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Date: (Filing No. S-)

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
SENATE
125TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” 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

1 **4. Executive director.** ~~“Superintendent”~~ “Executive director” means the
2 ~~Superintendent~~ Executive Director of the Maine Educational Center for the Deaf and
3 Hard of Hearing and the Governor Baxter School for the Deaf.

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

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

14 **7. Statewide educational services or outreach.** “Statewide educational services” or
15 “outreach” means consultation services provided to families of children from birth to 5
16 years of age who are deaf or hard-of-hearing students; and consulting services to school
17 administrative units that serve school-age deaf or hard-of-hearing children ~~and services~~
18 ~~provided through the 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” means the information
21 and referral services provided by the library at the center school and the distance
22 education program and the community education program offered at the center school.

23 **9. Center preschool.** “Center preschool” means the preschool program established
24 and operated by the Maine Educational Center for the Deaf and Hard of Hearing and the
25 Governor Baxter School for the Deaf at the Governor Baxter School for the Deaf.

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

28 **§7403. Responsibility; location; geographic access**

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

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

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

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.~~

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

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;

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.

4

FISCAL NOTE REQUIRED

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(See attached)