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REPORT OF THE SPECIAL REVIEW TEAM  
AND RELATED REPORTS  
ON THE GOVERNOR BAXTER SCHOOL FOR THE DEAF

JULY 1982

DEPARTMENT OF EDUCATIONAL & CULTURAL SERVICES

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REPORT OF THE SPECIAL REVIEW TEAM  
AND RELATED REPORTS  
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TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION .....	1
A. Overview Of The Investigation And The Report .....	1
B. Scope And Goals Of The Investigation .....	3
C. Investigative Methodology .....	
1. Personnel .....	5
2. Process .....	5
D. Special Contextual Problems .....	7
II. THE EDUCATIONAL PROGRAM .....	12
A. Introduction/Overview .....	12
1. Summary of Activities; Methodology .....	12
2. Services Available; Reviewed .....	15
B. Referrals to GBSD .....	17
C. Student Evaluations .....	19
D. The Pupil Evaluation Process .....	26
E. Individual Educational Plan .....	28
F. Classroom Observations .....	39
G. Educational Records .....	41
III. THE RESIDENTIAL PROGRAM .....	44
IV. PARENT PERCEPTIONS .....	55
V. STAFF PERCEPTIONS .....	65
A. Introduction/Overview .....	65
B. Academic Staff .....	65
C. Residential Staff .....	69
D. Support Staff .....	72
E. Former Staff .....	77
VI. GBSD AND THE "LEAST RESTRICTIVE EDUCATIONAL ALTERNATIVE" .....	78
A. Introduction/Overview .....	78
B. Findings .....	79
1. The Legal Framework Governing Education of the Deaf .....	79
2. Critics and Defenders of GBSD: Past and Present .....	82
3. GBSD Placements and Parental Consent .....	85
4. The GBSD "Mainstreaming Policy" .....	85
C. Conclusions and Recommendations .....	89

VII. STUDENT PRIVACY RIGHTS AND STAFF RESPONSIBILITIES .....	92
A. Introduction/Overview .....	92
B. Findings .....	92
C. Conclusions and Recommendations .....	93
VIII. STUDENT BEHAVIOR AND DISCIPLINE;	
TREATMENT AND MISTREATMENT OF STUDENTS .....	95
A. Introduction/Overview .....	95
B. Findings .....	96
1. Sexual Intimacies between Staff and Students .....	96
2. The Use of Unreasonable Physical Force against GBSD Students. ....	97
3. Student Behavior and Discipline at GBSD .....	99
C. Conclusions and Recommendations .....	102
IX. ORGANIZATION AND ADMINISTRATION AT GBSD .....	103
A. Organizational Structure And Administrative Roles .....	103
B. Employment Practices .....	109
1. Hiring .....	109
2. Teacher Evaluations .....	110
3. Substitute Teachers .....	112
4. "Additional Duty Payments" .....	114
5. Certification and Licensing of Professional Staff .....	115
6. Staff Housing Accommodations .....	118
7. Complaints of Discrimination in Employment .....	120
C. Staff Development And In-Service Needs .....	124
D. Miscellaneous Issues .....	129
1. Faculty Salaries .....	129
2. Existing Job Titles and Job Descriptions .....	132
3. Positions and Placement in Bargaining Units .....	135
X. PHYSICAL FACILITIES .....	136
A. Introduction/Overview .....	136
B. Fire Safety Standards .....	136
C. Sanitation Standards .....	137
D. Section 504 Accessibility Standards .....	137
E. Suggestions For Improvements .....	139
F. Special Health Hazards .....	140
XI. AUDITORS' REPORT .....	141
A. Introduction/Overview .....	141
B. Findings .....	141
C. Conclusions And Recommendations .....	142
XII. THE ROLE OF THE DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES IN SUPERVISION OF THE GOVERNOR BAXTER SCHOOL FOR THE DEAF .....	143
A. The General Supervisory Role Of DECS .....	143
B. DECS Responses To Complaints, Charges About GBSD .....	147
C. Conclusions And Recommendations .....	160
1. Conclusions .....	160
2. Recommendations for Future Oversight by DECS .....	163

## I. INTRODUCTION

### A. Overview Of The Investigation And The Report

The Governor Baxter School for the Deaf, on Mackworth Island in the Town of Falmouth, is both the successor to a school for the deaf established in 1897 and the special gift of former Governor Percival P. Baxter. It was established by act of the Legislature "to be devoted to the education and instruction of deaf children."<sup>1/</sup> By law the State has "the entire charge, responsibility and expense of maintaining the school" and 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."<sup>2/</sup>

Prior to 1972, the Governor Baxter School for the Deaf ("GBSD" or the "School") <sup>3/</sup> was operated as part of the Department of Institutional Services and later, the Department of Mental Health and Corrections. Responsibility then shifted to the Department of Educational and Cultural Services ("DECS" or the "Department").<sup>4/</sup>

Since 1961, Joseph E. Youngs, Jr., has served as superintendent of the School. He has been assisted, since 1967 by Robert E. Kelly, first as assistant superintendent and, more recently, as director of academic affairs. As a result of action taken by Associate Commissioner Larry Pineo under direction from Harold Reynolds, Jr., Commissioner of DECS, Mr. Youngs was asked on November 24, 1981, for his resignation. He tendered his resignation on January 26, 1982, effective at the end of the school year.

Allegations published in the February, 1982, edition of "Coping", the newsletter of the Maine Association of Handicapped Persons, publicly accused administrators and employees of GBSD with mistreatment of students, including assault by staff members and sexual contacts between staff and students. Former staff of the School also complained of poor management practices affecting both staff and students and of inappropriate educational policies for the education of deaf children. The publication also suggested that the Department had failed to take timely action on known child abuse. (Subsequent newspaper publications made similar allegations).

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<sup>1/</sup> 20 M.R.S.A. § 3122(4). See also, P. & Sp.L. 1897 c. 446 and P. & Sp. L. 1953 c. 44.

<sup>2/</sup> A discussion of the School's special education program is found in Section II. An exploration of the Department's role in supervising the School is found in Section XII.

<sup>3/</sup> The earlier name was the Governor Baxter State School for the Deaf. This was changed to the present name after a request by school students to a legislator.

<sup>4/</sup> P.L. 1971 c. 610, An Act to Reorganize the Department of Education.

<sup>5/</sup> The events leading to this request and resignation are detailed in Section XII.

Before actual publication of the "Coping" article, but with knowledge of its imminent release, Harold Raynolds, Jr., DECS Commissioner, took two administrative actions. Because of the seriousness of the charges of child abuse, and concern for the safety of children should the allegations later prove to be true, <sup>6/</sup> he immediately relieved the two top administrators of their duties at the School, replacing them with an interim acting superintendent. Also, he directed the undertaking of a comprehensive administrative investigation into the allegations. Almost simultaneously, the Governor requested an investigation by the Attorney General.

Commissioner Raynolds appointed David Noble Stockford, DECS Director of Special Education, to be coordinator of a Special Review Team for the administrative investigation. An immediate review of educational records at the School was begun by the three persons comprising the "education review team," a component of the Special Review Team. Meanwhile, work began on an overall design for a comprehensive review of the School and its operations and, most particularly, the allegations of child abuse.

As the dimensions of the investigation were defined, the Commissioner contracted with Bobbi Kamil, Ph.D., a special education consultant with the New England Resource Center in Burlington, Vermont, to serve as on-site coordinator of the administrative investigation. The Commissioner believed this appointment was necessary to afford adequate time for planning, supervision, investigation and compilation of the Team's efforts and also to offer a knowledgeable, but disinterested, perspective of a professional educator neither employed by nor attached to DECS or any State agency.

Under the direction of Mr. Stockford and Dr. Kamil, the scope of the administrative investigation--including its goals, and methodology--was delineated. This plan for the review was presented at various times, to

- parents of GBSD students,
- the Legislative Committee on Education,
- the Legislative Committee on Health and Institutional Services,
- the Maine Advisory Panel on the Education of Exceptional Children,
- the Maine Developmental Disabilities Planning Council,
- the Maine Parents of the Hearing Impaired,
- the staff of GBSD, and
- the Maine Deaf Consumers.

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<sup>6/</sup> Departmental employees Larry Pineo and Beverly Trenholm took charge of the School for several weeks, alternating these duties with their regular responsibilities. Meanwhile, the Commissioner sought a person who could devote full-time to the responsibilities occasioned by the absence of two administrators. Dr. Pamela Tetley, a former DECS employee with a doctorate in special education, was hired for the task after she applied for a regular position in the Department. Later, Barbara McGough, a certified Teacher of the Deaf and administrator of an educational program for the deaf in the Portland school system, was hired on a part-time basis as acting director of academic affairs.

This administrative investigation was to culminate in a comprehensive report to the Commissioner, with specific findings and recommendations for possible changes in policies and practices at the School. Additionally, information uncovered by the Team, as well as information from the Attorney General's investigation and any from Human Services child protective workers would be used as the basis for any necessary and appropriate disciplinary action against School employees.

The report was not intended, however, as a full exploration of the various philosophies of educating the deaf and hearing impaired, although this was a concern raised by some public complaints. Instead, where a discussion of the topic was relevant to the immediate assessment of the program within the framework of a special education review, it was included. A more in-depth exploration, however, was left to the special Advisory Committee on the Future of Governor Baxter School for the Deaf, which the Commissioner planned to appoint. (After the administrative investigation began this Advisory Committee was appointed, and has already begun work.)

#### B. Scope And Goals Of The Investigation

The charge to the Special Review Team was to investigate all known allegations-- both general and specific-- relating to the Governor Baxter School for the Deaf. This included any complaints or allegations made publicly by any persons as well as complaints or concerns raised during the investigation by parents, alumni, staff, former staff and any other persons. Complaints, both oral and written, were given to the Team by the Commissioner, the Governor and legislators.

An overall design plan was sketched by the coordinators, with revisions (as appropriate) throughout the term of the investigation. In brief, the scope of the administrative investigation was as follows:

1. Assessment of the educational program: investigation of particular educational issues and concerns, including:
  - a. appropriateness of the School's program for deaf students;
  - b. compliance with the intent and spirit of applicable laws on "least restrictive educational alternatives" for deaf and hearing-impaired students;
  - c. compliance with special education requirements for individualized student assessments and program plans, placements, programming and re-evaluations;
  - d. cooperation with local school administrative units;
  - e. adequacy of communication with parents concerning student progress;
  - f. compliance with requirements on record-keeping (confidentiality and parental notice, access);
  - g. qualifications of teaching, professional staff.
2. Assessment of residential life, dormitory operations, including:
  - a. supervision and leadership in the dormitories;
  - b. disciplinary policies and practices toward students;
  - c. communication between residential and academic staff;
  - d. parental participation in residential life;
  - e. communication between houseparents and parents;
  - f. general quality of residential life.

3. Review of general management and operations of GBSD employment practices, specific allegations of misconduct, including:
  - a. fiscal management;
  - b. inventory of state-owned property;
  - c. hiring practices (recruitment, decision-making, possible discrimination);
  - d. sufficiency of in-service training, orientation for employees;
  - e. general supervision, management style and practices of administration, middle level supervisors;
  - f. organizational structure, organizational needs;
  - g. communications among staff, morale of staff.
4. Review of physical facilities, including:
  - a. compliance with current fire safety standards;
  - b. compliance with current sanitation and health standards;
  - c. compliance with "section 504" accessibility standards.
5. Issues, complaints relating to students, including:
  - a. disciplinary policy, compliance with legal prohibition against unreasonable physical force;
  - b. specific allegations of physical and sexual abuse of students by staff members.
6. Review of role of Department of Educational and Cultural Services, including:
  - a. the general legal supervisory responsibilities relating to GBSD;
  - b. implementation of the DECS supervisory role generally and its responses to specific complaints and allegations of misconduct in the recent past.

The goal of the Team coordinators was to complete an investigation as thorough as possible within a reasonable time frame, to report findings to the Commissioner, and to make recommendations with respect to possible changes in policies and procedures at the School and in the Department. Simultaneously, the coordinators were to review all the data gathered by members of the Team, to assess the facts reported, and to make recommendations to the Commissioner concerning any disciplinary action to be taken against specific employees.

The scope of the investigation was defined, in part, by the applicable laws and regulations concerning all special education programs in the state and GBSD in particular. Although it was quite clear that some vocal critics were intent upon closing the School (alleging it was an outmoded and inappropriate educational program for the deaf), the Special Review Team did not intend to assess or debate the various philosophies of educating the deaf or to make any recommendations concerning the future existence of the School. The Team understands that the School exists under legislative authority to serve as one of many alternatives for educating deaf children under Maine's special education law.



The Commissioner, having no authority to close the School, directed the Team to review and assess the operation of the School within the given framework of existing standards and procedures on special education. Any decision to close the School would rest only with the Legislature. Moreover, the larger debates on various philosophies of educating the deaf would be left to the Advisory Committee on the Future of Governor Baxter School for the Deaf.

## C. Investigative Methodology

### 1. Personnel

In general, the Team's guiding principle was to use as investigators those persons available to the Department who were experienced and knowledgeable in the particular areas of concern. The coordinators decided to employ, where available, persons outside DECS, to assure the objective and candid observations and recommendations. Personnel on the Special Review Team and others who undertook independent, but related, investigations or who were available for consultation to Team coordinators came from the Department of Human Services, (including residential facilities licensing, health and sanitation personnel); Department of Public Safety (Fire Marshal's office); State Auditor; independent special education consultants and hearing officers on special contract to DECS and the Attorney General's Office (General Government Division). (See Appendix 1).

### 2. Process

Team coordinators adopted several guiding principles for the investigation. First, all 112 employees of the GBSD would be interviewed by at least one Team member. The coordinators felt it was important to talk with every GBSD employee, whether or not the employee sought an interview and whether or not the employee was believed to have any knowledge of specific allegations. Because the investigation was concerned with the School's general operations and programs, it was imperative that every GBSD employee have an opportunity to speak to the broad issues. It was also important that every employee be questioned as to his/her knowledge of the treatment --and possible mistreatment-- of School students.

Second, the coordinators believed it was important to be available to parents who indicated an interest in, knowledge of, or concern about the School generally or about specific allegations. The education team reviewed school records and newspaper clippings to select certain parents for interviews. The team also made extra efforts to be available for parent interviews at the School, at times when parents would be there to pick up or leave off their children on weekends, vacation days and evenings. The team made every effort to let parents know of their availability and to arrange interviews to meet all requests.

For interviews of GBSD employees and parents, the Team prepared several interview "protocols". These were patterned after and adapted from the formats generally used by DECS for special education reviews of public and private programs. The protocols for residential support staff (nursing staff and house-parents) were adapted from special education reviews and the licensing reviews of private residential facilities undertaken by the Department of Human Services. Still other questions were planned as a response to the allegations which had originally appeared in early February and others published subsequently. The protocols ensured a uniform approach by Team members to all employees and parents and coverage of all essential questions. The combination of specific questions and open-ended inquiries was intended to obtain the most information possible,

afford flexibility for the interviewers, and give the maximum opportunity to interviewees to respond and give any information they believed relevant to the investigation. Interviews were between 20 minutes and 2 hours in length. The full 112 employees and other persons were interviewed. (The protocols appear in Appendices 2, 3, 4, and 5.) In addition to general questions regarding their duties and their impressions of the GBSD program and management, all employees were asked a series of questions about current GBSD administrators and alleged physical and sexual mistreatment of students currently and formerly enrolled.

Part of the education team's task included a comprehensive review of individual student records, involving the reading of complete files of 58% of the current student body. The education team also contacted and interviewed special education personnel at local public "sending" schools for their perspective on the process and program at GBSD. This, again, was patterned after the usual DECS special education review process.

Investigation into the allegations of physical and sexual abuse involved cooperation with the criminal investigators of the Attorney General's Department. After the Governor requested an investigation into child abuse allegations by the Attorney General, a joint meeting of representatives from the Department of the Attorney General and the Department of Educational and Cultural Services established that the criminal investigators would carry the investigation of child abuse. The Commissioner and the Team understood, however, that any findings made by the criminal investigators as to abuse by any GBSD staff member would be reported to the Team in a timely manner so that immediate disciplinary action could be undertaken. Any decision by the Attorney General as to criminal prosecutions would, of course, remain with that Department and would be a decision independent of any DECS disciplinary actions.

It was also agreed by representatives of both Departments that, where Team members learned of any new allegations of abuse, or encountered potential witnesses to incidents of abuse, they would forward these leads to the criminal investigators. As a result of this arrangement, some complainants were not interviewed by the Team, but instead by the criminal investigators. Others, however, were interviewed by investigators from both the criminal and administrative teams, if the Team determined that additional information was necessary for administrative purposes.

A representative of the child protective services program of the Department of Human Services attended, at the coordinators' invitation, the first meeting of the Special Review Team. Team coordinators explained their intention to cooperate with the Attorney General's investigators in forwarding all indications of criminal conduct and to refrain from duplicating their efforts. It was decided that any allegations or suspicions of possible abuse which the Team uncovered which were not forwarded to the criminal investigators would be referred to Human Services for investigation.

A review of GBSD personnel records, DECS records relating to GBSD and other records concerning the operation of the School was undertaken by Team members in conjunction with their particular tasks.

In addition to interviews and record reviews, Team coordinators carefully delineated each public allegation. All individuals who had made complaints were questioned to ascertain the accuracy of factual allegations and to collect additional information. Additional witnesses were sought and in cases where a particular event was witnessed, attempts were made to contact the witness for corroboration. Each person interviewed was asked if there were others available with information relevant to the investigation. Interviewees were also told that the Review Team was available to speak with anyone who could share experiences at the School.

Letters received by the Commissioner were scrutinized for further allegations, expressions of interest or factual statements. Those persons who appeared to have direct knowledge or substantial concerns were interviewed or offered interviews. Some students and former students who were linked with allegations of current child abuse were also contacted for interviews. The names of several students were referred either to Human Services or to the criminal investigators for further investigation. When the criminal investigators had completed interviews, a determination was made whether to re-interview the student.

Special care was taken in the interviews of deaf and hearing-impaired employees, students, former students and others. Although certified interpreters are available in Maine, Team coordinators sought to avoid using any person associated even remotely with the School or its alumni. Since the number of deaf and hearing-impaired persons in Maine is so small in total size, this consideration eliminated the possibility of a Maine interpreter. The coordinators chose an interpreter with comprehensive certification from Massachusetts.

The investigatory or inspection methods of those persons acting on request of the Team or the Commissioner were those usually employed. In short, the fire safety and sanitation inspections followed their normal inspection procedures and reports were issued in the usual manner. Similarly, the state auditors followed their usual procedures, while also investigating several points referred to them by members of the Commissioner's staff, members of the Team, or the criminal investigators. Their report followed the usual format for an audit.

#### D. Special Contextual Problems

It is not suggested here that this administrative investigation was an ordinary inquiry into the operation of a school. Although the Team borrowed review techniques from regular special educational reviews and Human Services licensing assessments --as well as other available techniques-- it was always concerned with very public and emotional allegations attributed to former students and staff. The very public nature of these complaints and charges posed special problems and extended the length of the investigatory process.

From the beginning, the publicity presented problems by creating real apprehensions on the part of parents and GBSD staff members, some of whom became convinced the School would be closing imminently.<sup>7/</sup> Not only the Commissioner and the acting superintendent (then Mr. Pineo), but also members of the Team, had to address these concerns before an elementary level of trust was established and interviews were possible. The Team and the Commissioner attempted to make clear one important fact about the investigation: namely, that no matter what allegations were proved or disproved, the Commissioner could not close the School.

At the start of the investigation, a number of parents informed the Commissioner and the Team that they intended to question their children at home during the February vacation concerning any instances of physical or sexual abuse. They stated they would make known any findings to the Team. It should be noted that no child was removed from the School as a result of the allegations or the investigation. With the continuation of the normal program, including scheduled vacation periods and activities, parental concerns focussed more on actions for the future of the School.

Alumni, however, remained very concerned throughout the investigation, including some who had been quoted publicly about problems at the School.

Finally, staff members expressed apprehension that the School would close during the summer, especially as a persistent rumor circulated toward the end of the school year. Acting Superintendent Tetley finally stated firmly in a memorandum in mid-May that school operations would continue as usual with no lay-offs, other than the usual seasonal changes, for the summer. This averted a threatened job action by some employees at the School.

Parents and staff members were also affected by the barrage of negative publicity concerning the educational philosophy and program at the School as well as accusations of child abuse. The Commissioner and members of the Team received complaints, especially in the beginning weeks of the investigation, from parents who insisted that their favorable comments about the School were being ignored by TV and newspaper reporters. Several stated that they were told that the station or newspaper was only interested in "complaints", not in positive remarks. Parents were advised that the Team could not affect media publicity, but that the mere numbers of reports favorable to or critical of the School would not determine the Team's findings. Parents were advised to send letters to the editor if they felt it was important to make their views public.

Although the Commissioner could neither prevent nor affect the continuing publication of critical allegations about the School, he did take steps to prevent the physical intrusion of the media into the School and to help the staff avoid becoming embroiled in a public controversy. Reporters were denied access to the School during school hours, except for limited excursions with the acting

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<sup>7/</sup> The Commissioner met one child's parents at the School within a day of his administrative actions; they had come to take their child home, believing that the School was to be directly closed and that state police were "swarming" over the island. Their apprehensions were calmed when they arrived and found a normal atmosphere and a functioning school. They left their child enrolled at the School. In fact, no parents removed their children from the School during the investigation.

superintendent. Staff members were instructed not to talk with the media representatives during work hours. In addition, the Commissioner strongly urged that staff members refrain from public statements at other times. These steps were taken to reduce the danger of interference with the educational program and to avoid publicity concerning current students. Also, the Commissioner wanted to prevent interpersonal tensions among the staff which would result if any "went public" with critical or favorable comments. Also, he wanted to protect staff members from any legal difficulties which could result from public remarks which were critical of particular persons. (See Appendix 6) The goal was to encourage maximum communication to the Team.

Because anxiety levels among some GBSD employees were so high in the first few weeks of the investigation (which for several weeks concentrated only on student records), the start of interviews was delayed until the Team could talk with employees in groups about the scope and process of the investigation. This effort was necessary because the interviews would be worth little if employees said very little in the way of describing programs and practices at the School.

An early question concerned possible contractual (union) limitations on the administrative investigation. Consultations with the Governor's Office on Employee Relations and discussions with union (MSEA and AFSCME) representatives clarified the appropriate contractual procedures. MSEA and AFSCME representatives were cooperative and took steps to assure members that the Team was aware of the contractual procedures governing interviews.

Since it was not possible to meet with all employees at once, because of their various duties and schedules, the Team met with each group (academic, residential and support staff) separately. Even this procedure created a problem, however, because the three meetings were not held simultaneously and some employees felt for awhile that they would be left out.

The regular responsibilities of Team members (which ranged from consultations elsewhere, collective bargaining, division administration, and licensing investigations) also resulted in some scheduling problems. The Team coordinators felt, however, that the Team members, as originally organized should continue with the investigation, that it was better to have a relatively small number of persons who were well-informed than a larger number of interviewers.

Logistical problems were presented by the staff assignments of houseparents, maintenance and infirmary personnel who worked weekends and at nights. To meet these people on their "home ground", the Team worked weekends, nights and many odd hours to accommodate the staff and to afford open-ended interviews.

The sheer numbers of people involved in the two investigations was obviously wearing on the GBSD staff. Logistics alone were a problem, as investigators used rooms which faculty ordinarily used, resulting in understandable complaints.

Additional difficulties were posed by the urgency of requests for action by some parents --one group wanted a great many changes to take place immediately at the School--and the equally firm opposition by other parents who plainly disassociated themselves from these requests. Although the immediate problem of

responding to the views of both groups of parents<sup>8/</sup> fell on the acting superintendent, the Special Review Team's efforts were also affected. The Team wanted all available parental observations and requests to be presented to Team members for a comprehensive analysis of parental perceptions on the School. To make changes at the School --either sooner or later-- based upon the "demands" of one parent group could alienate other parents and members of the staff and cause --rather than solve-- problems. Parental concerns were handled in a number of ways. First, the acting superintendent arranged for meetings between parents and staff members (not restricting these meetings to any particular parents) and, from these meetings began work on some policy changes at the School. The Commissioner appointed two "parent" representatives to the Advisory Committee on the Future of GBSD, and all parental observations, requests and "demands" were funneled directly or indirectly to the Special Review Team.

A newspaper's publication<sup>9/</sup> concerning the "widening" of the "Baxter probe" to include Human Services created some confusion among GBSD staff members who came to believe that they would be subjected to a third investigation team's efforts. In fact, Human Services representatives (both child protective and licensing) had been working directly or indirectly with the Special Review Team since February, at the request of the Team. The publication of comments attributed to a child protective worker, indicating the possibility of prosecution of GBSD staff members for failure to report child abuse provoked some concern among the Team that a staff member with any knowledge of abuse would be reluctant to reveal it for fear of incriminating himself.

After consultation with the Commissioner of Human Services and the Attorney General's Office, Commissioner Raynolds issued a memorandum to all GBSD employees on the subject of child abuse and mistreatment. In that communication, he stated any abusive or sexual mistreatment of students --even beyond the statutory definition of "abuse", assault or sexual misconduct-- would be cause for dismissal. He also established a "grace period" of a week during which GBSD staff members could report any instances of prior abuse or mistreatment of which they had knowledge without fear of prosecution or administrative action. The Commissioner made clear that both prosecution and disciplinary action against employees could result at a future time, if it were learned later that any employee with knowledge of abuse had failed to report it. (Appendix 7 ).

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<sup>8/</sup> This does not mean that all Baxter parents fall into one of two groups. However, it was clear that the formation of one group, Concerned Parents of the Hearing Impaired, which held several meetings and press conferences, did result in reactions among other parents who did not agree with the group's views as reported in the press.

<sup>9/</sup> The newspaper article apparently resulted from a conversation between the reporter and a child protective services worker in which the reporter called to report several alleged instances of child abuse. According to the Human Services employee, she had no idea she was being interviewed and treated the conversation as a typical confidential report of abuse. The reporter purportedly related three instances of abuse to her, commenting that she was not likely to receive the information from the Department. He made no report of the alleged abuse to the Commissioner or the Special Review Team. All these allegations were already known to the Team and under investigation by the Attorney General's staff.

Although the Team received good cooperation from parents, alumni, and former staff members, occasional resistance was evident. This surfaced when people believed they had already been interviewed by the "Attorney General" or "state police" "several times". In fact, they had been interviewed by reporters, and not by investigators, but having expressed their views, they did not want to talk any more. Also, some former students stated, through the Team's certified interpreter, that they had been misquoted in Copping, either through the interpreter or the reporter's efforts, and had apprehensions about further interviews.

The Team is in agreement that the staff at GBSD functioned well and professionally under very unusual and trying circumstances.

A pleasant frustration for the Team was that the very fact of the investigation-- along with the administration of Dr. Tetley-- was already changing some practices at the School. Since the original interviews of staff members, the acting superintendent has made a number of changes at the School, to which this report makes reference. Similarly, contacts with local school officials whose children are at GBSD resulted in their communication with the School's principal--to inquire about their own responsibilities for GBSD students.

The Team's major objective was to establish its credibility with all persons who had an interest in the School. They wanted especially to make known their intention to proceed in an open-minded and fair manner. In the interviewing process they sought to convey to employees, parents, and others that, while the allegations provided a sufficient reason for investigation, the Team intended to approach their task with no pre-conceived conclusions. This was important because complainants on the one hand, including parents, former staff and students and some current GBSD staff members, appeared to believe that a statement of their complaints alone was sufficient to bring about policy changes and disciplinary actions. On the other hand, supporters of the School and its administration, including other parents, former staff and students and current staff members, were apprehensive that the Commissioner would not hear "the other side". Neither group appeared to understand the complexities involved in an administrative investigation into misconduct and the limitations --in the form of due process standards and procedures-- which would govern any disciplinary actions against specific employees. The Team, in short, made every effort to conduct an investigation --and to appear to conduct an investigation-- that was neither a whitewash nor a witch-hunt, but an honest attempt to explore and assess all relevant complaints and information.





## II. THE EDUCATIONAL PROGRAM

### A. Introduction/Overview

#### 1. Summary of Activities; Methodology

The education team began its review of the educational program at the Governor Baxter School for the Deaf on February 4, 1982. It was determined that the Special Education Program Review format generally used by DECS would be utilized in modified form. Record review formats and staff and parent interview protocols were developed.

The education team in the initial phase of the review inspected elementary, middle, and secondary pupil records. This involved reading comprehensive records containing hundreds of pages on each student. A summary of those reviewed is as follows:

<u>Type of Student</u>	<u>Number of Students</u>	<u>Percentage of Student Population</u>
Elementary	20	57%
Middle	19	59%
High School	23	56%
Multi-handicapped	5	100%

During the second and third weeks, the entire academic staff was interviewed according to the interview 'protocol'. (Appendix 2)

<u>Interviews With GBSD Staff</u>	<u>Number</u>
Interview with GBSD Principal	1
Interviews with special service personnel (psychologist, psychiatrist, audiologist, dean of students, occupational therapist, physical therapist, bilingual project director, librarian).	9
Interviews with head teachers	3
Interviews with 'teachers of the deaf'	19
Interviews with other teachers	3

Also during this time, individual interviews were conducted with parents at their request. This was followed by team-initiated telephone interviews with parents randomly selected from the parent list provided by the school and others selected because of public statements. These were conducted according to the parent interview 'protocol'. (Appendix 5).

<u>Interviews With Parents</u>	<u>Number</u>
Interviews with parents of present students (in person)	22
Interviews with parents of present students (by phone)	53
Interviews with parents of former students	3

The review continued with contacts made at 13 local public school units whose students are placed at GBSD (either as day or residential students). The local school contacts included personal visits and telephone interviews.

<u>Interviews with Public School Personnel</u>	<u>Number</u>
Personal visits to public school systems	11
Phone contacts with public school systems	13
Student records reviewed (personal visit)	43
Student records reviewed (by phone)	24

In addition, the team made 21 classroom visitations to observe the implementation of individual education programs.

Informal discussions with staff were undertaken to gain further insights into the day-to-day educational program at the School. The education team also reviewed all the curriculum materials provided by GBSD as well as the September, 1981, accreditation report of the Conference of Educational Administrators Serving the Deaf. The credentials of the GBSD education staff were reviewed with the Division of Certification of DECS and the Council on Education of the Deaf, Tucson, Arizona.

The team also consulted with Dr. Lee Murphy, Dean of the Model Secondary School for the Deaf, Washington, D.C., Dr. Peter Blackwell, Superintendent of the Rhode Island School for the Deaf and Dr. Thomas Gillung, Director of Special Education, Connecticut Department of Education. Telephone consultation was conducted with Carolyn Ewoldt, research specialist at Gallaudet College, Washington, D.C., and Richard Kretschner of the Special Education Department, University of Cincinnati, Cincinnati, Ohio.

A review of current literature on education of the deaf provided additional information and guidance on aspects of educating deaf students.

Although the special education review undertaken by the education team was unusual, because of the context and impetus of the review itself, the team was treated courteously and professionally by the academic staff and office personnel. The education team expended 397 personal hours on the review. On the whole, the education team noted a genuine concern for children and for the provision of quality services.



## 2. Available Services; Reviewed

The general academic program at the Governor Baxter School for the Deaf consists of three levels: elementary, middle, high school.

<u>Program</u>	<u>Head Teacher</u>	<u>Number of Students</u>	<u>Homeroom</u>
Elementary	1	35	6
Middle	1	32	5
High School	1	41	4
Multi-handicapped		5	1 (self-contained)

The primary level classrooms in the Elementary Department are self-contained, with each teacher responsible for all subject areas.

The Middle School Department is in part departmentalized with two levels. There are two teachers basically sharing the responsibility for the AB level, with three teachers responsible for the CDE level.

Secondary teachers in the High School Department are basically teaching individual subjects or combinations of subjects such as: language and reading, home economics, social studies, math, English and reading, art, industrial arts, and graphic arts. Several of the secondary teachers also teach classes to middle school students.

There is a self-contained program for the multiply handicapped students. This program services five students with one full time teacher.

In addition to the basic academic programming, programs are provided in the following areas. Pre-vocational/vocational, art, physical education, home economics, and business and career education.

There are related/special services provided at the Governor Baxter School. These services included: speech, mental health (psychological testing, consultation, counseling), tutoring, physical and occupational therapies, audiological, bi-lingual program, Preschool Institute, diagnostic/outreach services, and health services.

