

O.C.G.A § 30-1-5 [HB 844 (2018) signed as Act 462 (2018)]

(a) As used in this Code section, the term:

(1) "American Sign Language" means a completely visual language with its own pragmatics, syntax, and semantics. Conceptual information expressed in American Sign Language is the same as in Spoken English but is expressed using signs and nonmanual markers.

(2) "Birth to literacy plan" means a longitudinal plan developed and implemented by the multiagency task force created pursuant to subsection (c) of this Code section to ensure that each child who is deaf or hard of hearing develops his or her maximal language and literacy abilities. This plan may include, but is not limited to, a child's Individualized Family Service Plan and Individualized Education Program.

(3) "Commission" means the Georgia Commission for the Deaf or Hard of Hearing.

(4) "Deaf or hard of hearing" means possession of hearing levels, absent the aid of a hearing device, that in any way impedes an individual's ability to perceive sound.

(5) "Home language" means a language that is most commonly spoken by members of a family for everyday interactions at home, including English and all foreign languages.

(6) "Individualized Education Program" means a written education plan for children in special education, from age three through high school graduation or a maximum age of 22, that is meant to address each child's unique learning issues and include specific educational goals. The plan shall be created through a team effort and reviewed periodically.

(7) "Individualized Family Service Plan" means a plan for special services for young children, from birth to age three, with developmental delays. The plan is developed with the service coordinator, the family, and other professionals. The plan is set up to identify individual supports and services that will enhance the child's development. The plan must include an assessment of the child's present level of development, a statement of goals, and support services that will be put in place to achieve those goals, and the date services begin.

(8) "Language" means the age appropriate development of human communication, spoken, written, or signed, consisting of the use of words and signs in a structured and conventional way.

(9) "Literacy" means age appropriate, on-grade-level development of the comprehension and production of written text in English.

(10) "Nonmanual markers" means various facial expressions, head tilting, shoulder raising, mouthing, and similar signals added to hand signs to create meaning.

(11) "Spoken English" means when the English language is produced by one's voice for the purpose of linking words together to convey meaning that can also be written. Spoken English is perceived through listening and speech reading.

(b) (1) (A) There is created the Georgia Commission for the Deaf or Hard of Hearing, which shall consist of 12 members. Ten of the members shall be appointed by the Governor as follows: one member shall be deaf or hard of hearing whose primary language is American Sign Language, one member shall be deaf or hard of hearing whose primary languages are Spoken English and American Sign Language, one member shall be deaf-blind, one member shall be deaf or hard of hearing whose primary language is Spoken English, one member who became deaf after the age of 18 years, one member shall be a parent of a child who uses Spoken English exclusively, one member shall be a parent of a child who uses American Sign Language, one member shall be an otolaryngologist or audiologist who serves people who are deaf or hard of hearing, one member shall be a private provider of services for people who are deaf or hard of hearing, and one member shall be involved with programs that serve people who are deaf or hard of hearing. An additional two members shall be appointed as follows: one member shall be appointed by the Senate Committee on Assignments, and one member shall be appointed by the Speaker of the House of Representatives. Each commission member shall serve for a three-year term and until a successor is appointed and qualified. No member shall serve more than two consecutive terms. Any vacancy on the commission for any reason other than expiration of term shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

(B) The commission shall select one member as chairperson.

(C) The commission shall be attached to the Department of Human Services for administrative purposes only as provided by Code Section 50-4-3.

(2) Members of the commission shall serve as such without compensation.

(3) The commission shall serve as the principal agency of the state to advocate on behalf of deaf or hard of hearing persons by working to ensure those persons have equal access to the services, programs, and opportunities available to others.

(4) The commission shall:

(A) Assist deaf or hard of hearing persons and parents of such persons who are students in advocating for equal access to services, programs, and opportunities;

(B) Advise the Governor, General Assembly, commissioner of human services, and commissioner of community health on the development of policies, programs, and services affecting deaf or hard of hearing persons and on the use of appropriate federal and state moneys for such purposes;

(C) Create a public awareness of the special needs and potential of deaf or hard of hearing persons;

(D) Provide the Governor, General Assembly, commissioner of human services, and commissioner of community health with a review of ongoing services, programs, and proposed legislation affecting deaf or hard of hearing persons;

(E) Advise the Governor, General Assembly, commissioner of human services, and commissioner of community health on statutes, rules, and policies necessary to ensure that deaf or hard of hearing persons have equal access to benefits and services provided to individuals in this state;

(F) Recommend to the Governor, General Assembly, commissioner of human services, and commissioner of community health legislation designed to improve the economic and social conditions of deaf or hard of hearing persons in this state;

(G) Propose solutions to problems of deaf or hard of hearing persons in the areas of education, employment, human rights, human services, health, housing, and other related programs;

(H) Work with other state and federal agencies and private organizations to promote economic development for deaf or hard of hearing persons; and

(I) Coordinate its efforts with other state and local agencies serving deaf or hard of hearing persons.

