



Karen B. Salmon, Ph.D.
State Superintendent of Schools

TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: January 28, 2020

SUBJECT: COMAR 13A.05.12.01-.03
Hearing Aid and Loan Bank
Hearing Aid and Language and Communication Video Loan Bank (Updated Title)
ADOPTION

PURPOSE:

To request adoption of the amendments to COMAR 13A.05.12.01-.03 *Hearing Aid and Loan Bank* that governs the administration of the Hearing Aid and Language and Communication Video Loan Bank. The State Board granted permission to publish this regulation with amendments at the August 27, 2019 State Board meeting.

REGULATION PROMULGATION PROCESS:

Under Maryland law, a state agency, such as the State Board, may propose a new or amended regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the Administrative, Executive, and Legislative Review (AELR) Committee for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, the Maryland State Department of Education (MSDE) staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because the suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

BACKGROUND/HISTORICAL PERSPECTIVE:

In 2011, the General Assembly established a permanent Hearing Aid Loan Bank (HALB) in the MSDE. The purpose of the HALB was to lend hearing aids on a temporary basis to a parent or legal guardian of an eligible child (under age 3) to ensure he or she would have maximum auditory input during the critical period of language learning. In April 2016, Governor Larry Hogan signed into law Chapter 40 (House Bill 596 *State Department of Education – Hearing Aid Loan Bank Program – Age*

of Eligibility), which expanded eligibility for the HALB to Maryland children from birth to age 18. In April 2019, Governor Larry Hogan signed into law Chapter 742 (Senate Bill 677/House Bill 1384 *Deaf or Hard of Hearing Individuals – Support for Parents*) which included:

- altering the title of the HALB to the *Hearing Aid and Language and Communication Video Loan Bank*;
- expanding eligibility for the HALB to Maryland children from birth to age 21;
- adding to the loan bank language and communication videos that provide unbiased information about language and communication options and resources to teach language or other means of communication;
- allowing a parent of a deaf or hard of hearing child to take one course that teaches a language or communication mode at an institution of higher education for no cost; and
- requiring hospitals to provide a list of resources to parents or guardians of a newborn identified as having a hearing loss.

EXECUTIVE SUMMARY:

The purpose of these amendments is to implement Education Article §§ 8-601–8-606, Annotated Code of Maryland, which established the HALB. Updates include: 1) Change in the program name to: *Maryland Hearing Aid and Language and Communication Video Loan Bank*; 2) Extend eligibility to include individuals under age 21 who have not graduated from high school; 3) Change the initial loan term to one year and the extension period to one year; and 4) Provide videos and downloadable resources that offer unbiased information about language and communication options, and resources to learn the language, or other means of communication, the parents choose to use (American Sign Language (ASL), Cued Speech, and Listening and Spoken Language).

COMAR 13A.05.12.01-.03 *Hearing Aid and Loan Bank* was published in the Maryland Register from November 8, 2019 through December 9, 2019. One comment was received from Dr. Maria V. Navarro, Chief Academic Officer, Montgomery County Public Schools, in support of the amendments.

ACTION:

Request adoption of the amendments to COMAR 13A.05.12.01-.03 *Hearing Aid and Loan Bank*.

ATTACHMENTS:

COMAR 13A.05.12.01-.03 *Hearing Aid and Loan Bank*

Comments from Dr. Maria V. Navarro, Chief Academic Officer, Office of the Chief Academic Officer, Montgomery County Public Schools, Rockville, Maryland



**Comments from Dr. Maria V. Navarro, Chief Academic Officer
Office of the Chief Academic Officer
Montgomery County Public Schools
Rockville, Maryland**

The Maryland State Board of Education proposes to amend Regulations .01—.03 under **COMAR 13A.05.12 Hearing Aid and Language and Communication Video Loan Bank**. This action was considered by the State Board of Education at their August 27, 2019, meeting.

Statement of Purpose

The purpose of this action is to implement amendments to Education Article, §§8-601–8-606, Annotated Code of Maryland, which established the Hearing Aid Loan Bank. Updates include 1) changing the program name to “Maryland Hearing Aid and Language and Communication Video Loan Bank”; 2) extending eligibility to include individuals under age 21 who have not graduated from high school; 3) changing the initial loan term to 1 year and the extension period to 1 year; and 4) providing videos and downloadable resources that offer unbiased information about language and communication options and resources to learn the language, or other means of communication, the parents choose to use (ASL, Cued Speech, and Listening and Spoken Language).

Comments from the MCPS Office of the Chief Academic Officer

Montgomery County Public Schools (MCPS) supports this proposed action by the State Board of Education. The key extension of the eligibility age for students to receive loaner hearing aids is a significant benefit to the students in MCPS who are deaf or hard of hearing. It is a particular benefit to older students beyond the current eligibility age, as those students who come from other countries may never have used any amplification. It also is a significant benefit to families whose income may preclude them from purchasing hearing aids upon diagnosis.

The provision of “videos and downloadable resources that offer unbiased information about language and communication options and resources to learn the language, or other means of communication, the parents choose to use” will assist in encouraging and supporting parents/guardians to learn about critical language and communication development for their deaf or hard of hearing child.

Submitted December 9, 2019.

Office of the Chief Academic Officer