

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 314

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO THE DEAF AND HARD OF HEARING; AMENDING SECTION 33-1001, IDAHO
2 CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMEND-
3 ING SECTION 33-2001, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A
4 TECHNICAL CORRECTION; AMENDING SECTION 33-3402, IDAHO CODE, TO RE-
5 VISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
6 54-2903, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL COR-
7 RECTIONS; AMENDING SECTION 61-1301, IDAHO CODE, TO REVISE TERMINOLOGY;
8 AMENDING SECTION 61-1302, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE
9 CORRECT CODE REFERENCES, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
10 SECTION 67-7301, IDAHO CODE, TO REVISE A DECLARATION OF POLICY; AMEND-
11 ING SECTION 67-7302, IDAHO CODE, TO REVISE TERMINOLOGY AND TO REMOVE
12 A DEFINITION; AMENDING SECTION 67-7303, IDAHO CODE, TO REVISE TERMI-
13 NOLOGY; AMENDING SECTION 67-7304, IDAHO CODE, TO REVISE PROVISIONS
14 REGARDING COMPOSITION OF THE IDAHO STATE COUNCIL FOR THE DEAF AND HARD
15 OF HEARING; AMENDING SECTION 67-7307, IDAHO CODE, TO REVISE TERMINOLOGY
16 AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 67-7308, IDAHO
17 CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION.
18

19 Be It Enacted by the Legislature of the State of Idaho:

20 SECTION 1. That Section 33-1001, Idaho Code, be, and the same is hereby
21 amended to read as follows:

22 33-1001. DEFINITIONS. As used in this chapter:

23 (1) "Administrative schools" means and applies to all elementary
24 schools and kindergartens within a district that are situated ten (10) miles
25 or less from both the other elementary schools and the principal administra-
26 tive office of the district and all secondary schools within a district that
27 are situated fifteen (15) miles or less from other secondary schools of the
28 district.

29 (2) "Administrative staff" means those who hold an administrator cer-
30 tificate and are employed as a superintendent, an elementary or secondary
31 school principal, or are assigned administrative duties over and above those
32 commonly assigned to teachers.

33 (3) "At-risk student" means a student in grades 6 through 12 who:

34 (a) Meets at least three (3) of the following criteria:

35 (i) Has repeated at least one (1) grade;

36 (ii) Has absenteeism greater than ten percent (10%) during the
37 preceding semester;

38 (iii) Has an overall grade point average less than 1.5 on a 4.0
39 scale prior to enrolling in an alternative secondary program;

40 (iv) Has failed one (1) or more academic subjects in the past year;

41 (v) Is below proficient, based on local criteria, standardized
42 tests, or both;

1 (vi) Is two (2) or more credits per year behind the rate required
2 to graduate or for grade promotion; or

3 (vii) Has attended three (3) or more schools within the previous
4 two (2) years, not including dual enrollment; or

5 (b) Meets any of the following criteria:

6 (i) Has documented substance abuse or a pattern of substance
7 abuse;

8 (ii) Is pregnant or a parent;

9 (iii) Is an emancipated youth or unaccompanied youth;

10 (iv) Is a previous dropout;

11 (v) Has a serious personal, emotional, or medical issue or is-
12 sues;

13 (vi) Has a court or agency referral; or

14 (vii) Demonstrates behavior detrimental to the student's academic
15 progress.

16 (4) "Average daily attendance" or "pupils in average daily attendance"
17 means the aggregate number of days enrolled students are present, divided by
18 the number of days of school in the reporting period; provided, however, that
19 students for whom no Idaho school district is a home district shall not be
20 considered in such computation.

21 (5) "Career ladder" means the compensation table used for determining
22 the allocations districts receive for instructional staff and pupil service
23 staff based on specific performance criteria and is made up of a residency
24 compensation rung and a professional compensation rung.

25 (6) "Child with a disability" means a child evaluated as having an
26 intellectual disability, a hearing ~~impairment~~ loss including deafness, a
27 speech or language impairment, a visual impairment including blindness,
28 an emotional behavioral disorder, an orthopedic impairment, autism, a
29 traumatic brain injury, another health impairment, a specific learning
30 disability, deaf-blindness, or multiple disabilities, and who, by reason
31 thereof, needs special education and related services.

32 (7) "Compensation rung" means the rung on the career ladder that corre-
33 sponds with the compensation level performance criteria.

