

FIRST REGULAR SESSION

HOUSE BILL NO. 946

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MERIDETH AND MAYER (Co-sponsors).

Read 1st time March 8, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1515L.021

AN ACT

To amend chapter 162, RSMo, relating to school districts by adding thereto five new sections relating to the office of elementary and preschool deaf education.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 162, RSMo, is amended by adding thereto five new sections, to be
2 known as sections 162.1200, 162.1202, 162.1204, 162.1206 and 162.1208, to read as follows:

162.1200. As used in sections 162.1200 to 162.1208, the following terms mean:

2 **(1) "American sign language" or "ASL", a visual-gestural, nonverbal form of**
3 **communication with its own syntax and grammar, which differs from English;**

4 **(2) "Appraisal", an evaluation of a child's current level of performance in the**
5 **context of cognitive skills and the ability to master academic skills of literacy such as**
6 **reading, comprehension, composition and mathematics;**

7 **(3) "Auditory-oral", an approach to education of deaf students that uses auditory**
8 **training and speech reading;**

9 **(4) "Auditory-verbal", an approach to education of deaf students that pursues**
10 **medical and audiologic management, including selection, modification, and maintenance**
11 **of appropriate hearing aids, cochlear implants or other sensory aids; helps students**
12 **integrate listening into their development of communication and social skills; involves**
13 **parents as a major component of instruction; and uses listening as the primary method of**
14 **receptive communication;**

15 **(5) "Bilingual-bicultural with ASL", an approach to education of deaf students that**
16 **uses ASL as the primary method of instruction and communication, with English also**
17 **taught to give the student a bilingual capability. Bicultural refers to teaching the student**
18 **about both deaf culture and hearing culture;**

19 (6) "Cued speech", an approach to education of deaf students that allows access to
20 spoken English through a system of hand shapes made near the face to assist in lip-reading.
21 The cues are phonemically based;

22 (7) "Deaf", hearing impairment with loss so severe that it precludes the use of the
23 auditory channel as the primary means of developing speech and language skills. For the
24 purposes of sections 162.1200 to 162.1208 deaf shall include "hearing-impaired" unless the
25 context makes clear that deaf should be narrowly construed;

26 (8) "Eligible student", any deaf child eligible for services through an IEP or IFSP;

27 (9) "Hearing-impaired", any type or degree of hearing loss that has caused an
28 educational deficit;

29 (10) "IEP" and "IFSP", individualized education plan and individualized family
30 service plan, as defined in Title 34, Part 300, Subpart A of the Code of Federal Regulations,
31 as amended;

32 (11) "Literacy", an ability to read, write, communicate, compute and solve
33 problems at levels of proficiency necessary to function on the job and independently, to
34 achieve one's goals and develop one's knowledge and potential;

35 (12) "Signing exact English", a form of sign language using signs to exactly
36 represent English;

37 (13) "Total communication with signing exact English", an approach to education
38 of deaf students that provides auditory and visual information in combination by providing
39 appropriate amplification, and uses listening, speech reading and signing exact English.

162.1202. 1. The division of special education within the department of elementary
2 and secondary education shall establish an "Office of Elementary and Preschool Deaf
3 Education". The mission of the office of elementary and preschool deaf education shall be
4 to improve the literacy and educational and vocational performance of students with
5 hearing impairments. In addition to other objectives, the office of deaf education shall
6 develop and coordinate regional resource centers for deaf students and may develop
7 regional schools. The office of elementary and preschool deaf education shall be
8 independent from the Missouri school for the deaf.

9 2. A task force on deaf education and literacy shall be created to advise the office
10 of deaf education. This task force shall develop goals, objectives and recommendations to
11 guide the improvement of education of the deaf, related services, vocational training,
12 transition from school to work, transition from school to college, rehabilitation services,
13 independent living and employment outcomes for eligible students. The task force shall
14 also recommend to the coordinating board for higher education improvements in existing
15 programs or creation of new programs to prepare teachers of the deaf, interpreters,

16 audiologists, speech language specialists and other personnel who work with deaf students.
17 The task force shall also recommend to the department of elementary and secondary
18 education any changes to certification requirements or categories of certification areas
19 related to education for deaf students. The task force may also recommend student-teacher
20 ratios for programs provided by regional schools. The task force shall be composed of the
21 following members:

- 22 (1) One deaf adult who communicates primarily using American Sign Language;
- 23 (2) One deaf adult who communicates primarily using speech;
- 24 (3) One parent of a deaf child who communicates primarily using sign language;
- 25 (4) One parent of a deaf child who communicates primarily using speech;
- 26 (5) A teacher of the deaf from the Missouri school for the deaf;
- 27 (6) A teacher of the deaf from a private school for the deaf in Missouri;
- 28 (7) A teacher of the deaf from a public school in Missouri that provides services to
29 deaf students;
- 30 (8) A faculty member who teaches deaf education courses from a public college or
31 university in Missouri that provides bachelor's or master's programs in deaf education;
- 32 (9) A faculty member who teaches deaf education courses from a private college or
33 university in Missouri that provides bachelor's or master's programs in deaf education;
- 34 (10) A speech language pathologist;
- 35 (11) An audiologist.

36 3. The office of elementary and preschool deaf education shall develop and
37 coordinate regional resource centers and may develop regional schools for the deaf aligned
38 with appropriate regional professional development centers. Nothing in sections 162.1200
39 to 162.1208 shall require locating a school or resource center at the same site as a regional
40 professional development center. The regional school and resource center may also be
41 located at a standalone site or at an existing public elementary school. The office of
42 elementary and preschool deaf education may establish a school and resource center, or
43 one of the two tracks for a regional school, through coordinating or contracting with
44 existing public or private deaf education schools, programs or centers.

45 4. Each regional school and resource center shall establish instructional programs
46 at regional schools, local schools, homes or other appropriate settings. Itinerant teacher
47 of the deaf support shall be provided by the regional school for those students located too
48 far from the regional school to allow daily commuting.

49 5. Each regional school and resource center shall establish two tracks of
50 instructional programs. One track shall use the auditory-oral approach to deaf education,
51 in which signing is not used. The other track shall use sign language in either the sign

52 exact English approach of total communication, or in the American Sign Language
53 approach of the bilingual-bicultural methodology. The office of elementary and preschool
54 deaf education, with input from the task force on deaf education, shall determine which
55 of these two sign language approaches is used.

56 6. Programs shall be provided for children with a hearing loss from birth through
57 the sixth grade. The regional school and resource center shall attempt to comply with IEP
58 or IFSP requirements of students who may be using other approaches to deaf education
59 such as cued speech. All children with a hearing loss who are eligible for special education
60 services through an IEP or IFSP are eligible to attend or use the services of the regional
61 school and resource center.

62 7. Regional schools and resource centers shall attempt to maintain a staff whose
63 capabilities shall include, but are not limited to, the following:

64 (1) One or more teachers of the deaf who specialize in the auditory-oral or
65 auditory-verbal approach;

66 (2) One or more teachers of the deaf who specialize in the total communication
67 approach using signing exact English or the bilingual-bicultural approach using ASL;

68 (3) One or more itinerant teachers of the deaf who specialize in the auditory-oral
69 or auditory-verbal approach;

70 (4) One or more itinerant teachers of the deaf who specialize in the total
71 communication approach using signing exact English or in the bilingual-bicultural
72 approach using ASL;

73 (5) A coordinator for the regional school who is one of the teachers of the deaf at
74 the school and who performs the coordinator's duties in addition to his or her teaching
75 duties;

76 (6) An audiologist who is employed on a consultation basis;

77 (7) A speech-language specialist;

78 (8) A psychologist or mental health counselor who is employed on a consultation
79 basis;

80 (9) An occupational therapist who is employed on a consultation basis;

81 (10) A physical therapist who is employed on a consultation basis;

82 (11) A senior secretary;

83 (12) A maintenance worker.

84

85 At least one assistive technology specialist and one acoustical engineer whose coverage area
86 is statewide shall be employed. Additional staffing is permitted only with the concurrence
87 of the deaf education task force. Employment of staff who can satisfy more than one of the

88 categories is permitted. Any staff member may be employed on a consultation basis.

89 **8. The teacher to student ratio at the regional school shall be one to five, or lower.**
90 **A teacher shall have at most three different consecutive grade levels of students in his or**
91 **her class. For itinerant teachers, the teacher to student ratio shall be one to five, or lower;**
92 **except that each student served by an itinerant teacher shall receive at least two visits per**
93 **week.**

94 **9. Each regional school and resource center shall provide the following services:**

95 **(1) Comprehensive diagnostic and evaluation services;**

96 **(2) Parent-infant program utilizing the two tracks method in subsection 6 of this**
97 **section;**

98 **(3) Explanation of methods of deaf education to parents or legal guardians of newly**
99 **diagnosed deaf children;**

