

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.

Therefore the legislature recognizes the Deaf Child's Bill of Rights as follows:

(1) ~~Children~~ **Public schools shall provide children** who are deaf, ~~or hard of hearing,~~ **or deaf-blind** ~~are entitled to~~ appropriate screening and assessment of

1 hearing and vision capabilities and communication and language needs at the earliest
2 possible age and to the continuation of screening services throughout the educational
3 experience.

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

8 (3) ~~Children who are deaf or hard of hearing are entitled to their parents' or~~
9 ~~guardians' full and informed participation in their educational planning.~~ **Public**
10 **schools shall allow the parents or guardians of children who are deaf, hard of**
11 **hearing, or deaf-blind full participation in their child's educational planning,**
12 **including the option to enroll the student at the Louisiana School for the Deaf**
13 **or the Louisiana School for the Visually Impaired. If the governing authority**
14 **of the school in which a child who is deaf, hard of hearing, or deaf-blind is**
15 **enrolled does not make a request for the child to be enrolled in one of these**
16 **schools, the child's parent or legal guardian may request such enrollment.**

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

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

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

1 (7) ~~Children who are deaf or hard of hearing are entitled to~~ **Public schools**
 2 **shall include a communication plan in the Individualized Education Program**
 3 **or Individual Accommodation Plan for every student with an exceptionality**
 4 **who has a communication barrier that impedes his educational progress,**
 5 **including deaf, hard of hearing, deaf-blind, nonverbal, or any other**
 6 **communication disorder.**

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

12 ~~(8)(9) Children who are deaf or hard of hearing are entitled to~~ **Public schools**
 13 **shall provide children who are deaf, hard of hearing, or deaf-blind** individual
 14 considerations for free, appropriate education across a full spectrum of educational
 15 programs.

16 ~~(9)(10) Children who are deaf or hard of hearing are entitled to~~ **Public**
 17 **schools shall provide children who are deaf, hard of hearing, or deaf-blind** full
 18 support services provided by qualified professionals in their educational settings.
 19 **The state Department of Education shall provide technical assistance to support**
 20 **public school governing authorities in meeting the needs of children who are**
 21 **deaf, hard of hearing, or deaf-blind.**

22 ~~(10)(11) Children who are deaf or hard of hearing are entitled to~~ **Public**
 23 **schools shall provide children who are deaf, hard of hearing, or deaf-blind** full
 24 access to all programs in their educational settings.

25 ~~(11)(12) Deaf, and hard-of-hearing, and deaf-blind~~ **Deaf, and hard-of-hearing, and deaf-blind** children are entitled to
 26 have the public fully informed concerning medical, cultural, and linguistic issues of
 27 deafness and hearing loss.

28 ~~(12)(13) Children who are deaf or hard of hearing are entitled, where~~
 29 **appropriate, to Public schools, where possible, shall** have deaf and hard-of-hearing

1 adults directly involved in determining the extent, content, and purpose of all
2 programs that affect ~~their education~~ **the education of children who are deaf, hard**
3 **of hearing, or deaf-blind.**

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

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

13 * * *

14 §3996. Charter schools; exemptions; requirements

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

23 * * *

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

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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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 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 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 allow the parents or guardians of children who are deaf, hard of hearing, or deaf-blind full participation in their child's educational planning, including the option to enroll the student at the Louisiana School for the Deaf or the Louisiana School for the Visually Impaired. Further provides that if the governing authority of the school in which a child who is deaf, hard of hearing, or deaf-blind is enrolled does not make a request for the child to be enrolled in one of these schools, the child's parent or legal guardian may request such enrollment.

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 or Individual Accommodation Plan for every student with an exceptionality who has a communication barrier that impedes his educational progress, including deaf, hard of hearing, deaf-blind, nonverbal, or any other communication disorder.

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.

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 provide technical assistance 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 retains present law, but includes children who are deaf-blind in this entitlement.

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))