

A Synopsis of the Bill of Rights for Deaf and Hard of Hearing Children

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The Bill of Rights for Deaf and Hard of Hearing Children has been increasingly proposed and enacted in a number of states throughout the country, and this article is a result of our compilation of these various bills and laws. Our suggestions for a model Bill of Rights is also provided in this article for your use. We welcome any additional information and suggestions you may have regarding the Bill of Rights in your State.

Background

We all read and hear endless information in professional journals, books, and presentations on the status of American deaf education and its course in the past fifty years, notably about two important factors: communication accessibility and educational placement alternatives for deaf and hard of hearing children. Too often the two factors are considered in a manner that may endanger deaf and hard of hearing children's cognitive, emotional, linguistic, social, and academic needs. As a result, a persistent pattern of ignorance and oppression of deafness may exist in the history of American deaf education and impede its potential for excellence.

In 1988, the Commission on Education of the Deaf (COED) report was issued to describe the unsatisfactory status of deaf education and to recommend specific changes pursuant to the request of the President and the Congress of the United States. In 1992, the U.S. Department of Education published a policy guidance regarding the Individuals with Disabilities Education Act (IDEA) and how the IDEA should be applied in order to ensure an appropriate education for deaf and hard of hearing children. Also in 1992, the Council of Organizational Representatives (COR) provided a Deaf Child's Bill of Rights in its testimony to Congress and requested that this Bill of Rights be incorporated in the Education of the Deaf Act (EDA). This Bill of Rights was not incorporated in the EDA, but has been copied in part in various State legislation as described below.

The implementation of a State Bill of Rights may initiate the untangling of such patterns by clarifying the concepts of appropriate communication access and educational standards for deaf and hard of hearing children. Even though there are regulations for the federal IDEA to require the consideration of a full range of educational placement options, such regulations are not adequately and effectively implemented. Legislative advocacy on the state level may be the most effective and appropriate way to realize and respect long overdue rights to communication and an appropriate education for deaf and hard of hearing children.

Legislative Initiatives

Currently, the following states have enacted the Bill of Rights for Deaf and Hard of Hearing Children:

Louisiana, enacted 6/8/93;

South Dakota, effective 7/1/93;
California, effective 1/30/94;
Rhode Island, enacted 7/3/95;
Colorado, enacted 3/18/96; and
Montana, State Board of Public Education policy.

The investigation of the NAD also show the following states have proposed similar legislation but have not yet enacted the Bill of Rights: Alaska, Arkansas, Connecticut, Hawaii, North Dakota, Utah, and Washington.

Common Provisions in All Acts & Bills

Deaf and hard of hearing children's ability to communicate is a priority.

One common characteristic of these Bills stresses the undeniable basic human need for a child to be able to communicate freely with others. The Bills usually state that their purpose is to promote understanding of communication needs and not to favor any one particular communication mode or language over another.

Availability of qualified and certified personnel who can communicate directly with deaf and hard of hearing children.

In order for an educational placement to be appropriate, the child must be provided, when appropriate, qualified and certified special education teachers, psychologists, speech therapists, assessors, administrators, interpreters, and other personnel who understand the unique nature of deafness and are specifically trained to work with deaf and hard of hearing children. These personnel are required to be proficient in the primary communication and language mode of deaf and hard of hearing children.

Deaf and hard of hearing children shall have an education with a sufficient number of same language mode peers who are of the same age and ability level.

This is designed to ensure a "critical mass" where there is sufficient number of peers of the approximate age, cognitive and ability level with whom deaf and hard of hearing children can communicate directly in the same language mode.

Deaf and hard of hearing children shall be provided opportunities to interact with deaf and hard of hearing adult role models.

Parents and educators should be informed of the benefits of an education in which deaf and hard of hearing students have deaf and hard of hearing role models or adult mentors available as part of the student's education experience in school and during extracurricular activities, and that the children are provided cultural experiences which give students access to deaf and hard of hearing adults as teachers, mentors, and advocates involved in servicing deaf and hard of hearing children.

Deaf and hard of hearing children shall derive equal benefit from all services and programs at their schools.

