

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

S

1

SENATE BILL 320*

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

Sponsors: Senators Daniel and Newton (Primary Sponsors).

Referred to: Education/Higher Education.

March 14, 2013

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

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

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

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

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

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

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

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

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

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

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

34 Whereas, children who are deaf or hard of hearing may be best served by having
35 opportunities to interact with a sufficient number of same language and communication mode
36 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.