

2015 Regular Session

SENATE BILL NO. 58

BY SENATOR APPEL AND REPRESENTATIVE FOIL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SPECIAL EDUCATION. Provides relative to the Deaf Child's Bill of Rights. (8/1/15)

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AN ACT

To amend and reenact R.S. 17:1960 and to enact R.S. 17:3996(B)(39), relative to students with exceptionalities; to provide with respect to the Deaf Child's Bill of Rights; to include deaf-blind children in such bill of rights; to convert the aspirational context of the Deaf Child's Bill of Rights to a series of directives to public schools; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:1960 is hereby amended and reenacted and R.S. 17:3996(B)(39) is hereby enacted to read as follows:

§1960. The Deaf Child's Bill of Rights; legislative recognition

A. The Louisiana Association of the Deaf and the United States Congress recognize that children who are deaf, ~~or hard of hearing,~~ **or deaf-blind who utilize one or more modes of communication** have the same rights and potential to become independent and self-actualizing as children who are not ~~hearing-impaired~~ **deaf, hard of hearing, or deaf-blind**. Therefore the legislature recognizes the Deaf Child's Bill of Rights as follows:

(1) ~~Children~~ **Public schools and all publicly funded early intervention**

1 programs shall provide children who are deaf, ~~or~~ hard of hearing, or deaf-blind  
2 ~~are entitled to~~ appropriate screening and assessment of hearing and vision  
3 capabilities and communication and language needs at the earliest possible age and  
4 ~~to the continuation of screening services throughout the educational experience.~~

5 (2) ~~Children~~ Public schools and all publicly funded early intervention  
6 programs shall provide children who are deaf, ~~or~~ hard of hearing, or deaf-blind  
7 ~~are entitled to~~ with individualized and appropriate early intervention to provide  
8 ~~for~~ support the acquisition of solid language bases developed at the earliest possible  
9 age.

10 (3) ~~Children who are deaf or hard of hearing are entitled to their parents' or~~  
11 ~~guardians' full and informed participation in their educational planning.~~ Public  
12 schools shall inform the parents or guardians of children who are deaf, hard of  
13 hearing, or deaf-blind of all State Board of Elementary and Secondary  
14 Education policies and regulations relative to placement considerations and  
15 options available to children who are deaf, hard of hearing, or deaf-blind and  
16 provide opportunities for parents and guardians to fully participate in the  
17 development and implementation of their child's education plan.

18 (4) ~~Children who are deaf or hard of hearing are entitled to adult role models~~  
19 ~~who are deaf or hard of hearing.~~ Public schools shall strive to provide children  
20 who are deaf, hard of hearing, or deaf-blind opportunities to meet and associate  
21 with adult role models who are deaf, hard of hearing, or deaf-blind to learn  
22 advocacy skills, including self advocacy.

23 (5) ~~Children who are deaf or hard of hearing are entitled to meet and~~  
24 ~~associate with their peers.~~ Public schools shall provide children who are deaf,  
25 hard of hearing, or deaf-blind opportunities to meet and associate with their  
26 peers in the school environment and during school sponsored activities.

27 (6) ~~Children who are deaf or hard of hearing are entitled~~ Public schools  
28 shall provide children who are deaf, hard of hearing, or deaf-blind access to  
29 qualified teachers, interpreters, and resource personnel who communicate effectively

1 with each child in that child's mode of communication.

2 (7) ~~Children who are deaf or hard of hearing are entitled to~~ Public schools  
 3 shall include a communication plan in the Individualized Education Program  
 4 of every student with an exceptionality who is deaf, hard of hearing, or deaf-  
 5 blind. Where appropriate, public schools shall include a communication plan  
 6 in the Individual Accommodation Plan for a student who is deaf, hard of  
 7 hearing, or deaf-blind.

8 (8) Public schools shall provide children who are deaf, hard of hearing,  
 9 or deaf-blind placement that is best suited to each child's individual needs,  
 10 including but not limited to social, emotional, and cultural needs, with consideration  
 11 for the child's age, degree and type of hearing loss, academic level, mode of  
 12 communication, style of learning, motivational level, and amount of family support.

13 ~~(8)(9) Children who are deaf or hard of hearing are entitled to~~ Public schools  
 14 shall provide children who are deaf, hard of hearing, or deaf-blind individual  
 15 considerations for free, appropriate education across a full spectrum of educational  
 16 programs.

