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HOUSE BILL 243

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Dayan Hochman-Vigil

AN ACT

RELATING TO EDUCATION; ENACTING A NEW SECTION OF THE PUBLIC SCHOOL CODE TO REQUIRE SCHOOL DISTRICTS AND CHARTER SCHOOLS TO PROVIDE STUDENTS DIAGNOSED AS DEAF OR HAVING MODERATE TO SEVERE HEARING LOSS WITH APPROPRIATE INSTRUCTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Public School Code is enacted to read:

"~~[NEW MATERIAL]~~ STUDENTS DIAGNOSED AS DEAF OR HAVING MODERATE TO SEVERE HEARING LOSS--APPROPRIATE INSTRUCTION--FACTORS FOR CHOOSING INSTRUCTIONAL SETTING--CHOICE OF MODALITIES.--

A. Each school district and charter school shall provide for appropriate instruction for each student who has been diagnosed as being deaf or having moderate to severe

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1 hearing loss that is either bilateral or unilateral. This
2 instruction shall be:

3 (1) individually tailored to the needs of the
4 student and delivered in the least restrictive setting for the
5 student; and

6 (2) provided to the student regardless of
7 whether:

8 (a) the student's primary or secondary
9 diagnosis is deafness or hearing loss;

10 (b) the student has been diagnosed with
11 deafness or hearing loss as well as a co-occurring condition,
12 including a developmental disability or any other condition; or

13 (c) in the case of a student diagnosed
14 with hearing loss, the student has been diagnosed with moderate
15 or severe hearing loss.

16 B. A school district or charter school shall make
17 the instruction required under this section available to
18 students through joint powers agreements or other arrangements
19 with institutions that provide instruction that is appropriate
20 to the needs of each student diagnosed as deaf or having
21 moderate to severe hearing loss. Decisions about the setting
22 in which a student diagnosed as deaf or having moderate to
23 severe hearing loss shall be based on the following factors:

24 (1) consideration of the student's language
25 and communication needs;

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1 (2) the student's opportunities for direct
2 communication with peers; and

3 (3) the availability of instruction in the
4 language and communication mode that the student uses.

5 C. At a minimum and in accordance with each
6 student's needs, a school district or charter school shall
7 provide to each student who has been diagnosed as deaf or
8 having moderate to severe hearing loss with the option of
9 receiving instruction in accordance with this section using:

- 10 (1) American sign language;
11 (2) an oral-language modality; or
12 (3) a combination of the modalities pursuant
13 to Paragraph (1) or (2) of this subsection, taking into
14 consideration the family's preference for a modality."