

Senate Bill 168

By: Senators Smith of the 52nd, Butler of the 55th, Moody of the 56th, Mullis of the 53rd,
Seay of the 34th and others

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Part 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia
2 Annotated, relating to educational programs under the "Quality Basic Education Act," so as
3 to enact the "Deaf Child's Bill of Rights Act"; to provide for legislative findings; to provide
4 for a definition; to require that a school system will take into account the specific
5 communication needs of a deaf student; to provide for the explanation of options to the
6 parent or guardian of a deaf student; to provide that a deaf student shall not be denied the
7 opportunity for instruction in a particular communication mode or language; to provide for
8 statutory construction; to provide for related matters; to repeal conflicting laws; and for other
9 purposes.

10 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

11 **SECTION 1.**

12 This Act shall be known and may be cited as the "Deaf Child's Bill of Rights Act."

13 **SECTION 2.**

14 (a) The General Assembly finds that:

15 (1) Students with low-incidence disabilities, as a group, make up less than 1 percent of the
16 total state-wide enrollments for kindergarten through grade twelve; and

17 (2) Students with low-incidence disabilities require highly specialized services, equipment,
18 and materials.

19 (b) The General Assembly further finds that:

20 (1) Deafness involves the most basic of human needs, which is the ability to communicate
21 with other human beings. Many deaf and hard-of-hearing children use an appropriate
22 communication mode, sign language, which may be their primary language, while others
23 express and receive language orally and aurally, with or without visual signs or clues. Still
24 others, typically young deaf and hard-of-hearing children, lack any significant language
25 skills. It is essential for the well-being and growth of deaf and hard-of-hearing children that
26 educational programs recognize the unique nature of deafness and ensure that all deaf and

- 1 hard-of-hearing children have appropriate, ongoing, and fully accessible educational
2 opportunities;
- 3 (2) It is essential that deaf and hard-of-hearing children, like all children, have an
4 education in which their unique communication mode is respected, utilized, and developed
5 to an appropriate level of proficiency;
- 6 (3) It is essential that deaf and hard-of-hearing children have an education in which
7 teachers of the deaf and hard of hearing, psychologists, speech therapists, assessors,
8 administrators, and other special education personnel understand the unique nature of
9 deafness and are specifically trained to work with deaf and hard-of-hearing pupils. It is
10 essential that deaf and hard-of-hearing children have an education in which teachers of the
11 deaf and hard of hearing are proficient in the primary language mode of those children;
- 12 (4) It is essential that deaf and hard-of-hearing children, like all children, have an
13 education with a sufficient number of language mode peers with whom they can
14 communicate directly and who are of the same, or approximately the same, age and ability
15 level;
- 16 (5) It is essential that deaf and hard-of-hearing children have an education in which their
17 parents or guardians and, where appropriate, deaf and hard-of-hearing people are involved
18 in determining the extent, content, and purpose of programs;
- 19 (6) Deaf and hard-of-hearing children would benefit from an education in which they are
20 exposed to deaf and hard-of-hearing role models;
- 21 (7) It is essential that deaf and hard-of-hearing children, like all children, have programs
22 in which they have direct and appropriate access to all components of the educational
23 process, including, but not limited to, recess, lunch, and extracurricular social and athletic
24 activities;
- 25 (8) It is essential that deaf and hard-of-hearing children, like all children, have programs
26 in which their unique vocational needs are provided for, including appropriate research,
27 curricula, programs, staff, and outreach;
- 28 (9) Each deaf or hard-of-hearing child should have a determination of the least restrictive
29 environment that takes into consideration these legislative findings and declarations; and
- 30 (10) Given their unique communication needs, deaf and hard-of-hearing children would
31 benefit from the development and implementation of state and regional programs for
32 children with low-incidence disabilities.

SECTION 3.

Part 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to educational programs under the "Quality Basic Education Act," is amended by inserting a new Code section to read as follows:

"20-2-152.1.

(a) As used in this Code section, the term 'communication mode or language' means one or more of the following systems or methods of communication applicable to deaf and hard-of-hearing children:

- (1) American Sign Language;
- (2) English-based manual or sign systems; or
- (3) Oral, aural, or speech-based training.

(b) In developing an individualized education program (IEP) pursuant to Code Section 20-2-152 for a child who is deaf or hard of hearing, in addition to any other requirements established by the state board, the local school system shall consider the related services and program options that provide the child with an appropriate and equal opportunity for communication access. The school system shall consider the child's specific communication needs and, to the extent possible under subsection (g) of this Code section, address those needs as appropriate in the child's individualized education program. In considering the child's needs, the school system shall expressly consider the following:

- (1) The child's individual communication mode or language;
- (2) The availability to the child of a sufficient number of age, cognitive, and language peers of similar abilities;
- (3) The availability to the child of deaf or hard-of-hearing adult models of the child's communication mode or language;
- (4) The provision of appropriate, direct, and ongoing language access to teachers of the deaf and hard of hearing and interpreters and other specialists who are proficient in the child's primary communication mode or language; and
- (5) The provision of communication-accessible academic instruction, school services, and extracurricular activities.

(c) To enable a parent or guardian to make informed decisions concerning which educational options are best suited to the parent's or guardian's child, all of the educational options provided by the school system and available to the child at the time the child's individualized education program is prepared shall be explained to the parent or guardian.

(d) No deaf or hard-of-hearing child shall be denied the opportunity for instruction in a particular communication mode or language solely because:

- (1) The child has some remaining hearing;

1 (2) The child's parent or guardian is not fluent in the communication mode or language
2 being taught; or

3 (3) The child has previous experience with some other communication mode or
4 language.

5 (e) Nothing in this Code section shall preclude instruction in more than one
6 communication mode or language for any particular child. Any child for whom instruction
7 in a particular communication mode or language is determined to be beneficial shall
8 receive such instruction as part of the child's individualized education program.

9 (f) Notwithstanding the provisions of paragraph (2) of subsection (b) of this Code section,
10 nothing in this Code section shall be construed to require that a specific number of peers
11 be provided for a child who is deaf or hard of hearing.

12 (g) Nothing in this Code section shall require a school system to expend additional
13 resources or hire additional personnel to implement the provisions of this Code section."

14 **SECTION 4.**

15 All laws and parts of laws in conflict with this Act are repealed.