

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2000

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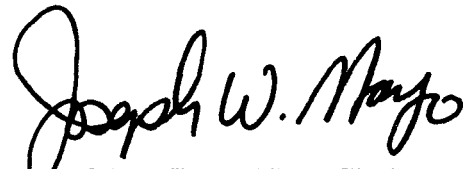
H.P. 1946

House of Representatives, April 12, 2000

**An Act to Implement the Recommendations of the Task Force to Review  
the Educational Program and the Governance System of the Governor  
Baxter School for the Deaf.**

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Reported by Representative BRENNAN for the Joint Standing Committee on Education  
and Cultural Affairs pursuant to Joint Order H.P. 1587.

  
JOSEPH W. MAYO, Clerk

2  
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 20-A MRSA §7401**, as enacted by PL 1995, c. 676, §5  
5 and affected by §13, is further amended to read:

6 **§7401. School established**

7  
8 The Governor Baxter School for the Deaf is established as a  
9 public school pursuant to this chapter for the purpose of  
10 educating deaf and hard-of-hearing students. The school is a  
11 body politic and corporate and is an instrumentality and agency  
12 of the State. The exercise by the school of the powers conferred  
13 by this chapter is the performance of an essential public  
14 function by and on behalf of the State.

15 **Sec. 2. 20-A MRSA §7402, sub-§1**, as enacted by PL 1995, c.  
16 676, §5 and affected by §13, is repealed and the following  
17 enacted in its place:

18  
19 **1. School.** "School" means the Governor Baxter School for  
20 the Deaf established under this chapter, including the center  
21 school located at Mackworth Island and any satellite school  
22 within the State that may be operated under a contracted services  
23 agreement.

24  
25 **Sec. 3. 20-A MRSA §7402, sub-§§5 and 6** are enacted to read:

26  
27 **5. Center school.** "Center school" means the programs  
28 established and operated by the Governor Baxter School for the  
29 Deaf located at Mackworth Island, including the residential  
30 program, day school program, statewide consultation and outreach  
31 programs, parent-infant program, preschool program, communication  
32 garden program, distance education program and community  
33 education program.

34  
35 **6. Satellite school.** "Satellite school" means the  
36 programs, including a residential program, day school programs,  
37 early childhood programs and outreach programs, that are located  
38 near the population centers of deaf and hard-of-hearing students  
39 within the State established by the School Board of the Governor  
40 Baxter School for the Deaf.

41  
42 **Sec. 4. 20-A MRSA §7403**, as enacted by PL 1995, c. 676, §5  
43 and affected by §13, is amended to read:

44  
45 **§7403. Location; geographic access**

46  
47 The ~~school~~ is center school programs are located on  
48 Mackworth Island. Satellite school programs, including a  
49 residential program in accordance with section 7407, subsection  
50

17, may be located near the population centers of deaf and hard-of-hearing students within the State.

**Sec. 5. 20-A MRSA §7404, sub-§1**, as enacted by PL 1995, c. 676, §5 and affected by §13, is amended to read:

**1. Funding.** Students from this State may attend the school free of tuition and room and board expense. Funding for these students is provided by legislative appropriation based on the ~~amount~~ services necessary, including room and board, to satisfy the individualized education programs of the students, as defined by department rule. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter II-A. Funding must support maintenance of the center school and that portion of the island used by the center school, security, outreach services, adult education, access to the education network of Maine and operations of the center school, including the residential program, parent-infant program, preschool program and communication garden program. Funding must also support maintenance and operations of any satellite school.

**Sec. 6. 20-A MRSA §7405, sub-§§1 and 2**, as enacted by PL 1995, c. 676, §5 and affected by §13, are amended to read:

**1. Enrollment.** The superintendent of the school administrative unit in which a deaf or hard-of-hearing student resides, with the consent of that student's parent or legal guardian and in accordance with the limitations in section 5051, may enroll that student in ~~the school~~ one of the center school programs or the satellite school programs. The sums necessary for tuition and room and board of the student while attending the ~~school~~ one of the center school programs or satellite school programs, as determined by the individualized education program of the student, must be paid by the ~~department~~ school board.

