

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
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Chapters 1-452

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1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

provisions of Title 30, chapter 201-A, with specifications for method of selection, recall and term of office of a school committee, nor to municipalities authorized by private and special laws to otherwise choose a school committee.

Effective September 23, 1983.

CHAPTER 316

H.P. 1168 - L.D. 1543

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 Legislature 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 Governor 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 legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

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

4. Governor Baxter School for the Deaf. The Governor Baxter School for the Deaf, established by chapter 446 of the private and special laws of 1897 and by chapter 44 of the private and special laws of 1953, is to be devoted to the education and instruction of deaf children. The school shall be located in the County of Cumberland and the State shall have the entire charge, responsibility and expense of maintaining the school. The government of the school is vested in the Department of Educational and Cultural Services, which shall have charge of the general interests of the school and shall see that its

affairs are conducted in accordance with law. The department may employ officers, teachers and other employees as it may deem advisable subject to the Personnel Law. The department may prescribe the system of education and course of study to be pursued in the school.

Any child between the ages of 5 and 20 years, as defined in section 3123, subsection 1, diagnosed as deaf, shall be educated with regular students whenever possible and shall be educated under the principle of the least restrictive educational alternative as set forth in state and federal laws and regulations.

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

It shall be the responsibility of the Governor Baxter School for the Deaf to provide annual evaluation of all children enrolled in the school. These evaluations shall be sent to the superintendents of the administrative units from which such children are enrolled. Each administrative unit may request technical assistance from the Governor Baxter School for the Deaf in matters relating to the education of deaf children in accordance with guidelines and regulations of the department.

The Governor shall appoint a 7-member Policy Review Board to review and make recommendations relative to the Governor Baxter School for the Deaf. The board shall have access to the school, but may not participate in the administration of the day-to-day operations of the school. The board shall make annual recommendations to the commissioner relative to the management of the school with copies being sent to the members of the joint standing committee of the Legislature having jurisdiction over education. The board's specific duties include, but are not limited to:

- A. Making policy recommendations to the superintendent and the commissioner;
- B. Reviewing policy development by the superintendent and commissioner;
- C. Reviewing the implementation of policy;

D. Reviewing staff recruitment, retention, promotion and evaluation policies and procedures;

E. Holding hearings for staff, parents, students, alumni, special education directors and general public and otherwise soliciting the opinions of individuals in those groups concerning the operation and role of the school; and

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

The board members shall be representative of a broad range of professionals, parents and citizens interested in education of deaf and hearing impaired students. It may include representatives of the following groups:

(1) Professionals not employed by the Governor Baxter School for the Deaf who serve deaf or hearing impaired students;

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

(3) Representatives of handicap advocacy groups;

(4) School administrative unit administrations or special education directors;

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

(6) Interested citizens.

No member of the Legislature may serve on the board. The members of the board shall be appointed for rotating 3-year terms. The initial appointments shall be 3 members for 3 years, 2 members for 2 years and 2 members for one year. The board shall serve without pay, other than their actual expenses while carrying out the functions of the board.

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

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

A. The term of office shall be 3 years.

B. The initial appointments shall be as follows:

- (1) Three members for 3 years;
- (2) Two members for 2 years; and
- (3) Two members for one year.

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

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

E. The board members shall be representative of a broad range of professionals, parents and citizens interested in the education of deaf and hearing impaired students. They may include:

- (1) Professionals not employed by the Governor Baxter School for the Deaf who serve deaf and hearing impaired students;
- (2) Parents of deaf and hearing impaired students at the Governor Baxter School for the Deaf and in school administrative unit programs;
- (3) Representatives of handicap advocacy groups;
- (4) School administrative unit administrators or special education directors;
- (5) Members of the deaf and hearing impaired community; and
- (6) Interested citizens.

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

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

- (1) Making annual recommendations to the commissioner, with copies being sent to the members of the joint standing committee of the Legislature having jurisdiction over education;
- (2) Making policy recommendations to the superintendent and the commissioner;
- (3) Reviewing policy development by the superintendent and commissioner;

(4) Reviewing the implementation of policy;

(5) Reviewing staff recruitment, retention, promotion and evaluation policies and procedures;

(6) Holding hearings for staff, parents, students, alumni, special education directors and general public and otherwise soliciting the opinions of individuals in those groups concerning the operation and role of the school; and

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

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

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

§41. Membership; rights and recommendations

A board of 5 visitors, as heretefore established, shall be appointed by the Governor, in connection with each state institution under the department and ~~the Governor Baxter School for the Deaf within the Department of Educational and Cultural Services.~~ These visitors shall be appointed for a term of one year and shall be eligible for reappointment. No member of the Legislature shall ~~may~~ serve on any Board of Visitors. The members of the Boards of Visitors shall receive no compensation. Each Board of Visitors shall have the right to inspect the institution to which it is assigned and to make recommendations relative to the management of ~~said~~ the institution to the commissioner. Copies of all recommendations shall be sent to the members of the Health and Institutional Services Committee of the Legislature and each Board of Visitors shall appear before the Joint Standing Committee on Health and Institutional Services upon request.

Emergency clause. In view of the emergency cited in the preamble, sections 1 and 3 of this Act shall take effect when approved and section 2 shall take effect July 2, 1983.

Effective May 19, 1983, unless otherwise indicated.
