

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34

(EMERGENCY)

(New Draft of H.P. 975, L.D. 1276)  
(New Title)

FIRST REGULAR SESSION

---

ONE HUNDRED AND ELEVENTH LEGISLATURE

---

Legislative Document

No. 1543

---

H.P. 1168

House of Representatives, May 4, 1983

Reported by Representative Randall from the Committee on Education  
and printed under Joint Rule 2.

Original bill sponsored by Representative Ketover of Portland.  
Cosponsored by Senator Hichens of York, Representative Thompson of So.  
Portland and Senator Hayes of Penobscot.

EDWIN H. PERT, Clerk

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-THREE

---

AN ACT Relating to the Appointment of a  
Policy Review Board for the Governor Baxter  
School for the Deaf.

---

Emergency preamble. Whereas, Acts of the Legis-  
lature do not become effective until 90 days after  
adjournment unless enacted as emergencies; and

Whereas, it has been recognized that the input of  
private citizens regarding the operation of the Gov-  
ernor Baxter School for the Deaf is important to the  
school's function and the need for a Policy Review  
Board to be appointed immediately; and

Whereas, in the judgment of the Legislature,  
these facts create an emergency within the meaning of  
the Constitution of Maine and require the following

1 legislation as immediately necessary for the preser-  
2 vation of the public peace, health and safety; now,  
3 therefore,

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

6 Sec. 1. 20 MRSA §3122, sub-§4, as amended by PL  
7 1977, c. 325, §1, is further amended to read:

8 4. Governor Baxter School for the Deaf. The Gov-  
9 ernor Baxter School for the Deaf, established by  
10 chapter 446 of the private and special laws of 1897  
11 and by chapter 44 of the private and special laws of  
12 1953, is to be devoted to the education and instruc-  
13 tion of deaf children. The school shall be located in  
14 the County of Cumberland and the State shall have the  
15 entire charge, responsibility and expense of main-  
16 taining the school. The government of the school is  
17 vested in the Department of Educational and Cultural  
18 Services, which shall have charge of the general  
19 interests of the school and shall see that its  
20 affairs are conducted in accordance with law. The  
21 department may employ officers, teachers and other  
22 employees as it may deem advisable subject to the  
23 Personnel Law. The department may prescribe the sys-  
24 tem of education and course of study to be pursued in  
25 the school.

26 Any child between the ages of 5 and 20 years, as de-  
27 fined in section 3123, subsection 1, diagnosed as  
28 deaf, shall be educated with regular students when-  
29 ever possible and shall be educated under the prin-  
30 ciple of the least restrictive educational alterna-  
31 tive as set forth in state and federal laws and regu-  
32 lations.

33 The superintendent of the administrative unit in  
34 which such child resides, with the consent of the  
35 child's parent or legal guardian may enroll such  
36 child in the Governor Baxter School for the Deaf and  
37 the sums necessary for the support of such child  
38 while attending the school shall be paid by the  
39 Department of Educational and Cultural Services in  
40 accordance with its guidelines and regulations.

1 It shall be the responsibility of the Governor Baxter  
2 School for the Deaf to provide annual evaluation of  
3 all children enrolled in the school. These evalu-  
4 ations shall be sent to the superintendents of the  
5 administrative units from which such children are  
6 enrolled. Each administrative unit may request tech-  
7 nical assistance from the Governor Baxter School for  
8 the Deaf in matters relating to the education of deaf  
9 children in accordance with guidelines and regula-  
10 tions of the department.

11 The Governor shall appoint a 7-member Policy Review  
12 Board to review and make recommendations relative to  
13 the Governor Baxter School for the Deaf. The board  
14 shall have access to the school, but may not partici-  
15 rate in the administration of the day-to-day opera-  
16 tions of the school. The board shall make annual  
17 recommendations to the commissioner relative to the  
18 management of the school with copies being sent to  
19 the members of the joint standing committee of the  
20 Legislature having jurisdiction over education. The  
21 board's specific duties include, but are not limited  
22 to:

23 A. Making policy recommendations to the superin-  
24 tendent and the commissioner;

25 B. Reviewing policy development by the superin-  
26 tendent and commissioner;

27 C. Reviewing the implementation of policy;

28 D. Reviewing staff recruitment, retention, pro-  
29 motion and evaluation policies and procedures;

30 E. Holding hearings for staff, parents, stu-  
31 dents, alumni, special education directors and  
32 general public and otherwise soliciting the opin-  
33 ions of individuals in those groups concerning  
34 the operation and role of the school; and