(5) The commission may appoint, subject to the availability of funds and approval of the Governor, an executive director who must be experienced in administrative activities and familiar with the problems and needs of deaf or hard of hearing persons. The commission may delegate to the executive director any powers and duties under this subsection that do not require commission approval. The executive director may be removed at any time by a majority vote of the commission. The executive director shall coordinate the provision of necessary support services to the commission with the Department of Human Services. Subject to availability of funds, the executive director may employ and direct staff necessary to carry out commission mandates, policies, activities, and objectives.

(6) The commission may contract in its own name. Contracts must be approved by a majority of the members of the commission and executed by the chairperson and the executive director. The commission may apply for, receive, and expend in its own name grants and gifts of money consistent with the powers and duties specified in this subsection.

(7) The commission may prepare and distribute periodic reports to the Governor, General Assembly, commissioner of human services, and commissioner of community health concerning the activities of the commission and the needs and concerns of deaf or hard of hearing persons.

(c)

(1) There is created within the Georgia Commission for the Deaf or Hard of Hearing a multiagency task force for the purposes of establishing a system of collaborative governance responsible for making recommendations to the General Assembly and the Governor regarding essential improvements to the state-wide system of developmental and educational services that support age-appropriate language and literacy proficiency for children who are deaf or hard of hearing from birth to third grade; engaging with stakeholders at the

Department of Public Health, the Department of Early Care and Learning, and the Department of Education to ensure a seamless, integrated system of care from birth to literacy for children who are deaf or hard of hearing; and developing and supporting interagency practices and policies that support the implementation of individualized birth to literacy plans for each child who is deaf or hard of hearing.

(2) The multiagency task force shall consist of eight members appointed by the Georgia Commission for the Deaf or Hard of Hearing. Such appointed members shall include: the chairperson of the commission, one member from the Department of Education with direct authority over deaf education in the state, one member from the Department of Public Health with direct authority over the early intervention program, one member from the Department of Early Care and Learning with direct authority over the preschool program, the coordinator of the early hearing detection and intervention program administered by the Department of Public Health, one member from the Department of Public Health with direct responsibility of current data management systems which track and monitor early identification and intervention for deaf or hard of hearing children, one member from the Department of Education with direct responsibility of current data management systems which track, monitor, and assess deaf or hard of hearing children, and one member from the State Board of Education. Each task force member shall serve for a three-year term and until a successor is appointed and qualified. No member shall serve more than two consecutive terms. Any vacancy on the task force for any reason other than expiration of term shall be filled in the same manner as the original appointment for the remainder of the unexpired term. A quorum of the task force shall be two-thirds of the members of the task force. Action of the task force shall require a two-thirds' vote of the entire task force membership.

(3) The task force may appoint, subject to the availability of funds and approval of the chairperson, an executive director who must be experienced in administrative activities and familiar with the individualized needs of children who are deaf or hard of hearing. The task force may delegate to the executive director any powers and duties required to facilitate the task force's policies, activities, and objectives. The executive director may be removed, at any time, by a majority vote of the task force. The executive director shall coordinate with the Department of Human Services to provide necessary support services to the task force.

(4) The chairperson shall call an organizational meeting of the task force on or before August 1, 2018.

(d)

(1) There is created a stakeholder advisory committee to provide information and guidance to the task force created pursuant to subsection (c) of this Code section.

(2) The stakeholder advisory committee shall consist of 13 members appointed by the commission based upon the following criteria for each member:

(A) A parent of a child, under ten years of age, who is deaf or hard of hearing and who uses American Sign Language;

(B) A parent of a child, under ten years of age, who is deaf or hard of hearing and who uses Spoken English exclusively;

(C) A parent of a child, under ten years of age, who is deaf or hard of hearing and for whom English is a second language;

(D) An adult who is deaf or hard of hearing who uses American Sign Language;

(E) An adult who is deaf or hard of hearing who uses Spoken English exclusively;

(F) A certified early intervention specialist who works with children from birth to three years of age using American Sign Language;

(G) A certified early intervention specialist who works with children from birth to three years of age using Spoken English exclusively;

(H) A certified early intervention specialist with experience in non-Metro Atlanta areas;

(I) A certified teacher who uses Spoken English exclusively during instruction for deaf or hard of hearing children in pre-kindergarten through third grade in non-Metro Atlanta school systems;

(J) A certified teacher who uses both American Sign Language and Spoken English during instruction for deaf or hard of hearing children between pre-kindergarten through third grade;

(K) A certified deaf teacher who uses American Sign Language during instruction for deaf or hard of hearing children in pre-kindergarten through third grade in a state school for the deaf;

(L) A certified teacher who uses Spoken English exclusively during instruction for deaf or hard of hearing children in pre-kindergarten through third grade in Metro Atlanta school systems; and

(M) A pediatric audiologist with knowledge of language development who provides audiological assessment and management for hearing aids, cochlear implants, and bone-conduction aids for children who are deaf or hard of hearing.