34 (8) "Economically disadvantaged student" means a student who:

35 (a) Is eligible for a free or reduced-price lunch under the Richard B.
36 Russell national school lunch act, 42 U.S.C. 1751 et seq., excluding
37 students who are only eligible through a school's community eligibility
38 program;

39 (b) Resides with a family receiving assistance under the program of
40 block grants to states for temporary assistance for needy families
41 (TANF) established under part A of title IV of the social security act,
42 42 U.S.C. 601 et seq.;

43 (c) Is eligible to receive medical assistance under the medicaid pro-
44 gram under title XIX of the social security act, 42 U.S.C. 1396 et seq.;
45 or

46 (d) Is considered homeless for purposes of the federal McKinney-Vento
47 homeless assistance act, 42 U.S.C. 11301 et seq.

48 (9) "Elementary grades" or "elementary average daily attendance" means
49 and applies to students enrolled in grades 1 through 6, inclusive, or any
50 combination thereof.

1 (10) "Elementary schools" are schools that serve grades 1 through 6, inclusive, or any combination thereof.

2 (11) "Elementary/secondary schools" are schools that serve grades 1
3 through 12, inclusive, or any combination thereof.

4 (12) "English language learner" or "ELL" means a student who does not
5 score proficient on the English language development assessment established
6 by rule of the state board of education.

7 (13) "Gifted and talented" shall have the same meaning as provided in
8 section 33-2001(4), Idaho Code.

9 (14) "Homebound student" means any student who would normally and reg-
10 ularly attend school, but is confined to home or hospital because of an ill-
11 ness or accident for a period of ten (10) or more consecutive days.

12 (15) "Instructional staff" means those who hold an Idaho certificate
13 issued under section 33-1201, Idaho Code, and who are either involved in the
14 direct instruction of a student or group of students or who serve in a mentor
15 or teacher leader position for individuals who hold an Idaho certificate
16 issued under section 33-1201, Idaho Code.

17 (16) "Kindergarten" or "kindergarten average daily attendance" means
18 and applies to all students enrolled in a school year, less than a school
19 year, or summer kindergarten program.

20 (17) "Local salary schedule" means a compensation table adopted by a
21 school district or public charter school, which table is used for determin-
22 ing moneys to be distributed for instructional staff and pupil service staff
23 salaries. Minimum compensation provided under a local salary schedule shall
24 be at least equal to thirty-eight thousand five hundred dollars (\$38,500)
25 or, for staff holding a professional endorsement, forty-two thousand five
26 hundred dollars (\$42,500).

27 (18) "Measurable student achievement" means the measurement of student
28 academic achievement or growth within a given interval of instruction for
29 those students who have been enrolled in and attended eighty percent (80%)
30 of the interval of instruction. Measures and targets shall be chosen at the
31 district level or school level in collaboration with the staff member im-
32 pacted by the measures and applicable district staff. Assessment tools that
33 may be used for measuring student achievement and growth include:

34 (a) Idaho standards achievement test;

35 (b) Student learning objectives;

36 (c) Formative assessments;

37 (d) Teacher-constructed assessments of student growth;

38 (e) Pre- and post-tests;

39 (f) Performance-based assessments;

40 (g) Idaho reading indicator;

41 (h) College entrance exams or preliminary college entrance exams such
42 as PSAT, SAT and ACT;

43 (i) District-adopted assessment;

44 (j) End-of-course exams;

45 (k) Advanced placement exams; and

46 (l) Career technical exams.

47 (19) "Performance criteria" means the standards specified for instruc-
48 tional staff and pupil service staff to demonstrate teaching proficiency
49 for a given compensation rung. Each element of the performance criteria, as
50

1 identified in subsection (14) of this section, shall be reported for deter-
2 mining movement on the career ladder.

3 (20) "Professional compensation rung performance criteria" means:

4 (a) An overall rating of proficient, and no components rated as unsat-
5 isfactory, on the state framework for teaching evaluation; and

6 (b) Demonstrating the majority of ~~their~~ students have met ~~their~~ measur-
7 able student achievement targets or student success indicator targets.

8 (21) "Public school district" or "school district" or "district" means
9 any public school district organized under the laws of this state, including
10 specially chartered school districts.

11 (22) "Pupil service staff" means those who provide services to stu-
12 dents, but are not involved in direct instruction of those students, and hold
13 a pupil personnel services certificate.