The present speech program is known as a speech maintenance program. Services are provided by one professional who works with 40 high school students, 15 middle and 10 elementary department students. The speech maintenance teacher also provides consultation to staff as needed.

Mental health services are provided by three professionals: a school psychologist (full time), a Dean of Students (full time), and a consulting psychiatrist (contracted 1/2 day per week). Information as to numbers of students receiving these services was not available at the time of this review.

Tutorial services are the responsibility of one staff person who serves as tutor and substitute teacher. In the tutorial role, nine children are served, no more than three at any one time.

The services of the physical therapist and the occupational therapist are contracted for one half day, five days per week each. Six children receive both physical and occupational therapy. In addition, three students see only the physical therapist, and two children are seen individually by the occupational therapist.

Audiological services are provided for all GBSD students. Evaluations of all students are conducted on a regular basis, at least annually. The responsibility for audiological services rests with the full time audiologist.

The bi-lingual program, Franco-American Children's Education Team was begun in February, 1982, funded by a Federal grant under Title VII Bilingual Education Program. The project serves children of Franco-American heritage and their families. Approximately 25% of the school students are involved in this program.

The preschool program is designed to meet the needs of young hearing impaired children and their families. The Parent-Preschool Institute is a one week, live-in summer session at the Baxter School. Services offered are parental instruction in language development, speech-reading, speech development, and care and use of hearing aides.

The Diagnostic and Consultation Team provide, upon request, outreach services to local education agencies. These services may include visits to public schools to provide information, in-service training, resource materials and consultation help in planning educational programs. Diagnostic evaluations may be provided as part of the Team's service.

## B. Referrals To Governor Baxter School For The Deaf

### Introduction/Overview

The education team's goal was to ascertain how referrals were made to GBSD and for what purposes, specifically referral sources that led to the admission of students to GBSD. Information was provided through the review of student records and interviews with parents and local school representatives.

Since 1973 Maine's special education statutes and regulations have assigned the responsibility for placements with school administrative units. Each school unit must establish procedures to ensure that all "exceptional" children within its jurisdiction are located, identified, and evaluated. These "childfind" procedures must be sufficient to ensure that all exceptional children between the ages of 3 and 5 years and between the ages of 20-21 years are identified.

### Findings

Data indicates that student enrollment at GBSD in recent years has resulted from referrals by a number of sources: local schools, parents, recommendations of speech and hearing centers, social workers, private speech therapists, public health nurses, friends of parents, members of a religious order, and direct contact by the GBSD staff.

The following table provides a breakdown of referral sources:

Phone and Personal Interviews	Prior to 1973	1974	1975	1976	1977	1978	1979	1980	1981	Total
L.E.A.	1	0	0	1	1	1	1	1	4	10
Parents	16	3	4	1	3	1	2	1	2	33
Other <sup>10/</sup>	20	2	3	2	2	0	1	2	0	32
Total	37	5	7	4	5	2	4	5	6	75

<sup>10/</sup> Social worker, speech/hearing clinics, religious order member, public health nurse, speech therapists, other parents, Baxter School.

Local schools, according to parent interviews, had little involvement until 1975, and from 1976-1980, only minimal involvement as a whole. Referrals initiated by parents and others have continued at approximately the same rate. There is evidence that students have been enrolled at GBSD without completing the PET/IEP process in local schools as required by special education laws and rules.

For the past six years, the GBSD Parent-Preschool Institute has served approximately 10 children and their parents annually in a one week live-in program, thus offers training and counseling to parents of pre-school age children.

The education team found no evidence that GBSD notifies local administrative units or the regional preschool coordination programs such as Project Co-Step when a parent brings a child to the Parent-Preschool Institute.

#### Conclusions and Recommendations

The variety of referral sources initiating enrollments and the level of participation in the parent-preschool institute illustrates the general recognition GBSD has as an education center for children who are deaf or hearing impaired and their parents. The lack of a notification system concerning the pre-school program means that local schools may have no knowledge of a deaf or hearing-impaired child for whom they are responsible. This omission may result in parents not being aware of programs or services available in their home areas. The lack of an initial notification system for school-age students results in varying degrees of involvement of the local school system responsible for the student.

A notification procedure to ensure school administrative units are made aware of referrals to GBSD should be implemented. This should include all pre-school children age 3 to 5. Those children 0 to 3 should be referred to the Division of Special Education, DECS.

The concerns with school age children are addressed in more detail in this report in the Pupil Evaluation Team section.



## C. Student Evaluations

### Introduction/Overview

As part of the Pupil Evaluation Team (P.E.T.) process, and prior to development of an Individualized Education Program (I.E.P.) for a student, each exceptional child is evaluated. Special education rules require that no single evaluative or diagnostic procedure or source of data be the sole criterion used to determine a student's special education placement or program.

While special education regulations also require that each student be evaluated at least once every three years, the law governing the GBSD requires an annual evaluation be conducted by GBSD of each student, with the results being sent to the local school unit.<sup>11/</sup>

Since evaluations provide the basis for development of an individualized education program, or the modification of an existing program, they are important components of any educational program. Not only must the extent of hearing impairment be assessed, but other handicapping conditions should also be identified.

Available statistics illustrate that about 25 percent of all hearing impaired students have other educationally significant handicaps.<sup>12/</sup> The most frequent handicapping conditions are mental retardation, emotional/behavior problems and specific learning disabilities.

An extremely important step in documenting the needs of any student is the summary of all assessments. The summary serves two important purposes. First, it provides the P.E.T. with the necessary documentation with which it can recommend a specific educational program; and second, it provides the necessary data to begin development of I.E.P. Such evaluation data become the basis for placement decisions concerning a student.

The following areas are discussed under the subsection on Findings.

1. In-take, preplacement evaluation necessary for IEP development
2. Ongoing evaluations
3. Summary of evaluations
4. Selected case histories from the review of student records.

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<sup>11/</sup> 20 MRSA § 3122.(4)

<sup>12/</sup> See, Office of Demographic Studies, Gallaudet College, June 1980, Series R, No. 7

## Findings

1. In-take: The review of GBSD student records found that a variety of assessments have been used as pre-placement evaluation instruments at the School. Some of these are: Differential Developmental Scale (preschool program), audiometric evaluation, family history summary, speech therapy summary from outside agency, parent interview, early receptive language evaluation, and in some cases, an assessment of intellectual functioning. The instrument used to assess a student's ability has been the Wechsler Intelligence Scale for Children-Revised in the years 1974, 1975, 1976, and 1979. Also the Coulored Progressive Matrices (Ravens) were used in 1979.

The records of more recent admissions to the School have more in-depth evaluation data. At present, however, as in past years, there is a great deal of inconsistency. The education team has reviewed records of some students who have been at the School for 10 to 12 years and find no record of any individual assessment of intellectual potential in 25 percent of the files. The education team also found little evidence of any individual evaluations of reading skills. In a very few records, a Woodcock Test of Reading Mastery was found.

When testing was done, the Team found, protocols existed without dates, without a named examiner, without written summaries, and without recommendations for educational programming.

Where the examiner had made notations on the protocols - e.g. to repeat testing because of concerns relating to validity of test results, and the need to repeat testing for IEP development-the education team could not find any additional evaluations in the records of these students.

While the School's Diagnostic Team reported the use of a wide variety of tests, the education team was unable to document their consistent use. Two students, placed in the 1981-82 school year, received comprehensive evaluations; others have not. The education team found little evidence that proper provision has been made for identification of other handicaps through the evaluation process.

2. Ongoing evaluations: For the most part, there is little documentation in student records of comprehensive educational assessments for individual students. The education team noted that more recently (1980-81 and 1981-82) diagnostic procedures are more comprehensive, but there remain inconsistencies. The Metropolitan Achievement Test and the Stanford Achievement Test have been administered in the same school year, although more common usage is one standard achievement test every two years.

"Speech taping" is an activity of the speech coordinator (principal). This is done by making tape recording of each child's voice. Student records, however, do not contain any transcripts or evaluations of speech taping and there are no

reports of consultation with teachers related to these speech taping exercises.

In reviewing records from each of the three levels, the education team learned that 25 percent of the records contained no assessments of intelligence potential (ability).

While the records showed students making little or no progress in reading, no additional diagnosis of reading problems was made as part of the evaluation and process and testing is not current. (See Appendices 9, 10 and 11 )

3. Summary of evaluations: Summaries of evaluations were found in very few of the records audited, with the exception of those evaluations conducted by outside consultants. GBSD has not developed a specific form or format to use in reporting the results of diagnostic evaluations. The current form used to describe proposed evaluation instruments to parents who must, by law, consent before such evaluations are done, gives no description of the evaluation or diagnostic procedures to be used. There is evidence that parents are asked to sign this permission form upon admission of their children, a procedure inconsistent with special education requirements. And, it appears that actual testing, i.e., evaluation, is not done in some instances until after a student's admission.

4. Selected case histories of GBSD students: Case histories of seven students illustrate the problems in evaluations of and programming for seven school students. Students were selected (two from primary, two from middle, two from the high school and one recent, 1981-82, admission) as illustrative of problems found in other student records.

Student A (Primary School, age 11)

May 1981- Review of progress and IEP for 1980-81 states:  
"Student is functioning below grade level in all academic areas, is easily distracted and frequently behavior interferes with the learning process."  
Recommendations were that 1) "Student continue in present placement at GBSD," and 2) "Student be retained at present level."

The only evaluations in the records are the results of the SAT/MAT administered annually, with one exception: a Wechsler Preschool and Primary Scale of Intelligence (performance) administered in 1976 prior to admission. No evidence was found, of other individual educational assessments undertaken since this student's placement at GBSD. The results of the Wechsler Preschool and Primary Scale of Intelligence (performance) indicate average ability. (The SAT scores - May 1981 - Reading average 1.2, Language 1.0). There has been no evaluation to assess the attentional deficit or to determine the presence or absence of a possible learning disability.

When this student entered GBSD, an interview was held with the child's mother. The interview and a summary of impressions was written up by a member of the diagnostic team who noted that the parent reported serious problems with the child's balance and coordination. Despite this recorded observation and 15 accident reports on the child in five years, no specific additional tests can be found to assess this problem. The child receives neither occupational nor physical therapy.

#### Student B (Primary School)

This student was administered the Wechsler Preschool and Primary Scale of Intelligence (performance) in May 1979. Despite a recommendation for a retest in one year, there is no follow-up testing in the record.

A recommendation for follow-up occupational therapy evaluation in the fall of 1980 has similarly been ignored or no record made of it.

The PET in May, 1980, recommended three specific additional evaluations, but there is no record that any of these evaluations has been done. The 1981 PET reported the child's reading at a pre-primer level, difficulty with comprehension and recall. To date, however, there is no in-depth psychoeducational evaluation in this student's record. This student is not on the case load for occupational therapy or physical therapy.

#### Student C (Middle School)

This student was six when evaluated in 1975. The results of the assessments indicated a perceptual problem, a fact stated by the examiner. Despite this, there is no indication in this student's record of any remediation program, tutoring at the School or further evaluation. In the annual year end progress reports on this student, references were made each year to his behavioral problems and attention deficits. However, his IEP fails to address these needs in terms of counseling, behavior management or attention training.

From November 1977 to December 1981 this student's reading average declined from 2.2 to 1.9. No evidence can be found, however, of any diagnostic reading evaluation or testing to determining the presence of a learning disability.

#### Student D (Middle School)

This student has not been administered an individual assessment to determine ability since May 1975. No other individualized evaluations are present in this record. The only assessments indicated are MAT in the fall and the SAT in the spring. On the current IEP for the school year 1981-82, there are no specific special or related

services recommended in reading, speech or language. When administered the MAT in December 1981, the test median was K-9, reading average 1.6 and language pre-kindergarten. This student is 13 years, 5 months old.

Student E (High School)

In his 12 years at GBSD, the only individual assessments administered to this student were in November 1974: the Bender-Gestalt, House-Tree-Person and Wechsler Preschool and Primary Scale of Intelligence (performance). No written summaries are present in the records. The results indicate the student has above-average ability. The student's reading average (MAT, 12/81) is 3.6, but there is no evidence of an individual reading test ever being administered to this student.

Student F (High School)

This student is 17, and has completed 13 years at the School. He exhibits a history of low academic achievement and disruptive behaviors and is below-average in ability. In the record, there is no evidence of any individual evaluations being recommended until 1979. At that time, February 1979, a PET was held and neurological, psychological and vocational evaluations were recommended. In March 1979 the neurologist recommended that the student be changed from an academic to a vocational program. The vocational evaluation recommended placement at Abilities and Goodwill. The file has no evidence of a psychological evaluation being made. The student is still in the academic program at GBSD.

Student G (New Admission, 1981-82)

This student, age 14, and his family moved to Maine during the summer of 1981. A parent contacted GBSD and then the local school unit. A P.E.T. held in September, 1981, made two recommendations: (1) total evaluation at GBSD and (2) a second PET to recommend placement after the evaluation. The local school recontacted the GBSD administration in December 1981 and again in February 1982 requesting both the evaluation and the follow-up PET meeting. In the meantime, GBSD sent the local school an IEP its staff had developed at a meeting which failed to meet special education requirements (no local school person, or parent notification or participation). Not until March 1982 did the local school receive a summary of a WISC-R administered in October 1981. An audimetric evaluation had been conducted in September 1981.

In December, 1981, the Metropolitan Achievement Test results showed this students reading average as 1.9. Still, no individual diagnostic reading test had been administered at the time of this review.

## Conclusions and Recommendations

Some evaluations of students are done after placement at GBSD, instead of prior to the evaluation/PET/IEP process which should precede any placement at GBSD.

Evaluations have also been done without appropriate parental permission and parental notification; and these evaluations are not forwarded to the local education agency for consideration by the P.E.T.

Annual evaluations of all enrolled students are required by law. The evaluations which take place annually are essentially limited to an audiological assessment and achievement tests. The evaluation process at GBSD is restrictive; and lacks the comprehensive elements intended by special education law to identify all the needs of any handicapped student.

Recommendations for specific evaluations have not been followed up, evaluations appear to have been ignored, and academic assessments which indicate potential handicapping conditions have not been explored through evaluative tools.

The Team recommends immediate corrective action concerning all students whose records indicate deficiencies in process or substantive evaluations.

The Team also recommends that the GBSD Diagnostic Team establish a specific set of assessments to be used consistently for all proposed admissions. Some flexibility is permitted, of course, particularly if previously identified student needs have been recently evaluated and data is available to be included. This evaluation should include the following areas: 1) expressive language (written and spoken), 2) receptive language (written and spoken); 3) reading and academic achievement; 4) speech intelligibility; 5) speech perception skills; 6) audiometric evaluation; 7) perceptual and motor assessments; 8) psychological (to include a test for intelligence); and 9) social/adaptive behaviors; and for a young child without prior school experience, a family history and developmental profile of early childhood. The results of this evaluation should be made known to the parents, and a full discussion of the possible placements for the child considered and a proper PET involving the local school convened.

The Team recommends consultation and in-service for the Diagnostic Team and the GBSD staff, specifically in the area of assessment and evaluation. Study should be made concerning the continued use of certain tests and a decision made concerning their usefulness in evaluation.

Where classroom observations are recommended as part of an evaluation, such evaluations can and should include time-sampling techniques, event sampling, rating scales and check lists. If a student's progress is to be measured by the observational method, then base line data must be collected, recorded and reported systematically.

Consideration should be given to the addition of two new staff positions at GBSD: one full-time reading consultant/specialist and one full-time linguist, both to participate with the Diagnostic Team.

The form which the GBSD uses to describe the evaluation instruments to the parents needs to be modified. The written evaluation summary should include and describe the assessments used, diagnostic impressions and evaluation results, and provide recommendations needed to accommodate the student's special education needs. The test protocols and the diagnostic summary report need to include the name of the examiner and the date(s) of testing.





## D. The Pupil Evaluation Team Process

### Introduction/Overview

Maine special education rules require of each Pupil Evaluation Team the following responsibilities:

- a). identification of the handicapping condition(s) which require(s) special education
- b). developing the "individual education program" for each child
- c). recommending an educational program and related services to the Superintendent
- d). recommending, when appropriate, additional evaluation of the child
- e). reviewing annually each child's individualized evaluation program (I.E.P.)

Along with representatives of the school's administrative, instructional and pupil personnel staff as the minimum membership, parents have the right to be members of the team. Prior to placement at GBSD the local Pupil Evaluation Team should convene with a representative of GBSD present for the meeting.

Maine statutes require the School to conduct annual evaluations of all enrolled students with copies provided to the superintendents of the sending administrative units.

Once an exceptional student has been placed outside the local school unit, such as at GBSD, the receiving school may initiate PET meetings to revise the student's individual education program.

### Findings

The education team's review of School records found that a number of school administrative units had not held P.E.T. meetings to develop I.E.P.'s prior to the initial placement of students at GBSD. The record review, public school interviews and visitations confirmed that many units had neither initiated nor attended annual I.E.P. review meetings of students once they had been placed at the School, despite notices from GBSD.

School records include correspondence to parents in confirmation of appointments to meet with GBSD staff for reviews of I.E.P.'s and to establish long and short term objectives for the next academic year. These notices, however, do not comply with the requirements for such notices to parents lacking information concerning procedural (due process) safeguards. In addition, the team

identified a need for proper dating and identification of forms, correspondence and reports in the student records.

Appropriate identification of persons in attendance at meetings where student programs and/or services are initiated, modified or terminated were also lacking in GBSD reports.

There was evidence that GBSD conducts annual evaluations and forwards copies to the sending administrative unit, as required by law.

#### Conclusions and Recommendations

Some public school units have failed to complete P.E.T./I.E.P. requirements before placement and GBSD has accepted students without the required P.E.T. and I.E.P.

Some public school units and GBSD have failed to initiate and/or participate in the I.E.P. annual review and to provide parents with proper notice.

At the direction of the acting superintendent, GBSD recently convened a meeting of public school unit personnel responsible for special education to develop appropriate procedures and to describe procedures for annual reviews this year.

## VI. INDIVIDUAL EDUCATION PLAN

### Overview/Format/Services

State special education requirements state that an individualized education program (I.E.P.) must be devised for any child when a regular education program must be modified by the addition of special education programs or supportive assistance. State regulations describe the components of such an I.E.P.:

1. A statement of present levels of educational performance and observed or measurable constraints on performance;
2. A statement of annual goals, including short-term instructional objectives;
3. A statement of the specific special education and related services to be provided to the child, and the extent to which the child will be able to participate in regular educational programs;
4. The projected dates for initiation of services and the anticipated duration of the services;
5. Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being achieved, including a description of the student's observed or measurable constraints on performance (i.e., needs);
6. The identification of the person responsible for providing the programs or services; and
7. A summary of any necessary transportation arrangements.

Development of the I.E.P. is the responsibility of the Pupil Evaluation Team (P.E.T.). The initial P.E.T. meeting, the development of the student's I.E.P. and program recommendations are the responsibility of the school administrative unit where the child resides.

The I.E.P. provides a written guide for teachers, parents, and children to follow in providing special education and related services. It enhances communication and cooperation among teachers, parents, and administrators. It also provides the framework for an evaluation of the implementation of special education services and the student's progress. An evaluation component ensures the student is receiving an appropriate education program.

The education team utilized the data collected and reported in other sections of this report to assess the implementation of I.E.P.'s for students at GBSD.

## Findings

The review of student records at GBSD indicated that an I.E.P. format had been developed and was used at the School during 1981-82. (This format differed significantly from that used in 1979-80, and also from those used in previous years). The GBSD 1981-82 I.E.P. format is set up by content area, i.e. English, Reading, Home Economics, etc. Accompanying each content area portion are sections for current performance level; annual goal(s); evaluation methods and projected schedules; and a section for teacher signature.

Of special significance to the education team was finding, that for the school year 1980-81, I.E.P.'s for 41 students out of 67 individual student records reviewed, could not be found. In addition, the records review indicated that a number of I.E.P.'s for 1981-82 were not in the GBSD files, nor had they been provided to the sending schools.

The education team found that the I.E.P.'s of elementary, middle and high school students, once developed, were secured in the office of the director of academic affairs. Copies were not made available to the teachers charged with accomplishing the I.E.P. goals. Moreover, a significant number of these students' records had not been signed out for review by the faculty for as long as two years.

Current performance level statements almost always related to the placement of the student with respect to a student's level in GBSD Courses of Study. If one was not familiar with the Courses of Study, one could not determine a student's level of performance. The I.E.P.'s did not indicate a student's observed or measured needs. Moreover, this section of the I.E.P. in use at GBSD did not contain information on students who appeared to have handicapping conditions in addition to audition. This was documented in record reviews, parent and staff interviews and classroom observations.

One example of these needs was the area of reading. As was reported in the section on student evaluation, there were limited or no individual assessment of students potential learning problems and no specific diagnosis of individual reading problems.

Another example of limited information concerning current performance levels was students with emotional and/or behavioral problems who were in need of assistance in educational programming.

Goal statements on I.E.P.'s reviewed by the education team related almost exclusively to the content areas defined by the GBSD Courses of Study. However, annual review reports, progress reports, and other documents contain comments indicating the following:

1. that behavior impeded academic progress for some students;
2. that particular students have attention span difficulties; and
3. that some students appear to have emotional difficulties with respect to peer relationships both in school and the dormitory.

The education team did not find statements of short-term instructional objectives.

The GBSD I.E.P. format failed to identify related services/supportive assistance that may be required or provided to individual students. It was obvious from school records, staff and parent interviews that services such as tutoring, counseling, additional speech services, occupational therapy and physical therapy were provided to some students. There was no reference to any of these found in the I.E.P.

While it was obvious from School records that extra services (i.e. tutoring, counseling and additional speech services) are provided to some students, the education team discerned (from parents and faculty interviews) that if services recommended to meet a child's need were projected not to be available, the services were not included in the I.E.P. and were not provided. This could indicate that needed services were being withheld from children. It was not clear that parents know that they can appeal the withholding of such services under the Maine special education regulations (05-071 CMR 101.9B (4)).

There were no I.E.P.'s that contained a description of the extent to which a student would be able to participate in regular educational programs. Neither was there information concerning projected dates for initiation of services nor the anticipated duration of services.

Although the GBSD format contained a section in "Evaluation Methods and Projected Schedules" there was limited information concerning both the means and the schedule.

The following is an indication of statements found in GBSD I.E.P.'s that referred to methods used to evaluate progress:

- classroom participation
- homework
- quizzes
- teacher-made tests
- report cards three times a year
- functional performance by teacher observation
- achievement tests twice a year
- attitude toward subject and teacher
- speech taping

The education team determined that evaluation instruments listed above, other than achievement tests, were not measurable as there was little or no objective criteria or supporting data.

While the other methods are appropriate, the lack of instructional objectives, criteria and data made it difficult to determine to what extent progress was being evaluated.

Transportation is another item required to be summarized within the I.E.P. (05-071 CMR 101.16). A number of the GBSD day students have unique transportation arrangements involving parents transporting directly or in conjunction with local school busses. Again, the education found no reference to this in the I.E.P.

With respect to supportive assistance services the education team found the following:

- Audiological evaluations
- Physical and Occupational Therapy
- Mental Health Services
- Speech Maintenance
- Tutoring

#### Audiological Evaluations

Audiological evaluations of all students at the Baxter School were conducted on a regular basis, at least annually, by the school Audiologist. Each student was tested for an average hearing level (right and left ear, unaided), for average sound awareness (aided) and for percentage of speech discrimination with and without speech reading. Each audiological evaluation averages 45 minutes with many students requiring frequent rechecking. Some were seen as many as 12 or more times during the school year. The audiological laboratory was well equipped with the exception of another hearing aid test set needed to replace outdated equipment.

Although some schools for the deaf have a minimum db loss of 70 as one criteria for admission, MDECS regulations do not specify any minimum db loss for acceptance by the Baxter School.

For the 1981-82 school year, testing results for the unaided average hearing level ranged from a 36 db to a 113+ db loss while the aided average sound awareness results showed a range from 15 db to 81 db loss. The range of speech discrimination without speech reading was 0% to 8% and 0% to 100% with speech reading.

For the 1981-82 school year, the results of the audiological evaluations, unaided average hearing levels, showed six students with the better ear testing at a range that does not reach a 70 db loss.

However, a review of the records of these six students indicated that all are at the Baxter School either because the parents, as in one case, emphatically wanted their child to attend the Baxter School; or, as for the other five students, the public school system requested placement at the Baxter School.

These five students were enrolled in the public schools and the staff felt that these pupils had reached a plateau and P.E.T. had recommended this placement as a more appropriate alternative.

#### Physical/Occupational Therapy

As of March 1, 1982, a total of six children were receiving both physical and occupational therapy. Three others were served by the physical therapist and two additional students were seen by the occupational therapist. Both specialists were under contract, one-half day, five days per week.

Medical prescriptions are required for physical therapy but not for occupational therapy. The physical therapist informed the education team that medical prescriptions were available for all children being provided physical therapy. These orders were not centrally located, nor easily found.

The review of the school records of six children receiving physical therapy verified the presence of only two medical prescriptions for physical therapy, two progress reports, and two I.E.P.'s that noted the provision of physical therapy. These two I.E.P.'s failed to list goals and objectives.

#### Mental Health Services

Services are provided by three professional staff at the School and these services include individual counseling to the children, evaluations of intellectual and personality abilities of pupils, etc.

The dean of students/counselor was available each school day from 7:30 a.m. to 5:00 p.m. to assist all students at the Baxter School in all areas of need. However, little evidence was seen of instruction/counseling in career education, assistance with on-the-job training, or mainstreaming.

The psychologist was attempting to place all students on a rotating schedule for individual testing and evaluations, at least once every three years. However, the psychologist indicated that evaluations on one-third of the school population would not be completed before the end of this school year.

The psychologist also is a member of the Baxter School Diagnostic and Outreach Team and the latter demands periodic visits to public systems throughout the state. Other Team members include the school principal, audiologist, and the appropriate department head, depending on the age of the child.

The consulting psychiatrist is contracted for one-half day per week. He was learning signing and primarily consults with parents/guardians of the Baxter School students, either in person or by telephone.

#### Speech Maintenance

The primary goal of the speech maintenance program at the Baxter School is to assist the students in attaining and maintaining the highest level of speech for communication purposes.

Each classroom teacher in the elementary and middle schools is expected to provide a total communications program, including speech. The speech maintenance teacher also assists a part of that school population as well as instructing all high school students.

The present speech maintenance teacher began her duties on February 8, 1982. As of March 26, 1982, this specialist was working with 40 high school students, two (2) times per week; 15 middle school students, once per week; and 10 elementary school students, once a week. Each session lasts 22 1/2 minutes, one-half of a regular 45 minute period, and includes from one to three students. In addition, the speech maintenance teacher consults with other staff as necessary.

Thus, the Baxter School is in violation of 05-071 CMR 101.10(E), which limits the case load in the area of speech and language functions to 50 students for each professional providing these services.

#### Tutoring

Since January 7, 1982, GBSD had on staff one teacher who served as a tutor and a substitute teacher.



In the role as a tutor, this teacher served nine children, not more than three at one time.

During the first 52 working days, up to March 29, 1982, this specialist spent 30 days substituting, the remaining 22 days were designated for tutoring.

The Review Team learned that the GBSD administration discouraged tutoring, even though requested by a parent, suggested by a teacher, or recommended by the P.E.T. In fact, one staff member was concerned that the administration would reprimand her because she was providing tutoring to a student. Also, a public school unit had to make its own arrangements for one student at the Baxter School because the administration would not provide the tutoring services. The tutoring was requested by the parents, recommended by the P.E.T. and included in the I.E.P. developed by the L.E.A. (The I.E.P. written by Baxter School staff failed to include tutoring).

The Baxter School does not maintain a roster of substitute teachers. If one teacher is absent, the class is covered by the teacher as mentioned above, but the tutoring services are not provided for that day. If more than one teacher is absent, children are placed in other classrooms for the day, left to work independently with minimal supervision, or have other arrangements made. In fact, some children were reassigned to other classrooms for almost four months when their teacher resigned on September 29, 1980. This position remained unfilled until January 19, 1981.

In any event, under present arrangements, children are denied access to an adequate and appropriate education for any day or part of the day that a teacher is absent.

## Programming/Courses of Study

The education team reviewed all the "Courses of Study" and had concerns about the lack of expectations for student performances reflected in these curricula. A great deal of content needs to be added to the "Courses of Study" to enrich and give depth to the present educational program.

The education team's major concern is related to the "Courses of Study" in language, reading and speech.

The Reading Program as presented in the I.E.P. format should specifically delineate for each student the strengths and weaknesses, the instructional strategies required, and the methods and materials needed to accomodate each child's reading needs.

The educational team raises serious concern about the use of the same basal reader (Scott-Foresman) throughout the primary level with all students, and its extended use in mid-school, and high school. Many deaf children may not comprehend much of what is written in basal readers because of the linguistic structure. Thus, it may be inappropriate to use these materials with all students.

Deaf children can read, and they can be helped to read better with diagnostic procedures, more appropriate instructional materials (remedial and enriching), and with deeper insights into the reading process.

Deaf children characteristically develop academic skills more slowly than those with normal hearing. Cross-sectional studies of the development of reading skills in deaf children range from .1 to .5 grade level per year (Lane and Baker, 1974). Even deaf children from the best programs average about half the grade level progress of normal hearing children. 13/

The acquisition of reading skills is not independent of the development of language skills. A language foundation needs to be provided that will serve as a base to insure reading success.

The education team reviewed the language "Course of Study" and found it to be lacking. It lacks a developmental sequence for the normal order for the acquisition of language. It underestimates the vocabulary potential of the child by setting goals to low. Based on the Fitzgerald Key, it represents a very conservative use of the Fitzgerald Key. In general, the curriculum lacks content and complexity.

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13/ Annual Survey, 1971, Office of Demographic Studies.

In order to develop the competence to understand and to use language, a student must first master several basic elements that are prerequisite to this ability. The major components of language usage include: 1) phonology, 2) morphology, 3) syntax, and 4) semantics. It is the combination of these four elements that add distinctive structure and meaning to language.

The language curriculum presently in use is inadequate to assist the students towards these goals.

The overall delays evident in reading and language development appear to be directly related to several factors: 1) poor or no individual assessment of students' learning problems, 2) no specific diagnosis of reading problems, 3) no individual educational programs for remediation of learning problems, and 4) inadequate curricula, specifically in the areas of language, reading and speech.

In addition to reading and language needs, there are many students at the primary level particularly who have additional needs in speech. The team has discerned that there needs to be a major emphasis in speech at this level. Teachers need to be provided with direction and supervision of speech and programs in their classes. At the same time, there is a need for students to receive individual assistance in speech.

Students with emotional and/or behavioral problems are in need of assistance and programming. Counseling, classroom management and behavioral interventions are not evident at the primary level. There needs to be more emphasis on the development of social skills for all students at all levels.

The second major area of concern of the Review Team is that when evaluation has taken place and specific program recommendations are made, they are not consistently followed. Those recommendations are not addressed in the I.E.P.'s and in other cases they appear to be ignored completely.

## Conclusions and Recommendations

The GBSD I.E.P. format needs to be revised to ensure that all required components are included. Goals should be developed and stated for students in other than content areas, if such goals have a direct relationship to the improvement of the student's educational opportunity.

The inservice staff development which has been initiated needs to continue to assist staff with short-term objectives.

The education team recommends that the school initiate a K-12 screening program as soon as possible to identify students with other educational needs. The administration should consider the establishment of a resource room program for this student population.

The courses of study developed at GBSD are not adequate and need revision. The three specific areas of major concern are language, reading and speech.

Middle school and high school students, would benefit from concentrated instruction in basic/independent study skills.

The GBSD should consider for future planning a program at the School for its older children and older deaf students (9-12), from the communities. The program would focus on work in the surrounding communities, needed additional vocational training, post-secondary community educational programs (adult education, etc.), independent living and life skills.

The Team recommends the expansion of the work-study and pre-vocational training programs and the vocational opportunities for the students at the Baxter School.

The education team recommends the establishment of a separate Reading program. This program could have two parts under the supervision of a reading specialist; one part being corrective and remedial in nature, and the other being an enrichment program.

The Review Team recommends the addition of a second speech maintenance teacher, properly licensed, to begin duties in September, 1982. This would permit the two specialists to serve (almost) the total school population within the case load limits of 50 students each.

- a. Both speech maintenance teachers should be responsible for the biannual speech taping of all students.
- b. All speech tapes should be evaluated within 60 days after completion and the results should be made available to the child's teacher(s).

