

1                                   A bill to be entitled  
 2           An act relating to deaf and hard-of-hearing children;  
 3           providing a short title; providing legislative  
 4           findings and purpose; encouraging certain state  
 5           agencies, institutions, and political subdivisions to  
 6           develop recommendations ensuring that the language and  
 7           communication needs of deaf and hard-of-hearing  
 8           children are addressed; requiring that the act be  
 9           expeditiously implemented; requiring that the  
 10          Department of Education develop a communication model  
 11          for the individual education plan process for deaf and  
 12          hard-of-hearing students; requiring that the  
 13          department disseminate the model to each school  
 14          district and provide training as it determines  
 15          necessary; providing an effective date.

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 17 Be It Enacted by the Legislature of the State of Florida:

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 19           Section 1. (1) SHORT TITLE.—This act may be cited as the  
 20 "Deaf and Hard-of-Hearing Children's Educational Bill of  
 21 Rights."

22           (2) LEGISLATIVE FINDINGS AND PURPOSE.—

23           (a) The Legislature finds that:

24           1. Hearing loss affects the most basic human need, which  
 25 is communication. Without quality communication, a child is  
 26 isolated from other human beings and from the exchange of  
 27 knowledge essential for educational growth and, therefore,  
 28 cannot develop the skills required to become a productive,

29 capable adult and a full participant of society.

30 2. Children who have a hearing loss possess the same  
31 innate capabilities as any other children. They communicate in a  
32 wide variety of manual and spoken modes, languages, and systems.  
33 Some children use aural/oral modes of communication, while  
34 others use a combination of aural/oral and manual communication.  
35 Many children use American Sign Language, which is a formal  
36 language, as well as the preferred everyday language of the deaf  
37 community.

38 3. It is critical that all citizens in the state work  
39 toward ensuring that:

40 a. Deaf and hard-of-hearing children, like all children,  
41 have quality, ongoing, and fluid communication, both in and out  
42 of the classroom.

43 b. Deaf and hard-of-hearing children be placed in the  
44 least restrictive educational environment and receive services  
45 based on their unique communication, language, and educational  
46 needs, consistent with 20 U.S.C. s. 1414(d)(3)(B)(iv) of the  
47 Individuals with Disabilities Education Act.

48 c. Deaf and hard-of-hearing children be given an education  
49 in which teachers, related service providers, and assessors  
50 understand the unique nature of deafness, are specifically  
51 trained to work with deaf and hard-of-hearing students, and can  
52 communicate spontaneously and fluidly with these children.

53 d. Deaf and hard-of-hearing children, like all children,  
54 have the benefit of an education in which there is a sufficient  
55 number of age-appropriate peers and adults with whom they can  
56 interact and communicate in a spontaneous and fluid way.

57 e. Deaf and hard-of-hearing children receive an education  
58 in which they are exposed to deaf and hard-of-hearing role  
59 models.

60 f. Deaf and hard-of-hearing children, like all children,  
61 have direct and appropriate access to all components of the  
62 educational process, including recess, lunch, and  
63 extracurricular, social, and athletic activities.

64 g. Deaf and hard-of-hearing children, like all children,  
65 be provided with programs in which transition planning, as  
66 required under the Individuals with Disabilities Education Act,  
67 focuses on their unique vocational needs.

68 h. Families of children who are deaf or hard of hearing  
69 receive accurate, balanced, and complete information regarding  
70 their children's educational and communication needs and the  
71 available programmatic, placement, and resource options, as well  
72 as access to support services and advocacy resources from public  
73 and private agencies, departments, and all other institutions  
74 and resources knowledgeable about hearing loss and the needs of  
75 children who are deaf or hard of hearing.

76 (b) Given the central importance of communication to all  
77 human beings, the purpose of this act is to encourage the  
78 development of a communication-driven and language-driven  
79 educational delivery system in the state for children who are  
80 deaf or hard of hearing.

81 (3) EDUCATIONAL RIGHTS OF DEAF AND HARD-OF-HEARING  
82 CHILDREN; DUTY OF THE DEPARTMENT OF EDUCATION.-

83 (a) The Legislature recognizes the unique communication  
84 needs of children who are deaf or hard of hearing and encourages

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85 the development of specific recommendations by all state  
86 agencies, institutions, and political subdivisions concerned  
87 with the early intervention, early childhood, and kindergarten  
88 through grade 12 education of students who are deaf or hard of  
89 hearing, including the Department of Education, the Florida  
90 School for the Deaf and the Blind, and the Department of Health,  
91 to ensure that:

92 1. These children have access to the same educational  
93 environment that other children have in which their language and  
94 communication needs are fully addressed and developed and in  
95 which they have early, ongoing, and quality access to planned  
96 and incidental communication opportunities.

97 2. The purposes of this act are expeditiously implemented.

98 (b) Pursuant to 20 U.S.C. s. 1414(d)(3)(B)(iv) of the  
99 Individuals with Disabilities Education Act, which requires that  
100 the individual education plan team consider the unique  
101 communication needs of children who are deaf or hard of hearing,  
102 the Department of Education shall develop a model addressing  
103 communication considerations for students who are deaf or hard  
104 of hearing as part of the individual education plan process. The  
105 department shall also disseminate the model to each school  
106 district and provide training as it determines necessary.

107 Section 2. This act shall take effect July 1, 2012.