14 (23) "Secondary grades" or "secondary average daily attendance" means
15 and applies to students enrolled in grades 7 through 12, inclusive, or any
16 combination thereof.

17 (24) "Secondary schools" are schools that serve grades 7 through 12, in-
18 clusive, or any combination thereof.

19 (25) "Separate elementary school" means an elementary school located
20 more than ten (10) miles on an all-weather road from both the nearest elemen-
21 tary school and elementary/secondary school serving like grades within the
22 same school district and from the location of the office of the superinten-
23 dent of schools of such district, or from the office of the chief administra-
24 tive officer of such district if the district employs no superintendent of
25 schools.

26 (26) "Separate kindergarten" means a kindergarten located more than ten
27 (10) miles on an all-weather road from both the nearest kindergarten school
28 within the same school district and from the location of the office of the su-
29 perintendent of schools of such district, or from the office of the chief ad-
30 ministrative officer of such district if the district employs no superinten-
31 dent of schools.

32 (27) "Separate secondary school" means any secondary school located
33 more than fifteen (15) miles on an all-weather road from any other secondary
34 school and elementary/secondary school serving like grades operated by the
35 district.

36 (28) "Special education" means specially designed instruction or
37 speech/language therapy at no cost to the parent to meet the unique needs
38 of a student who is a child with a disability, including instruction in the
39 classroom, the home, hospitals, institutions, and other settings; instruc-
40 tion in physical education; speech therapy and language therapy; transition
41 services; travel training; assistive technology services; and vocational
42 education.

43 (29) "Student success indicators" means measurable indicators of stu-
44 dent achievement or growth, other than academic, within a predefined inter-
45 val of time for a specified group of students. Measures and targets shall be
46 chosen at the district or school level in collaboration with the pupil ser-
47 vice staff member impacted by the measures and applicable district staff.
48 Student success indicators include:

49 (a) Quantifiable goals stated in a student's 504 plan or individualized
50 education plan.

1 (b) Quantifiable goals stated in a student's behavior improvement
2 plan.

3 (c) School_ or district_identified measurable student objectives for a
4 specified student group or population.

5 (30) "Support program" means the educational support program as de-
6 scribed in section 33-1002, Idaho Code, the transportation support program
7 described in section 33-1006, Idaho Code, and the exceptional education
8 support program as described in section 33-1007, Idaho Code.

9 (31) "Support unit" means a function of average daily attendance used
10 in the calculations to determine financial support provided to the public
11 school districts.

12 (32) "Teacher" means any person employed in a teaching, instructional,
13 supervisory, educational administrative or educational and scientific ca-
14 pacity in any school district. In case of doubt, the state board of educa-
15 tion shall determine whether any person employed requires certification as a
16 teacher.

17 SECTION 2. That Section 33-2001, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 33-2001. DEFINITIONS. (1) "Ancillary personnel" means those persons
20 who render special services to exceptional children in regular or in addi-
21 tion to regular or special class instruction as defined by the state board of
22 education.

23 (2) "Children with disabilities" means those children with cognitive
24 impairments, hearing ~~impairments~~ loss, deafness, speech or language impair-
25 ments, visual impairments, blindness, deaf-blindness, serious emotional
26 disturbance, orthopedic impairments, severe or multiple disabilities,
27 autism, traumatic brain injury, developmental delay or specific learning
28 disabilities, and who by reason of the qualifying disability require special
29 education and related services.

30 (3) "Exceptional children" means both children with disabilities and
31 gifted/talented children with regard to funding for school districts.

32 (4) "Gifted/talented children" means those students who are identified
33 as possessing demonstrated or potential abilities that give evidence of
34 high_performing capabilities in intellectual, creative, specific academic
35 or leadership areas, or ability in the performing or visual arts and who re-
36 quire services or activities not ordinarily provided by the school in order
37 to fully develop such capabilities.

38 (5) "Special education" or "special instructional service" means spe-
39 cially designed instruction or a related service, at no cost to the parents,
40 to meet the unique needs of an exceptional child.

41 SECTION 3. That Section 33-3402, Idaho Code, be, and the same is hereby
42 amended to read as follows:

43 33-3402. DEFINITIONS. As used in this chapter:

44 (1) "Blind or visually impaired" means impacted by an impairment in
45 vision that, even with correction, adversely affects a child's educational
46 performance. The term includes both partial sight and blindness.

