

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

HOUSE BILL HB1654

By: Greenwood

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 1991, Section 11-103.1, as amended by Section 1, Chapter 35, O.S.L. 1999 (70 O.S. Supp. 2000, Section 11-103.1), which relates to teaching American Sign Language in public school; deleting certain teacher requirement; creating the Oklahoma Education Opportunity for the Deaf Act; stating legislative findings; providing definitions; requiring school districts to consider certain options for deaf and hard-of-hearing children; providing certain considerations; requiring school districts to notify parents of certain educational options; requiring notification of all parents; prohibiting denial of certain opportunities for deaf or hard-of-hearing for certain reasons; providing for instruction in certain communications modes or language; allowing for parental choice; limiting requirement for additional personnel; establishing minimum requirements for classroom interpreters; allowing interpreters who meet certain provisional requirements; requiring provisional interpreters to upgrade skills within certain time; providing that interpreters with certain certificates meet standards; directing the State Board of Education to adopt a standard performance assessment; providing contents of assessment; providing for certification of interpreters completing assessment; requiring certain continuing education; directing the Board to set continuing education requirements; directing the Board to adopt certain assessment; listing goals of the EIPA assessment; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 1991, Section 11-103.1, as amended by Section 1, Chapter 35, O.S.L. 1999 (70 O.S. Supp. 2000, Section 11-103.1), is amended to read as follows:

Section 11-103.1 American Sign Language is hereby recognized as a language art and may be taught in the public schools of the state

in educational programs for both hearing and deaf students. American Sign Language classes taught in the public schools may be counted by a public school in fulfilling elective course offerings and shall be granted the same credit as a foreign language. ~~For the purposes of this section, American Sign Language may be taught in the public schools by any qualified teacher under the supervision of a certified teacher.~~

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 13-141 of Title 70, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Education Opportunity for the Deaf Act".

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 13-142 of Title 70, unless there is created a duplication in numbering, reads as follows:

The Legislature finds that students with low incidence disabilities, as a group, make up less than one percent (1%) of the total statewide enrollment for kindergarten through grade twelve and that those students require highly specialized services, equipment, and materials. The Legislature further finds that deafness involves the most basic of human needs, the ability to communicate effectively with other human beings. Many deaf and hard-of-hearing children use an appropriate communication mode, sign language, which may be their primary language, while others express and receive language aurally and orally, with or without visual sign, clues or electronic interpretive material. Still others, typically young deaf and hard-of-hearing children, lack any significant or measurable language skills. It is essential for the well-being and growth of deaf and hard-of-hearing children that education programs recognize the unique nature of deafness and ensure that all deaf and hard-of-hearing children have appropriate, ongoing, and fully accessible education opportunities. It is essential that deaf and

hard-of-hearing children, like all children, have an education in which their unique communication mode is respected, utilized, and developed to an appropriate level of proficiency. Further, deaf and hard-of-hearing children need an education in which teachers, psychologists, speech therapists, administrators, and other education personnel understand the unique nature of deafness and are specifically trained to work with deaf and hard-of-hearing students.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 13-143 of Title 70, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Education Opportunity for the Deaf Act:

1. "Communication mode or language" means one or more of the following systems or methods of communication applicable to deaf and hard-of-hearing:

- a. American Sign Language,
- b. English-based manual or sign systems, or
- c. oral, aural, or speech based training.

2. "Educational Interpreter Performance Assessment (EIPA)" means a tool used for evaluating the skill level and comprehension of interpreters that utilize American Sign Language as a method of communication for deaf and hard-of-hearing; and

3. "Quality Assurance Screening Test (QAST)" means a tool used for the evaluation of interpreters.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 13-144 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. School districts shall develop an individual education program for each child who is deaf or hard-of-hearing in the district. In developing an individual education program pursuant to the Oklahoma Education Opportunity for the Deaf Act for a child who is deaf or hard-of-hearing, in addition to any other requirement established by law, the school district shall consider the related

services and program options that will provide the child with an appropriate and equal opportunity for communication access. The school district shall consider the specific communication needs of the child and, to the extent possible, address those needs as appropriate in the individual education program of the child. In considering the needs of the child, the school district shall expressly consider the following:

1. The individual communication mode or language of the child;
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 that communicate in the primary communication mode or language of the child;
4. The provision of appropriate, direct, and ongoing language access to teachers of the deaf and hard-of-hearing and interpreters and other specialists who are proficient in the primary communication mode or language of the child; and
5. The provision of communication accessible academic instruction, school services, and extracurricular activities.

