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REPORT

OF THE

COMMITTEE TO STUDY THE OPERATIONS

OF THE

GOVERNOR BAXTER SCHOOL FOR THE DEAF

(as outlined in Chapter 508, P.L. 1993, Part D)

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I. INTRODUCTION

A. *Background*

During the last five years, since 1989, there have been four studies conducted on various aspects of the operation of the Governor Baxter School for the Deaf. Each of these studies has resulted in a series of recommendations which have evolved into requests for support from the Maine Legislature, both for additional program funding and for a bond issue to enhance the facilities and bring them into compliance with building codes and accessibility statutes. These studies have addressed (1) compliance with federal and state special education regulations, (2) the development of a campus master plan, (3) a review team report in response to concerns raised regarding the administration of the school, and (4) a diagnostic program review for the purpose of developing recommendations which would enable prioritization of needs, identification of areas for reorganization and program development, and targeting issues requiring financial support.

Many of the recommendations from these reports required actions and additional resources, both human and fiscal, at a time when the State of Maine was undergoing a serious economic decline which caused reductions in the budget for the Department of Education, including the Governor Baxter School for the Deaf. The enrollment of the School decreased during the 1980s which also contributed to the difficulty of obtaining the needed resources. During the 1981-82 school year, there were 109 students enrolled at the Governor Baxter School for the Deaf. In October 1994, there were 58 students in the School. While enrollment has been decreasing, the percentage of multiply-disabled students attending the School has been increasing. The residential nature of the School creates certain fixed costs. These two factors have resulted in a steadily increasing per pupil cost of operation.

In addition to the academic and residential programs, the School has expanded during this timeframe to include an outreach program which provides services directly to students who reside in Aroostook County and supports schools in which students are educated in their local school administrative units throughout the state. There has also been a need for increased therapy and evaluation services with the change in the student population. An organizational chart of current programs is included as Appendix A of this report.

These factors, combined with staff concerns regarding the administration of the School which were presented to the Joint Standing Committee on Education and Joint Standing Committee on Appropriations and Financial Affairs during the 116th Legislature, resulted in the enactment of legislation to establish the Committee to Study the Operations of Governor Baxter School for the Deaf.

B. Legislation

A summary of the legislation establishing the study committee follows. (A copy of the legislation establishing this study committee is included in Appendix B.)

The legislation establishes a 10-member study committee charged with the responsibilities of reviewing the administrative structure, operations, and physical plant of the Governor Baxter School for the Deaf and making recommendations for improved operation and management. As part of the review, the Committee was to consider previous studies, the cost effectiveness of the current operation, the continuation of the School as a state-operated program, and necessary capital improvements and the possibility of creating a school committee.

The membership on the study committee is defined in the legislation in Part D, Section 2, and requires the involvement of legislators, representatives of the Deaf community, educators, the Department of Education, parents, and a citizen of the Town of Falmouth.

II. MEMBERSHIP

COMMITTEE TO STUDY THE OPERATIONS OF THE GOVERNOR BAXTER SCHOOL FOR THE DEAF

(as outlined in Chapter 508, P.L. 1993, Part D)

Appointments by the Governor

Susan Blethen 27 Whitney Road Falmouth, ME 04105	Parent of Gov. Baxter School Student
Phyllis Gagnon HC 63, P.O. Box 429 Lake Road Van Buren, ME 04785	Parent of Gov. Baxter School Student
William MacFarlane 25 West Circle Falmouth, ME 04105	Resident of the Town of Falmouth
William Nye 253 Bruce Hill Road Cumberland Center, ME 04021	Department of Education Governor Baxter School
Polly S. Ward, Deputy Commissioner State House Station #23 Augusta, ME 04333	Department of Education

Appointment by the President of the Senate

Senator Jane A. Amero 444 Old Ocean House Road Cape Elizabeth, ME 04107	Education Committee Member
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Appointment by the Speaker of the House

Representative George Kerr 206 East Grand Avenue Old Orchard Beach, ME 04064	Appropriations Committee Member
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Joint Appointments by the President of the Senate and Speaker of the House

Roxanne Baker 32 Pya Street Portland, ME 04103	Representative of the Deaf Community
Barbara J. Keefe 28 Birch Lane Cumberland Foreside, ME 04110	Public Educator
Lois Morin, President Maine Association of the Deaf, Inc. Box 326 East Baldwin, ME 04024	Representative of the Deaf Community

III. PROCESS

The Committee to Study the Operations of the Governor Baxter School for the Deaf met for the first time on July 19, 1994 in the State House in Augusta, Maine. The purpose of the meeting was to organize the committee and discuss the purpose of the committee as described in the legislation, P.L. 1993, Chapter 508 (L.D. 1919). At this meeting, the committee elected its chair, Representative George Kerr. Further, it discussed information that would be useful as the study progressed and suggested areas of study to be addressed at ensuing meetings. The remainder of the meetings were held at the Governor Baxter School for the Deaf.

