

By Senator Sobel

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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-
8 driven educational delivery system in the state;
9 requiring the Department of Education to develop a
10 communication model to become part of the individual
11 education plan process for deaf and hard-of-hearing
12 students; providing an effective date.

13
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
29 variety of manual and spoken modes, languages, and systems. Some

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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 least
40 restrictive educational environment and receive services based
41 on their unique communication, language, and educational needs,
42 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

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59 extracurricular, social, and athletic activities.

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

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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.