

## CHAPTER 304

### MAINE EDUCATIONAL CENTER FOR THE DEAF AND HARD OF HEARING AND THE GOVERNOR BAXTER SCHOOL FOR THE DEAF

#### §7401. 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 deaf and hard-of-hearing service provider pursuant to this chapter for the purpose of educating deaf and hard-of-hearing students. The center is a body politic and corporate and is an instrumentality and agency of the State. The exercise by the center of the powers conferred by this chapter is the performance of an essential public function by and on behalf of the State. [PL 2021, c. 646, §1 (AMD).]

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. [PL 2021, c. 646, §1 (NEW).]

#### SECTION HISTORY

PL 1995, c. 676, §5 (NEW). PL 1995, c. 676, §13 (AFF). PL 1999, c. 775, §1 (AMD). PL 2005, c. 279, §6 (AMD). PL 2021, c. 646, §1 (AMD).

#### §7402. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1995, c. 676, §5 (NEW); PL 1995, c. 676, §13 (AFF).]

**1. Center.** "Center" means the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf established under section 7401 that is responsible for operating the Mackworth Island preschool, early intervention services and statewide education and family services.

[PL 2021, c. 646, §2 (AMD).]

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

[PL 2021, c. 646, §2 (AMD).]

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

[PL 2021, c. 646, §2 (NEW).]

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

[PL 2021, c. 646, §2 (AMD).]

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

[PL 2011, c. 683, §1 (AMD).]

**5. Center school.**

[PL 2021, c. 646, §2 (RP).]

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

[PL 2021, c. 646, §2 (NEW).]

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

[PL 2021, c. 646, §2 (NEW).]

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

[PL 2021, c. 646, §2 (NEW).]

**6. Satellite school.**

[PL 2021, c. 646, §2 (RP).]

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

[PL 2021, c. 646, §2 (NEW).]

**7. Statewide education and family services.** "Statewide education and family services" means 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.

[PL 2021, c. 646, §2 (AMD).]

**8. Statewide resource center.**

[PL 2021, c. 646, §2 (RP).]

**9. Mackworth Island preschool.** "Mackworth Island preschool" means the preschool program 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.

[PL 2021, c. 646, §2 (AMD).]

SECTION HISTORY

PL 1995, c. 676, §5 (NEW). PL 1995, c. 676, §13 (AFF). PL 1999, c. 775, §§2,3 (AMD). PL 2005, c. 279, §7 (AMD). PL 2011, c. 683, §1 (AMD). PL 2021, c. 646, §2 (AMD).

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

**(REPEALED)**

SECTION HISTORY

PL 1995, c. 676, §5 (NEW). PL 1995, c. 676, §13 (AFF). PL 1999, c. 775, §4 (AMD). PL 2011, c. 683, §2 (AMD). PL 2013, c. 552, §1 (AMD). PL 2021, c. 646, §3 (RP).

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

The following provisions apply to funding for and tuition to the 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. [PL 2021, c. 646, §4 (AMD).]

**1. Funding of the Mackworth Island preschool.** Students from this State may attend the Mackworth Island preschool free of tuition. Funding for these students is provided by legislative appropriation or allocation based on the services necessary to satisfy the individualized education programs of the students enrolled in the Mackworth Island preschool. Funding must support maintenance of the Mackworth Island preschool and that portion of the island used by the Mackworth Island preschool.

[PL 2021, c. 646, §4 (AMD).]

**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 a site-based program on a space-available basis by paying the cost of tuition, fees and room and board as established by the center board.

[PL 2021, c. 646, §4 (AMD).]

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

[PL 2021, c. 646, §4 (NEW).]

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

[PL 2021, c. 646, §4 (NEW).]

#### SECTION HISTORY

PL 1995, c. 676, §5 (NEW). PL 1995, c. 676, §13 (AFF). PL 1999, c. 775, §5 (AMD). PL 2007, c. 111, §2 (AMD). PL 2011, c. 683, §3 (AMD). PL 2021, c. 646, §4 (AMD).

#### **§7405. Enrollment; state and federal educational services requirements; technical assistance (REPEALED)**

#### SECTION HISTORY

PL 1995, c. 676, §5 (NEW). PL 1995, c. 676, §13 (AFF). PL 1999, c. 775, §6 (AMD). PL 2003, c. 533, §7 (AMD). PL 2011, c. 683, §§4, 5 (AMD). PL 2013, c. 552, §2 (AMD). MRSA T. 20-A §7405, sub-§4 (RP).

