

House Bill 844 (COMMITTEE SUBSTITUTE)

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

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 monitor  
5 individual children's language and literacy progress; to establish parents' and guardians' right  
6 to make choices regarding their children's mode of communication; to develop a state-wide  
7 coordinated longitudinal data management system for all children who are deaf or hard of  
8 hearing; to require information sharing and collaboration among state agencies; to provide  
9 integrated and seamless services from birth through literacy; to require public reporting  
10 mechanisms; to provide for related matters; to provide for an effective date; to repeal  
11 conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

18 "30-1-5.

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

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

26 (2) 'Birth to literacy plan' means a longitudinal plan developed and implemented by the  
 27 multiagency task force created pursuant to subsection (c) of this Code section to ensure  
 28 that each child who is deaf or hard of hearing develops his or her maximal language and  
 29 literacy abilities. This plan may include, but is not limited to, a child's Individualized  
 30 Family Service Plan and Individualized Education Program.

31 (3) 'Commission' means the Georgia Commission for the Deaf or Hard of Hearing.

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

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

36 (6) 'Individualized Education Program' means a written education plan for children in  
 37 special education, from age three through high school graduation or a maximum age of  
 38 22, that is meant to address each child's unique learning issues and include specific  
 39 educational goals. The plan shall be created through a team effort and reviewed  
 40 periodically.

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

48 (8) 'Language' means the age appropriate development of human communication,  
 49 spoken, written, or signed, consisting of the use of words and signs in a structured and  
 50 conventional way.

51 (9) 'Literacy' means age appropriate, on-grade-level development of the comprehension  
 52 and production of written text in English.

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

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

58 (b)(1)(A) There is created the Georgia Commission ~~on Hearing Impaired and for the~~  
 59 ~~Deaf or Hard of Hearing~~, which shall consist of ~~seven~~ 12 members. ~~Five~~ Ten of the  
 60 members shall be appointed by the Governor; as follows: one member shall be deaf or  
 61 hard of hearing whose primary language is American Sign Language, one member shall  
 62 be deaf or hard of hearing whose primary languages are Spoken English and American

63 Sign Language, one member shall be deaf-blind, one member shall be deaf or hard of  
 64 hearing whose primary language is Spoken English, one member who became deaf  
 65 after the age of 18 years, one member shall be a parent of a child who uses Spoken  
 66 English exclusively, one member shall be a parent of a child who uses American Sign  
 67 Language, one member shall be an otolaryngologist or audiologist who serves people  
 68 who are deaf or hard of hearing, one member shall be a private provider of services for  
 69 people who are deaf or hard of hearing, and one member shall be involved with  
 70 programs that serve people who are deaf or hard of hearing. An additional two  
 71 members shall be appointed as follows: one member shall be appointed by the Senate  
 72 Committee on Assignments, and one member shall be appointed by the Speaker of the  
 73 House of Representatives. ~~At least two of the members shall be hearing-impaired~~  
 74 ~~persons, and the remaining five members of the commission shall be selected from~~  
 75 ~~among parents of children who are hearing-impaired persons, persons who are involved~~  
 76 ~~with hearing-impaired persons or programs, and representatives of private providers of~~  
 77 ~~services to hearing-impaired persons.~~ Each commission member shall serve for a  
 78 three-year term and until a successor is appointed and qualified. No member shall serve  
 79 more than two consecutive terms. Any vacancy on the commission for any reason other  
 80 than expiration of term shall be filled in the same manner as the original appointment  
 81 for the remainder of the unexpired term.

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

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

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

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

89 (4) The commission shall:

