

# IMPLEMENTING THE DEAF CHILD'S BILL OF RIGHTS: GUIDELINES FOR SCHOOLS<sup>1</sup>



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<sup>1</sup> Portions of this document are taken from *The Deaf Child's Bill of Rights: What every Parent Should Know*. Colorado Families for Hands and Voices, 1998.

## WHAT IS THE DEAF CHILD'S BILL OF RIGHTS?

In May of 1996, the General Assembly approved Colorado State Law 96-1041, The Deaf Child's Bill of Rights. The Bill, sponsored by Representative Mo Keller, who is an educator of the Deaf, was strongly supported by parents of children who are Deaf or Hard of Hearing, and members of the Deaf community.

## WHAT IS THE PURPOSE OF THE DEAF CHILD'S BILL OF RIGHTS?

The Deaf Child's Bill of Rights "recognizes the unique nature of deafness and ensures that all deaf and hard of hearing children have appropriate, on-going, and fully accessible educational opportunities" [Sec.(2)(a)]. In addition to this commitment, the bill identifies nine essential features of education programs for children who are Deaf and Hard of Hearing. These features are (1)that each child's "unique communication mode is respected, utilized, and developed to an appropriate level of proficiency", (2) that teachers and other providers who work with children who are Deaf or Hard of Hearing are specifically trained for this population, including proficiency in the primary language mode of the children with whom they work, (3)that an education with a sufficient number of language mode peers with whom direct communication is possible and who are of same age and ability level is available, (4)that parent involvement and, where appropriate, people who are Deaf and Hard of Hearing, determine the extent, content, and purpose of educational programs, (5)that children who are Deaf and Hard of Hearing benefit from an education in which they are exposed to Deaf and Hard of Hearing role models, (6) that programs provide direct and appropriate access to all components of the educational process, including but not limited to recess, lunch, and extra-curricular activities, (7) that programs provide for the unique vocational needs, including appropriate research, curricula, programs, staff, and outreach, (8) that the least restrictive environment for each child who is Deaf or Hard of Hearing takes into consideration the legislative findings and declarations of this law, and (9) that due to the unique communication needs of children who are Deaf and Hard of Hearing, the development and implementation of state and regional programs would be beneficial.

This law has not created programs, services or requirements for school districts that do not currently exist within Colorado's Exceptional Children's Education Act (ECEA) or The Individuals with Disabilities Education Act (IDEA). Rather, this law serves to emphasize the critical nature of these issues in the education of children who are Deaf and Hard of Hearing. The requirements of the law may be found in the Colorado ECEA Rules and Regulations, Section 4.02 (4)(k). The law also states that it shall not "require a school district to expend additional resources or hire additional personnel to implement its provisions".

## HOW IS THIS LAW IMPLEMENTED?

This law went into effect in May of 1996 and its rules for implementation were adopted in May of 1997. The **COMMUNICATION PLAN** is the legal document which is the outcome of this law. It is required as part of each student's IEP and guides the school and parents through the various aspects of the law. The intent of the Communication Plan is to provide a mechanism/script within the IEP process which causes the school and parents to have a discussion about these very critical issues which impact the development and communication of every child who is Deaf or Hard of Hearing. Steps should be developed, in the form of an action plan, to describe activities or other modifications that will be conducted to meet the intentions of each aspect of the law. A sample Communication Plan is attached (as developed for the state computerized IEP).

## DEFINITIONS

Communication Mode or Language one or more of the following systems or methods of communication applicable to children who are Deaf and Hard of Hearing

- ◆ American Sign Language
- ◆ English-based manual or sign system
- ◆ oral, aural, or speech-based training

## THE COMMUNICATION PLAN: GUIDELINES FOR USE

The written IEP for each child with a hearing disability must include the Communication Plan as developed by the IEP team. The development and implementation of the Communication Plan, however, does not require the administrative unit to expend additional resources or hire additional personnel [ECEA Section 4.02(4)(k)].