1 (2) "Board of directors," also referred to in this chapter as "the
2 board," means the board of directors of the Idaho bureau of educational
3 services for the deaf and the blind as such board is established in section
4 33-3404, Idaho Code.

5 (3) "Bureau" means the Idaho bureau of educational services for the
6 deaf and the blind as created in section 33-3403, Idaho Code.

7 (4) "Deaf or hard of hearing" means impacted by ~~an impairment in a~~
8 loss of hearing, whether permanent or fluctuating, that adversely affects a
9 child's educational performance, or impacted by a hearing ~~impairment loss~~
10 that is so severe that the child is ~~impaired in processing~~ not able to process
11 linguistic information through hearing, with or without amplification, that
12 adversely affects a child's educational performance.

13 (5) "Idaho school for the deaf and the blind" means the campus program
14 used to provide residential and day campus instruction and services to deaf
15 or hard of hearing and/or blind or visually impaired students.

16 (6) "Outreach services" means off-campus statewide supplemental ser-
17 vices provided by the Idaho bureau of educational services for the deaf and
18 the blind to school districts, students and families.

19 (7) "Sensory impairment" means an impairment of vision or hearing, or
20 both.

21 (8) "Specialized/certified personnel" means all personnel nationally
22 certified and/or certified by the state of Idaho as required by applicable
23 law to provide services and instruction to students who are deaf or hard of
24 hearing and/or blind or visually impaired, including, but not limited to,
25 certified teachers of the deaf, certified teachers of the visually impaired,
26 certified interpreters, certified orientation and mobility specialists,
27 speech language pathologists, and certified low vision therapists.

28 (9) "State board" means the Idaho state board of education.

29 (10) "Student" means an individual who is deaf or hard of hearing and/or
30 blind or visually impaired and who qualifies for educational services as
31 provided for in this chapter pursuant to eligibility criteria set forth in
32 the Idaho standards for infants, toddlers, children, and youth who are deaf
33 or hard of hearing as incorporated by reference in IDAPA 08.02.03.004.08
34 or are blind or visually impaired as incorporated by reference in IDAPA
35 08.02.03.004.09, in effect on January 1, 2009.

36 (11) "Supplemental services" means services provided to deaf or hard of
37 hearing and/or blind or visually impaired students and their families, in
38 addition to and in support of services the student may receive from his or her
39 school district. Such services may include assessment, consultation and di-
40 rect instruction.

41 SECTION 4. That Section 54-2903, Idaho Code, be, and the same is hereby
42 amended to read as follows:

43 54-2903. DEFINITIONS. As used in this chapter:

44 (1) "Applicant" means a person applying for a license or permit under
45 this chapter.

46 (2) "Audiologist" means a natural person who meets the requirements of
47 this chapter, is duly licensed in accordance with this chapter and is engaged
48 in the practice of audiology.

1 (3) "Board" means the speech, hearing and communication services li-
2 censure board.

3 (4) "Bureau" means the bureau of occupational licenses.

4 (5) "Department" means the department of self-governing agencies.

5 (6) "Hearing aid" means any wearable electronic instrument or other de-
6 vice designed for the purpose of aiding or compensating for ~~impaired a loss~~
7 of human hearing and any parts, attachments or accessories, including ear-
8 molds attached to the hearing aid, but excluding batteries and cords. "Hear-
9 ing aid" does not include those devices classified by the federal food and
10 drug administration as assistive listening devices.

11 (7) "Hearing aid dealer and fitter" means a person licensed pursuant to
12 this chapter to provide hearing aid evaluations and to sell, dispense and fit
13 hearing aids in the state of Idaho.

14 (8) "Hearing aid evaluation" means the measurement of human hearing for
15 the purpose of selecting or adapting a hearing aid, and not for obtaining
16 medical diagnosis or legal documentation, and includes the following:

17 (a) Air conduction threshold testing;

18 (b) Bone conduction threshold testing;

19 (c) Speech reception threshold testing;

20 (d) Speech discrimination testing;

21 (e) Most comfortable loudness level testing; and

22 (f) Uncomfortable loudness level testing.

