

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 1901

H.P. 1335

House of Representatives, May 9, 2007

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

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative ADAMS of Portland.  
Cosponsored by President EDMONDS of Cumberland and  
Representatives: CAIN of Orono, Speaker CUMMINGS of Portland, FARRINGTON of  
Gorham, PERCY of Phippsburg, SAVAGE of Falmouth, STRANG BURGESS of  
Cumberland, WATSON of Bath, WEBSTER of Freeport.

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

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

3 **CHAPTER 303-A**

4 **EDUCATION BILL OF RIGHTS FOR DEAF AND HARD-OF-HEARING**  
5 **CHILDREN**

6 **§7321. Basic education rights**

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

10 A. A high-quality, ongoing and fluid means of communication, both inside and  
11 outside of the classroom;

12 B. Placement in the least restrictive educational environment and services based on  
13 their unique communication, language and educational needs, consistent with the  
14 federal Individuals with Disabilities Education Act, 20 United States Code, Section  
15 1400 et seq.;

16 C. An education in which teachers, related service providers and assessors  
17 understand the unique nature of deafness, are specifically trained to work with hard-  
18 of-hearing and deaf children and can communicate spontaneously and fluidly with  
19 these children;

20 D. An education in which there is a sufficient number of age-appropriate peers and  
21 adults with whom deaf and hard-of-hearing children can interact and communicate in  
22 a spontaneous and fluid way;

23 E. Eligibility for early intervention services. Any infant with a documented hearing  
24 loss, prior to demonstration of any developmental delay, must categorically qualify  
25 for services as determined by that infant's individualized family service plan team;

26 F. An education in which deaf and hard-of-hearing children are exposed to deaf and  
27 hard-of-hearing role models;

28 G. Direct and appropriate access to all components of the educational process,  
29 including recess, lunch and extracurricular, social and athletic activities;

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

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

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

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

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

5 (1) Educational and communication needs;

6 (2) Available programmatic, placement and resource options;

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

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

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

14 **§7322. Rules**

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

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

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

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

25 D. Procedures and materials for assessment and placement;

26 E. Psychological counseling and mental health services; and

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

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

33 **Sec. 3. Rulemaking and the School Board of the Maine Center for the**  
34 **Deaf and Hard of Hearing and the Governor Baxter School for the Deaf.** The  
35 Department of Education shall include the School Board of the Maine Educational Center  
36 for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf in  
37 developing rules regarding the implementation of the Maine Revised Statutes, Title 20-A,  
38 chapter 303-A. The School Board of the Maine Educational Center for the Deaf and

1 Hard of Hearing and the Governor Baxter School for the Deaf must be provided with the  
2 opportunity to present proposed rules to be considered for adoption by the department.

3

### SUMMARY

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