100 **(4) A resource library of books, videotapes and other materials related to deafness**
101 **and deaf education;**

102 **(5) Periodic training and workshops for parents or legal guardians of deaf children**
103 **and for teachers or other persons working with deaf children;**

104 **(6) Sponsorship of a parental support group with periodic meetings;**

105 **(7) Employment of staff who can work as an itinerant teacher at a local school, at**
106 **the home of a deaf child or any other appropriate location;**

107 **(8) Information about and support for assistive technology, devices to aid or assist**
108 **hearing, and methods for treating deafness;**

109 **(9) Consultations for IEP or IFSP planning for students, parents, schools, and IEP**
110 **or IFSP teams;**

111 **(10) Consultation and acting as a resource for school districts under the regional**
112 **office of professional development with regard to eligible students;**

113 **(11) Programming and placement recommendations to schools under the regional**
114 **office of professional development using assessments and information developed within the**
115 **IEP process;**

116 **(12) Contributing to the development and implementation of in-service training,**
117 **regionally and statewide, which responds to the needs of educators, other professionals and**
118 **parents pertaining to the needs of eligible students, which include, but are not limited to,**
119 **high expectations with regard to academic and vocational performance, facilitation of the**
120 **discussions of instruction during IEP or IFSP conferences, introduction of appropriate**
121 **technology, development of hearing skills and daily living skills;**

122 **(13) Referrals and information regarding services available within the state for**
123 **parents and legal guardians of eligible students; and**

124 **(14) Coordination of services available from other entities who serve eligible**
125 **students and the families of eligible students.**

162.1204. 1. The office of elementary and preschool deaf education shall conduct
2 **an annual study of the educational status of deaf students in grades one through twelve and**
3 **report the findings of that study no later than December first of each year to the speaker**
4 **of the house of representatives and the president pro tem of the senate and to the standing**
5 **committee of jurisdiction in each chamber.**

6 **2. The report shall contain information pertaining to literacy of such students**
7 **including:**

8 **(1) The methodology of the study;**

9 **(2) For each educational test result reported, a breakdown of results by**
10 **methodology of instruction, by unaided level of hearing loss and by aided level of hearing**
11 **loss;**

12 **(3) The number of certified teachers of the deaf in the state who are currently**
13 **employed in the field in Missouri, along with a count of the number of teachers proficient**
14 **in each of the various methodologies of deaf education;**

15 **(4) The number, sorted by age, of deaf students, categorized by their decibel**
16 **hearing loss level and by the type of location where they receive services, the type of**
17 **services they receive and the methodology used;**

18 **(5) Specific tests and reports on English-literacy levels, categorized by method of**
19 **instruction and level of unaided hearing loss, and compared to the English-literacy levels**
20 **of normal-hearing children in Missouri and to the English-literacy levels of deaf students**
21 **nationwide;**

22 **(6) The graduation rate of eligible students compared to those students who are not**
23 **disabled;**

24 **(7) The number of eligible students who did not meet graduation requirements but**
25 **were terminated from formal education having reached age twenty-one years; and**

26 **(8) The number of eligible students who received transition planning services with**
27 **the cooperation of the division of vocational rehabilitation or rehabilitation services for the**
28 **deaf as part of their IEP or IFSP.**

162.1206. The division of special education within the department of elementary
2 **and secondary education shall develop a system of referral for deaf and hearing-impaired**
3 **children. All children identified by the newborn hearing screening program pursuant to**
4 **sections 191.925 to 191.937, RSMo, by a school district or by the division of special**
5 **education as eligible students, upon receipt of written documentation of parental consent**
6 **or consent of the student if the student is at least eighteen years of age, shall be referred to**

7 the local school district and the division of special education of the department of
8 elementary and secondary education or to the appropriate agency for children under three
9 years of age who are not covered by the local school district.

162.1208. There is hereby created in the state treasury the "Deaf Education Fund"
2 which shall be administered by the division of special education within the department of
3 elementary and secondary education. The fund shall consist of all moneys appropriated
4 to the fund and all gifts, bequests and other donations to the fund. Moneys in the fund
5 shall, subject to appropriation, be used to establish and maintain the regional schools and
6 resource centers pursuant to sections 162.1200 to 162.1208. All interest and moneys earned
7 by the fund shall be returned to the fund. Notwithstanding the provisions of section
8 33.080, RSMo, to the contrary, moneys in the fund shall remain in the fund and shall not
9 be transferred to the general revenue fund at the end of the biennium.