B. To enable parents to make informed decisions concerning which educational options are best suited for their child, all of the education options provided by the school district and available to the child at the time the individual education program of the child is prepared shall be explained to the parent. In the event future alternatives become available within the school district, the parents of all deaf or hard-of-hearing children shall be made aware of such alternatives.

C. No deaf or hard-of-hearing child shall be denied the opportunity for instruction in a particular communication mode or language solely because:

1. The child has some remaining hearing;

2. The parents of the child are not fluent in the communication mode or language being taught; or

3. The child has previous experience with some other communication mode or language.

D. Nothing in the section 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 individual education program for the child.

E. Notwithstanding the provision of paragraph 2 of subsection A of this section, nothing in this section may be construed to require that a specific number of peers be provided for a child who is deaf or hard-of-hearing.

F. Nothing in this section shall abrogate a parents choice among public schools as now provided by law, or may be provided in the future.

G. Nothing in this section shall require a school district to expend additional resources or hire additional personnel to implement the provisions of this section.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 13-145 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Any person who interprets in a public school classroom, including deaf education teachers, speech pathologists, and other school personnel who function as an interpreter, shall meet the following minimum requirements:

1. An associate's degree in sign language interpretation, provided persons with a bachelor's degree, QAST level III, or an EIPA level 4 are preferred;

2. Completion of an interpreter preparation program or equivalent experience with a working knowledge of the code of ethics;

3. Ability to interpret or transliterate (expressive and voice) at a normal conversation rate in American Sign Language or Pidgin Sign English, provided persons with skills interpreting Signing Exact English are preferred;

4. Ability to provide oral interpreting/ transliterating; and

5. Certificate by the Registry of Interpreters for the Deaf.

B. In the event an interpreter meeting the certification requirements listed in subsection A of this section is not available, a school district may employ an interpreter that meets the following provisional requirements:

1. QAST level I; or

2. EIPA level 2.

Interpreters utilized at this level shall be required to upgrade their skill levels to QAST level III or and EIPA level 3 within two (2) years.

C. Interpreters who hold the following Registry of Interpreters for the Deaf Certification shall be considered as meeting the certification requirements of this section:

1. Certificate of Interpretation;

2. Certificate of Transliteration; or

3. Certificate of Interpretation and Transliteration.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 13-146 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. In order to implement performance standards for American Sign Language Interpreters, the State Board of Education shall adopt a performance assessment for American Sign Language Interpreters in a format that is the same or similar to the Educational Interpreter Performance Assessment (EIPA).

B. The performance assessment adopted by the Board shall at a minimum measure the following:

1. Expressive and receptive sign language abilities;
2. Voice to sign skills;
3. Sign to voice skills;
4. Sign vocabulary; and
5. Presentation.

In addition, interpreters shall be required to submit two videotaped examples of the person's signing skills, one set in a classroom and one with an individual deaf or hard-of-hearing child.

C. Upon successful completion of the performance assessment adopted by the Board, an American Sign Language interpreter shall receive a certificate to teach deaf or hard-of-hearing child.

D. Interpreters shall be responsible for receiving continuing American Sign Language education by periodically enrolling in courses designed to refresh or provide the interpreter with an update of new trends in the use of American Sign language in an educational format. The State Board of Education shall establish the number of hours and other continuing education requirements an interpreter shall complete each year.

E. The assessment goals of the performance assessment adopted by the Board shall be the same as the EIPA assessment goals which are as follows:

1. Reflect actual classroom performance;
2. Reflect program philosophy;
3. Reflect a philosophy of interpreting;
4. Evaluate more than one sign language or system;
5. Evaluate signing for young children, not adults;
6. Evaluate the skill of the interpreter across all grade levels;
7. Evaluate a broad range of skills, not just vocabulary;
8. Evaluate both voice-to-sign and sign-to-voice skills;

9. Provide a skill portfolio for the interpreter; and

10. Provide feedback to the interpreter and school district.

SECTION 8. This act shall become effective July 1, 2001.

SECTION 9. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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