

RÉSUMÉ DIGEST

ACT 250 (SB 58)

2015 Regular Session

Appel

Prior law, relative to students with exceptionalities, recognized 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.

New 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:

Prior law provided 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.

New law essentially retains prior 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.

Prior law provided 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.

New 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.

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

New 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.

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

New 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.

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

New 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.

Prior law provided 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.

New law essentially retains prior 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.

New 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.

Prior law provided 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.

New law essentially retains prior 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.

Prior law provided 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.

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

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

New law retains prior 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.

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

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

Prior law provided 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.

New 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.

Prior law provided 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.

New 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.

New law requires public school governing authorities to comply with new law, in accordance with applicable state and federal law, policy, and regulation.

New law specifies that nothing in new 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 new 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.

New 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))