A list of materials provided to members of the Committee for review and consideration is included in Appendix C.

On August 2, 1994, the Committee participated in a tour of the Governor Baxter School for the Deaf facilities. The tour generated discussion regarding the general condition of the buildings and how the facility could be better utilized. The Committee briefly discussed ideas to generate revenue and increase public awareness of school programs. The Department of Education was requested to provide a suggestion for statutory language which could enable the Governor Baxter School for the Deaf to retain fees charged through the rental of the facility. This language is included in the section on recommendations.

The Committee met on August 16, 1994. Committee member Bill Nye provided information on the history of the Governor Baxter School for the Deaf and discussed the bequest and legislation that established the School on Mackworth Island. The FY '94 budget for the School was explained to the Committee, including the General Fund, Federal Fund, and Special Revenue Accounts. The Committee requested estimates of the per pupil costs for students attending the School and for students who are provided services through the Outreach Program. The cost per student for attendance at the Governor Baxter School for the Deaf is estimated to be \$50,870 in FY '95. This per pupil cost is calculated from the School's budget for FY '95 excluding programs and services which support residential, outreach, pre-school, and adult education programs. The cost per student for the Outreach Program is \$2,027. This represents a per pupil cost of \$1,478 for the 300 students who are educated in public schools outside Aroostook County and \$4,685 for the 62 students who are educated in public schools in Aroostook County. For mainstreamed students, these per pupil costs represent funding included in the Governor Baxter School for the Deaf budget which augments funding received by the school administrative units through the State appropriation for General Purpose Aid and the federal monies available through the Individuals with Disabilities Education Act. In addition, there was a presentation on the current administrative structure of the School.

On August 30, 1994, the Committee heard a presentation on the private non-profit foundation that has been established for the Governor Baxter School for the Deaf. The

foundation's purpose is to raise money to supplement the programs for children beyond those provided by the School. There was a presentation on the connections between the Governor Baxter School for the Deaf and the Maine Department of Education. In addition, there was a discussion on a number of different possibilities for governance of the School, including continuing the relationship as it is and comparing how the Governor Baxter School for the Deaf and the Unorganized Territories schools are governed. Committee members also discussed other models of governance. The Committee invited Dr. Robert Davila, Headmaster of the New York School for the Deaf and former Assistant Secretary for the Office of Special Education and Related Services in the U. S. Department of Education, to meet with the Committee at its next meeting and provide an open forum for the discussion of deaf education with staff, parents, and the deaf community.

Dr. Robert Davila met with the Study Committee on September 13, 1994 at the Governor Baxter School for the Deaf. Dr. Davila shared his knowledge of deaf education and experiences both in the Federal Government and residential schools for the deaf. He addressed numerous questions regarding possible governance structures for a residential school for the deaf. In addition, he informed the Committee that the issues facing the Governor Baxter School for the Deaf are common in other residential schools for deaf and hard-of-hearing children across the country. A number of schools for deaf and hard-of-hearing children have established similar task forces and study groups to examine their operations and make recommendations. Dr. Davila stressed that the issue of governance is less important for the future of the Governor Baxter School for the Deaf than the question of how to define a quality education for deaf and hard-of-hearing children. He stressed the need to improve communication among all of the constituencies of the school, especially parents as they have significant rights established by the Individuals with Disabilities Education Act. The Governor Baxter School for the Deaf should not be in competition with local educational agencies regarding placement of children but should be working cooperatively to assure that the children receive the highest quality education possible.

Following the Study Committee meeting, Dr. Davila participated in an open forum with staff, parents, alumni, and the deaf community regarding current issues in deaf education. The forum provided an opportunity for the Study Committee to communicate with these constituencies regarding its purpose, the composition of the study committee, and the progress it had made. At this forum, the Study Committee stressed the importance of receiving input from all of these constituencies regarding the purposes of this study.

During the forum, Dr. Davila was asked whether states were required to provide a residential school for deaf and hard-of-hearing children. He said that during his term as Assistant Secretary of the Office of Special Education and Rehabilitation Services, he received an inquiry from the Florida School for the Deaf and Blind asking whether "every state was legally required to maintain a center program for the deaf. After long study and deliberations by the [U.S.] Department of Education, Legislative and Legal Office, they determined that every state was required to provide that option to those children who needed a center or

residential school placement. What this says is that the option is there, but does not require that the state maintain a center." He cited as an example, Nevada, which sends students to Utah or California.

