

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 625

Short Title: Bill of Rights/Deaf/Hearing Impaired. (Public)

Sponsors: Representatives Blackwell and Farmer-Butterfield (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Judiciary Subcommittee A.

April 6, 2011

1 A BILL TO BE ENTITLED
2 AN ACT ESTABLISHING A BILL OF RIGHTS FOR CHILDREN WHO ARE DEAF OR
3 HEARING IMPAIRED.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Part 29 of Article 3 of Chapter 143B of the General Statutes is
6 amended by adding the following new sections to read:

7 "**§ 143B-216.35. Short title.**

8 This act may be cited as the 'Deaf Child's Bill of Rights.'

9 "**§ 143B-216.35.1. Findings.**

10 The General Assembly makes the following findings:

- 11 (1) Children with low-incidence disabilities, as a group, make up approximately
12 one percent (1%) of the total statewide enrollment for Kindergarten through
13 grade 12.
- 14 (2) Children with low-incidence disabilities require highly specialized services,
15 equipment, and materials.
- 16 (3) Deafness impacts the most basic of human needs, such as the ability to
17 communicate with other human beings. Many deaf or hearing-impaired
18 children use, as their primary communication mode, American Sign
19 Language (ASL), while others express and receive language through an
20 English-based sign language system, and others express and receive
21 language orally and aurally, with or without visual signs or cues. Still others,
22 typically young deaf or hearing-impaired children, lack any significant
23 language skills and communication skills in any mode of communication. It
24 is essential for the well-being and growth of deaf and hearing-impaired
25 children that educational programs recognize the unique nature of deafness
26 and ensure that all deaf and hearing-impaired children have appropriate,
27 ongoing, and fully accessible educational opportunities.
- 28 (4) It is essential that children who are deaf or hearing impaired, like all
29 children, have an education in which their unique communication mode is
30 respected, used, and developed to an appropriate level of proficiency.
- 31 (5) It is essential that children who are deaf or hearing impaired have
32 educational placements in which the children are provided, when
33 appropriate, qualified, certified or licensed teachers, psychologists, speech
34 therapists, assessors, administrators, interpreters, school counselors, and
35 other personnel who understand the unique nature of deafness and are



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1 specifically trained to evaluate and work with deaf or hearing-impaired
2 children. These personnel should be proficient in the primary
3 communication and language mode of deaf or hearing-impaired children.

4 (6) It is essential that deaf or hearing-impaired children, like all children, have
5 an education with a sufficient number of communication mode peers with
6 whom they can communicate directly and who are approximately at the
7 same age and level of proficiency.

8 (7) It is essential that deaf and hearing-impaired children have an education in
9 which their parents are involved in determining the extent, content, and
10 purpose of programs, as well as exposure to deaf or hearing-impaired role
11 models.

12 (8) It is essential that deaf or hearing-impaired children, like all children, have a
13 program in which their unique vocational needs are provided for, including
14 appropriate research, curricula, programs, staff, and outreach.

15 (9) It is essential that deaf or hearing-impaired children be able to participate in
16 all parts of a school program, including after-school social and athletic
17 functions.

18 (10) It is essential that all parents or legal guardians of deaf or hearing-impaired
19 children receive a copy of the 'Deaf Child's Bill of Rights' upon
20 determination of the child's hearing loss and before an eligibility
21 determination for special education services.

22 **"§ 143B-216.35.2. Communication mode or language defined.**

23 As used in this Part, 'communication mode or language' means one or more of the following
24 systems or methods of communication applicable to deaf or hearing-impaired children:

25 (1) American Sign Language. – The language of sign used by people in the deaf
26 community in the United States and most of Canada with almost 200 years
27 of evolution. The language is a sophisticated visual language with its own
28 grammatical features that support communication and learning with the
29 mind that does not hear spoken languages.

30 (2) English-based manual or sign system. – A few of the different forms of
31 English-based signs that have evolved since the 1970s. These sign
32 modalities have been created by people with the intent to mimic English on
33 the hands. These sign modalities do not constitute a language and are not
34 generally used by deaf or hard-of-hearing adults.

35 (3) Oral, aural, or speech-based training. – Training that depends primarily on
36 listening with the support of amplification, lip reading, and the provision of
37 speech therapy to foster language learning following a sequence similar to
38 developmental steps of hearing peers.

39 **"§ 143B-216.35.3. Determination of disability; enrollment.**

40 (a) In developing an Individualized Education Program (IEP), as defined in
41 G.S. 115C-106.3(8), for a child who is deaf or hearing impaired, in addition to any other
42 requirements established by the State Board of Education, the IEP team shall consider the
43 related services and program options for communication access and advise parents of the full
44 continuum of alternative educational placements available to them. The IEP team shall consider
45 the child's specific communication needs, and, to the extent possible, address those needs as
46 appropriate in the child's IEP and determine the least restrictive environment. In considering the
47 child's needs, the IEP team shall expressly consider the following:

48 (1) The child's individual communication mode or language.

49 (2) The availability to the child of a sufficient number of age, cognitive, and
50 language peers of similar levels of proficiency.

- 1 (3) The availability to the child of deaf and hearing-impaired adult models of the
2 child's communication mode or language.
- 3 (4) The provision of appropriate, direct, or ongoing language access to teachers
4 of the deaf or hearing impaired and interpreters and other specialists who are
5 proficient in the child's primary communication mode or language.

6 The IEP team shall ensure that no child who is deaf or hearing impaired is denied the
7 opportunity for instruction in a particular communication mode or language solely because (i)
8 the child has some residual hearing; (ii) the child's parents are not fluent in the communication
9 mode or language being taught; or (iii) the child has previous experience with some other
10 communication mode or language.

11 (b) Nothing in this section shall preclude instruction in more than one communication
12 mode or language for any particular child. Any child for whom instruction in a particular
13 communication mode or language is determined to be beneficial shall receive the instruction as
14 part of the child's Individualized Education Program."

15 **SECTION 2.** This act is effective when it becomes law.