**2. State and federal educational services requirements.** The ~~school~~ center school and any satellite school 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.

**Sec. 7. 20-A MRSA §7406**, as enacted by PL 1995, c. 676, §5, is amended to read:

**§7406. School board**

The School Board of the Governor Baxter School for the Deaf is established as the policy-making authority and the governing body of the school.

2           **1. Membership.** In appointing members to the school board,  
the Governor shall give proper consideration to achieving  
4           statewide geographical representation, cultural equity and gender  
equity. In appointing voting members to the school board, the  
6           Governor shall select nominees with experience or special  
knowledge in one or more of the following areas: law, finance,  
8           organizational issues, management, education, human resources and  
collective bargaining. The school board and interested parties  
10           may submit a list of recommended candidates to the Governor to  
aid in making appointments of voting and nonvoting members. The  
12           appointments made by the Governor are subject to review by the  
joint standing committee of the Legislature having jurisdiction  
14           over education matters and subject to confirmation by the  
Legislature. The Governor shall appoint 13 the school board  
16           consisting of 15 voting members and 2 nonvoting members as  
follows:

18           A. ~~Three~~ Four parents of students who ~~attend the school~~ are  
20           deaf or hard-of-hearing, including a minimum of one parent  
with a child enrolled in the residential program and one  
22           parent with a child receiving service from the school's  
outreach program;

24           B. Three deaf representatives of the State's deaf community;

26           C. ~~Two--individuals--with~~ Eight members of the general  
28           public, at least 2 of whom must have expertise in deaf  
education who are not employed by the school; and

30           ~~D.--Four members of the general public;~~

32           ~~E.--One parent of a deaf child who is enrolled in a local~~  
34           ~~educational--agency--receiving--services--from--the--school's~~  
~~outreach program; and~~

36           F. Two students, one who attend attends the school and one  
38           who receives outreach services, who both of whom are  
nonvoting members and who may not participate as board  
40           members in executive sessions or receive materials as board  
members from executive sessions.

42           **2. Chair.** The school board shall choose annually one of  
its members to serve as chair.

44           **3. Meetings.** The school board shall meet at regular  
46           intervals.

48           **4. Quorum.** Each voting member of the school board is  
entitled to one vote. Seven A majority of voting members of the  
50           school board constitute constitutes a quorum for the transaction

of any official business, ~~except that 8 affirmative votes are necessary to approve the budget.~~

5. **Terms of voting members.** The terms of the voting members of the school board are for 3 years, unless otherwise designated, and are staggered with 1/3 of the voting members appointed each year. ~~Of the initial appointees, one each as designated in subsection 1, paragraphs A to D, must be appointed for a term of 3 years, one each as designated in subsection 1, paragraphs A to D, must be appointed for a term of 2 years, and one each as designated in subsection 1, paragraphs A, B and E, must be appointed for a term of one year.~~ Members may be appointed for consecutive terms.

6. **Terms of nonvoting members.** The terms of the nonvoting student members, pursuant to subsection 1, paragraph F, must be determined by the school board. ~~The school board shall submit a list of recommendations to the Governor to aid in making appointments of nonvoting members.~~

7. **Expenses.** Voting members of the school board must be compensated according to the provisions of Title 5, chapter 379.

~~8. **Appointments.** The Governor shall appoint members to the school board by September 1, 1996.~~

**Sec. 8. 20-A MRSA §7407, sub-§§3,** as enacted by PL 1995, c. 676, §5 and affected by §13, is amended to read:

3. **Administration.** The school board shall oversee the administration of the center school and any satellite school, including the hiring of academic, residential, outreach and support staff of the center school.

