

By Senators Wise and Sobel

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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 that the act be
9 expeditiously implemented; requiring that the
10 Department of Education develop a communication model
11 for the individual education plan process for deaf and
12 hard-of-hearing students; requiring that the
13 department disseminate the model to each school
14 district and provide training as it determines
15 necessary; providing an effective date.

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

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

22 (2) LEGISLATIVE FINDINGS AND PURPOSE.—

23 (a) The Legislature finds that:

24 1. Hearing loss affects the most basic human need, which is
25 communication. Without quality communication, a child is
26 isolated from other human beings and from the exchange of
27 knowledge essential for educational growth and, therefore,
28 cannot develop the skills required to become a productive,
29 capable adult and a full participant of society.

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30 2. Children who have a hearing loss possess the same innate
31 capabilities as any other children. They communicate in a wide
32 variety of manual and spoken modes, languages, and systems. Some
33 children use aural/oral modes of communication, while others use
34 a combination of aural/oral and manual communication. Many
35 children use American Sign Language, which is a formal language,
36 as well as the preferred everyday language of the deaf
37 community.

38 3. It is critical that all citizens in the state work
39 toward ensuring that:

40 a. Deaf and hard-of-hearing children, like all children,
41 have quality, ongoing, and fluid communication, both in and out
42 of the classroom.

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

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

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

57 e. Deaf and hard-of-hearing children receive an education
58 in which they are exposed to deaf and hard-of-hearing role

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59 models.

60 f. Deaf and hard-of-hearing children, like all children,
61 have direct and appropriate access to all components of the
62 educational process, including recess, lunch, and
63 extracurricular, social, and athletic activities.

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

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

76 (b) Given the central importance of communication to all
77 human beings, the purpose of this act is to encourage the
78 development of a communication-driven and language-driven
79 educational delivery system in the state for children who are
80 deaf or hard of hearing.

81 (3) EDUCATIONAL RIGHTS OF DEAF AND HARD-OF-HEARING
82 CHILDREN; DUTY OF THE DEPARTMENT OF EDUCATION.-

83 (a) The Legislature recognizes the unique communication
84 needs of children who are deaf or hard of hearing and encourages
85 the development of specific recommendations by all state
86 agencies, institutions, and political subdivisions concerned
87 with the early intervention, early childhood, and kindergarten

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88 through grade 12 education of students who are deaf or hard of
89 hearing, including the Department of Education, the Florida
90 School for the Deaf and the Blind, and the Department of Health,
91 to ensure that:

92 1. These children have access to the same educational
93 environment that other children have in which their language and
94 communication needs are fully addressed and developed and in
95 which they have early, ongoing, and quality access to planned
96 and incidental communication opportunities.

97 2. The purposes of this act are expeditiously implemented.

98 (b) Pursuant to 20 U.S.C. s. 1414(d)(3)(B)(iv) of the
99 Individuals with Disabilities Education Act, which requires that
100 the individual education plan team consider the unique
101 communication needs of children who are deaf or hard of hearing,
102 the Department of Education shall develop a model addressing
103 communication considerations for students who are deaf or hard
104 of hearing as part of the individual education plan process. The
105 department shall also disseminate the model to each school
106 district and provide training as it determines necessary.

107 Section 2. This act shall take effect July 1, 2012.