The Committee met on September 27, 1994. Wayne Newland, member of the Governor Baxter School for the Deaf Policy Review Board, introduced his proposal for an independent Governor Baxter School for the Deaf. Mr. Newland provided the Committee with a copy of a proposal which he had prepared for Governor John R. McKernan, Jr., dated February 11, 1994. In addition, he provided the Committee with the Policy Review Board's evaluation and endorsement of his proposal. The proposal suggests a study to create an independent Governor Baxter School for the Deaf which would completely restructure the school from the top down beginning with the creation of a Board of Trustees which would have authority to employ the Superintendent of the School. The Superintendent would plan the program, developing and recommending an organizational structure to the Board of Trustees, along with staffing patterns, competitive compensation packages, budget and facilities use. A nationwide search would be conducted for the best administrators and faculty to provide the program. Existing staff, prior to the change in governance, would be allowed to apply for the positions. The School would seek its funding directly from the Legislature.

Following the presentation, the Committee had an opportunity to begin the task of developing the recommendations contained in this report. Recommendations were developed around the following criteria which were developed by the full Committee:

- o must support quality education for children
- o must fit with bilingual philosophy
- o maintain best physical environment
- o school adapting to learner needs
- o support empowerment of the School and Deaf communities
- o budgeting authority needs to be clarified/delineated

The Committee met on October 11, 1994 and finalized the recommendations contained in the next section of this report.

IV. COMMITTEE RECOMMENDATIONS

Recommendation 1: Create an independent school board to govern the Governor Baxter School for the Deaf which is responsible for hiring the Superintendent and developing the budget.

The School Board would consist of the following members:

- 3 - parents of Governor Baxter School for the Deaf students
- 3 - representatives of the community, who are Deaf
- 2 - individuals with expertise in Deaf education who are not employed by Governor Baxter School for the Deaf
- 2 - individuals at large
- 1 - parent of Deaf child(ren) enrolled in a local educational agency receiving services from Governor Baxter School for the Deaf Outreach Program
- 2 - non-voting members who are students at Governor Baxter School for the Deaf

The Superintendent would be responsible for staffing and administering the school. Staff of the Governor Baxter School for the Deaf would be employees of the School and the School Board would have authority to hire and fire employees, in a manner similar to the authority of a school board for a local education agency and subject to all of the same laws. The School Board would develop its own budget with the assistance of the Superintendent and staff. The funding for the School would be provided through the state budget and students attending the School would attend on a tuition-free basis, provided that they were children residing in the State of Maine. The School Board would have full authority to determine the positions and resources needed to run the School and how these resources would be allocated. All preexisting employment contracts between employees of the School and the State Government would be null and void and new contracts would be developed for the positions which were established by the School Board. The budget that is developed by the School Board would be recommended to the Commissioner of Education for inclusion in the State Budget. The governing board would be appointed by the Governor of the State of Maine, with attention to fair representation of all parts of the State. Committee representatives felt that the Magnet School approach, which is being implemented in Limestone for the Maine School for Science and Mathematics, would provide an opportunity to address the challenges facing the School.

The Committee voted 9 to 1 in favor of this recommendation.

Recommendation 2: The School will remain on Mackworth Island with necessary repairs completed on current structures, while long-range plans for new buildings would be developed by the new School Board.

The bond issue in the 1994 referendum will be used to complete essential repairs to current structures that are necessary for short-term usage of the school facility. The

School Board will have responsibility for making the long-term decisions about not only facility improvement but facility location. The School Board should address the cost effectiveness of any long-term facility plans. The School Board must address any physical barriers in the School which would reduce accessibility for all student populations. It is important that the physical condition of the school be improved to make the school more welcoming to parents and students. Any new structures which are created should incorporate the technologies which aid deaf education. Both security on the island and ongoing maintenance of the island must be addressed.

The Committee reviewed the 1991 Campus Management Plan and toured the facility to consider the needs of the School. It was agreed that the implementation of the Campus Management Plan, and any modifications to the Campus Management Plan, should proceed under the direction of the Department of Education. However, once a School Board is created as in Recommendation No. 1, that Board would have full authority to make decisions regarding the long-term facility usage, the location of the school, and any future recommendations for bonding for capital improvements.

Vote: The Committee made this recommendation unanimously.

Recommendation 3: Maintain and improve the Outreach Programs.