**Sec. 9. 20-A MRSA §7407, sub-§4,** as enacted by PL 1995, c. 676, §5 and affected by §13, is repealed.

**Sec. 10. 20-A MRSA §7407, sub-§4-A** is enacted to read:

**4-A. Budget development.** The school board shall, with the aid of the superintendent and staff, prepare an annual budget for the operation of the school and exercise budgetary responsibility. The school board shall allocate for expenditure by the school and programs under its jurisdiction all the resources available for the operation of the school and its programs. Annually, not later than January 1, 2001, beginning with the fiscal year 2001-02, the school board shall present to the Governor for submission to the Legislature and review by the joint standing committee of the Legislature having jurisdiction over education matters the administrative operating budget of the

2 school for the next fiscal year. The administrative operating  
3 budget must be presented as a line-item budget for each of the  
4 programs under its jurisdiction. A liability or obligation may  
5 not be incurred under this chapter beyond the amount approve in  
6 the administrative operating budget. The school board may make  
7 expenditures only in accordance with allocations approved by the  
8 Legislature. Any balance of an allocation or subdivision of an  
9 allocation made by the Legislature for the school that at the  
10 time is not required for the purpose named in the allocation or  
11 subdivision may be transferred prior to the closing of the books  
12 for the fiscal year to any other allocation or subdivision of any  
13 allocation made by the Legislature for the use of the school for  
14 the same fiscal year. The transfer is subject to review by the  
15 joint standing committee of Legislature having jurisdiction over  
16 appropriations and financial affairs. Financial statements  
17 describing the transfer must be submitted by the school board to  
18 the Office of Fiscal and Program Review 30 days before the  
19 transfer is implemented. In case of extraordinary emergency  
20 transfers, the 30-day prior submission requirement may be waived  
21 by vote of the committee. These financial statements must  
22 include information specifying the accounts that are affected,  
23 the amounts to be transferred, a description of the transfer and  
24 a detailed explanation of the reason the transfer is needed. The  
25 school board shall also provide an annual justification for the  
26 finances and operations of the programs under the jurisdiction of  
27 the school to the joint standing committee of the Legislature  
28 having jurisdiction over appropriations and financial affairs and  
29 the joint standing committee of the Legislature having  
30 jurisdiction over education matters. The justification for the  
31 finances and operations of the school must be presented as a  
32 line-item budget for each of the programs under its jurisdiction.

33 **Sec. 11. 20-A MRSA §7407, sub-§§6, 10, 16, 17 and 19,** as enacted  
34 by PL 1995, c. 676, §5 and affected by §13, are amended to read:

35 **6. Collection of fees.** The school board may charge service  
36 and rental fees for use of facilities at of the school. Any  
37 funds received for service and rental fees must be retained by  
38 the school.

39 **10. Island access.** The school board shall consult  
40 regularly annually with the Department of Conservation, Bureau of  
41 Parks and Lands on public access and management of that portion  
42 of Mackworth Island under the jurisdiction of that bureau.

43 **16. Individualized education programs, standards and**  
44 **measurements.** The school board shall ensure that services  
45 required to meet the individualized education program for each  
46 student are provided by the school. The school board shall

2 establish standards and methods of measuring progress in the  
3 levels of academic achievement for students who participate in  
4 the school programs and in accordance with the statewide system  
5 of learning results established under section 6209. The school  
6 board shall also establish standards and methods of measuring  
7 progress in the professional development of teachers who  
8 participate in school programs. The school board shall assess  
9 students and teachers according to those standards and  
10 measurements.

11 **17. School programs.** The school board may create, maintain  
12 and expand center school programs at the school and programs for  
13 children that may be served by the school at any satellite  
14 school. For the 2000-01 and 2001-02 school years only, the  
15 residential program located on Mackworth Island is limited to  
16 enrolling up to 20 students who are deaf or hard-of-hearing. The  
17 superintendent may request that the commissioner approve a waiver  
18 of the residential enrollment limit and establish additional  
19 placements for students in the residential program located on  
20 Mackworth Island; the commissioner may approve those placements  
21 on a case-by-case basis and only if the individual education plan  
22 of the prospective student who is deaf or hard-of-hearing  
23 requires placement in a residential program. Beginning with the  
24 2002-03 school year, the school board shall establish a satellite  
25 school program that offers an array of educational programs that  
26 provide students who are deaf or hard-of-hearing with  
27 geographically convenient access to placement options that may be  
28 required by their individualized education program.

