



## 2020 South Dakota Legislature

# Senate Bill 117

Introduced by: **Senator Nesiba**

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

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

4 **Section 1.** That § 13-33B-1 be AMENDED:

5 **13-33B-1. Programs for deaf and hard-of-hearing children.**

6 The Department of Education ~~may~~ shall establish a program and policy to be  
 7 disseminated to all school districts and other local educational agencies which promote  
 8 the education of children who are deaf and hard-of-hearing ~~children~~ and which recognizes  
 9 the following:

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

- 1 (3) That children who are deaf and hard-of-hearing-~~children~~ have an education in which  
2 special education teachers, psychologists, speech therapists, assessors,  
3 administrators, interpreters, and other personnel understand the unique nature of  
4 deafness and are specifically trained to work with children who are deaf and  
5 hard-of-hearing-~~children~~ and in which their special education teachers and  
6 interpreters are proficient in the primary language mode of those children;
- 7 (4) That children who are deaf and hard-of-hearing-~~children~~ have an education with a  
8 sufficient number of language mode peers who are of the same or approximately  
9 the same age and ability level and with whom the children can communicate  
10 directly, or as appropriate through the use of qualified interpreters;
- 11 (5) That parents of children who are deaf and hard-of-hearing-~~children~~, people who are  
12 deaf and hard-of-hearing-~~people~~, teachers, and professionals trained in the area of  
13 education of the deaf assist in determining the extent, content, and purpose of this  
14 program;
- 15 (6) That children who are deaf and hard-of-hearing-~~children~~ have direct and appropriate  
16 access to all components of the educational process, including recess, lunch, and  
17 extracurricular social and athletic activities;
- 18 (7) That children who are deaf and hard-of-hearing-~~children~~ have programs in which  
19 their unique vocational needs are provided for, including appropriate research,  
20 curricula, programs, staff, and outreach;
- 21 (8) That a determination of the least restrictive environment as used in state and  
22 federal law takes into consideration the unique communication needs of children  
23 who are deaf and hard-of-hearing-~~children~~ as described in this chapter;
- 24 (9) The Department of Education shall take such steps as are necessary to implement  
25 this section, including, ~~but not limited to,~~ the development of written and other  
26 materials, the dissemination of ~~said~~ the information, and the provision of  
27 workshops, symposia, and other procedures to insure that the local educational  
28 agencies understand and implement the policy of this chapter.