

HOUSE BILL NO. 2813

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FITZWATER (49).

6880H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 209, RSMo, by adding thereto one new section relating to the deaf child's bill of rights.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 209, RSMo, is amended by adding thereto one new section, to be known as section 209.350, to read as follows:

209.350. 1. There is hereby established the “Deaf Child’s Bill of Rights” to read as follows:

(1) Children who are deaf have the right to appropriate screenings and assessments of hearing and vision capabilities by qualified professionals proficient in American Sign Language (ASL), English, and educational needs of deaf children, and to learn American Sign Language and English at the earliest possible age or at the time of identification and assessment throughout the educational process at regular intervals.

(2) Children who are deaf shall receive individualized and appropriate early language access services by qualified providers to support the acquisition of solid language bases as early as possible and be assessed at regular intervals every three months prior to kindergarten and every three years until twenty-one years of age, utilizing normed and age-appropriate benchmarks. Assessments shall identify current language levels and educational planning to support progress. Failure to show progress shall be subject to state agency intervention to ensure measures are taken to remediate the issue.

(3) All educational entities including pre-kindergarten (pre-k) to and including the twelfth grade shall ensure that parents or guardians of children who are deaf have full and informed participation in the development of their children’s educational plans and the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 determination of educational placement based on the child's educational and language
19 needs and the capacity of the program to meet these needs. Furthermore, the child's
20 parents or guardians may request enrollment in a school for deaf students.

21 (4) Children who are deaf shall have placement that is best suited to each child's
22 individual needs including, but not limited to, language levels, social, emotional, and
23 cultural needs, with consideration for the child's age, degree of hearing loss, academic
24 level, language needs, style of learning, motivational level, and amount of family support.
25 A language access plan shall be required as part of the student's individual family service
26 plan, individualized education program, or individual accommodation plan.

27 (5) All educational entities from pre-k up to and including twelfth grade shall
28 provide placement options across a full spectrum of educational programs and shall inform
29 parents about all school choices including the state school for the deaf.

30 (6) All educational entities from pre-k up to and including twelfth grade shall
31 provide enrolled children who are deaf access to full support services by qualified
32 professionals in their educational settings. The department of elementary and secondary
33 education or a designated authority shall work with educational entities to ensure technical
34 assistance is available to support programs in meeting the needs of deaf students.

35 (7) Deaf children have the right to direct instruction. If that is not possible, all
36 educational entities from pre-k through twelfth grade shall provide enrolled children who
37 are deaf access to qualified teachers, interpreters, and resource personnel who are fluent
38 in both ASL and English along with the child's home language, if applicable. Qualified
39 providers shall include, but not be limited to, teachers of deaf students, paraprofessionals,
40 certified interpreters, school psychologists, speech and language pathologists, American
41 Sign Language specialists, and counselors.

42 (8) Children under seven years of age who do not receive direct instruction shall
43 have a certified deaf interpreter in the classroom to enhance language acquisition.

44 (9) Children who are deaf shall have full access to all programs and information
45 in their educational placements including, but not limited to, extracurricular activities,
46 recess, lunch, media showings, and public announcements.

47 (10) Children who are deaf shall have opportunities to meet and associate with
48 adult role models who are deaf and learn about identity, self-advocacy, and leadership
49 skills.

50 (11) Children who are deaf shall have opportunities to meet and associate with deaf
51 peers that are of similar age or have similar academic abilities during school hours and
52 school-sponsored activities, including those occurring outside regular school hours.

53 (12) Professionals in related fields working with deaf children shall be responsible
54 to provide full information to the children's families on medical, ethical, cultural, and
55 linguistic issues including the risks, benefits, and consequences of technology, cochlear
56 implant surgery, hearing aids, and language acquisition or deprivation.

57 (13) Children who are deaf are entitled to the involvement, if requested, of deaf
58 adults in determining the extent, content, and purpose of all programs that affect their
59 education.

60 (14) Children who are deaf are entitled to have direct access to mental health
61 services and supporting services from qualified providers fluent in American Sign
62 Language.

63 (15) A state agency shall be designated to track each deaf child from birth or
64 identification until twenty-one years of age. Each child shall have an individual family
65 service plan or individualized education program based on that child's unique language
66 and learning needs.

67 (16) If any school entity, educational institution, or early intervention program is
68 found to be in violation of this section, where the child is shown to be language deprived
69 or lacking in development, such provider may be subject to an intervention by the
70 responsible state agency. Each state agency shall aggregate and publish results of data on
71 an annual basis.

72 2. For purposes of this section, the following terms shall mean:

73 (1) "Deaf", any individual who is deaf, hard of hearing, deaf-blind, or deaf-plus,
74 meaning deaf with special needs;

75 (2) "Language access", a process of providing tools to the deaf child to acquire a
76 language and that allows the deaf child to access a free and appropriate education and
77 participate in everyday activities;

78 (3) "Language acquisition", a process by which a deaf child acquires the capacity
79 to perceive and comprehend language, as well as to produce and use words and sentences
80 to communicate;

81 (4) "Qualified professional", any professional working with a deaf child who shall
82 demonstrate knowledge of language acquisition in deaf children, demonstrate fluency in
83 ASL as measured by the ASL Proficiency Interview, and show credentials in his or her
84 specialized profession. Interpreters shall show qualifications by K-12 certification through
85 the Registry of Interpreters for the Deaf.

✓