The speech maintenance teachers should have at least one-half day per week to observe children in their academic classrooms for the purpose of more appropriately designing a plan to assist the student in speech development/maintenance. Also, this time would permit those specialists to consult/assist classroom teachers in the total speech program. Teachers need to be provided with direction and supervision of the speech programs in their classes.

The Team recommends that the teachers and the speech department continue to stress and emphasize the development of intelligible speech and the use of oral communication in all classes.

Students with emotional and/or behavioral problems are in need of assistance and programming. (Counseling, classroom management and behavioral interventions are not evident at the primary level.) There needs to be more emphasis on the development of social skills for all students at all levels by indicating this in the I.E.P.

A roster of qualified substitute teachers should be established. The Baxter School administration should utilize this roster to assure that all classes are adequately covered in the absence of any teacher, beginning September 1, 1982.

The present teacher who is assigned duties as a tutor and substitute teacher should provide tutoring services only. Additional tutors should be hired by GBSD as may be needed.

The GBSD should provide tutoring services to all children where the service is requested by the parent, suggested by the child's teacher and recommended by the P.E.T. Provision of tutoring also should be written into the I.E.P., with appropriate goals, objectives, evaluative instruments and the recording of progress.

The education team was tremendously impressed with the expertise and dedication of the teaching staff and the special services staff. Their creative efforts, enthusiasm, and commitment on behalf of the students at the Baxter School are viewed as the major strengths of the educational program.



## F. Classroom Observations

### Introduction/Overview

The education team observed student teacher interaction to determine to what extent individual education programs and the curricula were being implemented.

The education team conducted 22 observations during March, 1982. Included were classes of all three (3) school departments as well as instruction in special service areas. Each observation lasted from 20 to 45 minutes. Some of the factors considered by the team included the following:

1. Was individual help provided?
2. Was total communication evident?
3. Were children verbalizing?
4. Were auditory trainers checked?
5. Were classroom management skills in evidence?

### Findings

The education team was impressed with the quality of instruction provided in a number of instances. Here, both students and teachers were enthusiastic, innovative practices were seen, and field trips planned.

In some classrooms, management problems were evident and not all of the children were participating in the activities. In four classrooms observed, the teacher-pupil ratio appeared higher than those specified by the Department's special education regulations.

The majority of teachers observed provided individual assistance as necessary. "Total communication" was in use and students were observed verbalizing in about half of the classrooms. Auditory trainers were checked in fewer than half of the classes visited, with checks being done more frequently in the primary school department.

The education team noted numerous classroom interruptions. In the rooms of the head teachers with telephones, there were frequent calls. In many of the classrooms, students from other classrooms, staff members, and others interrupted the instructional process.

### Conclusions and Recommendations

The GBSD administration should ascertain that the teacher-pupil ratio does not exceed the limits allowed by state special education regulations. These are as follows:

- a. Children functioning at primary level - not to exceed 5-1 and 8-1 with a teacher aide, providing the aide is not specifically assigned to work full time with one student.

- b. Children functioning at mid-school and high school levels not to exceed 8-1 and 12-1 with a teacher aide, providing the aide is not specifically assigned to work full time with one student.

Teachers and other staff members at the School should ensure that total communication is utilized at all times and that all students are verbalizing or making every effort to do so.

The School administration should develop an internal policy with the objective of minimizing classroom interruptions which interfere with effective classroom instruction.

The academic staff should periodically check auditory trainers to ascertain that they are functioning properly.



## G. Educational Records

### Introduction/Overview

Special education laws and regulations require that comprehensive records be kept on all children receiving special education and related services. These records are to be confidential, i.e., not open to the public, to other parents and to unauthorized school personnel without parental consent. They are to be made available to parents, on request, and are to be available to all authorized school personnel without special consent of the parents.

### Findings:

The review team reviewed, in depth, a total of 67 student records, or 61% of the GBSD student body. This process required review of 134 separate folders as the school maintains an academic file and an administrative file.

Academic files are kept in the office of the director of academic affairs and maintained by his secretary. Academic files include:

- correspondence with parents, agencies, school systems, etc.;
- reports of evaluations (speech, audiological, medical, psychological, etc.);
- reports of annual evaluations;
- Individualized Education Program
- progress reports;
- accident reports; and
- miscellaneous memos.

Academic files are kept secured, must be signed out for review, and may not be physically removed from the office of the director of academic affairs. These include: applications for admission; birth, health and immunization records; various forms for permission, records release; intake evaluation reports; and correspondence with parents, agencies, schools.

Administrative records relating to students are kept in the office of the superintendent and maintained by his secretary.

Although the right of access to student records passes from parent to child, upon attainment of the child's eighteenth birthday, there is no indication in the GBSD policy or records that students are given notice of their right to access to files about themselves.

Other sections of this report, indicate deficiencies that directly or indirectly relate to student records. The following are additional compliance issues which should receive attention:

1. written summaries not consistently provided for individual evaluations, 05-071 CMR 101.8(F);
2. appropriate descriptions of tests not provided to parents/guardians 05-071 CMR 101.9(E);
3. documentation not provided that parents are notified, in writing or verbally, of the results of testing, 05-071 CMR 101.9(E);
4. permission for pre-placement testing not consistently found in student records, 05-071 CMR 101.7(E); and
5. documentation missing that parents are provided copies of procedural safeguards 05-071 CMR 101.16(E).

Staff members during interviews indicated that there is much concern at the administrative level concerning confidentiality of student records. The education team found that a sign-out sheet is provided for each record as required. However, the team could find no indication that the school maintains for parental and public inspection a current listing of the names and positions of employees within the school who have access to personally identifiable information without parental permission. (42 CFR §300.572(d))

Personal correspondence between parent and child was found in the pupil's academic files.

#### Conclusions and Recommendations

Procedural safeguards are in place in regard to pupil records; and these records are not available to unauthorized personnel or members of the public. A number of deficiencies are noted in record-keeping and the following recommendations are made for correction:

1. Additional clerical help should be provided to type reports, evaluations and individual education plans;
2. Academic records should be kept in close proximity to the physical location of the three school departments;
3. All reports and memos should be signed and dated;
4. All test protocols should indicate the name of the examiner;
5. Excessive duplication of reports, I.E.P.'s, etc. should be eliminated. (5 copies of 1981-82 I.E.P. were found in one record);
6. Numerous forms should be revised to be in compliance with state and federal regulations;

7. An appropriate statement of procedural safeguards should be developed for parents/guardians with appropriate reference in the student file.
8. The practice of including personal correspondence between child and parent in the student records should cease. This is an inappropriate invasion of privacy.
9. Notification should be given to students upon reaching their majority of a right of access to student records.



### III. THE RESIDENTIAL PROGRAM

#### A. Introduction/Overview

State operated facilities, such as the Governor Baxter School for the Deaf, are not subject to licensure under state law. However, as part of its investigation of the Governor Baxter School, the Department of Educational and Cultural Services (DECS) requested the participation of a Department of Human Services licensing expert. It was determined appropriate for the purpose of this investigation to utilize the rules applied to privately operated facilities of a similar nature. Because of an impending change in licensing rules, the review was conducted in accordance with both current and proposed rules. Separate sections of this report pertain to each. The nature and scope of licensing rules are based on the values and level of child care practice that are generally accepted as basic and necessary for any child who must be placed outside the child's own home and on the belief that every aspect of a residential facility's operation affects the children in its care. The funding source of the facility, the statutory basis or authority for the facility's existence, the nature of the administrative structure, the philosophical principles of the facility, or the degree of specialization of the program should not affect a facility's provision for these basic needs. The following report will not attempt to address each regulatory requirement but will group concerns and address only the relevant regulations applicable to each general issue.

#### B. Study Methodology

Interviews with all 23 house parents, the two supervisors and the five infirmiry employees were completed between February 25, 1982 and March 30, 1982. Most interviews took approximately one hour and several were supplemented with written materials prepared and provided to the interviewers by houseparents. All 11 houseparents who signed a petition to the Commissioner of the Department of Educational and Cultural Services were interviewed jointly by Dr. Bobbi Kamil, Consultant to DECS and on-site coordinator of the Special Review Team and Mrs. Mildred Hart, Manager, Licensing Unit, Bureau of Social Services.

All persons interviewed were advised that the information obtained was confidential and would be provided directly to the DECS Commissioner. No one refused to answer questions and no one asked to be accompanied by a union representative. All were cooperative and there was no indication of hostility concerning the investigation.

#### C. Current Rule Assessment: Findings and Recommendations

The Governor Baxter School for the Deaf is in substantial compliance with the current rules for residential child care facilities. These rules were last revised in 1956 and are now inadequate due to the many changes which have occurred in the field of residential child care. A copy of these rules and a licensing checklist have been sent under separate cover.

Part IX of the Rules and Regulations Governing the Licensing of Child Caring Institutions and Agencies requires an annual fire inspection and an annual health engineering inspection. These inspections were requested by DECS and the reports are contained in section in the investigation report.

Action Recommended: None

Part IV, Section 4 requires sufficient funds to adequately care for the children and compliance is determined by review of a budget to be submitted in conjunction with the application. State Auditors reviewed the GBSD fiscal records. Their results are dealt with in another section of the overall report.

Action Recommended: None

Part V, Section 3 requires sufficient child care staff to provide adequate supervision to the children in care. The Supervisor of Student Life has informed us that the staff child ratio varies from 1-5 to 1-9 which would be considered adequate except in very unusual circumstances.

Action recommended: None

Part V, Section 2 requires that each staff member be free of communicable diseases and be of sufficiently good mental and physical health to perform the required duties without danger to himself or the children in care. Compliance entails a medical statement from a licensed physician prior to assuming those duties and annually thereafter. The GBSD does require a test for tuberculosis on staff but does not require a medical statement before beginning work or on any regular basis.

Action recommended: Proof of good health and freedom from communicable diseases should be made a condition of employment.

Part VI, Section 1 includes requirements pertaining to the admission of a child for residential care and information to be obtained for the child's record.

Although there is a written placement agreement signed by the parent, guardian or agency having legal authority to care for the child, this placement agreement does not include written authorization for GBSD to obtain emergency medical care for the child. The signature of the superintendent which is currently used is not adequate.

Children's records contain most of the required information. They do, however, lack information regarding the need for residential care, specific needs of the child and a brief life history.

Action recommended: 1) The placement agreement should include specific authorization by the parent or legal guardian for GBSD to obtain emergency medical treatment.  
2) Children's records should contain more specific information on the need for residential care, specific needs of the child, and a brief life history. This type of information should be shared with the residential staff.

Section 2, C of the rules also requires that children be able to write uncensored letters. At GBSD outgoing mail is always given, unsealed, to the teachers and is censored by the head teachers. This is a clear violation of the child's privacy. Incoming mail may be intercepted and may never reach the child if it is deemed inappropriate by the administration.

Action recommended: A written policy should be developed to assure children's rights are not violated.

Part VI, Section 6 requires written regulations regarding the discipline of children which shall not permit unusual or cruel punishment.

While the houseparent manual contains a section on discipline and prohibits spanking or striking a child, almost all the houseparents expressed a need for some clear rules for the children's behavior and consistent and appropriate ways of dealing with misbehavior.

Action recommended: Policies and procedures relating to appropriate disciplinary actions should be rewritten.

Part VII deals with the physical care of the children including medical and dental care, health records, clothing and nutrition. GBSD is generally in compliance with those rules. Among the requirements is "an adequate diet, varied, palatably prepared and appetizingly served." The cook is responsible for menu planning and ordering food as well as its preparation. Federally donated commodities are also received and well utilized. The food is very good and appears to be enjoyed by students and staff. There is no review of the food in terms of its nutritional content.

Action recommended: Menus should be reviewed by a qualified nutritionist as there is some concern by staff that menus may not contain adequate vitamins A and C and that they are high in starch and sugar.

Two cards with medical information are kept in the infirmary for each student, one which gives medical history and the other records of complaints and treatment. The history card includes "Wasserman Test or equivalency", "Brain Fever" and "Fits" which indicates a need for updating. Referrals of students to outside medical resources are made by the Supervisor of Student Life who usually accompanies the child to appointments.

Action recommended: All medical information should be kept current and readily available to appropriate staff and medical personnel. Appropriate procedures for assuring the confidentiality of medical records should be developed.



D. Proposed Rule Assessment: Findings and Recommendations:

A copy of the proposed Rules for the Licensure of Residential Child Care Facilities has been sent under separate cover. These rules are not yet in effect but it is anticipated that they will be within a short time. They were submitted for public hearing in late April. These rules were based on the work of the Interstate Consortium on Child Care and reflect the work of the Interdepartment Committee Joint Licensing Task Force which was composed of representatives from the Department of Human Services, the Department of Educational and Cultural Services and the Department Mental Health and Mental Retardation as well as providers. Because private, residential treatment centers have educational and mental health components as well as child care, the licensing evaluation will be done by a team with representatives from each Department using this common set of rules.

To facilitate this report, the following commentary will refer to sections of the proposed rules as they occur in the draft. In addition, this report will address only a portion and a particular perspective of the program since this part of the investigation was limited to houseparents and medical personnel.

Regulations 18.3(C) and 18.3(E) includes requirements for written policies and procedures for initial and regular licensing. Basically this includes the written documentation that is necessary for a facility. Normally a facility would be judged against the materials it submits in terms of actual provision of services as outlined in the written philosophy, statement of purpose, organizational description, admission policies and outline of services to be provided. In addition, the assessment as to compliance with its own policies and procedures is determined at the time of the on-site study. The only written materials received were a Houseparent Policy Handbook, "Policies on Student Records" and "Appeal Procedures on Student Records." Therefore, it is not possible to determine whether there are written policies covering all required areas.

The "Policies on Student Records" partially addresses several required areas on confidentiality as well as partially complies with requirements for grievance policies for children and guardians. Grievance requirements are more fully addressed within the "Appeal Procedure on Student Records" but still would not comply with the requirement since it only addresses grievances regarding limited issues.

The Houseparent Policy Handbook, as its name implies, is limited to issues related only to houseparents. Therefore, it could be used to comply partially with a number of requirements: e.g., personnel policies, organizational structure, job descriptions, program description, emergency procedures, and child management policies.

To providers and the general public, requirements for written materials often seem excessive and irrelevant for licensing purposes. From a regulatory viewpoint they are the cornerstone on which the program rests. They provide the assurances that the organization has given adequate consideration to the interconnecting structures of the total operation - from philosophical base to delivery of service to ongoing assessment of performance. They are the mechanism by which communications are transmitted

to placement sources, to potential staff or current staff, to funding sources and to the public. Therefore, they become important factors in determining accountability for actions. Next to staff, policies and procedures, if they accurately reflect the program, will determine the quality of that program.

Action recommended: GBSD should have a written philosophy, statement of purpose, organizational description, admission policies, an outline of services to be provided, and any other policies and procedures necessary for the ongoing operation of the facility. These materials should be compiled in manual form, and be accessible to staff, parents and other interested persons.

Regulation 18.4 covers administration and organization of the facility. The rules are designed only with the private sector in mind; therefore, the section on governing body would not apply in total. The DECS could be considered the administrative counterpart, however. The organization and management of the facility is structured by, and dependent upon, this relationship in terms of its authority, responsibilities and evaluation as to compliance with applicable state laws and regulations. If the GBSD were a private agency, several of the regulations within this section would most likely be cited.

Many of the issues that will be discussed subsequent to this section relate back to inherent difficulties within the organizational and administrative structure: i.e., the inadequacy of the lines of authority and communication and the lack of routine and reasonably frequent agency and program evaluations.

Action recommended: DECS and GBSD should review this section of the regulations and, where appropriate, take the necessary steps to improve the overall administration and organization of the facility.

Regulation 18.5 includes personnel requirements. As stated previously, the staff-child ratio is adequate. While regulatory non-compliance may exist, it does not appear to be related to staff shortages. Staff interviewed during the investigation indicated that a great number of the houseparents have at least some college education and several have Masters degrees. In general, the staff appear to be well qualified but are not

effectively utilized in order to maximize their potential benefit to the School. Based on the houseparents' knowledge, skills and interests, and with supportive supervision and training, they could be assigned broader responsibilities within the program. Currently, they seem to be limited to custodial responsibilities. Even though recreation is an assigned responsibility, staff are not provided minimal supervisory support and direction, which results in inconsistent planning. As an example, an outing involving transportation off the island may be cancelled at the last moment by a supervisor apparently without any justification.

Infirmiry staff includes one registered nurse and four licensed aides. One person has been employed 18 months, the others 8, 12, 14 and 26 years. They have very limited contact with other employees and are neither included in houseparent meetings nor other school staff meetings. They bring in their own meals and never eat in the dining room. The infirmiry is staffed around the clock regardless of the number of children on the island. All infirmiry staff work regular shifts and are never rotated.

Nearly everyone interviewed stated that communication is a major problem. Residential staff are discouraged from directly contacting teachers, parents and administrative personnel. The policy of channeling all communication through supervisors, however, seems to impede necessary and appropriate information to and from houseparents and nursing staff. The problem may lie with the assignment of supervisors, including the Supervisor of Student Life, to the Business Manager. This organizational structure would not appear to provide appropriate or adequate lines of communication between staff members who serve children.

Staff annual evaluations are based on the Maine State Performance Appraisal which was not developed with a houseparent model in mind. The appraisal would not give a particularly useful reflection of the houseparent staff's performance or capabilities. It also would not meet the proposed requirements for staff evaluations which establish goals and objectives for staff including devising training objectives.

Based on this assessment, a number of regulations relative to staff training, communications, supervision and organizational structures would be cited in non-compliance.

- Action recommended:
1. An overall review of staff qualifications and responsibilities should be conducted at GBSD. Performance standards should be written for direct service staff and supervisors.
  2. It is recommended that the use of the infirmiry be carefully reviewed to determine the following:
    - a. If it is necessary and cost effective to keep the infirmiry open 24 hours per day, seven days per week. Weekend population is sometimes very low.

- b. If is possible to have a Registered Nurse or Licensed Practical Nurse on call for those occasions when a child needs care which cannot be provided in the dormitory or by the parents.
- c. If children could be seen by the registered nurse during her working hours instead of by other less qualified staff.
- d. If the provision of first-aid training to all child care staff might reduce the need for infirmary staff.

Regulation 18.6, Service Planning, deals with referral of children, placement and admission procedures, regular periodic reviews of each child's service needs, including documentation of such, during placement, and termination procedures. It also addresses information that must be provided to children and guardians upon admission and involvement of appropriate people in the periodic reviews.

Neither houseparents nor infirmary staff are involved in admission procedures or the annual review process. According to information received during interviews, only rarely are these staff consulted regarding their knowledge or recommendations of the children in their care. The Pupil Evaluation Team process should comply with this regulation if child caring staff were included in the team. It is not known whether supervisory staff are included as representatives, but, as stated in the last section, communication difficulties are a basic problem and therefore the intent of the regulations would still be in non-compliance.

This assessment did not include review of children's records so comment on compliance with all the regulations in this section cannot be made. Generally, it is assumed that most, if not all, requirements are or could be met through the established Pupil Evaluation Team process.

Action recommended: Residential staff with knowledge of the child's functioning in the residence should be involved in major decisions regarding the child's needs and status.

Regulation 18.7, Programs and Services, deals with direct or indirect delivery of services as outlined in a facility's program description - family involvement, communication restrictions, recreation, health care services, behavior management, educational and vocational services, transportation, allowances, work and employment, personal care and nutrition.

Appropriate and continuing family involvement is a value expressed in the regulations which for some of the children at GBSD is a difficulty. While the regulations cannot require the interest or involvement of parents or guardians, they are intended to encourage such involvement to the degree determined appropriate for each specific child's needs. Because of distance, this often cannot be accomplished. The investigation determined that the policy of discouraging communication between parents or guardians and houseparents may impede this intent since they are the primary contacts with children other than teachers. The Houseparent Policy Handbook does not accurately reflect the operational policies around this issue. Again, because of the internal communication difficulties and the organizational structure, the houseparents are limited in their usefulness in this area. Because of the abilities of the child care staff, they could be more effectively used in the annual evaluation of student needs and progress and in determining any change in residential and educational placement of the child. This could ultimately improve the transition of children both into the school and back into their own homes or the community.

Action recommended: The development of a comprehensive communication policy which would include provision for direct communication between childrens' parents and the houseparents who care for them. This policy should be clearly stated in the Houseparent Policy Handbook and clearly communicated to all staff.

Because parents pick up and return their children at the same time each weekend they have no opportunity to meet and talk with those houseparents who have responsibility for the children during the school week. Some children travel to and from home via public transportation. An opportunity for houseparents and children's parents to become acquainted should be encouraged and/or arranged whenever children are admitted to the residential program and whenever they are assigned to a different dormitory. Direct communication by telephone should also be encouraged. While supervisors need to be advised of any significant events in a child's life, houseparents are the more appropriate liaison between the child's home and the dormitory. Notations concerning telephone contacts are appropriate for a "daily log book" which is in each dormitory.

In the current and proposed regulations, staff is prohibited from any type of physical punishment. As stated, disciplinary measures are not clearly outlined in GBSD policies and, as a result mixed messages are received by staff. Houseparents have stated they are "abused" by children but are unable to respond adequately.

Interviews with residential staff identified two instances when spanking, although officially prohibited by school policy, was used as a disciplinary measure.

Action Recommended: Staff should be trained in appropriate child management techniques.

In addition, the infirmary receives students who are being disciplined by houseparents on occasions when the houseparents are taking other students off the island or supervising some activity in which this student is not allowed to participate. Infirmary staff may have no knowledge of reasons for restriction or even that the student is being disciplined.

Action recommended: That use of the infirmary for any disciplinary purpose be discontinued.

All basic health care services are provided in the infirmary which is located within the facility. Children are kept in the infirmary when they have a temperature above normal but all emergencies go to Maine Medical Center. Children who are badly hurt or very sick usually go home as soon as possible.

Medical records on the students are kept in the infirmary and all medication is dispensed there. There are approximately 1,000 student visits per month to the infirmary, including those for dental clinics which are held at the infirmary.

Action recommended: While there are no regulations about bringing dental professionals to a facility, because of the greater possibilities of isolation in a program such as the Baxter School, using resources in the community would seem to provide better service to children. It can teach them how to gain access to such resources as well as provide a means for actively involving both the children and the school in the community.

After 4:30 p.m. weekdays and on weekends, the School phone is answered in the infirmary and written messages taken for the appropriate person. Phone calls are recorded in triplicate, one each for the Superintendent, Dean of Students and Supervisor of Student Life. Infirmary staff reported that they find it difficult to handle calls while seeing children during the evening. Medication is kept in a cabinet which is not locked, and children are left unattended in the same room with the cabinet while staff answer the telephone in the corridor. There is only one telephone line into the infirmary which does not allow suitable access in the event of an emergency.

- Action recommended:
1. A more appropriate method of managing the school's telephone system should be developed.
  2. That the medication cabinet be kept locked when unattended.

Regulations 18.8 covers the physical environment of the facility and addresses the physical plant both interior and exterior and grounds.

While each individual regulation was not applied, generally the facility complies with almost all the requirements. One dormitory does not have doors on the toilet stalls although there does not seem to be any programmatic reason for this. The dormitory housing the younger children has several bedrooms which accommodate more than four children. This would not violate the restriction on assigned bedroom space if the room was rearranged to establish definite areas for each child. The intent is to create a more homelike environment than institutional environment and also to ensure that children have some space specifically designated as their own--both for privacy and to encourage a sense of self-worth.

Overall, the physical facility makes a favorable impression. The physical environment is comfortable, adequate, spacious, well maintained and fairly attractive. The island provides children a great deal of personal freedom in a beautiful setting and yet the facility also sets limitations which seem restrictive. Children, depending on their age and capabilities could be provided more unsupervised time and freedom on the island. The island also establishes boundaries in relation to community integration, some of which is real but most of which is psychological. This could be better addressed by greater attention to programmatic involvement utilizing community resources.

Action Recommended: None





#### IV. PARENT PERCEPTIONS

##### A. Introduction/Overview

Parent perceptions of the educational program and other aspects of the School's operation were an important part of the Special Review Team's investigatory efforts. The education team conducted numerous interviews with parents of current students. The results of a survey conducted by GBSD in 1981 were also reviewed. In addition, the Team reviewed letters received by the Commissioner and the Governor during the investigation.

##### B. Findings

Parent Interviews: Parents of GBSD students were advised by the Commissioner on February 12, 1982, in a meeting at the School, that the Education Review Team would be available to conduct personal interviews. He urged parents to make appointments. Between February 16 and February 26, 22 parents met with education team members at the School. In addition, the team selected parent names and conducted 53 telephone interviews. Of these parents, 50 had students presently enrolled at the School and three were parents of former students. Some were chosen because they had made public comments to the media; others, because they had written letters to the Commissioner. In addition, a small number of students were present with their parents during the interview process.

All parents interviewed were interviewed according to the interview "protocol". (Appendix 5 ). The protocol sought specific information about parental perceptions of the Pupil Evaluation Team assessment and placement processes which resulted in programming at GBSD. In addition, open-ended questions were asked to elicit critical or commendatory comments<sup>14/</sup> about the school and suggestions for the future.

All parents were most cooperative.

The majority of parents interviewed viewed the educational program at the School as viable and necessary for their children, although many suggestions for improvement were offered. In a number of instances, however, suggestions were very general or parents were reluctant or unable to provide detailed suggestions.

In the personal and telephone interviews with a total of 75 parents (representing 82 students) a number of questions concerned with the Pupil Evaluation Team (P.E.T.) process were asked of interviewees. The intent here was to ascertain whether parents fully understood the legal and educational process by which their children were enrolled at GBSD. The results, in brief, are as follows:

- When asked if they were advised of their right to be a member of the GBSD P.E.T. to discuss their children's educational needs, 57 responded that they had been advised, six said no and 12 were uncertain.

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<sup>14/</sup> In addition, the interview protocol asked specific questions concerning knowledge of alleged child abuse and mistreatment.

- Some 66 of the 75 parents had attended at least one PET meeting either at GBSD or in their school unit.
- A total of 53 parents acknowledged that they had been notified in writing either by GBSD and/or the school unit of their rights under the special education laws and regulations. Eight parents believed that they had not been notified in writing about these rights and 14 were uncertain.
- These rights are understood by 49 parents; 11 replied that they do not understand their rights; 15 parents are not sure.
- A majority (52) did not think that they had participated in setting educational goals for their children. Nineteen parents thought they had a part in goal-setting and three could not recall.

Parent interviews were reviewed by the education team in detail to ascertain why parents answered that they "did not participate in setting educational goals for (their) children." The explanations given by parents are represented by the following comments:

- "The Baxter School staff know what they are going to do."
- "They (GBSD staff) don't shed enough light so that parents can be helpful."
- "We were allowed the opportunity to express our interest."
- "Basically I do not feel I have had any say to any degree. I've said some things in the past, but they were never listened to."
- "The educators made us feel that we were lay people and we couldn't make professional decisions about our son's program."
- "We did not feel that we were given the right information to really participate in the meetings. They (Baxter) had meetings, and we just felt we got nowhere."
- "Sometimes made to feel inadequate because of our lack of knowledge, so we left it to them (Baxter)."
- "In the past, I had asked for more speech programming, this never happened."
- "I felt intimidated at the meetings, I was upset at one P.E.T. about the report of the reading level. The staff said that's normal for deaf kids. I never really knew what was going on at the meetings."
- "Have never been invited to attend."
- "We were told at a P.E.T. meeting that our child would receive vocational training and a work-study program. We made this request and to this date there has been no such programming."
- "I had made requests for art, drafting to be included in the program. But had been told he was only suited for vocational training. I felt very frustrated. We had repeatedly asked for art for him and was told there was nothing available. We asked about a tutor (in summer) and were told it would do more harm than good."
- "I have tried. I can't always say that those at the school (Baxter) were always hearing. I'd come to meetings feeling I knew what I wanted and I'd leave being convinced they really knew what was best."

I was told by \_\_\_\_\_ that the reason \_\_\_\_\_ was having trouble with language was because I waited too long to send him to Baxter. For at least three P.E.T. meetings we requested additional evaluations; Baxter was not receptive."

- "I have had no participation in the I.E.P. development."
- "I listen to the goals presented by the teacher."
- "I have had problems at the P.E.T. meetings. Things were included in the I.E.P. and then Baxter staff said they could not provide them. Recommendations were made by myself and the local school and never followed by Baxter."
- "Every meeting seems to be a farce."

The large majority of parents (54) indicated that positive changes in their children had occurred since enrollment at GBSD. Specific positive comments about the School's effect generally were these:

- Have seen regular growth, pleased with changes - 26
- Improvement in speech - 13
- More independent - 8
- Very significant changes - 3
- Improved behavior, attention span - 3
- "Matured very well socially"
- "100% improvement, writes letters home"
- "Much improved. Picked up sign language"
- "Calmed down a lot, getting better report cards each year"
- "Beginning to talk, speech is coming along, doesn't scream so much"
- "Positive changes. More outgoing, more demanding, now walking, more independent."
- "Child has progressed beyond what I could have expected."
- "Really great. Child used to be frustrated. Verbalizes more, very happy, has many friends."
- "Became very self-sufficient, self-reliant, beautiful speech. No longer a scared little child. Very dependable."

Similarly, most parents (62) had favorable comments about the School's educational program. Some positive comments were the following:

- Satisfied, no complaints - 25
- Dedicated, competent, good teachers - 22
- Individualized program, small class size - 19
- Total communication program - 5
- Pleased with vocational program - 2
- Pleased with athletic program - 2
- Good equipment, teaching aids - 2
- "Whole program - made welcome anytime" - 2
- "Deaf staff is super" - 2
- "Helpful, important to have deaf persons on teaching staff" - 2
- "Child is in a school where people speak same (sign) language"
- "Baxter offers much more than what a deaf child can receive at a public school."
- "School permits children to progress at their own pace."
- "Impressed with facilities and programs."
- "They teach a lot of independence."

- "Don't think public school could do as well."
- "A little bit of everything. They teach him more at Baxter than they could do at any other school."

On the other hand, a significant number of negative comments were made about the educational program, although some of these were very general:

- Need more emphasis in speech development, total communication - 11
- Improve communications - 10
- Provide more mainstreaming opportunities - 10
- Provide cued speech - 6
- Improve reading program - 6
- Need drug and sex education programs - 3
- Do not understand the educational program - 3
- Improve the language program - 2
- More instruction in lip reading - 2
- Improve high school and work/study programs - 2
- Improve English Department - 1
- Curriculum should be more challenging
- "A staff member providing individual tutoring to a child had to keep it a secret because of possible reprimand by administration"
- "Academically, I've always been concerned about this school"
- "School has low expectations of kids--not good."

There were recommendations --some general and some specific-- for changes in the educational program:

- "Have a higher expectation for children - change teaching philosophy."
- "Develop more socialization and independent living skills."
- "Better prepare students to live in the hearing world."
- "Recognize and design specific programs for deaf children with learning disabilities."

Some parents held very definite, negative views of the School's effect on their children:

- "Child has become extremely violent, aggressive"
- "Now child doesn't try to talk"
- "Very dissatisfied with child's speech"
- "Almost no oral communication"
- "Can hardly read"
- "Child very unhappy"
- "Child has some attitude and behavior problems"
- "Does not have adequate reading skills or oral communication"
- "Not much change. Doing some kind of work"
- "Depression increased after enrollment"
- "I feel child still shy and inward, always seems angry"
- "Very dependent when at Baxter. At home goes out on own"
- "Child negative attitude toward many things. Passive--  
'I can't do it.' Attitude changes during summer when with hearing kids"

- "Child has become entrenched, becoming a social outcast.  
Only wants to associate with deaf peers--an insulating security blanket"
- "Speech declined"
- "Child better since becoming a commuter student."

All parents indicated that they had been informed of their children's educational progress at GBSD, mostly by the trimester report cards, progress reports or other communications sent by teachers. They were also informed by personal or telephone contacts with teachers and by the annual meeting to discuss each child's progress.

Twenty parents indicated satisfaction with the current reporting method. Some individuals indicated concern about the current process:

- Gave passing grades, then kept child back
- School staff will not respond to my calls
- I'm not sure what's really going on regarding reporting of progress

Others phrased their concerns as suggestions for improvement in the current reporting process:

- Institute parent/teacher conferences on regular basis - 11
- Improve communication with parents - 3
- More anecdotal reporting - 2
- Provide better grading, more realistic - 2
- "Provide positive as well as negative information in reporting of progress" - 1
- "School should provide parents with testing results"
- "Would like more information about progress"
- "Send home weekly reports"

Some parents indicated a desire for changes in the evaluation and reporting process to indicate some comparative measures:

- Achievement tests should be geared to deaf children and compared to a similar population nationwide - 3
- "Would like staff to tell parents how the deaf children at Baxter compare academically to other deaf students around the nation"

Few parents provided observations on houseparents and dormitory life. This may be due in part that not all children are dormitory students also, even in the dormitory population a number of parents are infrequent visitors.