17 ~~(9)(10) Children who are deaf or hard of hearing are entitled to~~ Public  
 18 schools shall provide children who are deaf, hard of hearing, or deaf-blind full  
 19 support services provided by qualified professionals in their educational settings.  
 20 The state Department of Education shall work with local education agencies to  
 21 ensure technical assistance is available to support public school governing  
 22 authorities in meeting the needs of children who are deaf, hard of hearing, or  
 23 deaf-blind.

24 ~~(10)(11) Children who are deaf or hard of hearing are entitled to~~ Public  
 25 schools shall provide children who are deaf, hard of hearing, or deaf-blind full  
 26 access to all programs in their educational settings.

27 ~~(11)(12) Deaf, and hard-of-hearing~~ hard of hearing, and deaf-blind  
 28 children are entitled to have the public fully informed concerning medical, cultural,  
 29 and linguistic issues of ~~deafness and hearing loss~~ individuals who are deaf, hard

1 **of hearing, or deaf-blind.**

2 ~~(12)~~**(13)** Children who are deaf or hard of hearing are entitled, where  
3 appropriate, to **Public schools, where possible, shall** have deaf and ~~hard-of-hearing~~  
4 **hard of hearing** adults directly involved determining the extent, content, and  
5 purpose of all programs that affect ~~their education~~ **the education of children who**  
6 **are deaf, hard of hearing, or deaf-blind.**

7 **B.(1) Public school governing authorities shall comply with the**  
8 **provisions of this Section, in accordance with applicable state and federal law,**  
9 **policy, and regulation.**

10 **(2) Nothing in this Section shall be construed to create a right of action**  
11 **that is not currently provided for in state or federal law or regulation on behalf**  
12 **of an individual student or a class of students for the failure of a particular**  
13 **public school or public school governing authority to comply with any provision**  
14 **of this Section, or to prevent the parent or legal guardian of a student from**  
15 **filing a complaint as provided in applicable state or federal law or regulation.**

16 \* \* \*

17 §3996. Charter schools; exemptions; requirements

18 \* \* \*

19 B. Notwithstanding any state law, rule, or regulation to the contrary and  
20 except as may be otherwise specifically provided for in an approved charter, a  
21 charter school established and operated in accordance with the provisions of this  
22 Chapter and its approved charter and the school's officers and employees shall be  
23 exempt from all statutory mandates or other statutory requirements that are  
24 applicable to public schools and to public school officers and employees except for  
25 the following laws otherwise applicable to public schools with the same grades:

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27 **(39) Deaf Child's Bill of Rights, R.S. 17:1960.**

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jeanne C. Johnston.

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## DIGEST

SB 58 Engrossed

2015 Regular Session

Appel

Present law recognizes that children who are deaf or hard of hearing have the same rights and potential to become independent and self-actualizing as children who are not hearing impaired.

Proposed law includes deaf-blind children in such bill of rights and converts the Deaf Child's Bill of Rights from a set of aspirational statements to a set of directives to public schools as follows:

Present law provides that children who are deaf or hard of hearing are entitled to appropriate screening and assessment of hearing and vision capabilities and communication and language needs at the earliest possible age and to the continuation of screening services throughout the educational experience.

Proposed law essentially retains present law, but requires public schools and all publicly funded early intervention programs to provide such services to children who are deaf, hard of hearing, or deaf-blind.

Present law provides that children who are deaf or hard of hearing are entitled to early intervention to provide for acquisition of solid language bases developed at the earliest possible age.

Proposed law requires public schools and all publicly funded early intervention programs to provide children who are deaf, hard of hearing, or deaf-blind with individualized and appropriate early intervention.

Present law provides that children who are deaf or hard of hearing are entitled to their parents' or guardians' full and informed participation in their educational planning.

Proposed law instead requires public schools to inform the parents or guardians of children who are deaf, hard of hearing, or deaf-blind of all BESE policies and regulations relative to placement considerations and options available to children who are deaf, hard of hearing, or deaf-blind and provide opportunities for parents and guardians to fully participate in the development and implementation of their child's education plan.

Present law provides that children who are deaf or hard of hearing are entitled to adult role models who are deaf or hard of hearing.