29 **19. Report.** The school board shall report biennially  
30 annually to the Governor and the joint standing committee of the  
31 Legislature having jurisdiction over education matters on the  
32 general status of the finances and operations of the school,  
33 including the center school programs and any satellite school  
34 programs, the status of the professional qualifications of the  
35 school board members and the results of the assessments required  
36 by subsection 16 and the general status of the school.

37 **Sec. 12. 20-A MRSA §7410, sub-§3** is enacted to read:

38 **3. Repeal.** This section is repealed July 1, 2002.

39 **Sec. 13. 26 MRSA §962, sub-§7, ¶A,** as amended by PL 1997, c.  
40 698, §1, is further amended to read:

41 A. Any officer, board, commission, council, committee or  
42 other persons or body acting on behalf of:

43 (1) Any municipality or any subdivision of a  
44 municipality;



- 2 (2) Any school, water, sewer, fire or other district;
- 4 (3) The Maine Turnpike Authority; ,
- 6 (4) Any board of directors functioning as a regional  
8 intermediate education unit pursuant to Title 20-A,  
section 7730;
- 10 (5) Any county or subdivision of a county; or
- 12 (6) The Maine State Retirement System; or
- 14 (7) The Governor Baxter School for the Deaf; or

16 **Sec. 14. Needs assessment.** The School Board of the Governor  
18 Baxter School for the Deaf is responsible for making provision  
for a needs assessment to determine the educational needs of deaf  
20 and hard-of-hearing students in all geographic areas of the State  
regarding student placement in satellite programs, including  
22 residential programs at any satellite location, that are  
necessary to satisfy the individualized education program  
requirements of state and federal law.

24

26 The State Board of Education shall appoint the needs assessment  
team that includes, but is not limited to, representatives of the  
28 following interested parties: the School Board of the Governor  
Baxter School for the Deaf, the Department of Education, public  
30 schools in the State that send students to the Governor Baxter  
School for the Deaf, public schools in the State that have  
students who receive outreach services from the Governor Baxter  
32 School for the Deaf and the deaf community. The needs assessment  
team may hold public hearings and conduct focus group discussions  
34 to carry out the purposes of this section. The school board may  
retain the services of a consultant with expertise in the  
36 education of deaf and hard-of-hearing students. The consultant  
may provide professional services to the assessment team in  
38 developing, reviewing and analyzing the needs assessment required  
by this section.

40

42 The needs assessment team shall study the creation of a satellite  
program, including provision of an array of day, residential and  
44 outreach programs and including the interest in and the scope of  
program placements necessary for deaf and hard-of-hearing  
46 students who reside in all geographic areas of the State. The  
needs assessment team shall also consider how satellite day and  
48 residential programs will be funded, whether or not the current  
residential program located on Mackworth Island should be  
maintained as part of future plans for the center school of the  
50 Governor Baxter School for the Deaf, established by the Maine

2 Revised Statutes, Title 20-A, chapter 304, whether or not the  
3 residential program located on Mackworth Island should continue  
4 to impose a limit on enrollment in order to facilitate the  
5 creation of a satellite program and whether or not the school  
6 board should adopt a criterion limiting the age of students who  
7 can be enrolled in a residential program established by the  
8 Governor Baxter School for the Deaf. The needs assessment team  
shall report to the school board as required by the board.

