

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 79 (Substitute S-1)
Sponsor: Senator Bill Bullard, Jr.
Committee: Education

Date Completed: 4-25-01

CONTENT

The bill would create a new act to establish a board of trustees for the Michigan School for the Deaf, located in Flint, and require the State to continue to maintain and support the school for educating deaf students. The bill also would do the following:

- **Prescribe the membership of the board.**
- **Establish the duties of the board, such as providing oversight and making recommendations concerning the school's affairs, including matters concerning the coordination, control, and operation of the school.**
- **Require the board to establish certain committees, and specify their responsibilities.**
- **Require the board to establish a school advisory council to advise the board and the school's administration.**
- **Require the board, when a vacancy occurred in a chief administrator or academic officer position, to monitor the appointment process and make recommendations to the State Board of Education and the Superintendent of Public Instruction concerning candidates for the position.**

The bill would repeal Public Act 116 of 1893, which provides for the maintenance, management, and control of the Michigan School for the Deaf.

Board of Trustees

Subject to the bill's eligibility requirements, the board of trustees would consist of the following seven voting members appointed by the Governor after consideration of recommendations by the Division on Deafness (within the Family Independence Agency or a successor agency): one who was a hearing parent of a student at the school, one who was a deaf parent of a student at the school, one who was an officer or nominee of the Michigan Deaf Association, one who was a deaf professional, one who was an alumnus of the school, and two who

were representing the general public.

The board also would include the following three nonvoting members:

- One of the school's high school juniors or seniors who had attended the school for at least four years and who was elected by a majority vote of the students at the school.
- One teacher employed at the school who had taught there for at least four years and who was elected by a majority vote of the teachers employed at the school.
- One residential care aide employed at the school who had been employed as a residential care aide there for at least four years and who was elected by a majority vote of the residential care aides employed at the school.

To be eligible to be appointed to the board of trustees, a person would have to be a resident of Michigan and be skilled in sign language so as to be able to communicate directly with the school's students without the use of an interpreter or other assistance.

The Governor would have to appoint the initial members of the board of trustees within 60 days of the bill's effective date.

The seven voting members of the board would serve for terms of four years or until a successor was appointed, whichever was later, except that of the members first appointed, one would serve for one year, two for two years, and two for three years. The member who was a junior or senior from the school would serve for a one-year term or until a successor was elected, whichever was later. The other two nonvoting members would serve a four-year term or until a successor was elected, whichever was later.

If a board member ceased to meet the bill's requirements, as applicable, during his or her term, a vacancy would occur in that office. A vacancy would have to be filled in the same manner as the

original appointment. The Governor could remove an appointed board member as provided in Article 5, Section 10 of the State Constitution (i.e., for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance in office). A nonvoting member could be removed by a majority vote of the same group that was eligible to participate in the member's election (i.e., students, teachers, or residential care aides).

Board members would serve without compensation, but could be reimbursed for travel to and from board meetings and committee meetings and for their actual and necessary expenses incurred in the performance of their official duties as board members.

A voting member of the board or an employee of the School for the Deaf would be subject to Public Act 317 of 1968, which regulates the conduct of public servants in respect to governmental decisions and contracts with public entities.

Board Meetings

During its first year of existence, the board would have to hold two regular meetings per month. After the first year, the board would have to hold one regular meeting per month.

Within 30 days after appointing the board, the Governor would have to schedule and call the initial board meeting. At that meeting, the board would have to schedule subsequent meetings. The schedule of meetings would have to be made available to each parent during annual registration, and posted at the school's website.

The board would have to post the agenda for each meeting at the school's website at least seven days before the meeting. The board also would have to post the minutes of each meeting at the school's website within two days after each meeting.

The board and a committee of the board would be subject to the Open Meetings Act. The board also would be subject to the Freedom of Information Act.

Board Duties

The board of trustees would be required to do all of the following:

- Provide oversight and make recommendations concerning the school's affairs in accordance with the bill and other applicable law. This would include matters concerning the coordination, control, and operation of the school.
- Keep the State Board and State Superintendent fully informed as to the educational programs and administrative policies of the school.
- Adopt and follow bylaws and procedures for board functions, including procedures for conducting board meetings and for the election and removal of nonvoting members.
- Carry out its other duties as prescribed by the bill and other applicable law.

Board Officers

The officers of the board would consist of a chairperson and a vice-chairperson, each of whom would be elected from among the voting members of the board for a one-year term, unless sooner removed by the board, and each of whom would hold office until his or her successor was elected and qualified. The board would have to elect its officers at its first regular meeting after June 30 of each year. If any office became vacant during the year, the board would have to elect a replacement for the unexpired term.

The chairperson would be required to do all of the following: preside at all meetings of the board; execute all contracts as required on authority of and in the name of the board; transmit an annual report to the Governor, the State Board, and the State Superintendent; appoint the members of, and serve as an ex officio voting member of, all committees of the board; and, exercise other duties and powers as directed by the board.

In the absence, disqualification, or disability of the chairperson, or at the direction of the chairperson, the vice-chairperson would have to exercise a function of the chairperson. The vice-chairperson also would have to exercise other duties and powers assigned by the chairperson.

The school's chief administrative officer would have to serve as executive secretary to the board. He or she would have custody of and would have to maintain all of the records of the board, record the minutes of all board meetings, and send notices of all meetings to board members, the State Board, and the State Superintendent.

