

**§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).

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