Specific positive comments were these:

- Pleased with houseparents - 8
- "Very happy with the residential scene."
- "Excellent care from child's houseparents."
- "Discipline in dorms has improved."

Suggestions for improving residential situations were the following:

- Provide more supervision, understanding, caring - 4
- Houseparents should assist children with homework - 2
- "Dorm should develop a 'family atmosphere'."
- "Houseparents should have a better attitude toward children."
- "Houseparents should be better supervised."
- "Houseparents should be screened more carefully (before they are hired)."
- "Houseparents should receive better training."
- "Children need a lounge area with activities (example: ping pong table) for a social gathering place other than the caged area where (an administrator) prowled around."
- "Parents should be informed before year starts as to living accommodations, houseparent staff, etc."

Some comments were made about the School and student behavior:

- "Teachers should be more strict. Some of them are soft-hearted."
- "School should control use of bad language (vulgurities)."
- "In school, the child's freedom is so stifled - too many rules, too many 'no no's', bribes; punished for own opinions. Program not fitting kids."

Opposing views were indicated by several parents on the employment of deaf teachers:

- "For profoundly deaf students, teachers should be deaf and expert in signing. Two teachers might be needed - one who can teach well and one to sign, if the primary teacher is weak at signing."
- Deaf teachers should not be employed because speech cannot be adequately taught.

A number of parents indicated that they wanted more involvement in the educational program at GBSD. Their suggestions or comments were as follows:

- Utilize volunteers in school program - 2
- "Send booklist home for summer reading"
- "Provide a formal course in sign language for parents, students, teachers."
- "Help develop regional programs for deaf."
- "Provide outreach to parents."

Parental survey/1981: As part of its self-evaluation study (prior to the May 1981 visit of the accreditation team of the Conference of Executives of Schools of the Deaf), GBSD sent a questionnaire to all parents of enrolled students. Questions were posed in short-answer style concerning the School's operations and programs including the following categories:

- teaching of various subject areas
- student performance

- extra-curricular activities
- parental communication about students
- residential life
- health care

Of 119 questionnaires sent out, 47 were returned. These were overwhelmingly favorable to the School in all respects. (See Appendix 12 for a copy of the questions and tabulations.) The returns clearly illustrated parents who were satisfied with all aspects of the curriculum, residential life and school operations, and were pleased with the School's administration and staff. Parents returning questionnaires indicated a generally favorable opinion of the dormitory program and its employees, especially in "helping, protecting and caring for students." "Communication between parent and dormitory counselor", however, resulted in 33 stating "yes", three stating "no" and 11 stating "don't know" (out of 47 responses). In contrast 44 stated "yes" and 3 stated "no" concerning communication between "parent and administration".

Maine Parents of the Hearing Impaired: The Maine Parents of the Hearing Impaired, a group which organized shortly after the start of the investigation, at a meeting in late February, listed 56 questions or items of interest or concern in their "brainstorms". Some of the questions concerned the ongoing program:

- How does Baxter compare to public schools?
- How does selection work for work-study?
- What is the student-teacher ratio per class?
- What is the role of the "Board of Directors"?

Other items suggested complaints and an agenda for the future:

- Communication between staff and parents
- Testing geared to deaf students
- Parent volunteer program
- More involvement from the deaf community
- Mainstreaming program for interested students
- Use of cued speech at GBSD
- Need for work study
- Drug abuse and sex education program
- Development of social skills
- More integration into sharing community
- Need for advocacy--parents and students
- Support services for families
- More supervision outside classroom
- Parents' role in budget and school policy
- Need to improve public image of Baxter and deaf people
- Don't close Baxter tomorrow
- Independent parents' group of all deaf children ongoing
- More integration with local recreation programs
- Open library

Some of the concerns indicated a lack of information about the existing program. For example, student teachers and a full-time psychologist are already at the School. Other concerns were beyond the scope of the School: "press recognition of deaf students" and a "transition house to facilitate independent living."

The parent concerns were divided into three categories: those which could be immediately addressed by the acting superintendent, those appropriate for the Special Review Team and those appropriate for the Advisory Committee on the Future of GBSD. In one way or another, all were being addressed at the close of the investigation.

Recent events: Under the direction of the acting superintendent, special efforts have been made to encourage communication between parents and school staff, both academic and dormitory. Parents have met with the Director of Special Education, the Commissioner and the acting superintendent a number of times. A representative of the Maine Parents of the Hearing Impaired, has met several times with the acting superintendent to explore the concerns of that group.

Fifty parents attended a meeting with houseparents to discuss mutual concerns and perceived problems. As an outgrowth of that meeting, the acting superintendent established a special committee of parents, dormitory staff and academic staff to draw up policies on student behavior and discipline and communications. The committee has begun work and will continue meeting next year.

Parents have also attended an Open House (April 25) and an evening planning session of the elementary faculty in preparation for a field day.

The acting superintendent also began distributing the school's activities calendar regularly to parents in response to a suggestion.

Unsolicited letters: In unsolicited letters to the Team, the Commissioner or the Governor, several parents made suggestions and comments. One asked for the establishment of a committee of Citizens Concerned About the Education of the Deaf in Maine and argued strongly for total communication, rather than "oralism". Another cautioned the Commissioner that the parent group presented in the media was not representative of all School parents.

Another letter, from parents of a deaf child who was schooled both in regular public school and at GBSD, was critical of the School's relations with parents and what they perceived as "low level of expectations" at the School. They were especially critical of the staff that they met who appeared to believe that the "observations, views and insights of parents were of no value" and "they chose to ignore them". They also noted that the first P.E.T. meeting for their son which met Federal guidelines was held after a hearing officer's decision to place him as a mainstreamed student. These parents were strong advocates of cued speech. They also suggested a planned program of instruction in sign language for parents, teachers and others, better information in sign language for parents, teachers and others, better information for parents on the options in educating a deaf child.

Another parent also wrote about the success of cued speech for his child in a local public school. He suggested development of the School as a Center for education of the deaf, to include teacher training, a central library of materials relevant to educating the deaf, research in education of the deaf, possibly in association with the University of Maine. He advocated a variety of communication modalities for the deaf be available and used at the school.



The parent of a multiply handicapped youngster, who had been years at Pineland and who later attended GBSD, was generally complimentary of the education and services at the School. He expressed some reservation, however, that a "total communication" effort was not undertaken when the child was first enrolled. Conceding that "mainstreaming can be good", the parent expressed concern that a deaf adult might be deprived of deaf community contacts. "There needs to be a melding of the hearing world and the world of the deaf."

Another letter from parents of a high school student was also generally favorable of the School, but critical of the English program and the refusal of administrators to allow a dual enrollment program.

### C. Conclusions And Recommendations

When GBSD parents were surveyed by the School a year ago (1981), they responded with overwhelmingly favorable comments about the programs and personnel. If any substantial number were dissatisfied, they did not indicate problems, although the opportunity was available to them.

Interviews conducted by the Special Review Team, using an interview "protocol" modified from the typical special education review format, also indicated a substantial degree of satisfaction with the operation, programs, and personnel at GBSD. Parents did indicate a number of criticisms and suggestions for improvement, however, and these were made known in individual interviews, a petition to the Commissioner and group meetings with Team coordinators and the acting superintendent.

The interviews of selected parents revealed a significant number of critical comments about and suggestions for substantive changes at GBSD. Of particular concern to the Team was the large majority of parents who, while taking part in the Pupil Evaluation Team process, felt they had not really participated in educational planning for their children. A number of conclusions might be drawn from the comments of the interviewees:

- that the GBSD staff representatives to the P.E.T. did not solicit parent input;
- that parents have made suggestions and recommendations which have been ignored by professionals at GBSD;
- that parents perceive the P.E.T. process as a formality leading to an educational program which they can do little to change or shape;
- that parents do not fully understand their right to appeal from P.E.T. recommendations with which they do not agree.

Parental comments and criticisms indicated that, despite "outreach" programs by GBSD staff members, and communication between the administration or faculty and parents, a significant number of parents know relatively little about the education program at the School.

Although many of the critical comments and suggestions were made by individuals or shared by only a few people, in total they encompass a wide spectrum of concerns which are reflective of those expressed publicly by former students and staff members. All of these are worthy of further study.

The Team recommends the continuation of efforts begun by the GBSD acting administrators to inform and involve parents and to improve communications about individual and general concerns. The acting superintendent should make known to the Advisory Committee on the Future of Governor Baxter School which parental suggestions have already been acted upon and the response to those efforts.

The GBSD administration and staff should consider whether and to what extent a formal relationship with organized parent groups would be helpful. Other means of continuing communication with parents should be explored, including extended parent training programs, regular parent conferences and parent advisory committees on special concerns of projects.

With the permission of the parents who were interviewed, the Team should forward particular concerns to the acting superintendent for her review, so that meetings to address individual concerns can be arranged, where appropriate.

The most striking conclusion from the parent interviews, correspondence and meetings was what was not said: no parents suggested the closing of the Governor Baxter School for the Deaf. To the contrary, the emphasis of the parents, even those most critical of aspects of GBSD programs, operations, or personnel, focussed on improving the School. Even parents whose children attended classes elsewhere made no recommendation against the existence of a residential school for the deaf.

## V. STAFF PERCEPTIONS

### A. Overview

The Team review of the Governor Baxter School for the Deaf included interviews of all staff members to ascertain, from them, their own perceptions of and ideas about the School. The Team also consulted available records/which would indicate the concerns of the academic, residential and support staffs, including internal memoranda, self-evaluation reports, and union grievances. The findings are discussed below for each of the three staff components.

### B. Academic Staff

#### Findings

During the site visit each member of the academics staff including classroom teachers, special services personnel and teacher aides, was asked to do the following:

- identify strengths with respect to the program and administration of the school; and
- indicate improvements to be made in the operation of the school to contribute to better education or care of students.

The following comments/responses (the number of persons responding is listed at right) were provided with respect to perceived strengths of the school:

Supportive administration	15
Qualified/dedicated/motivated teachers	12
Educational program	12
Appropriate materials provided	10
Small class size	8
Teacher written course of study	7
Diagnostic/outreach program	6
Communication between staff	6
Total communications approach	4
Consistant program	3

Other aspects of the program were listed as strengths by one or two persons, as follows:

Supportive head teacher	2
Mainstreaming model	2
Staff CED - certified	2
Speech/auditory training	2
Experienced administrators	2
Administrators professionally/nationally known	2

Supportive psychologist	1
Supportive audiologist	1
Administrative concern for students	1
Active parent group	1
Enrichment program	1
In-service training	1
Communication with administration	1
Outstanding student achievement	1
Professionalism among staff	1
Vocational/art/swimming/field trip programs	1
Program continuity-elementary/mid/high school	1
Preschool institute	1
Socialization in dormitories	1
Sports program	1
Good parent contact	1

In responding to a question seeking suggestions for improvements at the School, eight academic staff members sought improved communications between the residential and academic staff members regarding students. Several identified actions to be taken elsewhere as needed improvements:

State recognition regarding teacher certification	6
Communications with Augusta	1

Many of the suggestions were, in effect, recommendations for more resources of one type or another, for services to students.

Additional materials needed	3
Increase tutorial support	2
Programs for learning disabled students	2
Student counseling needs	2
Increase student/speech/language training	1
Alternative education programs needed	1
Employ additional speech pathologist	1
Increase physical therapy students	1
Provide psychological help on a consistent basis	1
Full-time speech coordinator	1
Increase number of teacher aides	1
Relieve persons from carrying many responsibilities	1

Other recommendations or statements suggested concern with internal management of the School, but these were voiced only by individual members of the faculty, rather than large numbers:

Increase unity between departments of the school	1
Improve ability to assist local schools	1
Planning for after-school activities	1
Facilitate provision of equipment	1
Greater teacher input to faculty meetings/agenda	1

Several persons gave suggestions for increased training or preparation:

In-service training for dormitory personnel	4
Teacher accessibility to outside workshops	1
Review of confidentiality requirements	1
Allow staff professional days	1
More orientation for new staff	1

Suggestions were made concerning student programs:

Practical, developmental reading series	1
Experiment with cottage style living	1
Develop innovative programs	1
Eliminate signing with some students	1

One person suggested the establishment of a state committee with broad representation to discuss ways to improve the School. Another suggested the creation of a training center for educators of the deaf.

In a comprehensive self-evaluation study preceding the May, 1981 visit of the accreditation team of the Conferences of Executives of Schools of the Deaf, academic staff members listed a number of concerns and suggestions for the School. The self-evaluation study was done by members of the academic staff only (not residential or support staff). The self-analysis included the following perceived concerns and recommendations:

- lack of a commitment of all staff members to "total communication"
- inadequate system for assessing inservice needs and providing inservice training
- "nonacademic" departments not sharing the goals and objectives for education of deaf children
- need to expand on career education
- classes with multi-level students
- lack of personnel for a work-study, guidance and job placement person
- lack of funds for non-faculty personnel interested in coaching
- lack of physical exams prior to interscholastic competition
- poor attitude toward speech class and use of speech as a means of communication
- lack of consistent support from other staff members in expediting students to use speech for communication purposes
- lack of communication between the academic program and the dormitories and infirmary
- lack of comprehensive pre-vocational program for students not academically oriented
- no sex education program
- inadequate communication with regard to medical service
- no staff person for immediate disciplinary measures to eliminate class interruptions

- limited staff for serving increasing number of local schools
- no comprehensive listing of staff resources
- lack of secretarial services
- inadequate program for parent education and involvement at the school
- lack of involvement by mental health department with gifted and learning disabled
- poor record-keeping in mental health department
- lack of understanding by faculty, staff that mental health services are not for disciplinary purposes
- lack of involvement with parents by mental health department

### Conclusions and Recommendations

Academic staff members are, in general, satisfied with the scope and quality of the educational program at GBSD; their recommendations extend to an allocation of more resources in the form of personnel for this program. In interviews with the team, a sizable percentage noted "supportive" administrators and dedicated teachers as program strengths.

About 75% of the faculty noted a need for improved dormitory - teacher communication, while 18% cited state recognition regarding certification standards as needed changes. There are no general agreement on the need for changes or improvements.

There is reason to believe that academic staff members were reticent and less than fully candid with Team members in articulating criticisms of and suggestions for improvement at the School. They were more candid in their 1981 self-evaluation for re-accreditation. Their reticence with education team members may be attributed to the anxieties raised by publicity in the beginning weeks of the investigation concerning programs and management at the School and public comments by individuals and groups seeking closing of the School. <sup>15/</sup>

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<sup>15/</sup> With formation of the Advisory Committee on the Future of GBSD by the Commissioner, and two representatives elected to that body by the academic staff, more comprehensive recommendations might be expected.

## C. Residential Staff

### Findings

The residential staff (houseparents, infirmiry staff and supervisors, totalling 30 persons) were interviewed by Dr. Kamil, Team Coordinator, and Mildred Hart of the Department of Human Services. Some of the results of those interviews are discussed in Section III of the report.

Several houseparents communicated directly with the Commissioner through a petition which urged an investigation into the residential program and its management.

Supervision and management of the residential program were of substantial concern to those houseparents who approached the Commissioner directly at the start of the investigation to ask that it be "expanded" to include areas beyond the educational program. (This had already been determined by the Commissioner). These staff members were disturbed by an "excessive turnover" in the residential staff, which they attributed partly to "burn-out" from the split shifts. They made a number of serious allegations concerning hiring practices, physical and mental abuse, and employee harassment. All these allegations were explored in some detail in interviews. In addition, follow-up discussions were held and memoranda received from individual houseparents.

Several questions asked of houseparents (total of 23) addressed the Pupil Evaluation Team (P.E.T.) process required by special education laws. Asked if they play any part in the evaluation of students in the P.E.T. process, all 23 houseparents responded negatively. Seven of those responded that they were consulted by teachers or other professional staff about individual students. But, they indicated that this was done only occasionally, by one or two teachers, and not as a routinized procedure.

One houseparent stated that she talked with teachers every morning and one other indicated that she met with teachers in the school buildings about students in her care. On the other hand, several houseparents noted that communication with teachers was either forbidden or explicitly discouraged by supervisors.

Asked if information about children (from P.E.T./I.E.P. process) was made available to or shared with them, only two of houseparents answered yes. Eight indicated that such sharing of information would be helpful in their jobs. One person stated that she had once asked to be included in a P.E.T. meeting on a child in her care and that this was arranged by the school psychologist.

Houseparents were asked for any positive comments on the School. In response, a number answered, in various terms, that children had a good life or good home at the School and that the residential staff was a good and caring staff. Comments received included these:

Kids have a good life here.  
This is a good home for children.  
The school is well run.  
You couldn't ask for a better place.  
School is OK as it is.  
It is a good place for kids.  
Staff works well.  
Good houseparents and good rapport with children.  
Staff works well.  
The staff cares, has real concern for kids.

One houseparent noted that several students live in Portland, but stay at the School, commenting that this was proof that the School was seen as a good place by parents and students.

A number of concerns and suggestions for improvement were obtained from houseparents. These included comments on the educational program and related activities:

- Re-organization of the administrative structure
- Change in duties of the business manager
- Residential supervisors responsible to the superintendent
- Monitoring of hiring and dismissal procedures
- Creation of a new position of professional counselor for evening work
- Opportunities for houseparents and other residential staff to have input on administrative decisions
- Employment policies which promoted hiring of the handicapped, particularly deaf persons
- A physical revamping to "de-institutionalize" the dormitories
- Reassignment of some houseparents to both houseparent and teacher aide roles

No homework until recently (February 17)  
Children need more therapy  
Sports take precedence over homework  
Students need a regular study period in the dormitory  
Students should do more socializing with hearing children  
Houseparents should be allowed to develop their own specialties, such as art club, skiing with children

Several houseparents thought that students should not have life so easy. One commented that they should have more responsibilities at the School: another, that they should have real jobs at the School.



Several houseparents complained that personal details of students and staff members were inappropriately shared.

A number of houseparents believed that houseparent signing skills were lacking. One indicated that more deaf houseparents should be hired.

### Conclusions and Recommendations

While a number of houseparents were extremely satisfied with the School, their jobs and general working conditions at GBSD, a significant number had substantial complaints. These complaints were incorporated into the investigation and formed the basis for a number of inquiries into employment practices, student behavior and disciplinary procedures, and intra-staff communications. The results are explored elsewhere in the report.

A number of recommendations made by these houseparents suggest a limited knowledge of their rights as employees. For example, their request for access to the State Personnel Office is an established legal right of which they seem aware. A second suggestion, for an independent advocacy system to represent employees appears to overlook the role and existence of their union and union representatives.

Other suggestions showed concern for improving the total educational and residential program at GBSD and a desire for increased professional participation by houseparents.

A representative of their residential staff has been elected to serve on the Advisory Committee on the Future of GBSD, at the request of the Commissioner. It is anticipated that many of the suggestions made for change will be addressed by that group. Recommendations of the team, drawn from its investigation into the expressed concerns are stated in appropriate sections of this report.

#### D. Support Staff

##### Findings

All members of the GBSD support staff (business manager, personnel and clerical, housekeeping, maintenance, (totaling 37 persons) were interviewed as part of the administrative investigation, by Alan York, DECS personnel officer. The protocol used as the basis for these interviews (Appendix 4) asked questions concerning student discipline, alleged abuse, administration, employee morale, employment and hiring procedures.

Asked about the "strengths or good points" of the program and administration of the School, almost all their employees commented in some manner on the care of children. Comments included these:

- Kids come first
- Love for kids
- Kids are happy, well taken care of
- Administration is caring
- Kids have whatever they want
- Children are catered to
- Happy kids
- Remarkable the way kids are treated, as if at home
- Many material comforts for children
- Atmosphere is just beautiful
- Care of children is very good
- Kids are basically happy, treated well
- Superintendent has given every physical comfort to children
- Houseparents abused by children

In addition, several persons commented on the number of activities available to students:

- Something going on all the time
- Good programming
- Lots of activities
- Activities extensive

In response to an inquiry concerning improvements which could be made to contribute to better education of care of students, seven had no suggestions. Others focused in one way or another on the need for better discipline of children:

- More strict control of kids
- Too much permissiveness
- Lack of discipline
- Need rules for not spoiling kids
- Too lenient with kids
- Kids sometimes spoiled
- Need more discipline in dormitories
- Overprotected kids
- Should be taught morals, ethics
- Discipline is needed, especially for houseparents

Several staff members suggested that students should have assigned chores or jobs at the School.

Several other comments were made concerning possible improvements:

- Turnover of houseparents, teachers too high
- Lots of bickering among the staff
- Better communications needed
- Low salaries for teachers
- Student Council should operate tight budget for School
- Pay raises on time would help

A number of the support staff questioned hiring practices. (This is discussed in Section IX and other topics are discussed elsewhere in this report.

### Conclusions and Recommendations

Members of the support staff showed themselves to be among the most satisfied employees at GBSD, although a number had concerns about employment practices. These concerns were illustrated by a series of grievances filed over the years, most of them resolved between the School administrators and union officials.

Although the support staff is not involved in direct care or in educational activities, they are very aware of the programs for and treatment of children and generally perceived a pleasant facility staffed by caring employees where children were well treated.

The complaints or concerns of individual staff members should be addressed by administrative attention at the School, as well as by changes in the organizational structure and hiring practices at GBSD.

## E. Former Staff

### Findings

As part of the Special Review Team's efforts, a review of personnel records of former GBSD employees was undertaken and selected persons were interviewed in person or by telephone by members of the team. The purpose of the inquiry was to ascertain the opinions of staff members at the time of their employment or departure from the School.

Personnel records at the school revealed the following statistics concerning persons who had retired, resigned or had been dismissed between July, 1974, and February, 1982:

Teacher (including librarian, principal)	62
Assistant Teacher	10
Houseparent	78
Dietary	21
Custodial	7
Housekeeping	6
Nursing	6
Office	8
TOTAL:	<u>198</u>

Personnel records show that 106 teachers were employed at the School from July, 1974 onward. Resignations, retirements or dismissals are revealed in the following statistics as of February 1982. <sup>16/</sup>

'68	'69	'70	'71	'72	'73	'74	'75	'76	'77	'78	'79	'80	'81
3	3	5	5	8	6	7	12	8	8	15	1	8	1

Of these 198 employees, the records indicate that 19 persons stated as "reasons for leaving" on their resignation forms a concern about the School program or management or dissatisfaction with the School, its personnel or a particular job schedule. The names of those who resigned are included where they are known to have made public statements about their resignations and the school.

The resignation forms and other material in the records indicate several reasons for leaving were stated by employees at the time:

Teacher (1975)	"Immaturity and lack of professionalism" on the part of one person "as evidenced by extreme favoritism toward a few students and random physical abuse of others."
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<sup>16/</sup> It had been suggested in some public comments that the resignations of teachers in 1975 and 1976 were unusually high.

Teacher (1975)	"I don't agree with the approach to the education of the hearing impaired used at the School."
Teacher (1976)	"I resigned my position due to conflicts concerning the appropriate educational program and environment for deaf students."
Teacher (1976)	"I can no longer work in an environment which I think has incorporated abuse of power to the extent that people, both children and teachers, have been subjected to cruel, mental and in some cases, physical abuse. The rapid changeover of faculty since I've worked here attests to this fact. Moreover, many of these ex-faculty expressed, and current teachers express similar feelings directly to me. I can no longer tolerate the "fear" ethic of discipline because it stifles overall individual growth and causes untold grief. . . . There are too many "bad" examples in high positions here. I cannot accept an atmosphere lacking in real love and understanding!"
Teacher (1976)	"(1) because I do not want employment where there is a lack of professional ethics and accountability. . . (2) an inadequate salary."
Houseparent (1977)	"My need to find a summer job before I leave Maine. . . (2) personal disagreements with the policies and philosophy of this school which I will elaborate upon before I leave."
Teacher Aide (1977)	Hard work schedule, including doing laundry for two children.
Teacher Aide (1978)	"I am responsible, capable and skilled at my job. I feel that I deserve to be treated accordingly."
Houseparent (1978)	"Because of an unworkable schedule that only I was asked to work. Unfairness of employer". (Other memoranda state that the split shift was the only shift available for this employee).
Teacher (1978)	"I want to broaden my professional experience. Also, I do not feel I was used to the fullest extent of my professional capabilities."

Houseparent (1978)	Split shift
Teacher Aide (1979)	Job schedule changed from aide to substitute
Houseparent (1979)	(Name of person)
Teacher (1980)	"I have secured a position as a Teacher of the Deaf elsewhere. This move was primarily made due to the lack of support given by administration in matters concerning the discipline of students and their overall educational welfare."
Houseparent (1980)	"I feel there is a lack of an administrative support system concerning disciplinary matters with the children. There needs to be a lot more staff communication and cooperation in order to properly educate the children."
Houseparent (1981)	"I do not feel confident that when I am carrying out my responsibilities as houseparent my decisions or actions will not be usurped or otherwise interfered with by ( )."
Teacher (1981)	"I feel my professional expertise and experience in Physical Education are not being fully utilized in the schedule which has been assigned to me."
Houseparent (1981)	"personal differences"
Houseparent (1981)	"Invasion of privacy" (Memorandum from supervisor states that employees invited to his wedding talked about the wedding at the school).

Other employees who left stated various reasons for leaving. Many of these centered on new job opportunities elsewhere (including promotions and better salaries), marriage and family reasons, and education.

In addition, files of some teachers indicate a great deal of satisfaction and happiness among teachers who resigned, as well as respect and warm personal feelings for the superintendent.

### Conclusions/Recommendations

It is evident from the personnel files available at GBSD that a small minority of employees who resigned from the academic, residential or support staffs over the past eight years indicated as reasons for leaving their dissatisfaction with the School's program or operation. It is also apparent from selected interviews with former staff that others who left, while stating no dissatisfaction "for the record" at the time, now indicate they were dissatisfied with the School. Without interviewing all 1981 employees, however, it is not possible to conclude how many employees actually left because of School programs or administrative practices. Such interviews, even if undertaken at this date, might be of limited value because recent personnel changes at the School could have a subtle effect on the recollections of interviewees. Since a purpose of the interest interviews was to ascertain sufficient information to effect necessary and policies for the future, a selection of interviews was seen as appropriate for the task.

Only two persons who left the School since 1974 suggested in their records that mistreatment of children by any staff members had taken place. Subsequent investigation found these allegations to center on one person. Several persons who resigned without mention of mistreatment of children related knowledge of instances unreasonable physical force against children, again focussing largely on one current (1981-82) staff member, and mentioning several instances attributed to a staff member who had left employment at the School before this school year.





## VI. GBSD AND THE "LEAST RESTRICTIVE EDUCATIONAL ALTERNATIVE"

### A. Introduction/Overview

Maine's special education law requires, as a general principle, that all handicapped children be educated along "with children in regular programs to the maximum extent possible."

Removal of exceptional children from the regular educational environment shall occur only when the nature or severity of the exceptionality is such that education in regular classes with the use of supplemental aids and services, or education in self-contained classes within the regular school program, cannot be satisfactorily accomplished. Placement of exceptional children in residential schools or institutions or in private day schools or programs shall be authorized only after supporting evaluative data justifying such placement have been submitted to and approved by the commissioner. <sup>17/</sup>

The education of deaf and hearing impaired children at GBSD and elsewhere is governed both by the general education law and rules of the Department and by specific statutory and regulatory provisions addressing placement at the School.

As a legal mandate, the "least restrictive educational alternative" is reflective of the federal principle articulated in the Education for All Handicapped Children Act of 1975, P.L. 94-142. The goal of "mainstreaming," a popularly used shorthand term, originated with the movement to provide education for retarded children who were, until very recently in educational history, ignored by many states. The opponents of what has been termed "institutionalization" have focused largely on the indignities suffered by the retarded populations of state custodial facilities, rather than on the residential schools which have traditionally educated deaf children. Still, the same arguments in support of "mainstreaming" retarded children have been applied to deaf children in the residential schools. That is, that the long-term separation from home, family and "normal" educational settings works educational, intellectual and emotional deprivations on such children. Some authorities have cautioned against a wholesale adoption of these theories of institutionalization because of differences between the handicaps of retardation and deafness. Some studies report slower development in several characteristics for residential deaf students while others have concluded that the retardation can be avoided by making changes in the learning and residential environment of the residential school.<sup>18/</sup> The effects of a school on the development of children "seem to depend on the nature of the school."

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<sup>17/</sup> 20 M.R.S.A. §3121(2)

<sup>18/</sup> For a discussion of these theories and the research, see Quigley & Kretschmer, The Education of Deaf Children: Issues, Theory and Practice, University Park Press, Baltimore, Md., 1982 at Chap. 3.

Residential schools for the deaf have traditionally been identified with the manual or "Total Communication" approach to learning, while day schools or programs are identified with an aural-oral approach. This identification has added to the debate concerning residential or day placements.

Although less acrimonious than the debate on the communication issue, discussion of school placement has been heated at times and seems to be becoming so again with the modern emphasis on mainstreaming, although for different reasons. With the proliferation of a simultaneous approach to communication, the distinction between educational environments regarding communication issues has largely been obscured, and, as a result, the debate has shifted from residential vs. day school placement to issues involving the relative merits of the various types of placement options available, particularly within day facility environments, as motivated by recent legislation, litigation and psychosocial concerns. 19/

Nationally, there has been a discernible shift in educational placements of deaf children from residential schools (the first one dating from the early nineteenth century) to day schools to day classes and mainstreaming. This has continued for several decades. Residential schools have lost their former predominant role as the major placement for deaf children. 20/ The "mainstreaming" of deaf children, however, is proceeding slowly, with the major trend elsewhere in the form of regional programs which provide comprehensive programs and services to deaf children, while allowing them to remain at home. The most extensive development of regional programs is seen in states with large populations in concentrated areas. For example, Illinois has divided the state into districts, each with a population of more than 200,000. Although it provides extensive transportation arrangements to the nucleus regional program, residential provisions must still be made for those children who live too far away to commute. The major objective of the Illinois program is "to have enough children in one location to provide a comprehensive educational program and at the same time to permit all or most of the children to live at home." 21/

This Section discusses the legal parameters governing education of the deaf in Maine, the concerns expressed about the educational program provided to deaf children and the challenge of educating deaf children along the "least restrictive alternative."

## B. Findings

### 1. The Legal Framework Governing Education of the Deaf

The specific statutory authorization for the Governor Baxter School for the Deaf is consistent with this general goal:

Any child between the ages of 5 and 20 years, 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. 22/

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19/ Quigley & Kretschmer, at p. 37.

20/ "Deaf" is defined as those most profoundly impaired (91 &dB)

21/ Quigley & Kretschmer at p. 46.

22/ 20 M.R.S.A. § 3122 (4)

The "least restrictive alternative" as an educational goal is a recent educational principle affecting all handicapped students in Maine and throughout the nation. Maine, like other states, did not, until a decade ago, mandate educational services for all handicapped children, but has long provided education for the deaf. The Maine School for the Deaf, established in 1897, was "devoted to the education and instruction" of deaf children. 23/ The School was "designed for the instruction of children whose hearing is so seriously impaired as to be incapable of receiving instruction in regular public schools." 24/ The residential school, where children remained through the school week or for longer periods, was the model adopted by almost all other states at one time or another.

In 1953, the School was re-established by the Legislature, as the Governor Baxter State School for the Deaf. 25/

When, in 1973, the State enacted its first comprehensive special education law, declaring a commitment to education all handicapped children, GBSD was already providing education for the deaf through high school. The School retained its special status to serve that particular population of handicapped children; local school units had no such duty, but were not precluded from offering programs. 26/

In 1975, the Legislature amended the special education law to state the general requirement of individualized assessments and placements of handicapped students according to the "least restrictive alternative." The law governing GBSD, however, was not substantially changed: GBSD was the required method of educating deaf children, except where other programs were "available" in local schools:

Any child between the ages of 5 and 20 years...shall attend the Governor Baxter School for the Deaf during the scholastic year, unless it can be shown that a program adequate to his needs is available on a local or regional basis within the State or unless the commissioner has approved an alternative. 27/

GBSD was required to provide an "annual evaluation" of all enrolled children and to send these to local superintendents. Each school unit "may request technical assistance" from the GBSD staff "in matters relating to the education of deaf children...."