10 The school board must provide a preliminary report, including  
11 initial findings and recommendations, to the joint standing  
12 committee of the Legislature having jurisdiction over education  
13 matters on or before February 1, 2001. The final report,  
14 including findings and recommendations on the residential  
15 capacity of both the residential program at Mackworth Island and  
16 any satellite program that may be established, must be provided  
17 no later than February 1, 2002. The report recommendations must  
18 also include a plan to ensure access to residential programs in  
19 geographic areas of the State that have a significant population  
20 of deaf and hard-of-hearing students. This plan must address the  
21 following issues: what the funding needs are of any proposed  
22 satellite day and residential programs and how those needs would  
23 be funded, whether the current residential program located on  
24 Mackworth Island is consistent with the plan, how short-term  
25 residential program needs should be addressed and whether or not  
26 the school board should adopt a criterion limiting the age of  
27 students who may be enrolled in a residential program established  
28 by the Governor Baxter School for the Deaf.

30 **Sec. 15. Transition provisions.** Except as otherwise provided by  
31 this Act, all references in the laws of the State to the School  
32 Board of the Governor Baxter School for the Deaf refer to the  
33 school board in its capacity as an independent agency.

34 **1. Funds transferred.** All funds and invested assets of the  
35 Governor Baxter School for the Deaf must be transferred to the  
36 School Board of the Governor Baxter School for the Deaf in its  
37 capacity as an independent agency.

40 **2. Rules and procedures.** All rules and procedures in  
41 effect on the effective date of this Act pertaining to the  
42 Governor Baxter School for the Deaf remain in effect until  
43 rescinded or amended by the School Board of the Governor Baxter  
44 School for the Deaf in its capacity as an independent agency.

46 **3. Equipment and property transferred.** The State retains  
ownership of Mackworth Island and the facilities of the Governor

2 Baxter School for the Deaf. Except for the land and property  
3 transferred to the State pursuant to the Baxter deed, all  
4 equipment and property of the Governor Baxter School for the Deaf  
5 must be transferred to the Governor Baxter School for the Deaf in  
6 its capacity as an independent agency.

8 **4. Contracts and agreements.** All contracts and agreements  
9 in effect on the effective date of this Act with the Governor  
10 Baxter School for the Deaf remain in effect until rescinded,  
11 terminated or modified by the School Board of the Governor Baxter  
12 School for the Deaf.

14 **5. Personnel transferred.** Classified and unclassified  
15 employees assigned to the Governor Baxter School for the Deaf  
16 must be transferred from state employment to the Governor Baxter  
17 School for the Deaf in its capacity as an independent agency.  
18 Fringe benefits from state employment of the transferred  
19 personnel, including vacation and sick leave, health and life  
20 insurance and retirement, remain with the transferred personnel.  
21 The rights and benefits under statutes, rules and collective  
22 bargaining agreements in effect on the effective date of this Act  
23 or successor collective bargaining agreements continue for all  
24 transferred personnel. If these collective bargaining agreements  
25 expire, or have expired on the effective date of this Act, the  
26 status, rights and benefits of covered employees must be  
27 maintained according to applicable labor law principles. All  
28 personnel transferred from state employment to the Governor  
29 Baxter School for the Deaf as an independent agency retain all  
30 applicable seniority rights and privileges and all other rights  
31 and privileges with regard to employment in state service for a  
32 period of 2 years from the effective date of this Act. During  
33 this 2-year period, the recall provisions of these applicable  
34 laws, rules and collective bargaining agreements continue to  
35 apply for all transferred personnel with layoff status to the  
36 filling of any vacancy in the Governor Baxter School for the  
37 Deaf. Transferred personnel who refuse recall to the Governor  
38 Baxter School for the Deaf retain full recall rights to all other  
39 agencies of State Government.

40 At the end of the 2-year period, the transferred personnel have  
41 the same rights and privileges as employees of the Governor  
42 Baxter School for the Deaf hired on and after the effective date  
43 of this Act based on personnel rules, policies and collective  
44 bargaining agreements applicable to the Governor Baxter School  
45 for the Deaf employees in effect on the effective date of this  
46 Act. Transferred personnel may choose to be covered under the  
47 Governor Baxter School for the Deaf personnel system and benefits  
48 before the 2-year period expires.

2 The Department of Administrative and Financial Services shall  
3 assist the School Board of the Governor Baxter School for the  
4 Deaf with the orderly implementation of the provisions of this  
5 subsection.

