

1 AN ACT relating to the education of children who are deaf and hard of hearing.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) The General Assembly finds that:*

6 *(a) Pupils with low-incidence disabilities require highly specialized services,*  
7 *equipment, and materials;*

8 *(b) Deafness involves the most basic human need to communicate with other*  
9 *human beings. Many deaf and hard-of-hearing children use an appropriate*  
10 *communication mode, sign language, which may be their primary*  
11 *language, while others express and receive language orally and aurally,*  
12 *with or without visual signs or clues. Still others, typically young deaf and*  
13 *hard-of-hearing children, lack any significant language skills. It is essential*  
14 *for the well-being and growth of deaf and hard-of-hearing children that*  
15 *educational programs recognize the unique nature of deafness and ensure*  
16 *that all deaf and hard-of-hearing children have appropriate, ongoing, and*  
17 *fully accessible educational opportunities;*

18 *(c) It is essential that deaf and hard-of-hearing children have an education in*  
19 *which:*

20 *1. Their unique communication mode is respected, utilized, and*  
21 *developed to an appropriate level of proficiency;*

22 *2. Teachers of the deaf and hard of hearing, psychologists, speech*  
23 *therapists, assessors, administrators, and other special education*  
24 *personnel understand the unique nature of deafness and are*  
25 *specifically trained to work with deaf and hard-of-hearing pupils;*

26 *3. Teachers of the deaf and hard of hearing are proficient in the primary*  
27 *language mode of those children;*

- 1           4. There are a sufficient number of language mode peers with whom  
2           they can communicate directly and who are of the same, or  
3           approximately the same, age and ability level;
- 4           5. Their parents and, when appropriate, deaf and hard-of-hearing people  
5           are involved in determining the extent, content, and purpose of  
6           programs;
- 7           6. They have direct and appropriate access to all components of the  
8           educational process, including but not limited to recess, lunch, and  
9           extracurricular social and athletic activities; and
- 10          7. Their unique vocational needs are provided for, including appropriate  
11          research, curricula, programs, staff, and outreach;
- 12          (d) Deaf and hard-of-hearing children would benefit from an education in  
13          which they are exposed to deaf and hard-of-hearing role models;
- 14          (e) Each deaf and hard-of-hearing child should have a determination of the  
15          least restrictive environment that takes into consideration these legislative  
16          findings and declarations; and
- 17          (f) Given their unique communication needs, deaf and hard-of-hearing  
18          children would benefit from the development and implementation of state  
19          and regional programs for children with low-incidence disabilities.
- 20          (2) For the purposes of this section, "communication mode or language" means one  
21          (1) or more of the following systems or methods of communication applicable to  
22          deaf and hard-of-hearing children:
- 23          (a) American sign language;
- 24          (b) English-based manual or sign systems; or
- 25          (c) Oral, aural, or speech-based training.
- 26          (3) When developing a written individual education plan for a child who is deaf or  
27          hard of hearing, in addition to any other requirement promulgated by

- 1 administrative regulation, the admission and release committee shall consider the  
2 related services and program options that provide the child with an appropriate  
3 and equal opportunity for communication access. The committee shall consider  
4 the child's specific communication needs and, to the extent possible under  
5 subsection (9) of this section, address those needs as appropriate in the child's  
6 individual education plan. In considering the child's needs, the committee shall  
7 expressly consider the following:
- 8 (a) The child's individual communication mode or language;  
9 (b) The availability to the child of a sufficient number of age, cognitive, and  
10 language peers of similar abilities;  
11 (c) The availability to the child of deaf or hard-of-hearing adult models of the  
12 child's communication mode or language;  
13 (d) The provision of appropriate, direct, and ongoing language access to  
14 teachers of the deaf and hard of hearing and interpreters and other  
15 specialists who are proficient in the child's primary communication mode  
16 or language; and  
17 (e) The provision of communication-accessible academic instruction, school  
18 services, and extracurricular activities.
- 19 (4) To enable a parent to make informed decisions concerning which educational  
20 options are best suited to the parent's child, all of the educational options  
21 provided by the school district and available to the child at the time the child's  
22 individual education plan is prepared shall be explained to the parent.
- 23 (5) No deaf or hard-of-hearing child shall be denied the opportunity for instruction  
24 in a particular communication mode or language solely because:  
25 (a) The child has some remaining hearing;  
26 (b) The child's parents are not fluent in the communication mode or language  
27 being taught; or

1        (c) The child has previous experience with some other communication mode or  
2                    language.

3        (6) Nothing in this section shall preclude instruction in more than one (1)  
4                    communication mode or language for any particular child. Any child for whom  
5                    instruction in a particular communication mode or language is determined to be  
6                    beneficial shall receive such instruction as part of the child's individual  
7                    education plan.

8        (7) Notwithstanding subsection (3)(b) of this section, nothing in this section shall be  
9                    construed to require that a specific number of peers be provided for a child who is  
10                   deaf or hard of hearing.

11       (8) Nothing in this section shall abrogate parental choice among public schools as  
12                   provided by law.

13       (9) Nothing in this section shall require a school district to expend additional  
14                   resources or hire additional personnel to implement the provisions of this section.