The Department made clear that placements at GBSD must be preceded by a Pupil Evaluation Team recommendation. 28/

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23/ P. & Sp. L. 1897 c.446. Before this, parents of deaf children could arrange to send their children to residential schools out of state, at public expense. A compulsory education mandate for deaf children did not occur until decades later

24/ A notice "To Parents of Deaf Children" in the Reports of the Trustees and Principal of the Maine School for the Deaf, 1902.

25/ The "state" was dropped after enactment of a statutory suggested by GBSD students.

26/ P.L. 1973 c.609 § 1

27/ P.L. 1975 c.732 § 2

28/ Letter from special education director John Kierstead to Superintendent of Cumberland Schools, December, 1975.

Not until 1977 29 was the "least restrictive alternative" principle explicitly articulated for the state's deaf students, this enacted in part as a response to parental concerns and in part to achieve consistency with P.L. 94-142, the federal Education for All Handicapped Children Act.

As outlined in the Department's rules (most recently revised generally in 1978), a continuum of educational options must be available to meet the needs of each individual "exceptional" child. At one end of the spectrum a student is enrolled in a "regular class" in his home school, with learning activities supplemented by special education instructional materials or equipment identified by the P.E.T. Other choices, each more "restrictive," along the continuum include: regular class enrollment with some supplemental instruction in a "resource program"; enrollment in a "special education class" with a majority of instruction from that class; enrollment in a regional special education day program operated by a public or private agency and enrollment in a special education residential facility.

The DECS guidelines anticipate that the proportion of time spent in a special program (and a corresponding "degree of restriction") increases as the degree of impairment increases. For a child who is hearing impaired, the spectrum would run from enrollment in regular classes (supplemented by amplification equipment or other appropriate special techniques), enrollment in a self-contained class for deaf/hearing impaired children within the regular school, either part or full time; enrollment in a regional program for the deaf/hearing impaired as a day student and, finally, enrollment in a residential school for the deaf.

The DECS rules state that the superintendent's and parent's request to enroll a child at GBSD is dependent upon the school unit P.E.T. and must be "based on an inability to meet the needs of the child locally or regionally." Enrollment of a student at GBSD, after the P.E.T. and the superintendent's request, is not, however, automatic. Requests for enrollment are "approved or disapproved by the superintendent [of GBSD] ... in accordance with the availability of space and/or suitable special programs, facilities and staff at school." 30 Disapprovals are possible, but "only after consultation" between the GBSD superintendent and "appropriate staff members" of the Department.

If a student enrolled at GBSD is placed in a local school unit "on a trial basis," the GBSD staff is responsible for "outreach" programs of "consultation and student and teacher support services, in cooperation with the public school's P.E.T. The student "shall be re-enrolled" at GBSD "if such public school placement does not appear to be successful in the opinion of" the P.E.T. and GBSD staff. 31/

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29/ P.L. 1977 c. 325

30/ 05-071 C.M.R. § 101.5(B) The Department requires the reporting of all requests for enrollment at GBSD in a manner similar to reporting of child placement requests for private facilities (for which local units receive reimbursement). But, unlike the statutory mandate for the Commissioner's approval prior to placement in "residential schools or institutions or in private day schools or programs (20 M.R.S.A. § 3121(2)) placements at GBSD can be arranged by the local superintendent, with parental consent after a P.E.T. (20 M.R.S.A. § 3122(4)).

31/ 05-071 C.M.R. § 101.5(C)

## 2. Critics and Defenders of GBSD: Past and Present

Some public critics of GBSD have recently attacked the very existence of the School itself, i.e., the operation of a residential school for deaf children. In Coping, Charles Overholser, former dean at GBSD, claimed that a residential school results in unavoidable "institutionalization," a form of child "abuse." A representative of the Maine Independent Living Center publicly termed the School an "outmoded system" and a "system of segregated education" and called for the integration of all GBSD students into the regular public schools.

These preferences for "mainstreaming" deaf children are hardly a recent phenomenon, although the terminology may be new; they are but the latest voices taking part in a debate which has raged for more than a century concerning the proper philosophy and method of educating the deaf. Not confined to Maine, the debate has national and international dimensions and ardent proponents on each "side."

Parental concerns and complaints about GBSD have been heard in the past; these have focused generally on a disagreement with the prevailing philosophy or method of education ("Total Communication") used at the school. There has also been an expressed preference for educating one's own child closer to home. Although GBSD had been for several decades almost the only resource in the State for educating deaf children, and there was no statutory mandate to provide alternatives to the School, the Division of Special Education of DECS and several local school units recognized the need to expand the educational delivery systems for deaf and hearing impaired children in the early 1970's. Federal assistance under the Education of the Handicapped Act was utilized to provide grants to initiate educational programs and services for deaf and hearing impaired at local schools as early as the 1971-72 school year. When the Legislature enacted the state's first comprehensive special education law in 1973, declaring a commitment to educating all handicapped children, these local programs, although few in number, were already in place.

The prevailing educational philosophy at GBSD, "Total Communication", and the general lack of other programs for individual students in the state prompted a complaint in 1974 to then Senator Muskie. He sought information from the School's superintendent as to whether "oralism" was taught. In response, the superintendent wrote that all children have "oral/aural communication lessons," but that because "not all deaf children are capable of developing intelligible speech...limiting the communication modality exclusively to speech would be unfair to these children."

Noting that many parents are critical of the School's tolerance of sign language, the superintendent explained that the "eclectic approach" used at GBSD allowed appropriate attention to each individual child.

In an article written for the Baxter News in that year (1974), Robert Gerardi, DECS Associate Commissioner for Instruction, addressed the concerns voiced by proponents of residential schooling. He refuted the claim that hearing impaired children would be harmed by the availability of local or regional instruction outside GBSD, stating that the P.E.T. required by Department rule included the "protection" of an assessment by at least two professionals prior to placement. If local school units wanted to start regional programs, and these met acceptable criteria, Mr. Gerardi wrote, DECS "would support their right to do so" because of applicable laws and "it would be better for children to live at home, if possible...." Mr. Gerardi was emphatic in eschewing an "either-or" approach of educating the deaf:

To state that the proper educational and social services and opportunities for the hearing impaired child can only be provided in a residential school is as erroneous as stating that all hearing impaired students can be served in the mainstream of education. We must look at "both sides of the coin" and place all handicapped children in the "most appropriate educational setting."

In 1976, Commissioner H. Sawin Millett, Jr. became aware that a group of parents, particularly in southern Maine, were unhappy with the GBSD program and wanted alternatives for their children. Several wanted to enroll their children at another New England school (also residential) where "oralism" prevailed. The question was the Department's responsibility, if any, for paying tuition costs. The immediate problems were ironed out, according to Mr. Millett's recollection, and the broader question addressed in the 1977 statute clearly mandating the role of local school units in educating the deaf and announcing the "least restrictive alternative" principle for deaf children.

The Department's willingness to sponsor and encourage alternatives to GBSD for deaf and hearing impaired children and the legal principles of the "least restrictive alternative" have in the past provoked some concern among those who felt the residential model of schooling for deaf children is superior. Superintendent Youngs has been a spokesman in articulating such concerns.

In a letter to a Congressional committee in 1978, he expressed his reservations about the "mainstreaming" of deaf children:

The nature of the handicap of deafness, almost without exceptions, suggests that special programs with highly qualified and trained teachers may be essential if the children are to have an appropriate education. A critical consideration is whether the needs of these deaf children can be met and reinforced within a heterogen educational setting. In most cases this cannot be accomplished successfully. Special schools and classes provide optimal individual attention for each child recognizing that the handicap of deafness requires individualized planning because of the variables in etiology (causes of impairment) and degree and nature of their hearing loss.

In regard to the social accommodation of deaf children, a select environment in which deaf children are able to grow and develop among peers and persons capable of carrying on wholesome social intercourse is pertinent in establishing any program for deaf children. Swallowed into the public school program deaf children find themselves frequently outside the mainstream, observing activities but rarely participating in them. Among their peers they are able to have an appropriate social stimulus that will motivate them to become wholesome normal citizens of our society. 32/

The official position of the Department, reflecting both state and federal special education requirements and its own recent history is that (1) GBSD is only one alternative available for the education of deaf children, (2) individual assessment of each child's needs is a prerequisite to placement in a particular program and (3) parental choice, through the P.E.T. process, is a component in placement of a child at GBSD or in some other program (assuming parental wishes are not overturned in appeal by a hearing officer or court decision). Because each special education placement must be made on an individual basis, from among the continuum of educational options, and with parental consent, the Department neither promotes nor discourages residential placements for all deaf children as a class.

In August 1979, a report prepared by special consultants for the Maine State Planning Council for Developmental Disability "Maine's Progress Toward A Free Appropriate Public Education for Handicapped" made the following assessment of the state's progress in educating deaf and hearing impaired children:

Maine compares favorably with other states in conforming to the regulation of providing services in the least restrictive educational environment. According to law, there should be a range of programs from the least restrictive, integration into a regular classroom, through increasing time spent in resource rooms, to special classes within a regular school, to special classes in separate facilities, to institutional programs.

In Maine, 87% of all special education children were served in regular classrooms or resource rooms in 1976-77, while the national average was 68%. This integration of handicapped children into programs and classes serving non-handicapped students indicates a positive starting point. The question remains, however, whether sufficient support services are available to students and to the regular classroom teacher to make the experiences successful.

In contrast to the general pattern, orthopedically impaired and deaf students in Maine are more often served in special schools than the national average. Progress is being made through regional agreements in at least some parts of the

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32/ Letter from Superintendent Youngs to Senators Jennings Randolph and William Hathaway, members of the Senate Subcommittee on the Handicapped, May 1, 1978, copied to DECS

State to increase the integration of the orthopedically impaired. The percentage of deaf children in regular classrooms has also increased in the past year. In addition, the Governor Baxter School, the State school for the deaf, has made efforts to fulfill its mandate to provide assistance to schools in developing local programs. Considerable effort is still needed, however, to offer these two groups the same opportunities as most other handicapped students.

In June of 1980, the Division of Special Education concluded public hearings on the Part B, Education of All Handicapped Children, P.L. 94-142 Maine Program Plan, Fiscal Years 1981-1983. On Section IV, Policy on Priorities, the Division received comments concerning the exclusion as a priority "alternative programming for handicapped students to ensure placement in the least restrictive environment...." The Department's response indicated that "the Division of Special Education will initiate... projects for school administrative units in programming of students with audition handicapping conditions," confirming its intent to promote local programs. The priority categories established in the Program Plan included "programs for low incidence, severe and profound." The Mt. Desert Regional Community School District received a 1980-81 discretionary grant award for: "Regional Program for Severe and Profound Hearing Impaired."

### 3. GBSD Placements and Parental Consent:

GBSD has officially made an adjustment to operating within the context of the comprehensive special education program which includes a wide spectrum of educational choices and individual evaluations and plans for students. The administration and staff are aware that local schools can provide educational programming for the deaf and that they must do so, if that is the parent's choice. GBSD staff have, for several years, attended local P.E.T. meetings and provided diagnostic services for deaf children.

The findings of the education team, from records and interviews, suggest, however, that the GBSD staff and the local school units have not always implemented the full P.E.T./I.E.P. process, that educational goals have been set for the child at GBSD by the School staff rather than prior to placement. Where a majority of parents interviewed stated that they did not believe they had participated in setting educational goals for their children, there is the implication that parents may not be aware of their right to explore and request alternatives other than GBSD and may acquiesce in that placement without a full knowledge of alternatives. Also, the interviews suggest that a number of parents do not know much about or understand the educational program at GBSD.

### 4. The GBSD "Mainstreaming Policy":

GBSD adopted, in 1978, a "Mainstreaming Policy" outlined in a booklet of 41 pages which sets forth a "mainstreaming model." The model is a system of procedures for the implementation of an effective transition of the deaf student from the School (GBSD) to the local school district. (See Appendix 13 for a portion of this model.) The booklet is also descriptive, identifying the number of students who have been "mainstreamed," as well



as those who have been "enrolled from public school." It contains a checklist of procedures to be followed when "as a result of the pupil evaluating process,...candidates for mainstreaming are recommended..." It also contains a diagnostic/evaluation format for "referral contacts" to the School, and suggestions for local schools where deaf and hearing impaired children are enrolled.

According to the "Mainstreaming Policy", a total of 71 students were "sent to public schools" in the 10-year period from 1970-71 to 1981-82. The education team questions the reliability and validity of these numbers. The document states that for the school year 1980-81, six students were "sent to public schools". The education team, however, found that only two of these students are in Maine public schools; the other four have left the state.

The education team reviewed the records of the eight "Students Enrolled from Public Schools" for 1981-82, but was unable to document the accuracy of these numbers. They could only find three students who had entered from public school placements (Auburn, Bangor, Panama City, Florida). The disposition of the other five is as follows: two from Connecticut (school for the day); one, aged 4 entering school for the first time; one older student placed for a diagnostic evaluation (for one month); and one former GBSD student re-entering from New Jersey (school for the day). 33/

While GBSD staff members have described their mainstreaming efforts, including the assistance offered to local schools to develop local programs for the hearing impaired, the perception of the local schools is not as enthusiastic. A survey of special education personnel in several surrounding public school units - Freeport, Yarmouth, Falmouth, Portland and Cape Elizabeth - revealed no evidence of efforts by GBSD staff to develop integrated classrooms. There are no hard-of-hearing students placed part-time at the School at the present time and there are only three older School students placed part-time in community school programs.

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33/      GOVERNOR BAXTER SCHOOL FOR THE DEAF MAINSTREAMING PROGRAM

	<u>Total</u>	<u>Students</u>	<u>Students</u>	<u>Students</u>	<u>Students</u>
	<u>Enrollment</u>	<u>Enrolled From</u>	<u>Sent to</u>	<u>Returned</u>	<u>Returned to</u>
		<u>Public School</u>	<u>Public Schools</u>	<u>To GBSD</u>	<u>Public School</u>
1970-76	1242	25	26	8	2
77-78	145	6	11	1	
78-79	141	9	13	1	
79-80	135	11	12	1	
80-81	122	4	6		
81-82	109	8	3 (partial)		
	(3/82)	—	—	—	—
		63	71	11	2

On its face, the GBSD, "mainstreaming policy" ignores not only the possibility of alternatives other than pure "mainstreaming" (transfer to the local school) but also is in reality only practiced on a small scale. The policy does not deal with the option for part-time enrollment at GBSD through dual enrollments with local school units, although this arrangement would be a less "restrictive" alternative than full-time residential enrollments.

This past school year, two students were enrolled part-time at the Portland Regional Vocational Technical Center, through an informal arrangement with the director. One student also enrolled half-time at Catherine McAuley High School in Portland. Yet, the Mainstreaming Policy fails to explore the potential for dual enrollments, either by GBSD enrolled students enrolling outside the School, or area students enrolling at GBSD for special courses. But at least one parent has complained of an administrator's opposition to a dual enrollment for his child.

In addition, the Mainstreaming Policy ignores the potential for making less "restrictive" the total educational environment through a move away from residential status. Of the current student body, some are in a "more restrictive" environment than others, merely by virtue of their full-time status as residents in comparison to the commuting students.

The education team's analysis of data (March 1982) revealed the following breakdown of GBSD students:

64 full-time residential students

13 part-time residential students (staying 1-4 nights per week)

29 day students

Day students were transported from a variety of local school units, at local (not GBSD) expense. The greatest distances are Wiscasset (45 miles one way); Bridgton (42 miles one way) and Sanford-Berwick (40 miles one way).

Obviously, students who spend only some of their nights in the dormitory can be transported on a daily basis and can utilize the same transportation available to commuters. In addition, 17 students who are full-time day students and could also commute.

Specifically the following information was obtained showing the area from which public or private transportation is provided on a daily basis and the status of the students transported:

	<u>Full-Time Day</u>	<u>Full-Time Residential</u>	<u>Part-Time Residential</u>
Topsham	1	2	
So. Harpswell		1	2
West Bath		1	
Bath	2		1
Wiscasset	1		
Medomak		1	
Portland	5	3	3
Westbrook	1	1	2
Bridgton	1		
Naples	1		
Raymond	1		
Auburn	2		
So. Portland	4		1
Biddeford	1		1
Saco	1	1	
Arundel		1	
Old Orchard Beach		1	
Sanford	2	1	
North Berwick		1	
Brunswick	2		2
Lisbon Falls		1	
Gorham			1
So. Windham	2		
Sebago Lake		1	
Gray	1		
Moody		1	
So. Freeport	1		
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Total	29	17	13

Also, 12 other students whose parents or guardians live within the same mileage range as daily commuters are full-time residential students who could be commuters. These areas are:

Auburn - 2	Standish - 1
Lewiston - 2	Kezar Falls - 1
Turner - 1	So. Berwick - 1
Greene - 1	Eliot - 1
Richmond - 1	Waterboro - 1

It is apparent from interviews conducted by the education team that few local school units play any part in determining whether a child will become a day or residential student. In almost every instance, this decision is made by the parent and the GBSD administration. If the local school unit is involved, usually it routinely approves whatever arrangements are made. Parental (or student) preference, even where there is alternative or commuter status, has been the deciding voice in the decision.

In addition, the education team learned that some parents of full-time day students on occasion request that their children spend the night at the dormitory for various personal reasons. Staff members, only half in jest, refer to the situation as "Hotel Baxter," where all it takes is a note or phone call from a parent to arrange overnight accommodations for a child.

It is also evident that more children could go home on weekends by bus or private transportation, but that parents fail to make these arrangements, again according to their own preferences.

### C. Conclusions And Recommendations

Although the procedural requirements demanded by the special education laws (P.E.T. meetings, I.E.P.'s, notices to parents) are generally followed, there is enough evidence to conclude that parents are not fully aware or do not really understand their rights to consider alternatives to GBSD under the special education law. Parents do not have enough knowledge about the varying philosophies and methods of educating the deaf to feel comfortable discussing programs and placements in the P.E.T. meetings.

The Department must take steps to assure that the parents of deaf children understand the opportunities available for educating their children. To some extent, the lack of discussion and consideration of viable alternative programs for the hearing impaired student may well reflect the lack of expertise and experience of local school personnel.

The Team finds the GBSD "mainstreaming policy" too limited in its vision, implying a necessary choice between residential schooling at GBSD and full-time schooling in local school units. It ignores the potential for educational alternatives through dual enrollments and minimizing residential stays at the School. It is also more a policy statement than a program; there is no indication that students are reviewed annually to assess the possibility of a change in their status, i.e., to day-time or part-time students at GBSD.

Some dual enrollment possibilities are hampered by existing legal arrangements which allow participation by GBSD students only as a gift or favor. For example, PRVTC operates on a quota system whereby students from the participating school units are allowed to enroll. Financial assessments are paid by each participating school unit. A GBSD student from outside the participating school units, however, may be enrolled only if there remains a vacancy after enrollment of eligible students. Moreover, no financial assessment has been made by PRVTC to GBSD or the "sending school for such placements.

The Team suggests that the Department explore any financial impediments to dual enrollments and make recommendations for any needed changes in DECS rules or applicable statutes.

The Team also recommends a thorough study of the potential for reducing the number of residential placements at GBSD. Placement of a child at GBSD as a full-time resident merely by parental preference and unrelated to his educational needs, is not consistent with Maine's special education law. The law intends that as many children as possible be day students while attending special education facilities. In addition, there are sound educational and social reasons for requiring that deaf students spend as much time as possible with their families. 34 /

The Team recommends that consideration of residential status be a part of each P.E.T. including the annual review process, and that I.E.P.'s be written and revised which relate residential status to educational needs. Placement as a day or residential student must be a P.E.T./I.E.P. decision, not merely an individual parental preference.

The P.E.T. might consider part-time residential placements, where students participate in designated afterschool activities which would be precluded because of lack of travel arrangements. This should be considered on a case-by-case basis.

The P.E.T. process has resulted in the "mainstreaming" of increased numbers of children in recent years, a factor which has played a role in a declining population at GBSD. At the same time, however, parents who have expressed criticism of either the residential model or the educational philosophy or methods at the School have not rejected the School as an option, which is appropriate for others. The focus of parents--both in the past and at present--is on the availability of appropriate educational options for their own children, not the denial of particular choices for other children.

It is obvious, not only from the participants in the current controversy but also from extensive literature on the subject over decades, that the education of deaf children involves many more choices and challenges than merely "residential" versus "mainstreaming." These include the issues of appropriate or desired communication forms and languages, issues which are recognized as social and cultural as much as "educational." 35 /

Because most marriages of deaf persons are to other deaf or hearing-impaired persons, and because a majority of deaf pursue most of their social lives with others, 36 / many deaf persons will insist on an educational facility which will prepare children for life with other deaf persons. Where mainstreaming means isolation from other deaf persons--both fellow students and adult role models,--it may be rejected by parents as an appropriate educational choice, even if the educational programs and personnel are available locally.

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34 / The Office of Demographic Studies, Gallaudet College, abstract "Commuter Students at Residential Schools for the Deaf," June 1980, at p. 2 suggests: "...at each hearing level more day students at residential schools were rated by their teachers as speaking more intelligibly than were residential students."

35 / Quigley & Kretschmer, at p. 25

36 / Id. at p. 28.

It is important to remember, then, that the special education process, at base, grants rights of parental choice which must be honored. These choices can be made along a continuum of educational programs to be provided at public cost. <sup>37/</sup> In addition, the "continuum" of placements from "least" to "most" restrictive does not address other, very important issues and choices facing the parents of deaf children, namely the philosophy and method of acquiring communication skills. The State cannot eliminate any of these choices merely by declaring that one or some of them are unsuitable or inappropriate or unwise for deaf persons as a population. The choice of placement and program must focus on the individual child and will inevitably include a consideration of educational goals which relate directly to intellectual, vocational, and cultural goals and to very personalized social needs as well.

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<sup>37/</sup> To be precise, federal and state special education rules require written parental consent for the initial special education placement of a handicapped child. After that, changes in the program are possible without parental consent, but after notification. A school which attempted to change the placement of a deaf child from residential to home school without parental consent, however, would face administrative and court appeals of that decision, a right granted to parents under the special education laws and regulations.

## VII. STUDENT PRIVACY RIGHTS AND STAFF RESPONSIBILITIES

### A. Introduction/Overview

A perceived lack of "privacy" for students has been cited by a number of former students and houseparents in public comments critical of the Governor Baxter School for the Deaf. This problem has been further defined as one in which "personal" or "confidential" information about students has been improperly shared among school staff. Also, former students have complained of undue restriction on their freedom of movement, in the form of permission slips for on-and off-campus activities. Along this same line, former students have stated that they were not allowed enough free time alone without adult supervision with other students.

These complaints about invasion of privacy were recognized as important by the Special Review Team.

In designing the interview protocols for current school staff and parents, the Team hoped to elicit useful perspectives on this matter. It was decided early in the investigation, however, not to explore the topic in depth and not to interview the population which might have the strongest views on the topic. That is, the student body at GBSD would not be interviewed in the same manner as staff and parents, except for those individuals with knowledge of abuse. There were several reasons for this decision. First, Team coordinators felt that academic and residential staff members would have enough insights into the problem--indeed, residential staff members had raised the problem with the Commissioner--to provide a basis for future policy changes. Also, parents' views would be elicited on the quality of life at the school and their views, it was thought, would reflect information they had received from their children. Finally, the Team determined that it was inadvisable to interview students about their quality of life at the school (either academic or residential) in the midst of several well-publicized investigations on abuse. Rather, it was felt that useful information on the students' perspective as well as insights into the general problem could be ascertained by the acting administrators in the course of their normal duties at the School. In addition, the new Advisory Committee on the Future of GBSD would have the opportunity to discuss suggestions for improvements in student life in a calmer forum which included parent and student representatives.

### B. Findings

Interviews and record reviews completed by the Team indicated generally that the School has in effect a policy and practice which safeguards student records from unauthorized persons. In fact, staff members comments indicated that some information about students was kept too confidential, i.e. not shared with School staff persons who had an interest in and responsibility for students. (See the discussions in Sections II and V.)

On the other hand, there were indications that not enough care was taken to refrain from unwarranted invasions of privacy in all situations. Residential staff members were critical of several persons who, they perceived, gossiped about students in an unprofessional and inappropriate manner. The "licensing" review revealed scrutiny of children's letters home and practices which monitored students' telephone (TTY) conversations with their parents. In addition, the education team discovered personal letters between children and their parents in the official student records.

School policies require generally that students receive permission from appropriate staff members (e.g., houseparents, residential supervisors or teachers) before leaving campus, leaving the School buildings or using particular school facilities. These requirements are similar to those found in most schools and are perceived as a necessary measure to keep track of students.

Younger children are accompanied by houseparents or teachers at school, at play, in the dining room and in the dormitories. Older students have more freedom to be without direct adult supervision, but they are expected to give appropriate notice to adults. Thus, where a student is invited to spend the night or weekend at another student's home, parental permission is necessary and prior notice must be given to the appropriate residential staff member. Any students who have automobiles at the school must, similarly, register their vehicles, show parental permission, and give appropriate notice before leaving the campus. A student who wants to use the gymnasium or a print shop facilities may do so, again, with permission of the instructor in charge of the facility and notice to the residential staff. The lack of direct supervision of older students was even criticized by some staff members in interviews with the Team.

#### C. Conclusion and Recommendations

Staff's gossiping about students which has occurred at GBSD is inappropriate and should cease. The School administration should discuss with staff and parents the adoption of a policy which would minimize the monitoring of mail. The policy should recognize, at the same time, there is a need to help children improve their written communication skills, and there will be times when some children will require assistance.

The Team finds no inappropriate invasion of student privacy in the general system of prior notice and permission used at the School. These measures appear to be both necessary and appropriate methods of exercising the parental and custodial duties of "reasonable care" toward students. Suggestions that the school relinquish these supervisory responsibilities in favor of more "freedom" for students appear to be reflective of typical adolescent yearnings for independence from adult supervision and would be unwise policies or practices for the School to adopt. The School's abdication of supervisory responsibilities which are deemed appropriate for the health and welfare of students would expose staff members to liability for negligence and would result in parental concerns about the safety of their children.



School administrators should review the current supervisory policies with staff and parents for appropriate modifications, if necessary, while following "reasonable care" standards.



# VIII. STUDENT BEHAVIOR AND DISCIPLINE AT GBSD; TREATMENT AND MISTREATMENT OF STUDENTS

## A. Introduction/Overview

The very public charges alleging or implying widespread mistreatment of students at the Governor Baxter School for the Deaf, punctuated by specific allegations of mistreatment against several individual staff members, marked the beginning of this administrative investigation. The Team's interest in possible mistreatment of children at GBSD had one central focus, set out by the Commissioner at the start of the inquiry: the future assurance that the School provide a safe environment for students. Two administrators were suspended on February 2, 1982, not because the allegations of mistreatment were presumed to be true, but because the allegations, if true, were seen to pose a danger to the health and welfare of children at the School.

The Team's task, then, was two-fold: First, it was to obtain credible evidence of any instance of mistreatment of students by an employee, to assess this evidence and to provide their findings and recommendations for appropriate disciplinary action to the Commissioner. Second, the Team was to assess any pattern of mistreatment and other individual instances of unreasonable physical force against the background of School disciplinary policies and practices and staff qualifications, and determine what policy changes would be appropriate for the future. The efforts of the Special Review Team to uncover evidence of mistreatment --unreasonable physical force or sexual exploitation-- included about 200 interviews (all 112 staff members, 75 parents, and others, including students, former students, former staff members, DECS officials. See protocols in Appendices 2-5) Also, all student records reviewed by the education team were scrutinized for evidence of mistreatment. Team members also reviewed administrative records at the School and the Department, including so-called "incident reports", correspondence between parents and School officials, personnel records of current and 198 former staff members, minutes of the Board of Visitors, and all letters received since the start of the investigation. The personnel records were reviewed for any disciplinary actions taken as the result of student mistreatment and union grievances were scrutinized.

Because the Attorney General's team had undertaken its own comprehensive investigation into the allegations of mistreatment, at the Governor's specific request, and wanted to avoid duplicative interviews and possible confusion, the Special Review Team limited its own inquiry into mistreatment. The Team turned over all relevant information and "leads" which members uncovered to the Criminal Division investigators. This meant that the interviews of those persons who had allegedly suffered mistreatment were primarily carried out by the criminal investigators, although several joint interviews were arranged. In addition, the Team undertook some interviews of students, former students, and former staff on its own and completed several interviews at the request of criminal investigators, forwarding their findings. It was the Team's understanding at the beginning of the investigation that the findings of the criminal investigators would be made available to them. This was necessary because mere allegations of misconduct and an administrative inquiry limited in any way would not suffice to sustain dismissal on actions against offending employees: the "just cause" standard carried a burden of proof with credible evidence in due process hearings which involve the examination and cross-examination of witnesses.

The findings of the Attorney General's staff, supplemented by any additional findings of the Team, were reported to the Commissioner over a period of several months for his use in disciplinary actions. <sup>38/</sup>

The Team also referred several indications of possible child abuse, which did not appear to be criminal actions, to the Human Services child protective workers for their investigation and intended to use any findings received from that department as the basis for disciplinary action, staff development activities and policy review.

Evidence developed by the Team and the Attorney General's investigators indicates that there are reasonable grounds to believe that seven persons on the 1981-82 staff of the School have mistreated students in some manner in the past. These actions range from one incident by a staff member who dragged a misbehaving child down the hall to a series of more serious instances of physical and sexual mistreatment. All these findings have been made known to the Commissioner.

The goal of creating a safe environment for children also demanded that the Team assess all relevant policies and practices for their adequacy, particularly as to whether they may have contributed or might contribute in any way to the mistreatment of children by staff members. The Team sought information concerning not only the prevailing practices, but also staff perceptions as to inadequacies and possible improvements. (The results, in part, have been reported in Sections III and IV.)

With these two objectives --disciplinary actions and future policy changes-- the Review Team's focus was essentially on current (1981-82) employees. Thus, the public allegations of abuse made by former students were not of direct interest unless they implicated current staff members in some fashion or indicated serious, lasting injury to a student at the School. Former staff members could possibly be prosecuted by the Attorney General, but the Commissioner obviously had no disciplinary power over them as employees.<sup>39/</sup>

## B. Findings

### 1. Sexual Intimacies Between Staff and Students Legal and Policy Limitations:

Sexual contact between students and staff members at a school is not per se illegal. The Criminal Code makes criminal the "sexual contact" or "sexual act"<sup>40/</sup>

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<sup>38/</sup> These memoranda were considered to be confidential within the meaning of 5 M.R.S.A. §554(2)(E).

<sup>39/</sup> Information about any former staff member still teaching elsewhere might be of interest to the Commissioner in his licensing capacity, i.e., he could use information as the basis to seek revocation of a professional teaching certificate.

<sup>40/</sup> 17-A M.R.S.A. §§251(1)(C), (D); 254(1).

between persons based upon age (16 being the age of "consent) not upon the student-teacher or student-caretaker relationship. While sexual acts between persons "in authority" and any persons of any age "detained in an institution" are illegal<sup>41/</sup>, GBSD would not appear to be an "institution" under the law because students are not "detained" as the law anticipates.

Sexual contact between staff and students at GBSD could obviously be administratively punished as "misconduct" without regard to the age of the student. Although collective bargaining agreements state that "progressive discipline" must be applied against employees --a series of warnings and less serious disciplinary measures before dismissal from employment-- sexual contact between a staff member and a student would appear to be such egregious misconduct that it would result in immediate dismissal. This was the Commissioner's position at the start of the investigation. The final decision as to any disciplinary action for such an impropriety, however, would depend on the decision of an arbitrator as to the facts (whether the alleged incident occurred), the reasonableness of the policy prohibiting it and the reasonableness of the disciplinary action taken by the superior administrator.<sup>42/</sup>

#### A Summary of Findings:

On the evidence developed by the Attorney General's investigators and the Special Review Team, the Team concluded there were reasonable grounds to believe that three staff members have engaged in sexual intimacies with students at GBSD.

- Sexual intimacies between a male staff member and male students
- Sexual intimacies between a male staff member and female students
- One instance of sexual contact involving a male staff member and a female student.

The Team has also found evidence that two former staff members dated students at the time of their employment. In one instance, a staff member was reprimanded by a supervisor and appears not to have continued. In another instance, a relationship apparently continued although known to administrators. The couple eventually married.