#### **§7405-A. Placement; state and federal educational services requirements; technical assistance (REPEALED)**

#### SECTION HISTORY

PL 2013, c. 552, §3 (NEW). PL 2021, c. 646, §5 (RP).

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

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

[PL 2021, c. 646, §6 (NEW).]

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

- A. Statewide coordination of early intervention specialists, including but not limited to teachers of deaf students, speech-language pathologists, special education providers and occupational therapists specializing in deafness; [PL 2021, c. 646, §6 (NEW).]
- B. Special instruction through primary service delivery; [PL 2021, c. 646, §6 (NEW).]
- C. Consultations; and [PL 2021, c. 646, §6 (NEW).]
- D. Family training in American Sign Language and cued language. [PL 2021, c. 646, §6 (NEW).]

[PL 2021, c. 646, §6 (NEW).]

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

- A. Statewide coordination of hearing assistive technology; [PL 2021, c. 646, §6 (NEW).]
- B. Statewide coordination of American Sign Language interpreting services and cued speech transliteration services; and [PL 2021, c. 646, §6 (NEW).]
- C. Assistance with the coordination of referrals, pursuant to Part C of the federal Individuals with Disabilities Education Act, Public Law 91-230, to the State's intermediate educational unit for children who are deaf or hard of hearing. [PL 2021, c. 646, §6 (NEW).]

[PL 2021, c. 646, §6 (NEW).]

## SECTION HISTORY

PL 2021, c. 646, §6 (NEW).

### §7405-C. Mackworth Island preschool

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

[PL 2021, c. 646, §7 (NEW).]

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

- A. Specially designed instruction; [PL 2021, c. 646, §7 (NEW).]
- B. Speech-language therapy, including listening and spoken language services; [PL 2021, c. 646, §7 (NEW).]
- C. Audiology services in conjunction with the student's managing audiologist; [PL 2021, c. 646, §7 (NEW).]
- D. Occupational therapy; [PL 2021, c. 646, §7 (NEW).]
- E. Social work services; [PL 2021, c. 646, §7 (NEW).]
- F. American Sign Language interpreting; [PL 2021, c. 646, §7 (NEW).]
- G. Cue transliteration services for educational programming; [PL 2021, c. 646, §7 (NEW).]
- H. Transition planning; [PL 2021, c. 646, §7 (NEW).]

- I. Extended school year services; [PL 2021, c. 646, §7 (NEW).]
  - J. Remote hearing technology services designed for educational use; [PL 2021, c. 646, §7 (NEW).]
  - K. Acoustic consultation, including measurement of unoccupied classroom noise levels and observation of the environment, in order to make recommendations for acoustically appropriate treatment; [PL 2021, c. 646, §7 (NEW).]
  - L. Educational technician services in general education classes; [PL 2021, c. 646, §7 (NEW).]
  - M. Evaluations for the following:
    - (1) American Sign Language services;
    - (2) Occupational therapy;
    - (3) Speech-language therapy;
    - (4) Psychoeducational services;
    - (5) Academic achievement services; and
    - (6) Functional listening services; [PL 2021, c. 646, §7 (NEW).]
  - N. Observations in the learning environment; and [PL 2021, c. 646, §7 (NEW).]
  - O. Behavioral support services and planning, including functional behavioral evaluations and behavior intervention plans. [PL 2021, c. 646, §7 (NEW).]
- [PL 2021, c. 646, §7 (NEW).]

## SECTION HISTORY

PL 2021, c. 646, §7 (NEW).

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

**1. Free, appropriate public education responsibility.** The school administrative unit is responsible for providing a free, appropriate public education pursuant to chapter 301 and Part B of the federal Individuals with Disabilities Education Act, Public Law 91-230, for deaf and hard-of-hearing students at that school administrative unit receiving services delivered by the center. When a student attends a site-based program, the student's sending school is responsible for providing a free, appropriate public education as required under Part B of the federal Individuals with Disabilities Education Act, Public Law 91-230.  
[PL 2021, c. 646, §8 (NEW).]

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

- A. The center is responsible for:
  - (1) Any specially designed instruction. The center shall ensure staffing to support a child's individualized education program services;
  - (2) Any speech-language services. The center shall ensure staffing for speech-language consultation services;
  - (3) Any consultation services, including but not limited to consultations with teachers of deaf students, speech-language pathologists, special education providers, American Sign Language specialists, interpreters and social workers;
  - (4) Parent training and counseling in American Sign Language and cued language;

- (5) Evaluations in speech language, functional listening and American Sign Language;
- (6) Statewide coordination of hearing assistive technology;
- (7) Statewide coordination of American Sign Language interpreting services and cued speech transliteration services;
- (8) Statewide social-emotional programming; and
- (9) Behavioral analysis provided by or performed under the supervision of a person certified by a national board of behavior analysts; and [PL 2021, c. 646, §8 (NEW).]