*Having a Communication Plan that speaks to the unique, relative needs of the student who is Deaf or hard of hearing is essential to creating successful strategies for that child. The need for a Communication Plans exists to address more specifically certain issues around the educational and emotional experience of a child who is Dear or Hard of Hearing – issues not often called into question in traditional IEPs. With the Communication Plan, IEP teams statewide have a consistent means of thoroughly addressing these issues.*

*The considerations raised by this document require the IEP team and parents to delve more deeply into the individual experience of the child. There are five main points set forth in the communication Plan to frame the conversations of the group. The final document should address in actionable ways, the needs identified for the student.*

1. The Plan must include a statement identifying the child's primary communication mode as one or more of the following: Aural, Oral, Speech-based, English Based Manual or Sign System, American Sign Language. The IEP team cannot deny instructional opportunity based on the amount of the child's residual hearing, the ability of the parent(s) to communicate, nor the child's experience with other communication modes [ECEA Section 4.02(4)(k)(i)].

*When considering the child's primary communication mode, is there just one? More than one? Combinations? What do the parents use with their child? What does the child use with friends? Talk about it.*

2. The Plan must include a statement documenting that an explanation was given of all educational options provided by the school district and available to the child [ECEA Section 4.02(4)(k)(ii)].

*When considering all educational options, are the options available in your school district? What about statewide options including the Colorado School for the Deaf and the Blind, the magnet School for the Deaf in Denver, and open enrollment in other schools or districts? Encourage the family to check out the **Colorado Program Directory for Students who are Deaf or Hard of Hearing** and the **Resource Guide** if they are interested in pursuing those kinds of options for their child. These resources will also prove helpful in locating peers and adult role models.*

3. The Plan must include a statement documenting that the IEP team, in addressing the child's needs, considered the availability of Deaf and Hard of Hearing role models and a Deaf/Hard of Hearing peer group of the child's communication mode or language [ECEA 4.01(4)(k)(iii)].

*Because of the low incidence of a hearing disability, many students who are Deaf or Hard of Hearing find themselves without contact with other Deaf/Hard of Hearing children. Combine that with the fact that 95% of these children are born into families with normal hearing, and you've got the potential for serious isolation. How about some time during the week to "chat" on-line with other Deaf/Hard of Hearing kids? Does the family know about the various regional activities which occur during the year for Deaf/Hard of hearing children? Exploit all known opportunities and maybe even learn about some new ones.*

4. The Plan must include a statement that the teachers, interpreters, and other specialists delivering the Communication Plan to the student must have demonstrated proficiency in, and be able to accommodate for, the child's primary communication mode or language[ECEA 4.02(4)(k)(iv)].

*If everyone's comfortable with this move on. But, if there is a questions, discuss it and come up with an approach that can address the stated concerns. While additional funds and/or personnel are not options, are there training/in-service/mentoring possibilities? Is there an accommodation not being utilized? Review the IEP Checklist: Recommended Accommodations and Modifications that is attached. Have the conversation.*

5. The Plan must include a statement of the communication-accessible academic instruction, school services, and extracurricular activities that the student will receive [ECEA 4.02(4)(k)(v)].

*The qualifier here is "communication accessible". Is the student enjoying full access to academic instruction and services? To extra-curricular activities? The IEP Checklist for Recommended Accommodations and Modifications is an important resource here, as well as helping the family become an effective advocate for their child's communication accessibility outside school (TTYs, captioned television, interpreters at the museum, etc.) Make a plan.*

## Communication Plan For Child/Student who is Deaf/Hard of Hearing

The IEP team has considered each area listed below, and has not denied instructional opportunity based on the amount of the child's/student's residual hearing, the ability of the parent(s) to communicate, nor the child's/student's experience with other communication modes.

1. The child's/student's primary communication mode is one or more of the following : (check all that apply)
  - aural, oral, speech-based
  - American Sign Language
  - English-based manual or sign system

*Issues considered:*

*Action Plan, if any:*

2. The IEP team has considered the availability of deaf/hard of hearing adult role models and peer group of the child's/student's communication mode or language.

*Issues considered:*

*Action Plan, if any:*

3. An explanation of all educational options provided by the administrative unit and available for the child/student has been provided.