#### 2. The Use of Unreasonable Physical Force against GBSD Students Legal and Policy Limitations:

The use of physical force by adults against children and, more particularly, by teachers against students, is limited by the provisions of the Criminal Code. The intentional, knowing or reckless use of physical force causing bodily harm or offensive physical contact with another is criminal assault under the Code.<sup>43/</sup> Any such action whether prosecuted or not, would obviously be misconduct on the part of a teacher, staff member or other employee of a school and should be sufficient "cause" for severe disciplinary action.

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<sup>41/</sup> 17-A M.R.S.A. §253(2).

<sup>42/</sup> All employees at the School, save two, are represented by employee unions.

<sup>43/</sup> 17-A M.R.S.A. §207.

Physical contact between teacher and student, however, is not completely prohibited by law and is recognized as a reasonable and proper action in some circumstances:

A teacher or other person entrusted with the care or supervision of a person for special and limited purposes is justified in using a reasonable degree of force against any such person who creates a disturbance when and to the extent that he reasonably believes it necessary to control the disturbing behavior or to remove a person from the scene of such disturbance. <sup>44/</sup>

The principle applicable to teachers generally is reasonable restraining action, but not physical (corporal) punishment without specific parental permission.

The Code also allows a parent or parental figure who is responsible for the "long term general care and welfare" of another to use "a reasonable degree of force" which he "reasonably believes" is "necessary to prevent or punish" a child. <sup>45/</sup> Thus a houseparent --and arguably, a teacher-- in a residential facility or school could exercise all the usual parental prerogatives in a reasonable manner. The traditional spanking for misbehavior, then, is permissible under law and is not per se illegal. Whether it or any other form of physical prevention or punishment measures are acceptable in a residential school --and whether they constitute employee misconduct-- is a matter of local school policy, but not a question of criminal conduct.

Any state institution must also provide a climate free of "child abuse or neglect", as defined in the child welfare statutes to be:

"a threat to a child's health or welfare by physical or mental injury or impairment, sexual abuse or exploitation, deprivation of essential needs or lack of protection from these, by a person responsible for the child." <sup>46/</sup>

"Abuse or neglect" would include both criminal acts of sexual contact and unreasonable physical force for students up to the age of 18 and may include other actions or failures to act (i.e., failure to take appropriate administrative action against offending employees or other action) which would place a child in jeopardy of future mistreatment. <sup>47/</sup>

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<sup>44/</sup> 17-A M.R.S.A. §106(2).

<sup>45/</sup> 17-A M.R.S.A. §106(1).

<sup>46/</sup> 22 M.R.S.A. §4002(1).

<sup>47/</sup> The statute addresses institutions or facilities where persons are "responsible for" children. The remedies in the statutes, however, appear focussed on intervention in family situations, to remove a child from the family even before criminal action is brought or proved against parental figures. The Department of Human Services has authority to bring court action to remove a child from a family where there is a "substantial risk of abuse and neglect, to prevent further abuse or neglect, to enhance the welfare of . . . children and their families and to preserve family life wherever possible." In a school setting, elimination of danger to a child would appear to be through the removal of the offending employee (through disciplinary procedures) or other appropriate administrative action. The statute requires the reporting of "child abuse or neglect" witnessed in a "public . . . institution, agency or facility" to the "person in charge of the institution, agency or facility, or his designated agent, who shall then cause a report to be made." 22 M.R.S.A. §4011(1)(A).

From evidence developed by the Attorney General's investigators and the Team, it can be concluded that there are reasonable grounds to believe that five current (1981-82) staff members have engaged in the use of unreasonable and unjustified physical force against students sufficient for disciplinary action.<sup>48/</sup>

- One responsible for unreasonable physical force on over a dozen occasions, including kicking, hitting and dragging of students;
- One staff member responsible for striking several students over a period of many years.
- One staff member involved in three instances over six years, including striking a student and sticking a pen into the hand of a student.
- One involved in eight instances of unreasonable or questionable use of force over 15 years, including shaking, pushing with fingers, striking and kicking.
- One staff member who on one occasion dragged a misbehaving child down the hall, the only incident in five years of employment at the School.

### 3. Student Behavior and Discipline at GBSD

Officially, the School has prohibited the use of any physical force to punish students. Many employees told the Team in interviews that it has always been clear to them that physical force against students is not permissible and would lead to dismissal. Personnel records indicate that several employees in recent years have been dismissed because they hit children or overreacted in a physical or uncontrolled way; such action has been taken after only one such incident.

The extent to which employees can actually be disciplined for the use of unreasonable physical force against students is governed, at base, by the "just cause" standard of the applicable union contracts. Any disciplinary action, including dismissal, can be grieved by an employee to arbitration. An arbitrator's decision would determine whether the force used was reasonable restraint or unreasonable force and what disciplinary action is appropriate.

The Team found that physical contact between staff and students was seen by some persons --among them, staff, parents and former students-- as a natural and unavoidable aspect of working with deaf children. The inherent characteristic of the handicap of deafness is seen to pose a problem which may surface in

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<sup>48/</sup> This does not include individual instances of unreasonable or questionable use of force since February 1982, when the acting superintendent was appointed, since each incident of contact between staff and students appears to have been handled appropriately at the time. E.g., where a staff member was reported to have unjustifiably used physical force, the incident was investigated by the acting superintendent and disciplinary action taken at the time.

behavior/disciplinary situations. In these circumstances, the equivalent of "raising one's voice" to a student who has turned away or closed his eyes to communication is a physical gesture to gain the student's attention. This may require reaching for the student, turning him to face the adult; it can entail a firm grip when the student tries to pull away. It was the Team's conclusion that such episodes constituted neither unreasonable use of force nor "child abuse", that any injury which may have occurred on occasion (e.g., hair-pulling) was accidental and not employee misconduct.

Notwithstanding these explanations for physical contact between staff and students, the Team identified a general feeling on the part of former students and staff and a number of current students and staff that the "atmosphere" at the School is "too physical." This rather undefined complaint appeared to embrace a number of concerns. First, there was the concern that students themselves were too often "physical" with each other, substituting physical gestures (punching, hitting, pushing) for nonphysical communication. Also, some students were seen as too often losing control to such a degree that staff must physically intervene between students or attempt to restrain students.

Staff members, most particularly house parents, expressed concern about the number of physical altercations involving students and the necessity to restrain children physically when that occurs. In such episodes staff members have themselves been injured, as evidenced by the number of workers' compensation reports filed.

With the glare of publicity concerning charges of "abuse", a number of staff members expressed concerns to the acting administrators that they felt unable to take any physical actions to restrain children and that this further contributed to behavioral problems. This reluctance to act resulted from fears of charges being levelled against them of improper or illegal behavior. Some even reported they were afraid of students' physical violence toward them, or other students, with no legitimate means to protect themselves or others.

There was also concern expressed by staff over their own lack of expertise and training in effective "child management" techniques which could prevent the physical "acting out" or misbehavior by students and the need for any physical restraint. To this end, there was a strong feeling, again especially apparent among houseparents, that the lack of a coherent disciplinary policy and code of student behavior has contributed to student behavior problems. Staff saw the lack of a clearly defined and implemented behavior standards contributing to student uncertainty about what behaviors are unacceptable. The lack of consistent School-wide disciplinary policies was felt to contribute to student disciplinary problems.

On the residential side of the school, the Houseparents' Handbook attempts to address the issues of student behavior and disciplinary actions. According to this policy, houseparents are to be "dedicated to preventing situations which will result in corrective action being administered."

Inherent in this attitude is being knowledgeable about the individual children, working as team members, having recognition of the characteristics and needs of children, being sensitive to deafness and its impact upon children, and being able to communicate with deaf persons effectively.



"Corrective measures" are not allowed on "first offenses" unless the infraction is "of a very serious nature." Generally, a child is "removed from a group for a short period of time." A child may also be denied specific activities (but not meals), and restricted to campus on weekends. Spanking is prohibited and considered "a serious breach of school policy" and "any member of the staff that strikes a student will be liable for dismissal." Smoking by students is to be met with increasing penalties until, if caught the third time, "the student will be dismissed from school."

Houseparents were especially concerned that, notwithstanding the clear statement of infractions and punishments concerning smoking, the policy has not been effective because it is inconsistently implemented. Where the no-smoking rule has been followed to the letter in some situations, it has been ignored in others. Students, then, have no clear "message" about the meaning of the no-smoking rule.

Several residential staff members commented on the lack of "support" in efforts to achieve a consistent standard of student behavior and staff discipline. One houseparent reported the frustration of houseparents who felt their attempts "undermined" by the overly solicitous and well-meaning, but poorly timed, attentions of the superintendent. A student throwing food across the room in the dining room, reprimanded by the houseparent, would be patted on the shoulder and hugged by the administrator, leaving the child with no clear understanding that his behavior was wrong. Houseparents also indicated that they were unclear on appropriate disciplinary responses to students, particularly where spankings were known to have been administered by a supervisor.

These "residential" standards and their implementation operate completely independently of the academic or "school" side of GBSD. While an infraction of dormitory rules results only in dormitory discipline; the houseparents' "jurisdiction" stops at the dormitory. This means that no disciplinary measure imposed by the residential staff can prevent a student from enjoying "school" activities, even after-hour sports. A student dismissed from the dormitory for serious misconduct or an infraction of the no-smoking rule is not expelled from the "school" and may continue as a day student. At least one letter to parents refers to this dismissal as a measure designed to deprive the student of the "privilege" of dormitory living.

There is no indication in the Houseparents' Handbook that a student is entitled to due process before a dismissal from the dormitory can take effect. Although the Team was assured by the superintendent and others that due process hearings involving parents always take place before suspensions from school are completed, the records indicate action taken against several students for "indefinite suspension" without prior notice and hearings involving the parents.

On the academic side, there exists no written policy concerning student behavior, and, according to one teacher, there has never been a teachers' meeting to discuss the adoption of such a policy. Elementary teachers also identified a problem affecting them: the lack of a staff person to handle behavior problems so that other students can continue to receive instruction from the teacher. This problem was stated in the 1981 self-evaluation report. The description of the "chain" of disciplinarians, from classroom teacher to head teacher to director of academic affairs, does not appear to work smoothly in practice. Because head teachers are full-time teachers with their own classes, they must be interrupted for a disciplinary problem in another class. Teachers complained that the director of academic affairs had not responded when called. And, with the redefinition of the "principal's" role, to exclude dealing with troublesome students, she is not available for that task. It is also apparent that the mental health professionals --the dean of students and psychologist-- have been frustrated because faculty and staff misunderstand their role and inappropriately call them for behavioral problems.

### C. Conclusions and Recommendations

Physical and sexual mistreatment of students at GBSD has occurred over a period of years, but the offending staff members are limited in number. Staff members observed that physical punishment of students is inappropriate, although houseparents have received mixed guidance on whether spanking is permissible. Employees who have hit children in the past had been terminated from employment.

Employees are concerned about student behavior problems at the School and their own ability to handle such problems. The School lacks a consistent, school-wide student behavior code which spells out behavioral expectations of students and a coherent disciplinary policy, consistently implemented, to deal with those problems. Appropriate policies must be devised and staff must be trained in all possible skills to avoid unnecessary physical violence or provocative actions on the part of students. Such policies must meet all the requirements of due process and special education regulations. The efforts begun by a committee of teachers, houseparents and parents, established by the acting superintendent, should continue toward this end. The resulting policy should be published and made available to all parents and older students, as well as to the parents of prospective students. In addition, severe emotional or behavioral problems exhibited by individuals should be addressed in the P.E.T./I.E.P. process and appropriate objectives specified for the individual child.

Student behavior problems --and the consequent challenge of devising appropriate adult responses-- are a part of any school. Where students reside at a school for a 24-hour day, the number of behavior incidents, it appears reasonable to assume, would be higher than the number for a similar population in a day school. Also, students in a residential school may form close attachments resembling sibling relationships and have what resembles "family" squabbles among themselves. In addition, national statistics indicate that a significant proportion of deaf children have emotional and behavioral problems associated with auditory handicaps.<sup>49/</sup> Behavior problems, then, are certain to occur in a school for the deaf.

The challenge for the School will be to handle these problems in an appropriate manner which minimizes occasions for physical force by either students or staff.

School administrators must also take appropriate and immediate disciplinary action against any employee who mistreats a child. The School should make clear to all employees that mistreatment will not be tolerated. The reporting procedure issued by the Commissioner during the investigation should be refined to assure that all allegations of mistreatment are made known to the superintendent. A policy should be adopted of feedback to the reporting employee or action taken, so that the employer may report to DECS, Human Services, or to criminal authorities if he reasonably believes any child remains in danger of mistreatment.

The Commissioner should support a legislative change to the Personnel Law which limits an arbitrator's authority to a finding of the facts in cases where a state employee has been disciplined for mistreatment of a child. This would prevent the reinstatement of any employee who is dismissed after evidence of mistreatment of children has been found.

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<sup>49/</sup> Quigley and Kretschmer, The Education of Deaf Children: Issues, Theory and Practice, University Park Press, 1982.

## IX. ORGANIZATION AND ADMINISTRATION AT GBSD

### A. Organizational Structure And Administrative Roles

#### Introduction/Overview

Although the investigatory efforts of the Special Review Team addressed very specific and particularized allegations, on the one hand, and whole programs within the School on the other, the Team also attempted to assess the operation of the School as a whole entity. It appeared, as data were gathered from various members of the Team, that the organizational structure and authority granted to various administrators and supervisors were, at the same time, both an explanation for and a source of some problems at the School.

#### Findings

The organizational pattern which has existed at GBSD for at least seven years is highly centralized in design. The superintendent has only two individuals reporting directly to him: the director of academic affairs and the business manager. The director of academic affairs has had complete charge of the "school" side and supervised the academic staff: the principal, teachers, psychologist, audiologist, and teacher aides. These persons have been hired by him, worked under his direction, and could be terminated by him. The business manager has had charge of several divisions including: residential life (dormitories), housekeeping, kitchen, maintenance, infirmary and clerical staff. Under this organizational structure, the business manager has been in charge of the residential program staffed by the supervisor of residential life, the next level supervisor (Houseparent II) and 25 Houseparent I employees.

The organizational structure appears to contribute--in substantial part--to the fact that the School has operated in two separate and distinct components (for student program purposes) with little relation to one another. Under the two second-level administrators, each in charge of half the School, the employment policies and practices, student activities, disciplinary policies and general functions have been almost autonomous in operation.

The academic staff is responsible for the academic program from pre-school to grade 12, and related services such as counseling, vocational training, occupational and physical therapy. This includes participation in Pupil Evaluation Team (P.E.T.) meetings with parents, evaluation of each student's abilities and needs--including his handicapping condition(s)--and the prescription, through an Individualized Education Program (I.E.P.), of educational and related services to the student. The academic staff

work a traditional "school day" in regularly scheduled classes both morning and afternoon. At lunch time, all teachers take a lunch break at the same time as the student. Teachers engage in some after-class activities on an individual basis if they undertake "additional duties" such as coaching or advising clubs. On other days, they may attend in-service programs, weekly faculty meetings or departmental meetings or P.E.T. meetings after School. In short, the duties of the academic staff take place generally during the "school day" and in the classroom and conference rooms of the "school" buildings.

The residential staff is concerned with the bulk of the after-school hours. They supervise and plan activities for students in the late afternoon, evenings and weekends. Night staff are primarily custodial houseparents, charged with supervision during the students' sleeping hours. Houseparents' duties, then, are limited primarily to the time and territory distinct from the "school" program.

Consistent with the two-part division of the School, and perhaps partially as a result of it, the responsibilities of each staff--academic and residential--and individuals within the staff rarely cross the administrative lines.

The two-part division of the School for administrative purposes has had practical implications for the students. Instead of approaching each student's life and program as a "whole", the organizational structure of the School has divided it into two parts, as the School is divided. Thus, while the Pupil Evaluation Team may assess a student's "educational" needs and prepare an individualized educational plan, this effort has not included input from houseparents who may know the student intimately. Thus, information about a student's after-school life is missing from the I.E.P.

Moreover, the residential staff has learned virtually nothing about a student's academic strengths and needs, the goals set by the I.E.P. or the assessments made of his emotional and behavioral needs. Although the supervisor of residential life has, on occasion, attended P.E.T. meetings, this did not result in communication to houseparents about the child's needs and houseparents have learned virtually nothing of the P.E.T. process or the results. Although several houseparents indicated that the elementary teachers and one high school teacher communicated to them about their students, others have felt that communication about students was discouraged or actually forbidden. Whatever communication may exist between academic and residential staff members is limited; there is no routinized method of sharing useful information.

Because of this division, well-meaning teachers and houseparents may work at cross-purposes, merely through ignorance of the other "half" of a child's life at the School. For example, without knowledge of a student's particular academic needs or goals, a houseparent has no incentive to direct or encourage the student to study rather than watch TV in the evenings. Also, as described in more detail in Section III

of this report, students may receive differing "signals" from teachers and houseparents concerning acceptable behavior.

Not only have individual students been treated in "halves" by the autonomous functioning of the two "sides" of the School, but the School has lacked general and consistent policies which affect the student body as a whole. Important policies and problems which should concern the residential and the academic staff alike have been dealt with piecemeal. For example, there are separate and distinct disciplinary policies, insofar as they can be identified, for the residential side and the academic side of the School. The time and territory division has contributed to provide after-school facilities and services which would be beneficial to students. For example, several parents pointed out that the School library is not open during the evening hours and volunteered to staff the library. In its inquiry, the Team learned that the library had, in years past, been open evenings for the use of students. The Team was told that the evening hours came to an end because the "Hay Plan" reclassified GBSD jobs. The explanation was that no one knew in whose "jurisdiction"--academic or residential--the evening library fell. Although the library was kept open for a while, it was closed when students were not "sent down" from the dormitory. Teachers asked at the time that the library be kept open, but no action was taken to reopen it.

On the other hand, the division can affect students adversely through a "tug-of-war" over respective responsibilities. The Team was told that, on one occasion, students participating in a basketball game were directed to quit the game during the last minute of play because it was meal-time.

This time and territory division also has had adverse consequences for employee working conditions. The strict delineation of staff responsibilities has resulted, for many houseparents in an extremely wearing "split shift" assignment. Because houseparents during the day work "around" the educational program, they may be on duty in early morning, on duty again for an hour of lunch-room supervision, and return again for duty after school hours. This tri-split-shift has been cited as a major cause of "burn-out" and resignations.

The two-part division of the School appears to reflect a view of the residential staff and program as a "home" life separate and distinct from the educational program. This failure to integrate the residential staff and program into the academic program results from a failure to perceive the full implications of the P.E.T./I.E.P. process as it relates to residential school placements. Residential staff are not involved in the P.E.T. process because the after-school life of students has never been identified as "educational" in any meaningful way. Rather, the residential staff has been looked on as attending to the custodial and recreational needs of students, not as contributing to their intellectual abilities, their academic success, or their special education goals (e.g., speech improvement). The complaint

among some houseparents--that they are not treated as "professionals"--may be explained: they are, in fact, not seen as professionals. That is, houseparents are expected only to perform essentially custodial functions toward the children in their care, nothing more.

A significant number of houseparents, however, want to do more. They see themselves as professionals--or potential professionals--with knowledge and skills of potential benefit to the students. They chafe under an organizational structure which confines them to custodial tasks which are not central to the goals of the School: the education of students.

The lack of adequate "bridges" between the academic and residential programs at the School is evident not only in the organizational structure, but in the day-to-day business of its personnel. Several persons have duties which bridge over the two programs: the dean of students and the psychologist. The former's duties are not entirely clear, however, and, where he once appeared to perform more of a "bridging" function, through supervision of some after-school and weekend activities, his job now appears more that of a guidance counselor. The psychologist is in touch with individual houseparents about individual students, but this is not a "bridge" between programs. Similarly, the superintendent's relations with individual students and their parents has not served to integrate the separate programs at the School.

The almost autonomous operations of the two components of the School has resulted, also, from the extensive delegation of authority by the superintendent to each of the second-level administrators. Such extensive delegation of administrative authority is not without precedent, but its efficient working is dependent upon the extent of cooperation between the second level administrators. At GBSD, the Team found, this cooperation was often lacking.

A strained relationship between the business manager and the director of affairs has existed over a number of years. It has manifested itself in a number of ways, some of which are discussed elsewhere in this report.

Because administrative authority has been so fully delegated,<sup>50/</sup> the degree of satisfaction or dissatisfaction among academic or residential employees--both current and former members of the staff--appears directly related to their views of the administrator or supervisor in charge of their program. Current faculty indicated to the Team a substantial satisfaction with the management and supervision of the director of academic affairs, while a number of faculty who has left attributed their dissatisfaction

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The superintendent told the Team that he had delegated extensive authority to both the business manager and the director of academic affairs so that they would have adequate preparation for his retirement.

to his administration . Similarly, the residential staff who currently express dissatisfaction focuses on the business manager, and on the supervisory styles of their immediate supervisors. The superintendent has been and is perceived as having little responsibility for the administrative policies and practices which affect these employees directly.

#### Conclusions and Recommendations

The extensive delegation of administrative authority to second-level administrators at the School, and the consequent operation of the School in two components or divisions, has had adverse consequences for employee morale and student programs. The complaints of current and former staff members address both problems of organization and problems of management.

Instead of problems being resolved at the top by the superintendent, they are primarily left in the hands of the two second-level administrators. This extensive delegation of authority made by the superintendent has resulted in a failure to "take charge" of the School as a whole entity. The frustrations of many of its staff members are exacerbated by second or third-level administrators/supervisors who disagree on approaches to problems, fail to perceive them, or argue over their respective "jurisdictions". In addition, the failure to integrate the academic and residential programs has ignored the full potential of the P.E.T./I.E.P. process and the delivery of educational and other services to children.

The Team recommends a substantial realignment of administrative responsibilities and organizational structure at the School. This should include the upgrading of the head of residential programs to a position reporting directly to the superintendent. This position should be redefined and job qualifications should include an appropriate academic background.

On the academic side, the Team recommends a clarification of the various administrative responsibilities of the superintendent, director of academic affairs, principal and head teachers. The job title of "principal" should be changed to reflect the quasi-administrative and limited role of this position in implementing the P.E.T. process.

The position of "dean of students" should be clarified to eliminate the confusion now inherent in the title, job description and history of the position. It should be made clear whether the position has program responsibilities or whether it is intended for individual counselling. If the latter, the relationship between that and the role of the psychologist should be defined.

Consideration should be given to redefining the responsibilities of the athletic director to include responsibilities for all after-school and weekend sports and recreation. This arrangement could aid houseparents in planning activities for students in their charge.

The business manager's responsibilities should be redefined to eliminate at least his current responsibility for overseeing the residential program. His "personnel" responsibilities for all staff should be limited to processing the necessary paper work.

Active exploration should continue into the possibility of a more sensible allocation of School personnel and scheduling during and after the school day. Specifically, the School should consider, as a priority item, the elimination of the tri-split shift and of all split shifts, if possible. This could be done through a reallocation of job responsibilities among houseparents and teacher aides and teachers for lunch room supervisory duties.

In addition, the possibility of differentiated job descriptions for some of those who are now designated as "Houseparent I" should be explored. Houseparents on day shifts might more profitably be used both for dormitory and school duties, fulfilling para-professional duties of supervision before and after school hours, along with teacher aide duties during school hours. This arrangement could eliminate split shifts, result in a more normal working schedule for houseparents. It would also provide an integration between residential and school components of the School.



## B. Employment Practices

### 1. Hiring

#### Findings

While the officially recognized "appointing authority" of GBSD personnel is the Commissioner, hiring has in practice been delegated to the superintendent, who in turn has delegated this duty to the director of academic affairs for academic positions and to the business manager for non-academic positions in the dormitories, housekeeping, clerical and maintenance staffs. The business manager has, in turn, effectively delegated employment functions to the supervisors of the divisions over which he exercises authority.

Academic appointments are made from among applicants who apply, usually in the spring of the year. Since these positions are largely unclassified, applicants need not be screened through the civil service process for classified positions.<sup>51/</sup> Interviews are conducted by the director of academic affairs. No public advertising for these positions is done in Maine or elsewhere because administrators felt the pool of applicants which existed without advertising was sufficient.

The Team found no systematic record-keeping describing or recording the employment process for academic appointments. Rather, it appeared to be a subjective scrutiny of available applicants in interviews by the director of academic affairs, approved by the superintendent. Although head teachers may be involved in meeting selected candidates, there does not appear to be any routinized selection procedure which involves persons other than the director of academic affairs.

Non-academic positions, with few exceptions, are classified, but non-competitive. This means that GBSD handles employment procedures on its own, without the involvement of the State Personnel Office. Advertising for vacancies is the unusual, not the usual, procedure. The superintendent acknowledged that "word-of-mouth" operates as notice of vacancies and people apply from among the friends or relatives of others on the staff. Agencies outside the School are contacted for referrals only when no suitable applicants are available.

Generally, however, applications are received continually and kept on file. When a vacancy occurs, the files are reviewed and some selected for interviews.

Where the positions are classified, they are filled through the normal State merit system procedures, involving the state Personnel Office and registers of applicants.

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All "teacher" and "teacher of the deaf" positions are unclassified. The audiologist and psychologist, however, are in the classified service.

## Conclusions and Recommendations

Employment practices at GBSD as they affect unclassified and non-competitive classified positions, are unsatisfactory. The School's failure to advertise and to develop applicant pools is inconsistent with the spirit and intent of the Code of Fair Practices and Affirmative Action, requirements governing recipients of federal aid under Sec. 504 of the Rehabilitation Act of 1973, the employment regulations of the Maine Human Rights Commission and the affirmative action plan adopted by the School itself. The failure to follow routinized procedures constitutes to the perception among the staff of favoritism in hiring. (See subsection 7 below).

It is recommended that the Department's personnel officer and affirmative action officer review with GBSD administrators all relevant legal principles and assist them in establishing appropriate recruiting, advertising and employment procedures.

### 2. Teacher Evaluations

#### Findings

Under personnel rules and state policy, evaluations of every state employee must be done by a supervisor each year. These evaluations follow a general format prepared by the state Personnel Department. The touchstone for each evaluation is a comprehensive job description prepared for each position describing the job duties and performance expectations.

GBSD academic staff members have been formally evaluated by the director of academic affairs for a number of years, although the former principal did evaluations of elementary teachers. This is consistent with their job descriptions. During the school year 1980-81, however, the ratings appeared over the signature of the school business manager as the "rater" and the superintendent as "reviewer" giving approval. Teachers indicated dissatisfaction with this procedure and appeared to blame the business manager for usurping the professional duties and responsibilities of the director of academic affairs.

Inconsistent explanations were offered by the three top administrators concerning teacher evaluation. The business manager reported that the director of academic affairs had refused to do the evaluations because he did not like a new summary reporting form designed by the school's Personnel clerk. This form was designated to be used as a cover sheet to allow quick reference to numerical data for computation of ratings, but was not intended to replace the official Personnel Department form. When the director of academic affairs refused to do the evaluations, the business manager stated, he was given total "merit" scores to be awarded to each teacher by the superintendent. The business manager then computed the component scores from these in order to arrive at the restated total and signed the evaluation reports. He did not observe teachers and had no responsibility for their supervision.

The superintendent, in turn, stated that the refusal of the director of academic affairs was justified because a new reporting form had been developed which was inappropriate to replace the old form. He indicated he had no knowledge whether teacher evaluations had been done at all and, said although his signature was on the forms, he did not know they had been completed by the business manager.

The director of academic affairs told the Team that he was opposed to the new reporting form because it was meant to "replace" the old form. With the superintendent's approval, he said, he determined not to do any evaluations of teachers on the new form. He also stated that "a question had been raised" by the former principal as to his capacity to do evaluations because he was not a "supervisor."<sup>52/</sup> The director stated that he had been told by a Department administrator not to do evaluations until the question was further explored. He also stated that he felt he should not have to complete evaluations because he was not paid as high as he would be if he were in the supervisor's collective bargaining unit.<sup>53/</sup>

The responsible Department administrator, Beverly Trenholm, told the Team that he had not excused the director of academic affairs from the duty of evaluating teachers, that he (the director) was expected to fulfill his normal duties of teacher evaluations.

With the principal out on extended sick leave during the spring of 1981, it appears that no alternate arrangements had been made to evaluate even the elementary school teachers. The Department was not informed until the investigation of this extended leave.

In the meantime, teachers were not informed of this controversy and expressed their dissatisfaction at being evaluated by the business manager who had no responsibility for their supervision and no knowledge of their professional tasks. The teachers have never received an explanation of the evaluations they received in this process. The new form was abandoned this school year after other supervisors indicated their dissatisfaction with it. All other supervisors, however, had completed their usual evaluation assignments.

#### Conclusions and Recommendations

An essential part of the responsibility of the director of academic affairs is to evaluate the faculty. His refusal to do this during 1980-81, and the consequent failure of the superintendent to direct him to complete the task, led to improper evaluation procedures of teachers for merit pay purposes.

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<sup>52/</sup>

The job description of the new principal has been changed to remove responsibility for the evaluation of elementary teachers.

<sup>53/</sup>

He is paid at Range 29 in the P & T unit; Range 29 in the supervisor's unit would be higher. However, the actual salary received by the director of academic affairs is higher than that paid to the principal.

Appropriate action must be taken by the chief administrator to have all teachers competently evaluated by the appropriate professional supervisor according to state personnel policies.

The director of academic affairs, under present job descriptions, is responsible for the evaluation of academic staff. An evaluation plan must be developed and implemented under the direction of the superintendent to meet the requirements of Personnel law and regulations. The superintendent should also consider instituting additional evaluation procedures more appropriate to a teaching faculty, with appropriate follow-up to improve teaching and professional performance. Routine application of the merit pay evaluation plan is not sufficient to promote good teaching and to improve performance.

In conjunction with this, there should be exploration of the possibility of changing the probationary term for teachers to a minimum of two years, consistent with state law on other public school teachers. Under current bargaining agreements all state employees achieve permanent status in six months. This is too short a period of time for a full assessment of teachers' abilities.

### 3. Substitute Teachers

#### Findings

The Governor Baxter School for the Deaf does not maintain a roster of substitute teachers. If a teacher is absent, the class is covered by the tutor and tutoring services are not provided on that day. If more than one teacher is absent, children are placed in other classrooms for the day, or assigned to work independently with minimal supervision.

Teacher absences from the classroom have also been necessitated by the number of Pupil Evaluation Team meetings inherent in a student population of all handicapped children, the requirement of at least annual meetings, and the difficulties of coordinating with other School personnel and the staff of other school units.

Even long-term absences are not taken care of by substitutes. Some children were reassigned to other classrooms for almost four months when their teacher resigned effective September 29, 1980. The position remained vacant and unfilled until January 19, 1981. <sup>54/</sup>

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<sup>54/</sup> Part of this problem may be that teachers are allowed by MSEA contract to resign with two weeks notice, the same as other state employees. There is no concession in the union contract to the state's obligation to provide 180 days of schooling to children, and none to the specific obligation to educate handicapped children. Teachers have the option of resigning at any time during the school year. This vacancy was created by a resignation in mid-September, promoting a complaint from the Superintendent of DECS about the teacher's conduct.

The four-month sick leave of the principal during 1980-81 caused delays in evaluating, placing and servicing children, prompting a complaint by the Advocates for the Developmentally Disabled. No report of the absence was made to DECS and no person was designated as acting principal. Instead, her duties were shared among a number of persons.

The failure to provide substitute teachers has been explained variously as a financial problem or a problem created by the state personnel system. The review team was told by administrators that no money is budgeted for substitutes, as a financial matter. The Associate Commissioner (Mr. Pineo), however, reported that GBSD invariably ends the year with a balance of funds and that funds could be made available for substitute teachers.

The explanation for the failure to obtain substitute teachers which has been given to teachers and to the visiting accreditation team is that state policy would require a "position" be created for each substitute used. This explanation appears to be generally accepted at the school, causing teachers to blame "the Department" or "the State" for this problem. In fact, the state-run schools in the unorganized territories budget for substitute teachers without creating any new positions. These persons are paid on a per diem basis out of a special account.

#### Conclusions and Recommendations

Teacher absences on a long-term and short-term basis interrupt the regular educational program of students. Absences due to sickness or disabilities cannot be avoided. However, where the one available substitute teacher (the "tutor") is already covering a class, such absences result in an interruption to two regular programs: the class of the absent teacher and the class of the teacher "covering" for the absent colleague by teaching two groups of students.

