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HOUSE BILL 2801

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State of Washington                      54th Legislature                      1996 Regular Session

By Representatives Romero, Dickerson and Costa

Read first time 01/19/96. Referred to Committee on Education.

1            AN ACT Relating to individualized education programs for deaf,  
2 deaf-blind, and hard of hearing children; adding new sections to  
3 chapter 28A.155 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.**    The purpose of this act is to promote  
6 understanding of communication needs and not to favor any one  
7 particular communication mode or language over another.

8            NEW SECTION.    **Sec. 2.**    (1) The office of superintendent of public  
9 instruction shall establish policies, programs, and rules to be  
10 disseminated to all school districts and other local educational  
11 agencies that promote the education of deaf, deaf-blind, and hard of  
12 hearing children and that recognizes the following:

13            (a) That deafness involves the most basic of human needs, the  
14 ability to acquire language and to communicate with other human beings.  
15 Many deaf and hard of hearing children use, as their primary language,  
16 American sign language, while others express and receive communication  
17 through English-based sign language, or orally and aurally, with or  
18 without visual signs or cues. Still other young deaf, deaf-blind, and

1 hard of hearing children lack any functional language skills. Deaf,  
2 deaf-blind, and hard of hearing children require educational programs  
3 that provide appropriate, ongoing, and communicatively and  
4 linguistically accessible educational opportunities;

5 (b) That deaf, deaf-blind, and hard of hearing children have an  
6 education in which each individual child's unique language or  
7 communication mode is respected, used, and developed to an appropriate  
8 level of proficiency;

9 (c) That deaf, deaf-blind, and hard of hearing children have an  
10 education in which special education teachers, audiologists, language  
11 specialists, psychologists, speech therapists, administrators,  
12 interpreters, appropriate adult deaf, deaf-blind, and hard of hearing  
13 role models, and other personnel understand the unique nature of  
14 deafness. Special education teachers and interpreters who work with  
15 deaf, or deaf-blind students, are specifically trained to work with and  
16 are proficient in the primary language or communication mode of those  
17 children;

18 (d) That deaf, deaf-blind, and hard of hearing children have an  
19 education with a sufficient number of language or communication mode  
20 peers who are of the same or approximately the same age and ability  
21 level and with whom the children can communicate directly, or as  
22 appropriate through the use of certified educational interpreters;

23 (e) That parents of deaf, deaf-blind, and hard of hearing children,  
24 advocates, deaf adults, teachers and professionals trained in the area  
25 of deafness assist and be involved in determining the extent, content,  
26 and purpose of this program;

27 (f) That deaf, deaf-blind, and hard of hearing children have direct  
28 and full access to all components of the educational process, including  
29 recess, lunch, and extracurricular social and athletic activities;

30 (g) That deaf, deaf-blind, and hard of hearing children are  
31 entitled to participate in programs in which their unique vocational  
32 needs are provided for; and

33 (h) That a determination of the least-restrictive environment as  
34 used in state and federal law take into consideration the most  
35 effective language and communication methods of deaf, deaf-blind, and  
36 hard of hearing children.

37 (2) As used in this section, the following definitions apply:

38 (a) "Communication mode and language" refer to the individual  
39 child's communication mode of language, whether oral, manual, or a

1 combination of oral and manual, or tactile, close visual aids, Braille,  
2 assistive listening devices, and hearing aids.

3 (b) A "certified educational sign language/oral interpreter" is a  
4 person who has been awarded certification by the office of  
5 superintendent of public instruction in accordance with accepted and  
6 established professional interpreting and transliterating standards as  
7 provided by or under the guidance of the office of deaf and hard of  
8 hearing services.

9 (c) A "certified educational interpreter" is a person who has  
10 demonstrated, among other established requirements, the following:

11 (i) A thorough knowledge and respect for deaf culture;

12 (ii) Compliance with the register of interpreters for the deaf's  
13 code of ethics as applicable to educational sign language interpreters  
14 and transliterators;

15 (iii) Fluent expressive and receptive sign language skills; and

16 (iv) A thorough knowledge of subject-area sign language skills and  
17 abilities.

18 NEW SECTION. **Sec. 3.** The individualized education program for a  
19 deaf, deaf-blind, or hard of hearing child shall consider the specific  
20 communication needs of the pupil, including all of the following:

21 (1) The pupil's individual communication mode and language;

22 (2) That competent numbers of age and cognitive and language peers  
23 of similar abilities be grouped together, however, this may not be  
24 construed to require that a specific number of peers be provided;

25 (3) Full, direct, and ongoing language access to special education  
26 teachers and interpreters and other specialists who are proficient in  
27 the pupil's primary language mode;

28 (4) Full communication accessibility during school, after school in  
29 extracurricular activities, and during any meeting pertaining to the  
30 child's school experience; and

31 (5) That parents of deaf, deaf-blind, and hard of hearing children  
32 may include an advocate and may make the final decision during the  
33 individualized education program meeting on placement and the program  
34 for their child.

35 NEW SECTION. **Sec. 4.** In considering placement and the least-  
36 restrictive environment for a deaf, deaf-blind, or a hard of hearing  
37 child, the individualized education program team shall consider the

1 unique communications needs of the child as provided in section 3 of  
2 this act. In making that determination, the individualized education  
3 program team shall consider particularly those program options that  
4 provide the pupil with an appropriate and equal opportunity for  
5 communication access, including the Washington school for the deaf,  
6 which may be the least-restrictive environment for a deaf, deaf-blind,  
7 or hard of hearing child.

8 NEW SECTION. **Sec. 5.** Sections 2 through 4 of this act are each  
9 added to chapter 28A.155 RCW.

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