

MAINE STATE LEGISLATURE

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L.D. 1632

Date:

4/12/22

(Filing No. H-995)

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1216, L.D. 1632, "An Act To Update the Laws Regarding 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 inserting the following:

Sec. 1. 20-A MRSA §7401, as amended by PL 2005, c. 279, §6, is further amended to read:

§7401. ~~School-established~~ Deaf and hard-of-hearing service provider established

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

The center includes the Mackworth Island preschool, located at Mackworth Island, as an integrated preschool program for children who are deaf or hard of hearing and typically developing children, and includes early intervention services that include deaf and hard-of-hearing related services delivered to children from birth to under 3 years of age who are deaf and hard of hearing and statewide education and family services that are provided to schools by staff employed through the center, including, but not limited to, site-based programs, consultation, evaluation and specially designed instruction.

Sec. 2. 20-A MRSA §7402, as amended by PL 2011, c. 683, §1, is further amended to read:

§7402. Definitions

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

COMMITTEE AMENDMENT

1 **1. School Center.** ~~"School"~~ **"Center"** means the Maine Educational Center for the
 2 Deaf and Hard of Hearing and the Governor Baxter School for the Deaf established under
 3 ~~this chapter, including the center school located at Mackworth Island known as the~~
 4 ~~Governor Baxter School for the Deaf, the center preschool and any satellite school within~~
 5 ~~the State that may be operated under a contracted services agreement section 7401 that is~~
 6 responsible for operating the Mackworth Island preschool, early intervention services and
 7 statewide education and family services.

8 **2. School Center board or board.** ~~"School Center board"~~ or **"board"** means the
 9 School Board of the Maine Educational Center for the Deaf and Hard of Hearing and the
 10 Governor Baxter School for the Deaf.

11 **2-A. Early intervention and family services program.** "Early intervention and
 12 family services program" means a program that assists in providing early intervention
 13 services to children from birth to under 3 years of age who are deaf or hard of hearing
 14 within the State in accordance with a memorandum of understanding with the department
 15 and in collaboration with the State's intermediate educational unit.

16 **3. Sending school.** "Sending school" means any school administrative unit that has a
 17 student in attendance at the ~~center school or at a satellite school~~ Mackworth Island
 18 preschool or a site-based program.

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

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

27 **5-A. 504 plan.** "504 plan" means a program developed pursuant to Section 504 of the
 28 federal Rehabilitation Act of 1973, Public Law 93-112.

29 **5-B. Host school.** "Host school" means the school administrative unit at which a site-
 30 based program is located.

31 **5-C. Room and board.** "Room and board" means food and residence provided to a
 32 student.

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

38 **6-A. Site-based program.** "Site-based program" means an inclusive deaf education
 39 classroom or classrooms embedded in a general education setting, operating through a
 40 memorandum of understanding between the center and a host school.

41 **7. Statewide educational education and family services or outreach.** ~~"Statewide~~
 42 ~~educational education and family services" or "outreach"~~ means consultation services
 43 provided to families of children from birth to 5 years of age who are deaf or hard of hearing

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~~students and consulting services to school administrative units that serve school-age deaf or hard-of-hearing children educational outreach services, resources and information that are provided by staff employed through the center to children who are deaf or hard of hearing, from 3 through 22 years of age, their families and schools throughout the State, including students at site-based programs. These services may include, but are not limited to, specially designed instruction, consultation, evaluation, speech therapy, social-emotional programming, site-based programs and involvement with a 504 plan or an individualized education program plan, family programming and interpreting referral services.~~

~~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 Mackworth Island preschool.** "Center Mackworth Island preschool" means the preschool program established located at Mackworth Island 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. 3. 20-A MRSA §7403, as amended by PL 2013, c. 552, §1, is repealed.

Sec. 4. 20-A MRSA §7404, as amended by PL 2011, c. 683, §3, is further amended to read:

§7404. Funding; and tuition for Mackworth Island preschool and site-based programs

The following provisions apply to funding for and tuition to the ~~school~~ Mackworth Island preschool, early intervention services for children from birth to under 3 years of age who are deaf and hard of hearing and statewide education and family services, including site-based programs.

