

Michelle Morales, EdD
February 25 and February 26, 1:00 pm

Regarding **SB502 & HB0879** - *Language Acquisition Tracking Program for Deaf and Hard of Hearing Children - Establishment* (Sponsors: Senator King and Delegate Bagnall)

Dear members of the Ways and Means Committee,

I want to thank Chair Wilkins, Vice Chair Feldmarks, and the members of the Ways and Means Committee for this opportunity to present my written testimony regarding **HB0879**.

Dear members of the Education, Energy, and the Environment Committee,

I want to thank Chair Feldman, Vice Chair Kagan, and the members of the Education, Energy, and the Environment Committee for this opportunity to present my written testimony regarding **SB502**.

I oppose bills SB502 and HB0879 without **amendment**. **Do not pass without amendment**.

My name is Dr. Michelle Morales. I have APL in Elementary Education 1-6 & Middle School; Special Education Core Knowledge & Application; Principles of Learning and Teaching: Early Childhood & Grades K-6; and Early Childhood: Content Knowledge in Maryland. I have Hearing Impaired and American Sign Language endorsements. I have been a board member of the Maryland School f/t Deaf since September 2023 and my term will expire in October 2026. I was involved with two projects with the National Association of Interpreters in Education (NAIE) certification taskforce and Job Task Analysis. With the information from these two projects, NAIE began to work on creating a national certification for Educational Interpreters (aka classroom interpreters). I was a reading intervention teacher, teacher of the deaf at school for the deaf and self-contained classrooms in public schools. Currently I am a Deaf and Hard of Hearing itinerant teacher and consultant from Birth to K and K to 12.

Maryland Association of the Deaf (MDAD) have been writing bills because they are tired of Deaf and hard of hearing people being excluded from the tables and they are not wrong. I understand their frustrations, 100%. I have been deaf a long time. I know what it is like. I have lived this and I still do.

The reasons why I **oppose** these bills are below in no particular order:

- MDAD is **not** a subject matter expert nor do they have credentials on the educational and communication needs of Deaf and Hard of Hearing (DHH) Birth to K and K-12 children. They have not worked in Special Education within the public school systems in Maryland. They have not attended conferences provided by MD EHDI and Maryland State Steering Committee for DHH. They have had opportunities to learn what is appropriate for our DHH children in Maryland.

- In general, the purposes of legislative bills are based on needs to create, amend, or repeal laws and address public needs, etc. The bills; SB502/HB0879 language acquisition tracking program for DHH children is NOT what is needed and there is no evidence to show the lack of language development oversights.
- Licensed Educators and Related Service Providers from 24 local education agencies (23 counties and Baltimore City) were not a part of this discussion.
- Parents with DHH children in Birth to K and/or K-12 with Individualized Family Service Plans (IFSPs) and/or Individual Education Programs (IEPs) from all over the state of Maryland from Cecil to Garrett and to Somerset counties were not a part of this discussion.
- The SB502/HB0870 suggested four items: language acquisition tracking program; state coordinator of language acquisition for DHH children; parents/guardian resources; and language acquisition for DHH children advisory council. Those four are duplicating existing practices.
- The proposed bill with a tracking program and advisory council could potentially violate privacy acts like Family Education Rights Privacy Act (FERPA) and Health Insurance Portability and Accountability Act (HIPAA).

SB502/HB0879

page 2:

line 18 (III) A SECTION 504 PLAN IN ACCORDANCE WITH THE FEDERAL REHABILITATION ACT OF 1973. (**notes: FYI;** students with 504 plans have no educational needs for specialized services. The language abilities for DHH students with 504 plans are age-appropriate. The 504 plans list accommodations to access education. The information about 504 plan is under Maryland Department of Disabilities, not Special Education with Maryland State Department of Education [MSDE]). See below.

<https://mdod.maryland.gov/education/Pages/Section-504-Plans.aspx> and

<https://www.ppm.org/wp-content/uploads/2023/03/Section-504-3.2023-1.pdf>

page 2:

lines 25-26 (A) THERE IS A LANGUAGE ACQUISITION TRACKING PROGRAM FOR DEAF AND HARD OF HEARING CHILDREN IN THE DEPARTMENT. (**notes:** this item is a duplicate of existing practice. All DHH children with confirmed hearing loss by licensed audiologists are referred to Child Find, a federal mandate. The families and teams [licensed educators and related service providers] create IFSPs or IEPs. The IFSPs meet every six months, annually for IEPs, and more frequently as requested by families and/or teams. Language and communication development assessments and monitoring are the heart of these discussions and reviews among families and teams). See COMAR 13A.05.01.08 below.

page 3: lines 1-32; and page 4: lines 1-26 (**notes:** are duplicates of requirements under Individuals with Disabilities Education Act [IDEA] to ensure Free and Public Education [FAPE]. For ITP [ages birth to 2], part C and for IEP [ages 3 to 5], part B). See below.

