

SENATE BILL REPORT

SB 6432

As Reported By Senate Committee On:
Education, February 1, 1996

Title: An act relating to individualized education programs for deaf, deaf-blind, and hard of hearing children.

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

Sponsors: Senators Fraser, McAuliffe and Kohl.

Brief History:

Committee Activity: Education: 1/19/96, 2/1/96 [DPS].

SENATE COMMITTEE ON EDUCATION

Majority Report: That Substitute Senate Bill No. 6432 be substituted therefor, and the substitute bill do pass.

Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Finkbeiner, Hochstatter, Johnson, Pelz 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. The appropriate education must be 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 Office of the Deaf and Hard of Hearing Services, OSPI, the State Board of Education and the Education Service Districts must conduct a study and report to the Legislature on the unmet needs of deaf, deaf-blind and hard of hearing students in public K-12 schools.

The State Board of Education with the Office of the Deaf and Hard of Hearing Services must establish competencies for educational interpreters for the deaf.

After September 1, 1998, only qualified educational interpreters that demonstrate the competencies may be used as educational interpreters for students in public schools.

A school district may seek a waiver from the State Board of Education competency requirements. The district must show that there is no educational interpreter within a

reasonable distance, and a plan to remedy the lack of qualified educational interpreters who can provide services in the school district.

Substitute Bill Compared to Original Bill: The original bill required the Superintendent of Public Instruction to establish policies, programs and rules that promote the education of deaf, deaf-blind, and hard-of-hearing children. SPI was to share these with all school districts and other appropriate local educational agencies.

The policies, programs and rules had to recognize there are many ways for deaf and hard-of-hearing children to communicate and that these children's educational opportunities must be appropriate to the child. The education should use and develop the child's unique language or communication mode. School personnel should understand the unique nature of deafness. Special education teachers and interpreters who work with 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 child. The children should be educated with a sufficient number of peers who are the same age, ability, and use the same primary communication mode or language. Parents, deaf adults and trained professionals should help determine the content and purpose of the programs developed. Deaf, deaf-blind, and hard-of-hearing children should have full access to all components of the educational process, including programs that meet their unique vocational needs. When determining the least-restrictive environment for a deaf, deaf-blind, or hard-of-hearing child, the most effective communication mode and language had to be taken into consideration.

The Office of the Superintendent of Public Instruction was required to provide a certification process for educational sign language/oral interpreters. Educational interpreters were required to be certified.

The individualized education program developed for any special education student was to consider the student's communication mode and language; group the student with peers of similar language, age, and abilities; provide access to teachers and other specialists who are proficient in the student's primary language mode; provide full communication accessibility during school and extracurricular activities or meetings; allow an advocate for parents of deaf, deaf-blind, and hard-of-hearing children at the placement meeting; and allow the parents to make the final decision on the placement and program of their child. When determining the least-restrictive environment, the Washington School for the Deaf has to be considered.

Appropriation: None.

Fiscal Note: Requested on January 11, 1996.

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

Testimony For: Many deaf children are not successful in school. Many of their needs are not met. The school districts that have a large number of deaf students usually provide appropriate deaf education. The problem is when a district has only a few deaf students. One big problem is that interpreters used in schools are unqualified or underqualified. Another problem is that the sign language used by the interpreter is not the sign language understood by the deaf student.

Testimony Against: None.

Testified: PRO: Karen Fraser, prime sponsor; Leon Curtis, Office of Deaf and Hard of Hearing; James Morris, parent; Tonya Michelson, DSHS; Kathy DeWitt, parent; Jessica DeWitt, deaf student.