

By the Committee on Education Pre-K - 12; and Senators Wise and Sobel

581-00822-12

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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 plan  
11          to be included in the individual education plan for  
12          deaf and 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 to acquire language as any other children. They  
32 communicate through a visual language/American Sign Language or  
33 a spoken-written language/English. Manual systems, which do not  
34 include American Sign Language, are not languages and shall be  
35 used only as a tool to teach spoken English, not as a mode of  
36 communication in the classroom. American Sign Language is a  
37 formal language as well as the preferred language of the signing  
38 Deaf community as spoken English is the preferred language of  
39 the oral deaf community.

40       3. It is critical that all citizens in the state work  
41 toward ensuring 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 least  
46 restrictive educational environment that is appropriate for  
47 their communication modality and receive services based on their  
48 unique communication, language, and educational needs, as well  
49 as the culture and choices of their families, consistent with 20  
50 U.S.C. s. 1414(d) (3) (B) (iv) of the Individuals with Disabilities  
51 Education Act.

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

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59 Language, which are accessible to deaf and hard-of-hearing  
60 children.

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

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

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

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

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

84 (b) Given the central importance of communication to all  
85 human beings, the purpose of this act is to encourage the  
86 development of a communication-driven and language-driven  
87 educational delivery system in the state for children who are

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88 deaf or hard of hearing.

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

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

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

105 2. The purposes of this act are expeditiously 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 the preferred communication modality of the child, and the  
111 culture of the child's family, the Department of Education shall  
112 develop a model addressing communication considerations for  
113 students who are deaf or hard of hearing as part of the  
114 individual education plan process. The department shall also  
115 disseminate the model to each school district and provide  
116 training as it determines necessary.

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