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An Act To Establish the Education Bill of Rights for Deaf and Hard-of-hearing Children

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

Sec. 1. 20-A MRSA c. 303-A is enacted to read:

CHAPTER 303-A

EDUCATION BILL OF RIGHTS FOR DEAF AND HARD-OF-HEARING CHILDREN

§ 7321. Basic education rights

1. Rights established. Deaf and hard-of-hearing children must have an education in which their communication mode is respected, used and developed to an appropriate level of proficiency. Deaf and hard-of-hearing children must be ensured the following rights:

- A. A high-quality, ongoing and fluid means of communication, both inside and outside of the classroom;
- B. Placement in the least restrictive educational environment and services based on their unique communication, language and educational needs, consistent with the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.;
- C. An education in which teachers, related service providers and assessors understand the unique nature of deafness, are specifically trained to work with hard-of-hearing and deaf children and can communicate spontaneously and fluidly with these children;
- D. An education in which there is a sufficient number of age-appropriate peers and adults with whom deaf and hard-of-hearing children can interact and communicate in a spontaneous and fluid way;
- E. Eligibility for early intervention services. Any infant with a documented hearing loss, prior to demonstration of any developmental delay, must categorically qualify for services as determined by that infant's individualized family service plan team;
- F. An education in which deaf and hard-of-hearing children are exposed to deaf and hard-of-hearing role models;
- G. Direct and appropriate access to all components of the educational process, including recess, lunch and extracurricular, social and athletic activities;

H. Educational programs with transitional planning as required under the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq. that focus on deaf and hard-of-hearing children's unique vocational needs;

I. The opportunity to choose a variety of language modes and languages and technologies to enhance language learning;

J. Teachers or interpreters proficient in appropriate language modes and certified in appropriate language modes if certification is available;

K. The opportunity to develop proficiency in English, including oral and manual visual methods of communications, and American Sign Language; and

L. Balanced and complete information for each family of a deaf or hard-of-hearing child regarding their child's:

(1) Educational and communication needs;

(2) Available programmatic, placement and resource options;

(3) Support services and advocacy resources from private and public agencies and institutions; and

(4) Available resources pertaining to hearing loss and the needs of children who are deaf or hard-of-hearing.

2. Right of parents and legal guardians. Parents and legal guardians of deaf or hard-of-hearing children and their advocates must be given the opportunity to be involved in determining the extent, content and purpose of educational programs for their children.

§ 7322. Rules

1. Department shall adopt rules. The department shall adopt rules to implement this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. In implementing the provisions of this chapter, the department shall adopt, at a minimum, rules relating to:

A. Qualifications of personnel providing professional services to deaf and hard-of-hearing children within the school system;

B. Composition of the individualized family service plan team and the individualized education plan team;

C. The individualized communication plan for every deaf and hard-of-hearing student;

D. Procedures and materials for assessment and placement;

E. Psychological counseling and mental health services; and

F. Evaluation of the effectiveness of programs for students who are deaf or hard-of-hearing.

Sec. 2. Adoption of rules. The Department of Education shall amend their Chapter 101 special education rules to incorporate in a separate section all provisions relating to deaf and hard-of-hearing children that exist in the department's rules, including those that pertain to the Maine Revised Statutes, Title 20-A, chapter 303-A.

Sec. 3. Rulemaking and the School Board of the Maine Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf. The Department of Education shall include the School Board of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf in developing rules regarding the implementation of the Maine Revised Statutes, Title 20-A, chapter 303-A. The School Board of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf must be provided with the opportunity to present proposed rules to be considered for adoption by the department.

SUMMARY

This bill establishes an education bill of rights for deaf and hard-of-hearing children. These rights are based on current federal and state rules and laws. This bill encourages the development of a communication-driven and language-driven educational delivery system in Maine for children who are deaf and hard-of-hearing. It promotes the well-being and growth of students who are deaf or hard-of-hearing by ensuring that educational programs recognize the unique nature of deafness and the hard-of-hearing condition and by ensuring that all students who are deaf or hard-of-hearing have appropriate, ongoing and fully accessible opportunities. This bill also provides that all Department of Education rules relating to deaf and hard-of-hearing children be contained in a single section of the department's rules relating to special education in Chapter 101. By collecting rules relating to deaf and hard-of-hearing children in one place, school districts will be able to become more knowledgeable about all the rules that relate to these children. Collecting rules relating to deaf and hard-of-hearing children in a single section will increase the accessibility of these rules and minimize confusion.