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An Act To Implement the Recommendations of the Report Defining 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

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRS §7403, as amended by PL 2011, c. 683, §2, 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.~~

1. Responsibility; repeal. ~~The center school is responsible for providing a free, appropriate public education to students placed pursuant to chapter 301.~~

~~This subsection is repealed July 1, 2015.~~

Sec. 2. 20-A MRS §7405, sub-§4 is enacted to read:

4. Repeal. ~~This section is repealed July 1, 2015.~~

Sec. 3. 20-A MRS §7405-A is enacted to read:

§ 7405-A. Placement; state and federal educational services requirements; technical assistance

~~Beginning July 1, 2015, the following provisions apply to student placement, state and federal educational services requirements and technical assistance.~~

1. Placement. ~~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 center school or in one of the satellite school programs. An individualized education program team for a school administrative unit in which a deaf or hard-of-hearing student resides is responsible for the placement decision of that student and, when the center school or one of the satellite school programs is being considered as a placement for the student, shall invite a representative of the center school or the satellite school to attend the individualized education program team meeting at which this placement is~~

being considered. The school administrative unit in which the student resides shall pay the sums necessary to ensure that the services required to meet the individualized education program for each student placed in the center school or in one of the satellite school programs are provided, including:

A. The cost of tuition; and

B. The costs of transportation and other related services as defined by section 7001, subsection 4-B.

The school board shall pay the room and board costs for each student placed in a residential program in the center school or in one of the satellite school programs through funds appropriated by the State.

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

3. Technical assistance. A school administrative unit may request technical assistance from the school in matters relating to the education of deaf and hard-of-hearing students.

SUMMARY

This bill has been submitted by the Joint Standing Committee on Education and Cultural Affairs pursuant to Public Law 2011, chapter 683, section 11, as amended by Public Law 2013, chapter 347. As required by these public laws, the Commissioner of Education and the Executive Director of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf submitted a joint report to the committee that included their findings, recommendations and the necessary changes to the Maine Revised Statutes, Title 20-A, chapter 304 that clarify the procedural and financial responsibilities of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf and school administrative units that send students to attend the center preschool, the center school or a satellite school that is operated by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf. This bill incorporates changes to law that the joint report indicated are necessary to implement its recommendations.

The committee has not taken a position on the substance of the joint report or this bill and by submitting this bill the committee is not suggesting and does not intend to suggest that it agrees or disagrees with any aspect of the recommendations and the necessary changes to Title 20-A, chapter 304 included in the joint report or this bill. The committee is submitting the bill for the sole purpose of turning the proposals in the joint report into a printed bill that can be referred to the committee for an appropriate public hearing and subsequent processing in the normal course of business. The committee is taking this action to ensure clarity and transparency in the legislative review of the proposals included in the joint report submitted by the Commissioner of Education and the Executive Director of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf.

The bill provides that, beginning with the 2015-2016 school year:

SP0703, LD 1769, item 1, 126th Maine State Legislature
An Act To Implement the Recommendations of the Report Defining 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

1. The school administrative unit in which a deaf or hard-of-hearing student resides is responsible for providing a free, appropriate public education to a student placed in a center school program or in one of the satellite school programs operated by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf;

2. The individualized education program team for the school administrative unit in which a deaf or hard-of-hearing student resides is responsible for the placement decision of the student and, when the center school or one of the satellite school programs is being considered as a placement for the student, must invite a representative of the center school or the satellite school to attend the individualized education program team meeting at which this placement is being considered;

3. The school administrative unit in which the student resides must pay the sums necessary to ensure that services required to meet the individualized education program are provided, including tuition, transportation services and other related services as defined by the Maine Revised Statutes, Title 20-A, section 7001, subsection 4-B, for each student placed in a center school program or in one of the satellite school programs operated by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf; and

4. The School Board of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf must pay the room and board costs for each student placed in a residential program in the center school or in one of the satellite school programs through funds appropriated by the State.