

House Bill 844

By: Representatives Houston of the 170th, Coleman of the 97th, Nix of the 69th, Dempsey of the 13th, and Hatchett of the 150th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 30 of the Official Code of Georgia Annotated, relating to
2 handicapped persons generally, so as to revise provisions relating to the Georgia Commission
3 on Hearing Impaired and Deaf Persons; to provide for definitions; to expand the membership
4 of the commission; to establish a task force; to require use of existing assessments; to
5 monitor individual children's language and literacy progress; to develop a state-wide
6 coordinated longitudinal data management system for all children who are deaf or hard of
7 hearing; to require information sharing and collaboration among state agencies; to provide
8 integrated and seamless services from birth through literacy; to require public reporting
9 mechanisms; to provide for related matters; to provide for an effective date; to repeal
10 conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Chapter 1 of Title 30 of the Official Code of Georgia Annotated, relating to handicapped
14 persons generally, is amended by revising Code Section 30-1-5, relating to "hearing impaired
15 person" defined and the Georgia Commission on Hearing Impaired and Deaf Persons, as
16 follows:

17 "30-1-5.

18 (a) ~~For purposes of this Code section, the term 'hearing impaired person' means any person~~
19 ~~who, absent the aid of a hearing device, has any degree of impairment in the ability to~~
20 ~~apprehend sound. As used in this Code section, the term:~~

21 (1) 'American Sign Language' means a completely visual language with its own
22 pragmatics, syntax, and semantics. Conceptual information expressed in American Sign
23 Language is the same as in Spoken English but is expressed using signs and nonmanual
24 markers.

25 (2) 'Birth to literacy plan' means a longitudinal plan developed and implemented by the
26 multiagency task force to ensure that each child who is deaf or hard of hearing develops

27 his or her maximal language and literacy abilities. This plan may include, but is not
 28 limited to, a child's Individualized Family Service Plan and Individualized Education
 29 Plan.

30 (3) 'Deaf or hard of hearing' means possession of hearing levels, absent the aid of a
 31 hearing device, that in any way impedes an individual's ability to perceive sound.

32 (4) 'Home language' means a language that is most commonly spoken by members of a
 33 family for everyday interactions at home, including English and all foreign languages.

34 (5) 'Individualized Education Plan' means a written education plan for children in special
 35 education, from age three through high school graduation or a maximum age of 22, that
 36 is meant to address each child's unique learning issues and include specific educational
 37 goals. The plan shall be created through a team effort and reviewed periodically.

38 (6) 'Individualized Family Service Plan' means a plan for special services for young
 39 children, from birth to age three, with developmental delays. The plan is developed with
 40 the service coordinator, the family, and other professionals. The plan is set up to identify
 41 individual supports and services that will enhance the child's development. The plan
 42 must include an assessment of the child's present level of development, a statement of
 43 goals, and support services that will be put in place to achieve those goals, and the date
 44 services begin.

45 (7) 'Language' means the age appropriate development of human communication,
 46 spoken, written, or signed, consisting of the use of words and signs in a structured and
 47 conventional way.

48 (8) 'Literacy' means age appropriate, on-grade-level development of the comprehension
 49 and production of written text in English.

50 (9) 'Nonmanual markers' means various facial expressions, head tilting, shoulder raising,
 51 mouthing, and similar signals added to hand signs to create meaning.

52 (10) 'Spoken English' means when the English language is produced by one's voice for
 53 the purpose of linking words together to convey meaning that can also be written.
 54 Spoken English is perceived through listening and speech reading.

55 (b)(1)(A) There is created the Georgia Commission for ~~on Hearing Impaired and~~
 56 Persons who are Deaf or Hard of Hearing, which shall consist of ~~seven~~ ten members.
 57 ~~Five~~ Eight members shall be appointed by the Governor; ~~one member shall be deaf or~~
 58 hard of hearing whose primary language is American Sign Language, one member shall
 59 be deaf or hard of hearing whose primary languages are Spoken English and American
 60 Sign Language, one member shall be deaf-blind, one member shall be deaf or hard of
 61 hearing whose primary language is Spoken English, one member shall be appointed by
 62 the Senate Committee on Assignments, and one member shall be appointed by the
 63 Speaker of the House of Representatives. ~~At least two of the members shall be hearing~~

64 ~~impaired persons, and the remaining five members of the commission shall be selected~~
 65 ~~from among parents of children who are hearing impaired persons, persons who are~~
 66 ~~involved with hearing impaired persons or programs, and representatives of private~~
 67 ~~providers of services to hearing impaired persons.~~ Each commission member shall
 68 serve for a three-year term and until a successor is appointed and qualified. No member
 69 shall serve more than two consecutive terms. Any vacancy on the commission for any
 70 reason other than expiration of term shall be filled in the same manner as the original
 71 appointment for the remainder of the unexpired term.

