

**State of Maine
123rd Legislature
First Regular Session**

**An Act to Establish the Deaf and Hard-of-hearing
Children's Educational Bill of Rights**

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

Chapter 303-A

**Educational Bill of Rights:
Deaf and Hard-of-hearing Children**

§7321. Purpose.

The purpose of this chapter is to encourage the development of a communication-driven and language-driven educational delivery system in Maine for children who are deaf and hard of hearing. It is essential for the well-being and growth of students who are deaf or hard of hearing that educational programs recognize the unique nature of deafness and hard-of-hearing condition and ensure that all students who are deaf or hard-of-hearing have appropriate, on going, and fully accessible opportunities. Every deaf or hard of hearing student should have the opportunity to develop proficiency in English, including oral and manual visual methods of communications, and American Sign Language. The Educational Bill of Rights for deaf and hard-of-hearing children is essential to accomplish the purpose established in this chapter.

§7322. Basic Educational 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 should be ensured of the following rights:

- A. A quality, on-going, and fluid communication, both in and out 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,
- C. An education in which teachers, related service providers and assessors understand the unique nature of deafness, who are specifically trained to work with hard of hearing and deaf pupils and can communicate spontaneously and fluidly with these children,
- D. An education in which there are a sufficient number of age-appropriate peers and adults with whom they 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, will categorically qualify for services as defined by that infant's early childhood team,
- F. An education in which they 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 , which focus on their 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. Balanced and complete information for families of deaf and hard-of-hearing children 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) Resources knowledgeable about 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 shall be given the opportunity to be involved determining the extent, content, and purpose of educational programs for these children.

§7322. Adoption of rules to implement this Chapter.

1. Department of Education responsibility. The Department of Education shall amend the Maine Special Education rules embodied in Chapter 101 of the Department's rule to incorporate in a separate section all provisions relating to deaf and hard of hearing children that exist this in Act and in rules or statute.

2. Content of rules. In implementing the provisions of this chapter, the Department of Education shall adopt, at a minimum, rules relating to:

- A. Qualifications of personnel providing professional services to deaf and hard of children within the school system,
- B. Composition of the Individual Family Service Plan 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 of the district for students who are deaf or hard-of-hearing

Sec. 2. Rule-making and the Maine Center for the Deaf and Hard of Hearing. The Department of Education shall include the Maine Educational Center for the Deaf and Hard of Hearing in developing rules regarding the implementation of this chapter. The Maine Educational Center for the Deaf and Hard-of-hearing shall be provided with the opportunity to present proposed rules to be considered for adoption by the Department.

SUMMARY

This bill establishes an Educational Bill of Rights for deaf and hard-of-hearing children. These rights are based on current federal and State rules and laws, and are codified by this bill. This bill also proposes that all State Department of Education rules relating to deaf and hard-of-hearing children be codified into a single chapter, Chapter 101. By codifying rules and statutes relating to deaf and hard-of-hearing children, school districts will be able to become more knowledgeable about all the rules and provisions that relate to these children. Currently, school district professionals and officials as well as parents and families of deaf and hard-of-hearing children must refer to many different rules and regulations adopted by the federal government and the Maine Department of Education which are dispersed throughout the codes of rules and regulations of these organizations. Hence, a single chapter will minimize confusion for the layperson unfamiliar with such education law pertaining to deaf or hard of hearing students.