Alternate means of providing substitute coverage should be actively explored. This could include the use of academically trained dormitory counselors for short-term work, at extra pay, if such arrangements could be made under applicable bargaining agreements. Alternatively, the problem of substitute teachers may be addressed through a more comprehensive redefinition of the duties of the "Houseparent I" position. Or, qualified and experienced teachers may be available from among those who resign to raise children and would be willing to work on a per diem basis.

Competent substitute teachers must be found for the longer term absences caused by pregnancy, child-rearing leave and other disabilities. The failure to budget for and provide substitutes for children, resulting in double classes, could be termed a "change" in their educational placement which is inconsistent with state and federal laws on handicapped children. In addition, "doubling up" on classes results in classes larger than state standards allow.

In addition, the GBSD administration should explore ways to cut down on the number of interruptions caused by implementation of the P.E.T./I.E.P. processes. There should be an active exploration of the possibility of arranging PETs and parent conferences during school vacation times, including summer months. This would mean a longer work year for teachers (and increased compensation). It would also involve difficulties in scheduling with personnel from local school units. The potential difficulties, however, should not preclude consideration of arranging a more appropriate work schedule for teachers involved in both teaching and the PET process.

#### 4. "Additional Duty Payments"

##### Findings

Through use of a schedule of "additional duty payments", certain professional staff members are paid additional stipends yearly above their regular salaries. Payments are set at certain percentages and the exact payment amounts depend on the "range" of the person or position in the "regular" job. For example, the Head teacher-High School is paid an additional 10 percent above the Range 22 salary he receives as a Teacher of the Deaf. This amounts to \$27.96 per week.

<u>Other Payments Are As Follows:</u>	<u>%</u>	<u>Range</u>	<u>Weekly Amount</u>
Speech/PET Coordinator	12	24	36.82
Dean of Students	10	22	27.96
Head Teacher-Elementary	10	22	27.96
Head Teacher-Middle	10	22	27.96
Head Teacher-Vocational	10	22	27.96
Head Teacher-High School	10	22	27.96
Athletic Director	12	20	30.82
Baxter Singers	3	22	8.39
Tennis-Coach	8	20	20.54
Driver Education	8	22	22.37
Softball-Coach	5	22	13.98
Cheerleader-Coach	5	22	13.98
Jr. Varsity-Boys & Girls	8	22	22.37
Manual Communication Instructor	12	22	33.55

The use of "additional duty" payments parallels a tradition found in local schools and the Department's practice at the vocational-technical institutes.

The "additional duty payments" are described in a policy statement as:

"payable to unclassified academic employees who are required to perform duties that are assigned over and above the normal duties assigned for their regular job assignments. This work is performed after normal working hours."

It is apparent from both job descriptions and interviews with GBSD staff that in several instances the "additional duty" is not really additional, but an integral part of the position itself. Where speech coordinator duties are part of the job description of the "principal", the "extra duty" of speech coordinator does not exist apart from the principalship.<sup>55/</sup> Similarly, where the "dean of students" is required to counsel students, provide career guidance and serve as a bridge to the residential program, these duties are the job, not an "extra" duty.

#### Conclusions and Recommendations

The use of "additional duty payments" to raise the compensation of certain professional staff members, does not appear consistent with the school's own established policy of payment for extra duties above the regular duties of several positions. It appears to be a method merely for raising compensation for these regular jobs. Also, some "extra" duties (such as speech coordinator) are too burdensome for the person now responsible and should possibly be shifted to another person. The Department should review all additional duty payments, in conjunction with a review of job descriptions and classifications, and make recommendations to Personnel for a redefinition of positions, where appropriate.

#### 5. Certification and Licensing of Professional Staff

##### Overview

Teachers at the Governor Baxter School for the Deaf are certified either by the Council on Education of the Deaf, (CED), a national professional organization, or the Department of Educational and Cultural Services (DECS). Because the Department has no specialized certificate for teachers of the deaf, it has allowed CED certificates to serve as an alternate certification credential appropriate for the professional responsibilities of GBSD teachers.<sup>56/</sup>

A teacher who is only Department certified for elementary or secondary teaching is listed as a "teacher" and is paid at Range 20. A teacher with CED certification is listed as "teacher of the deaf" and is paid at Range 22.

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<sup>55/</sup>

According to available records, the decision to pay an ADED to the principal for speech coordinator duties was made only after it became known that her salary as "principal" would be at Step A rather than Step G of the salary range.

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Before 1971, the Department gave a general "special education" certificate to any teacher demonstrating specialized training in a number of areas: education of the blind, deaf, mentally retarded, etc. This general certificate was later replaced by a number of specialized certificates requiring training in various skills. No certificate has been adopted specifically for teaching deaf or hearing impaired children.

There is, then, a financial incentive to obtain the more specialized certificate from CED.

### Findings

Certification of Teachers: Of the GBSD professional staff (including teachers, tutors, special teachers, principal, audiologist) most hold CED certification as "Teacher of the Deaf", a minority hold only DECS certification and several hold certificates from both places.

According to records made available by the Council on Education of the Deaf, three teachers who once held CED certification have let that certification lapse. These teachers, however, are still listed as "Teacher of the Deaf" on GBSD records. (Problems with authentication of credentials and compensation are discussed below in subsection D.)

Although this arrangement allowing the alternate credential has existed for some years, the GBSD administration have inconsistent understandings of the certification requirement. The superintendent believes that all teachers must hold at least DECS certification. The director of academic affairs, however, believes that state certification is not necessary in any instance, even where CED certification is lacking. This has resulted in inconsistent approaches to employment of teachers.

The lack of a specialized state credential for teachers of the deaf has annoyed and frustrated GBSD administration and academic staff for some years. The records show that the School's administrators have made repeated efforts to effect adoption of the CED standards as state standards.<sup>57/</sup> In a letter to the chairman of the Certification Advisory Committee in 1980, the chief administrator urged consideration of such requirements "because this is a highly skilled and unusually demanding type of teaching." The rationale for specialized certification was that a "special education certificate that is not categorical can lead to deaf children being underserved because the teachers do not meet the high standards required for teaching them."

According to one Department certification officer, standards for "Teachers of the Deaf" have not been accepted by either the Certification Advisory Committee or the State Board in the past because such standards would impose mandates on Maine teachers which could not be met through study in any of the colleges or universities in the state.

A comprehensive revision of the state certification rules governing are teachers that have been undertaken by the State Board of Education with the help of outside consultants.

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<sup>57/</sup> The adoption of minimum certification standards for teachers in "any public school" is the specific responsibility of the State Board of Education, not of the Commissioner. 20 M.R.S.A. §59. The Department is authorized to employ GBSD teachers "subject to the Personnel Law." 20 M.R.S.A. §3122(4).



Licensing of Professionals: Under provisions of the Licensure Act for Speech Pathologists and Audiologists, 32 M.R.S.A. §§ 6001-6031, practicing speech pathologists must hold a valid license from the Board of Examiners on Speech Pathology and Audiology. The School audiologist holds a valid license. None of the professionals offering speech services to children, however, holds a license from this Board.

The Act defines "speech pathology" as

"the application of theories, principles and procedures related to development and disorders of language and speech for purposes of assessment and treatment."

A "speech pathologist" is

"an individual who practices speech pathology and who by virtue of academic and practice training presents himself to the public by any title or description of services incorporating the words speech pathologist, speech therapist, speech correctionist, speech clinician, language pathologist, language therapist, logopedist, communicologist, voice therapist, voice pathologist or any similar title or description of service."

Practice without a professional license as speech pathologist is permissible where an individual "holds a valid and current credential as a speech or hearing clinician, issued by the Department of Educational and Cultural Services, [and provides] such services within a local educational agency . . . ." <sup>58/</sup> The general understanding in the educational community is that a "local educational agency" refers to a local (municipal public school and not to a state-run school or agency.

Despite the receipt of a memorandum (August 5, 1980) from the state Department of Personnel directing that all state-employed speech pathologists must hold valid professional licenses, no action was taken by GBSD administrators to limit employment to licensed speech pathologists. None of the persons who provide "speech maintenance" or speech development instruction to students at GBSD is licensed by the Board of Examiners. The school's audiologist, who also serves as the chairman of the Board, suggested that the work done by such professionals at the school is not "speech pathology", although he admitted that speech pathologists would "probably not agree". The superintendent indicated that he disagreed with the law itself and stated that "teachers of the deaf" were more capable of providing such services to deaf children.

#### Conclusions and Recommendations

The lack of a specialized credential for educators of the deaf, a continual complaint of the GBSD administration and faculty, is evident in Maine certification standards of the State Board of Education. Minimal

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<sup>58/</sup>

32 M.R.S.A. § 6005.

standards for teachers should be adopted, consistent with the Board's actions in establishing standards for teachers of other handicapped populations, such as the learning disabled, and emotionally disturbed. The Board could adopt CED certification by reference as an alternative credential to appropriate training obtainable in local programs. The recommendations of the GBSD faculty should be made known to the State Board and its consultants and should be considered as part of the general revision of teacher certification standards now underway.

Although the lack of a general state certificate for teachers of the deaf is a matter of concern, this omission is of more importance to regular public schools than to GBSD. The Department, in exercise to its supervisory authority over the School, can establish CED or similar training as a minimum credential for employment at GBSD, without action by the State Board on a general certification standard.

Despite the articulated concern that CED certification is essential for teaching deaf children, it is evident that GBSD has not restricted its hiring to persons possessing or eligible for CED certification.

The terms of the Licensure Act for Speech Pathologist and Audiologist appear to require the employment of licensed speech personnel at GBSD. This interpretation is shared by the state Personnel Department. Despite instructions on the need for appropriate licensing, GBSD has not employed licensed speech pathologists.

The Team recommends further inquiry into the applicability of Title 32 standards for speech pathologists at GBSD. This may include an advisory opinion from the State Board of Licensure and an Attorney General's opinion on the subject. Assuming licensing is required, appropriate steps should be taken to hire licensed personnel.

#### 6. Staff Housing Accommodations

##### Findings

Under State law, each State department is to "cause the termination" of existing provisions of housing facilities to State employees whenever other housing facilities are reasonably available to such employees and their residence elsewhere will not substantially impair the effective management and operation of the State department or institution by which such persons are employed," <sup>59/</sup> Housing facilities are to be periodically reviewed by each department. State law also requires that a rental charge to each employee cover the "total operating costs of any such facility", including operation costs, water, electricity and heat, but that no charge be made where the State employee is required as "a condition of his employment" to reside in housing facilities and the employee receives a salary under Range 23.

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<sup>59/</sup>

5 M.R.S.A. § 8-B.

A total of 15 employees of GBSD live in campus housing.

Several houseparents live in dormitory housing as a condition of their employment and pay no rent. Several other employees (houseparents, teachers, librarians, and a clerk-stenographer) occupy campus housing in separate quarters, in apartments or rooms in the dormitory or dining hall building, paying minimal rental fees. The auditor's report recommended an updating of rental rates at the beginning of each fiscal year.

The provision of housing for faculty members has been described, in past reports by GBSD administrators to the Department, as beneficial to the School in providing an "element of security" and important in the event bad weather prevents others from reaching the island. A teacher was described six years ago as being "on duty" in the morning, eating with children in a supervisory capacity and working as a study hall proctor in the dormitory each school night, duties outside a teacher's normal teaching responsibilities.

A review of the current job descriptions and relevant material concerning academic staff who reside on campus could find no additional duties or responsibilities expected of teachers provided with on-campus accommodations. The Team could find no indication that on-campus academic personnel actually performed or were expected to perform any security duties. Security is the job of maintenance personnel and "watchmen" hired for the summer months from among the staff. The latter are hired according to seniority, not their place of residence. The Team could not find any evidence of extra supervisory duties assumed by these teachers.

Correspondence between new faculty members and the administration indicates, to the contrary, that housing is provided solely as a convenience and a benefit to new academic staff members. Although the superintendent indicated that it is provided as a "temporary" measure, until staff can find permanent housing in the area, one couple has lived in present housing on campus for three years and there is no indication of plans to move.

Teachers who occupy rooms in the dormitories or dining hall areas are not only not expected to undertake any additional duties with students, they appear to be actively discouraged by residential supervisors from contacts with students after class.

No explanation has ever been offered as to any benefit resulting from the on-campus housing provided to the clerk-stenographer. The explanation given to the Team was that the young employee's parents were worried that she would be living in Portland alone.

The provision of housing accommodations to young, academic staff members from outside the State does not appear to be made according to any routinized procedure. Arrangements are made by the superintendent with new personnel on an individual basis as housing becomes available. Although a substantial financial benefit and convenience to staff members accompanies such housing, it is not made available to all persons equally.

The award of housing accommodations in this manner has resulted in some resentment among non-professional staff members and contributed to poor employee morale.

#### Conclusions and Recommendations

The provision of on-campus housing to members of the faculty and staff does not appear sufficiently tied to conditions of employment or to recognizable benefits to the School to meet the requirements of the state personnel law. Rental is made to faculty and others from outside Maine as a convenience and a benefit to those persons and results in substantial savings to them for housing costs.

The Team recommends a careful review by the Department of each housing accommodation on the island and the termination, with appropriate notice, of any rental arrangement which is not a condition of employment and approved by the Commissioner.

The Team further recommends that the Commissioner consider using the Baxter residence as a conference center or educational service building, rather than as residence for the superintendent. The "farmhouse", with renovations, might be used by the superintendent or another administrator with specific duties related to continuing presence on the island.

In considering administrative reorganization and redefinition of jobs at the School, attention should be paid to requiring some persons to live on campus, e.g., an on-site counselor or dean of students may have essential after-school functions to perform. In determining which persons may live on campus, however, consideration should not be limited to academic staff members.

#### 7. Complaints of Discrimination in Employment

##### Findings

Several allegations made known to the Special Review Team concerned purported instances of discrimination in employment. These were investigated and the following findings made.

Allegations of Age Discrimination: In a letter to a state representative, a female applicant for position of houseparent complained that she had not been hired as a houseparent. She suggested that comments by the interviewer indicated her bias against younger persons. No other person was involved in the job interview and there was no written statement to the applicant making this statement.

In an interview the complainant indicated her belief that she was not hired because she was too young. She stated that the supervisor in charge of hiring had appeared pleased with her (the applicant) but appeared to change her mind when she learned that applicant was in her early 20's.

Employment records demonstrated that the person actually hired for the vacancy was a female of about the same age as the applicant. The supervisor said that the complainant had been rejected because she had neither relevant job experience with children nor a college degree (alternate job standards used in hiring houseparents). While the person hired was a college graduate with relevant experience, the complainant had only worked summers as a tray girl and file clerk. In addition, the complainant's application showed she had been fired from one job for using the telephone improperly, and that she did not believe the company rule was important.

Allegation of Discrimination Against Handicapped: Several staff members suggested that the termination of a former houseparent was the result of a physical handicap and was improperly done. Records indicated that an individual had been terminated without explanation after she had fainted in the gymnasium while in charge of a group of school children.

In an interview, the supervisor indicated that the woman had been hired with full knowledge of her one physical handicap, mobility. A decision was made that this handicap did not prevent her from fulfilling the primary components of the job. The applicant had not indicated any other handicap. It was assumed that she could fulfill the job requirements. After she collapsed twice on the job, while in charge of a group of young children, a decision was made that she could not handle the job. She was terminated during the probationary period. The job requirements of houseparent include supervision of children, while alone, in the school, on school grounds and off-school premises.

The woman herself filed no complaint with the employer or any other agency.

Other Complaints: Several persons related to the Team their beliefs that administrative personnel discriminated against deaf employees in hiring and job assignments. This feeling was strongest among houseparents. No specific instances of discrimination in hiring were cited, however, and the available records (an applicant pool, interview records, selection records) were not sufficient or organized in such a way as to make any such findings. One complaint was made that a supervisor predicted potential problems with the hiring of a deaf houseparent. This comment, however, could not be treated in isolation as proof of a discriminatory attitude, because the supervisor is essentially in charge of hiring houseparents and would have been the moving force in hiring that person. Still, some houseparents perceive a bias against deaf employees.

No such perceptions were apparent among the academic staff where deaf employees hold positions as head teacher in the high school, and, until recently, as dean of students, both higher paying professional positions. Faculty members always provide interpretation for their deaf colleagues at formal meetings and informal gatherings; the Team is unaware of any bias expressed or suggested in the academic program.

The School does not have an articulated, working affirmative action policy governing employment of the handicapped although this is required by Section 504 of the federal Rehabilitation Act of 1973.

Other claims were heard that there was discrimination against the hiring of college-educated persons as houseparents. This allegation is not substantiated by the available records.

A number of employees complained of "favoritism" in hiring, especially among the support staff (maintenance, housekeeping, kitchen). They cited the number of relatives and relations by marriage working at the School. Others, however, insisted there was no favoritism, that they themselves had had to wait several years from the time of application until appointment, even though related to people on the staff.<sup>60/</sup> A strong perception of favoritism in hiring and in extra duty assignments is evident among some employees.

#### Conclusions and Recommendations

The two specific instances cited by complainants do not illustrate discriminatory hiring and do not suggest discriminatory motives or a pattern of discrimination against any class at GBSD. The perception of some employees of a supervisor's bias against deaf dormitory employees is disturbing and should not be ignored. Similarly, the perceptions of staff members that favoritism is at the root of hiring decisions and award of extra compensation opportunities is widespread enough to be of concern. This type of perception, whether or not it is true, contributes to poor morale among employees.

It is recommended that the Department take all appropriate steps to revise current affirmative action policies governing employment at GBSD. The revised policies should be implemented in all future hiring and promotional procedures. A workable in-house grievance procedure should be established to provide a process for responding to all complaints of discrimination in hiring, terminations, and employment decisions.

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Several persons noted that the son of the superintendent had been hired in the past as a summer "watchman" on the island for three summers, a job which is sought after by teachers and houseparents on leave without pay during those months. This appointment does not appear to contravene the state nepotism law (5 M.R.S.A. § 558) because the "final" appointing authority was technically a Departmental official. Employment of the superintendent's son by action of the School's business manager, the superintendent's direct subordinate, is, however, not consistent with the spirit of the law and should not have been done. The summer watchman's jobs are now open to houseparents and teachers and hiring appears to be done according to a satisfactory arrangement.

Record-keeping in hiring and termination of employees must be revised to meet the requirements of civil rights legislation.

Steps should be taken to appoint affirmative action officer in place of the personnel clerk now designated for that task. The person to be designated should be carefully screened for his/her interest in the position, qualifications, and personal capacity for the job. The GBSD administration should also consider appointment of a committee of employees from different departments, to serve on an affirmative action/equal employment opportunity committee and to participate in drafting the new plan.

## C. Staff Development and In-Service Needs

### Introduction/Overview

Maine's Program Plan under the Education for All Handicapped Children Act (P.L. 94-142) provides a detailed description of the Department's implementation of the required Comprehensive System of Personnel Development (CSPD). The CSPD is to include the in-service training of general and special education instructional, related services and support personnel, procedures to ensure that all staff members are qualified and provided with significant information to update continually their knowledge, and provisions for technical assistance by the Department in the implementation of the CSPD.

Technical assistance by the Department to schools providing special education includes needs assessment and reassessment, identification of target populations, and development of priorities in needs and assistance in adapting, educational practices and materials proven effective through research and demonstration.

The plan places on the Department the responsibility to assure that each educational program for handicapped children administered within the State, regardless of whether the program is operated by a local public school, private school, state agency or the Department, comply with all sections of the federal law including the CSPD.

### Findings

The Department has not required GBSD to develop and file a school personnel development plan under CSPD, although it requires this of all other public schools, and it has not assisted the School in development of such a plan. Although GBSD has not developed a formal staff development plan, it has implemented and offered in-service instruction for some staff members.

Academic Staff: A survey conducted by the education team showed that 25 of 36 academic staff members at GBSD had participated in some type of in-service training within the last 12 months.

Twenty-five persons currently are enrolled in an in-service course, "Training Project in Education of the Deaf," which meets twice weekly (from January 11 to May, 1982) at the School. This course was approved by the Maine Department of Educational and Cultural Services (DECS) for three recertification credits. The course proposal approval listed three named instructors. The education review team learned, however, that only two of the persons named have actually assisted in the teaching along with ten other Baxter staff



members who were not designated as course instructors. Yet more than halfway through the course, DECS had not been notified of the changes that had been made in the proposal, as required by DECS recertification procedure.

All of the instructors for this course are faculty members at the School. One of the concerns voiced by some teachers is that the GBSD administration has generally discouraged the use of outside instructors to teach in-service courses at the School. Also, the teachers expressed concern that they have had little success obtaining permission to visit and observe other educational programs.

In March 1980, a two-day workshop on cued speech, sponsored by the Maine Association of Educators of the Deaf (MAED), and taught by a Gallaudet College instructor, was held at the School. A total of 65 persons attended, including 33 GBSD staff. Staff members expressed concern and frustration because following completion of this workshop, the administration discouraged the use of cued speech.

Professional staff members themselves were critical of the lack of appropriate assessment of their in-service needs in the 1981 self-evaluation study prepared for re-accreditation. However, when asked about needs for further in-service training, 24 members of academic staff had no suggestions. The others suggested the following needs:

<u>In-Service Need Identified</u>	<u>Number of Staff Making Suggestion</u>
Speech development	4
Teaching language	3
Teaching reading	2
Classroom management	2
P.E.T.'s, I.E.P.'s, state rules	2
Teaching mathematics	1
Teaching social studies	1
Physical therapy	1
Occupational therapy	1
Behavior modification	1
Teacher's rights	1
Ethnic diversities in Maine	1
Research on hearing impaired from Non-English speaking homes	1

Residential Staff: In-service programs have been presented to dormitory houseparents during school vacations in several years on a variety of topics. Despite these programs, however, a number of houseparents feel that orientation and in-service instruction are lacking and badly needed and that the programs have not been helpful. Another criticism of the in-service programs for

residential staff, from another perspective, was that not all staff attended because some insisted upon using in-service days as vacation or "comp. time" days.

In interviews or communications with the Special Review Team, several houseparents noted the need for orientation of new houseparents. A former houseparent described her experience as completely lacking in any general orientation or any routinized introduction to special dormitory responsibilities. One houseparent suggested the need for a two-week orientation training program for houseparents, followed by an "in-depth" continuing training program. Suggestions for houseparent training included the following:

- Sign language, with a minimum skill required of all;
- Cued speech;
- Child growth and development;
- Child psychology, with special attention to the psychology of deafness;
- Behavior management principles and application;
- Teaching techniques used by GBSD teachers (so that houseparents can reinforce school learning with after school help;
- Recreation, including needs related to deafness;
- Speech training, so that houseparent can reinforce and encourage the speech work done in school;
- Knowledge and access to resource materials for the deaf;
- A basic understanding of audiology;
- Counseling.

Not all houseparents cited orientation and training needs, it should be noted. Several appeared very content with the operation of the residential program.

The need for sign language training was cited a number of times. It is apparent that, where teachers who lack sign language skills are not hired, houseparents lacking these skills are hired. Once hired, there is no formal requirement of skill mastery and several persons commented on the lack of skills among houseparents. (These comments included: "most houseparents cannot sign"; there is a "need for more training"; many houseparents have only very elementary skills in sign and cannot fully communicate with students.) On the other hand, houseparents without skilled signing were confident that they fulfill their responsibilities competently and communicate adequately with children. There was some indication that sign language should not only be provided to houseparents, but that they should be paid during the instructional time. (This was in response to the observation that sign classes are available evenings on a weekly basis, by an excellent instructor.)

Suggestions were also made to include the infirm staff in at least some in-service training.

Recent events: Through actions of the acting superintendent, residential staff members have participated in a seminar on child abuse presented by the Department of Human Services. A workshop on classroom management is scheduled for teachers prior to the opening of school in the fall.

In addition, residential staff members have begun sign language training classes under tutelage of one of their colleagues. Reports to the acting superintendent indicate both pleasure and increased skills as a result.

#### Conclusions and Recommendations

The Special Review Team finds that DECS has failed to require development of a local Comprehensive System of Personnel Development at GBSD and failed to aid in this effort. It recommends such assistance in future. Planning should begin by July 1, 1982, and a Departmental staff member should provide technical assistance to GBSD in this effort.

The team perceives a continuing need for professional in-service training of the GBSD staff and recommends that consideration be given to instruction in the following areas in developing a local staff development program:

- Laws and regulations pertaining to the handicapped;
- The Pupil Evaluation Team requirements;
- Development of the Individualized Education Program;
- Confidentiality of student records;
- Maintenance of student records;
- Classroom management techniques.

The Department should assure that GBSD academic staff members can be free to visit and observe other educational programs during the school year, under the terms of the collective bargaining agreement and personnel rules. GBSD should be encouraged to formulate a policy and make budgetary allocations that will provide every faculty member with an opportunity to visit and observe other educational programs at least two days during each school year.

GBSD should also be encouraged to explore inviting educators from other schools, on a regular basis, to present seminars, workshops and courses to GBSD special education teachers from other schools should be invited to join with GBSD faculty members in participation in in-service courses and seminars.

The School should also take steps to provide the residential staff with appropriate training concerning the special education process, including P.E.T.'s I.E.P.'s and confidentiality requirements, where appropriate.

The various requests and needs for in-service training identified by the residential staff should be thoroughly reviewed. A comprehensive program for residential staff development must be formulated in conjunction with the academic staff development program. Use should be made of the academic staff, including faculty, psychologist, and audiologist, in planning and presenting these in-service programs as well as outside personnel.

The Commissioner and the GBSD administration should consider adopting a sign language skill requirement applicable to residential staff members as a condition of permanent employment (after six months).

## D. Miscellaneous Issues

### 1. Faculty Salaries

#### Findings

For pay purposes, teachers at GBSD are grouped into two pay ranges: "Teacher at Baxter School" at Range 20 and "Teacher of the Deaf" at Range 22. Their salary ranges are the result of negotiations between their bargaining unit, the Professional and Technical Unit of the Maine State Employees Association and the State. School records indicate a continued concern articulated over some years by the administration that salary levels are too low, in comparison with local schools and other residential schools for the deaf elsewhere, to attract and keep qualified professional personnel. The September 1981 accreditation report on the School noted faculty frustration over the lack of pay differential which recognize additional academic training (e.g., Masters degrees, doctorates) as a basis for increased pay. <sup>61/</sup>

In fact, GBSD teachers do receive recognition of academic training which is not accorded other state teachers: some of them receive higher compensation if they hold certification as "teachers of the deaf" from the Council on Education of the Deaf (CED) (Range 22 as compared with Range 20). On the other hand, because GBSD teachers work a shorter work year than teachers at Pineland and the Maine Youth Center, their annual salary is correspondingly lower. The few examples of academic staff with 52 week contracts are the principal, dean of students and two of the head teachers.

The comparison of GBSD salary schedules with public schools nearby indicates that, while starting salaries are substantially similar, local public schools guarantee yearly increments without regard to "merit", and these increments occur automatically for at least 10 years. Thus, an experienced GBSD teacher, even with all merit raises, would receive a lower rate of pay than a similar teacher in a local school unit.

In addition, local schools reward teachers with extended academic training with higher salaries.

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At one time, according to available records, GBSD teachers and teachers in other state institutions (under the then Department of Institutional Services) were paid according to a broad salary "schedule" which reflected the model used in the local public schools. This schedule recognized, through salary increments, differences in experience levels and academic credentials. With the "Hay Report" and subsequent reclassification, teachers were classified along the lines of other state employees and now receive yearly increments based on evaluations according to "merit", not according to the number of years of teaching experience or extent of academic preparation. The Hay Plan did create the two classifications of "teacher" and "Teacher of the Deaf", recognizing the GBSD specialty.

On a national scale of residential public schools for the deaf, GBSD ranks 35th out of the 60 schools in pay, based on 1980-81 statistics.

A number of memoranda in the file indicates concern by GBSD administrators about the low salary scales. In addition, a number of teachers who resigned over the past several years have indicated low salary as the cause of their resignations.

Although holding certification as a "teacher of the deaf" from the Council on Education can entitle a GBSD teacher to the Range 22 salary, the higher pay does not automatically occur. Compensation is actually dependent, not only upon the availability of a teacher of the deaf "position" at the School. Many, but not all teaching positions are classified as "teacher of the deaf." In reality, this means that a faculty member who obtains the additional CED certificate may still be paid at Range 20 until another teacher, classified as "teacher of the deaf", resigns. Frustration can result, therefore, where a faculty member is entitled by academic achievement to be paid more, but cannot receive Range 22 pay until another "teacher of the deaf" position is vacant or his own position is "reclassified." This lack of congruity between certification and compensation is awkward and is explained only by the peculiar workings of the state personnel system. The awarding of teacher of the deaf designations appears to have been done without open posting, although technically this is a promotion under the personnel system.

Finally, it is evident from available records that the required CED certification is handled rather casually by the School. Teachers are paid at Range 22 without documentation they hold CED certification. The School does not have an adequate internal procedure for checking renewals: three teachers are now being paid at Range 22 whose certificates have lapsed.

In addition, the administration has determined unilaterally that teachers are "eligible" for CED certificates and awarded Range 22 Teacher of the Deaf designations, without verification from the Council on Education of the Deaf. This practice indicates a misunderstanding and misapplication of the state personnel policies. Where such policies indicate that persons must hold certification or licenses or be "eligible for" required certification or licenses, it is intended that the certification or license be obtained from the requisite authority upon employment.

During this school year, according to available records, two teachers were "promoted" from teacher to teacher of the deaf, although no certification or verification of CED certification can be found in the files. In one case, the director of academic affairs directed the business manager in August 1981 to upgrade a vocational teacher because he was "eligible" for a new category of CED certification. In fact, no such certification even existed until March 1982. The teacher has been paid at Range 22 during this school year, although he did not meet the state qualifications for that pay range.

A second teacher was newly hired as a "teacher" and immediately promoted to "teacher of the deaf." No certification or verification of certification eligibility from CED can be found in the employee's personnel file.

There is sufficient credible evidence to indicate that teachers are given on-campus housing at very reasonable rentals as an extra inducement or bonus accompanying employment. As discussed elsewhere, this is not consistent with the state personnel law.

In addition, teachers in the past have been promised salaries at higher "steps" within the salary range, without the prior permission required by the personnel rules. As a result, the Department has been criticized by the state Personnel Department for by-passing state requirements.

#### Conclusions and Recommendations

Both faculty and administrators at GBSD are frustrated with the salary scales for "teachers" and "teachers of the deaf." Salaries are low in comparison with residential schools elsewhere and, for experienced teachers, in comparison with regular public schools.<sup>62/</sup> Also, teachers are not rewarded by yearly increments for experience or increments for academic credentials other than CED certification. Since the role of the Department in setting or raising salaries is very limited, however, this frustration cannot legitimately be aimed at Department officials. Both administrators and teachers in the past have not understood the dynamics of the state personnel system and the role of their own union in establishing compensation.

The Department could take action to raise teacher salaries through a recommendation that jobs be reclassified. But, reclassification of GBSD teacher jobs to a higher level would not be likely, as a practical matter, without similar reclassifications or other state-employed teachers. Whether

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<sup>62/</sup> Some sample annual salaries (1980-81) for classroom teachers in the Greater Portland area, in comparison with GBSD, are as follows:

GBSD - Range 20 Teacher (Steps A-G: \$10,272 - \$13,280)

GBSD - Range 22 Teacher of Deaf (Steps A-G: \$11,184 - \$14,560)

Cape Elizabeth - BA \$10,300 - \$16,480 - (12 yrs.); MA \$11,330 - \$18,025 - (13 yrs.)

Falmouth - BA \$10,750 - \$16,662 - (11 yrs.); MA \$11,825 - \$18,275 - (12 yrs.)

Westbrook - BA \$10,500 - \$16,800 - (12 yrs.); MA \$11,550 - \$17,850 - (12 yrs.)

teachers should be paid salaries which reflect their experience and/or their academic training is a matter of state personnel policy and collective bargaining. It is beyond Departmental authority. Any such change would also be a substantial change in the "merit" system established by the Legislature, an unlikely possibility.

Consideration should be given to lengthening the work year for GBSD teachers by several weeks, an action which would bring a corresponding increase in their annual salaries. Lengthening the work year is justified by the time needed for PET's and IEP's development and necessary consultations with local schools.

Teachers currently being paid at Range 22, without CED-documented certification, should be informed and their classification changed unless certification can be demonstrated by September 1982.

The School administration should institute procedures to verify CED certification upon hiring and prior to each school year.