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

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

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

- 99 (D) Provide the Governor, General Assembly, commissioner of human services, and  
 100 commissioner of community health with a review of ongoing services, programs, and  
 101 proposed legislation affecting ~~hearing-impaired persons~~ deaf or hard of hearing persons;
- 102 (E) Advise the Governor, General Assembly, commissioner of human services, and  
 103 commissioner of community health on statutes, rules, and policies necessary to ensure  
 104 that ~~hearing-impaired persons~~ deaf or hard of hearing persons have equal access to  
 105 benefits and services provided to individuals in this state;
- 106 (F) Recommend to the Governor, General Assembly, commissioner of human services,  
 107 and commissioner of community health legislation designed to improve the economic  
 108 and social conditions of ~~hearing-impaired persons~~ deaf or hard of hearing persons in  
 109 this state;
- 110 (G) Propose solutions to problems of ~~hearing-impaired persons~~ deaf or hard of hearing  
 111 persons in the areas of education, employment, human rights, human services, health,  
 112 housing, and other related programs;
- 113 (H) Work with other state and federal agencies and private organizations to promote  
 114 economic development for ~~hearing-impaired persons~~ deaf or hard of hearing persons;  
 115 and
- 116 (I) Coordinate its efforts with other state and local agencies serving ~~hearing-impaired~~  
 117 persons deaf or hard of hearing persons.
- 118 (5) The commission may appoint, subject to the availability of funds and approval of the  
 119 Governor, an executive director who must be experienced in administrative activities and  
 120 familiar with the problems and needs of deaf or hard of hearing ~~impaired~~ persons. The  
 121 commission may delegate to the executive director any powers and duties under this  
 122 subsection that do not require commission approval. The executive director may be  
 123 removed at any time by a majority vote of the commission. The executive director shall  
 124 coordinate the provision of necessary support services to the commission with the  
 125 Department of Human Services. Subject to availability of funds, the executive director  
 126 may employ and direct staff necessary to carry out commission mandates, policies,  
 127 activities, and objectives.
- 128 (6) The commission may contract in its own name. Contracts must be approved by a  
 129 majority of the members of the commission and executed by the chairperson and the  
 130 executive director. The commission may apply for, receive, and expend in its own name  
 131 grants and gifts of money consistent with the powers and duties specified in this  
 132 subsection.
- 133 (7) The commission may prepare and distribute periodic reports to the Governor, General  
 134 Assembly, commissioner of human services, and commissioner of community health

135 concerning the activities of the commission and the needs and concerns of deaf or hard  
136 of hearing impaired persons.

137 (c)(1) There is created within the Georgia Commission for the Deaf or Hard of Hearing  
138 a multiagency task force for the purposes of establishing a system of collaborative  
139 governance responsible for making recommendations to the General Assembly and the  
140 Governor regarding essential improvements to the state-wide system of developmental  
141 and educational services that support age-appropriate language and literacy proficiency  
142 for children who are deaf or hard of hearing from birth to third grade; engaging with  
143 stakeholders at the Department of Public Health, the Department of Early Care and  
144 Learning, and the Department of Education to ensure a seamless, integrated system of  
145 care from birth to literacy for children who are deaf or hard of hearing; and developing  
146 and supporting interagency practices and policies that support the implementation of  
147 individualized birth to literacy plans for each child who is deaf or hard of hearing.

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

167 (3) The task force may appoint, subject to the availability of funds and approval of the  
168 chairperson, an executive director who must be experienced in administrative activities  
169 and familiar with the individualized needs of children who are deaf or hard of hearing.  
170 The task force may delegate to the executive director any powers and duties required to  
171 facilitate the task force's policies, activities, and objectives. The executive director may

172 be removed, at any time, by a majority vote of the task force. The executive director shall  
 173 coordinate with the Department of Human Services to provide necessary support services  
 174 to the task force.

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

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

179 (2) The stakeholder advisory committee shall consist of 13 members appointed by the  
 180 commission based upon the following criteria for each member:

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

183 (B) A parent of a child, under ten years of age, who is deaf or hard of hearing and who  
 184 uses Spoken English exclusively;

185 (C) A parent of a child, under ten years of age, who is deaf or hard of hearing and for  
 186 whom English is a second language;

187 (D) An adult who is deaf or hard of hearing who uses American Sign Language;

188 (E) An adult who is deaf or hard of hearing who uses Spoken English exclusively;

189 (F) A certified early intervention specialist who works with children from birth to three  
 190 years of age using American Sign Language;

191 (G) A certified early intervention specialist who works with children from birth to  
 192 three years of age using Spoken English exclusively;

193 (H) A certified early intervention specialist with experience in non-Metro Atlanta  
 194 areas;

195 (I) A certified teacher who uses Spoken English exclusively during instruction for deaf  
 196 or hard of hearing children in pre-kindergarten through third grade in non-Metro  
 197 Atlanta school systems;

198 (J) A certified teacher who uses both American Sign Language and Spoken English  
 199 during instruction for deaf or hard of hearing children between pre-kindergarten  
 200 through third grade;

201 (K) A certified deaf teacher who uses American Sign Language during instruction for  
 202 deaf or hard of hearing children in pre-kindergarten through third grade in a state school  
 203 for the deaf;

204 (L) A certified teacher who uses Spoken English exclusively during instruction for deaf  
 205 or hard of hearing children in pre-kindergarten through third grade in Metro Atlanta  
 206 school systems; and

207 (M) A pediatric audiologist with knowledge of language development who provides  
 208 audiological assessment and management for hearing aids, cochlear implants, and  
 209 bone-conduction aids for children who are deaf or hard of hearing.