B. The sending school is responsible for:

- (1) American Sign Language interpreting services and cued speech transliteration services in the sending school's district for students; and
- (2) Transportation to and from extracurricular events hosted by the center. [PL 2021, c. 646, §8 (NEW).]

[PL 2021, c. 646, §8 (NEW).]

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

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

- (1) Speech-language therapy, including listening and spoken-language services;
- (2) Audiology services in conjunction with the student's managing audiologist;
- (3) Occupational therapy;
- (4) Transportation for students attending site-based programs from towns other than the host school towns;
- (5) American Sign Language interpreting services for educational programming;
- (6) Extended school year services;
- (7) Evaluation for the following:
  - (a) Occupational therapy services;
  - (b) Speech-language therapy;
  - (c) American Sign Language services;
  - (d) Psychoeducational services;
  - (e) Academic achievement services; and
  - (f) Functional listening services;
- (8) Observations in the learning environment;
- (9) Behavioral support services and planning, including functional behavioral evaluations and behavior intervention plans;
- (10) Specially designed instruction;
- (11) Social work services;
- (12) Behavioral analysis provided by or performed under the supervision of a person certified by a national board of behavior analysts;

- (13) Cued speech transliteration services for educational programming;
- (14) Transition planning;
- (15) Remote hearing technology services designed for educational use;
- (16) Acoustic consultation, including measurement of unoccupied classroom noise levels and observation of the environment, in order to make recommendations for acoustically appropriate treatment;
- (17) Educational technician services in general education classes;
- (18) Social-emotional programming; and
- (19) Boarding for high school students.

The center shall pay the room and board costs for each student who is eligible for room and board and placed in a high school site-based program through funds appropriated by the State. [PL 2021, c. 646, §8 (NEW).]

[PL 2021, c. 646, §8 (NEW).]

**4. Responsibility for services at site-based programs; sending school.** The sending school is responsible for providing any special education or related services not listed in subsection 3, paragraph A necessary for the provision of a free and appropriate education at a site-based program, including but not limited to:

- A. Physical therapy and physical therapy evaluations; and [PL 2021, c. 646, §8 (NEW).]
- B. Extracurricular activities, including but not limited to fees, interpreting services and transportation costs when no accommodations are listed on the individualized education program for that student. [PL 2021, c. 646, §8 (NEW).]

Beginning in the 2022-2023 school year, the costs of related services not listed in this subsection are the responsibility of the sending school.

[PL 2021, c. 646, §8 (NEW).]

**5. State and federal educational services requirements.** The Mackworth Island preschool, statewide education and family services and site-based programs must comply with all standards for state public schools and must comply with all federal and state laws and department rules for the provision of educational services to children with disabilities.

[PL 2021, c. 646, §8 (NEW).]

## SECTION HISTORY

PL 2021, c. 646, §8 (NEW).

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

Beginning in the 2022-2023 school year, the following provisions apply to student placement. [PL 2021, c. 646, §9 (NEW).]

**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.

[PL 2021, c. 646, §9 (NEW).]

## SECTION HISTORY

PL 2021, c. 646, §9 (NEW).

### §7406. Board

The 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 center. [PL 2021, c. 646, §10 (AMD).]

**1. Membership.** In appointing members to the center board, the Governor shall give proper consideration to achieving statewide geographical representation, cultural equity and gender equity. In appointing voting members to the 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 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 center board consisting of 15 voting members and 2 nonvoting members as follows:

A. Four parents of students who are deaf or hard-of-hearing, including a minimum of one parent with a child enrolled in the site-based program and one parent with a child receiving service from the center's outreach program; [PL 2021, c. 646, §10 (AMD).]

B. Three deaf representatives of the State's deaf community; [PL 1995, c. 676, §5 (NEW).]

C. Eight members of the general public, at least 2 of whom must have expertise in deaf education; and [PL 1999, c. 775, §7 (AMD).]

D. [PL 1999, c. 775, §7 (RP).]

E. [PL 1999, c. 775, §7 (RP).]

F. Two students, one who attends 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. [PL 2021, c. 646, §10 (AMD).]

[PL 2021, c. 646, §10 (AMD).]

**2. Chair.** The center board shall choose annually one of its members to serve as chair. [PL 2021, c. 646, §10 (AMD).]

**3. Meetings.** The center board shall meet at regular intervals determined by the board. [PL 2021, c. 646, §10 (AMD).]

**4. Quorum.** Each voting member of the center board is entitled to one vote. A majority of voting members of the center board constitutes a quorum for the transaction of any official business. [PL 2021, c. 646, §10 (AMD).]