The Department should attempt, with the Personnel Department, to explore the problem of "position" counts as they relate to CED-certified "teacher of the deaf" positions. If Range 22 pay cannot be paid to every teacher who holds CED certification, then the Department should study the allocation of teacher of the deaf positions within the School and determine whether these should be limited to certain curriculum areas which demand special teaching skills.

At the very least, "teacher of the deaf" positions, if limited in number at the School, must be granted in a fair manner consistent with personnel employment policies and the MSEA collective bargaining agreement.

## 2. Existing Job Titles and Job Descriptions

### Findings

With the exceptions of the principal, director of academic affairs, psychologist and audiologist, all professional members of the faculty are categorized in the collective bargaining agreement and state personnel records in two job titles: "Teacher of the Deaf" and "Teacher, Baxter School." Within these categories, however, the actual job descriptions are widely varied and individuals are designated by different "local" job titles at the School. For example, the "dean of students" at the School is a "teacher of the deaf" on the official records. He holds a position which is locally described as including



"guidance and counselling of deaf students; understanding of the psychological and educational aspects of deafness; knowledge of the unique social, emotional and physical problems of deafness; expertise in special techniques and methods of educating the deaf; participation on the school diagnostic team; evaluation of student development and progress . . . ."

This job description and attendant duties appear significantly different from that of the "teachers" and "teachers of the deaf" on the staff. The "dean" performs a specific and distinct function on the professional staff, just as do the psychologist and audiologist, both of whom are classified separately from teachers.

Because the job descriptions which are available are written for the "merit" evaluation system, they confuse the description of the functions of a "job title" with the functions actually performed by the individual involved. Thus, it is not possible to distinguish between the duties expected and required of a particular person functioning as a "teacher" or "teacher of the deaf" and the extra duties undertaken for additional duty pay. For example, the "teacher" who serves as athletic director, and is paid for those "extra" duties has only one job description. It is not possible, then, to distinguish between those duties which are part of his "regular" job and those which are carried as party of the "extra" job for which he is paid extra.

There is some indication, also, that job descriptions do not accurately describe the responsibilities given to certain persons. For example, at least one member of the vocational faculty is expected to print all forms (permission slips, PET notices, etc.), stationery and other items used at GBSD. These tasks are done during the school day, at a time when the teacher should be instructing and supervising students in his care. They are not reflected in his job description.

The job description of one head teacher who accepted a special assignment of outreach to pre-school children during one year, was not re-written to reflect her actual duties. At the time, she refused to sign the job description and asked that it be re-written for accuracy and completely. This was never done.

The job descriptions of two of the three academic "head teachers" (elementary and high school) are similar. These two work on 52-week contracts rather than the 42-, 43- or 44-week contracts given to other teachers. A third head teacher (middle school) has no job description although she had held the position for two years. The personnel clerk stated that the description was not completed by the director of academic affairs, even after several requests. Despite this lack of a job description, this head teacher has been evaluated for a merit raise.

The lack of a job description for this head teacher brings into question the scope of her responsibilities. Specifically, her contract for a standard work year when other head teachers are insistent upon the necessity for summer work time, raises the question of the job responsibilities of all head teachers.

The use of a job title with significantly changed duties can lead to some confusion. The job of "principal", which formerly included teacher supervision and evaluation and other traditional line responsibilities has been significantly changed with the new occupant. This change in job functions was apparently made after the position was posted and a new principal employed. Under this new description, the "principal" no longer performs teacher evaluations and has no responsibility for line support of teachers (in disciplinary problems for example).

The "principal" has been described by administrators as a "new style" principal rather than a traditional administrator and the change in job description has been defended as appropriate and necessary. In fact, the use of the term "principal" with inevitable connotations of the traditional principal's job, has led to expectations on the part of the academic staff of a more traditional role. Thus, faculty have expected some assistance from the principal in student behavior problems which the principal has rejected because it is not part of her job description.

#### Conclusions and Recommendations

The job titles, job descriptions and actual responsibilities of all employees at GBSD should be reviewed in detail by the administration and the Department. New job titles should be arranged, where appropriate. This should be done for the principal and a title devised which more closely fits the unique nature of the job.

Functions which are not part of the job should be eliminated. An example here is in the vocational department. The printing responsibilities should be eliminated; a teacher is responsible for teachings, not for rendering print-shop services to the School. Alternative arrangement could be extra duty pay for such responsibilities; such pay could include pay to students who assist in print-shop work. If this cannot be arranged, the work should be done outside the School.

Job descriptions should carefully distinguish between "regular" and "extra duty" responsibilities.

Job descriptions should also delineate those activities which are to be accomplished during the school year and those to be accomplished during the summer.

### 3. Positions and Placement in Bargaining Units

#### Findings

While the MSEA professional and technical unit includes all faculty, including the director of academic affairs, it excludes the principal. This latter position is found in the MSEA supervisors' unit, a unit representing those positions significantly different in character and supervisory responsibilities to require representation by another bargaining unit. It is unclear how and why the director of academic affairs, a position second only to the superintendent, was placed in the same bargaining unit as those persons he supervises, while the principal (whom he also supervises) is placed in a unit "above" his. 63/

#### Conclusions and Recommendations

Placement of the director of academic affairs in the professional and technical unit of MSEA, and the principal in the "higher" supervisors' unit obviously does not reflect either past or current duties and positions in the GBSD organizational structure. Appropriate steps should be taken, through the Office of Employee Relations to (1) request designation of the director of academic affairs as a "confidential" employee or, (2) change the placement of this position to the supervisory unit. The "principal", who functions as a special education coordinator, should be in the professional and technical unit.

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According to an attorney in the Governor's Office of Employee Relations, the original placement of positions in various units was made, as part of a mass exercise, by the Maine Labor Relations Board. Some corrections were later made through unit redeterminations. Although the Department and GBSD attempted this past year to have the MLRB designate the director of academic affairs as a "confidential" employee, and thereby excluded from the bargaining unit, the Board's hearing officer refused to do so. The business manager, however, was made a confidential employee. Evidence presented more recently to the MLRB hearing examiner by School officials substantiates that the principal's position is not a supervisory administrative position.



## X. PHYSICAL FACILITIES

### A. Introduction/Overview

The school and dormitory buildings and the grounds at the Governor Baxter School for the Deaf are clean, generally pleasant and very well maintained. It was evident to members of the Special Review Team (as it was to the visiting accreditation team last year) that the maintenance staff performs its tasks well.

The Team did not undertake to detail deficiencies in the physical plant. Rather, it arranged for two inspections to be undertaken to assess compliance with state fire safety and health standards. The Team took note of suggestions for improvements made by the staff during the interviews of the academic, residential and support staff.

### B. Fire Safety Standards

#### Findings

A general fire safety inspection by the State Fire Marshal's Office was conducted. The inspection report concluded that a number of changes were necessary to bring the facility into complete compliance with the current Life Safety Code, the regulatory standard governing school buildings. These included emergency lighting, solid core wood bonded doors, and better fire alarms. The full report is attached as Appendix 14.A

In reply, the acting superintendent submitted a Plan of Correction, which has been approved by the Fire Marshal. Appendix 14.B.

#### Conclusions and Recommendations

Maine law requires that schools meet the standards of the Life Safety Code for fire safety. Because the Governor Baxter School for the Deaf is a "state agency", however, it is not routinely inspected by the Fire Marshal's Office. The policy of the Fire Marshal's Office is to make inspections of state buildings "upon request" of the responsible administrator. (This is in contrast to the Office's policy governing local public schools and private schools: these are inspected periodically, depending on the availability and schedules of various regional inspectors). No request by the GBSD administration for a state fire safety inspection in recent years can be found. 64/

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It should be noted that the Sept., 1981, accreditation report found a well-equipped facility with fire detection, emergency lighting and direct contact with the Falmouth Fire Department. The report also recommended installation of a complete visual fire alarm component for classrooms and dormitories to operate in conjunction with the existing auditory system.

It is recommended that the Department require GBSD administrators to arrange for full inspection of the facility on an annual basis, in a timely manner so that necessary physical alterations or purchases can be budgeted.

Purchase of the visual fire alarm unit, as suggested by the 1981 accreditation unit, is also recommended for inclusion in the next budget.

#### C. Health, Sanitation Standards

##### Findings

At the request of the Special Review Team, a general inspection of school facilities was undertaken by James Datsis, supervisor of the Eating and Lodging Program and Paul Mathieu, district sanitarian, both from the Department of Human Services. They found a clean facility with generally good sanitation practices, but recommended lower water temperatures in several places and made several other suggestions concerning kitchen procedures. (See Appendix 15 for the full report).

##### Conclusions and Recommendations

Maine law requires the licensing of eating establishments by the Department of Human Services, a requirement which includes the licensing of school lunch facilities. Implementation of this law results in an annual inspection by that Department. Because GBSD is a state agency, however, it is not licensed by the State and has operated without the usual periodic inspection of state health inspectors.

It is strongly recommended that the Department request annual inspections of GBSD by Human Services health inspectors of the type given to other school lunch facilities, making whatever budgetary arrangements would be necessary to obtain such inspections.

#### D. Section 504 Compliance

##### Legal Requirements

Section 504 of the Rehabilitation Act of 1973 (20 U.S.C. § 706) provides,

"no otherwise handicapped individual... shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

The Department of Educational and Cultural Services, within which the school is an administrative unit, receives extensive federal financial assistance; GBSD also receives federal funds for its own specific programs (e.g., 89-313 funds and a bilingual grant). Under the applicable federal regulation, as interpreted by the federal Department of Education, the Department, the School, and the State are all "recipients" of federal aid and are required to meet the standards of Section 504 for the affected programs or activities. 65/

Section 504 states, in brief, several procedural requirements recipients must meet:

1. The operation of each program or activity so that it is "readily accessible" to physically handicapped persons. (42 C.F.R. § 84.22(a).)
2. Establishment of a grievance procedure and a designated person to handle complaints concerning employment and beneficiaries of 504 programs. (42 C.F.R. § 84.7.)
3. The completion of a self-evaluation study, with the assistance of handicapped persons or organizations, of the current policies and practices and the effects relating to compliance with Section 504. (42 C.F.R. § 84.6(c) (i).)
4. The modification of any policies or practices in non-compliance. (42 C.F.R. § 84.6 (c) (ii).)

#### Findings

No Section 504 self-evaluation or transition plan specifically directed to GBSD programs can be found on file at the school.

In addition, a clearly stated Section 504 grievance procedure is not in place for complaints at GBSD. Although a 504 coordinator has been designated at the school, she has not been charged with the development of a self-evaluation plan or a grievance procedure. An architect's report (completed January 1982) recommended certain physical alterations of the facilities for program accessibility as part of a comprehensive review of state buildings conducted by the Bureau of Public Improvements. According to BPI Director Leighton Cooney, the recommendations will be implemented this summer and will bring the facility into Section 504 compliance.

Although the suggested physical renovations appear appropriate, such changes have not been, however, designed in the method required to be in full compliance with Section 504. The regulations require that the transition plan be developed with the assistance of handicapped persons or organizations representing handicapped persons.

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65/ The architect's report recommends changes to make the second floor dining room accessible and alterations to some toilet facilities.

The plan must also address concerns such as audible alarm systems, identification of rooms using raised numbers or letters, accessible pay phones, drinking fountains, and parking spaces.

### Conclusions and Recommendations

It is unclear whether the federal regulations require GBSD to develop a grievance procedure and self-evaluation process separate and distinct from any plan or process existing for DECS or the State of Maine generally. At the least, DECS should assume supervisory responsibility to assure that appropriate Section 504 procedures are followed and plans are developed for GBSD where responsibility has not been placed on BPI, the state Office of Personnel or some other state agency. DECS should require the GBSD administration to involve handicapped persons or representatives of handicapped persons to review the facility and to develop a Section 504 self-evaluation study and transition plan. Also, DECS should take steps to assure that an appropriate grievance procedure is adopted for use at the school by employees, parents and students, or that appropriate notice is given of any existing state grievance procedure. <sup>66/</sup>

#### E. Suggestions For Improvements In The Physical Plant

##### Findings

GBSD staff members have made known their suggestions for improvement in the physical plant both through a self-evaluation study completed in May, 1981 (for the re-accreditation team visit) and in interviews with members of the Review Team. Residential staff members made a number of suggestions for improvements to the dormitories. These include the installation of carpets and drapes, and doors on some toilets where they are missing. Also, they suggest the installation of bulletin boards in dormitory rooms because children cannot hang any materials on the cement block walls, giving an unnecessarily "institutional" flavor to the rooms.

##### Recommendations

It is recommended that the GBSD administration review all recommendations made by the staff, establish priorities of the various proposals and make appropriate budgetary requests.

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<sup>66/</sup> An important indication of the role of a 504 transition committee and plan is the current lack of a visual fire alarm in the classrooms. While this would appear to be an essential safety feature of any facility for the deaf, it was not mentioned in the report of the Fire Marshal. This is understandable because such equipment is not standard equipment for a regular school. A 504 transition plan, however, could not ignore such a deficiency in a school for the deaf.



Finally, it is recommended that the Department arrange for a safety inspection by the Department of Labor of the facility on a periodic basis.

#### F. Review Of Alleged Health Hazards

##### Introduction/Overview

During the period of his assignment at GBSD, Larry Pineo, Associate Commissioner, Bureau of School Management, received a telephone call alleging a high incidence of birth defects among children born to women who were working at GBSD during their pregnancies. The Special Review Team requested the assistance of the Bureau of Health, Department of Human Services.

William S. Nersesian, M.D., Director, Bureau of Health and a board-certified pediatrician agreed to implement a review of this matter. Dr. Nersesian interviewed female employees regarding pregnancy outcomes (1975-present). Dr. John Serrage, Director of Child Health, and a board-certified neontologist, and Dr. Shetata, Toxicologist discussed potential hazards in the environment with Dr. Nersesian.

##### Findings

Only two children were born with birth defects; this was an inadequate sample from which to draw conclusions. There was no current evidence that any GBSD policies or practices, intentional or unintentional, were or could be associated with birth defects.

##### Conclusions and Recommendations

Although exposure to FM Transmissions (audio amplifier equipment utilized to enhance teacher communications with students) has never been proven to be harmful to the fetus, it is recommended that pregnant women avoid wearing transmitter devices on the extremely small chance that these are causing harm.

GBSD administration should maintain surveillance on future pregnancies among GBSD employees and report any non-normal pregnancy outcomes to the Bureau of Health, Department of Human Services.

DECS should request the assistance of the Director, Bureau of Health, DHS in maintaining surveillance of future pregnancies among GBSD employees.



## XI. AUDITORS' REPORT

### A. Introduction/ Overview

The State Auditor's office performs an annual audit of the Governor Baxter School for the Deaf in the course of its normal duties. In conjunction with that review, the Commissioner asked by letter in February for a special inquiry into several concerns which were brought to his attention at the start of the administrative investigation. (Appendix 16 ) As the two investigations progressed, the auditors also explored additional questions at the request of both investigatory teams (the Special Review Team was interested in housing accommodations for staff).

### B. Findings

The findings and conclusions of the auditors are reflected in their report of March 19, 1982, addressed to the Governor and Legislative leaders.

The report found that audited financial transactions at the school were generally appropriately handled, with some exceptions. These exceptions included the following problem areas:

- Failure to reconcile on a monthly basis the records of appropriations, allotments, encumbrances and dedicated revenues;
- Failure to maintain a record of undedicated revenues;
- Inadequate documentation for disbursement from school administered benefit funds;
- Several duplicate payments and overpayments to vendors;
- Lack of proper control with regard to the location of audio visual equipment;
- Incomplete time sheets for professional personnel;
- Overpayment of sick leave to an employee on maternity leave;
- Out of date rentals charged for state housing.

On May 25, the State Auditor supplemented the official report with discussion of apparent problems associated with the designation of GBSD as a Depository for captioned films.

The contract regarding the depository is between the Association for Education of the Deaf, Inc. (Washington, D.C.) and the "Governor Baxter School for the Deaf." It specifies that AED will provide payments of \$25 monthly and \$1.50 per booking by the depository to other users of the captioned films. According to the contract:

"These payments cover costs of services provided by the Depository for the care and handling of the films. . . ."

The contract also specifies that:

"Management and care of the films will be assigned to a responsible person who will maintain adequate records of film usage and submit reports to AED, in accordance with their specifications."

The superintendent signed the contract and Robert E. Kelly was listed as the "Name of the person designated by the Depository to manage the captioned films depository."

The discrepancy of over \$1,700 (between funds sent to Robert E. Kelly and office account records for the "captioned film account" at GBSD) had already been documented by Dr. Kamil as part of the administrative investigation. At the request and urging of the chief criminal investigator, she had obtained records which demonstrated the discrepancy between payments and cash receipts.

The discrepancy was discussed with both Mr. Youngs and Dr. Kelly in interviews by the Team. Mr. Youngs stated that the funds were paid by check directly to Dr. Kelly for his services in administering the program. He said he assumed the funds were Dr. Kelly's to keep for himself. He did acknowledge, however, that work on captioned films was actually accomplished by the school's librarian, on work time, during this school year and 1980-81.

Dr. Kelly, in turn, told the Team that he had turned over to Mr. Youngs, the business manager or the office clerk all funds received by him. He explained that after he received the checks made out to him, he cashed them and turned in the cash. He said that he had received receipts only occasionally. He also told the Team that the funds had been used by the school to buy equipment, including a film projector, and to fund a workshop on cued speech.

#### C. Conclusions And Recommendations

Several topics related to the auditors' report are addressed elsewhere in this report and recommendations are made which will implement the auditors' recommendations.

The recommendations of the auditors should be discussed with GBSD administrators and the school business manager and implemented as promptly as possible.

XII. THE ROLE OF DECS IN SUPERVISION OF THE  
GOVERNOR BAXTER SCHOOL FOR THE DEAF

A. The General Supervisory Role of DECS

The legal duty of the Department concerning GBSD is clearly stated: the "government" of the Governor Baxter School for the Deaf "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" and "may prescribe the system of education and course of study to be pursued in the School."<sup>67/</sup>

Line authority for supervision of GBSD is placed in the Bureau of School Management, headed by Larry Pineo, Associate Commissioner, assisted by (until his recent retirement) Beverly Trenholm, Director of School

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20 M.R.S.A. § 3122(4). The statute states, in pertinent part:

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.

Operations. This division is also responsible for the State-run schools in the unorganized territories.

In this supervisory capacity, Mr. Pineo and Mr. Trenholm have met with and corresponded with the GBSD superintendent, Joseph Youngs, and the business manager, William Dunning. The files indicate attention to a number of concerns raised by the superintendent since 1974, most notably budgetary and financial items <sup>68/</sup> Specific problems or concerns raised by the superintendent, e.g., appointment of board of visitors, substitute teachers, teacher salaries, union grievances, etc., are also reflected in the files.

The Bureau of School Management has not been directly involved in individual personnel matters. Correspondence with teachers, routine personnel matters, personnel problems, have been addressed in "local" correspondence at the School and remain in the GBSD files. The Department's personnel officer, Alan York, has processed employment and resignation papers forwarded from the School, sending these on to the state Personnel Office. Since September 22, 1980, however, such resignation papers have been sent directly from the School to the state Department of Personnel. <sup>69/</sup> These individual matters were not handled by the Bureau of School Management although the DECS personnel officer recalls sending occasional resignation forms to Mr. Pineo when there were items of interest or concern.

GBSD has traditionally been allowed a great deal of autonomy in program, curriculum, employment, and general operations. Both officials of the Bureau believe, however, that they have exercised closer supervision than had been exercised by the Department of Mental Health and Corrections and that the superintendent resisted supervision from Augusta.

In his interview with the Team, Mr. Pineo characterized the Department's general relationship with the School superintendent as one of mild animosity. He saw the superintendent as tolerating the Department, but objecting to interference in "his" School. <sup>70/</sup> At times, Mr. Pineo has objected to the

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<sup>68/</sup> Although the Department took over supervision of the School in 1972, the Division has no records which predate 1974, the time at which Mr. Pineo and Mr. Trenholm assumed responsibility for the facility.

<sup>69/</sup> The change in the system of forwarding resignation papers was effected by the Department of Personnel. Since 1980, all resignation forms accompany the payroll papers of the School to the Department of Finance and resignation forms are forwarded from there to the state Department of Personnel. Thus, resignation forms are no longer handled by any DECS officials. The Department of Personnel does not forward resignation forms to DECS and there is no evidence that the "reasons for leaving" cited by individual employees are or have been reviewed by Personnel officials.

<sup>70/</sup> In 1974, the superintendent wrote to the DECS director of special education expressing serious concern that the Department might exercise its legal authority to prescribe the course of study at the School, a matter which had traditionally been left to him.

superintendent's failure to notify his Bureau of concerns or problems at the School (notably sexual attacks on several students by a former student and a car accident involving the director of academic affairs in the driver education car), but also more routine items. The autonomy allowed the GBSD superintendent by DECS appears, in part, to have been a continuation of the School's traditional autonomous operation and, in part, a recognition of the superintendent's reputation as an expert and leader in education of the deaf.

In his turn, the superintendent told the Team that he had asked the Bureau for advice on several matters but had not received assistance.

The Division of Special Education, DECS, has played an indirect role in the supervision of GBSD through its general authority and duty to oversee special education programs in the State. This has occurred through the development and publication of the comprehensive State plan on education of the handicapped, of which GBSD is a component. Also, special education personnel participated in a review of GBSD with federal authorities to assess compliance with federal special education mandates. Where isolated complaints and concerns have been raised (by parents or advocates) the Division of Special Education investigated and responded. Although the Division of Special Education periodically sends a special education review team to review the programs at local administrative units and private special education facilities, it had not completed a special education review of GBSD until this administrative investigation.

Under the various union contracts, DECS is a step in the grievance procedure beyond the superintendent of the School. Any grievance not settled at the School may reach DECS on appeal. A few grievances have come to the attention of DECS either through a request for a legal interpretation addressed by the superintendent to the Assistant Attorney General or discussions with the Bureau of School Management and others concerning a grievance pending at the School or a formal appeal to the Commissioner.

Still other DECS personnel are or have been involved in GBSD operations, although only peripherally. Jane Riley, DECS affirmative action officer, conducted an affirmative action workshop at GBSD and has communicated with the GBSD affirmative action officer on specific matters. Preliminary approval was also given by other DECS personnel for a grant to develop a bilingual program at GBSD.

A five-person Board of Visitors, appointed by the Governor for annual terms in past years, has operated independently of the Department. It has the "right to inspect" the School and "to make recommendations relative to

the management" of the School. <sup>71/</sup> When it existed, the Board met bi-monthly at the School. The Board of Visitors appears to have functioned as an advisory panel for the superintendent and on several occasions when appointments lapsed, he took action to urge their reappointment. Dr. John Knowles, a Board member for several terms, described the Board in a letter to Commissioner Raynolds in late 1980: the group "served as the sounding board of Dr. Joseph Youngs' hopes, plans and frustrations and I think, also functions as a public relations group for the school out in the community." Although the Board of Visitors is still statutorily authorized, it has not been operative for several years. Since the terms of office are annual, it would appear that there is no Board of Visitors actually constituted at present, their terms having expired.

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The statutory provision, 34 M.R.S.A. § 41, reads in full:

A board of 5 visitors, as heretofore 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 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 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.

The statute predates the transfer of GBSD to DECS supervision and was amended to include "within the Department of Educational and Cultural Services" upon that transfer. The Board is required to appear before the Health and Institutional Services Committee, however, rather than the Education Committee of the Legislature, a possible oversight, although it is not clear. The reference to the Board making recommendations "to the Commissioner" is also unclear, although it would logically mean the Commissioner of DECS.



THE TEXT OF SUBSECTION B OF SECTION XII,  
TRANSMITTED TO THE COMMISSIONER BY THE SPECIAL REVIEW  
TEAM HAS NOT BEEN INCLUDED IN PUBLICATION OF THIS  
REPORT, PURSUANT TO THE PROVISIONS OF  
5 M.R.S.A. § 554(2)(E), THE STATE PERSONNEL LAW.



## C. Conclusions and Recommendations

### 1. Conclusions

A number of conclusions emerge from this review of the Department's general oversight and its response to specific allegations concerning GBSD. In brief, by granting extensive autonomy to the GBSD superintendent, the Department has failed to direct and oversee the educational program for deaf students and failed to respond adequately to indications of improper and inadequate management and of mistreatment of children.

During the eight years of its supervision, the Department failed to examine the School's educational program in any detail and responded to parental criticisms by helping to create alternatives to the School. Although the Division of Special Education participated in federal reviews of the GBSD program, these were limited to procedural requirements of the special education laws. The Department has not conducted a comprehensive "special education review" of the School, although it routinely evaluates public school and private school programs. The Department's substantial grant of autonomy to GBSD officials may be attributed to a combination of factors:

- DFCS officials relied upon the reputation and expertise of the superintendent and staff of the School.
- The placement of direct supervisory responsibility for GBSD with the Bureau of School Management divided responsibility for oversight of the School operations from general supervision of the educational program by the Division of Special Education, placing substantial responsibility with persons who had no real familiarity with special education laws, rules and program requirements.
- Parents and other interested persons failed to make known to the Department any substantial dissatisfaction with the School's program once educational alternatives were made available for their children.
- The Board of Visitors, which attended regular meetings with the superintendent, made virtually no recommendations for program changes to the Commissioner and functioned instead as an advisory board to the superintendent and a public relations body.

Complaints of inappropriate administrative practices (employment, supervision of employees, etc.) were expressed by a number of employees but did not result in Departmental action at the time for a number of reasons. Primary among these was the general autonomy enjoyed by the School superintendent and the consequent expectation, at the Department level, that the superintendent would respond appropriately to criticisms and complaints made known to him. Unaware of the close personal relationship between the superintendent and the director of academic affairs, officials of the Bureau of School Management trusted that objective administrative action would take place at the superintendent's level.

In relying on the School's superintendent to take action, however, the Bureau failed to make an adequate independent review of available evidence.

It is also evident that Department officials trusted that the superintendent's perception of events and attitudes at the School was accurate. Because of this, the complaints of several employees (notably in 1975) were not seen as sufficient for direct Department intervention in the form of an investigation.

Although only a small minority of the employees who resigned from the School between 1976 and 1982 expressed complaints, the Department's internal processing and review of those resignation forms could have been better. Resignation letters with clues or statements of dissatisfaction did not routinely go to the Bureau of School Management, charged with oversight responsibilities. Processing of personnel forms by the personnel officer and Department of Personnel resulted in occasional references of individual personnel transactions to the Bureau, but this appeared to have taken place after 1976.

The Bureau of School Management, at least in 1976, did not know much about the personnel operations at the School and did not monitor resignations or other employment actions.

Clues concerning management practices at GBSD which appears to have been presented to other state agencies (e.g., claims presented to the Retirement System and Employment Security Commission ) were not forwarded to DECS officials, again following a pattern of decentralized administration of state agencies. These might have been helpful.

The only grievance filed by a GBSD employee which appears to have addressed management practices at GBSD was not heard by DECS officials. (This was a grievance filed by a teacher in 1979 who claimed that she had been dismissed in May in retaliation for holding a meeting of teachers at her home. The Department refused to hear the grievance on the technical (and probably correct) grounds that she was a probationary teacher and had no right to union representation. In doing so, however, the Department apparently never heard the merits of the grievance.

Complaints of mistreatment of children at GBSD made known to the Department did not result in a sustained or independent investigation by Department officials at the time of the complaints in 1975-1976. Again, the Bureau of School Management appears to have relied extensively on the abilities of the School superintendent and on his knowledge of School matters and employees. Because of this, they failed to meet with Susan Nordmann until over a year after her original resignation letter, when it was referred by another source. They may also have been influenced in 1975 by the apparent candor and concern expressed by the superintendent in discussing Ms. Nordmann's organizing activities and accusations before they actually surfaced, in a manner which characterized her as a lone dissident and troublemaker, and his expressed concerns about the director of academic affairs which he appeared to describe candidly and to have acted upon.

Faced with Ms. Nordmann's allegations, and the similar allegations of a second teacher in 1976, the Bureau of School Management appears to have been very concerned with the ultimate burden of "proving" allegations against a school employee in a due process hearing. While their concerns were correct --to avoid any disciplinary actions against an employee based only on allegations and to gather sufficient credible evidence of misconduct for dismissal purposes-- they appear to have been unaware that they could have asked for help. They did not consider referring the accusations to the Attorney General or the district attorney for investigation. Also, they may have been too solicitous of the one employee still at the School who demanded "confidentiality" and anonymity although she purported to have witnessed instances of child mistreatment. They respected her wishes when they should have insisted that she be prepared to offer testimony at a disciplinary hearing.

Because of the regular personnel "routine" of forwarding resignation papers to a separate employee in the Department and then on to the Personnel Department, a second corroboration of Ms. Nordmann's allegations (by Gerald Amelotte) appears not to have reached the Bureau of School Management at a time when it would have been very meaningful.

Since no allegations of child abuse by GBSD employees surfaced between 1976 and September of 1981 (where a houseparent related one instance of purported mistreatment of a child to Mr. Pineo), the Bureau of School Management might reasonably have taken this silence as evidence that the problems they raised in 1976 had, in fact, been addressed and corrected by the Superintendent. Also, there were no other allegations of mistreatment from any other source until publication of the Coping article in February 1982.

In sum, five GBSD employees (one during employment and four after resignations) raised allegations of mistreatment of children to DECS in some manner between 1975 and 1982. All these focussed on one individual, Robert Kelly. Two indicated their concerns in resignation letters; one of these pursued her concern to a Congressman later and the second failed to pursue his concern when it received no response. A third spoke "confidentially" to DECS officials. A fourth related one instance of mistreatment for the record upon her resignation in September 1981. A fifth related general allegations to the Commissioner in October 1981, a year after her resignation, provoked by a critical letter written about her by the Superintendent.

There is no evidence of a cover-up by DECS level employees in regard to allegations of child abuse or mismanagement at GBSD.

2. Recommendations For Future Oversight by DECS

The Special Review Team makes the following recommendations concerning future oversight of the Governor Baxter School for the Deaf by the Department:

- Department oversight responsibilities should be shifted from the Bureau of School Management to the Commissioner's office.
- A liaison in the Division of Special Education should be designated.
- The Commissioner should institute annual assessment conferences with the GBSD administration, similar to the evaluation "dialogue" he now conducts with directors of the vocational-technical institutes. These conferences should include reviews of the GBSD operation by all appropriate Department personnel: budget and finance, special education, personnel, affirmative action, federal programs, etc.
- Top priority must be given to appointing a new superintendent upon completion of the report of the Advisory Committee on the Future of GBSD.
- Action should be taken by the Commissioner to encourage the reclassification of the position of superintendent of GBSD from the classified service to a "major policy-making" position, within the meaning of 5 M.R.S.A. § 711(2), similar to the designation given the superintendents of Pineland Center, Bangor Mental Health Institute and Augusta Mental Health Institute.
- The Division of Special Education should plan and implement regular, periodic "special education reviews" of GBSD, similar to those conducted at other public and private schools. The format of these reviews should be modified to include other assessment and evaluative standards, techniques and personnel to achieve an updated comprehensive overview of the program. Appropriate personnel from the Department of Human Services should be invited to participate in such reviews. The Commissioner has offered his cooperation. Also, the Division should explore undertaking its reviews jointly with national accrediting agencies for a sharing of expertise in federal and state special education requirements and programs of education for the deaf.
- The Department should contract with a person knowledgeable in education of the deaf to participate in the periodic reviews of GBSD and other programs for deaf children and to advise on programs for the future.
- The Department should assist the GBSD administration in reviewing and revising all grievance procedures for employees and students and in publicizing the existence of those procedures.
- The Department should take steps to publish the name of the Department liaison in publications available parents, students, advocacy groups and members of the public.

- The Department should take steps to achieve maximum internal communication (among Departmental personnel) concerning GBSD programs, operations, personnel and finances.
- The Department should take steps to achieve maximum external communication (with other Departments) concerning GBSD.
- The Commissioner should recommend appointment of members of the Advisory Committee on the Future of GBSD to a re-constituted Board of Visitors should the Governor exercise his authority under 34 M.R.S.A. § 41. This should assure participation by persons both interested and knowledgeable in the challenges of educating deaf children and familiar with the School's own history and recent events.
- The Commissioner should appoint an individual with knowledge of and involvement in programs and services for exceptional students with audition handicapping conditions to the Maine Advisory Panel on the Education of Exceptional Children.





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On-Site Coordinator (Coordination of Team members; planning and scheduling;  
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Support Staff Evaluator (Review of employment patterns and practices;  
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team and related reports on  
the Governor Baxter School  
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