The majority of Deaf and hard-of-hearing children in the State of Maine are educated in their local school systems. These school systems need greater support in the education of Deaf and hard-of-hearing children. Special education directors and teachers of mainstreamed students need to have substantially more resources available to them for the education of deaf and hard-of-hearing children. The resources of Governor Baxter School for the Deaf should be spread throughout the state for children, preschool through high school, through satellite programs. Statewide preschool through high school aged highly specialized deafness family counseling services should be made available. School systems should involve Deaf and hard-of-hearing advocates as role models, to the greatest extent possible.

Improving Outreach services will provide local school administrative units and parents with greater understanding of services available to children through the Governor Baxter School for the Deaf. This may increase the likelihood of children being placed there. As well, students who are educated in their local schools will have better trained teachers and support through the Outreach program. Children should be involved as early as the deafness or hearing loss is recognized in order to assure proper language development.

Vote: The Committee made this recommendation unanimously.

Recommendation 4: Maintain and improve the adult education program.

The adult education program must provide services to deaf adults as well as services to hearing parents of deaf children. The program should include the provision of local programs on deaf services and Deaf culture in communities around the state. In addition, it should provide off-campus activities, including classes for Deaf adults. Increased educational opportunities should be available for members of the Deaf community to enable them to participate more fully as professional educators.

There have been a number of requests for services from the adult education program during recent years which have not been met due to insufficient resources. The American Sign Language Program has been supported but other activities, such as those described above, have been less of a priority. The School Board, as recommended in Recommendation No. 1, should be responsible for directing and refining the adult education program to meet the needs as the Board perceives them.

Vote: The Committee agreed unanimously to support the above recommendation.

Recommendation 5: Develop technology and instructional strategies to address diverse learning styles within the School and throughout the state.

The renovation and reconstruction of the elementary school must incorporate technologies which aid in the education of deaf and hard-of-hearing students. All of the new classrooms that are created at the School must have diverse technologies which can respond to the various learning styles of children. The building should be constructed to accommodate computers and closed-circuit television. In addition, the technology should support delivering services statewide. The extension of fiber optic throughout the state and the expansion of the instructional television system is one method of providing statewide services.

The School has an opportunity with the bond issue of November, 1994 to upgrade its facilities to accomplish the full integration of latest technology to increase the opportunities for deaf and hard-of-hearing children. In conjunction with this renovation, the proposed bond issue on extending the ITV system throughout the state should provide an opportunity to make sure that all schools have access to services for Deaf children. This would enable the Governor Baxter School for the Deaf to provide quality programming for mainstreamed children as well as children who are educated on the Island.

Vote: The Committee agreed unanimously to this recommendation.

Recommendation 6: Improve communication among staff members/community/parents and local schools. Assure that all staff of the Governor Baxter School for the Deaf receive training and support in the use of ASL.

There must be an increase in the use of technology to improve communication within the School and between the Governor Baxter School for the Deaf and the students' home community, including parents and the local school. The telephone system should be upgraded for greater staff accessibility. Sufficient numbers of TTYs must be available for use throughout the facility. Improvement of the internal communication system between different parts of the Governor Baxter School for the Deaf facility must be undertaken. The organizational structure of the School should be redesigned to ensure continuity for the children between their home, local educational agencies, and the Governor Baxter School for the Deaf.

The majority of reports that have been done on Governor Baxter School for the Deaf have focused, at least in part, on the lack of communication between the different parts of Governor Baxter School for the Deaf and between the School and the child's home and local educational agency. While special educator directors, in general, have expressed satisfaction with the quality of the programming received at the Governor Baxter School for the Deaf, it is clear that greater efforts must be taken to assure that all of the significant parties in a child's educational experience are working together toward common goals. Communication technology is improving constantly and all renovations to the School must take advantage of these improvements in order to assure that children have the necessary communication among all of the significant parties in their education to be successful.

Vote: The Committee unanimously supported this recommendation.

Recommendation 7: Services required in children's Individual Education Plans (IEPs) must be provided by the Governor Baxter School for the Deaf, including a residential component, as appropriate.

Attendance at the Governor Baxter School for the Deaf should be tuition free to any child who is a resident of Maine. School districts should not be required to provide additional support except for transportation for children attending Governor Baxter School for the Deaf. The School must be appropriately staffed in order to provide the services needed by the children.

The Governor Baxter School for the Deaf has charged local educational agencies for paraprofessional staff working with multiply-disabled children. The School receives funding for employment of these paraprofessionals but does not have legislative authority for positions. Therefore, these staff members have been contracted to provide the services for the multiply-disabled children. This is a questionable practice from the standpoint of a variety of regulatory agencies. In addition, due to statewide shortages and salaries paid to the Governor Baxter School for the Deaf employees, certain specialty

positions have been extremely difficult to fill. These positions tend to be for therapists. The Governor Baxter School for the Deaf has responded to the need for therapists by contracting for their services rather than employing people on a full-time basis because of the difficulty of encouraging them to accept positions at the School. This practice is far more costly than having full-time employees available. It also reduces the availability of the therapists to meet children's needs. The School Board should address the issues of salaries and shortage areas in order to hire some therapists as full-time employees.