Proposed law provides that public schools shall strive to provide children who are deaf, hard of hearing, or deaf-blind opportunities to meet and associate with adult role models who are deaf, hard of hearing, or deaf-blind to learn advocacy skills, including self advocacy.

Present law provides that children who are deaf or hard of hearing are entitled to meet and associate with their peers.

Proposed law requires public schools to provide children who are deaf, hard of hearing, or deaf-blind opportunities to meet and associate with their peers in the school environment and during school sponsored activities.

Present law provides that children who are deaf or hard of hearing are entitled to qualified teachers, interpreters, and resource personnel who communicate effectively with each child in that child's mode of communication.

Proposed law essentially retains present law, but requires public schools to provide children who are deaf, hard of hearing, or deaf-blind access to such teachers, interpreters, and resource personnel.

Proposed law adds a provision to the Deaf Child's Bill of Rights that requires public schools to include a communication plan in the Individualized Education Program of every student with an exceptionality who are deaf, hard of hearing, or deaf-blind. Further provides that, where appropriate, public schools shall include a communication plan in the Individual Accommodation Plan for a student who is deaf, hard of hearing, or deaf-blind.

Present law provides that children who are deaf or hard of hearing are entitled to placement best suited to each child's individual needs, including but not limited to social, emotional, and cultural needs, with consideration for the child's age, degree of hearing loss, academic level, mode of communication, style of learning, motivational level, and amount of family support.

Proposed law essentially retains present law, but requires public schools to provide such placement to children who are deaf, hard of hearing, or deaf-blind and to consider the type of hearing loss as well as the degree.

Present law provides that children who are deaf or hard of hearing are entitled to individual considerations for free, appropriate education across a full spectrum of educational programs.

Proposed law essentially retains present law, but requires public schools to provide such considerations to children who are deaf, hard of hearing, or deaf-blind.

Present law provides that children who are deaf or hard of hearing are entitled to full support services provided by qualified professionals in their educational settings.

Proposed law retains present law, but requires public schools to provide such services to children who are deaf, hard of hearing, or deaf-blind. Further requires the state Department of Education to work with local education agencies to ensure technical assistance is available to support public school governing authorities in meeting the needs of children who are deaf, hard of hearing, or deaf-blind.

Present law provides that children who are deaf or hard of hearing are entitled to full access to all programs in their educational settings.

Proposed law essentially retains present law, but requires public schools to provide such access to children who are deaf, hard of hearing, or deaf-blind.

Present law provides that deaf and hard of hearing children are entitled to have the public fully informed concerning medical, cultural, and linguistic issues of deafness and hearing loss.

Proposed law provides that children who are deaf-blind are entitled to have the public fully informed concerning medical, cultural, and linguistic issues of individuals who are deaf, hard of hearing, or deaf-blind.

Present law provides that children who are deaf or hard of hearing are entitled, where appropriate, to have deaf and hard of hearing adults directly involved in determining the extent, content, and purpose of all programs that affect their education.

Proposed law requires public school, where possible, to have deaf and hard of hearing adults directly involved in determining the extent, content, and purpose of all programs that affect the education of children who are deaf, hard of hearing, or deaf-blind.

Proposed law requires public school governing authorities to comply with the provisions of proposed law, in accordance with applicable state and federal law, policy, and regulation.

Proposed law specifies that nothing in proposed law shall be construed to create a right of action not currently provided for in state or federal law or regulation on behalf of an individual student or a class of students for the failure of a particular public school or public school governing authority to comply with any provision of proposed law or to prevent the parent or legal guardian of a student from filing a complaint as provided in applicable state or federal law or regulation.

Proposed law provides that charter schools are subject to the Deaf Child's Bill of Rights.

Effective August 1, 2015.

(Amends R.S. 17:1960, adds R.S. 17:3996(B)(39))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Makes terminology consistent regarding children who are deaf, hard of hearing, and deaf-blind.
2. Includes publicly funded early intervention programs in provisions related to screening and assessments and early interventions.
3. Deletes references to specific placement options and instead parents/legal guardians to be informed of BESE policies and regulations relative to placement considerations and options.
4. Requires inclusion of communication plan in student's IEP and in a student's IAP where appropriate.
5. Provides for consideration of the type of a child's hearing loss as well as the degree.
6. Deletes requirement that DOE provide technical assistance and instead requires DOE to work with local education agencies to ensure technical assistance is available.