In schools, programs for deaf and hard of hearing children must have direct and appropriate access to all components of the educational process including, but not limited to, recess, lunch, extracurricular, social, and athletic activities.

Assessment of deaf and hard of hearing children shall be appropriately administered.

Appropriate screening and assessment of hearing capabilities and language needs should be required at the earliest possible age and be continued throughout the educational experience of the children. Only qualified and certified individuals proficient in the communication mode, style, or language(s) of the children should serve as assessors.

Unique Provisions

Some legislative bills offer unique provision(s) distinctive from each other for particular issues:

Communication

No deaf or hard of hearing child shall be denied the opportunity for instruction in a particular communication mode or language solely because of the child's remaining hearing, the parents of the child are not fluent in the communication mode or language being taught, or the child has previous experience with some other communication mode or language. The child's preferred mode should be respected in order to attain highest education possible for that individual in an appropriate environment.

Teachers must demonstrate competency in American Sign Language (ASL) in addition to English language and communication competencies in order to obtain any certification required to teach deaf and hard of hearing students.

Availability of interactions which enhance the child's intellectual, social, emotional and cultural development.

Provision of an education in which the child's unique communication mode (such as ASL) is respected, utilized, and developed to an appropriate level of proficiency and vocabulary equivalent to that of students of similar ages who are hearing.

Provision of early educational intervention to provide for the acquisition of a natural language base whether it be ASL, Speech, Cued Speech, Sign Language, another method, or a combination of methods. There shall be an early, consistent communication system during the child's critical language acquisition years.

Curriculum and Program Development

The right to have ASL as one of the academic subjects in the educational curriculum when the child's identified primary language is considered to be ASL, as determined with appropriate diagnostic information, and with the child's educational planning team, including parents, fully involved.

Consider that the state school for the deaf may be the least restrictive environment for a deaf or hard of hearing child.”

Ensure that the extent, content, and purpose of programs and services for deaf and hard of hearing children are created and developed with the involvement and assistance of deaf and hard of hearing people, parents of deaf and hard of hearing students, and qualified and certified teachers and professionals trained in the area of education of the deaf.

Services & Assistance by the Appropriate Educational Agency

Equip deaf and hard of hearing children with appropriate assistive technology across a full spectrum.

Ensure that the parents are enabled to make informed decisions about which educational options are best suited to their child, by receiving and reviewing thoroughly information about all the educational options provided by the school district and available to the child, as well as about options not provided by the school district.

Establish an outreach program that provides sign language training and assistance, language development, and other support services to the parents of a deaf or hard of hearing child, particularly an infant or toddler.

Take steps to implement the Bill of Rights, including, but not limited to, the development of written and other materials, the dissemination of such information, and the provision of workshops, symposia, and other procedures to ensure that the local educational agencies understand and implement the policy of this Act.

Developing a Bill of Rights

Ideally, a Bill of Rights for deaf and hard of hearing children should include all the discussed concepts in this article and more. The enactment of such a bill in your state may be possible by keeping your legislators informed of deaf and hard of hearing education issues and their findings, working with your State Association of the Deaf, and maintaining open communication with a variety of local, state and national services, programs, organizations, agencies, and other appropriate individuals and entities.

Development and Implementation

With rights, comes responsibility. This simple expression stresses the responsibility of the deaf and hard of hearing communities throughout the country

to actively participate in the development and implementation of a State Bill of Rights for deaf and hard of hearing children. The momentum of developing and enacting the bills of rights may be accomplished by consistently educating legislators with information on the unique needs of deaf and hard of hearing children, and in particular, deaf culture and sign language.

Legislators may steer the course of the State Bill of Rights toward full implementation if the deaf and hard of hearing communities stress education and literacy as the foremost concerns to allow deaf and hard of hearing individuals to be productive citizens of our society. Only by the efforts by your community may your legislators become more knowledgeable and enthusiastic about any proposed legislation addressing the educational needs and rights of deaf and hard of hearing children.

It is our responsibility to seize this opportunity to advocate for legislation that guarantees an appropriate education for deaf and hard of hearing children in all states before the 21st century.

The NAD will provide copies of any enacted and proposed Bill of Rights upon request.