Vote: The Committee adopted this recommendation unanimously.

Recommendation 8: The Governor Baxter School for the Deaf must be an attractive placement option for students and local schools need to see the Governor Baxter School for the Deaf as a very good option for children.

The School must be made attractive to other school systems and students. It must offer extras -- something that will entice a cross-section of the population of students. The social advantages of a Deaf culture must be communicated to the public. Pupil Evaluation Team (PET) meetings for deaf and hard-of-hearing children should clarify least restrictive environment (LRE) as it applies to deaf children and as it relates to the Governor Baxter School for the Deaf. Efforts must be made within all Pupil Evaluation Team meetings to assure that there is significant discussion regarding the appropriate educational setting for deaf and hard-of-hearing children. Deaf and hard-of-hearing role models should be available in PETs, to the greatest extent possible.

Governor Baxter School for the Deaf has tended to be viewed by local educational agencies as an out-of-district placement for children who cannot be educated in their local schools. There has been an interpretation, in some instances, that the Federal law requires all students to be educated in their local school unless there is a major reason why this cannot happen. The Governor Baxter School for the Deaf needs to be viewed as a part of a continuum of services that is available to all children who are deaf or hard-of-hearing. The quality of the facility needs to be improved so that parents will feel comfortable sending their children to Governor Baxter School for the Deaf.

Vote: The Committee unanimously agreed on the inclusion of this recommendation in the report.

Recommendation 9: Governor Baxter School for the Deaf will be a state-funded school.

The Committee agreed that all services provided by the Governor Baxter School for the Deaf should be funded by the state with the exception of transportation of students to and from the School, as is the current practice. There is language proposed to be included in Title 20-A which will enable the School to retain fees collected from rental of the facility and other services. This language is as follows:

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 fund account to support facilities and special student activities at the Governor Baxter School for the Deaf.

This language should be included in statute until the Legislature adopts Recommendation 1, at which time the School Board will be responsible for determining fees for facility use and the appropriate use of this revenue.

With the exception of this proposed statutory language, all of the other concepts included in this recommendation have been discussed in earlier recommendations.

Vote: The Committee unanimously agreed to support this recommendation.

Recommendation 10: The mission of Governor Baxter School for the Deaf needs to be included in the Report.

The mission of Governor Baxter School for the Deaf is hereby included in this report as follows:

The Governor Baxter School for the Deaf is a comprehensive educational organization that offers educational, residential, transitional and outreach programs while promoting Deaf culture. Governor Baxter School for the Deaf strives for excellence in providing a continuum of services to meet the needs of infants, children and adults who are deaf and hard-of-hearing, their families, professionals, service providers, agencies and communities on a local, statewide, regional and national level.

The above mission of the Governor Baxter School for the Deaf was developed in 1992. The School Board, which was included in Recommendation No. 1, will have as one of its first tasks developing its own mission and vision for the School, with the involvement of the Deaf community.

Vote: The Committee adopted Recommendation No. 10 unanimously.

V. LEGISLATION

The draft legislation to implement the recommendations of the Committee to Study the Operations of the Governor Baxter School for the Deaf follows. Further review of this draft will be done by the Revisor's Office prior to the printing of an actual Legislative Document.

DRAFT

This legislation is submitted by the Committee to Study the Operations of the Governor Baxter School for the Deaf pursuant to PL 1994, c. 508, Part D.

Sec. 1. 5 MRSA §931, sub-§1, ¶H is 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 is repealed.

15. Policy-Review	Expenses	20-A-MRSA
Education+ Board	Only	@7503
Governor-Baxter-School		

Sec. 3. 20A MRSA §202, sub-§6 is repealed.

Sec. 4. 20A MRSA §256, sub-§8 is repealed.

Sec. 5. 20A MRSA §256, sub-§9 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:

CHAPTER 304

GOVERNOR BAXTER SCHOOL FOR THE DEAF

§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.

§7402. Definitions

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

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

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

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

§7403. Location

The school is located on Mackworth Island.