1. Funding of the Mackworth Island preschool. Students from this State may attend the ~~center school~~ Mackworth Island preschool free of tuition and room and board expense. Funding for these students is provided by legislative appropriation or allocation based on the services necessary, ~~including room and board,~~ to satisfy the individualized education programs of the students enrolled in the ~~center school~~ Mackworth Island preschool. Funding must support maintenance of the ~~center school~~ Mackworth Island preschool and that portion of the island used by the ~~center school~~, ~~security, outreach services, adult education, access to the education network of Maine and operations of the center school, including the residential program, parent infant program, preschool program and communication garden program~~ Mackworth Island preschool. Funding must also support maintenance and operations of any satellite school.

2. Out-of-state tuition; site-based programs. Students from other states and countries who meet enrollment criteria and receive approval from the host school may attend ~~the school~~ a site-based program on a space-available basis by paying the cost of tuition, fees and room and board as established by the ~~school~~ center board.

3. In-state tuition; site-based programs. The sending school shall pay tuition to the host school and any additional costs for the individualized education program services and evaluations that are not specific to deaf and hard-of-hearing students and not otherwise covered by funding through the center. Funding for the individualized education services

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1 at the site-based program must be provided by legislative appropriation or allocation based
2 on the services necessary to satisfy the individualized education program for deaf and hard-
3 of-hearing students in accordance with section 7405-D.

4 **4. Room and board.** The center shall pay the room and board costs for each student
5 placed in a site-based program in grades 9 to 12, and grade 8 on a case-by-case basis, whose
6 full-time residence is more than a 50-mile one-way commute from the site-based program.
7 The costs must be paid using funds appropriated or allocated by the State in accordance
8 with a memorandum of understanding between the host school and the center.

9 **Sec. 5. 20-A MRS §7405-A**, as enacted by PL 2013, c. 552, §3, is repealed.

10 **Sec. 6. 20-A MRS §7405-B** is enacted to read:

11 **§7405-B. Early intervention services**

12 **1. Provision of early intervention services.** The State's intermediate educational unit
13 is responsible for the provision of early intervention services for children from birth to
14 under 3 years of age who are deaf or hard of hearing.

15 **2. Responsibility for early intervention services.** The center is responsible for the
16 following early intervention services for children from birth to under 3 years of age who
17 are deaf or hard of hearing in collaboration with the State's intermediate educational unit
18 through a memorandum of understanding with the department:

19 A. Statewide coordination of early intervention specialists, including but not limited
20 to teachers of deaf students, speech-language pathologists, special education providers
21 and occupational therapists specializing in deafness;

22 B. Special instruction through primary service delivery;

23 C. Consultations; and

24 D. Family training in American Sign Language and cued language.

25 **3. Supports.** The center is responsible for providing the following support to the
26 State's intermediate educational unit:

27 A. Statewide coordination of hearing assistive technology;

28 B. Statewide coordination of American Sign Language interpreting services and cued
29 speech transliteration services; and

30 C. Assistance with the coordination of referrals, pursuant to Part C of the federal
31 Individuals with Disabilities Education Act, Public Law 91-230, to the State's
32 intermediate educational unit for children who are deaf or hard of hearing.

33 **Sec. 7. 20-A MRS §7405-C** is enacted to read:

34 **§7405-C. Mackworth Island preschool**

35 **1. Free, appropriate public education responsibility.** The State's intermediate
36 educational unit is responsible for providing a free, appropriate public education pursuant
37 to chapter 301 and Part B of the federal Individuals with Disabilities Education Act, Public
38 Law 91-230, for deaf and hard-of-hearing students attending the Mackworth Island
39 preschool.

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1 **2. Responsibility for Mackworth Island preschool.** The center is responsible for
2 the following services, required pursuant to Section 1419 of the federal Individuals with
3 Disabilities Education Act, for deaf and hard-of-hearing students attending the Mackworth
4 Island preschool:

5 A. Specially designed instruction;

6 B. Speech-language therapy, including listening and spoken language services;

7 C. Audiology services in conjunction with the student's managing audiologist;

8 D. Occupational therapy;

9 E. Social work services;

10 F. American Sign Language interpreting;

11 G. Cue transliteration services for educational programming;

12 H. Transition planning;

13 I. Extended school year services;

14 J. Remote hearing technology services designed for educational use;

15 K. Acoustic consultation, including measurement of unoccupied classroom noise
16 levels and observation of the environment, in order to make recommendations for
17 acoustically appropriate treatment;

18 L. Educational technician services in general education classes;

19 M. Evaluations for the following:

20 (1) American Sign Language services;

21 (2) Occupational therapy;

22 (3) Speech-language therapy;

23 (4) Psychoeducational services;

24 (5) Academic achievement services; and

25 (6) Functional listening services;

26 N. Observations in the learning environment; and

27 O. Behavioral support services and planning, including functional behavioral
28 evaluations and behavior intervention plans.