35 F. Conducting exit interviews with the staff  
36 members terminating employment with the school.

37 The board members shall be representative of a  
38 broad range of professionals, parents and citi-  
39 zens interested in education of deaf and hearing

1 impaired students. It may include representatives  
2 of the following groups:

3 (1) Professionals not employed by the Gov-  
4 ernor Baxter School for the Deaf who serve  
5 deaf or hearing impaired students;

6 (2) Parents of deaf and hearing impaired  
7 students at the Governor Baxter School for  
8 the Deaf and in school administrative unit  
9 programs;

10 (3) Representatives of handicap advocacy  
11 groups;

12 (4) School administrative unit administra-  
13 tions or special education directors;

14 (5) Members of the deaf and hearing  
15 impaired community; and

16 (6) Interested citizens.

17 No member of the Legislature may serve on the board.  
18 The members of the board shall be appointed for ro-  
19 tating 3-year terms. The initial appointments shall  
20 be 3 members for 3 years, 2 members for 2 years and 2  
21 members for one year. The board shall serve without  
22 pay, other than their actual expenses while carrying  
23 out the functions of the board.

24 Sec. 2. 20-A MRSA §7503, sub-§8 is enacted to  
25 read:

26 8. Policy Review Board. The Governor shall  
27 appoint a 7-member Policy Review Board.

28 A. The term of office shall be 3 years.

29 B. The initial appointments shall be as follows:

30 (1) Three members for 3 years;

31 (2) Two members for 2 years; and

32 (3) Two members for one year.

1 C. Replacements for board members who do not  
2 complete their term of office shall be for the  
3 remainder of the unexpired term.

4 D. No member of the Legislature may serve on the  
5 board.

6 E. The board members shall be representative of  
7 a broad range of professionals, parents and citi-  
8 zens interested in the education of deaf and  
9 hearing impaired students. They may include:

10 (1) Professionals not employed by the Gov-  
11 ernor Baxter School for the Deaf who serve  
12 deaf and hearing impaired students;

13 (2) Parents of deaf and hearing impaired  
14 students at the Governor Baxter School for  
15 the Deaf and in school administrative unit  
16 programs;

17 (3) Representatives of handicap advocacy  
18 groups;

19 (4) School administrative unit administra-  
20 tors or special education directors;

21 (5) Members of the deaf and hearing  
22 impaired community; and

23 (6) Interested citizens.

24 F. The board shall have access to the school,  
25 but may not participate in the administration of  
26 the day-to-day operations of the school.

27 G. The duties of the board shall include, but  
28 not be limited to:

29 (1) Making annual recommendations to the  
30 commissioner, with copies being sent to the  
31 members of the joint standing committee of  
32 the Legislature having jurisdiction over  
33 education;

34 (2) Making policy recommendations to the  
35 superintendent and the commissioner;

1                   (3) Reviewing policy development by the  
2                   superintendent and commissioner;

3                   (4) Reviewing the implementation of policy;

4                   (5) Reviewing staff recruitment, retention,  
5                   promotion and evaluation policies and proce-  
6                   dures;

7                   (6) Holding hearings for staff, parents,  
8                   students, alumni, special education direc-  
9                   tors and general public and otherwise solici-  
10                   ting the opinions of individuals in those  
11                   groups concerning the operation and role of  
12                   the school; and

13                   (7) Conducting exit interviews with the  
14                   staff members terminating employment with  
15                   the school.

16                   H. The board shall serve without pay, other than  
17                   their actual expenses while carrying out the  
18                   functions of the board.

19                   Sec. 3. 34 M RSA §41, as amended by PL 1977, c.  
20                   564, §127, is further amended to read:

21                   §41. Membership; rights and recommendations

22                   A board of 5 visitors, as heretofore established,  
23                   shall be appointed by the Governor, in connection  
24                   with each state institution under the department and  
25                   ~~the Governor Baxter School for the Deaf within the~~  
26                   ~~Department of Educational and Cultural Services.~~  
27                   These visitors shall be appointed for a term of one  
28                   year and shall be eligible for reappointment. No  
29                   member of the Legislature shall ~~may~~ serve on any  
30                   Board of Visitors. The members of the Boards of Visi-  
31                   tors shall receive no compensation. Each Board of  
32                   Visitors shall have the right to inspect the institu-  
33                   tion to which it is assigned and to make recommenda-  
34                   tions relative to the management of ~~said~~ the institu-  
35                   tion to the commissioner. Copies of all recommenda-  
36                   tions shall be sent to the members of the Health and  
37                   Institutional Services Committee of the Legislature  
38                   and each Board of Visitors shall appear before the  
39                   Joint Standing Committee on Health and Institutional  
40                   Services upon request.

