

# Alaska Deaf Children Bill of Rights

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## Purpose

It is essential for educational programs to recognize the unique communication, language, and learning needs of deaf or hard of hearing children. Deaf or hard of hearing children have the same rights, capabilities, and potential to become independent as children who are not deaf or hard of hearing. Deaf or hard of hearing children have the right to appropriate, ongoing, equal, and fully accessible educational opportunities starting from birth.

Deaf or hard of hearing children use a variety of manual and spoken modes, languages, and systems. They have the right to an education in which their communication method is respected, utilized, and developed to an appropriate level of proficiency. **The purpose of this act is to understand the communication needs of deaf or hard of hearing children and not to favor any one communication mode or language over another.**

The Individuals with Disabilities Education Act (IDEA) Part C, provides children with disabilities from birth to age 3 early intervention services. The Individuals with Disabilities Education Act, Part B, Section 611 provides children with disabilities from age 3 through age 21 the right to special education services. Recognizing the unique communication needs of deaf or hard of hearing children, there is a need to develop a comprehensive statewide program which implements a systematic approach to identify services for all children, birth through age 21, who are deaf or hard of hearing. **The program ensures that educational agencies, including but not limited to, the Alaska Infant Learning Program and school districts meet the unique needs of children who are deaf or hard of hearing.**

## Overview of Rights

Deaf or hard of hearing children have the right to an education that acknowledges and accommodates their unique communication needs. This education must be provided in an accessible manner, without discrimination or prejudice, and with equal opportunities for academic and personal development.

## Communication Methods and Proficiency

Each deaf or hard of hearing child may use different communication methods, whether manual, spoken, or a combination of both. It is important that educational programs respect and support the child's chosen mode of communication, helping them to achieve proficiency and confidence in their preferred method.

## Statewide Program Development

There is a crucial need to establish a comprehensive statewide program dedicated to identifying and addressing the educational needs of all deaf or hard of hearing children in Alaska. This program

should work systematically to provide services from birth through age 21, ensuring seamless support throughout the children's educational journey.

## Role of Educational Agencies

Educational agencies, including the Alaska Infant Learning Program and school districts, must collaborate to meet the needs of deaf or hard of hearing children. These agencies should be equipped and trained to handle the specific requirements of these children, ensuring that they receive a quality education that empowers them to thrive.

### Responsibilities of the Departments

The Department of Education and the Department of Health and Social Services shall take necessary steps to implement this section, including the development of written and other materials, the dissemination of the information, and the provision of workshops and other procedures to ensure educational agencies (including the Infant Learning Program and school districts) understand and implement the policy of this act. This collaboration aims to build a robust support system that aligns with the educational and developmental needs of deaf or hard of hearing children.

### Birth to Primary School Early Intervention

Deaf or hard of hearing children have the right to appropriate early intervention prior to entering school and continuing throughout their education. Learning and language development starts from birth. The Department of Education encompasses birth to grade 12 education. The Alaska Infant and Learning Programs (ILP) serve children from birth to 36 months of age who experience developmental delay.

The Alaska Infant Learning Programs shall provide children who are deaf or hard of hearing with individualized and appropriate early intervention by qualified professionals to support the acquisition of solid language bases developed at the earliest possible age. In cases where deaf or hard of hearing children do not receive direct instruction in the child's communication mode from an ILP provider or other service provider, a certified interpreter should be provided in the learning environments to enhance language acquisition and ensure effective communication.

If a deaf or hard of hearing child does not meet the eligibility requirements outlined by the Alaska Infant Learning Program, the Alaska Infant Learning Program shall refer the families to a deaf education program where qualified deaf or hard of hearing professionals shall provide families with appropriate, unbiased resources to support the communication and language needs of the deaf or hard of hearing child.

The Alaska Infant Learning Program shall provide proper screening and assessment at the earliest age possible and throughout the child's time in the program. These assessments should identify current language levels and guide educational planning for the child's progress. It is essential to use appropriate language assessments with standardized norms, and those administering the assessments must be proficient in the student's communication mode. The assessments should evaluate both receptive and expressive language abilities, comparing them to linguistically age-appropriate peers.

The Alaska Infant Learning Program shall ensure that families of deaf or hard of hearing children can meet and interact with deaf and hard of hearing peers and adults. This interaction is vital for the social, emotional, and linguistic development of the child, providing role models and fostering a supportive community network.

#### Individualized Service Family Plan (IFSP)

When developing an Individualized Service Family Plan (IFSP) for a child who is deaf or hard of hearing, in addition to any other requirements established by the overseeing government agency, the program shall consider related services and program options that ensure appropriate and equal opportunity for communication access and language development.