29 **Sec. 8. 20-A MRSA §7405-D** is enacted to read:

30 **§7405-D. Statewide education and family services; site-based programs**

31 **1. Free, appropriate public education responsibility.** The school administrative
32 unit is responsible for providing a free, appropriate public education pursuant to chapter
33 301 and Part B of the federal Individuals with Disabilities Education Act, Public Law
34 91-230, for deaf and hard-of-hearing students at that school administrative unit receiving
35 services delivered by the center. When a student attends a site-based program, the student's
36 sending school is responsible for providing a free, appropriate public education as required
37 under Part B of the federal Individuals with Disabilities Education Act, Public Law 91-230.

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1 **2. Responsibility for statewide education and family services.** Responsibility for
2 providing statewide education and family services pursuant to Part B of the federal
3 Individuals with Disabilities Education Act, Public Law 91-230, is as follows:

4 A. The center is responsible for:

5 (1) Any specially designed instruction. The center shall ensure staffing to support
6 a child's individualized education program services;

7 (2) Any speech-language services. The center shall ensure staffing for speech-
8 language consultation services;

9 (3) Any consultation services, including but not limited to consultations with
10 teachers of deaf students, speech-language pathologists, special education
11 providers, American Sign Language specialists, interpreters and social workers;

12 (4) Parent training and counseling in American Sign Language and cued language;

13 (5) Evaluations in speech language, functional listening and American Sign
14 Language;

15 (6) Statewide coordination of hearing assistive technology;

16 (7) Statewide coordination of American Sign Language interpreting services and
17 cued speech transliteration services;

18 (8) Statewide social-emotional programming; and

19 (9) Behavioral analysis provided by or performed under the supervision of a
20 person certified by a national board of behavior analysts; and

21 B. The sending school is responsible for:

22 (1) American Sign Language interpreting services and cued speech transliteration
23 services in the sending school's district for students; and

24 (2) Transportation to and from extracurricular events hosted by the center.

25 **3. Responsibility for services at site-based programs; center.** The center is
26 responsible for providing the following services at site-based programs that are specific to
27 deaf and hard-of-hearing students:

28 A. The costs of transportation and other related services as defined by section 7001,
29 subsection 4-B, including the following related services:

30 (1) Speech-language therapy, including listening and spoken-language services;

31 (2) Audiology services in conjunction with the student's managing audiologist;

32 (3) Occupational therapy;

33 (4) Transportation for students attending site-based programs from towns other
34 than the host school towns;

35 (5) American Sign Language interpreting services for educational programming;

36 (6) Extended school year services;

37 (7) Evaluation for the following:

38 (a) Occupational therapy services;

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- 1 (b) Speech-language therapy;
- 2 (c) American Sign Language services;
- 3 (d) Psychoeducational services;
- 4 (e) Academic achievement services; and
- 5 (f) Functional listening services;
- 6 (8) Observations in the learning environment;
- 7 (9) Behavioral support services and planning, including functional behavioral
- 8 evaluations and behavior intervention plans;
- 9 (10) Specially designed instruction;
- 10 (11) Social work services;
- 11 (12) Behavioral analysis provided by or performed under the supervision of a
- 12 person certified by a national board of behavior analysts;
- 13 (13) Cued speech transliteration services for educational programming;
- 14 (14) Transition planning;
- 15 (15) Remote hearing technology services designed for educational use;
- 16 (16) Acoustic consultation, including measurement of unoccupied classroom noise
- 17 levels and observation of the environment, in order to make recommendations for
- 18 acoustically appropriate treatment;
- 19 (17) Educational technician services in general education classes;
- 20 (18) Social-emotional programming; and
- 21 (19) Boarding for high school students.
- 22 The center shall pay the room and board costs for each student who is eligible for
- 23 room and board and placed in a high school site-based program through funds
- 24 appropriated by the State.

