S T A T E O F N E W Y O R K

7808

I N S E N A T E

June 20, 2012

Introduced by Sen. OPPENHEIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to the duties of school districts concerning the services provided to deaf and hard of hearing children in the area of language and modes of communication

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 4402 of the education law is amended by adding a new subdivision 8 to read as follows:

8. A. AS USED IN THIS SUBDIVISION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "COMMUNICATION MODE OR LANGUAGE" MEANS ONE OR MORE OF THE FOLLOWING LANGUAGES OR METHODS OF COMMUNICATION APPLICABLE TO DEAF AND HARD OF HEARING CHILDREN:

(1) AMERICAN SIGN LANGUAGE;

(2) CUED SPEECH;

(3) ORAL, AURAL, SPEECH-BASED TRAINING, OR SPOKEN ENGLISH; AND

(4) A COMBINATION OF DIFFERENT COMMUNICATION MODES.

B. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMISSIONER IS AUTHORIZED AND EMPOWERED TO ENACT REGULATIONS CONCERNING WHAT THE COMMITTEE, OR WHEN APPLICABLE THE SUBCOMMITTEE, ON SPECIAL EDUCATION SHALL CONSIDER IN TERMS OF THE CHILD'S SPECIFIC LANGUAGE AND COMMUNICATION NEEDS.

C. THE COMMITTEE, OR WHEN APPLICABLE, THE SUBCOMMITTEE, ON SPECIAL EDUCATION SHALL CONSIDER THE DEAF OR HARD OF HEARING CHILD'S SPECIFIC LANGUAGE AND COMMUNICATION NEEDS AND ADDRESS THOSE NEEDS AS APPROPRIATE IN THE CHILD'S INDIVIDUAL EDUCATION PROGRAM. IN CONSIDERING THE CHILD'S NEEDS, THE COMMITTEE, OR WHEN APPLICABLE, THE SUBCOMMITTEE, SHALL EXPRESSLY CONSIDER THE FOLLOWING:

(1) THE CHILD'S INDIVIDUAL COMMUNICATION MODE OR LANGUAGE;

(2) THE AVAILABILITY TO THE CHILD OF A SUFFICIENT NUMBER OF AGE, COGNITIVE, AND LANGUAGE PEERS OF SIMILAR ABILITIES;

(3) THE AVAILABILITY TO THE CHILD OF DEAF OR HARD OF HEARING ADULT MODELS OF THE CHILD'S COMMUNICATION MODE OR LANGUAGE;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(4) THE PROVISION OF APPROPRIATE, DIRECT, AND ONGOING LANGUAGE ACCESS TO TEACHERS OF THE DEAF AND HARD OF HEARING AND INTERPRETERS AND OTHER SUCH SPECIALISTS WHO ARE PROFICIENT IN THE CHILD'S PRIMARY COMMUNICATION MODE OR LANGUAGE; AND

(5) THE PROVISION OF COMMUNICATION-ACCESSIBLE ACADEMIC INSTRUCTION, SCHOOL SERVICES, AND EXTRACURRICULAR ACTIVITIES.

D. NOTHING IN THIS SUBDIVISION SHALL PRECLUDE INSTRUCTION IN MORE THAN ONE COMMUNICATION MODE OR LANGUAGE FOR ANY PARTICULAR CHILD. ANY CHILD FOR WHOM INSTRUCTION IN A PARTICULAR COMMUNICATION MODE OR LANGUAGE IS DETERMINED TO BE BENEFICIAL SHALL RECEIVE SUCH INSTRUCTION AS PART OF THE CHILD'S INDIVIDUAL EDUCATIONAL PROGRAM.

E. NOTHING IN THIS SUBDIVISION SHALL ABROGATE PARENTAL CHOICE AMONG PUBLIC EDUCATIONAL PROGRAMS AS OTHERWISE PROVIDED BY LAW.

S 2. This act shall take effect on the first of July next succeeding the date on which it shall have become a law.