§7404. Funding; tuition

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

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

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

\$7405. Enrollment, state and federal educational services requirements and technical assistance

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

1. Enrollment. The superintendent of the school administrative unit in which that student resides, with the consent of the student's parent or legal guardian and in accordance with the limitations in section 5051 may enroll a deaf student in the Governor Baxter School for the Deaf. The sums necessary for tuition and room and board of the student while attending the school, as determined by the student's Individualized Education Program, shall be paid by the department.

2. State and federal educational services requirements. The 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.

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

\$7406. School board

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

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

- A. Three parents of students who attend the school;
- B. Three Deaf representatives of Maine's Deaf community;
- C. Two individuals with expertise in Deaf education who are not employed by the school;
- D. Two members of the general public;

E. One parent of a deaf child who is enrolled in a local educational agency receiving services from the school's Outreach Program; and

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

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

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

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

5. Terms of voting members. The terms of the voting members of the school board are for 3-year terms unless otherwise designated and are staggered. Of the initial appointees, one each from subsection 1, paragraphs A to D must be appointed for a term of 3 years; one each from subsection 1, paragraphs A to D must be appointed for a term of 2 years; and one each from subsection 1, paragraphs A, B and E must be appointed for a term of 1 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 shall be determined by the board. The board shall submit a list of recommendations to the Governor to aid the Governor in making appointments of nonvoting members.

§7407. Powers and duties of the school board

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

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

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

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

4. Budget development. The board shall, with the aid of the superintendent and staff, prepare an annual budget for the operation of the school and exercise budgetary responsibility. It 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. Before September 1, annually, the board shall submit to the department its budget proposal for inclusion in the department's budget for the following fiscal year.

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 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.

8. 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. Notwithstanding section 7403, the board may make alternative plans regarding the location of the school.

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

10. 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.

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

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

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

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

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

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

17. Report. The board shall report biennially to the Governor and the joint standing committee of the Legislature having jurisdiction over education matters on the results of the assessment required by subsection 14 and the general status of the school.

§7408. Powers and duties of the superintendent

The powers and duties of the superintendent include the following.

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

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

§ 7410. School year

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

Sec. 9. 20A MRSA §7503 is repealed.

Sec. 10. 20A MRSA §13502, sub-§1, ¶C is amended to read:

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

- ~~{1}--Baxter-School-for-the-Deaf,~~
- (2) Arthur R. Gould School;
- (3) Pineland State (Berman School); and
- (4) Education of children in unorganized territories.

Sec. 11. 22 MRSA §3174-D is amended to read:

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

The Department of Human Services may administer a program of Medicaid coverage for speech and hearing services, psychological services, occupational therapy and any other services provided by the Governor Baxter School for the Deaf which qualify for reimbursement under the United States Social Security Act, Title XIX. ~~The Department of Education Governor Baxter School for the Deaf shall have~~ has fiscal responsibility for providing the State's match for federal revenues acquired under this section. An amount equal to the Medicaid reimbursement ~~shall must~~ be deposited into the General Fund undedicated revenue from the Governor Baxter School for the Deaf General Fund appropriation.

Sec. 13. P&SL 1897, c. 446 is repealed.

Sec. 14. Effective date. The section of this Act that amends 20A MRS §256, sub-§9 takes effect 90 days after enactment. The remainder of this Act takes effect July 1, 1996.

Sec. 15. Transition provisions

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

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

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

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

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

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

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

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

STATEMENT OF FACT

This is the bill submitted by the Committee to Study the Operations of the Governor Baxter School for the Deaf, created pursuant to Public Law 1994, chapter 508. This bill does the following.

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

2. Eliminates the Policy Review Board of the Governor Baxter School for the Deaf.

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

4. Defines the roles of the new superintendent, which include hiring staff, helping develop the budget and administering the school.

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

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

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

A P P E N D I C E S

- A. Governor Baxter School for the Deaf
Organizational Chart of Programs**
- B. Legislation Establishing the Committee to
Study the Operations of the Governor
Baxter School for the Deaf**
- C. A list of materials provided to members of
the Committee**

Appendix A

Governor Baxter School for the Deaf Organizational Chart of Programs



Governor Baxter School for the Deaf

Organizational Chart

Commissioner



Liaison to GBSD



Superintendent

Director, Academic Program

Elementary
Middle School
High School
Curriculum
Project Adventure
PET Meetings
Student Records

Supervisor, Residential Program

Independent
Living Program
Recreation
Program
Residential
Transportation

Director, Statewide Educational Consulting Services

Parent/Infant
Program
Preschool Program
Communication
Garden
Arts/Fine Arts
Program
Mainstream Program
Early Intervention
Outreach
Public School
Outreach
Aroostook Program
Statewide Evaluation
Services

Assistant to the Super- intendent

Affirmative Action
Liaison to
Commissioner's
Office/Legislature
Special Projects
Grant
Management