25 **4. Responsibility for services at site-based programs; sending school.** The sending

26 school is responsible for providing any special education or related services not listed in

27 subsection 3, paragraph A necessary for the provision of a free and appropriate education

28 at a site-based program, including but not limited to:

- 29 A. Physical therapy and physical therapy evaluations; and
- 30 B. Extracurricular activities, including but not limited to fees, interpreting services and
- 31 transportation costs when no accommodations are listed on the individualized
- 32 education program for that student.

33 Beginning in the 2022-2023 school year, the costs of related services not listed in this

34 subsection are the responsibility of the sending school.

35 **5. State and federal educational services requirements.** The Mackworth Island

36 preschool, statewide education and family services and site-based programs must comply

37 with all standards for state public schools and must comply with all federal and state laws

38 and department rules for the provision of educational services to children with disabilities.

COMMITTEE AMENDMENT

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Sec. 9. 20-A MRS §7405-E is enacted to read:

§7405-E. Placement; Mackworth Island preschool and site-based programs

Beginning in the 2022-2023 school year, the following provisions apply to student placement.

1. Placement. The State's intermediate educational unit or the school administrative unit in which a deaf or hard-of-hearing student resides is responsible for providing a free, appropriate public education pursuant to chapter 301 for a student placed in the Mackworth Island preschool program or a site-based program and for providing statewide education and family services. An individualized education program or 504 plan team for a school administrative unit or Child Development Services System regional site under section 7209 in which a deaf or hard-of-hearing student resides is responsible for the placement decision for that student. When the Mackworth Island preschool or a site-based program is being considered as a placement for a student, the school administrative unit or Child Development Services System regional site administrator shall invite the center's administrator, or the administrator's designee, and the host school's special education director, or the director's designee, to attend the individualized education program or 504 plan team meeting at which the placement is being considered. In collaboration with the student's individualized education program or 504 plan team, the administrator and the host school's director are responsible for determining if the child's needs can be served within the existing deaf education site-based program in accordance with the enrollment criteria established through the memorandum of understanding between the center and the host school.

Sec. 10. 20-A MRS §7406, as amended by PL 2005, c. 279, §8, is further amended to read:

§7406. School Board Board

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

1. Membership. In appointing members to the ~~school center~~ board, the Governor shall give proper consideration to achieving statewide geographical representation, cultural equity and gender equity. In appointing voting members to the ~~school center~~ board, the Governor shall select nominees with experience or special knowledge in one or more of the following areas: law, finance, organizational issues, management, education, human resources and collective bargaining. The ~~school center~~ board and interested parties may submit a list of recommended candidates to the Governor to aid in making appointments of voting and nonvoting members. The appointments of voting members made by the Governor are subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and subject to confirmation by the Legislature. The appointments of nonvoting members made by the Governor are not subject to review by the joint standing committee of the Legislature having jurisdiction over education matters or subject to confirmation by the Legislature. The Governor shall appoint the ~~school center~~ board consisting of 15 voting members and 2 nonvoting members as follows:

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A. Four parents of students who are deaf or hard-of-hearing, including a minimum of one parent with a child enrolled in the ~~residential~~ site-based program and one parent with a child receiving service from the ~~school's~~ center's outreach program;

B. Three deaf representatives of the State's deaf community;

C. Eight members of the general public, at least 2 of whom must have expertise in deaf education; and

F. Two students, one who attends ~~the school~~ a site-based program and one who receives outreach services, both of whom are nonvoting members and who may not participate as board members in executive sessions or receive materials as board members from executive sessions.

2. Chair. The ~~school~~ center board shall choose annually one of its members to serve as chair.

3. Meetings. The ~~school~~ center board shall meet at regular intervals determined by the board.

4. Quorum. Each voting member of the ~~school~~ center board is entitled to one vote. A majority of voting members of the ~~school~~ center board constitutes a quorum for the transaction of any official business.

5. Terms of voting members. The terms of the voting members of the ~~school~~ center board are for 3 years, unless otherwise designated, and are staggered with 1/3 of the voting members appointed each year. Members may be appointed for consecutive terms.

6. Terms of nonvoting members. The terms of the nonvoting student members, pursuant to subsection 1, paragraph F, must be determined by the ~~school~~ center board.

