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SECTION 2. The Department of Health and Human Services and other State agencies and organizations upon the request of the Department of Public Instruction (DPI) shall make databases containing information on children under the age of 22 who are diagnosed as deaf or hard of hearing available to DPI. DPI shall use this information to develop and maintain a statewide data tracking system for the purpose of coordinating with other State agencies and organizations and ensuring literacy achievement for all such children who are deaf or hard of hearing.

SECTION 3. This bill is effective January 1, 2014.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2013

SESSION LAW 2013-119 HOUSE BILL 317

AN ACT TO IMPROVE EDUCATIONAL OUTCOMES FOR NORTH CAROLINA CHILDREN WHO ARE DEAF OR HARD OF HEARING.

Whereas, children with low-incidence disabilities, as a group, make up approximately one percent (1%) of the total statewide enrollment in public schools; and

Whereas, children with low-incidence disabilities may require highly specialized services, equipment, and materials from the age of onset; and

Whereas, the acquisition of language is essential to the achievement of literacy and academic success; and

Whereas, children who are deaf or hard of hearing, regardless of communication modality, are entitled to the same opportunity to achieve grade and age-level literacy as other children; and

Whereas, skill in signing or speaking does not guarantee skill in reading and writing, and reading and writing must be taught using the mode of the individual child's communication; and

Whereas, children who have a solid language base, regardless of whether it is spoken or signed, become better readers than those who do not; and

Whereas, all children who come to school and who are not proficient in reading and writing English, including children whose spoken language is not English and children who use non-English American Sign Language (ASL) or other combined signing systems, must receive specialized instruction in order to read and write English; and

Whereas, some children who are deaf or hard of hearing and who are not proficient in reading and writing English may be eligible for special education services if an Individualized Education Program (IEP) team determines the child's hearing loss is the reason the child has not obtained proficiency in reading and writing English; and

Whereas, some children who are deaf or hard of hearing require instruction from highly qualified and certified personnel who can communicate using the individual child's communication mode; and

Whereas, children who are deaf or hard of hearing may be classified as having a primary disability other than hearing loss for purposes of special education and, therefore, may not be tracked within existing Department of Public Instruction databases as having a hearing loss, thus making it challenging to monitor their language development and literacy achievement; and

Whereas, children who are deaf or hard of hearing may be best served by having opportunities to interact with a sufficient number of same language and communication mode peers who are of the same age and ability level; and

Whereas, it is desirable for children who are deaf or hard of hearing to have opportunities to interact with adult role models who are deaf or hard of hearing; and

Whereas, children who are deaf or hard of hearing should be offered equal opportunity to benefit from all services and programs at their school; and

Whereas, North Carolina has adopted the Common Core State and NC Essential Standards; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The State Board of Education shall do at least all of the following to improve the educational outcomes for North Carolina children who are deaf or hard of hearing:

- (1) Develop assessment procedures and protocols to measure, at least annually or more frequently if specified in a child's Individualized Education Program (IEP), the acquisition of language skills necessary for literacy using linguistically and culturally appropriate assessment tools. The results of these assessments shall be used to determine whether further support and services, if any, are needed for a child.
- (2) Require an IEP team to use the Communication Plan Worksheet for Student Who is Deaf or Hard of Hearing to document (i) the team's consideration of the language and communication needs of the individual child as the IEP is developed, reviewed, or revised, (ii) data to be used in the placement decisions made for that child, and (iii) the team's review, at least annually, of the child's placement and language and communication needs.
- (3) Ensure that personnel who are highly qualified in the education of children who are deaf or hard of hearing are available to meet the unique needs of each child, including interactions in the child's language and communication modality to meet academic and social goals.

- (4) Develop and implement strategies to ensure that parents of a child who is deaf or hard of hearing know they are entitled to request that the child's IEP team consider placement of their child in a residential setting and, if such a request is made, that a representative from one of the two North Carolina residential/day program schools for the deaf shall be a member of the IEP team.

SECTION 2. The Department of Health and Human Services and other State agencies and organizations upon the request of the Department of Public Instruction (DPI) shall make databases containing information on children under the age of 22 who are diagnosed as deaf or hard of hearing available to DPI. DPI shall use this information to develop and maintain a statewide data tracking system for the purpose of coordinating with other State agencies and organizations and ensuring literacy achievement for all such children who are deaf or hard of hearing.

SECTION 3. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 10th day of June, 2013.

s/ Daniel J. Forest
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Pat McCrory
Governor

Approved 4:11 p.m. this 19th day of June, 2013