Business Services Manager Operations

Payroll
Switchboard
Labor-
Management
Relations
Accounting/Budget
Student Bank
Stockroom
Boiler Operations
Building
Maintenance
Housekeeping
Security
Dietary Department
Special Events

Director, Therapy/ Evaluation Services

Psychological
Services
Educational
Assessment
Speech/Language
Therapy
Audiology Services
Counseling
Occupational
Therapy
Physical Therapy
Social Work
Services
Statewide
Evaluation
Services
Triennial
Evaluations
Vocational
Evaluation/
Transition
Planning
Health Center
Behavior
Consultation
Therapeutic
Recreation
Program

Director, Resource Center on Deafness

Adult Education
Services
ITV
American
Sign Language
Program
Library/Media
Center
Staff
Development
Community
Relations
Volunteer
Program
Computer
Services
Wellness
Program

Appendix B

Legislation Establishing the Committee to Study the Operations of the Governor Baxter School for the Deaf

APPROVED

CHAPTER

MAR 09 '94

508

BY GOVERNOR

PUBLIC LAW

STATE OF MAINE

**IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-FOUR**

H.P. 1409 - L.D. 1919

**An Act to Make Supplemental Appropriations and Allocations
for the Expenditures of State Government and to Change
Certain Provisions of the Law Necessary to the Proper
Operations of State Government for the Fiscal Year
Ending June 30, 1994**

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses will become due and payable on or immediately after July 1, 1993; 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:

PART A

Sec. A-1. Supplemental appropriations from General Fund. There are appropriated from the General Fund for the fiscal year ending June 30, 1994, to the departments listed, the following sums.

1-3265(2)

Library Development Services

All Other

-0-

Provides funds for approved reclassifications and range changes.

**MAINE STATE LIBRARY
TOTAL**

-0-

SECRETARY OF STATE, DEPARTMENT OF THE

**Administrative Services and
Corporations - Bureau of**

Personal Services

(14,828)

Provides funds from accrued salary savings to pay for a retropayment due to a reclassification of the Administrative Assistant for the Commission on Governmental Ethics and Election Practices position.

**DEPARTMENT OF THE SECRETARY OF
STATE
TOTAL**

(14,828)

**SECTION C-1
TOTAL APPROPRIATIONS**

(\$88,615)

PART D

Sec. D-1. Committee to Study the Operations of the Governor Baxter School for the Deaf; creation. The Committee to Study the Operations of the Governor Baxter School for the Deaf, referred to in this Part as "the committee" is established.

Sec. D-2. Committee membership. The committee consists of 10 members, as follows:

1. Five members appointed jointly by the President of the Senate and the Speaker of the House of Representatives:

76-3265(2)

A. One Legislator who serves on the Joint Standing Committee on Appropriations and Financial Affairs and one Legislator who serves on the Joint Standing Committee on Education;

B. Two members who are deaf representing the deaf community; and

C. One member who is an educator in a public school system; and

2. Five members, appointed by the Governor:

A. Two representatives from the Department of Education, one of whom must be a staff person of the Governor Baxter School for the Deaf;

B. Two members who are parents of children receiving services from the Governor Baxter School for the Deaf; and

C. One member who is a citizen of the Town of Falmouth.

Sec. D-3. Appointments; meetings. All appointments must be made no later than 30 days following the effective date of this Part. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. The first meeting of the committee must be convened by the Executive Director of the Legislative Council within 14 days after all members are appointed. The committee shall select a chair from among its members.

Sec. D-4. Duties and responsibilities. The committee shall review the administrative structure, operations and physical plant of the Governor Baxter School for the Deaf and make recommendations for improved operation and management. In conducting this review, the committee shall consider at least the following:

1. Any relevant previous studies;
2. The continuation of the school as a state-administered program;
3. The cost-effectiveness of the current operation;
4. Any necessary capital improvements; and
5. The creation of a school committee.

Sec. D-5. Staff and assistance. The Department of Education shall provide staff assistance and interpreter services to the committee. The committee shall request assistance with the preparation of any recommended legislation from the Legislative Council.

Sec. D-6. Reimbursement. The members of the committee who are Legislators are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2, for each day's attendance at commission meetings. Members of the commission who are not state employees are entitled to reimbursement for expenses as defined in Title 5, section 12002, upon application to the Executive Director of the Legislative Council.

Sec. D-7. Report. The committee shall submit its report, along with any necessary implementing legislation, to the Legislature by October 17, 1994 for consideration during the First Regular Session of the 117th Legislature.