The Individualized Service Family Plan for any child identified as deaf or hard of hearing shall include a language and communication plan. The Infant Learning Program shall consider the child's specific communication needs, and to the maximum extent possible, address those needs as appropriate in the child's IFSP.

The IFSP shall provide families education regarding their deaf or hard of hearing child and their specific needs, including but not limited to, creating a deaf-friendly home and environment to facilitate language learning, language assessments, benchmarks, and milestones, communication mode and language options, resources specific to deaf or hard of hearing children and their families, assistive technology, advocacy, interpreter etiquette, school and program placement options, and understanding medical, ethical, cultural, and linguistic issues of individuals who are deaf or hard of hearing. This will allow parents and legal guardians to make informed decisions about their deaf or hard of hearing child.

#### Primary School Early Intervention (starting at Preschool)

Public schools and publicly funded charter and home schools shall provide children who are deaf or hard of hearing with individualized and appropriate early intervention by qualified professionals to support the acquisition of solid language bases developed at the earliest possible age.

These schools shall ensure that children who are deaf or hard of hearing have access to a full continuum of placements and services, including direct instruction in the child's communication mode. Qualified professionals, who are proficient in the child's communication mode, should be employed to deliver these services.

Moreover, schools must incorporate the use of assistive technologies and provide necessary support services, such as interpreters or note-takers, to facilitate effective communication and maximize educational outcomes. Schools should also conduct regular assessments to monitor language development and academic progress, adjusting the educational plan as needed.

To foster an inclusive environment, schools should promote interactions between deaf or hard of hearing children and their hearing peers, as well as with deaf or hard of hearing adults who can serve as role models. These interactions are crucial for the social, emotional, and linguistic development of children.

This comprehensive approach ensures that children who are deaf or hard of hearing receive the support they need to thrive academically and socially, laying a strong foundation for their future education and personal growth.

#### IEP or 504 Plan

When developing an Individualized Education Plan (IEP) or 504 Plan for a child who is deaf or hard of hearing, in addition to any other requirements established by the Department of Education, the district shall consider related services and program options that ensure appropriate and equal opportunity for communication access and language development.

Language deprivation or language delays can significantly affect deaf or hard of hearing children in the education environment including their cognitive development, social-emotional learning (SEL), behavior and mental health, and academic progress and performance. It is important to assess deaf or hard of hearing children's language development and provide the necessary support.

The Individualized Education Plan for any child identified as deaf or hard of hearing shall include a language development plan. The school district shall consider the child's specific language skills and developmental needs, and to the maximum extent possible, address those needs as appropriate in the child's IEP. The Individualized Education Plan for any child identified as deaf or hard of hearing shall include a language and communication plan. The school district shall consider the child's specific communication needs and language use, and to the maximum extent possible, address those needs as appropriate in the child's IEP. Public schools and publicly funded charter and home schools shall provide children who are deaf or hard of hearing individual considerations for free, appropriate education across a full spectrum of educational programs and placement in the least restrictive educational environment and services based on their unique communication, language, and educational needs, consistent with the Individuals with Disabilities Education Act (IDEA).

To effectively support the child's educational journey, the IEP team must collaborate with the child's family, leveraging their insights and knowledge of the child's everyday communication experiences. This partnership ensures that the educational strategies employed are closely aligned with the child's real-world interactions and challenges.

Additionally, schools should provide professional development for educators and staff to enhance their understanding of the needs of deaf or hard of hearing students. This training should cover various communication methods, cultural competencies, and the use of assistive technologies, fostering a more inclusive and supportive educational environment.

Regular evaluations and updates to the IEP or 504 Plan are crucial, as they help track the child's progress and adapt the educational approach to their evolving needs. These evaluations should be comprehensive, considering not only academic achievements but also social and emotional development, ensuring a holistic approach to the child's education.

Incorporating peers in the child's learning environment can also be beneficial. Peer mentoring programs, where hearing students learn sign language or other communication methods, can promote mutual understanding and build an inclusive community. This interaction not only benefits the deaf or hard of hearing child but also enriches the educational experience for all students.

Ultimately, the goal of the IEP or 504 Plan is to provide a tailored educational experience that empowers deaf or hard of hearing children to achieve their full potential. By addressing their unique needs and fostering a supportive, inclusive environment, we can help these children develop the skills and confidence necessary for academic success and personal growth.