6 **6. School board.** Members of the School Board of the  
7 Governor Baxter School for the Deaf on the effective date of this  
8 Act serve as members of the School Board of the Governor Baxter  
9 School for the Deaf in its capacity as an independent agency  
10 until their terms expire. New members must be chosen pursuant to  
11 the Maine Revised Statutes, Title 20-A, section 7406.

12 **7. Transferred personnel.** All transferred personnel that  
13 are in the state administrative services; the professional and  
14 technical services; the state supervisory services; the state  
15 operations, maintenance and support services; and the state  
16 institutional services bargaining units must be transferred to  
17 the same respective units within the Governor Baxter School for  
18 the Deaf.

19 All transferred personnel who are represented by a bargaining  
20 agent on the effective date of this Act continue to be  
21 represented by that bargaining agent. Following the effective  
22 date of this Act, a petition for decertification of a bargaining  
23 agent or for certification of a new bargaining agent for the  
24 newly created bargaining unit may be filed in accordance with the  
25 Maine Revised Statutes, Title 26, chapter 9-A and the rules of  
26 the Maine Labor Relations Board.

27 **8. School board as successor employer.** For the purposes of  
28 applying this Act and collective bargaining agreements governing  
29 employees of the Governor Baxter School for the Deaf, the School  
30 Board of the Governor Baxter School for the Deaf in its capacity  
31 as an independent agency is considered the successor employer to  
32 and assumes the obligations of the State.

33 **9. Transition accomplished.** The School Board of the  
34 Governor Baxter School for the Deaf shall appoint a  
35 superintendent on the effective date of this Act. The Governor  
36 Baxter School for the Deaf shall take the steps necessary to  
37 complete the transition and to function as an independent agency  
38 on and after July 1, 2002.

39 **10. Transitional budget.** For fiscal year 1999-00 and  
40 fiscal year 2000-01, the School Board of the Governor Baxter  
41 School for the Deaf may carry forward any unexpended funds in its  
42 program account and may expend up to \$100,000 of these funds to  
43 assist with implementing basic school approval corrective  
44 action. The balance of these funds beyond the \$100,000 may be  
45 used for any necessary expenses, as determined by the school  
46 board.

board, that are incurred in establishing the administrative capacity to execute its new functions as an independent agency.

**11. Basic school approval; accreditation.** It is the intent of the Legislature that the Governor Baxter School for the Deaf achieve basic school approval status by January 2001. Thereafter, the Department of Education shall conduct annually an on-site basic school approval review on the educational programs operated by the school. It is also the intent of the Legislature that the Governor Baxter School for the Deaf shall achieve accreditation status from an appropriate accrediting agency for schools for the deaf and subsequently from a regional accrediting agency.

**12. Assistance from state agencies; state agency liaisons.** The Department of Education; the Department of Labor, Bureau of Rehabilitation Services, Division of Deafness; the Department of Conservation, Bureau of Parks and Lands; and the Department of Administrative and Financial Services, Bureau of the Budget, Bureau of Employee Relations, Bureau of General Services and the Bureau of Human Resources shall provide any necessary assistance to the School Board of the Governor Baxter School for the Deaf to assist in the orderly implementation of this Act for a period of 2 years from the effective date of this Act.

Following this 2-year period, the Department of Education and the Department of Labor, Bureau of Rehabilitation Services, Division of Deafness shall each provide a liaison to the School Board of the Governor Baxter School to assist the school board in providing appropriate educational programs and services to deaf and hard-of-hearing students in the State. These liaisons shall meet with the school board at least once each fiscal year to address these matters.

Also following this 2-year period, the Department of Conservation, the Bureau of Parks and Lands and the Department of Administrative and Financial Services, Bureau of General Services shall each provide a liaison to the School Board of the Governor Baxter School to assist the school board in properly managing the natural resources of the island and the state-owned facilities on the island. These liaisons shall meet with the school board at least once each fiscal year to address these matters.

