

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE DRH50200-LU-15 (01/31)

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

Sponsors: Representatives Blackwell and Farmer-Butterfield (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.

4 The General Assembly of North Carolina enacts:

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

7 "§ 143B-216.35. Short title.

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

9 "§ 143B-216.35.1. Findings.

10 The General Assembly makes the following findings:

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



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1 specifically trained to evaluate and work with deaf or hearing-impaired  
2 children. These personnel should be proficient in the primary  
3 communication and language mode of deaf or hearing-impaired children.

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

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

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

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

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

22 **"§ 143B-216.35.2. Communication mode or language defined.**

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

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

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

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

39 **"§ 143B-216.35.3. Determination of disability; enrollment.**

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

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

49 (2) The availability to the child of a sufficient number of age, cognitive, and  
50 language peers of similar levels of proficiency.

- 1           (3)    The availability to the child of deaf and hearing-impaired adult models of the  
2                    child's communication mode or language.
- 3           (4)    The provision of appropriate, direct, or ongoing language access to teachers  
4                    of the deaf or hearing impaired and interpreters and other specialists who are  
5                    proficient in the child's primary communication mode or language.

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

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

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