210 (3) Each committee member shall serve for a three-year term and until a successor is  
 211 appointed and qualified. No member shall serve more than two consecutive terms. Any  
 212 vacancy on the committee for any reason other than expiration of term shall be filled in  
 213 the same manner as the original appointment for the remainder of the unexpired term.  
 214 Seven members of the committee shall constitute a quorum. Action of the committee  
 215 shall require a two-thirds' vote of the entire committee membership.

216 (e) The task force, with counsel from the stakeholder advisory committee, shall provide  
 217 the commission:

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

222 (2) A comprehensive and accurate resource, web-based and print-based, for use by  
 223 parents and professionals to monitor the individual progress of children who are deaf or  
 224 hard of hearing toward age-appropriate language as chosen by a parent or guardian,  
 225 including American Sign Language, Spoken English, home language, and English  
 226 literacy proficiency, by the end of third grade;

227 (3) A list of currently available assessments appropriate for evaluating an individual  
 228 child's progress toward age-appropriate language as chosen by a parent or guardian,  
 229 including American Sign Language, Spoken English, home language, and English  
 230 literacy proficiency, by the end of third grade, and a standard administration schedule for  
 231 each type of assessment. There shall be, at a minimum, one language assessment every  
 232 six months and one literacy assessment every six months beginning at the date of  
 233 enrollment in early intervention or school; and

234 (4) An individual report of a child's current functioning, developed in collaboration with  
 235 professionals and the parents or caregivers, that will be used for the purpose of supporting  
 236 a child's progress toward age-appropriate language as chosen by a parent or guardian and  
 237 English literacy proficiency by the end of third grade.

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

244 (g)(1) The Georgia Technology Authority, in conjunction with the Department of Public  
245 Health, the Department of Early Care and Learning, and the Department of Education,  
246 shall establish a process by which early intervention, early learning, and school age  
247 educational data for children who are deaf or hard of hearing will be shared among  
248 agencies and used to gauge the progress of age-appropriate and on-grade-level student  
249 performance from birth through high school graduation for every child who is deaf or  
250 hard of hearing. This data shall be used to align early intervention and educational  
251 services and performance for children who are deaf or hard of hearing. Interagency data  
252 management shall allow for the sharing of demographic information and other data  
253 among agencies to ensure a seamless and integrated service delivery from birth through  
254 high school graduation. Parents or guardians may opt out of the data management, if  
255 desired.

256 (2) In order to identify and monitor the language and literacy progress of all children in  
257 Georgia who are diagnosed as deaf or hard of hearing on or after August 1, 2018, all such  
258 children shall receive Georgia Testing Identification Numbers (GTIDs) from the  
259 Department of Education once the Department of Public Health receives an official  
260 diagnosis of hearing loss from a certified audiologist. The Department of Public Health  
261 shall be responsible for requesting GTIDs from the Department of Education on a  
262 monthly schedule. The Department of Public Health shall be responsible for entering the  
263 GTIDs into the Early Hearing Detection and Intervention Database used to monitor  
264 children who are deaf or hard of hearing. At the time of transition, the Department of  
265 Public Health shall be responsible for sharing GTIDs and language and literacy data with  
266 the Department of Early Care and Learning and the Department of Education to ensure  
267 a seamless and integrated service delivery from Part C to Part B of the Individuals with  
268 Disabilities Education Act (IDEA). Any gathering and sharing of data under this  
269 provision must comply with Health Insurance Portability and Accountability Act  
270 (HIPAA), Family Education Rights and Privacy Act (FERPA), and IDEA, and any other  
271 applicable federal or state law.

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



281 **SECTION 2.**

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

284 **SECTION 3.**

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