

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

851P0180

HOUSE BILL NO. 1242

Introduced by: Representatives Ahlers, Bradford, DeVries, Elliott, Engels, Gassman, Hills, Krebs, McLaughlin, Moore, Sigdestad, Van Norman, and Weems and Senators Sutton, Heidepriem, Jerstad, Olson (Ed), and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to require the Department of Education and the Board of
2 Regents to establish certain programs for children who are deaf and hard-of-hearing.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-33B-1 be amended to read as follows:

5 13-33B-1. The Department of Education ~~may~~ and the Board of Regents shall establish a
6 program and policy to be disseminated to all school districts and other local educational
7 agencies which promote the education of children who are deaf and hard-of-hearing ~~children~~
8 and which recognizes the following:

9 (1) That deafness involves the most basic of human needs, the ability to communicate
10 with other human beings. Many children who are deaf and hard-of-hearing ~~children~~
11 use, as their primary communication mode, American sign language, while others
12 express and receive language through English-based sign language, or orally and
13 aurally, with or without visual signs or cues. Still others, typically young children
14 who are deaf and hard-of-hearing ~~children~~, lack any significant language skills. ~~Deaf~~



1 Children who are deaf and hard-of-hearing ~~children~~ require educational programs that
2 provide appropriate, ongoing, and communicationally accessible educational
3 opportunities as specified by the individualized education program team. For the
4 purposes of this chapter, communication mode and language refer to the individual
5 child's communication mode or language, whether oral, manual, or a combination of
6 oral and manual. The purpose of this chapter is to promote understanding of
7 communication needs and not to favor any one particular communication mode or
8 language over another;

9 (2) That children who are deaf and hard-of-hearing ~~children~~ shall have an education in
10 which their unique communication mode is respected, utilized, and developed to an
11 appropriate level of proficiency as specified by the individualized education program
12 team;

13 (3) That children who are deaf and hard-of-hearing ~~children~~ have an education in which
14 special education teachers, psychologists, speech therapists, assessors, administrators,
15 interpreters, and other personnel understand the unique nature of deafness and are
16 specifically trained to work with children who are deaf and hard-of-hearing ~~children~~
17 and in which their special education teachers and interpreters are proficient in the
18 primary language mode of those children;

19 (4) That children who are deaf and hard-of-hearing ~~children~~ have an education with a
20 sufficient number of language mode peers who are of the same or approximately the
21 same age and ability level and with whom the children can communicate directly, or
22 as appropriate through the use of qualified interpreters;

23 (5) That parents of children who are deaf and hard-of-hearing ~~children~~, people who are
24 deaf and hard-of- hearing ~~people~~, teachers, and professionals trained in the area of

1 education of the deaf assist in determining the extent, content, and purpose of this
2 program;

3 (6) That children who are deaf and hard-of-hearing ~~children~~ have direct and appropriate
4 access to all components of the educational process, including recess, lunch, and
5 extracurricular social and athletic activities;

6 (7) That children who are deaf and hard-of-hearing ~~children~~ have programs in which
7 their unique vocational needs are provided for, including appropriate research,
8 curricula, programs, staff, and outreach;

9 (8) That a determination of the least restrictive environment as used in state and federal
10 law takes into consideration the unique communication needs of children who are
11 deaf and hard-of-hearing ~~children~~ as described in this chapter;

12 (9) The Department of Education and the Board of Regents shall take such steps as are
13 necessary to implement this section, including, ~~but not limited to,~~ the development
14 of written and other materials, the dissemination of ~~said~~ the information, and the
15 provision of workshops, symposia, and other procedures to insure that the local
16 educational agencies understand and implement the policy of this chapter.