

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

**H.B. 1002**  
**May 17, 2012**  
**HOUSE PRINCIPAL CLERK**

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HOUSE DRH11296-TLz-15 (04/05)

Short Title: Bill of Rights/Deaf/Hearing Impaired. (Public)

Sponsors: Representatives Blackwell, Holloway, Jordan, and Gill (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT ESTABLISHING A BILL OF RIGHTS FOR CHILDREN WHO ARE DEAF OR  
3 HEARING IMPAIRED, AS RECOMMENDED BY THE HOUSE SELECT  
4 COMMITTEE ON EDUCATION REFORM.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Part 29 of Article 3 of Chapter 143B of the General Statutes is  
7 amended by adding the following new sections to read:

8 **"§ 143B-216.35. Short title.**

9 This act may be cited as the "Deaf Child's Bill of Rights."

10 **"§ 143B-216.35.1. Findings.**

11 The General Assembly makes the following findings:

- 12 (1) Children with low-incidence disabilities, as a group, make up approximately  
13 one percent (1%) of the total statewide enrollment for kindergarten through  
14 grade 12.
- 15 (2) Children with low-incidence disabilities require highly specialized services,  
16 equipment, and materials.
- 17 (3) Deafness impacts the most basic of human needs, such as the ability to  
18 communicate with other human beings. Many deaf or hearing-impaired  
19 children use, as their primary communication mode, American Sign  
20 Language (ASL), while others express and receive language through an  
21 English-based sign language system, and others express and receive  
22 language orally and aurally, with or without visual signs or cues. Still others,  
23 typically young deaf or hearing-impaired children, lack any significant  
24 language skills and communication skills in any mode of communication. It  
25 is essential for the well-being and growth of deaf and hearing-impaired  
26 children that educational programs recognize the unique nature of deafness  
27 and ensure that all deaf and hearing-impaired children have appropriate,  
28 ongoing, and fully accessible educational opportunities.
- 29 (4) It is essential that children who are deaf or hearing impaired, like all  
30 children, have an education in which their unique communication mode is  
31 respected, used, and developed to an appropriate level of proficiency.
- 32 (5) It is essential that children who are deaf or hearing impaired have  
33 educational placements in which the children are provided, when  
34 appropriate, with qualified certified or licensed teachers, psychologists,  
35 speech therapists, assessors, administrators, interpreters, school counselors,



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1 and other personnel who understand the unique nature of deafness and are  
2 specifically trained to evaluate and work with deaf or hearing-impaired  
3 children. These personnel should be proficient in the primary  
4 communication and language mode of deaf or hearing-impaired children.

5 (6) It is essential that deaf or hearing-impaired children, like all children, have  
6 an education with a sufficient number of communication mode peers with  
7 whom they can communicate directly and who are approximately at the  
8 same age and level of proficiency.

9 (7) It is essential that deaf and hearing-impaired children have an education in  
10 which their parents are involved in determining the extent, content, and  
11 purpose of programs, as well as exposure to deaf or hearing-impaired role  
12 models.

13 (8) It is essential that deaf or hearing-impaired children, like all children, have a  
14 program in which their unique vocational needs are provided for, including  
15 appropriate research, curricula, programs, staff, and outreach.

16 (9) It is essential that deaf or hearing-impaired children be able to participate in  
17 all parts of a school program, including after-school social and athletic  
18 functions.

19 (10) It is essential that all parents or legal guardians of deaf or hearing-impaired  
20 children receive a copy of the "Deaf Child's Bill of Rights" upon  
21 determination of the child's hearing loss and before an eligibility  
22 determination for special education services.

23 **"§ 143B-216.35.2. Communication mode or language defined.**

24 As used in this Part, "communication mode or language" means one or more of the  
25 following systems or methods of communication applicable to deaf or hearing-impaired  
26 children:

27 (1) American Sign Language. – The language of sign used by people in the deaf  
28 community in the United States and most of Canada with almost 200 years  
29 of evolution. The language is a sophisticated visual language with its own  
30 grammatical features that support communication and learning with the  
31 mind that does not hear spoken languages.

32 (2) English-based manual or sign system. – A few of the different forms of  
33 English-based signs that have evolved since the 1970s. These sign  
34 modalities have been created by people with the intent to mimic English on  
35 the hands. These sign modalities do not constitute a language and are not  
36 generally used by deaf or hard-of-hearing adults.

37 (3) Oral, aural, or speech-based training. – Training that depends primarily on  
38 listening with the support of amplification, lip reading, and the provision of  
39 speech therapy to foster language learning following a sequence similar to  
40 developmental steps of hearing peers.

41 **"§ 143B-216.35.3. Determination of disability; enrollment.**

42 (a) In developing an Individualized Education Program (IEP), as defined in  
43 G.S. 115C-106.3(8), for a child who is deaf or hearing impaired, in addition to any other  
44 requirements established by the State Board of Education, the IEP team shall consider the  
45 related services and program options for communication access and advise parents of the full  
46 continuum of alternative educational placements available to them. The IEP team shall consider  
47 the child's specific communication needs, and, to the extent possible, address those needs as  
48 appropriate in the child's IEP and determine the least restrictive environment. In considering the  
49 child's needs, the IEP team shall expressly consider the following:

50 (1) The child's individual communication mode or language.

- 1           (2)    The availability to the child of a sufficient number of age, cognitive, and  
2                    language peers of similar levels of proficiency.
- 3           (3)    The availability to the child of deaf and hearing-impaired adult models of the  
4                    child's communication mode or language.
- 5           (4)    The provision of appropriate, direct, or ongoing language access to teachers  
6                    of the deaf or hearing impaired and interpreters and other specialists who are  
7                    proficient in the child's primary communication mode or language.

8 The IEP team shall ensure that no child who is deaf or hearing impaired is denied the  
9 opportunity for instruction in a particular communication mode or language solely because (i)  
10 the child has some residual hearing; (ii) the child's parents are not fluent in the communication  
11 mode or language being taught; or (iii) the child has previous experience with some other  
12 communication mode or language.

13       (b)    Nothing in this section shall preclude instruction in more than one communication  
14 mode or language for any particular child. Any child for whom instruction in a particular  
15 communication mode or language is determined to be beneficial shall receive the instruction as  
16 part of the child's Individualized Education Program."

17           **SECTION 2.** This act is effective when it becomes law.