

Department of Legislative Services
 Maryland General Assembly
 2019 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 785 (Senator Lam)
 Education, Health, and Environmental Affairs

Education - Deaf or Hard of Hearing Infants or Toddlers

This bill institutes a program of assessments, services, and resources to promote language development of deaf and hard of hearing infants and toddlers. The bill establishes a Statewide Coordinator of Language Development of Deaf or Hard of Hearing Infants or Toddlers (statewide coordinator) within the Maryland State Department of Education (MSDE) and requires an early intervention county service coordinator (county coordinator) for each county within MSDE. MSDE must establish language milestones, develop resources, make specified reports, establish a specialized early childhood educational program, and provide specified training and classes on American Sign Language (ASL) and English. **The bill takes effect July 1, 2019.**

Fiscal Summary

State Effect: General fund expenditures, potentially offset by federal funds, increase by \$2.7 million in FY 2020, increasing to \$3.6 million by FY 2024, as discussed below.

(in dollars)	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Revenues	\$0	\$0	\$0	\$0	\$0
GF/FF Exp.	2,683,600	3,322,800	3,425,500	3,534,500	3,647,200
Net Effect	(\$2,683,600)	(\$3,322,800)	(\$3,425,500)	(\$3,534,500)	(\$3,647,200)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local school systems may be relieved of substantial costs related to serving infants and toddlers who are deaf or hard of hearing, which may be more than offset by the requirements related to individualized education program (IEP) contents for these children as they reach school age.

Small Business Effect: Minimal or none.

Analysis

Bill Summary: The bill defines a “deaf or hard of hearing infant or toddler” as a child under the age of five years for whom a screening determines that the child has a hearing impairment. A parent of a deaf or hard of hearing infant or toddler may bring an action against MSDE to obtain requested assessments, reports, and services that MSDE has not promptly provided.

Developmental Milestones, Resources, and Reports

By July 1, 2021, MSDE, in coordination with the statewide coordinator and the Maryland School for the Deaf (MSD), must identify and implement the use of existing standardized norms for appropriate language developmental milestones to evaluate a deaf or hard of hearing infant or toddler’s language development in English literacy. The statewide coordinator must, by July 1, 2021, distribute these milestones to local boards of education for use in developing and modifying individualized family service plans (IFSPs) and IEPs. (The bill also specifies certain components that must be included in an IFSP for an infant or toddler who is deaf or hard of hearing.)

By July 1, 2021, MSDE, in coordination with the statewide coordinator, must develop a parent resource to monitor and track a deaf or hard of hearing infant or toddler’s expressive and receptive language development and development in English fluency and literacy. The statewide coordinator must, by July 1, 2021, make the parent resource available to the child’s parents or guardian. By July 1, 2021, and each July 1 thereafter, MSDE must report to the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee on the language and literacy development of infants or toddlers with a disability, including those who are deaf or hard of hearing and those who have other disabilities, in comparison to infants or toddlers who are not deaf or hard of hearing or do not have a disability.

Statewide Coordinator: Tools and Assessments, Professional Standards, Educational Materials

The statewide coordinator must be deaf or hard of hearing; be fluent in ASL; and have an academic or professional background in early childhood education. The statewide coordinator, in coordination with MSDE and MSD, must select tools or assessments for educators to use in assessing the language and literacy development of deaf or hard of hearing infants or toddlers. The tools or assessments must meet certain specifications and may be used, in addition to any assessment required by federal law, to develop or modify an IFSP or IEP.

The statewide coordinator must review, assess, and revise professional standards and requirements for individuals providing language services to deaf or hard of hearing infants or toddlers to ensure appropriate services are provided to deaf, hard of hearing, or deaf-blind infants or toddlers and their families. The statewide coordinator, in conjunction with the Maryland Infants and Toddlers Program, must work with MSD to establish a system to assess and certify early intervention service providers.

The statewide coordinator must develop and publish educational materials on the benefits of bilingual development of deaf or hard of hearing infants and toddlers. Also, by July 1, 2021, and every three years thereafter, the statewide coordinator *may* publish specified recommendations, and *must* publish recommendations on:

- the selection, content, and administration of the tools, assessments, existing instruments, and resources on language developmental milestones used to assess a deaf or hard of hearing infant or toddler's language and literacy development; and
- the use of these tools, assessments, instruments and resources with deaf or hard of hearing infants and toddlers.

