

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4485

FISCAL NOTE

BY DELEGATE ROWAN

[Introduced February 10, 2016; Referred
to the Committee on Education then Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §18-20-11, relating to providing for the “Deaf Children’s Bill of Rights Act”;
3 directing the public schools of this state to take certain initiatives in support of superior
4 educational prospects and opportunities for deaf children; requiring appropriate screening
5 and assessment of deaf children; requiring early intervention in detecting and addressing
6 deaf children’s needs; requiring schools to inform parents and guardians of policies related
7 to placement considerations and providing them opportunities to participate in programs
8 designed to assist their children; requiring schools to strive to provide deaf adult role
9 models for deaf children; requiring schools to provide opportunities for deaf children to
10 meet and associate with their school peers; requiring schools to provide qualified
11 individuals to assist deaf children to develop communication skills; requiring schools to
12 include individualized plans to assist each deaf child; requiring schools to provide the best
13 suited placement for deaf children; requiring schools to provide free and appropriate
14 education across a full spectrum of educational programs for deaf children; requiring the
15 State Board of Education to work with county boards of education to ensure appropriate
16 technical assistance is provided to deaf students; providing schools, where possible, have
17 deaf adults directly involved in determining appropriate program content designed to
18 educate deaf children; requiring all governing school authorities to comply with the
19 requirements of the new section as well as with all applicable state and federal laws; and
20 providing this section does create any new causes of action.

Be it enacted by the Legislature of West Virginia

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 section, designated §18-20-11, to read as follows:

ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

§18-20-11. The Deaf Children’s Bill of Rights Act.

1 (a) The Legislature hereby recognizes that children who are deaf and who utilize one or

2 more modes of communication have the same rights and potential to become independent, self-
3 actualizing and, in other cases, reach exceptional achievements. The Legislature further
4 recognizes the National Association of the Deaf (NAD) position that acquisition of language from
5 birth is an inalienable human right for every person, and that deaf infants and children should be
6 given the opportunity to acquire and develop proficiency in American Sign Language (ASL) as
7 soon as possible. The Legislature also recognizes, given the unique communication needs for
8 deaf children, there is a need to develop a comprehensive state-wide program which implements
9 a systematic approach to identify services for these children and their families in areas which may
10 include overseeing the development, communication, delivery, and data tracking of deaf children
11 across the state. Additionally, the Legislature recognizes that deaf children have the right to
12 appropriate screening and assessments of hearing capabilities at the earliest possible age or at
13 the time of identification and to be given assessment throughout the educational process at
14 regular intervals by qualified professionals. Finally, deaf children have the right to reach fluency
15 in ASL and English, referred to as the bimodal bilingual approach, at the earliest possible age
16 with assessments provided throughout the educational process at regular levels. Therefore, the
17 Legislature recognizes the Deaf Children's Bill of Rights as follows:

18 (1) Public schools and all publicly funded early intervention programs shall provide
19 children who are deaf, appropriate screening and assessment of hearing capabilities and
20 communication and language needs at the earliest possible age and the continuation of screening
21 services throughout the educational experience.

22 (2) Public schools and all publicly funded early intervention programs shall provide deaf
23 children with individualized and appropriate early intervention to support the acquisition of solid
24 language bases developed at the earliest possible age.

25 (3) Public schools shall inform the parents or guardians of children who are deaf of all
26 State Board of Education policies and rules relative to placement considerations and options
27 available to children who are deaf and provide opportunities for parents and guardians to fully

28 participate in the development and implementation of their child's education plan.

29 (4) Public schools shall strive to provide children who are deaf, opportunities to meet and
30 associate with adult role models who are deaf in order to learn advocacy skills, including self-
31 advocacy.

32 (5) Public schools shall provide deaf children opportunities to meet and associate with
33 their peers in the school environment and during school sponsored activities.

34 (6) Public schools shall provide deaf children access to qualified teachers, interpreters,
35 and resource personnel who communicate effectively with each child in the child's primary mode
36 of communication.

37 (7) Public schools shall include a communication plan in the individualized education
38 program designed for each deaf student who possesses exceptional skill or aptitude in
39 educational, physical, academic, artistic or athletic areas, for growth in the particular area in which
40 the student possesses exceptional skill or aptitude.

41 (8) Public schools shall provide deaf children placement that is best suited to each child's
42 individualized needs, including, but not limited to, social, emotional, and cultural needs, with
43 consideration for the child's age, degree and type of hearing loss, academic level, primary mode
44 of communication, style of learning, motivational level, and amount of family support.

45 (9) Public schools shall provide deaf children individual considerations for free, appropriate
46 education across a full spectrum of educational programs.

47 (10) Public schools shall provide services provided by qualified professionals in their
48 educational agencies to ensure technical assistance is available to support public school
49 governing authorities in meeting the needs of deaf children. The State Board of Education shall
50 work with the various county school boards to ensure technical assistance is available to support
51 public school governing authorities in meeting the needs of deaf children.

52 (11) Public schools shall provide deaf children full access to all programs in their
53 educational settings.

54 (12) Deaf children are entitled to have the public fully informed concerning medical,
55 cultural, and linguistic issues of deaf individuals.

56 (13) Public schools, where possible, shall have deaf adults directly involved in determining
57 the extent, content, and purpose of all programs that affect the education of children who are
58 deaf.

59 (b) Public school governing authorities shall comply with the provisions of this section, in
60 accordance with applicable state and federal law, policy and regulation.

61 (c) Nothing in this section may be construed to create a right of action that is not currently
62 provided for in state or federal law or regulation on behalf of an individual student or a class of
63 students for the failure of a particular public school or public school governing authority to comply
64 with any provision of this section, or to prevent the parent or legal guardian of a student from filing
65 a complaint as provided in applicable state or federal law.

NOTE: The purpose of this bill is to enact into law the “Deaf Children’s Bill of Rights Act” in order to require public schools and other publicly funded entities who come into contact with deaf children to perform certain duties and responsibilities intended to better the lot of deaf children. Toward that goal, the bill includes the following provisions: (1) Directing the public schools of this state to take certain initiatives in support of superior educational prospects and opportunities for deaf children; (2) requiring appropriate screening and assessment of deaf children; (3) requiring early intervention in detecting and addressing deaf children’s needs; (4) requiring schools to inform parents and guardians of policies related to placement considerations and providing them with opportunities to participate in programs designed to assist their children’s needs; (5) requiring schools to strive to provide adult role models for deaf children; (6) requiring schools to provide deaf children with opportunities to meet and associate with their school peers; (7) requiring schools to enlist qualified individuals to assist deaf children develop communication skills; (8) requiring schools to include individualized plans to assist each deaf child; (9) requiring schools to provide the best suited placement for deaf children; (10) requiring schools to provide free and appropriate education across a full spectrum of educational programs; (11) requiring the State Board of Education to work with county boards of education to ensure appropriate technical assistance is provided to deaf students; (12) providing schools, where possible, have deaf adults directly involved in determining appropriate program content designed to educate deaf children; (13) requiring all governing school authorities to comply with the requirements of the new section as well as with all applicable state and federal laws; and (14) providing this section does create any new causes of action.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.