
SENATE BILL 5422

State of Washington

54th Legislature

1995 Regular Session

By Senator Fraser

Read first time 01/23/95. Referred to Committee on Education.

1 AN ACT Relating to requiring that an individualized education
2 program for deaf, deaf-blind, and hard-of-hearing children fully
3 consider the communication needs of the individual child; adding new
4 sections to chapter 28A.155 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The office of superintendent of public
7 instruction shall establish a program and policy to be disseminated to
8 all school districts and other local educational agencies that promotes
9 the education of deaf, deaf-blind, and hard-of-hearing children and
10 that recognizes that:

11 (1) Deafness involves the most basic of human needs, the ability to
12 acquire language and to communicate with other human beings. Many deaf
13 and hard-of-hearing children use, as their primary language, American
14 sign language, while others express and receive communication through
15 English-based sign language, or orally and aurally, with or without
16 visual signs or cues. Still other young deaf, deaf-blind, and hard-of-
17 hearing children lack any functional language skills. Deaf, deaf-
18 blind, and hard-of-hearing children require educational programs that
19 provide appropriate, ongoing, communicatively, and linguistically

1 accessible education opportunities. For the purposes of sections 1
2 through 3 of this act, communication mode and language refer to the
3 individual child's communication mode of language, whether oral,
4 manual, or a combination of oral and manual, or tactile, close visual
5 aids, braille, assistive listening devices, and hearing aids. The
6 purpose of sections 1 through 3 of this act is to promote understanding
7 of communication needs and not to favor any one particular
8 communication mode or language over another;

9 (2) Deaf, deaf-blind, and hard-of-hearing children have an
10 education in which each individual child's unique language or
11 communication mode is respected, used, and developed to an appropriate
12 level of proficiency;

13 (3) Deaf, deaf-blind, and hard-of-hearing children have an
14 education in which special education teachers, audiologists, language
15 specialists, psychologists, speech therapists, administrators,
16 interpreters, and other personnel understand the unique nature of
17 deafness and are specifically trained to work with deaf, deaf-blind,
18 and hard-of-hearing children and in which their special education
19 teachers and interpreters are proficient in the primary language or
20 mode of communication of those children;

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

26 (5) Parents of deaf, deaf-blind, and hard-of-hearing children,
27 advocates, deaf adults, teachers, and professionals trained in the area
28 of deafness assist and be involved in determining the extent, content,
29 and purpose of this program;

30 (6) Deaf, deaf-blind, and hard-of-hearing children have direct and
31 full access to all components of the educational process, including
32 recess, lunch, and extracurricular social and athletic activities;

33 (7) Deaf, deaf-blind, and hard-of-hearing children are entitled to
34 participate in programs in which their unique vocational needs are
35 provided for;

36 (8) A determination of the least-restrictive environment as used in
37 state and federal law takes into consideration the most effective
38 language and communication methods of deaf, deaf-blind, and hard-of-
39 hearing children as described in sections 1 through 3 of this act.

1 NEW SECTION. **Sec. 2.** An individualized education program shall
2 consider the specific communication needs of the pupil, including:

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

4 (2) That competent numbers of age, cognitive, and language peers of
5 similar abilities be grouped together. However, this subsection shall
6 not be construed to require that a specific number of peers be
7 provided;

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

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

14 (5) That parents of deaf, deaf-blind, and hard-of-hearing children
15 have the right to include an advocate and to make the final decision
16 during the individualized education program meeting on placement and
17 the program for their child.

18 NEW SECTION. **Sec. 3.** In considering placement and the least-
19 restrictive environment for a deaf, deaf-blind, or a hard-of-hearing
20 child, the individualized education program team shall consider the
21 unique communications needs of the child as provided in section 2 of
22 this act. In making that determination, the individualized education
23 program team shall consider particularly those program options that
24 provide the pupil with an appropriate and equal opportunity for
25 communication access, including the Washington school for the deaf,
26 which may be the least-restrictive environment for a deaf, deaf-blind,
27 or hard-of-hearing child.

28 NEW SECTION. **Sec. 4.** Sections 2 and 3 of this act are each added
29 to chapter 28A.155 RCW.

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