

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

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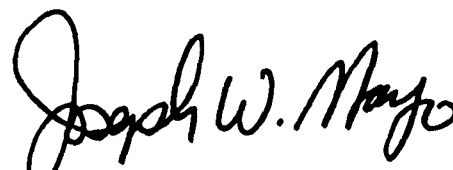
H.P. 370

House of Representatives, February 10, 1995

**An Act to Implement the Recommendations of the Committee to Study
the Operations of the Governor Baxter School for the Deaf.**

Reported by Representative KERR for the Committee to Study Operations of the Governor Baxter School for the Deaf pursuant to Public Law 1993, chapter 508, Part D, section 7.

Reference to the Joint Standing Committee on Education and Cultural Affairs suggested and printing ordered under Joint Rule 20.


JOSEPH W. MAYO, Clerk

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

Sec. 1. 5 MRSA §931, sub-§1, ¶H, as amended by PL 1989, c. 443, §7, is further amended to read:

H. Officers and employees of the unorganized territory school system; the teachers, administrators and professional employees of the state technical colleges ~~and the Governor Baxter School for the Deaf~~; and the teachers, administrators and professional employees of school systems in other state institutions.

Sec. 2. 5 MRSA §12004-I, sub-§15, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. 3. 20-A MRSA §202, sub-§6, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 4. 20-A MRSA 256, sub-§8, as enacted by PL 1991, c. 591, Pt. I, §1, is repealed.

Sec. 5. 20-A MRSA 256, sub-§9, as enacted by PL 1991, c. 591, Pt. I, §1, is amended to read:

9. Collection of fees. The commissioner may charge service and rental fees for use of facilities at the Governor Baxter School for the Deaf. The commissioner shall report and pay these fees to the Treasurer of State to be credited to ~~the General Fund~~ a special revenue account to support facilities and special activities at the Governor Baxter School for the Deaf. This subsection is repealed July 1, 1996.

Sec. 6. 20-A MRSA c. 304 is enacted to read:

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CHAPTER 304

GOVERNOR BAXTER SCHOOL FOR THE DEAF

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§7401. School established

The Governor Baxter School for the Deaf is established as a public school pursuant to this chapter for the purpose of educating and instructing deaf students.

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§7402. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

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1. School. "School" means the Governor Baxter School for the Deaf.

2 2. School board. "School board" means the School Board of
the Governor Baxter School for the Deaf.

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6 3. Sending school. "Sending school" means any school
administrative unit that has a student in attendance at the
Governor Baxter School for the Deaf.

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10 4. Superintendent. "Superintendent" means Superintendent
of the Governor Baxter School for the Deaf.

12 **§7403. Location**

14 The school is located on Mackworth Island.

16 **§7404. Funding; tuition**

18 The following provisions apply to funding for and tuition to
the school.

20 1. Funding. Students from this State may attend the school
22 free of tuition and room and board expense. Funding for these
students is provided based on the amount necessary to satisfy
24 students' individualized education programs, as defined by
department rule.

26 2. Out-of-state tuition. Students from other states and
28 countries may attend the school on a space-available basis by
paying the cost of tuition, fees and room and board as
30 established by the school board.

32 **§7405. Enrollment; state and federal educational services**
requirements; technical assistance

34 The following provisions apply to student enrollment, state
36 and federal educational services requirements and technical
assistance.

38 1. Enrollment. The superintendent of the school
40 administrative unit in which a deaf student resides, with the
consent of that student's parent or legal guardian and in
42 accordance with the limitations in section 5051, may enroll that
student in the Governor Baxter School for the Deaf. The sums
44 necessary for tuition and room and board of the student while
attending the school, as determined by the student's
46 individualized education program, must be paid by the department.

48 2. State and federal educational services requirements.
50 The school must comply with all standards for state public
schools and must comply with all federal and state laws and
52 department rules for the provision of educational services to
children with disabilities.

2 3. Technical assistance. A school administrative unit may
3 request technical assistance from the Governor Baxter School for
4 the Deaf in matters relating to the education of deaf students.

6 **§7406. School board**

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

12 1. Membership. In appointing members to the school board,
13 the Governor shall give proper consideration to achieving
14 statewide geographical representation and gender equity. The
15 Governor shall appoint 11 voting members and 2 nonvoting members
16 as follows:

18 A. Three parents of students who attend the school;

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

22 C. Two individuals with expertise in deaf education who are
23 not employed by the school;

24 D. Two members of the general public;

26 E. One parent of a deaf child who is enrolled in a local
27 educational agency receiving services from the school's
28 outreach program; and

30 F. Two students who attend the school and are nonvoting
31 members.

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

36 3. Meetings. The school board shall meet at regular
37 intervals.

