

HOUSE BILL NO. 111

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE ALLARD

Introduced: 3/13/23

Referred: Health and Social Services, Education

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to public school students who are deaf or have a hearing impairment."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 14.30.276 is amended by adding a new subsection to read:

4 (b) Notwithstanding (a) of this section, for a child who is deaf and whose
5 primary language or method of communication is determined to be American Sign
6 Language under AS 14.30.278(d), the least restrictive environment is in an educational
7 environment with other students whose primary language or method of
8 communication is American Sign Language. The department shall establish and
9 operate a centralized program for the deaf to be made available to deaf students in the
10 state. The program must provide residential services as part of its educational
11 program. The program may be operated by a school district under an agreement with
12 the department. If a school district operates the program, the school district shall
13 annually submit a plan of operations to the department for approval and shall perform
14 all duties of a local school district related to special education under state and federal
15 law, except that the school district is only required to offer transportation to students

1 who reside in the district. If a school district determines that placement at the program
 2 is appropriate for a child who resides in the district, the school district that makes the
 3 placement retains the school district's responsibilities for special education for that
 4 child under state and federal law. The department shall provide funding for the
 5 students who attend the program operated by a school district under this subsection to
 6 the school district that operates the program.

7 * **Sec. 2.** AS 14.30.278 is amended by adding new subsections to read:

8 (d) An individualized education program for a child who is deaf or has a
 9 hearing impairment must include a language and communication plan that

10 (1) identifies the primary language or method of communication most
 11 effective and appropriate for the child;

12 (2) provides opportunities for direct communication with peers and
 13 professional personnel in the primary language or method of communication identified
 14 under this subsection;

15 (3) describes the education program options available to the child;

16 (4) describes the necessary qualifications, including fluency in the
 17 primary language or method of communication identified under this subsection, of the
 18 teacher and other professional personnel who will implement the program for the
 19 child;

20 (5) addresses access limitations to academic instruction, school
 21 services, and extracurricular activities for the child;

22 (6) provides for assistive devices and services; and

23 (7) requires accommodations for the child in communications with,
 24 and the physical environment of, the school.

25 (e) To determine the primary language or method of communication most
 26 effective and appropriate for a child who is deaf or has a hearing impairment, a school
 27 district shall

28 (1) provide for an assessment of the child's aptitude for acquiring
 29 American Sign Language, conducted by an American Sign Language specialist who
 30 has a degree from an accredited college, university, or postsecondary institution or
 31 who is fluent in American Sign Language;

1 (2) consider the child's prognosis for hearing loss throughout the
2 child's developmental years;

3 (3) consider the primary language or method of communication of the
4 child's primary household and family members; and

5 (4) consider the child's natural tendency to use a language or method
6 of communication when interacting with other children.

7 (f) The individualized education program developed for a child who is deaf or
8 has a hearing impairment and whose primary language or method of communication is
9 determined to be American Sign Language may provide speech services separately
10 from instruction in core subjects.