

SENATE BILL REPORT

SB 5422

As Reported By Senate Committee On:
Education, February 28, 1995

Title: An act relating to requiring that an individualized education program for deaf, deaf-blind, and hard-of-hearing children fully consider the communication needs of the individual child.

Brief Description: Requiring individualized education programs to consider communication needs of deaf, deaf-blind, and hard-of-hearing children.

Sponsors: Senator Fraser.

Brief History:

Committee Activity: Education: 2/23/95, 2/28/95 [DPS-WM].

SENATE COMMITTEE ON EDUCATION

Majority Report: That Substitute Senate Bill No. 5422 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Hochstatter, Johnson and Rasmussen.

Staff: Susan Mielke (786-7422)

Background: Under current federal and state law, each school district must ensure a free and appropriate educational opportunity for children with disabilities. An appropriate education is designed to meet the unique needs, abilities, and limitations of the child. An individualized education program (IEP) must be developed for each child who receives special education services. The IEP is based on assessment analysis, and parental participation. Children with disabilities must be educated to the maximum extent appropriate, with children without disabilities.

Summary of Substitute Bill: The Superintendent of Public Instruction must establish a program and policy that promotes the education of deaf, deaf-blind, and hard-of-hearing children. The program must be shared with all school and educational service districts.

The program must recognize there are many ways for deaf and hard-of-hearing children to communicate. The educational opportunities available must be appropriate to each individual child's unique communication mode or language. Teachers of deaf, deaf-blind, and hard-of-hearing children should be specifically trained to work with the children, and be proficient in the primary communication mode or language of the children. The children should be educated with peers who are the same age, ability, and use the same primary communication mode or language. The children and their parents should have full access to all components of the educational process. When determining the least-restrictive environment for a deaf, deaf-blind, or hard-of-hearing child, the most effective communication mode and language must be taken into consideration.

The individualized education program developed for any special education student must consider the student's communication mode and language; group the student with peers of similar language, age, and abilities; provide access to teachers who are proficient in the student's primary language mode; and allow the parents of deaf, deaf-blind, and hard-of-hearing children to participate in the final decision on the placement and program of their child. Schools must give notice to parents of actions proposed in the IEP and the procedural safeguards available to the parents. When determining the least-restrictive environment, the Washington School for the Deaf must be considered.

Substitute Bill Compared to Original Bill: It is clarified that deaf, deaf-blind, and hard-of-hearing children should have access to qualified personnel who are proficient in special communication techniques.

Parents have the right to participate in the final decision about placement of the child, but do not have the right to make the final decision.

School districts are required to give notice to parents of all the procedural safeguards available to them.

Appropriation: None.

Fiscal Note: Requested on February 6, 1995.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill is necessary to provide an appropriate education to deaf children. Otherwise, they will continue to be isolated in schools because they do not have skilled interpreters or other deaf children to interact with.

Testimony Against: None.

Testified: PRO: James Morris, parent; Matthew Burns, consumer; Mindy Christensen, Mid-Columbia Association of Deaf and Hard of Hearing; Belinda McNabb, consumer; Pat and Denise Obermire, parents; Nancy Forrest, consumer/teacher; Tonya Mickelson, DSHS; Lawrence Petersen, Regional Educational Program for Deaf Students, Seattle Central CC; Lois E. Hoover, consumer/artist-consultant; Rebecca and Larry Farovitch, parents.