**Sec. 13. Effective date.** Those sections of this Act that repeal the Maine Revised Statutes, Title 20-A, section 7407, subsection 4 and enact Title 20-A, section 7407, subsection 4-A are effective January 1, 2001.

## FISCAL NOTE

2

4 This bill establishes the Governor Baxter School for the  
6 Deaf as a quasi-independent entity, resulting in the school  
8 incurring additional administrative expenses to replicate  
financial and administrative services currently provided by the  
State. The amount of the additional costs beginning in fiscal  
year 2001-02 can not be determined at this time.

10 For fiscal year 1999-00 and fiscal year 2000-01, this bill  
12 authorizes unexpended funds in the Governor Baxter School for the  
14 Deaf program to be carried forward to assist with implementing  
16 basic school approval corrective action and for expenses related  
18 to the transition. Based on the school's expenditures to date,  
the amounts to be carried forward are likely to exceed \$100,000,  
reducing the amounts that would otherwise lapse to the General  
Fund.

20 The establishment of a satellite school program beginning  
22 with the 2002-03 school year will result in additional costs.  
24 The amount of the additional costs and the future General Fund  
appropriations that will be required can not be determined at  
this time.

26 The costs associated with conducting a needs assessment are  
28 estimated to be \$50,000 in fiscal year 2000-01. If the amounts  
30 carried forward are not sufficient to fund these additional  
costs, the Governor Baxter School for the Deaf will require an  
additional General Fund appropriation.

32 Several departments and agencies will incur some minor  
34 additional costs to assist the Governor Baxter School for the  
36 Deaf to implement the transition to a quasi-independent entity.  
The costs incurred by those departments and agencies can be  
absorbed within their existing budgeted resources.

## SUMMARY

38

40 This bill is the unanimous report of the committee pursuant  
42 to H.P. 1587. The bill makes several changes to the governance  
44 system and the educational programs of the Governor Baxter School  
46 for the Deaf. The bill amends the structure of the school board  
and makes a number of transition provisions to grant the school  
board greater autonomy in governing and operating the programs of  
the school. The bill accomplishes the following.

48 1. It provides for a transition over a 2-year period to  
50 achieve greater autonomy from State Government; the transition  
will be fully accomplished by July 1, 2002.

2           2. It requires the Department of Education and the School  
4 Board of the Governor Baxter School for the Deaf to adopt or  
6 amend rules related to funding the programs authorized by the  
school; and it permits the School Board of the Governor Baxter  
School for the Deaf greater budget flexibility in operating the  
school.

8  
10           3. It establishes a School Board for the Governor Baxter  
School for the Deaf appointed by the Governor and confirmed by  
the Legislature.

12  
14           4. It allows the school board to authorize and operate  
satellite school programs.

16           5. For the next 2 years, it establishes a limit on the  
18 number of students enrolled in the residential program at  
Mackworth Island. The superintendent of the school may request a  
20 waiver of the residential enrollment limit from the commissioner  
on a case-by-case basis if a student's individualized education  
22 plan requires a placement in a residential program. Also  
beginning with the 2002-03 school year, the school board must  
24 establish a satellite school program that offers an array of  
educational programs.

26           6. It requires a needs assessment to be conducted by a team  
28 appointed by the State Board of Education to determine the  
educational needs of deaf and hard-of-hearing students in all  
geographic areas of the State. A preliminary report from the  
30 needs assessment team must be presented to the Legislature by  
February 1, 2001 and the final report is due by February 1,  
32 2002. The needs assessment team will also make recommendations  
on the continued need for a limit on enrollment for the  
34 residential program on Mackworth Island and the enrollment  
capacity of the residential program at both Mackworth Island and  
36 any satellite program.

38           7. It requires submission of an annual budget request to  
40 the Legislature for approval and provides that the Governor  
Baxter School for the Deaf may keep any lapsed balances in its  
42 program account in fiscal years 1999-00 and 2000-01 for the  
purposes of implementing the basic school approval corrective  
44 action plan and preparing to accomplish the transition.