

1                                   A bill to be entitled  
 2           An act relating to deaf and hard-of-hearing children;  
 3           creating the "Deaf and Hard-of-Hearing Children's  
 4           Educational Bill of Rights"; providing findings and  
 5           purpose; recognizing the unique communication needs of  
 6           deaf and hard-of-hearing children and encouraging the  
 7           development of a communication-driven and language-driven  
 8           educational delivery system in the state; requiring the  
 9           Department of Education to develop a communication model  
 10          to become part of the individual education plan process  
 11          for deaf and hard-of-hearing students; providing an  
 12          effective date.

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

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 16           Section 1.   (1) SHORT TITLE.—This act may be cited as the  
 17           "Deaf and Hard-of-Hearing Children's Educational Bill of  
 18           Rights."

19           (2) FINDINGS AND PURPOSE.—

20           (a) The Legislature finds that:

21           1. Hearing loss affects the most basic human need,  
 22           communication. Without quality communication a child is isolated  
 23           from other human beings and from the exchange of knowledge  
 24           essential for educational growth and, therefore, cannot develop  
 25           the skills required to become a productive, capable adult and a  
 26           fully participatory member of society.

27           2. Children with hearing loss have the same innate  
 28           capabilities as any other children. They communicate in a wide

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29 variety of manual and spoken modes, languages, and systems. Some  
30 use aural/oral modes of communication, while others use a  
31 combination of aural/oral and manual communication. Many use  
32 American Sign Language, which is a formal language, as well as  
33 the preferred everyday language of the deaf community.

34 3. It is critical that all citizens in the state work  
35 toward ensuring that:

36 a. Deaf and hard-of-hearing children, like all children,  
37 have quality, ongoing, and fluid communication, both in and out  
38 of the classroom.

39 b. Deaf and hard-of-hearing children be placed in the  
40 least restrictive educational environment and receive services  
41 based on their unique communication, language, and educational  
42 needs, consistent with 20 U.S.C. s. 1414(d)(3)(B)(iv) of the  
43 Individuals with Disabilities Education Act.

44 c. Deaf and hard-of-hearing children be given an education  
45 in which teachers, related service providers, and assessors  
46 understand the unique nature of deafness, are specifically  
47 trained to work with hard-of-hearing and deaf students, and can  
48 communicate spontaneously and fluidly with these children.

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

53 e. Deaf and hard-of-hearing children receive an education  
54 in which they are exposed to deaf and hard-of-hearing role  
55 models.

56 f. Deaf and hard-of-hearing children, like all children,  
 57 have direct and appropriate access to all components of the  
 58 educational process, including recess, lunch, and  
 59 extracurricular, social, and athletic activities.

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

64 h. Families of children who are deaf or hard of hearing  
 65 receive accurate, balanced, and complete information regarding  
 66 their child's educational and communication needs and the  
 67 available programmatic, placement, and resource options, as well  
 68 as access to support services and advocacy resources from public  
 69 and private agencies, departments, and all other institutions  
 70 and resources knowledgeable about hearing loss and the needs  
 71 of children who are deaf or hard of hearing.

72 (b) Given the central importance of communication to all  
 73 human beings, the purpose of the Deaf and Hard-of-Hearing  
 74 Children's Educational Bill of Rights is to encourage the  
 75 development of a communication-driven and language-driven  
 76 educational delivery system in the state for children who are  
 77 deaf or hard of hearing.

78 (3) EDUCATIONAL RIGHTS OF DEAF AND HARD-OF-HEARING  
 79 CHILDREN; DUTY OF DEPARTMENT OF EDUCATION.—

80 (a) The Legislature recognizes the unique communication  
 81 needs of children who are deaf or hard of hearing and encourages  
 82 the development of specific recommendations by all state  
 83 agencies, institutions, and political subdivisions concerned

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84 with the early intervention, early childhood, and kindergarten  
85 through grade 12 education of students who are deaf or hard of  
86 hearing, including the Department of Education, the Florida  
87 School for the Deaf and the Blind, and the Department of Health,  
88 to ensure that:

89 1. These children have what every other child takes for  
90 granted, including an educational environment in which their  
91 language and communication needs are fully addressed and  
92 developed and in which they have early, ongoing, and quality  
93 access to planned and incidental communication opportunities.

94 2. The methods for carrying out the purposes of the Deaf  
95 and Hard-of-Hearing Children's Educational Bill of Rights are  
96 expeditiously implemented.

97 (b) Because 20 U.S.C. s. 1414(d)(3)(B)(iv) of the  
98 Individuals with Disabilities Education Act requires that the  
99 individual education plan team consider the unique communication  
100 needs of children who are deaf or hard of hearing, the  
101 Department of Education shall develop a model "communication  
102 considerations for students who are deaf or hard of hearing" to  
103 become part of the individual education plan process. The model  
104 shall be disseminated to all school districts with training to  
105 be provided as determined by the department.

106 Section 2. This act shall take effect July 1, 2011.