County Coordinator and Expert Evaluations, Recommendations, Plans, and Reports

There is within MSDE a county coordinator for each county in the State. Within 14 days after MSDE receives notice that an infant or toddler was found to be deaf or hard of hearing and every three months thereafter, the designated county coordinator must evaluate and make a record of the child's language acquisition and development to ensure the child is achieving age-appropriate milestones. If an evaluation establishes that the child is not achieving age-appropriate milestones, MSDE must assign an educational expert to perform specified assessments and evaluations of the child to (1) identify the factors contributing to the language delays or deficits and (2) make recommendations on how to improve the child's language acquisition. The county coordinator must act on these recommendations and develop a plan to ensure the child's acquisition and development of language at an age-appropriate pace.

If the infant or toddler does not demonstrate progress in language skills, per specified measures, the child's IFSP or IEP must explain in detail why this is so and recommend specific strategies, services, and programs to assist with success toward English and ASL literacy.

Intervention Services, Classes, Educational Program

Within 14 days of receiving notice that an infant or toddler was found to be deaf or hard of hearing, MSDE must appoint a qualified early intervention service provider to work with the child's family. The service provider must train the child's family on the use of ASL at

least twice a week, until the family declines training. MSDE must conduct at least one weekly class in the State to assist parents and guardians with learning ASL and English. MSDE must establish a specialized early childhood educational program (that meets specified federal Individuals with Disabilities Education Act (IDEA) requirements on ASL and English for deaf and hard of hearing infants or toddlers and their families. MSDE may apply for federal funding of the program.

Current Law/Background:

Education of Deaf and Hard of Hearing Children

MSDE, each local board, and MSD must work together to meet the educational needs of deaf children. Each child at least 6 years old and under the age of 19 years who has a hearing impairment, and because of that impairment cannot progress satisfactorily in an ordinary public or private school must attend a school or classes for the deaf during the school year unless the child otherwise is receiving regular, thorough instruction during the school year in studies usually taught in the public schools to children of the same age. However, this requirement does not apply if the child's physical condition makes the child's instruction inexpedient or impracticable.

Each local education agency must notify the parents or guardians of each hearing-impaired child of the availability of the educational programs offered by MSD. MSD must establish and operate a program of enhanced services for deaf and hearing-impaired students who have other moderate to severe disabilities. Also, there is a hearing aid loan bank program within MSDE for the purpose of lending hearing aids on a temporary basis to a parent or legal guardian of an eligible child to ensure that children under the age of 18 years will have maximum auditory input throughout childhood and adolescence.

Reading Skills Development

In consultation with the State Superintendent of Schools, the State Board of Education (State board) must develop and periodically update an overall plan that must identify, in part, the methods to improve the diagnosis of basic reading skill deficiencies of elementary and secondary school students and to improve the literacy rates of these students.

The State board must require a minimum level of reading ability for each grade 2 through 12 student that rises for each succeeding grade. If a local board, based on local assessment of student progress and in conjunction with the Maryland education accountability program, finds that a student in grade 3, 7, or 9 through 11 who is not intellectually limited has not met either a minimum grade level competency or the minimum reading level as required by the State board for the previous grade, the student must be kept in the current grade or enrolled in an appropriate reading-assistance program as part of the student's

instructional program. Such a finding may not be the sole reason for withholding grade advancement more than once in grades 2 through 7.

Special Education

IDEA requires that a child with disabilities be provided a free, appropriate public education in the least restrictive environment from birth through the end of the school year in which the student turns 21 years old, in accordance with an IFSP or IEP specific to the individual needs of the child. Among other groups of children who may need special education and related services, IDEA includes children having a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), deaf-blindness, or multiple disabilities.

An IFSP is for children with disabilities from birth up to age 3, and up to age 5 under Maryland's Extended IFSP Option if a parent chooses the option. An IEP is for students with disabilities age 3 through 21. Local school systems are required to make a free, appropriate public education available to students with disabilities from age 3 through 21. However, the State, under its supervisory authority required by IDEA, has the ultimate responsibility for ensuring that this obligation is met.

An IEP is a written statement for each child with a disability that, among other things, must indicate the present levels of academic achievement and functional performance of a child, measurable academic and functional goals for the child, how the child's progress toward meeting these goals will be measured, and the special education and related services that are to be provided for the child. The parent of a child with a disability is a member of the IEP team that is responsible for developing and reviewing a child's IEP and for revisions to the IEP.

An IFSP is similar to an IEP and requires a statement of the specific early intervention services necessary to meet the unique needs of the child and the family to achieve the outcomes identified for each child and family. The parent of a child with a disability is a member of the IFSP team that is responsible for developing and reviewing a child's IFSP and for revisions to the IFSP.

At the initial evaluation meeting, the parents of a child with a disability must be provided, in plain language, a verbal and written explanation of the parents' rights and responsibilities in the process and a program procedural safeguards notice. The parents may request this information at any subsequent meeting and may request the information in their native language if it is spoken by more than 1% of the students in the school system.