7. Expenses. Voting members of the ~~school~~ center board must be compensated according to the provisions of Title 5, chapter 379.

Sec. 11. 20-A MRSA §7407, as amended by PL 2017, c. 413, §§1 and 2, is further amended to read:

§7407. Powers and duties of school board

The powers and duties of the ~~school~~ center board include the following.

1. Policies. The ~~school~~ board shall develop and adopt policies and rules necessary for the operation of the ~~school~~ Mackworth Island preschool, site-based programs, early intervention services for children from birth to under 3 years of age who are deaf or hard of hearing and statewide education and family services.

2. Selection of executive director. The ~~school~~ board shall hire an executive director.

3. Administration. The ~~school~~ board shall oversee the administration of the center school and any satellite school, including the hiring of academic, residential, outreach and support staff of the center school; administrative, professional and support staff for the early intervention and family services program for children from birth to under 3 years of age who are deaf or hard of hearing; statewide education and family services; the Mackworth Island preschool and site-based programs; and the approval of contracts for those providing boarding services to eligible students.

COMMITTEE AMENDMENT

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1 **3-A. Employee retirement plan.** Employees of the ~~school~~ center are state employees
2 for purposes of Title 5, chapters 421 and 423, unless a decision is made pursuant to a
3 collective bargaining agreement or is otherwise made consistent with applicable law other
4 than Title 5, section 18201 to provide for retirement coverage in some way other than as
5 state employees in the Maine Public Employees Retirement System regular retirement plan.
6 The ~~school~~ board shall consult with the Executive Director of the Maine Public Employees
7 Retirement System in proposing any change to the Maine Public Employees Retirement
8 System retirement status of ~~school~~ center employees. The ~~school~~ board shall provide
9 certification to the Maine Public Employees Retirement System of any decision to provide
10 retirement coverage in some way other than as state employees at least 60 days prior to any
11 change in retirement coverage. Any decision that removes ~~school~~ center employees from
12 the definition of "state employee" as provided in Title 5, section 17001, subsection 40 is
13 irrevocable unless changed by law.

14 **4-A. Budget development.** The ~~school~~ board shall, with the aid of the executive
15 director and ~~staff~~ the center's director of operations, prepare an annual budget for the
16 operation of the ~~school~~ center and exercise budgetary responsibility. The ~~school~~ board
17 shall allocate for expenditure by the ~~school~~ center and programs under its jurisdiction all
18 the resources available for the operation of the ~~school~~ center and its programs.

19 **4-B. Budget presentation.** Annually, not later than January 1st, in addition to
20 complying with the provisions of Title 5, sections 1665 and 1666, the ~~school~~ board shall
21 present the budget for the Maine Educational Center for the Deaf and Hard of Hearing and
22 the Governor Baxter School for the Deaf to the Governor and the Legislature for review by
23 the commissioner and the joint standing committee of the Legislature having jurisdiction
24 over education matters. Beginning for fiscal year 2013-14, the budget must be presented in
25 a cost center summary budget format pursuant to section 1485, subsection 1, paragraph A
26 and must include specific budget information, including revenues and expenditures, for the
27 ~~center school, the center preschool and statewide educational services or outreach~~ early
28 intervention and family services program for children from birth to under 3 years of age
29 who are deaf or hard of hearing, Mackworth Island preschool, site-based programs and
30 statewide education and family services. Revenue sources must include revenue received
31 through state appropriation pursuant to section 7404, as well as fees and other revenues
32 collected from school administrative units. The ~~school~~ board shall provide a detailed
33 accounting of the fees and other revenue collected from each school administrative unit
34 and the services provided to each unit. A liability or obligation may not be incurred under
35 this chapter beyond the amount approved in the administrative operating budget. The
36 ~~school~~ board may make expenditures only in accordance with allocations approved by the
37 Legislature. Any balance of an allocation or subdivision of an allocation made by the
38 Legislature for the ~~school~~ center that at the time is not required for the purpose named in
39 the allocation or subdivision may be transferred prior to the closing of the books for the
40 fiscal year to any other allocation or subdivision of any allocation made by the Legislature
41 for the use of the ~~school~~ center for the same fiscal year. The transfer is subject to review
42 by the joint standing committee of the Legislature having jurisdiction over appropriations
43 and financial affairs. Financial statements describing the transfer must be submitted by the
44 ~~school~~ center board to the Office of Fiscal and Program Review 30 days before the transfer
45 is implemented. In case of extraordinary emergency transfers, the 30-day prior submission
46 requirement may be waived by vote of the committee. These financial statements must

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

3 **5. Financial management.** The ~~school~~ board may accept donations, bequests or other
4 forms of financial assistance for any educational purpose from a public or private source
5 and shall comply with rules and regulations governing grants from the Federal Government
6 or from any other source.

