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.

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. Public schools and all publicly funded early intervention programs shall provide children who are deaf or hard of hearing, or deaf-blind 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.

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

(3) Children who are deaf or hard of hearing are entitled to their parents' or guardians' full and informed participation in their educational planning. Public schools shall inform the parents or guardians of children who are deaf, hard of hearing, or deaf-blind of all State Board of Elementary and Secondary Education 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.

(4) Children who are deaf or hard of hearing are entitled to adult role models who are deaf or hard of hearing. 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.

(5) Children who are deaf or hard of hearing are entitled to meet and associate with their peers. Public schools shall 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.

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

(7) Children who are deaf or hard of hearing are entitled to Public schools shall include a communication plan in the Individualized Education Program of every student with an exceptionality who is deaf, hard of hearing, or deaf-blind. 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.
(8) Public schools shall provide children who are deaf, hard of hearing, or deaf-blind placement that is 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 and type of hearing loss, academic level, mode of communication, style of learning, motivational level, and amount of family support.

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

(9)(10) Children who are deaf or hard of hearing are entitled to Public schools shall provide children who are deaf, hard of hearing, or deaf-blind full support services provided by qualified professionals in their educational settings.

The state Department of Education shall 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.

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

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

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

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

(2) Nothing in this Section shall be construed to create a right of action that is 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 this Section, 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.

§3996. Charter schools; exemptions; requirements

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