

By: Representative Rushing

To: Education

HOUSE BILL NO. 532

1 AN ACT TO CREATE THE "DEAF PERSONS' LITERACY RIGHTS AND
2 EDUCATION ACT"; TO PROVIDE DEFINITIONS; TO DECLARE CERTAIN
3 LITERACY RIGHTS OF DEAF STUDENTS; TO REQUIRE INDIVIDUALIZED
4 EDUCATIONAL PROGRAMS (IEP) FOR EACH DEAF STUDENT AND PRESCRIBE THE
5 COMPONENTS OF SUCH PLAN; TO CREATE AN ADVISORY COMMITTEE ON THE
6 EDUCATION OF DEAF CHILDREN AND PRESCRIBE ITS DUTIES AND
7 RESPONSIBILITIES; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** This act may be cited as the "Deaf Persons'
10 Literacy Rights and Education Act."

11 **SECTION 2.** As used in this act, the following terms shall
12 have the meanings respectively ascribed to them in this section,
13 unless the context clearly indicates otherwise:

14 (a) "Deaf student" means an individual who is eligible
15 for special education services or 504 services and whose hearing
16 is totally impaired or whose hearing is so seriously impaired as
17 to prohibit the person from understanding oral communications when
18 spoken to in a normal conversational tone and requires the
19 services of an interpreter to communicate, which adversely affects
20 the student's educational performance. This includes a



21 hearing-impaired student, but is not limited to, a person who is
22 mute and a person who is both deaf and mute.

23 (b) "Qualified interpreter" means an interpreter
24 certified by the national Registry of Interpreters for the Deaf,
25 Mississippi Registry of Interpreters for the Deaf or, in the event
26 a qualified interpreter so certified is not available, an
27 interpreter whose qualifications are otherwise determined.

28 (c) "Oral interpreter" means a person who interprets
29 language through facial and lip movements only and who does not
30 use manual communication.

31 (d) "Individualized Educational Program" (IEP) means a
32 statement developed for a student eligible for special education
33 services under Section 602(a)(20) of Part B of the Individuals
34 with Disabilities Education Act.

35 (e) "Assistive technology device" means any item, piece
36 of equipment or product system, whether acquired commercially off
37 the shelf, modified or customized, that is used to increase,
38 maintain or improve the functional capabilities of a deaf, mute,
39 hearing-impaired or deaf-blind student.

40 (f) "Assistive technology service" means any service or
41 provision of devices which directly assists the functional
42 capabilities of a deaf, mute, hearing-impaired or deaf-blind
43 student.

44 (g) "Compensatory skills" or "alternative techniques"
45 means those skills or techniques needed by blind or visually



impaired students to access all areas of the Mississippi Curriculum Frameworks. These skills include, but are not limited to: understanding hearing loss; amplification management, the use of resources and technology; communication skills; developing personal and interpersonal social interaction; independent living; recreation and leisure skills; and career education.

(h) "504 Plan" means a legal document under the provisions of the Rehabilitation Act of 1973 which is designed to plan a program of instructional services to assist a student with specialized needs who is in a general education setting.

SECTION 3. (1) The Legislature recognizes that students who are deaf, mute, hearing-impaired or deaf-blind who utilize one or more modes of communication have the same rights and potential to become independent and self-actualizing as children who are not deaf, mute, hearing-impaired or deaf-blind. Therefore the Legislature recognizes the Deaf Child's Bill of Rights as follows:

(a) Public schools and all publicly funded early intervention programs shall provide students who are deaf, mute, hearing-impaired or deaf-blind appropriate screening and assessment of hearing and vision capabilities and communication and language needs at the earliest possible age and the continuation of screening services throughout the educational experience;

(b) Public schools and all publicly funded early intervention programs shall provide students who are deaf, mute,



71 hearing-impaired or deaf-blind with individualized and appropriate
72 early intervention to support the acquisition of solid language
73 bases developed at the earliest possible age;

74 (c) Public schools shall inform the parents or
75 guardians of students who are deaf, mute, hearing-impaired or
76 deaf-blind of all State Board Education policies and regulations
77 relative to placement considerations and options available to
78 students who are deaf, mute, hearing-impaired or deaf-blind and
79 provide opportunities for parents and guardians to fully
80 participate in the development and implementation of their
81 student's education plan;

82 (d) Public schools shall strive to provide students who
83 are deaf, mute, hearing-impaired or deaf-blind opportunities to
84 meet and associate with adult role models who are deaf, mute,
85 hearing-impaired or deaf-blind to learn advocacy skills, including
86 self advocacy;

87 (e) Public schools shall provide students who are deaf,
88 mute, hearing-impaired or deaf-blind opportunities to meet and
89 associate with their peers in the school environment and during
90 school sponsored activities;

91 (f) Public schools shall provide students who are deaf,
92 mute, hearing-impaired or deaf-blind access to qualified teachers,
93 interpreters, and resource personnel who communicate effectively
94 with each child in that child's mode of communication;



95 (g) Public schools shall include a communication plan
96 in the Individualized Education Program (IEP) of every student
97 with an exceptionality who is deaf, mute, hearing-impaired or
98 deaf-blind. Where appropriate, public schools shall include a
99 communication plan in the Individualized Education Plan or 504
100 Plan for a student who is deaf, mute, hearing-impaired or
101 deaf-blind;