72 (B) The commission shall select one member as chairperson.

73 (C) The commission shall be attached to the Department of Human Services for
 74 administrative purposes only as provided by Code Section 50-4-3.

75 (2) Members of the commission shall serve as such without compensation.

76 (3) The commission shall serve as the principal agency of the state to advocate on behalf
 77 of deaf or hard of hearing ~~impaired~~ persons by working to ensure those persons have
 78 equal access to the services, programs, and opportunities available to others.

79 (4) The commission shall:

80 (A) Assist ~~hearing impaired persons and parents of hearing impaired persons~~ deaf or
 81 hard of hearing persons and parents of such persons who are students in advocating for
 82 equal access to services, programs, and opportunities;

83 (B) Advise the Governor, General Assembly, commissioner of human services, and
 84 commissioner of community health on the development of policies, programs, and
 85 services affecting ~~hearing impaired persons~~ deaf or hard of hearing persons and on the
 86 use of appropriate federal and state moneys for such purposes;

87 (C) Create a public awareness of the special needs and potential of ~~hearing impaired~~
 88 ~~persons~~ deaf or hard of hearing persons;

89 (D) Provide the Governor, General Assembly, commissioner of human services, and
 90 commissioner of community health with a review of ongoing services, programs, and
 91 proposed legislation affecting ~~hearing impaired persons~~ deaf or hard of hearing persons;

92 (E) Advise the Governor, General Assembly, commissioner of human services, and
 93 commissioner of community health on statutes, rules, and policies necessary to ensure
 94 that ~~hearing impaired persons~~ deaf or hard of hearing persons have equal access to
 95 benefits and services provided to individuals in this state;

96 (F) Recommend to the Governor, General Assembly, commissioner of human services,
 97 and commissioner of community health legislation designed to improve the economic
 98 and social conditions of ~~hearing impaired persons~~ deaf or hard of hearing persons in
 99 this state;

100 (G) Propose solutions to problems of ~~hearing impaired persons~~ deaf or hard of hearing
 101 persons in the areas of education, employment, human rights, human services, health,
 102 housing, and other related programs;

103 (H) Work with other state and federal agencies and private organizations to promote
 104 economic development for ~~hearing impaired persons~~ deaf or hard of hearing persons;
 105 and

106 (I) Coordinate its efforts with other state and local agencies serving ~~hearing impaired~~
 107 persons deaf or hard of hearing persons.

108 (5) The commission may appoint, subject to the availability of funds and approval of the
 109 Governor, an executive director who must be experienced in administrative activities and
 110 familiar with the problems and needs of deaf or hard of hearing ~~impaired~~ persons. The
 111 commission may delegate to the executive director any powers and duties under this
 112 subsection that do not require commission approval. The executive director may be
 113 removed at any time by a majority vote of the commission. The executive director shall
 114 coordinate the provision of necessary support services to the commission with the
 115 Department of Human Services. Subject to availability of funds, the executive director
 116 may employ and direct staff necessary to carry out commission mandates, policies,
 117 activities, and objectives.

118 (6) The commission may contract in its own name. Contracts must be approved by a
 119 majority of the members of the commission and executed by the chairperson and the
 120 executive director. The commission may apply for, receive, and expend in its own name
 121 grants and gifts of money consistent with the powers and duties specified in this
 122 subsection.

123 (7) The commission may prepare and distribute periodic reports to the Governor, General
 124 Assembly, commissioner of human services, and commissioner of community health
 125 concerning the activities of the commission and the needs and concerns of deaf or hard
 126 of hearing ~~impaired~~ persons.

127 (c)(1) There is created within the Georgia Commission for Persons who are Deaf or Hard
 128 of Hearing a multiagency task force for the purposes of establishing a system of
 129 collaborative governance responsible for making recommendations to the General
 130 Assembly and the Governor regarding essential improvements to the state-wide system
 131 of developmental and educational services that support age-appropriate language and
 132 literacy proficiency for children who are deaf or hard of hearing from birth to third grade;
 133 engaging with stakeholders at the Department of Public Health, the Department of Early
 134 Care and Learning, and the Department of Education to ensure a seamless, integrated
 135 system of care from birth to literacy for children who are deaf or hard of hearing; and
 136 developing and supporting interagency practices and policies that support the

137 implementation of individualized birth to literacy plans for each child who is deaf or hard
 138 of hearing.