7 **6. Collection of fees.** The ~~school~~ board may charge service and rental fees for use of
8 facilities of the ~~school~~ center. Except as provided in subsections 12-A and 12-B, any funds
9 received for service and rental fees must be retained by the ~~school~~ center.

10 **7. Indemnification.** The ~~school~~ board shall indemnify the employees and other agents
11 of the ~~school~~ center and purchase and maintain insurance to indemnify those persons to the
12 extent provided in Title 13-B, section 714. The ~~school~~ board may indemnify members of
13 the ~~school~~ board.

14 **8. Bonds.** The ~~school~~ board shall require security for the faithful performance of duties
15 by employees and other agents of the ~~school~~ center who are entrusted with the custody of
16 the ~~school~~ securities or authorized to disburse the funds of the ~~school~~ center. The security
17 must consist of a bond, either a blanket bond or individual bond with a surety bond, or
18 bonds having a minimum limitation of \$100,000 coverage for each insured person. The
19 expense of a bond is assumed by the ~~school~~ center.

20 **9. Property management.** The ~~school~~ board may acquire by purchase any property,
21 lands, buildings, structures, facilities or equipment and make improvements to facilities
22 necessary to fulfill the purposes of this chapter. The State retains ownership of Mackworth
23 Island and the school facilities. ~~Notwithstanding section 7403, the school~~ The board may
24 make alternative plans regarding the location of the ~~school~~ center.

25 **10. Island access.** The ~~school~~ board shall consult annually with the Department of
26 Agriculture, Conservation and Forestry, Bureau of Parks and Lands on public access and
27 management of that portion of Mackworth Island under the jurisdiction of that bureau.

28 ~~**11. Certificates and diplomas.** The school board shall offer courses of study and
29 grant diplomas and certificates on completion of courses of study. This granting of
30 diplomas and certificates may be done in cooperation with the sending school.~~

31 **12. Contracts and agreements.** The ~~school~~ board may enter into any contracts and
32 agreements, to the extent that funds are available, in the execution of its powers under this
33 chapter.

34 **12-A. Lease of ~~school~~ property.** The Department of Administrative and Financial
35 Services may enter into lease agreements consistent with the deed of gift from Governor
36 Percival Baxter and in accordance with state law and policy on the lease of state-owned
37 facilities, including but not limited to the provisions of Title 5, chapter 154. Any funds
38 received pursuant to this subsection must first be applied in accordance with Title 5, section
39 1784. Any excess revenue above the requirements of Title 5, section 1784 may be retained
40 by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter
41 School for the Deaf to be applied to statutorily authorized programs.

42 **12-B. Lease of ~~school~~ property to State's protection and advocacy agency.** The
43 Department of Administrative and Financial Services may enter into lease agreements in
44 accordance with state law and policy on the lease of state-owned facilities, including but

1 not limited to the provisions of Title 5, chapter 154, to lease school property to the
 2 protection and advocacy agency for persons with disabilities designated pursuant to Title
 3 5, section 19502. Any funds received pursuant to this subsection must first be applied in
 4 accordance with Title 5, section 1784. Any excess revenue above the requirements of Title
 5 5, section 1784 may be retained by the school center to be applied to statutorily authorized
 6 programs.

7 **13. Delegation.** The school board may delegate duties and responsibilities as
 8 necessary for the efficient operation of this chapter.

9 **14. Criteria for enrollment.** The school board shall establish and disseminate to
 10 school administrative units the criteria to be used in determining eligibility of applicants
 11 for enrollment in the center school Mackworth Island preschool and site-based programs.
 12 Individual memoranda of understanding may be established to further define enrollment
 13 criteria for specific site-based programs.