<https://marylandpublicschools.org/programs/pages/special-education/mitp/about/index.aspx>

<https://marylandpublicschools.org/programs/Documents/Special-Ed/FSDR/Special%20Education%20Process.pdf>

<https://marylandpublicschools.org/programs/pages/special-education/mitp/about/index.aspx>

<https://marylandpublicschools.org/programs/pages/special-education/mitp/about/preschoolservices.aspx>

<https://www.ppmf.org/wp-content/uploads/2022/06/Child-Find-3-21-6.2022.pdf>

page 4:

line 28 (A) THERE IS A STATE COORDINATOR OF LANGUAGE ACQUISITION FOR DEAF AND HARD OF HEARING.

page 5: lines 1-31; and page 6: lines 1-18 (**notes:** this item is a duplicate. All IFSPs and IEPs have service coordinators and case managers who are licensed educators and related service providers).

page 6:

line 19 (A) THE STATE COORDINATOR SHALL CREATE A PARENT AND GUARDIAN RESOURCE

lines 20 - 28; page 7: lines 1-30; and page 8: lines 1-15. (**notes:** this item is a duplicate. MSDE and LEAs have family support. The additional level of supportive resources are customized and provided to individual families with DHH children by licensed service coordinators, case managers, and teachers of the DHH) . See below.

<https://marylandpublicschools.org/programs/Documents/Special-Ed/FSDR/Special%20Education%20Process.pdf>

<https://marylandpublicschools.org/programs/pages/special-education/fsdr/familysupport.aspx>

<https://elevates.marylandpublicschools.org/ec/>

page 8:

line 17 (A) THERE IS A LANGUAGE ACQUISITION FOR DEAF AND HARD OF HEARING CHILDREN ADVISORY COUNCIL

lines 19 - 29; page 9: lines 1 - 30; page 10: lines 1 - 29; page 11: lines 1 - 28; page 12: lines 1 - 29; and page 13: lines 1 - 3 (**notes:** this item is a duplicate. MSDE has state steering committees and one of them is for DHH students. Maryland State Steering Committees for DHH Students has representatives from 24 LEAs [23 counties and Baltimore City] and Maryland School for the Deaf). See below.

<https://marylandpublicschools.org/about/pages/ofpos/gac/mdsesssc-mg/index.aspx>.

Other Resources specifically for DHH children:

- IDEA Special Factor 4: Communication Needs, Especially When Child is Deaf or Hard of Hearing. <https://www.parentcenterhub.org/special-factors/>
- Blueprint, Maryland Early Learning Standards (January 2024), pp. 64-103, <https://marylandpublicschools.org/Documents/MD-EarlyLearning-Standards-2024-a.pdf>

Maryland includes the IDEA “special factors” language in its regulations - see below.

Maryland Code – Education §8-401 et seq.: Provides MSDE with the statutory authority to ensure students with disabilities receive a Free Appropriate Public Education (FAPE) and aligns state requirements with IDEA.

COMAR Regulations: Special Factors for Students Who Are Deaf or Hard of Hearing is reflected here.

COMAR 13A.05.01.03 – “Related Services”

“(65) Related services” means transportation and such developmental, corrective, and other supportive services as may be required to assist a student with a disability to benefit from special education.

“Related services” includes:

- **Speech-language pathology**
- **Audiology**
- **Interpreting services**
- Psychological services
- Physical and occupational therapy
- Recreation, including therapeutic recreation
- **Early identification and assessment of disabilities in students**
- Counseling services, including rehabilitation counseling
- Orientation and mobility services
- **Medical services for diagnostic or evaluation purposes**
- School health services, including school nursing services
- Social work services in schools
- **Parent counseling and training**

“Related services” does *not* include a surgically implanted medical device, optimization or maintenance of that device, or its replacement.

COMAR 13A.05.01.08 – “IEP Team Responsibilities”

...(7) If a student is deaf or hard of hearing, the IEP team shall:

- (a) Consider the student's language and communication needs;
- (b) Consider opportunities for direct communication with peers and professional personnel in the student's language and mode of communication; and
- (c) Consider the student's academic level and full range of needs, including opportunities for direct instruction in the student's language and mode of communication.

With the federal law, Individuals with Disabilities Education Act (IDEA), IDEA communication special factor 4: communication needs, especially when child is deaf or hard of hearing, and Maryland COMARS, is there room for improvement regarding language and communication needs of DHH students? Absolutely, but not with SB502 and HB0879 without amendment.

Amendment: that the Education, Energy, and the Environment and the Ways and Means committees *defer and refer* these bills for review to the MSDE Maryland State Steering Committee for DHH Students ***IF*** there are at least 13 out of 25 representatives from 24 LEAs (23 counties and Baltimore City) and Maryland School for the Deaf who are Deaf, DeafBlind, and/or hard of hearing **and for support and knowledge, consult with state agencies who work with Deaf, DeafBlind, and Hard of Hearing** (a common practice since *Deaf President Now*, 1988). "Nihil de nobis, sine nobis" means "nothing about us without us," and as the Moore/Miller Administration says, "leave no one behind".

Again, **I oppose SB502 and HB0879 without amendment** since there is no evidence to show the lack of language development oversights in DHH children and there are duplicates in existing practices, laws, and regulations. **Do not pass without amendment.**

Thank you.

Respectfully,

Michelle Morales, EdD