

AN ACT

ENTITLED, An Act to require the Department of Education to promote certain programs for children who are deaf and hard-of-hearing.

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

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

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

- (1) That deafness involves the most basic of human needs, the ability to communicate with other human beings. Many children who are deaf and hard-of-hearing use, as their primary communication mode, American sign language, while others express and receive language through English-based sign language, or orally and aurally, with or without visual signs or cues. Still others, typically young children who are deaf and hard-of-hearing, lack any significant language skills. Children who are deaf and hard-of-hearing require educational programs that provide appropriate, ongoing, and communicationally accessible educational opportunities as specified by the individualized education program team. For the purposes of this chapter, communication mode and language refer to the individual child's communication mode or language, whether oral, manual, or a combination of oral and manual. The purpose of this chapter is to promote understanding of communication needs and not to favor any one particular communication mode or language over another;
- (2) That children who are deaf and hard-of-hearing shall have an education in which their unique communication mode is respected, utilized, and developed to an appropriate level of proficiency as specified by the individualized education program team;

- (3) That children who are deaf and hard-of-hearing have an education in which special education teachers, psychologists, speech therapists, assessors, administrators, interpreters, and other personnel understand the unique nature of deafness and are specifically trained to work with children who are deaf and hard-of-hearing and in which their special education teachers or interpreters are proficient in the primary language mode of those children;
- (4) That children who are deaf and hard-of-hearing have an education with a sufficient number of language mode peers who are of the same or approximately the same age and ability level and with whom the children can communicate directly, or as appropriate through the use of qualified interpreters;
- (5) That parents of children who are deaf and hard-of-hearing, people who are deaf and hard-of-hearing, teachers, and professionals trained in the area of education of the deaf assist in determining the extent, content, and purpose of this program;
- (6) That children who are deaf and hard-of-hearing have direct and appropriate access to all components of the educational process, including recess, lunch, and extracurricular social and athletic activities;
- (7) That children who are deaf and hard-of-hearing have programs in which their unique vocational needs are provided for, including appropriate research, curricula, programs, staff, and outreach;
- (8) That a determination of the least restrictive environment as used in state and federal law takes into consideration the unique communication needs of children who are deaf and hard-of-hearing as described in this chapter;
- (9) The Department of Education shall take such steps as are necessary to implement this section, including the development of written and other materials, the dissemination of

the information, and the provision of workshops, symposia, and other procedures to insure that the local educational agencies understand and implement the policy of this chapter.

Section 2. This Act is effective on July 1, 2011.

An Act to require the Department of Education to promote certain programs for children who are deaf and hard-of-hearing.

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I certify that the attached Act originated in the

SENATE as Bill No. 121

\_\_\_\_\_  
Secretary of the Senate

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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 121  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State