## Assessment/Screening

The right to proper screening and assessment from an early age and throughout the child's educational experience is crucial. The Alaska Infant Learning Program, public schools, and publicly funded charter and home schools must provide deaf or hard of hearing children with early screening and ongoing assessments of their hearing levels, communication, and language development needs. These assessments should identify current language levels and guide educational planning for the child's progress. It is essential to use appropriate language assessments with standardized norms, and those administering the assessments must be proficient in the student's communication mode. The assessments should evaluate both receptive and expressive language abilities, comparing them to linguistically age-appropriate peers.

The results of these assessments must be shared with the child's parents or legal guardians in an accessible language. The IFSP, IEP, or 504 plans must include detailed information about the child's language benchmarks and milestones and make specific recommendations for strategies, services, and programs to support the child's development.

## Communication Mode or Language Mode

Communication mode or language mode refers to one or more of the following systems or methods of communication applicable to deaf or hard of hearing children:

### Signed Language

Signed Language refers to any language that uses visual-gestural signs, rather than spoken words, for communication. It is a complete and natural language with its own grammar, vocabulary, and syntax, distinct from spoken languages. This includes the use of Native Alaska Sign Language, American Sign Language, or another signed language.

### Listening and Spoken Language, Oral, Aural, Speech-based

Listening and Spoken Language, oral, aural, speech-based refers to communication that focuses on maximizing listening through the use of hearing technologies. This includes the use of English, Spanish, Inupiaq, Yupik, or another spoken language.

### Bilingual Approach

Bilingual approach refers to an educational strategy where a deaf or hard of hearing child is taught in two distinct languages: typically American Sign Language (or another signed language) and English (or another language) literacy skills (reading/writing) as a child's mode of receptive and expressive communication.

## Bimodal Bilingual Approach

Bimodal bilingual approach refers to an educational strategy in which a deaf or hard of hearing child is taught to use two distinct languages using two distinct modes of communication: a signed language (such as American Sign Language) and a spoken/written language (such as English).

## English-based Manual or Sign Systems

English-based manual or sign systems refer to communication systems that are designed to represent and support English in a manual (signed) form typically aimed to represent English grammar, vocabulary, and sentence structure in a way that can be signed. These modalities do not constitute a language. This includes Signed Exact English (SEE) and Pidgin Sign English (PSE).

## Cued Speech

Cued Speech refers to a visual communication system that uses hand shapes and placements in combination with the mouth movements of speech to identify the phonemes of spoken language that look similar to one another. It is intended to make English visually accessible. This modality does not constitute a language.

## Total Communication

Total communication refers to an educational strategy that combines various communication methods, such as sign language, speech, speech-reading (lip reading), auditory training, visual aids, manual gestures, and writing to ensure that a child has access to information. It is intended to provide the child with a variety of communication tools, allowing them to understand and express themselves effectively in different situations. This is separate from bilingualism.

## Rights of Deaf or Hard of Hearing Children

Deaf or hard of hearing children have the right to choose and use a variety of communication modes and languages to enhance their language learning. They have the right to receive instruction from qualified professionals in their communication mode or language and to reach fluency in their communication mode or language at the earliest possible age. These children also have the right to use assistive technology to support their language development.

Nothing shall prevent 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 Education Plan. If a program in a specific communication mode or language is not available with communication mode and language peers, the school district is required to develop a specialized program tailored to meet the needs of the deaf or hard of hearing child.

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#### Alaska Deaf Children Bill of Rights

The Alaska Deaf Children Bill of Rights provides a framework for ensuring that deaf or hard of hearing children have equitable access to education and communication. It mandates that educational programs for these children are designed to meet their distinct needs, emphasizing the importance of early language acquisition and fluency. The bill also ensures that children receive instruction from qualified professionals proficient in the child's chosen communication mode or language.

The bill recognizes the necessity of providing assistive technology and other resources to support language development. It also highlights the importance of having peers who use the same communication mode or language, fostering an inclusive and supportive learning environment. If a suitable program is not available, the school district must create a specialized program tailored to the child's needs.

By recognizing and protecting the rights of deaf or hard of hearing children, the Alaska Deaf Children Bill of Rights aims to provide these children with the best possible opportunities for academic and social success. With a focus on early intervention and individualized education plans, the bill ensures that each child can develop their communication skills to the fullest potential.

#### Environment

For a child who is deaf or hard of hearing, the educational environment must fully address and develop their language and communication needs, ensuring they have early, ongoing, and quality access to both planned and incidental communication opportunities. Additionally, the physical design and acoustics of the learning space should be optimized to support effective communication and learning for the child.