*Issues considered:*

*Action Plan, if any:*

4. Teachers, interpreters, and other specialists delivering the communication plan to the child/student must have demonstrated proficiency in, and be able to accommodate for, the child's/student's primary communication mode or language.

*Issues considered:*

*Action Plan, if any:*

5. The communication-accessible academic instruction, school services, and extracurricular activities the child/student will receive have been identified.

*Issues considered:*

*Action Plan, if any:*

## IEP CHECKLIST: RECOMMENDED ACCOMMODATIONS AND MODIFICATIONS FOR STUDENTS WITH HEARING IMPAIRMENT<sup>1</sup>

Name: \_\_\_\_\_

Date: \_\_\_\_\_

### Amplification Options

- \_\_\_ Personal hearing device (hearing aid, cochlear implant, tactile device)
- \_\_\_ Personal FM system (hearing aid + FM)
- \_\_\_ FM system/auditory trainer (without personal hearing aid)
- \_\_\_ Walkman-style FM system
- \_\_\_ Sound-field FM system

### Assistive Devices

- \_\_\_ TDD
- \_\_\_ TV captioner
- \_\_\_ Other \_\_\_\_\_

### Communication Accommodations

- \_\_\_ Specialized seating arrangements: \_\_\_\_\_
- \_\_\_ Obtain student's attention prior to speaking
- \_\_\_ Reduce auditory distractions (background noise)
- \_\_\_ Reduce visual distractions
- \_\_\_ Enhance speechreading conditions (avoid hands in front of face, mustaches well-trimmed, no gum chewing)
- \_\_\_ Present information in simple, structured, sequential manner
- \_\_\_ Clearly enunciate speech
- \_\_\_ Allow extra time for processing information
- \_\_\_ Repeat or rephrase information when necessary
- \_\_\_ Frequently check for understanding
- \_\_\_ Educational interpreter (ASL, signed English, cued speech, oral)

### Physical Environment Accommodations

- \_\_\_ Noise reduction (carpet & other sound absorption materials)
- \_\_\_ Specialized lighting
- \_\_\_ Room design modifications
- \_\_\_ Flashing fire alarm

### Instructional Accommodations

- \_\_\_ Use of visual supplements (overheads, chalkboard, charts, vocabulary lists, lecture outlines)
- \_\_\_ Captioning or scripts for television, videos, movies, filmstrips
- \_\_\_ Buddy system for notes, extra explanations/directions
- \_\_\_ Check for understanding of information
- \_\_\_ Down time/break from listening
- \_\_\_ Extra time to complete assignments
- \_\_\_ Step-by-step directions
- \_\_\_ Tutor
- \_\_\_ Notetaker

### Curricular Modifications

- \_\_\_ Modify reading assignments (shorten length, adapt or eliminate phonics assignments)
- \_\_\_ Modify written assignments (shorten length, adjust evaluation criteria)
- \_\_\_ Pre-tutor vocabulary
- \_\_\_ Provide supplemental materials to reinforce concepts
- \_\_\_ Provide extra practice
- \_\_\_ Alternative curriculum

### Evaluation Modifications

- \_\_\_ Reduce quantity of tests
- \_\_\_ Use alternative tests
- \_\_\_ Provide reading assistance with tests
- \_\_\_ Allow extra time
- \_\_\_ Other modifications: \_\_\_\_\_

### Other Needs/Considerations

- \_\_\_ Supplemental instruction (speech, language, pragmatic skills, auditory, speechreading skills)
- \_\_\_ Counseling
- \_\_\_ Sign language instruction
- \_\_\_ Vocational services
- \_\_\_ Family supports
- \_\_\_ Parent Counseling & Training
- \_\_\_ Deaf/Hard of Hearing role models
- \_\_\_ Recreational/Social opportunities
- \_\_\_ Financial assistance
- \_\_\_ Transition services

<sup>1</sup> Johnson, CD, Benson, P, & Seaton, J. 1997. Educational Audiology Handbook, Appendix 11-A