14 **15. Student conduct.** The school board shall prepare and adopt procedures and rules
 15 to ensure the smooth operation of student conduct standards. All students attending site-
 16 based programs are, at all times, subject to the rules of the host school. Discipline of
 17 program students must comply with the host school policy and the requirements of the
 18 federal Individuals with Disabilities Education Act and the department's rules adopted
 19 pursuant to Title 20-A, chapters 301 and 303. Representatives of the sending school must
 20 be notified by staff of the center or host school of disciplinary actions that may impact a
 21 student's individualized education program.

22 **16. Individualized education programs, standards and measurements.** ~~The school~~
 23 ~~board shall ensure that services required to meet the individualized education program for~~
 24 ~~each student are provided by the school. The school board shall establish standards and~~
 25 ~~methods of measuring progress in the levels of academic achievement for students who~~
 26 ~~participate in the school in accordance with the statewide system of learning results~~
 27 ~~established under section 6209. The school board shall also establish standards and~~
 28 ~~methods of measuring progress in the professional development of teachers who participate~~
 29 ~~in school programs. The school board shall assess students and teachers according to those~~
 30 ~~standards and measurements.~~

31 **17. School programs.** ~~The school board may create, maintain and expand center~~
 32 ~~school programs and programs for children and families that may be served by the school~~
 33 ~~at any satellite school, through statewide educational services and through the statewide~~
 34 ~~resource center. For the 2000-01 and 2001-02 school years only, the residential program~~
 35 ~~at the Governor Baxter School for the Deaf located on Mackworth Island is limited to~~
 36 ~~enrolling up to 20 students who are deaf or hard of hearing. The superintendent may~~
 37 ~~request that the commissioner approve a waiver of the residential enrollment limit and~~
 38 ~~establish additional placements for students in the residential program at the Governor~~
 39 ~~Baxter School for the Deaf located on Mackworth Island; the commissioner may approve~~
 40 ~~those placements on a case by case basis and only if the individual education plan of the~~
 41 ~~prospective student who is deaf or hard of hearing requires placement in a residential~~
 42 ~~program. Beginning with the 2002-03 school year, the school board shall establish a~~
 43 ~~satellite school program that offers an array of educational programs that provide students~~
 44 ~~who are deaf or hard of hearing with geographically convenient access to placement~~
 45 ~~options that may be required by their individualized education program.~~

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17-A. Additional programs. The board may create, maintain and expand site-based programs for deaf and hard of hearing children and families as needed to meet the needs of deaf and hard of hearing children statewide.

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

19. Report. The school board shall report annually to the Governor, the joint standing committee of the Legislature having jurisdiction over education matters and the commissioner on the general status of the finances and operations of the school center, including the center school programs and any satellite school Mackworth Island preschool program, early intervention and family services program and statewide education and family services, including site-based programs, the status of the professional qualifications of the school center board members and the results of the assessments required by subsection 16 and the general status of the school center and shall provide an annual financial audit conducted by an independent auditor.

Sec. 12. 20-A MRSA §7408, as amended by PL 2015, c. 494, Pt. A, §12, is further amended to read:

§7408. Powers and duties of executive director

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

1. Staff and administration. The executive director shall hire staff and administer school center operations.

2. Enrollment. The executive director shall work with school administrative units, pursuant to section ~~7405-A~~ 7405-E, to enroll students.

Sec. 13. 20-A MRSA §7409, as enacted by PL 1995, c. 676, §5 and affected by §13, is repealed.

Sec. 14. 20-A MRSA §7411, as enacted by PL 1999, c. 401, Pt. JJJ, §1, is amended to read:

§7411. Emergency power

Notwithstanding any other provision of law, the commissioner may assume and exercise the authority of the school center board if the commissioner declares an emergency exists such that the health, safety or welfare of students ~~in receiving academic, extracurricular or residential programs room and board services~~ is in jeopardy or the school center is in substantial and persistent violation of federal and state law. The commissioner's declaration of an emergency is not reviewable, but the commissioner shall exercise this emergency authority for a period not to exceed 3 months unless the commissioner again declares that an emergency continues.

Sec. 15. 20-A MRSA §7413, as enacted by PL 2015, c. 383, §1, is amended to read:

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§7413. Private support organization

1. Designation of private support organization. The executive director shall designate a nonprofit organization as the private support organization for the school center. The designated organization must be incorporated as a nonprofit corporation under the laws of the State, and its sole purpose, as reflected in its bylaws, must be to organize and foster support for the school center and the school's center's programs and services.