139 (2) The multiagency task force shall consist of eight members appointed by the Georgia
 140 Commission for Persons who are Deaf or Hard of Hearing. Such appointed members
 141 shall include: the chairperson of the commission, one member from the Department of
 142 Education with direct authority over deaf education in the state, one member from the
 143 Department of Public Health with direct authority over the early intervention program,
 144 one member from the Department of Early Care and Learning with direct authority over
 145 the preschool program, the coordinator of the early hearing detection and intervention
 146 program administered by the Department of Public Health, one member from the
 147 Department of Public Health with direct responsibility of current data management
 148 systems which track and monitor early identification and intervention for deaf or hard of
 149 hearing children, one member from the Department of Education with direct
 150 responsibility of current data management systems which track, monitor, and assess deaf
 151 or hard of hearing children, and one member from the State Board of Education. Each
 152 task force member shall serve for a three-year term and until a successor is appointed and
 153 qualified. No member shall serve more than two consecutive terms. Any vacancy on the
 154 task force for any reason other than expiration of term shall be filled in the same manner
 155 as the original appointment for the remainder of the unexpired term. A quorum of the
 156 task force shall be two-thirds of the members of the task force. Action of the task force
 157 shall require a two-thirds' vote of the entire task force membership.

158 (3) The task force may appoint, subject to the availability of funds and approval of the
 159 chairperson, an executive director who must be experienced in administrative activities
 160 and familiar with the individualized needs of children who are deaf or hard of hearing.
 161 The task force may delegate to the executive director any powers and duties required to
 162 facilitate the task force's policies, activities, and objectives. The executive director may
 163 be removed, at any time, by a majority vote of the task force. The executive director shall
 164 coordinate with the Department of Human Services to provide necessary support services
 165 to the task force.

166 (4) The chairperson shall call an organizational meeting of the task force on or before
 167 August 1, 2018.

168 (d)(1) There is created a stakeholder advisory committee to provide information and
 169 guidance to the task force created pursuant to subsection (c) of this Code section.

170 (2) The stakeholder advisory committee shall consist of 14 members appointed by the
 171 commission based upon the following criteria for each member:

172 (A) A parent of a child, under ten years of age, who is deaf or hard of hearing and who
 173 uses American Sign Language;

- 174 (B) A parent of a child, under ten years of age, who is deaf or hard of hearing and who
 175 uses Spoken English exclusively;
- 176 (C) A parent of a child, under ten years of age, who is deaf or hard of hearing and who
 177 uses American Sign Language, Spoken English, or both and for whom English is a
 178 second language;
- 179 (D) An adult who is deaf or hard of hearing who uses American Sign Language;
- 180 (E) An adult who is deaf or hard of hearing who uses Spoken English;
- 181 (F) A certified early intervention specialist who works with children from birth to three
 182 years of age using American Sign Language;
- 183 (G) A certified early intervention specialist who works with children from birth to
 184 three years of age using Spoken English exclusively;
- 185 (H) A certified early intervention specialist with experience in rural towns with a
 186 population of less than 35,000 and at least 150 miles away from metro Atlanta;
- 187 (I) A certified teacher who uses American Sign Language during instruction for deaf
 188 or hard of hearing children in pre-kindergarten through third grade;
- 189 (J) A certified teacher who uses both American Sign Language and Spoken English
 190 during instruction for deaf or hard of hearing children between pre-kindergarten
 191 through third grade;
- 192 (K) A certified deaf teacher who uses American Sign Language during instruction for
 193 deaf or hard of hearing children in pre-kindergarten through third grade in a state school
 194 for the deaf;
- 195 (L) A certified teacher who uses Spoken English exclusively during instruction for deaf
 196 or hard of hearing children in pre-kindergarten through third grade;
- 197 (M) A developmental psychologist or researcher who is an expert on language
 198 outcomes of children who are deaf or hard of hearing and who use American Sign
 199 Language, Spoken English, or both; and
- 200 (N) A pediatric audiologist with knowledge of Spoken English and American Sign
 201 Language who provides audiological assessment and intervention for children who are
 202 deaf or hard of hearing and is experienced in dispensing hearing technology in children.
- 203 (3) Each committee member shall serve for a three-year term and until a successor is
 204 appointed and qualified. No member shall serve more than two consecutive terms. Any
 205 vacancy on the committee for any reason other than expiration of term shall be filled in
 206 the same manner as the original appointment for the remainder of the unexpired term.
 207 Seven members of the committee shall constitute a quorum. Action of the committee
 208 shall require a two-thirds' vote of the entire committee membership.
- 209 (e) The task force, with counsel from the stakeholder advisory committee, shall provide
 210 the commission:

211 (1) A list of developmental milestones necessary for progressing toward age-appropriate
 212 language, including American Sign Language, Spoken English, and home language
 213 milestones, and English literacy proficiency by the end of third grade for deaf or hard of
 214 hearing children;

215 (2) A comprehensive and accurate resource, web-based and print-based, for use by
 216 parents and professionals to monitor the individual progress of children who are deaf or
 217 hard of hearing toward age-appropriate language, including American Sign Language,
 218 Spoken English, home language, and English literacy proficiency, by the end of third
 219 grade;

220 (3) A list of currently available assessments appropriate for evaluating an individual
 221 child's progress toward age-appropriate language, including American Sign Language,
 222 Spoken English, home language, and English literacy proficiency, by the end of third
 223 grade, and a standard administration schedule for each type of assessment. There shall
 224 be, at a minimum, one language assessment every six months and one literacy assessment
 225 every six months beginning at the date of enrollment in early intervention or school; and

226 (4) An individual report of a child's current functioning, developed in collaboration with
 227 professionals and the parents or caregivers, that will be used for the purpose of
 228 monitoring a child's progress toward age-appropriate language and English literacy
 229 proficiency by the end of third grade. If applicable, this report shall identify the potential
 230 reasons why the child is not meeting or progressing toward the language and literacy
 231 developmental milestones, and shall provide specific strategies, services, and programs,
 232 based on the child's and family's needs, that will be implemented to assist the child's
 233 success toward acquisition of age-appropriate language, including American Sign
 234 Language, Spoken English, and home language, and English literacy proficiency by the
 235 end of third grade.

236 (f) The recommendations provided for in subsection (e) of this Code section shall require
 237 a two-thirds' affirmative vote of the entire task force membership prior to implementation.
 238 It is the intent of the General Assembly that all costs associated with the implementation
 239 of such recommendations shall be funded, as available, by the funds designated to the
 240 Department of Public Health, the Department of Early Care and Learning, and the
 241 Department of Education, or local school districts by the Governor.

242 (g)(1) The Department of Public Health in conjunction with the Department of Early
 243 Care and Learning and the Department of Education shall establish a centralized,
 244 state-wide evaluation and data management system, to gauge the progress of
 245 age-appropriate and on-grade-level student performance from birth through high school
 246 graduation for every child who is deaf or hard of hearing. This data shall be used to align
 247 early intervention and educational services and performance for children who are deaf or

248 hard of hearing. The data management system shall allow for the sharing of demographic
 249 information and other data among agencies to ensure a seamless and integrated service
 250 delivery from birth through high school graduation. Parents or guardians may opt out of
 251 the data management system, if desired.

252 (2) All children who are deaf or hard of hearing will be identified and monitored, as of
 253 August 1, 2018, regardless of their eligibility for special education services. The data
 254 management system will monitor language and literacy assessment progress for children,
 255 including, but not limited to, children identified as deaf or hard of hearing at birth;
 256 children who became deaf or hard of hearing after birth; children referred for early
 257 intervention services for the deaf or hard of hearing, whether or not other disabilities are
 258 present; children who are deaf or hard of hearing and enrolled in community-based
 259 preschool settings and do receive additional services; children who are deaf or hard of
 260 hearing and enrolled in community-based preschool settings and do not receive additional
 261 services; children who are deaf or hard of hearing and on 504 plans as defined in Section
 262 504 of the federal Rehabilitation Act; children who are deaf or hard of hearing and
 263 enrolled in special education with hearing loss as their primary disability on
 264 Individualized Family Service Plans or Individualized Education Plans; children who are
 265 deaf or hard of hearing and enrolled in special education with hearing loss as a secondary
 266 or tertiary disability on Individualized Family Service Plans or Individualized Education
 267 Plans; children who are deaf or hard of hearing and who receive services in general
 268 education with additional services; and children who are deaf or hard of hearing and who
 269 receive general education services but not special services.

270 (h) A report detailing the provision of early intervention and school-age services and the
 271 language and literacy outcomes for children who are deaf or hard of hearing between the
 272 ages of birth and eight years shall be completed on or before September 1, 2019, and a
 273 similar report shall be completed on or before September 1 every year thereafter. Such
 274 report shall be jointly authored by the Department of Public Health, the Department of
 275 Early Care and Learning, and the Department of Education and approved by the
 276 commission and the advisory committee. The commission shall make the report available
 277 to the public on its website and present this report to the Governor and General Assembly
 278 no later than September 15, 2019, and every September 15 thereafter."

279 **SECTION 2.**

280 This Act shall become effective upon its approval by the Governor or upon its becoming law
 281 without such approval.

282

SECTION 3.

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