

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

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**SENATE BILL 320*
Corrected Copy 3/18/13**

Short Title: Improve Ed. for Children Who Are Deaf. (Public)

Sponsors: Senators Daniel, Newton, and Bryant (Primary Sponsors).

Referred to: Education/Higher Education.

March 14, 2013

A BILL TO BE ENTITLED
AN ACT TO IMPROVE EDUCATIONAL OUTCOMES FOR NORTH CAROLINA
CHILDREN WHO ARE DEAF OR HARD OF HEARING.

Whereas, children with low-incidence disabilities, as a group, make up approximately one percent (1%) of the total statewide enrollment in public schools; and

Whereas, children with low-incidence disabilities may require highly specialized services, equipment, and materials from the age of onset; and

Whereas, the acquisition of language is essential to the achievement of literacy and academic success; and

Whereas, children who are deaf or hard of hearing, regardless of communication modality, are entitled to the same opportunity to achieve grade and age-level literacy as other children; and

Whereas, skill in signing or speaking does not guarantee skill in reading and writing, and reading and writing must be taught using the mode of the individual child's communication; and

Whereas, children who have a solid language base, regardless of whether it is spoken or signed, become better readers than those who do not; and

Whereas, all children who come to school and who are not proficient in reading and writing English, including children whose spoken language is not English and children who use non-English American Sign Language (ASL) or other combined signing systems, must receive specialized instruction in order to read and write English; and

Whereas, some children who are deaf or hard of hearing and who are not proficient in reading and writing English may be eligible for special education services if an Individualized Education Program (IEP) team determines the child's hearing loss is the reason the child has not obtained proficiency in reading and writing English; and

Whereas, some children who are deaf or hard of hearing require instruction from highly qualified and certified personnel who can communicate using the individual child's communication mode; and

Whereas, children who are deaf or hard of hearing may be classified as having a primary disability other than hearing loss for purposes of special education and, therefore, may not be tracked within existing Department of Public Instruction databases as having a hearing loss, thus making it challenging to monitor their language development and literacy achievement; and

Whereas, children who are deaf or hard of hearing may be best served by having opportunities to interact with a sufficient number of same language and communication mode peers who are of the same age and ability level; and



1 Whereas, it is desirable for children who are deaf or hard of hearing to have
2 opportunities to interact with adult role models who are deaf or hard of hearing; and

3 Whereas, children who are deaf or hard of hearing should be offered equal
4 opportunity to benefit from all services and programs at their school; and

5 Whereas, North Carolina has adopted the Common Core State and NC Essential
6 Standards; Now, therefore,

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** The State Board of Education shall do at least all of the following to
9 improve the educational outcomes for North Carolina children who are deaf or hard of hearing:

- 10 (1) Develop assessment procedures and protocols to measure, at least annually
11 or more frequently if specified in a child's Individualized Education Program
12 (IEP), the acquisition of language skills necessary for literacy using
13 linguistically and culturally appropriate assessment tools. The results of
14 these assessments shall be used to determine whether further support and
15 services, if any, are needed for a child.
- 16 (2) Require an IEP team to use the Comprehensive Exceptional Children
17 Accountability System, Communication Plan Worksheet for Student Who is
18 Deaf or Hard of Hearing, to document (i) the team's consideration of the
19 language and communication needs of the individual child as the IEP is
20 developed, (ii) the placement decisions made for that child, and (iii) the
21 team's review, at least annually, of the child's placement and language and
22 communication needs.
- 23 (3) Ensure that personnel who are highly qualified in the education of children
24 who are deaf or hard of hearing are available to meet the unique needs of
25 each child, including interactions in the child's language and communication
26 modality to meet academic and social goals.
- 27 (4) Develop and implement strategies to ensure that parents of a child who is
28 deaf and hard of hearing know they are entitled to request that the child's IEP
29 team consider placement of their child in a residential setting and, if such a
30 request is made, that a representative from one of the two North Carolina
31 residential/day program schools for the deaf shall be a member of the IEP
32 team.

33 **SECTION 2.** The Department of Health and Human Services and other State
34 agencies and organizations upon the request of the Department of Public Instruction (DPI) shall
35 make databases containing information on children under the age of 22 who are diagnosed as
36 deaf or hard of hearing available to DPI. DPI shall use this information to develop and maintain
37 a statewide data tracking system for the purpose of coordinating with other State agencies and
38 organizations and ensuring literacy achievement for all such children who are deaf or hard of
39 hearing.

40 **SECTION 3.** This act is effective when it becomes law.