

SENATE BILL NO. 58

BY SENATORS APPEL AND WALSWORTH AND REPRESENTATIVES FOIL,
WESLEY BISHOP, BROADWATER, HENRY BURNS, CARMODY,
CARTER, EDWARDS, HALL, JEFFERSON, PRICE, REYNOLDS
AND RICHARD

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

1 AN ACT

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

7 Be it enacted by the Legislature of Louisiana:

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

10 §1960. The Deaf Child's Bill of Rights; legislative recognition

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

17 (1) ~~Children~~ Public schools and all publicly funded early intervention
18 programs shall provide children who are deaf, ~~or~~ hard of hearing, or deaf-blind
19 ~~are entitled to~~ appropriate screening and assessment of hearing and vision
20 capabilities and communication and language needs at the earliest possible age and
21 ~~to~~ the continuation of screening services throughout the educational experience.

22 (2) ~~Children~~ Public schools and all publicly funded early intervention
23 programs shall provide children who are deaf, ~~or~~ hard of hearing, or deaf-blind

1 are entitled to with individualized and appropriate early intervention to provide
2 for support the acquisition of solid language bases developed at the earliest possible
3 age.

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

12 ~~(4) Children who are deaf or hard of hearing are entitled to adult role models~~
13 ~~who are deaf or hard of hearing.~~ Public schools shall strive to provide children
14 who are deaf, hard of hearing, or deaf-blind opportunities to meet and associate
15 with adult role models who are deaf, hard of hearing, or deaf-blind to learn
16 advocacy skills, including self advocacy.

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

21 ~~(6) Children who are deaf or hard of hearing are entitled~~ Public schools
22 shall provide children who are deaf, hard of hearing, or deaf-blind access to
23 qualified teachers, interpreters, and resource personnel who communicate effectively
24 with each child in that child's mode of communication.

25 ~~(7) Children who are deaf or hard of hearing are entitled to~~ Public schools
26 shall include a communication plan in the Individualized Education Program
27 of every student with an exceptionality who is deaf, hard of hearing, or deaf-
28 blind. Where appropriate, public schools shall include a communication plan
29 in the Individual Accommodation Plan for a student who is deaf, hard of
30 hearing, or deaf-blind.

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

6 ~~(8)(9)~~ Children who are deaf or hard of hearing are entitled to **Public schools**
 7 **shall provide children who are deaf, hard of hearing, or deaf-blind** individual
 8 considerations for free, appropriate education across a full spectrum of educational
 9 programs.

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

17 ~~(10)(11)~~ 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 access to all programs in their educational settings.

20 ~~(11)(12)~~ Deaf, and ~~hard-of-hearing~~ **hard of hearing, and deaf-blind**
 21 children are entitled to have the public fully informed concerning medical, cultural,
 22 and linguistic issues of deafness and hearing loss **individuals who are deaf, hard**
 23 **of hearing, or deaf-blind.**

24 ~~(12)(13)~~ Children who are deaf or hard of hearing are entitled, where
 25 appropriate, to **Public schools, where possible, shall** have deaf and ~~hard-of-hearing~~
 26 **hard of hearing** adults directly involved **in** determining the extent, content, and
 27 purpose of all programs that affect ~~their education~~ **the education of children who**
 28 **are deaf, hard of hearing, or deaf-blind.**

29 **B.(1) Public school governing authorities shall comply with the**
 30 **provisions of this Section, in accordance with applicable state and federal law,**

1 policy, and regulation.

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

8 * * *

9 §3996. Charter schools; exemptions; requirements

10 * * *

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

18 * * *

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____