102 (h) Public schools shall provide students who are deaf,
103 mute, hearing-impaired or deaf-blind placement that is best suited
104 to each child's individual needs, including but not limited to
105 social, emotional, and cultural needs, with consideration for the
106 child's age, degree and type of hearing loss, academic level, mode
107 of communication, style of learning, motivational level, and
108 amount of family support;

109 (i) Public schools shall provide students who are deaf,
110 mute, hearing-impaired or deaf-blind individual considerations for
111 free, appropriate education across a full spectrum of educational
112 programs;

113 (j) Public schools shall provide students who are deaf,
114 mute, hearing-impaired or deaf-blind full support services
115 provided by qualified professionals in their educational settings.
116 The State Department of Education shall work with local education
117 agencies to ensure technical assistance is available to support
118 the school board of each local school district in meeting the



needs of students who are deaf, mute, hearing-impaired or deaf-blind;

(k) Public schools shall provide students who are deaf, mute, hearing-impaired or deaf-blind full access to all programs in their educational settings;

(l) Deaf, mute, hearing-impaired, and deaf-blind children are entitled to have the public fully informed concerning medical, cultural, and linguistic issues of individuals who are deaf, mute, hearing-impaired or deaf-blind; and

(m) Public schools, where possible, shall have deaf, mute, hearing-impaired adults directly involved in determining the extent, content and purpose of all programs that affect the education of students who are deaf, mute, hearing-impaired or deaf-blind.

(2) (a) The school board of each local school district shall comply with the provisions of this section, in accordance with applicable state and federal law, policy, and regulation.

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



144 **SECTION 4.** The following are found to be the literacy rights
145 of deaf students:

146 (a) Deaf, mute, hearing-impaired and deaf-blind
147 students shall be provided educational programs and services
148 designed to provide individualized, appropriate special education
149 and related services that enable a child to reach his or her
150 appropriate and uniquely designed goals for success. A child's
151 mode of communication will be respected, utilized and developed in
152 conformity with the child's IEP.

153 (b) Deaf, mute, hearing-impaired and deaf-blind
154 students shall have an education in which teachers of the deaf,
155 mute, hearing-impaired and deaf-blind, psychologists, speech
156 therapists, assessors and evaluators, administrators and other
157 education personnel understand the unique nature of deafness and
158 are appropriately trained in deaf education, as prescribed in the
159 Individual with Disabilities Act (20 USCS Section 1412).

160 (c) Placement decisions shall be determined as
161 prescribed in the Individuals with Disabilities Education Act, (20
162 USCS Section 1412). Local school districts will consider forming
163 cooperative programs, when necessary, to provide appropriate
164 services for deaf, mute, hearing-impaired and deaf-blind students.

165 (d) Parents shall have any and all rights as provided
166 under the Individuals with Disabilities Education Act, Part B,
167 including the right to equal participation in the development of
168 their child's IEP, the right to require review of their child's



IEP, and the right to an impartial due process hearing if they disagree with the services addressed on the IEP.

SECTION 5. (1) The State Department of Education shall provide for the development of a written individualized educational program for each deaf student eligible for educational services or equipment, or both, under Sections 37-23-1 through 37-23-157. The following information shall be considered during the development process of the deaf student's individual educational plan:

(a) The student's communicative needs and the families preferred mode of communication will be considered when developing the child's IEP. The parents or legal guardians shall have the right to express their opinions regarding the mode of communication appropriate for their child, including, but not limited to, American Sign Language, English-based manual or signed systems or total communications. The choice or placement shall be based solely on the child's need as determined by a multi-disciplinary IEP assessment of the school district.

(b) The student's placement will be in the least restrictive placement that can provide instruction in the mode of communication recommended by the IEP assessment.

(c) A program providing a strong language base will be the primary focus for all deaf, mute, hearing-impaired and deaf-blind students.



193 (d) Deaf, mute, hearing-impaired and deaf-blind
194 students shall be educated with language mode peers with whom they
195 can communicate directly and fluently and who are of the same or
196 approximately the same age and ability level to the extent
197 provided in the federal Individuals with Disabilities Education
198 Act (20 USCS Section 1412).

199 (2) A school district shall provide parents and/or guardians
200 with full information about their child's options for placement.
201 The school district shall ensure that a continuum of alternate
202 educational placements is available to meet the needs of deaf,
203 mute, hearing-impaired and deaf-blind students; the continuum must
204 include regular classes, special classes, special school, home,
205 institution or hospital when required. The full continuum of
206 educational placements shall be explained to the parents and/or
207 guardians at each IEP meeting. Placement decisions will occur
208 only after the child's individual educational, social and
209 vocational needs have been determined and the child's Individual
210 Education Plan (IEP) has been developed. Placement decisions will
211 not be made based upon those programs the local education agency
212 has presently available, but will be based upon a child's IEP and
213 least restrictive environment mandates as prescribed in the
214 federal Individuals with Disabilities Act. Parents and/or
215 guardians and the individual student's preferences for placement
216 will be given full consideration in making placement decisions.



217 **SECTION 6.** This act shall take effect and be in force from
218 and after July 1, 2017.

