

House Bill 844 (COMMITTEE SUBSTITUTE)

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 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.