The Maryland Infants and Toddlers Program (MITP) provides a statewide community-based interagency system of comprehensive early intervention services to

eligible infants and toddlers, birth through the beginning of the school year following a child’s fourth birthday, and their families. The program includes the early intervention services provided or supervised by MSDE, the Maryland Department of Health (MDH), including the Maryland Early Hearing Detection and Intervention (EHDI) Program (described below), and the Department of Human Services.

The proposed fiscal 2020 State budget includes \$10.4 million in State funds for MITP and \$12.7 million in federal funds for special education preschool grants and grants for infants and families with disabilities.

Maryland Early Hearing Detection and Intervention Program

The Maryland EHDI Program within MDH is intended to help ensure that the hearing status of babies born in Maryland is determined at the earliest age possible, preferably by three months of age. The Maryland EHDI Program provides a universal hearing screening of newborns and early identification and follow-up of newborns and infants who have, or who are at risk for developing, a permanent hearing status that affects speech-language skills. The Maryland EHDI Advisory Council provides information, consults with, and advises MDH to ensure that all newborns receive appropriate, high-quality EHDI services. According to a Maryland EHDI fact sheet, approximately 3 to 6 of every 1,000 newborns have significant hearing problems and most newborns with hearing loss have no signs or symptoms.

State Fiscal Effect: General fund expenditures, potentially offset by an indeterminate amount of federal grant funding, increase by \$2.7 million in fiscal 2020, which accounts for a 90-day start-up delay following the bill’s July 1, 2019 effective date. This estimate reflects the cost of hiring 1 statewide coordinator, 14 county coordinators, 3 educational experts on language acquisition, and 21 early intervention service providers. It includes salaries and fringe benefits; one-time start-up costs; ongoing travel expenses, particularly for county coordinators; and other ongoing operating expenses.

Positions	39
Salaries and Fringe Benefits	\$2,291,434
One-time Start-up Costs	190,710
Ongoing Travel Expenses	183,222
Other Ongoing Operating Expenses	<u>18,281</u>
Total FY 2020 State Expenditures	\$2,683,647

Future year expenditures reflect full salaries with annual increases and employee turnover and ongoing operating expenses. The Department of Legislative Services (DLS) notes that MSDE estimates that the bill may require additional personnel at a total cost of \$5.9 million in fiscal 2020 (increasing to \$8.2 million by fiscal 2024). The DLS estimate is based on the

following assumptions about the number of county coordinators and early intervention service providers.

It is assumed that the requirement to have a county coordinator for each county within MSDE does not preclude a county coordinator from serving more than 1 county. The estimate assumes that there are 9 county coordinators who serve only 1 county each, and there are 5 county coordinators who serve 3 contiguous and relatively low-population counties each (*e.g.*, 1 county coordinator serves Cecil, Kent, and Queen Anne’s counties), for a total of 14 county coordinators. Similarly, it is assumed that 6 relatively high-population counties (Baltimore City and Anne Arundel, Baltimore, Howard, Montgomery, and Prince George’s) are served by 2 early intervention service providers each; as a unit, Calvert, Charles, and St. Mary’s counties are served by 2 service providers; and 4 groupings of 3 counties are each served by 1 service provider, for a total of 21 early intervention service providers.

Many of the assessments and services required under the bill are similar to those provided through MITP. It is assumed that current funding and expenditures of MITP are not offset, but that MITP programming can be redirected to serve more infants and toddlers or to provide additional services. MSDE advises that there were 66 children in MITP in October 2017 who were eligible as a result of being deaf or hard of hearing. Also, MSDE advises that in October of 2017 there were 78 children age three and four receiving special education services with a *primary* disability categorized as either “deaf” or “hearing impaired.” Additional children with impaired hearing receive early intervention and special education services under other eligibility categories, such as “developmental delay” and “multiple disabilities.”

Local Fiscal Effect: Because IDEA requires a child with disabilities to be provided a free, appropriate public education in the least restrictive environment from birth through the end of the school year in which the student turns 21 years old, in accordance with an IFSP or IEP specific to the individual needs of the child, it is assumed that combined State and local efforts largely achieve these ends. The considerable enhancement of State-level services and resources may substantially relieve local school systems of costs related to serving infants and toddlers who are deaf or hard of hearing. However, the requirements related to IEP contents for these children may substantially add to local costs as the children reach and exceed the age of 5. The net impact for local governments is difficult to estimate.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Garrett and Montgomery counties; Governor's Office of the Deaf and Hard of Hearing; Maryland State Department of Education; Maryland School for the Deaf; Department of Legislative Services

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