

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 2035  
Corrected Copy 5/27/10

Short Title: Deaf Students' Bill of Rights. (Public)

Sponsors: Representatives Blackwell; Cleveland, Gill, Gillespie, Gulley, and Moore.

Referred to: Judiciary II, if favorable, Education, if favorable, Appropriations.

May 26, 2010

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH THE DEAF AND HEARING-IMPAIRED CHILD'S BILL OF  
3 RIGHTS, AND TO PROVIDE THAT ALL RESIDENTIAL SCHOOLS UNDER THE  
4 OFFICE OF EDUCATION SERVICES SHALL RESTORE THEIR SCHEDULES AS  
5 THEY EXISTED ON FEBRUARY 1, 2010, AND THAT THIS RESTORATION BE  
6 FUNDED FROM THE OFFICE OF EDUCATION SERVICES CENTRAL  
7 OPERATIONS.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. Part 1B of Article 9 of Chapter 115C of the General Statutes is  
10 amended by adding the following new section to read:

11 "**§ 115C-107.8. Deaf and Hearing-Impaired Child's Bill of Rights.**

12 (a) Findings: – The General Assembly finds that:

13 (1) Children with low-incidence disabilities, as a group, make up less than one  
14 percent (1%) of the total statewide enrollments for kindergarten through  
15 grade 12.

16 (2) Children with low-incidence disabilities often require highly specialized  
17 services, equipment, and materials.

18 (3) Deafness impacts the most basic of human needs, the ability to communicate  
19 with other human beings. Many deaf and hearing-impaired children use, as  
20 their primary mode of communication, American Sign Language (ASL)  
21 while others express and receive language through an English-based sign  
22 language system, and others express and receive language orally and aurally,  
23 with or without visual signs or cues. Still others, typically young deaf and  
24 hearing-impaired children, lack significant language skills and  
25 communication skills in any mode of communication. It is essential for the  
26 well-being and growth of deaf and hearing-impaired children that  
27 educational programs recognize the unique nature of deafness and ensure  
28 that all deaf and hearing-impaired children have appropriate, ongoing, and  
29 fully accessible educational opportunities.

30 (4) It is essential that children who are deaf or hearing-impaired:

31 a. Like all children, receive an education in which their unique  
32 communication mode is respected, utilized, and developed to an  
33 appropriate level of proficiency.

34 b. Receive an education in which teachers of the deaf and  
35 hearing-impaired, psychologists, speech therapists, assessors,  
36 administrators, and other special education personnel are certified or



- 1 licensed or otherwise specifically trained to work with deaf or  
2 hearing-impaired students, understand the unique nature of deafness,  
3 and are proficient in the primary communication mode of their  
4 students.
- 5 c. Like all children, receive an education with a sufficient number of  
6 communication mode peers with whom they can communicate  
7 directly and who are of the same, or approximately the same age and  
8 level of proficiency in that communication mode.
- 9 d. Receive an education in which their parents are involved in  
10 determining the extent, content, and purpose of programs as well as  
11 level of exposure to deaf and hearing-impaired role models.
- 12 e. Like all children, have programs in which their unique vocational  
13 needs are provided for, including appropriate research, curricula,  
14 programs, staff, and outreach.
- 15 f. Like all children, have programs in which they have direct and  
16 appropriate access to all components of the educational process,  
17 including, but not limited to, recess, lunch, and extracurricular social  
18 and athletic activities.
- 19 (b) Definitions. – As used in this section unless the context requires otherwise, the term  
20 "communication mode" means one or more of the following systems or methods of  
21 communication applicable to children who are deaf or hearing-impaired:
- 22 (1) American Sign Language.  
23 (2) English-based manual or sign systems.  
24 (3) Oral, aural, or speech-based training.
- 25 (c) Determination of disability and placement decision. –
- 26 (1) All parents and legal guardians of deaf and hearing-impaired children shall  
27 receive a copy of the "Deaf and Hearing-Impaired Child's Bill of Rights"  
28 upon determination of the child's hearing loss and prior to eligibility  
29 determination for special education services.
- 30 (2) In developing an Individualized Education Program (IEP) for a child who is  
31 deaf or hearing-impaired, in addition to any other requirements established  
32 by the IDEA or State Board of Education, the IEP Team shall consider  
33 related services and program options that provide the child with an  
34 appropriate and equal opportunity for communication access. The Team  
35 shall consider the child's and the child's family's unique communication  
36 needs to the extent possible. In considering the child's needs, the IEP Team  
37 shall consider all of the following:
- 38 a. The child's individual communication mode.  
39 b. The availability to the child of a sufficient number of age, cognitive,  
40 and communication mode peers of similar abilities.  
41 c. The availability to the child of deaf or hearing-impaired adult models  
42 in the child's communication mode.  
43 d. The provision of appropriate, direct, and ongoing communication  
44 access from teachers of deaf and hard of hearing children,  
45 interpreters, and other specialists who are proficient in the child's  
46 primary communication mode.
- 47 (3) No child who is deaf or hearing-impaired shall be denied the opportunity for  
48 instruction in a particular communication mode or language solely because:
- 49 a. The child has some residual hearing;  
50 b. The child's parents are not fluent in the communication mode of  
51 language being taught; or

- 1                   c.       The child has experience with some other communication mode.
- 2       (d)       Interpretation of Section. – Nothing in this section shall:
- 3               (1)       Preclude instruction in more than one communication mode for a particular
- 4                   child.
- 5               (2)       Be construed to require a specific number of peers to be provided for a child
- 6                   who is deaf or hearing-impaired.
- 7               (3)       Abrogate parental choice among public education programs."

8       **SECTION 2.** Prior to the beginning of the 2010-2011 school year, the Schools for  
9 the Deaf shall restore the residential and instructional schedule in effect at those schools prior  
10 to February 8, 2010.

11               The Department of Health and Human Services shall reduce the funding for the  
12 Office of Educational Services' central administrative office in Raleigh to fund the restored  
13 schedule.

14       **SECTION 3.** Section 2 of this act becomes effective July 1, 2010. The remainder  
15 of this act is effective when it becomes law.