23 (9) "Improper fitting" means a pattern of hearing aid selections or
24 adaptations, ~~which that~~ cause physical damage to any portion of the ear, in
25 which the electroacoustic characteristics of the hearing aid are inadequate
26 for the consumer, or in which the hearing aid is physically or acoustically
27 unsuited to the consumer including, but not limited to:

28 (a) An all-in-the-ear hearing aid, ~~which that~~ continually falls out of
29 the ear;

30 (b) Any hearing aid or earmold, ~~which that~~ causes inappropriate feed-
31 back, pain or discomfort to the ear within thirty (30) days of the origi-
32 nal delivery of the hearing aid to the consumer;

33 (c) Fitting a consumer with impacted cerumen; or

34 (d) Fitting a consumer with either an apparent unilateral sensorineu-
35 ral hearing loss or a significant air-bone gap without prior medical
36 evaluation and approval.

37 (10) "License" means a license issued by the board under this chapter.

38 (11) "Practice of audiology" means to apply the principles, methods and
39 procedures of measurement, evaluation, testing, counseling, consultation
40 and instruction that relate to the development and disorders of hearing,
41 vestibular functions and related language and speech disorders to prevent,
42 modify or rehabilitate the disorders or to assist individuals in auditory
43 and related skills for communication, and may include intraoperative moni-
44 toring and the fitting, adjustment, programming, selling and dispensing of
45 hearing aids and assistive devices.

46 (12) "Practice of fitting and dealing in hearing aids" means the selec-
47 tion, adaptation, dispensing, fitting or sale of hearing aids, and includes
48 the testing of hearing by means of an audiometer, or by any other device de-
49 signed specifically for these purposes. The practice also includes the mak-
50 ing of impressions for earmolds.

1 (13) "Practice of sign language interpreting" means the application of
 2 the process of providing effective communication between and among persons
 3 who are deaf, hard of hearing or deaf-blind, speech impaired and those who
 4 can hear. The process includes, but is not limited to, communication between
 5 American sign language or other forms of manual communication and English.
 6 The process may also involve various other modalities that involve visual,
 7 gestural and tactile methods.

8 (14) "Practice of speech-language pathology" means the application of
 9 principles, methods and procedures of measurement, evaluation, testing,
 10 counseling, rehabilitation, screening, consultation and instruction that
 11 relate to the development and disorders of human communication including,
 12 but not limited to, speech (articulation, fluency, voice, accent reduction)
 13 and language, swallowing, cognitive communication disorders, augmentative
 14 and alternative communication systems and related hearing disorders.

15 (15) "Provisional permit" means a permit issued to an applicant who is
 16 registered to obtain required experience to become licensed.

17 (16) "Sign language interpreter" means a natural person who meets the
 18 requirements of this chapter, is duly licensed in accordance with this chap-
 19 ter, and who engages in the practice of sign language interpreting.

20 (17) "Speech-language pathologist" means a natural person who meets the
 21 requirements of this chapter, is duly licensed in accordance with this chap-
 22 ter, and who engages in the practice of speech-language pathology.

23 (18) "Speech-language pathologist aide" means a natural person who
 24 meets the requirements of this chapter, is duly licensed in accordance
 25 with this chapter, and who works under the direction and supervision of a
 26 speech-language pathologist. A speech-language pathologist aide shall
 27 not act or provide services independently of a supervising speech-language
 28 pathologist licensed in Idaho.

29 (19) "Speech-language pathologist assistant" means a natural person
 30 who meets the requirements of this chapter, is duly licensed in accor-
 31 dance with this chapter, and works under the direction and supervision of
 32 a speech-language pathologist. A speech-language pathologist assistant
 33 shall not act or provide services independently of a supervising speech-lan-
 34 guage pathologist licensed in Idaho.

35 SECTION 5. That Section 61-1301, Idaho Code, be, and the same is hereby
 36 amended to read as follows:

37 61-1301. LEGISLATIVE FINDINGS AND INTENT. Title IV of the Americans
 38 with disabilities act, public law 101-336, requires that on or before July
 39 26, 1993, telephone corporations providing interstate or intrastate tele-
 40 phone services provide telecommunications relay services (TRS) for individ-
 41 uals who are ~~hearing-impaired~~ deaf, hard of hearing, or speech-impaired that
 42 will allow them to engage in telephone communication in a manner function-
 43 ally equivalent to that of individuals without hearing loss or speech im-
 44 pairments. The legislature finds that it is in the public interest to pro-
 45 vide for the appointment of a TRS administrator who can coordinate TRS ser-
 46 vices and assist the state in applying for certification of the state TRS
 47 program by the federal deadline of October 1, 1992. This certification, if
 48 approved by the federal communications commission, will allow every tele-
 49 phone corporation providing intrastate service in Idaho to meet its obliga-

1 tions under federal law by participating in the state telecommunications re-
2 lay services program.