Sec. D-8. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

1993-94

LEGISLATURE

Committee to Study the Operations of the Governor Baxter School for the Deaf

Personal Services	\$ 660
All Other	<u>1,700</u>
Total	\$2,360

Provides funds for the per diem and expenses of legislative members, expenses of public members and printing costs of the Committee to Study the Operations of the Governor Baxter School for the Deaf.

PART E

78-3265(2)

Appendix C

A list of materials provided to members of the Committee

Appendix C

Governor Baxter School for the Deaf Information:

- o Portfolio of Governor Baxter School for the Deaf
- o Legislation regarding the Establishment of Governor Baxter School for the Deaf and Related Documentation
- o Organizational Chart of Governor Baxter School for the Deaf
- o Job Classifications/Position/Pay Range at Governor Baxter School for the Deaf
Date: Spring, 1994
- o Governor Baxter School for the Deaf Budget (FY '95)
- o Governor Baxter School for the Deaf Capital Improvements (FY '94 and FY '95)
- o Roof Estimates for Governor Baxter School for the Deaf
Date: August, 1994
- o Contract Services at Governor Baxter School for the Deaf
Date: August, 1994
- o CEASD Report (re: Re-approval Visitation, May 27-29, 1981)
Dated: September 9, 1981
- o Report of the Special Review Team and Related Reports on the Governor Baxter School for the Deaf, Department of Educational and Cultural Services
Dated: July, 1982
- o Addenda to the Advisory Committee on the Future of the Governor Baxter School for the Deaf Report (November 22, 1982)
Dated: July 7, 1982
- o Report of the Advisory Committee on the Future of the Governor Baxter School for the Deaf
Dated: November 22, 1982
- o Copy of Audit and Program Review Committee's Report pertaining to Governor Baxter School for the Deaf
Dated: 1988
- o Copy of the Department of Education's Response to the Audit and Program Review Committee's Report pertaining to Governor Baxter School for the Deaf
Dated: May 9, 1988
- o Memorandum to Superintendent Fries from Peter H. Stewart, Assistant Attorney General
RE: Authority of DECS to manage Mackworth Island
Dated: April 10, 1989
- o Diagnostic Program Review
Dated: May 19, 1989

- o **Campus Master Plan Study by Sasaki Associates, Inc.**
Dated: Revised April 1991
- o **Report to the Commissioner of Education of the Review Team for Governor Baxter School for the Deaf**
Dated: August 11, 1993
- o **A Proposal for Study: An Independent Governor Baxter School for the Deaf**
(A proposal submitted to the Honorable John R. McKernan, Jr., Governor of Maine, prepared by Wayne Newland)
Dated: February 11, 1994
- o **Special Education Program Review**
Dated: May 11-12, 1994
- o **The Foundation: Governor Baxter School for the Deaf**
Date: August 30, 1994

Other Pertinent Information:

- o **Characteristics of Deaf and Hard of Hearing Students in Four Special Education Program Types**
Source: 1992-93 Annual Survey of Hearing-Impaired Children and Youth
- o **National Association of State Directors of Special Education Liaison Bulletin**
Dated: September, 1992
- o **Federal Register: Part VI - Department of Education, Deaf Students Education Services; Policy Guidance; Notices**
Dated: October 30, 1992
- o **Report on State Salaries for Speech Pathologists, Audiologists, and Occupational Therapists**
Dated: June 30, 1993
- o **Programs Serving Deaf and Hard of Hearing Students**
Source: American Annals of the Deaf (April 1994)
- o **Different governance options**
 - * **Maryland School for the Deaf**
 - **Organizational Chart**
 - **Paper entitled, "What is Full Inclusion?..." (by James E. Tucker, Superintendent)**
 - **Bilingual Education Policy Statement**
 - * **North Carolina Schools for the Deaf**
 - **Appropriations from the 1994 General Assembly (Benefiting the Deaf and Hard of Hearing)**
 - **Executive Order No. 47 (Board of Education for the Schools for the Deaf)**
 - **School Board of Education for NCSD Proposal**
 - **Paper on Division of Services for the Deaf and Hard of Hearing**

- o **Burnaby South Secondary School in Burnaby, British Columbia**
 - **Thinktech Thinktank 2 (Excerpts from the October 14-16, 1993 Proceedings)**
 - **A report to School District No. 41 (Pre-Implementation Document)**
- o **"Deaf Is Beautiful" article in The New York Times Magazine by Andrew Solomon**
Dated: August 28, 1994 (Section 6)
- o **Act of Incorporation - Chapter 247 (Passed March 22, 1867) - "AN ACT to establish and incorporate an Asylum for the Deaf and Dumb, of the State of Maryland**