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State Superintendent of Schools

TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: August 27, 2019

SUBJECT: Code of Maryland Regulations (COMAR) 13A.05.12.01-.03
Hearing Aid and Loan Bank
Hearing Aid and Language and Communication Video Loan Bank (Updated Title)
PERMISSION TO PUBLISH

PURPOSE:

To request permission to publish 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 (ATTACHMENT I).

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 1 year and the extension period to 1 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).

ACTION:

Request permission to publish amendments to COMAR 13A.05.12.01-.03 *Hearing Aid and Loan Bank* for public comment.

Attachment:

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

Title 13A STATE BOARD OF EDUCATION
Subtitle 05 SPECIAL INSTRUCTIONAL PROGRAMS

Chapter 12 Hearing Aid and Language and Communication Video Loan Bank

Authority: Education Article, §§2-205 and 8-601—8-606, Annotated Code of Maryland

.01 Purpose.

The purpose of this chapter is to implement Education Article, §§ 8-601--8-606, Annotated Code of Maryland, which establishes a Hearing Aid *and Language and Communication Video Loan Bank program* within the Department for the purpose of lending hearing aids *and language and communication videos* on a temporary basis *and providing access to online resources* to a parent or legal guardian of an eligible [child] *individual who has no immediate access to a hearing aid* to [ensure maximum auditory input for language learning] *teach language and communication skills*.

.02 Eligibility.

- A. [A child] *An individual* is [an] eligible [child] if the [child] *individual* meets the eligibility criteria set forth in Education Article, § 8-601, Annotated Code of Maryland.
- B. *To be eligible, an individual must be:*

- (1) *A resident of the State of Maryland;*
- (2) *Identified by an otolaryngologist or a licensed audiologist as having a hearing loss;*
- (3) *Under the age of 21 years; and*
- (4) *Has not graduated from high school.*

.03 Administration.

A. Application. A parent or legal guardian of an eligible [child] *individual who has no immediate access to a hearing aid* [shall] *may* submit a request for [a loan of] hearing aids, *language and communication videos, or other resources* on a form developed by the Department that includes:

- (1) The [child's] *individual's* residential address;
- (2) A copy of the [child's] *individual's* hearing evaluation from a licensed audiologist;
- (3) A copy of the [child's] *individual's* medical clearance for hearing aids from an otolaryngologist;
- (4) A statement from the parent or legal guardian explaining why the family is experiencing delays in acquiring hearing aids or needs a loan of hearing aids; and
- (5) The [child's] *individual's* date of birth.

B. Loan Period. Except as provided in §C of this regulation, the Department may approve a loan of hearing aids for a period of not more than [6 months] *1 year*.

C. Loan Extension.

(1) On the request of a parent or legal guardian, the Department may extend a loan of hearing aids for *an* additional [3-month] *1-year* period[s].

(2) Prior to each extension period, the Department shall consider the following factors to determine whether to extend the loan:

- (a) Insurance coverage or Medical Assistance eligibility;
- (b) The circumstances that necessitated the loan of hearing aids;
- (c) The parent or legal guardian's plan to obtain access to another hearing aid; and
- (d) The number of previous extensions granted to the [child] *individual*.

D. *Loaned Hearing Aid Accountability*

(1) *A parent or legal guardian who borrows a hearing aid from the loan bank for an eligible individual shall:*

- (a) Be the custodian of the hearing aid;*
- (b) Return the hearing aid immediately to the Loan Bank on the expiration of the loan period or receipt of a suitable permanent hearing aid, whichever occurs first;*
- (c) Be responsible for the proper care and use of the hearing aid;*
- (d) Be responsible for any damage to or loss of the hearing aid; and*
- (e) Sign a written agreement provided by the State Superintendent that states the term and conditions of the loan.*

(2) *If the parent or legal guardian of an eligible individual receives a hearing aid on loan from the loan bank, the Department shall ensure that the eligible individual's otolaryngologist or licensed audiologist instructs the parent or legal guardian about the proper care and use of a hearing aid provided under the program.*

E. *Language and Communication Videos.* *A parent or legal guardian of an eligible individual may download from a Department website language and communication videos and resources that offer:*

- (1) Information about language and communication options to use with their deaf or hard of hearing child; and*

(2) Resources to teach them the language or other means of communication that they choose to use with their deaf or hard of hearing child.