3 SECTION 6. That Section 61-1302, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 61-1302. DEFINITIONS. In this chapter:

6 (1) "Administrator" means the person with whom the Idaho public utili-
7 ties commission contracts to administer the program for delivery of telecom-
8 munications relay services.

9 (2) "Commission" means the Idaho public utilities commission.

10 (3) "Communications-impaired" means individuals who are ~~hearing-im-~~
11 ~~paired deaf, hard of hearing,~~ or speech-impaired as defined in title IV, sec-
12 tion 401, Americans with disabilities act of 1990, public law 101-336, 104
13 stat. 327, 336-69 (47 U.S.C. section 225) or regulations promulgated pur-
14 suant thereto.

15 (4) "Local exchange company" means a telephone corporation ~~which that~~
16 provides access lines to residential and business customers with the asso-
17 ciated transmission of two (2) way interactive switched voice communication
18 within a geographic area where basic local exchange rates rather than mes-
19 sage telecommunications service rates apply.

20 (5) "Message telecommunications service" shall have the meaning pre-
21 scribed in section 62-603(~~68~~), Idaho Code.

22 (6) "Program" means the effort directed by the administrator pursuant
23 to this chapter to establish and operate an Idaho system to provide telecom-
24 munications relay services.

25 (7) "Telephone corporation" shall have the meaning prescribed in sec-
26 tion 62-603(~~104~~), Idaho Code.

27 (8) "Telecommunications relay services" (TRS) means services through
28 which a communications-impaired person, using specialized telecommunica-
29 tions equipment, may send and receive messages to and from a noncommuni-
30 cations-impaired person whose telephone is not equipped with specialized
31 telecommunications equipment and through which a noncommunications-im-
32 paired person may, by using voice communication, send and receive messages
33 to and from a communications-impaired person.

34 SECTION 7. That Section 67-7301, Idaho Code, be, and the same is hereby
35 amended to read as follows:

36 67-7301. DECLARATION OF PURPOSE. The legislature finds that Idaho's
37 deaf and hard of hearing citizens make up ~~ten per cent~~ thirteen percent
38 (~~103%~~) of the state's population, with approximately one-half (1/2) of this
39 constituency being elderly. Deaf and hard of hearing individuals are capa-
40 ble of doing everything well except hearing. The deaf and hard of hearing
41 need help in bridging the communication gap into the hearing world. Deaf
42 and hard of hearing individuals deserve equal access to jobs, housing, ed-
43 ucation, and information. Unfortunately, the needs of the deaf and hard of
44 hearing have long been overlooked and underserved. Services that are avail-
45 able are fragmented and incomplete. There is an urgent need for an entity to
46 coordinate state-level programs to assure accommodation and access services
47 for the deaf and hard of hearing. The purpose of this chapter is to establish

1 an advisory council for the deaf and hard of hearing whose mission will be to
 2 create an environment in which ~~hearing-impaired~~ deaf and hard of hearing Ida-
 3 hoans of all ages have an equal opportunity to participate fully as active,
 4 responsible, productive, and independent citizens of the state.

5 SECTION 8. That Section 67-7302, Idaho Code, be, and the same is hereby
 6 amended to read as follows:

7 67-7302. DEFINITIONS. As used in this chapter:

8 (1) "Advocacy" means to act in the interests of the deaf and hard of
 9 hearing population.

10 (2) "Council" means the Idaho state council for the deaf and hard of
 11 hearing.

12 (3) "Deaf" means those in whom the sense of hearing is not functional
 13 for the ordinary purposes of life. "Deaf" includes several kinds of deaf-
 14 ness: prelingually deaf, postlingually deaf and deafened as defined by the
 15 Gallaudet university study on hearing loss.

16 (4) "Hard of hearing" means those persons whose hearing is ~~impaired~~
 17 diminished to an extent that makes hearing difficult but does not preclude
 18 the understanding of spoken communication through the ear alone, with or
 19 without a hearing aid.

