**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 157 TO TITLE 59 SO AS TO PROVIDE THAT INDIVIDUALIZED EDUCATION PROGRAM TEAMS SHALL MAKE CERTAIN CONSIDERATIONS FOR CHILDREN WHO IDENTIFY AS DEAF OR HARD‑OF‑HEARING.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 59 of the 1976 Code is amended by adding:

“CHAPTER 157

Deaf persons’ literacy rights and education

Section 59‑157‑10. As used in this chapter:

(1) ‘Communication mode or language mode’ means one or more of the following systems or methods of communication applicable to children identified as deaf or hard‑of‑hearing:

(a) American Sign Language;

(b) English‑based manual or sign systems;

(c) oral, aural, speech‑based training;

(d) spoken and written English, including speech reading, lip reading, or cued speech; and

(e) communication with assistive technology devices to facilitate language and learning.

(2) ‘Deaf’ means a hearing loss that is so severe that the individual is impaired in processing linguistic information through hearing, with or without amplification.

(3) ‘Hard‑of‑hearing’ means a hearing loss where there may be enough residual hearing that an auditory device, such as a hearing aid or FM system, provides adequate assistance to process speech.

(4) ‘Individualized education program’ means a written statement developed for a student eligible for special education services pursuant to Section 602(a)(20) of Part A of the Individuals with Disabilities Education Act, 20 U.S.C. Section 1401(a).

Section 59‑157‑20. In developing an individualized education program (IEP) for a child identified as deaf or hard‑of‑hearing, in addition to any other requirements established by the Department of Education, each local school district shall ensure that IEP teams consider the child’s specific communication needs and address those needs as appropriate in the child’s IEP. In considering the child’s needs, the IEP team shall consider:

(1) the child’s individual communication mode or language;

(2) the availability to the child of a sufficient number of age, cognitive, academic, and language peers of similar abilities if the parents so desire;

(3) the availability to the child of deaf or hard‑of‑hearing adult models of the child’s communication mode or language;

(4) the provision of direct and ongoing language access to teachers of the deaf and hard‑of‑hearing, interpreters, psychologists, educational audiologists, speech‑language pathologists, administrators, and other special education personnel who are knowledgeable due to specific training and who are proficient in the child’s primary communication mode or language;

(5) the provision of communication‑accessible academic instruction, school services, and direct access to all components of the educational process, including recess, lunch, extracurricular social and athletic activities, and the equal opportunity to participate in advanced coursework, technical vocational coursework, and academic classes as identified by the IEP team;

(6) equipping children identified as deaf or hard‑of‑hearing with appropriate assistive technology across a full spectrum; and

(7) that the South Carolina School for the Deaf and the Blind may be the least restrictive environment for the child.

Section 59‑157‑30. A child identified as deaf or hard‑of‑hearing may not be denied the opportunity for instruction in a particular communication mode or language because another communication mode or language was originally chosen for the child.

Section 59‑157‑40. A child may receive instruction in more than one communication mode or language.”

SECTION 2. This act takes effect upon approval by the Governor.

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