2. Nonvoting member on board of directors. The executive director, or the executive director's designee, shall serve as a nonvoting ex officio member of the private support organization's board of directors.

3. Plan of work. The executive director shall negotiate an annual memorandum of understanding between the school center and the private support organization that outlines a plan of work identifying priority projects of mutual benefit and cooperation.

4. Use of property. The executive director may permit the appropriate use of fixed property, equipment and facilities of the school center by the private support organization. Such use must be directly in keeping with the purpose of the private support organization as set out in subsection 1 and must comply with all appropriate state policies and procedures.'

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

SUMMARY

This amendment strikes and replaces the bill and updates the chapter of law governing the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf as follows.

1. It establishes the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf as a deaf and hard-of-hearing service provider, referred to as "the center," encompassing the Mackworth Island preschool, located at Mackworth Island, as an integrated preschool program for children who are deaf or hard of hearing and typically developing children, early intervention services that include deaf and hard-of-hearing related services delivered to children from birth to under 3 years of age who are deaf or hard of hearing and statewide education and family services that are provided to schools throughout the State by staff employed through the center including, but not limited to, site-based programs, consultation, evaluation and specially designed instruction.

2. It revises the definitions in the Maine Revised Statutes, Title 20-A, chapter 304 to reflect the change from a school to a deaf and hard-of-hearing service provider, including but not limited to updating the definitions of "center," "sending school," "statewide education and family services" and "Mackworth Island preschool," removing definitions that are no longer needed and adding new definitions for "site-based program," "early intervention and family services program," "room and board," "host school" and "504 plan."

3. It repeals the section of law that governs the school programs operated by Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf and satellite school programs.

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COMMITTEE AMENDMENT "A" to H.P. 1216, L.D. 1632

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4. It amends the provision of law governing funding and tuition for the Mackworth Island preschool and site-based programs.

5. It repeals the section of law governing student placement, state and federal educational services requirements and technical assistance and in new sections provides for the student placement and state and federal services requirements and technical assistance for early intervention services, federal Individuals with Disabilities Education Act, Section 1419 services, statewide education and family services and the Mackworth Island preschool and site-based programs, as appropriate.

6. It updates the powers and duties of the center's board and removes provisions related to certificates and grants of diplomas or other duties specific to the center's previous role as a school.

7. It also provides that individual memoranda of understanding may be established to further define enrollment criteria, clarifies student conduct and provides that the center's board may create, maintain and expand site-based programs for deaf and hard-of-hearing children and families to meet the needs of deaf and hard-of-hearing children statewide.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



130th MAINE LEGISLATURE

LD 1632

LR 586(02)

An Act To Update the Laws Regarding 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" (H-995)
 Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - local school administrative units
 Potential future biennium cost increase - General Fund

Fiscal Detail and Notes

This bill shifts responsibility for tuition costs for deaf and hard-of-hearing students to receive site-based services at host school from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf (MECDHH/GBSD) to the school administrative unit (SAU) that sends the student to the host school. This will increase costs to the sending SAU's until the student count is reflected in the sending SAU's subsidy calculation under the essential programs and services funding model. The bill also shifts the responsibility for the transportation costs to allow deaf and hard-of-hearing students to attend extracurricular events held at the center from the MECDHH/GBSD to the sending school. While the tuition costs will be included in the calculation of state subsidy to the affected SAU's beginning in fiscal year 2023-24, the costs associated with transportation to extracurricular events will be fully borne by the sending school.

This legislation also redefines statewide outreach services required to be provided by MECDHH/GBSD to SAU's that serve children who are deaf or hard of hearing and their families. To the extent that the new definition expands outreach services beyond what the center is currently required to provide, there may be increased costs to the center. State funding for the center is included in the annual General Fund appropriation for GPA within the Department of Education as part of the targeted education funds. If additional funds are required in order for the MECDHH/GBSD to fulfill the requirements related to outreach services as defined in this bill, the center may include a request for additional funding as part of its budget submission to the Commissioner of Education for the 2024-2025 biennial budget pursuant to Title 20-A MRSA, section 7407, subsection 4-B. A portion of the increased cost to the center may be offset by any savings from the shifting of tuition and transportation costs described above.