38 4. Quorum. Each voting member of the board is entitled to
39 one vote. Six members of the board constitute a quorum for the
40 transaction of any official business. Six votes are necessary
41 for any resolution or action by the board at any meeting of the
42 board.

44 5. Terms of voting members. The terms of the voting
45 members of the school board are for 3-year terms unless otherwise
46 designated and are staggered. Of the initial appointees, one
47 each from subsection 1, paragraphs A to D must be appointed for a
48 term of 3 years; one each from subsection 1, paragraphs A to D
49 must be appointed for a term of 2 years; and one each from
50 subsection 1, paragraphs A, B and E must be appointed for a term
51 of 1 year. Members may be appointed for consecutive terms.
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2 6. Terms of nonvoting members. The terms of the nonvoting
4 student members, pursuant to subsection 1, paragraph F must be
6 determined by the board. The board shall submit a list of
8 recommendations to the Governor to aid the Governor in making
10 appointments of nonvoting members.

12 **§7407. Powers and duties of school board**

14 The powers and duties of the school board include the
16 following.

18 1. Policies. The board shall develop and adopt policies
20 and rules necessary for the operation of the school.

22 2. Selection of superintendent. The board shall hire a
24 superintendent.

26 3. Administration. The board shall oversee the
28 administration of the school, including the hiring of teachers
30 and support staff.

32 4. Budget development. The board shall, with the aid of
34 the superintendent and staff, prepare an annual budget for the
36 operation of the school and exercise budgetary responsibility.
38 It shall allocate for expenditure by the school and programs
40 under its jurisdiction all the resources available for the
42 operation of the school and its programs. Before September 1,
44 annually, the board shall submit to the department its budget
46 proposal for inclusion in the department's budget for the
48 following fiscal year.

50 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 must
 comply with rules and regulations governing grants from the
 Federal Government or from any other source.

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

7. Bonds. The board shall require security for the
 faithful performance of duties by employees and other agents of
 the school who are entrusted with the custody of the school
 securities or authorized to disburse the funds of the school.
 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 school.

2 8. Property management. The board may acquire by purchase
any property, lands, buildings, structures, facilities or
4 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.
6 Notwithstanding section 7403, the board may make alternative
plans regarding the location of the school.

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10 9. Certificates and diplomas. The board shall offer
courses of study and grant diplomas and certificates on
completion of courses of study. This granting of diplomas and
12 certificates may be done in cooperation with the sending school.

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

18 11. Delegation. The board may delegate duties and
responsibilities as necessary for the efficient operation of this
20 chapter.

22 12. Criteria for enrollment. The board shall establish
criteria to be used in determining eligibility of applicants for
24 enrollment.

26 13. Student conduct. The board shall prepare and adopt
procedures and rules to ensure the smooth operation of student
28 conduct standards.

30 14. Individualized education programs, benchmarks and
assessments. The board shall ensure that services required by
32 students' individualized education programs are satisfied by the
school. The board shall establish benchmarks and methods of
34 assessing progress in the levels of academic achievement for
students who participate in school programs and establish
36 benchmarks and methods of assessing progress in the professional
development of teachers who participate in school programs. The
38 board shall assess students and teachers according to those
benchmarks and assessments.

40 15. School programs. The board may create, maintain and
42 expand programs at the school and programs for children served by
the school.

44 16. Fees and charges. The board shall establish and
46 collect necessary fees and set policies relating to other
appropriate charges for students.

48 17. Report. The board shall report biennially to the
50 Governor and the joint standing committee of the Legislature
having jurisdiction over education matters on the results of the

2 assessment required by subsection 14 and the general status of
3 the school.

4 **§7408. Powers and duties of superintendent**

6 The powers and duties of the superintendent include the
7 following.

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9 1. Staff and administration. The superintendent shall hire
10 staff and administer school operations.

12 2. Enrollment. The superintendent shall work with
13 superintendents from other school administrative units, pursuant
14 to section 7405, subsection 1, to enroll students.

16 **§7409. School year**

18 The school must operate on a calendar year that meets or
19 exceeds the minimum number of statewide student instructional
20 days.

22 **Sec. 7. 20-A MRSA §7503**, as amended by PL 1987, c. 395, Pt.
23 A, §77, is repealed.

