



PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | June St. Clair Atkinson, Ed.D., *State Superintendent*

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May 27, 2014

MEMORANDUM

TO: Directors, Exceptional Children Programs
Lead Administrators, Charter Schools
State Operated Programs
Residential Schools

FROM: William J. Hussey, Director *WJH*
Exceptional Children Division

SUBJECT: **Session Law 2013-119, House Bill 317, An Act to Improve Educational Outcomes for North Carolina Children Who Are Deaf or Hard of Hearing**

UPDATE ON THE IMPLEMENTATION OF SESSION LAW 2013-119, HOUSE BILL 317

We are embarking upon the one year anniversary of the enactment of Session Law 2013-119, *An Act To Improve Educational Outcomes for North Carolina Who Are Deaf or Hard of Hearing*. For a complete copy of the law, please visit, <http://ncleg.net/Sessions/2013/Bills/House/PDF/H317v5.pdf>.

Section one of the law states that, *The State Board of Education shall do at least all of the following to improve the educational outcomes for North Carolina children who are deaf or hard of hearing:*

- (1) Develop assessment procedures and protocols to measure, at least annually or more frequently if specified in a child's Individualized Education Program (IEP), the acquisition of language skills necessary for literacy using linguistically and culturally appropriate assessment tools. The results of these assessments shall be used to determine whether further support and services, if any, are needed for a child.
- (2) Require an IEP team to use the Communication Plan Worksheet for a Student Who is Deaf or Hard of Hearing to document (i) the team's consideration of the language and communication needs of the individual child as the IEP is developed, reviewed, or revised, (ii) data to be used in the placement decisions made for that child, and (iii) the team's review, at least annually, of the child's placement and language and communication needs.
- (3) Ensure that personnel who are highly qualified in the education of children who are deaf or hard of hearing are available to meet the unique needs of each child, including interactions in the child's language and communication modality to meet academic and social goals.
- (4) Develop and implement strategies to ensure that parents of a child who is deaf or hard of hearing know they are entitled to request that the child's IEP team consider placement of their child in a residential setting and, if such a request is made, that a representative from one of the two North Carolina residential/day program schools for the deaf shall be a member of the IEP team.

Each LEA, including public charter schools, public residential schools and State Operated Programs, that have students identified as deaf or hearing impaired should be working toward assessing these

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students to measure the acquisition of language needed for literacy. An appropriate time to do that is near the student's annual review IEP.

- According to *Policies Governing Services for Children with Disabilities*, NC 1503-5.1(b), Review and revision of IEPs, the IEP team (i) reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and (ii) revises the IEP, as appropriate, to address (A) any lack of expected progress toward the annual goals, and in the general education curriculum, (B) the results of any reevaluation, (C) information about the child provided to, or by, the parents, (D) the child's anticipated needs; or (E) other matters.

During goal development, IEP teams must provide a statement that shows how progress will be measured toward each annual goal on the IEP. A September 6, 2013, memo to Directors of Exceptional Children Programs and Lead Administrators in Charter Schools stated,

- "Written parental consent is not required for formal and informal measurement tools identified during IEP goal development if these tools are to be used for progress monitoring purposes, as parents already are to be integrally involved in IEP development."

This measurement statement allows for adherence to Session Law 2003-119(1) and a complete reevaluation is not required.

The Communication Plan Worksheet is now a required part of the IEP meeting for students with hearing loss. The worksheet is in the process of being revised; however, IEP teams should continue to use the current form until it has been approved by the State Board of Education. Once complete, training on use of the new form by Exceptional Children Division staff will be scheduled.

This year the Consultants for Deaf/Hard of Hearing in the Exceptional Children Division have shared the bill and its components with professionals across the state. The information has been shared through a regular series of free, collaborative professional development offerings by DPI, BEGINNINGS, and UNC Chapel Hill. It has also been discussed at regular regional meetings that Division Consultants for Deaf/Hard of Hearing hold for professionals serving students with hearing loss as well as at regional meetings for Directors of Exceptional Children and Lead Administrators in Charter Schools.

Should you have further questions about Session Law 2013-119, please contact the appropriate regional Consultant for Deaf/Hard of Hearing.

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