

By Senator Altman

16-00145-13

2013150__

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.

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

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

23 (2) LEGISLATIVE FINDINGS AND PURPOSE.—

24 (a) The Legislature finds that:

25 1. Hearing loss affects basic human needs, which are
26 language and communication. Without language and quality
27 communication, a child is isolated from other human beings and
28 from the exchange of knowledge essential for educational growth
29 and, therefore, cannot develop the skills required to become a

16-00145-13

2013150__

30 productive, capable adult and a full participant of society.

31 2. Children who have a hearing loss possess the same innate
32 capabilities to acquire language as any other children. They
33 communicate through a visual language/American Sign Language or
34 a spoken-written language/English. Manual systems, which do not
35 include American Sign Language, are not languages and shall be
36 used only as a tool to teach spoken English, not as a language
37 model in the classroom. American Sign Language is a formal
38 language as well as the preferred language of the signing Deaf
39 community as spoken English is the preferred language of the
40 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 least
46 restrictive educational environment that is appropriate for
47 their language needs and receive services based on their unique
48 communication, language, and educational needs, consistent with
49 20 U.S.C. s. 1414(d) (3) (B) (iv) of the Individuals with
50 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, listening and spoken
57 language/auditory-oral, or a visual language/American Sign
58 Language, which are accessible to deaf and hard-of-hearing

16-00145-13

2013150__

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, be
72 provided with programs in which transition planning, as required
73 under the Individuals with Disabilities Education Act, focuses
74 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 act is to encourage the
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.

16-00145-13

2013150__

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 act are expeditiously implemented.

105 (b) Pursuant to 20 U.S.C. s. 1414(d)(3)(B)(iv) of the
106 Individuals with Disabilities Education Act, which requires that
107 the individual education plan team consider the unique
108 communication needs of a child who is deaf or hard of hearing
109 and the preferred language of the child, the Department of
110 Education shall develop a model addressing communication
111 considerations for students who are deaf or hard of hearing as
112 part of the individual education plan process. The department
113 shall also disseminate the model to each school district and
114 provide training as it determines necessary.

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