24 **Sec. 8. 20-A MRSA §13502, sub-§1, ¶C**, as enacted by PL 1983,
25 c. 859, Pt. J, §§2 and 7, is amended to read:

28 C. Schools operated by an agency of State Government,
29 including the following:

30 ~~(1) Baxter School for the Deaf;~~

32 (2) Arthur R. Gould School; and

34 ~~(3) Pineland State (Berman School);~~

36 (4) Education of children in unorganized territories.

38 **Sec. 9. 22 MRSA §3174-D**, as amended by PL 1989, c. 700, Pt.
39 A, §79, is further amended to read:

42 **§3174-D. Medicaid coverage for services provided by the**
43 **Governor Baxter School for the Deaf**

44
45 The Department of Human Services may administer a program of
46 Medicaid coverage for speech and hearing services, psychological
47 services, occupational therapy and any other services provided by
48 the Governor Baxter School for the Deaf which qualify for
49 reimbursement under the United States Social Security Act, Title
50 XIX. ~~The Department of Education shall have~~ Governor Baxter
51 School for the Deaf has fiscal responsibility for providing the
52 State's match for federal revenues acquired under this section.

2 An amount equal to the Medicaid reimbursement shall must be
4 deposited into the General Fund undedicated revenue from the
Governor Baxter School for the Deaf General Fund appropriation.

6 **Sec. 10. P&SL 1897, c. 446** is repealed.

8 **Sec. 11. Effective date.** The section of this Act that amends
10 the Maine Revised Statutes, Title 20-A, section 256, subsection 9
takes effect 90 days after enactment. The remainder of this Act
takes effect July 1, 1996.

12 **Sec. 12. Transition provisions.**

14 1. The Governor Baxter School for the Deaf, established
16 pursuant to the Maine Revised Statutes, Title 20-A, section 7401,
is the successor in every way to the functions and duties of the
18 former Governor Baxter School for the Deaf established pursuant
to Private and Special Law 1897, chapter 446.

20 2. Notwithstanding the effective date of this Act, the
Governor may immediately proceed with school board appointments
22 and, once appointed, the school board may begin to develop policy
and hiring plans to take effect on or after July 1, 1996.

24 3. The school board of the new Governor Baxter School for
26 the Deaf may submit to the Department of Education no later than
December 15, 1995 budget changes for the budget for fiscal year
28 1996-1997. For all other budget years, the school board shall
submit to the Department of Education its proposed budget for the
30 following fiscal year no later than September 1st.

32 4. All existing contracts, agreements and compacts
currently in effect in the Governor Baxter School for the Deaf
34 continue in effect until July 1, 1996.

36 5. All records, property and equipment previously belonging
to or allocated for the use of the former Governor Baxter School
38 for the Deaf become, on July 1, 1996, part of the property of the
new Governor Baxter School for the Deaf.

40 6. All existing forms, licenses, letterheads and similar
42 items bearing the name of or referring to the former Governor
Baxter School for the Deaf may be utilized by the new Governor
44 Baxter School for the Deaf until existing supplies of these items
are exhausted.

46 7. Any positions authorized and allocated subject to the
48 personnel laws of the former Governor Baxter School for the Deaf
are not transferred to the new Governor Baxter School for the
50 Deaf and may not continue to be authorized on or after July
1, 1996.

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2 8. The Policy Review Board of the Governor Baxter School
for the Deaf may continue to meet until July 1, 1996.

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6 **STATEMENT OF FACT**

8 This is the bill submitted by the Committee to Study the
Operations of the Governor Baxter School for the Deaf, created
10 pursuant to Public Law 1993, chapter 508. This bill does the
following.

12 1. It repeals Private and Special Law 1897, chapter 446
that established the governing body of the Governor Baxter School
14 for the Deaf.

16 2. It eliminates the Policy Review Board of the Governor
Baxter School for the Deaf.

18 3. It establishes a new governing body, an independent
20 school board appointed by the Governor, that is responsible for
hiring a superintendent, developing a budget and overseeing
22 Governor Baxter School for the Deaf operations.

24 4. It defines the roles of the new superintendent, which
include hiring staff, helping develop the budget and
26 administering the school.

28 5. It clarifies that, upon enactment, the Commissioner of
Education's collection of fees for rental use of the school's
30 facilities be credited to a special account to support facilities
and activities of the current Governor Baxter School. This
32 provision is repealed July 1, 1996.

34 6. It defines the process by which the school board shall
submit its budget proposal to the Department of Education for
36 inclusion in the department's budget.

38 7. It provides transitional language that allows the school
board, staff and new Governor Baxter School operations to begin
40 July 1, 1996.