**5. Terms of voting members.** The terms of the voting members of the 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.  
[PL 2021, c. 646, §10 (AMD).]

**6. Terms of nonvoting members.** The terms of the nonvoting student members, pursuant to subsection 1, paragraph F, must be determined by the center board.  
[PL 2021, c. 646, §10 (AMD).]

**7. Expenses.** Voting members of the center board must be compensated according to the provisions of Title 5, chapter 379.  
[PL 2021, c. 646, §10 (AMD).]

**8. Appointments.**  
[PL 1999, c. 775, §7 (RP).]

#### SECTION HISTORY

PL 1995, c. 676, §5 (NEW). PL 1999, c. 775, §7 (AMD). PL 2003, c. 115, §1 (AMD). PL 2005, c. 279, §8 (AMD). PL 2021, c. 646, §10 (AMD).

#### §7407. Powers and duties of board

The powers and duties of the center board include the following. [PL 2021, c. 646, §11 (AMD).]

**1. Policies.** The board shall develop and adopt policies and rules necessary for the operation of the 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.  
[PL 2021, c. 646, §11 (AMD).]

**2. Selection of executive director.** The board shall hire an executive director.  
[PL 2021, c. 646, §11 (AMD).]

**3. Administration.** The board shall oversee the administration of the center; 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.  
[PL 2021, c. 646, §11 (AMD).]

**3-A. Employee retirement plan.** Employees of the center are state employees for purposes of Title 5, chapters 421 and 423, unless a decision is made pursuant to a collective bargaining agreement or is otherwise made consistent with applicable law other than Title 5, section 18201 to provide for retirement coverage in some way other than as state employees in the Maine Public Employees Retirement System regular retirement plan. The board shall consult with the Chief Executive Officer of the Maine Public Employees Retirement System in proposing any change to the Maine Public Employees Retirement System retirement status of center employees. The board shall provide certification to the Maine Public Employees Retirement System of any decision to provide retirement coverage in some way other than as state employees at least 60 days prior to any change in retirement coverage. Any decision that removes center employees from the definition of "state employee" as provided in Title 5, section 17001, subsection 40 is irrevocable unless changed by law.  
[PL 2021, c. 548, §45 (REV); PL 2021, c. 646, §11 (AMD).]

**4. Budget development.**  
[PL 1999, c. 775, §9 (RP); PL 1999, c. 775, §16 (AFF).]

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

[PL 2021, c. 646, §11 (AMD).]

**4-B. Budget presentation.** Annually, not later than January 1st, in addition to complying with the provisions of Title 5, sections 1665 and 1666, the board shall present the budget for the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf to the Governor and the Legislature for review by the commissioner and the joint standing committee of the Legislature having jurisdiction over education matters. Beginning for fiscal year 2013-14, the budget must be presented in a cost center summary budget format pursuant to section 1485, subsection 1, paragraph A and must include specific budget information, including revenues and expenditures, 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, Mackworth Island preschool, site-based programs and statewide education and family services. Revenue sources must include revenue received through state appropriation pursuant to section 7404, as well as fees and other revenues collected from school administrative units. The board shall provide a detailed accounting of the fees and other revenue collected from each school administrative unit and the services provided to each unit. A liability or obligation may not be incurred under this chapter beyond the amount approved in the administrative operating budget. The 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 center 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 center 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 center 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.

[PL 2021, c. 646, §11 (AMD).]

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

[PL 2021, c. 646, §11 (AMD).]

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

[PL 2021, c. 646, §11 (AMD).]

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

[PL 2021, c. 646, §11 (AMD).]

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

[PL 2021, c. 646, §11 (AMD).]

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

[PL 2021, c. 646, §11 (AMD).]

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

[PL 2021, c. 646, §11 (AMD).]

**11. Certificates and diplomas.**

[PL 2021, c. 646, §11 (RP).]

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

[PL 2021, c. 646, §11 (AMD).]

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

[PL 2021, c. 646, §11 (AMD).]

**12-B. Lease of property to State's protection and advocacy agency.** The Department of Administrative and Financial Services may enter into lease agreements in accordance with state law and policy on the lease of state-owned facilities, including but not limited to the provisions of Title 5, chapter 154, to lease property to the protection and advocacy agency for persons with disabilities designated pursuant to Title 5, section 19502. Any funds received pursuant to this subsection must first be applied in accordance with Title 5, section 1784. Any excess revenue above the requirements of Title 5, section 1784 may be retained by the center to be applied to statutorily authorized programs.

