Maine Educational Center for the Deaf and Hard of Hearing  
27 and the Governor Baxter School for the Deaf shall provide a joint report by February 15,  
28 2013 to the joint standing committee of the Legislature having jurisdiction over education  
29 and cultural affairs on the implementation of the provisions of this Act. The report must  
30 include, but is not limited to:

31 1. The criteria for enrollment established by the school board of the Maine  
32 Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for  
33 the Deaf to clarify the enrollment status of students attending the center preschool, the  
34 center school or a satellite school that is operated by the Maine Educational Center for the  
35 Deaf and Hard of Hearing and the Governor Baxter School for the Deaf;

36 2. The projected fiscal impact for fiscal year 2013-14, including the projected cost  
37 center summary budget to be proposed for transportation pursuant to the Maine Revised  
38 Statutes, Title 20-A, section 1485, subsection 1, paragraph A, to implement the  
39 requirement set forth in Title 20-A, section 7405, subsection 1 that the Maine Educational  
40 Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf is  
41 responsible for the costs of providing transportation services for students enrolled in the  
42 center school or a satellite school;



F. G. S

COMMITTEE AMENDMENT "A" to S.P. 637, L.D. 1839

1 a satellite school. It also authorizes the joint standing committee of the Legislature  
2 having jurisdiction over education and cultural affairs to submit a bill to the First Regular  
3 Session of the 126th Legislature related to the report.

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**FISCAL NOTE REQUIRED**

5

**(See attached)**



# 125th MAINE LEGISLATURE

LD 1839

LR 2731(02)

**An Act To Define Cost Responsibility for Transporting Deaf and Hard-of-hearing Students to the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf**

**Fiscal Note for Bill as Amended by Committee Amendment "A" S-497**

**Committee: Education and Cultural Affairs**

**Fiscal Note Required: Yes**

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## Fiscal Note

Potential future biennium cost increase - General Fund

### Fiscal Detail and Notes

This legislation may increase the total cost of Essential Programs and Services and the State's share of that cost beginning in fiscal year 2013-14. The General Purpose Aid for Local Schools program within the Department of Education may require additional General Fund appropriations beginning in fiscal year 2013-14 for the additional cost to the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf (MECDHH/GBSD) to provide transportation services for students enrolled at the center school effective July 1, 2013. This transportation service is currently provided by the local school administrative unit in which the student resides. The additional cost to the MECDHH/GBSD to provide transportation services can not be determined at this time. However, because state funding for both MECDHH/GBSD and local school administrative units is provided within the General Purpose Aid for Local Schools program account, the General Fund appropriation needed to support the additional cost to the MECDHH/GBSD may be partially offset by a reduction in state subsidy to those local school units who will no longer provide transportation services for students enrolled at the center school.

Additional costs to the Department of Education and the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf to provide the required report can be absorbed within existing budgeted resources.