

1 A bill to be entitled
 2 An act relating to deaf and hard-of-hearing children;
 3 providing a short title; providing legislative
 4 findings and purpose; encouraging certain state
 5 agencies, institutions, and political subdivisions to
 6 develop recommendations ensuring that the language and
 7 communication needs of deaf and hard-of-hearing
 8 children are addressed; requiring the purposes of the
 9 act to be expeditiously implemented; requiring the
 10 Department of Education to develop a communication
 11 model addressing communication considerations to be
 12 included in the individual education plan for deaf and
 13 hard-of-hearing students; requiring the department to
 14 disseminate the model to each school district and
 15 provide training as it determines necessary; providing
 16 an effective date.

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 18 Be It Enacted by the Legislature of the State of Florida:

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 20 Section 1. (1) SHORT TITLE.—This section may be cited as
 21 the "Deaf and Hard-of-Hearing Children's Educational Bill of
 22 Rights Act."

23 (2) LEGISLATIVE FINDINGS AND PURPOSE.—

24 (a) The Legislature finds that:

25 1. Hearing loss affects the basic human needs of language
 26 and communication. Without language and quality communication, a
 27 child is isolated from other human beings and from the exchange
 28 of knowledge essential for educational growth and, therefore,

29 | cannot develop the skills required to become a productive,
30 | capable adult and a full participant in society.

31 | 2. Children who have a hearing loss possess the same
32 | innate capabilities to acquire language as any other children.
33 | They communicate through a visual language/American Sign
34 | Language or a spoken-written language/English. Manual systems,
35 | which do not include American Sign Language, are not languages
36 | and shall be used only as a tool to teach spoken English and not
37 | as a language model in the classroom. American Sign Language is
38 | a formal language as well as the preferred language of the
39 | signing deaf community as spoken English is the preferred
40 | language of the oral deaf community.

41 | 3. It is this state's policy to ensure that:

42 | a. Deaf and hard-of-hearing children, like all children,
43 | have quality, ongoing, and accessible communication in their
44 | preferred language, both in and out of the classroom.

45 | b. Deaf and hard-of-hearing children be placed in the
46 | least restrictive educational environment that is appropriate
47 | for their language needs and receive services based on their
48 | unique communication, language, and educational needs,
49 | consistent with 20 U.S.C. s. 1414(d) (3) (B) (iv) of the
50 | Individuals with Disabilities Education Act.

51 | c. Deaf and hard-of-hearing children be given an education
52 | in which teachers, related service providers, and assessors
53 | understand the unique nature of deafness; are specifically
54 | trained to work with deaf and hard-of-hearing students; and can
55 | communicate spontaneously and fluidly with these children in a
56 | spoken-written language/English, a listening and spoken

57 language/auditory-oral, or a visual language/American Sign
58 Language, which are accessible to deaf and hard-of-hearing
59 children.

60 d. Deaf and hard-of-hearing children, like all children,
61 have the benefit of an education in which there is a sufficient
62 number of age-appropriate peers and adults with whom they can
63 interact and communicate in a spontaneous and fluid way.

64 e. Deaf and hard-of-hearing children receive an education
65 in which they are exposed to deaf and hard-of-hearing role
66 models in their preferred language.

67 f. Deaf and hard-of-hearing children, like all children,
68 have direct and appropriate access to all components of the
69 educational process, including recess, lunch, and
70 extracurricular, social, and athletic activities.

71 g. Deaf and hard-of-hearing children, like all children,
72 be provided with programs in which transition planning, as
73 required under the Individuals with Disabilities Education Act,
74 focuses on their unique vocational needs.

75 h. Families of children who are deaf or hard of hearing
76 receive accurate, balanced, and complete information regarding
77 their children's educational, language, and communication needs
78 and the available programmatic, placement, and resource options,
79 as well as access to support services and advocacy resources
80 from public and private agencies, departments, and all other
81 institutions and resources knowledgeable about hearing loss and
82 the needs of children who are deaf or hard of hearing.

83 (b) Given the central importance of communication to all
84 human beings, the purpose of this section is to encourage the

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85 development of an educational delivery system, which is
86 language-driven and communication-driven, for children who are
87 deaf or hard of hearing in the state.

88 (3) EDUCATIONAL RIGHTS OF DEAF AND HARD-OF-HEARING
89 CHILDREN; DUTY OF THE DEPARTMENT OF EDUCATION.—

90 (a) The Legislature recognizes the unique language and
91 communication needs of children who are deaf or hard of hearing
92 and encourages the development of specific recommendations by
93 all state agencies, institutions, and political subdivisions
94 concerned with the early intervention, early childhood, and the
95 education of deaf and hard-of-hearing students who are in
96 kindergarten through grade 12, including the Department of
97 Education, the Florida School for the Deaf and the Blind, and
98 the Department of Health, to ensure that:

99 1. These children have access to the same educational
100 environment that other children have in which their language and
101 communication needs are fully addressed and developed and in
102 which they have early, ongoing, and quality access to planned
103 and incidental communication opportunities.

104 2. The purposes of this section are expeditiously
105 implemented.

106 (b) Pursuant to 20 U.S.C. s. 1414(d)(3)(B)(iv) of the
107 Individuals with Disabilities Education Act, which requires that
108 the individual education plan team consider the unique
109 communication needs of a child who is deaf or hard of hearing
110 and the preferred language of the child, the Department of
111 Education shall develop a model addressing communication
112 considerations for students who are deaf or hard of hearing as

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113 | part of the individual education plan process. The department
114 | shall also disseminate the model to each school district and
115 | provide training as it determines necessary.

116 | Section 2. This act shall take effect July 1, 2013.