

**HOUSE CONCURRENT RESOLUTION NO. 104**

(By Delegates M. Poling and Paxton)

Recognizing the Deaf or Hard of Hearing Student's Bill of Rights.

WHEREAS, Several states and state agencies in the nation have adopted a Deaf or Hard of Hearing Student's Bill of Rights in some form; and

WHEREAS, Hearing loss impacts one of the most basic of human needs: the ability to communicate with other human beings; and

WHEREAS, Many individuals who are deaf or hard of hearing use sign systems as their communication mode, and often American Sign Language (ASL) is their primary language; and

WHEREAS, "Communication Mode or Language" means one or more of the following systems or methods of communication applicable to the deaf and hard of hearing: American Sign Language; English-based manual or sign systems; oral, aural, or speech-based training; or any other communication mode or language which a student or his or her parents or guardians choose to utilize; and

WHEREAS, Other individuals who are deaf or hard of hearing express and receive language orally and aurally, with or without visual signs or cues; and

WHEREAS, Typically, young children who are deaf or hard of hearing lack significant English language skills; and

WHEREAS, It is essential for the well-being and growth of students who are deaf or hard of hearing that educational programs recognize the unique nature of hearing loss and ensure that all students who are deaf or hard of hearing have appropriate, ongoing and fully accessible educational opportunities in all settings; and

WHEREAS, There are more than 450 students who are deaf or hard of hearing in the State of West Virginia in grades kindergarten through twelfth; and

WHEREAS, A very small percentage of these students matriculate to post-secondary education after graduating from high school; and

WHEREAS, Many individuals who are deaf or hard of hearing remain unemployed after completing school due to communication barriers; and

WHEREAS, Students who are deaf or hard of hearing require specialized instruction, services, equipment, and materials; and

WHEREAS, Significant barriers to education and employment exist for individuals who are deaf or hard of hearing in our current education system and must be addressed; and

WHEREAS, Each student's unique communication mode must be respected, utilized, and developed to an appropriate level of proficiency; and

WHEREAS, A student who is deaf or hard of hearing must have an education in which teachers of the deaf and hard of hearing and the interpreter are proficient in the primary language mode of the student; and

WHEREAS, Each teacher of the deaf and hard of hearing must be appropriately trained in this area of exceptionality and be sensitive to the cultural and linguistic needs of students who are deaf or hard of hearing; and

WHEREAS, A student who is deaf or hard of hearing must receive an education in which teachers of the deaf and hard of hearing, psychologists, speech therapists, evaluators, administrators and other special education personnel understand the unique nature

of hearing loss and are specifically trained to understand the student's needs; and

WHEREAS, A student who is deaf or hard of hearing must be assessed using tools which accurately evaluate aptitude, achievement level or such other factors as the tool is intended to measure. Any assessment must be delivered and administered in the student's native language, must not be discriminatory, and must provide a qualified interpreter for its duration; and

WHEREAS, The Individual Education Plan (IEP) Team for a student who is deaf or hard of hearing must consider opportunities for direct communication with peers who are approximately the same age and ability level and in the student's language and communication modes; and

WHEREAS, The IEP Team must consider providing related services and program options that give the deaf or hard of hearing student an appropriate and equal opportunity for communication access; and

WHEREAS, In considering a student's specific communication needs, and especially the importance of clear communication, the IEP team must emphasize the acquisition of the language or

communication mode chosen for or by the student, including sign, speech or another mode; and

WHEREAS, Language acquisition must be prioritized through: Using the student's individual communication mode or language; providing the opportunity to interact with peers who have similar cognitive and language abilities; providing the opportunity for interaction with deaf or hard of hearing adult models who use the same or similar communication mode or language as the student; providing direct language access by teachers of the deaf and hard of hearing, interpreters and other specialists who are proficient in the student's primary communication mode or language; and providing accessible academic instruction, school services and extracurricular activities in the student's communication mode or language; and

WHEREAS, A student who is deaf or hard of hearing must have access to professional personnel with whom he or she can communicate directly in his or her language and communication modes; and

WHEREAS, A student who is deaf or hard of hearing and his or her parents or guardians must be given the opportunity to

participate fully in the educational planning, which includes having access to all relevant information; and

WHEREAS, A student who is deaf or hard of hearing must have programs in which he or she has direct and appropriate access to a full spectrum of educational and vocational training programs, including, but not limited to, recess, lunch and extracurricular social and athletic activities; and

WHEREAS, A student who is deaf or hard of hearing must be provided appropriate assistive technology, and students, teachers and other school personnel must be trained in its use; and

WHEREAS, A student who is deaf or hard of hearing must be educated in classrooms where sound levels meet the Acoustical Society of America (ASA) guidelines for reducing room noise and the signal-to-noise ratio through the use of materials such as acoustical tiles; and

WHEREAS, A student who is deaf or hard of hearing and uses hearing aids or cochlear implants must have daily monitoring of external components conducted by trained staff; and

WHEREAS, A student who is deaf or hard of hearing must have opportunities for interaction with deaf and hard of hearing role models and exposure to deaf culture; and

WHEREAS, To ensure a free and appropriate public education for a student who is deaf or hard of hearing, as required by the Individuals with Disabilities Education Act (IDEA), the IEP team must ensure that: All the educational options available to the student at the time his or her IEP is prepared are fully explained to the parents or guardians and the student in the student's communication mode or language; and the student is not denied the opportunity for instruction or extra curricular activities in a particular communication mode or language solely because the child has some hearing, his or her parents or guardians are not fluent in his or her communication mode, or the student has previous experience with some other communication mode or language; and

WHEREAS, All teachers, interpreters and other school personnel who work with students who are deaf or hard of hearing must be provided opportunities to receive professional development in their specialized fields, which must include educational strategies, interpreting skills and technology; and

WHEREAS, Due to the unique communication needs of students who are deaf or hard of hearing, consideration must be given to the provision of services, programs or shared resources across county lines; and therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Deaf or Hard of Hearing Student's Bill of Rights is hereby recognized; and, be it

*Further Resolved,* That a copy of this resolution be sent to the West Virginia Commission for the Deaf and Hard of Hearing, and all other appropriate organizations.