(3) Each committee member shall serve for a three-year term and until a successor is appointed and qualified. No member shall serve more than two consecutive terms. Any vacancy on the committee for any reason other than expiration of term shall be filled in the same manner as the original appointment for the remainder of the unexpired term. Seven members of the committee shall constitute a quorum. Action of the committee shall require a two-thirds' vote of the entire committee membership.

(e) The task force, with counsel from the stakeholder advisory committee, shall provide the commission:

(1) A list of developmental milestones necessary for progressing toward age-appropriate language, including American Sign Language, Spoken English, and home language

milestones, and English literacy proficiency by the end of third grade for deaf or hard of hearing children;

(2) A comprehensive and accurate resource, web-based and print-based, for use by parents and professionals to monitor the individual progress of children who are deaf or hard of hearing toward age-appropriate language as chosen by a parent or guardian, including American Sign Language, Spoken English, home language, and English literacy proficiency, by the end of third grade;

(3) A list of currently available assessments appropriate for evaluating an individual child's progress toward age-appropriate language as chosen by a parent or guardian, including American Sign Language, Spoken English, home language, and English literacy proficiency, by the end of third grade, and a standard administration schedule for each type of assessment. There shall be, at a minimum, one language assessment every six months and one literacy assessment every six months beginning at the date of enrollment in early intervention or school; and

(4) An individual report of a child's current functioning, developed in collaboration with professionals and the parents or caregivers, that will be used for the purpose of supporting a child's progress toward age-appropriate language as chosen by a parent or guardian and English literacy proficiency by the end of third grade.

(f) The recommendations provided for in subsection (e) of this Code section shall require a two-thirds' affirmative vote of the entire task force membership prior to implementation. It is the intent of the General Assembly that all costs associated with the implementation of such recommendations shall be funded, as available, by the funds designated to the Department of Public Health, the Department of Early Care and Learning, and the Department of Education, or local school systems.

(g)

(1) The Georgia Technology Authority, in conjunction with the Department of Public Health, the Department of Early Care and Learning, and the Department of Education, shall establish a process by which early intervention, early learning, and school age educational data for children who are deaf or hard of hearing will be shared among agencies and used to gauge the progress of age-appropriate and on-grade-level student performance from birth through high school graduation for every child who is deaf or hard of hearing. This data shall be used to align early intervention and educational services and performance for children who are deaf or hard of hearing. Interagency data management shall allow for the sharing of demographic information and other data among agencies to ensure a seamless and integrated service delivery from birth through high school graduation. Parents or guardians may opt out of the data management, if desired.

(2) In order to identify and monitor the language and literacy progress of all children in Georgia who are diagnosed as deaf or hard of hearing on or after August 1, 2018, all such children shall receive Georgia Testing Identification Numbers (GTIDs) from the Department of Education once the Department of Public Health receives an official diagnosis of hearing loss from a certified audiologist. The Department of Public Health shall be responsible for requesting GTIDs from the Department of Education on a monthly schedule. The Department of Public Health shall be responsible for entering the GTIDs into the Early Hearing Detection and Intervention Database used to monitor children who are deaf or hard of hearing. At the

time of transition, the Department of Public Health shall be responsible for sharing GTIDs and language and literacy data with the Department of Early Care and Learning and the Department of Education to ensure a seamless and integrated service delivery from Part C to Part B of the Individuals with Disabilities Education Act (IDEA). Any gathering and sharing of data under this provision must comply with Health Insurance Portability and Accountability Act (HIPAA), Family Education Rights and Privacy Act (FERPA), and IDEA, and any other applicable federal or state law.

(h) A report detailing the provision of early intervention and school-age services and the language and literacy outcomes for children who are deaf or hard of hearing between the ages of birth and eight years shall be completed on or before September 1, 2019, and a similar report shall be completed on or before September 1 every year thereafter. Such report shall be jointly authored by the Department of Public Health, the Department of Early Care and Learning, and the Department of Education and approved by the commission and the advisory committee. The commission shall make the report available to the public on its website and present this report to the Governor and General Assembly no later than September 15, 2019, and every September 15 thereafter.

History:

Code 1981, § 30-1-5, enacted by Ga. L. 1989, p. 1636, § 1; Ga. L. 2007, p. 241, § 1/HB 655; Ga. L. 2009, p. 453, §§ 2-2, 2-4/HB 228; Ga. L. 2018, p. 899, § 1/HB 844.