
SUBSTITUTE SENATE BILL 5422

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Education (originally sponsored by Senator Fraser)

Read first time 03/01/95.

1 AN ACT Relating to requiring that an individualized education
2 program for deaf, deaf-blind, and hard-of-hearing children fully
3 consider the communication needs of the individual child; adding new
4 sections to chapter 28A.155 RCW; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The office of superintendent of public
7 instruction shall establish a program and policy to be disseminated to
8 all school districts and other local educational agencies that promotes
9 the education of deaf, deaf-blind, and hard-of-hearing children and
10 that recognizes that:

11 (1) Deafness involves the most basic of human needs, the ability to
12 acquire language and to communicate with other human beings. Many deaf
13 and hard-of-hearing children use, as their primary language, American
14 sign language, while others express and receive communication through
15 English-based sign language, or orally and aurally, with or without
16 visual signs or cues. Still other young deaf, deaf-blind, and hard-of-
17 hearing children lack any functional language skills. Deaf, deaf-
18 blind, and hard-of-hearing children require educational programs that
19 provide appropriate, ongoing, communicatively, and linguistically

1 accessible education opportunities. For the purposes of sections 1
2 through 3 of this act, communication mode and language refer to the
3 individual child's communication mode of language, whether oral,
4 manual, or a combination of oral and manual, or tactile, close visual
5 aids, braille, assistive listening devices, and hearing aids. The
6 purpose of sections 1 through 3 of this act is to promote understanding
7 of communication needs and not to favor any one particular
8 communication mode or language over another;

9 (2) Deaf, deaf-blind, and hard-of-hearing children have an
10 education in which each individual child's unique language or
11 communication mode is respected, used, and developed to an appropriate
12 level of proficiency;

13 (3) Deaf, deaf-blind, and hard-of-hearing children have an
14 education in which they have appropriate access to teachers,
15 audiologists, language specialists, psychologists, speech therapists,
16 administrators, interpreters, and other personnel understand the unique
17 nature of deafness and are specifically trained to work with deaf,
18 deaf-blind, and hard-of-hearing children and are proficient in the
19 primary language or mode of communication of those children;

20 (4) Deaf, deaf-blind, and hard-of-hearing children have an
21 education with a sufficient number of language or communication mode
22 peers who are of the same or approximately the same age and ability
23 level and with whom the children can communicate directly, or as
24 appropriate through the use of certified educational interpreters;

25 (5) Parents of deaf, deaf-blind, and hard-of-hearing children,
26 advocates, deaf adults, teachers, and professionals trained in the area
27 of deafness assist and be involved in determining the extent, content,
28 and purpose of this program;

29 (6) Deaf, deaf-blind, and hard-of-hearing children have direct and
30 full access to all components of the educational process, including
31 recess, lunch, and extracurricular social and athletic activities;

32 (7) Deaf, deaf-blind, and hard-of-hearing children are entitled to
33 participate in programs in which their unique vocational needs are
34 provided for;

35 (8) A determination of the least-restrictive environment as used in
36 state and federal law takes into consideration the most effective
37 language and communication methods of deaf, deaf-blind, and hard-of-
38 hearing children as described in sections 1 through 3 of this act.

1 NEW SECTION. **Sec. 2.** The team responsible for developing a
2 student's individualized education program shall consider the specific
3 needs of the pupil, including:

4 (1) The pupil's individual communication mode and language;

5 (2) That competent numbers of age, cognitive, and language peers of
6 similar abilities be grouped together. However, this subsection shall
7 not be construed to require that a specific number of peers be
8 provided;

9 (3) Full, direct, and ongoing language access to special education
10 teachers and interpreters and other specialists who are proficient in
11 the pupil's primary language mode;

12 (4) Full communication accessibility during school, after school in
13 extracurricular activities, and during any meeting pertaining to the
14 child's school experience; and

15 (5) That parents of deaf, deaf-blind, and hard-of-hearing children
16 have the right to include an advocate and to fully participate during
17 the individualized education program meeting on placement and the
18 program for their child.

19 NEW SECTION. **Sec. 3.** As required by the federal individuals with
20 disabilities act (20 U.S.C. Sec. 1415(b)(1)(D) and 20 U.S.C. Sec.
21 1415(b)(2)), the public education agency must give notice to the
22 parents, in written language understandable to the general public and
23 in the native language of the parent or mode of communication
24 understandable to the parent, of the actions proposed in the
25 individualized education program. This notice must include a full
26 explanation of all the procedural safeguards available to the parents,
27 including the right of appeal for a fair hearing.

28 NEW SECTION. **Sec. 4.** In considering placement and the least-
29 restrictive environment for a deaf, deaf-blind, or a hard-of-hearing
30 child, the individualized education program team shall consider the
31 unique communications needs of the child as provided in section 2 of
32 this act. In making that determination, the individualized education
33 program team shall consider particularly those program options that
34 provide the pupil with an appropriate and equal opportunity for
35 communication access, including the Washington school for the deaf,
36 which may be the least-restrictive environment for a deaf, deaf-blind,
37 or hard-of-hearing child.

1 NEW SECTION. **Sec. 5.** Sections 2 through 4 of this act are each
2 added to chapter 28A.155 RCW.

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