

**PROPOSED DRAFT BILL OF RIGHTS CONCERNING THE EDUCATION OF CHILDREN WHO ARE
DEAF AND HARD-OF-HEARING**

SECTION 1. Legislative purpose, findings and declarations

a) Deafness involves the most basic of human needs, the ability to communicate with other human beings. Many deaf and hard-of-hearing children use, as their primary communication mode, American Sign Language (ASL) while others express and receive language through English-based sign language, while others express and receive language orally and aurally, with or without visual signs or cues. Still others, typically young deaf and hard-of-hearing children, lack any significant language and communication skills in any mode of communication.

b) Having established the fact that communication is a basic human need, it is essential for the well being and growth of deaf and hard-of-hearing children that educational programs recognize the unique nature of deafness and ensure that all deaf and hard-of-hearing children from birth to age 21 have appropriate, ongoing, and fully accessible language and communication driven educational opportunities designed to develop age-appropriate language and communication skills in the child's and family's preferred mode of communication. For these reasons, the Kansas legislature establishes and declares the Deaf and Hard-of-Hearing Children's Educational Bill of Rights as follows.

- 1) Children who are deaf or hard-of-hearing, when first identified as deaf or hard-of-hearing, shall have hearing and language assessments and begin intervention services as soon as possible to provide for acquisition of a solid communication base at the earliest possible age.
- 2) Children who are deaf or hard-of-hearing shall have an education where their language development and communication needs are priorities.
- 3) Children who are deaf or hard-of-hearing shall have their parents or guardians informed of the full continuum of alternative placement options and modes of communication available to them, whether provided by the local service agency, school district, or not.
- 4) Children who are deaf or hard-of-hearing shall have their parents' or guardians' full and informed participation in their educational planning and placement. The parents or guardians are to be involved in the scope, content, and purpose of programs with school professionals and, when requested, deaf or hard-of-hearing adults.
- 5) Children who are deaf or hard-of-hearing shall have an education in the child's and family's preferred mode(s) of communication that fully meets the communication and related needs of the child. Like all children, they shall have an education in which their unique communication mode or modes are respected, utilized, and developed to an age-appropriate and intelligible level of proficiency.
- 6) Children who are deaf or hard-of-hearing and are language delayed shall have a quality, language rich, communication driven education offering them the opportunity to develop and achieve age-appropriate language and intelligible communication skills as soon as possible in their preferred mode or modes of communication.
- 7) Children who are deaf or hard-of-hearing shall have qualified teachers of the deaf and hard-of-hearing, speech-language-pathologists, assessors, and other related special education personnel who understand the unique nature of deafness, can communicate with them directly, and are specifically trained, experienced, and proficient in delivering education and developing age-appropriate language and intelligible communication skills in their preferred mode or modes of communication.
- 8) Children who are deaf or hard-of-hearing, in developing age-appropriate language and intelligible communication skills, shall have their language and communication needs considered with opportunities identified and available for an education with a sufficient number of same language mode peers who are the same, or approximately the same, ages, abilities, and academic levels.
- 9) Children who are deaf or hard-of-hearing shall have school personnel who are committed to developing language and communication skills in the child's preferred mode of communication following widely accepted program guidelines and practices for that mode of communication.

- 10) Children who are deaf or hard-of-hearing, like all children, shall have programs that offer direct access, with appropriate accommodations where needed, to all components of the educational process, including, but not limited to, recess, lunch, and extracurricular social and athletic activities.
- 11) Children who are deaf or hard-of-hearing shall have programs in which their unique transitional and vocational needs are provided, including appropriate research, curricula, programs, staff, and outreach.
- 12) Children who are deaf or hard-of-hearing shall have the benefits from interaction with deaf or hard-of-hearing adult role models with whom they can communicate directly in their mode of communication.
- 13) Children who are deaf or hard-of-hearing shall have appropriate regular assessments of hearing, language, and communication skills administered by trained qualified personnel proficient in the communication mode, style, or language of the individual child to determine level of educational and related services needed throughout the educational experience.
- 14) Children who are deaf or hard-of-hearing, when placed in any classroom setting, shall have adequately prepared regular education personnel, special education and related services (i.e. teacher of the deaf, speech-language-pathologist, audiologist), and classroom accommodations to successfully access the curriculum and social activities in the educational setting. Age/grade-appropriate language, academic, and communication skills shall be considered in discussions involving placement in a regular education classroom setting. Classroom accommodations may include, but are not limited to; qualified interpreters for students who use manual communication, assistive technology and classroom acoustics for auditory/oral students, seating location and limited class size for easier communication, or any combination that meets the needs of each individual student.
- 15) Each deaf or hard-of-hearing child shall have a determination of an appropriate educational placement in the least restrictive environment that takes into consideration the individual child's full range of language, communication, and related social, emotional and cultural needs. Any setting, including a regular education classroom; that does not provide for the child's unique language development, communication and related needs cannot be considered the least restrictive environment for that individual child.

SECTION 2. Duties of the Public Education Department

a) The state of Kansas recognizes the unique language and communication needs of children who are deaf or hard-of-hearing and encourages the development of specific recommendations for state and regional programs by all state agencies, public and private institutions, and school districts concerned with the identification, early intervention, early childhood, and kindergarten through twelfth grade education of students who are deaf or hard-of-hearing. The Kansas State Department of Education, the Kansas State School for the Deaf, and the Kansas Department of Health and Environment, are to ensure that:

- 1) Children who are deaf or hard-of-hearing have what all other children take for granted; an educational environment in which their language and communication needs are fully addressed and developed, and an educational environment where they have early, ongoing, and full access to quality language development and communication driven opportunities offered in the child's and family's preferred mode of communication; and
- 2) The recommendations, consistent with the purpose and declarations of the Deaf and Hard-of-Hearing Children's Educational Bill of Rights, are implemented expeditiously.

b) Since "Considerations of Special Factors" subsection 20 U.S.C. §1414(d)(3)(B)(iv) of the federal Individuals with Disabilities Education Act requires that the Individualized Education Program (IEP) team, including the parents, consider the unique language and communication needs of children who are deaf or hard-of-hearing, the Kansas State Department of Education (KSDE), in collaboration with expert educators working in each communication mode, shall develop an unbiased "Explanation of Placement Options and Modes of Communication" and a model "Communication Plan for Children/Students who are Deaf or Hard-of-Hearing", to become part of the Individualized Family Service Plan (IFSP) and Individualized Education Program (IEP) processes. These models, along with this Bill of Rights, shall be provided to the parents or guardians of Deaf or Hard-of-Hearing children and shall be disseminated by service providers and local school districts, with training in their use to be provided by KSDE.

SECTION 3. Definitions

a) "Mode of Communication", "Communication Mode" or "Language" applicable to deaf and hard-of-hearing children include, but is not limited to, one or more of the following systems or methods along the communication continuum from manual/gestural language to spoken English:

- 1) American Sign Language;
- 2) Manually Coded English (i.e. Signing Exact English, Cued Speech, etc...); or
- 3) Oral Communication (i.e. Aural/Oral, Auditory/Oral, Speech-Based Training, etc...)

SECTION 4. Safety Clause

Nothing in this Code section shall require a school system to expend additional resources or hire additional personnel to implement its provisions other than expenditures that is already required to be spent to meet the unique individual needs of the child as prescribed by IDEA law and KSA regulations.

Approved
FINAL DRAFT