

February 9, 2022

Re: Testimony **For LD 1632**, “An Act To Update the Laws Regarding the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf” (MECDHH/GBSD)

Chairman Rafferty, Chairman Brennan, Distinguished Members of the Joint Standing Committee on Education and Cultural Affairs:

My name is Alan Cobo-Lewis. I live in Orono. I am director of the Center for Community Inclusion and Disability Studies at the University of Maine (CCIDS).

CCIDS is Maine’s federally funded University Center for Excellence in Developmental Disabilities (UCEDD, pronounced “YOU-said”, authorized by the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 (“DD Act”). The purpose of the national network of UCEDDs is to provide leadership in, advise federal state and community policy leaders about, and promote opportunities for individuals with developmental disabilities to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life. Part of the federal mandate of CCIDS is to educate and advise policymakers, including members of the state legislature. Consistent with CCIDS responsibilities under the DD Act and consistent with University of Maine Board of Trustees policies [212](#) and [214](#), I am testifying on the bill for myself and for CCIDS, not for the University of Maine or the University of Maine System as a whole.

The changes to that LD 1632 proposes to the MECDDH/GBSD, including the refinement of its statewide responsibility, are generally reasonable and are calculated especially to address the needs of Maine’s rural areas, which otherwise could have limited access to site-based programs or adequate support from personnel specializing in education of students who are deaf or hard of hearing. I do offer the following observations and suggestions:

1. On page 3 lines 10-15 of the bill, schools are empowered—but no longer required—to invite a program administrator from MECDDH/GBSD to the IEP/504 team meeting at which a placement involving MECDDH/GBSD is being considered, and responsibility to determine whether the student’s needs can be served within existing programs of MECDDH/GBSD is shifted from the IEP/504 team to MECDDH/GBSD. I am uncertain whether this is a good change to policy, but I do wish to bring this change to the Committee’s attention so that a deliberate decision can be made about it. If the Committee is considering accepting this language in the bill then I would suggest soliciting opinions from the Office of the Attorney General and Disability Rights Maine about whether a shift of responsibility away from the IEP/504 team is compatible with IDEA.
2. Regarding IEP team members, there are research results indicating associations among knowledge of deaf education, interaction with deaf and hard of hearing people, beliefs about placement, and beliefs about access, suggesting that school personnel implementing IDEA should have specialized training in education of deaf and hard of hearing students and greater

contact with deaf and hard of hearing people.<sup>1</sup> I would therefore suggest that the Committee consider amending the bill to explicitly empower schools—and parents—to invite personnel supported by MECDHH/GBSD to attend IEP/504 team meetings of students who are deaf or hard of hearing, regardless of whether a placement is being considered at Mackworth Island Preschool, site-based program, in-district placement, or elsewhere—and that MECDHH/GBSD be expected to budget for providing such support at IEP/504 team meetings as part of statewide educational services or outreach.

3. There appears to be a drafting error on page 4 of the bill. Specifically, line 30 seems to conflate “board-certified behavior analyst” with “interpreting services for extracurricular activities”. I therefore suggest amending the paragraph on lines 24-30 of page 4 thusly:

24 The school administrative unit shall develop and oversee an individualized education plan  
25 of a student. The school administrative unit is responsible for a related service that is  
26 nonspecific for a student with hearing loss who attends a site-based program and for a  
27 related service provided in the public school, including services provided by an educational  
28 technician, a behavioral health professional, a nurse for additional diagnosis such as  
29 multiple disabilities eligibility categories, physical therapy, physical therapy evaluation and  
30 a board-certified behavior analyst, and for interpreting services for extracurricular activities.

4. The Committee might consider clarifying language related to page 5 line 13 of the bill, which indicates that MECDHH/GBSD shall fund specialized education including “Specially designed instruction for up to 4 weeks”. Does this mean 4 weeks per calendar year? Per school year? If the IEP team determines that the student needs Extended School Year (ESY) services, then is the SAU responsible for any annual balance beyond 4 weeks? (A previous draft of this bill actually indicated “4 hours per week”—perhaps that is what is intended.) In addition, please note that, under the federal IDEA, a school unit may not unilaterally limit what services are available to students regardless of their needs. I therefore suggest that, regardless of how the bill indicates the amount of special designed instruction for which MECDHH/GBSD is financially responsible, the Committee add language to clarify that the statutory limits placed on the financial responsibility of MECDHH/GBSD may not limit the services that the IEP team determines the child needs to receive a free appropriate public education.

Respectfully,

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Associate Professor of Psychology

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<sup>1</sup> Gallegos, R. J. (2016). *Interaction with deaf or hard of hearing individuals and decisions made by IEP team members*. Doctoral dissertation University of Minnesota Dept of Teacher Education, Educational Leadership and Policy. [https://digitalrepository.unm.edu/cgi/viewcontent.cgi?article=1015&context=educ\\_teelp\\_etds](https://digitalrepository.unm.edu/cgi/viewcontent.cgi?article=1015&context=educ_teelp_etds)