20 ~~(5) "Hearing-impaired" means those who are deaf or hard of hearing.~~

21 SECTION 9. That Section 67-7303, Idaho Code, be, and the same is hereby
 22 amended to read as follows:

23 67-7303. IDAHO STATE COUNCIL FOR THE DEAF AND HARD OF HEARING CRE-
 24 ATED. (1) The Idaho state council for the deaf and hard of hearing is hereby
 25 created. The council shall be the interdepartmental and interagency plan-
 26 ning and advisory body for the departments and agencies of the state for
 27 programs and services affecting persons ~~with a hearing impairment~~ who are
 28 deaf or hard of hearing.

29 (2) For budgetary purposes and for administrative support purposes,
 30 the council shall be assigned, by the governor, to a department or office
 31 within the state government. However, this assignment shall not interfere
 32 with the interdepartmental and interagency planning, coordinating, influ-
 33 encing, evaluating and monitoring functions of the council.

34 SECTION 10. That Section 67-7304, Idaho Code, be, and the same is hereby
 35 amended to read as follows:

36 67-7304. COMPOSITION. (1) The council shall consist of nine (9) mem-
 37 bers to be appointed by the governor.

38 (2) Membership shall be as follows: one (1) member shall be a deaf per-
 39 son representing an association of the deaf, one (1) member shall be a deaf
 40 person, one (1) member shall be the parent of a deaf child, one (1) member
 41 shall be a hard of hearing member of a ~~national~~ hard of hearing consumer or-
 42 ganization, one (1) member shall be a hard of hearing person over the age
 43 of sixty (60) years, one (1) member shall be the parent of a hard of hearing
 44 child, one (1) member shall be ~~an~~ a licensed sign language interpreter ~~for~~

1 ~~the deaf~~, one (1) member shall be a licensed physician, and one (1) member
2 shall be an ASHA-certified audiologist.

3 (3) The following shall serve as ex officio nonvoting members of the
4 council: a representative from each of the following: the Idaho bureau of
5 educational services for the deaf and the blind, the state department of ed-
6 ucation, the division of vocational rehabilitation, the ~~office~~ commission
7 on aging, the department of health and welfare, the bureau of occupational
8 licenses, the department of ~~employment~~ labor, the public utilities commis-
9 sion, the consumer protection division of the office of the attorney gen-
10 eral, ~~the Idaho hearing aid society~~, and the director of the council for the
11 deaf and hard of hearing.

12 (4) Due regard shall be given to balanced representation from geograph-
13 ical and demographic areas of the state for voting members of the council.

14 (5) Voting members of the council shall be compensated as provided in
15 section 59-509(b), Idaho Code.

16 SECTION 11. That Section 67-7307, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 67-7307. RESPONSIBILITIES AND DUTIES. The council shall:

19 (1) Work to increase access to employment, educational and social-in-
20 teraction opportunities for deaf and hard of hearing individuals.

21 (2) Increase awareness of the needs of the deaf and hard of hearing
22 through educational and informational programs.

23 (3) Encourage consultation and cooperation among departments, agen-
24 cies and institutions serving the deaf and hard of hearing.

25 (4) Provide a network through which all state and federal programs
26 dealing with ~~the~~ deaf and hard of hearing individuals can be channeled.

27 (5) Determine the extent and availability of services to the deaf and
28 hard of hearing, determine the need for further services and make appropri-
29 ate recommendations to government officials to ~~insure~~ ensure that the needs
30 of deaf and hard of hearing citizens are best served.

31 (6) ~~To~~ Coordinate, advocate for, and recommend the development of pub-
32 lic policies and programs that provide full and equal opportunity and acces-
33 sibility for deaf and hard of hearing persons in Idaho.

34 (7) ~~To~~ Monitor consumer protection issues that involve the deaf and
35 hard of hearing population of the state of Idaho.

36 (8) Submit periodic reports to the governor, the legislature, and de-
37 partments of state government on how current federal and state programs,
38 rules, regulations, and legislation affect services to persons ~~with hearing~~
39 impairments who are deaf or hard of hearing.

40 SECTION 12. That Section 67-7308, Idaho Code, be, and the same is hereby
41 amended to read as follows:

42 67-7308. SHORT TITLE. This chapter shall be known and may be cited as
43 the "Idaho State Council ~~on~~ for the Deaf and Hard of Hearing Act."