[PL 2021, c. 646, §11 (AMD).]

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

[PL 2021, c. 646, §11 (AMD).]

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

[PL 2021, c. 646, §11 (AMD).]

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

[PL 2021, c. 646, §11 (AMD).]

**16. Individualized education programs, standards and measurements.**

[PL 2021, c. 646, §11 (RP).]

**17. School programs.**

[PL 2021, c. 646, §11 (RP).]

**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.

[PL 2021, c. 646, §11 (NEW).]

**18. Fees and charges.**

[PL 2021, c. 646, §11 (RP).]

**19. Report.** The 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 center, including the 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 center board members and the general status of the center and shall provide an annual financial audit conducted by an independent auditor.

[PL 2021, c. 646, §11 (AMD).]

**SECTION HISTORY**

PL 1995, c. 676, §5 (NEW). PL 1995, c. 676, §13 (AFF). PL 1999, c. 775, §§8-11 (AMD). PL 1999, c. 775, §16 (AFF). PL 1999, c. 790, §L1 (AMD). PL 1999, c. 790, §L2 (AFF). PL 2001, c. 239, §3 (AMD). PL 2001, c. 239, §5 (AFF). PL 2005, c. 279, §§9,10 (AMD). PL 2005, c. 600, §§1,2 (AMD). PL 2007, c. 58, §3 (REV). PL 2009, c. 213, Pt. ZZ, §1 (AMD). PL 2011, c. 657, Pt. W, §§5, 7 (REV). PL 2011, c. 683, §§6-9 (AMD). PL 2013, c. 405, Pt. A, §24 (REV). PL 2017, c. 413, §§1, 2 (AMD). PL 2021, c. 548, §45 (REV). PL 2021, c. 646, §11 (AMD).

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

The powers and duties of the executive director include the following. [PL 2011, c. 683, §10 (AMD).]

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

[PL 2021, c. 646, §12 (AMD).]

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

[PL 2021, c. 646, §12 (AMD).]

**SECTION HISTORY**

PL 1995, c. 676, §5 (NEW). PL 1995, c. 676, §13 (AFF). PL 2011, c. 683, §10 (AMD). PL 2015, c. 494, Pt. A, §12 (AMD). PL 2021, c. 646, §12 (AMD).

**§7409. School year**

**(REPEALED)**

**SECTION HISTORY**

PL 1995, c. 676, §5 (NEW). PL 1995, c. 676, §13 (AFF). PL 2021, c. 646, §13 (RP).

**§7410. Department assistance; limitation**

**(REPEALED)**

## SECTION HISTORY

PL 1995, c. 676, §5 (NEW). PL 1995, c. 676, §13 (AFF). PL 1999, c. 775, §12 (AMD). MRSA T. 20-A §7410, sub-§3 (RP).

### §7411. Emergency power

Notwithstanding any other provision of law, the commissioner may assume and exercise the authority of the center board if the commissioner declares an emergency exists such that the health, safety or welfare of students receiving academic, extracurricular or room and board services is in jeopardy or the 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. [PL 2021, c. 646, §14 (AMD).]

## SECTION HISTORY

PL 1999, c. 401, §JJJ1 (NEW). PL 2021, c. 646, §14 (AMD).

### §7412. Maine Educational Center for the 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. [PL 2005, c. 279, §11 (AMD).]

**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. [RR 1999, c. 2, §21 (COR).]

**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. [PL 2001, c. 439, Pt. T, §6 (AMD).]

**4. Expenditures from the fund.**  
[PL 2001, c. 439, Pt. T, §7 (RP).]

## SECTION HISTORY

RR 1999, c. 2, §21 (COR). PL 1999, c. 731, §PPP1 (NEW). PL 2001, c. 439, §§T6,7 (AMD). PL 2005, c. 279, §11 (AMD).

### §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 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 center and the center's programs and services. [PL 2021, c. 646, §15 (AMD).]

**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. [PL 2015, c. 383, §1 (NEW).]

**3. Plan of work.** The executive director shall negotiate an annual memorandum of understanding between the center and the private support organization that outlines a plan of work identifying priority projects of mutual benefit and cooperation.  
[PL 2021, c. 646, §15 (AMD).]

**4. Use of property.** The executive director may permit the appropriate use of fixed property, equipment and facilities of the 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.  
[PL 2021, c. 646, §15 (AMD).]

#### SECTION HISTORY

PL 2015, c. 383, §1 (NEW). PL 2021, c. 646, §15 (AMD).

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