An officer of the board could be removed from office for malfeasance in office or conduct prejudicial to the school's interest by a vote of at least two-thirds of the voting membership of the board occurring at a regular or special meeting of the board. Before an officer could be removed, however, the officer would have to be given at least 10 days' written notice of the charges to be preferred against him or her and would have to be given an opportunity to respond to the charges before the board.

Board Committees

The board of trustees would be required to establish committees. Except for the executive committee, at the discretion of the committee chairperson, an individual who was not a board member could be invited to serve as a member of any committee. The committees and their duties would have to be as provided below.

Executive Committee. The committee would have to do all of the following: act for the board on all matters delegated to it by the board; review and be familiar with all board policies and react to all matters relating to policy that required board action; advise and counsel the school's administration; be advised of and stay familiar with all matters of major business pending before the board; participate in conferences and other activities considered necessary for conducting the board's business; study and periodically review relations with the State Board, the State Superintendent, and other State agencies; review and stay fully apprised of proposed legislation directly or indirectly affecting the school; stay fully informed concerning matters of legal action in which the board could be involved; develop and take appropriate steps for providing input and recommendations concerning selection of a new administrative or academic officer when a vacancy occurred; review and stay aware of procedures followed for selecting key personnel employed at the school; hire an independent auditor, at its discretion; and, perform other duties delegated by the board.

Budget and Finance Committee. The committee would be required to do all of the following:

- Review and stay fully familiar with all proposed legislative and operating budgets under the board's supervision.
- Review all justifications presented for proposed

budget expansions.

- Study and stay familiar with audits of the school by the State Auditor and follow corrective measures taken to improve fiscal practices and procedures at the school.
- Periodically review scholarships and out-of-State aids.
- Stay fully informed concerning support services as to services rendered, financial position, and the need for support services in the school, and review proposals for more effective operations of these support activities.
- Stay fully informed regarding all trust funds, grants, gifts, and financial benefits accruing to the board and the school, and study possible ways for improving investments of funds.
- Review and stay fully familiar with all requests for purchase of operating capital outlay items considered essential for the efficient operation of the instructional and other programs at the school.
- Monitor budgetary changes and approaches recommended by the administration.
- Perform other duties delegated by the board.

Buildings, Grounds, and Capital Outlay Committee.

The committee would be required to review and stay familiar with the following: all major plans for construction of the school under the board's authority; all proposals for land and building purchases, rentals, and sales; and enrollment trends and other studies having an impact on decisions concerning the school's capital outlay needs. The committee also would have to monitor advance campus planning and the need for capital outlay projections; review and recommend requests made by the Legislature, as well as priorities of capital outlay projects; monitor the use and function of each building at the school; and, perform other duties delegated by the board.

Program and Curriculum Committee. The committee would be required to do all of the following:

- Monitor the program objectives of the school and recommend any changes that might be necessary or desirable.
- Review and be familiar with the role and function of each department of the school and recommend any changes that might be necessary or desirable.
- Consider and make recommendations concerning proposals for new programs at the school.
- Make recommendations as necessary to prevent unnecessary duplication of programs.
- Review admissions policies and recommend proposed changes in admissions requirements.
- Monitor research activities and the relation of research to instruction at the school.
- Perform other duties delegated by the board.

The committee also would have to monitor and make recommendations on the development and subsequent revisions of any curriculum to be used at the school according to the following guidelines: All curriculum and supplementary materials would have to align with best practices and with current methodology, supported by empirical research; and, the curriculum would have to be aligned to give students the opportunity to achieve State endorsements.

Public Relations Committee. The committee would have to do all of the following: create and oversee the implementation of a policy of full communication with and among parents and staff; create and maintain a monthly newsletter for parents and staff, which would have to be posted at the school's website; monitor and make recommendations on the creation of an official school handbook and an official school policy and procedure handbook, both of which would have to be posted at the school's website; develop a marketing program for contacting parents of deaf students to inform them about the opportunities at, programs available at, and admission procedures for the school; contract with a marketing firm, at the discretion of committee and with the board's approval; and, perform other duties delegated by the board.

Advisory Council

The board of trustees would be required to establish a school advisory council to serve in an advisory capacity to the board and the school's administration.

Membership of the advisory council would have to include representation from every segment of the school, including parents, students, residential care aides, maintenance workers, other aides, health care personnel, faculty, related services personnel, ancillary services personnel, interpreters, and administrative support. The council would have to meet at least once per month and report to the board monthly.

Chief Administrative Officer

When there was a vacancy in a position constituting the chief administrative or academic officer of the school, the board of trustees would have to monitor the appointment process and make recommendations to the State Board and the State Superintendent concerning candidates for the position. In making recommendations, the board would have to consider whether a candidate met all of the following:

- Had a valid teaching certificate with an endorsement as a teacher of the hearing impaired, pursuant to the requirements of Article 3 (on special education) of the Revised School

Code and special education rules promulgated under the Code.

- Met the requirements for a school administrator under the Code.
- Had achieved a rating of superior plus on the sign communication proficiency interview.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The Michigan School for the Deaf (MSD) is currently viewed as a State institution, administered by a State department (Education), and staffed by Civil Service employees. Senate Bill 79 (S-1) would transfer many administrative functions from the State Superintendent to a local board of trustees. However, it appears as though the MSD would remain a State entity funded through the Department of Education budget. Therefore, any cost implications discussed below would affect the State, and would not apply to any local units of government.

There could be increased administrative costs to the State in order to finance the duties of the board and various committees that would be established by the bill. An estimate of these costs is not possible, as it is unknown how many of these mandated activities are currently undertaken in the normal process of administering the MSD.

Fiscal Analyst: K. Summers-Coty

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.