#### Peers

Public schools and publicly funded charter and home schools shall provide deaf or hard of hearing children with opportunities to meet and interact with communication mode and language peers both within the school environment and during school-sponsored activities, if the parents so desire. This ensures deaf or hard of hearing children can engage socially and academically in a

meaningful way with others who share similar communication needs and provides the least restrictive environment. The least restrictive environment for deaf or hard of hearing children ensures that the child has access to effective communication that supports their social and language development.

#### Deaf or hard of Hearing Adult Models

Public schools and publicly funded charter and home schools shall provide children who are deaf or hard of hearing with opportunities to meet and associate with adult role models who are deaf or hard of hearing and use the child's communication mode or language to learn about identity, advocacy, and leadership skills.

#### Teachers and Professionals

Deaf or hard of hearing children have the right to qualified teachers, interpreters, and other educational personnel who are proficient in the child's communication mode or language and who are specifically trained to understand the unique needs of deaf or hard of hearing children, ensuring optimal, direct, and ongoing language access. This includes teachers, teachers of the deaf, psychologists, speech therapists, educational audiologists, administrators, assessors, ASL specialists, substitute personnel, resource services, and other special education staff.

In cases where deaf or hard of hearing children do not receive direct instruction in the child's communication mode from a teacher or service provider, a certified interpreter should be provided in the classroom or school environments to enhance language acquisition and ensure effective communication.

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By fostering connections with adult role models who share their communication experiences, deaf or hard of hearing children gain invaluable insights into managing their identities and advocating for



themselves. This also allows them to develop essential leadership skills that can transform their educational and social experiences.

Moreover, the presence of proficient and trained educational personnel ensures that these children have consistent access to language and communication resources. The integration of certified interpreters, when direct instruction is not available, enhances the overall learning environment. This structured support network is crucial in nurturing the academic growth and self-confidence of deaf or hard of hearing students.

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#### Alaska Unique

The Department of Education shall support one or more programs for deaf or hard of hearing children to be made available to deaf or hard of hearing students in the state. The program may provide residential services as part of its educational program in consultation and collaboration with a nongovernmental organization that provides services to people who are deaf or hard of hearing. If a school district operates a program, the school district shall annually submit a plan of operations to the department for approval and shall perform all duties of a local school district related to special education under state and federal law, except that the school district is only required to offer transportation to students who reside in the district.

If parents or legal guardians of deaf or hard of hearing children within a school district determine that placement at a program for deaf or hard of hearing is appropriate for the deaf or hard of hearing child who resides in the district, the school district that makes the placement retains the school district's responsibilities for special education for that child under state and federal law.

## Definitions

**Deaf:** The Gallaudet University definition of deafness states that anyone who cannot understand speech using sound alone, without visual cues such as lipreading, is considered deaf.

**Hard of hearing:** An individual whose hearing levels, whether permanent or fluctuating, make hearing difficult, and with or without hearing technology, affect the child's ability to understand spoken language. The degree of hearing levels in individuals who are hard of hearing can vary widely.

**American Sign Language (ASL):** A fully developed, visual language used primarily by deaf or hard of hearing individuals in the United States and most of Canada. It has its own distinct rules for

grammar, syntax, morphology, and phonology, which are different from English. ASL has evolved over nearly 200 years and is recognized as a valid, formal, and independent language. It may include tactile or protactile methods.

**Bimodal:** Refers to the use of two different modes of communication, typically involving a signed language and a spoken language.

**Residual hearing:** Refers to the level of hearing that remains in one or both ears and it can vary from person to person.

**Residential services:** Refer to programs that provide both educational and living accommodations for students, typically offered in a specialized setting such as a school for deaf or hard of hearing students. These services can include housing, meals, and supervision, allowing students to live with host families while receiving their education. Residential programs are often used when local schools do not have the necessary resources or specialized services to meet the needs of deaf or hard of hearing students.

Residential services for deaf students may be provided as part of a comprehensive educational program, allowing students to live near the school with a host family while attending school. These programs are developed in collaboration with organizations that serve the deaf or hard of hearing community and are designed to ensure that students have access to both quality education and a supportive living environment.

By creating a nurturing and inclusive residential setting, these programs help foster a sense of belonging and community among deaf or hard of hearing students. They also facilitate access to specialized resources and support services that may not be available in a traditional school setting. The holistic approach of combining quality education with supportive living arrangements aims to address the unique needs of each student, promoting their academic and personal growth.

## Conclusion

The Alaska Deaf Children Bill of Rights emphasizes the importance of recognizing and supporting the unique communication needs of deaf or hard of hearing children. By implementing a comprehensive statewide program and ensuring that educational agencies are prepared to meet these needs, we can provide deaf or hard of hearing children with the tools and opportunities they need to succeed and become independent members of society.