2019 ASSEMBLY BILL 621

November 20, 2019 - Introduced by Representatives THIESFELDT, SKOWRONSKI, BROSTOFF, MURSAU, ANDERSON, BOWEN, DITTRICH, EMERSON, KNODL, KRUG, MILROY, SINICKI, SPREITZER, SUBECK, TUSLER, VRUWINK and C. TAYLOR, cosponsored by Senators MARKLEIN, LARSON and L. TAYLOR. Referred to Committee on State Affairs.

AN ACT to amend 15.377 (2) (intro.), 15.377 (2) (a), 15.377 (2) (b), 15.377 (2) (f),
20.255 (1) (d), 20.435 (1) (da), 20.435 (1) (hs), 20.866 (2) (zh), 46.295 (title),
46.295 (1), 46.295 (4) (intro.), 46.295 (4) (a), 46.295 (4) (b), 46.295 (5), 46.297
(title), 46.297 (1), 46.297 (2) (a), 46.298, 51.05 (6), 51.42 (7) (a) 6. a., 51.42 (7)
(a) 6. b., 59.54 (5), 101.13 (1), 106.52 (1) (fm), 115.372 (1) (b), 115.372 (2), 115.372
(3) (b), 115.372 (3) (d), 115.372 (3) (e), 115.372 (3) (f), 115.372 (5), 115.51 (2),
115.52 (1m), 115.52 (2), 115.52 (3) (intro.), 115.52 (3) (a) 1., 115.52 (3) (a) 2.,
115.52 (3) (a) 3., 115.52 (3) (b) 4., 115.52 (3) (b) 5., 115.52 (3) (b) 6., 115.52 (3) (b)
8., 115.52 (3) (b) 11., 115.52 (3) (b) 12., 115.52 (3) (c) 1., 115.52 (3) (c) 2., 115.52
(3) (c) 3., 115.53 (5), 115.54, 115.76 (5) (a) 2., 115.787 (3) (b) 4., 118.255 (1) (a),
459.01 (2), 459.01 (5), 459.10 (1) (q), 459.20 (3g), 459.20 (3p), 459.34 (2) (i),
632.895 (16) (a) 2., 632.895 (16) (b) 1. a., 885.37 (1), 885.37 (3) (b), 885.37 (5) (b),
905.015 (title) and 905.015 (1) of the statutes; relating to: changing
terminology for hearing loss and individuals who are deaf or hard of hearing.

Analysis by the Legislative Reference Bureau
This bill substitutes the terms “hearing loss” and “deaf or hard of hearing” for
the phrases “hearing impaired” and “hearing impairment” in the statutes.

The people of the state of Wisconsin, represented in senate and assembly, do
enact as follows:

SECTION 1. 15.377 (2) (intro.) of the statutes is amended to read:
15.377 (2) DEAF AND HARD-OF-HEARING EDUCATION COUNCIL. (intro.) There is
created a deaf and hard-of-hearing education council in the department of public
instruction. The council shall consist of the following members, at least 3 of whom
must be hearing impaired deaf or hard of hearing, appointed by the state
superintendent of public instruction for 3-year terms:

SECTION 2. 15.377 (2) (a) of the statutes is amended to read:
15.377 (2) (a) Two parents of children who are have hearing impaired loss.

SECTION 3. 15.377 (2) (b) of the statutes is amended to read:
15.377 (2) (b) One licensed teacher of pupils who are have hearing impaired
loss.

SECTION 4. 15.377 (2) (f) of the statutes is amended to read:
15.377 (2) (f) One person who is experienced in educating the individuals with
hearing impaired loss, or in educating teachers of the individuals with hearing
impaired loss, and is affiliated with an institution of higher education.

SECTION 5. 20.255 (1) (d) of the statutes is amended to read:
20.255 (1) (d) Principal repayment and interest. A sum sufficient to reimburse
s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
the acquisition, construction, development, enlargement or improvement of institutional facilities for individuals with hearing impairment loss under s. 115.52, individuals with visual impairments under s. 115.525, and resources for libraries and lifelong learning service facilities under s. 43.05 (11) and to make payments under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

**SECTION 6.** 20.435 (1) (da) of the statutes is amended to read:

20.435 (1) (da) **Interpreter services and telecommunication aid for the hearing impaired deaf and hard of hearing.** The amounts in the schedule to provide interpreter services for hearing-impaired persons who are deaf or hard of hearing under s. 46.295 (1) and assistance under the telecommunication assistance program for the hearing impaired deaf and hard of hearing under s. 46.297.

**SECTION 7.** 20.435 (1) (hs) of the statutes is amended to read:

20.435 (1) (hs) **Interpreter services for hearing impaired the deaf and hard of hearing.** The amounts in the schedule for interpreter services for hearing-impaired persons who are deaf or hard of hearing under s. 46.295 (1). All moneys received from fees charged for the interpreter services shall be credited to this appropriation.

**SECTION 8.** 20.866 (2) (zh) of the statutes is amended to read:

20.866 (2) (zh) **Public instruction; state school, state center and library facilities.** From the capital improvement fund, a sum sufficient for the department of public instruction to acquire, construct, develop, enlarge, or improve institutional facilities for individuals with hearing impairment loss and individuals with visual impairments and resources for libraries and lifelong learning service facilities. The state may contract public debt in an amount not to exceed $12,350,600 for this purpose.

**SECTION 9.** 46.295 (title) of the statutes is amended to read:
46.295 (title) **Interpreters for the hearing-impaired deaf and hard of hearing.**

**SECTION 10.** 46.295 (1) of the statutes is amended to read:

46.295 (1) The department may, on the request of any hearing-impaired person who is deaf or hard of hearing, city, village, town, or county or private agency, provide funds from the appropriation accounts under s. 20.435 (1) (da) and (hs) to reimburse interpreters for hearing-impaired persons who are deaf or hard of hearing for the provision of interpreter services.

**SECTION 11.** 46.295 (4) (intro.) of the statutes is amended to read:

46.295 (4) (intro.) The department may use as an interpreter for hearing-impaired persons who are deaf or hard of hearing only the following:

**SECTION 12.** 46.295 (4) (a) of the statutes is amended to read:

46.295 (4) (a) An interpreter for hearing-impaired persons who are deaf or hard of hearing who is certified by the national registry of interpreters for the deaf.

**SECTION 13.** 46.295 (4) (b) of the statutes is amended to read:

46.295 (4) (b) If an interpreter under par. (a) is unavailable, an interpreter for hearing-impaired persons who are deaf or hard of hearing whose qualifications have been determined appropriate by the department.

**SECTION 14.** 46.295 (5) of the statutes is amended to read:

46.295 (5) The department may bill any public or private agency at the rates established by the department for interpreter services for hearing-impaired persons who are deaf or hard of hearing commensurate with the certification or qualification level of the interpreter providing services if the department determines that the agency is required under state or federal law to provide interpreter services to a
hearing-impaired person who is deaf or hard of hearing or if the agency agrees to pay for the services.

**SECTION 15.** 46.297 (title) of the statutes is amended to read:

46.297 (title) **Telecommunication aid for the hearing-impaired deaf or hard of hearing.**

**SECTION 16.** 46.297 (1) of the statutes is amended to read:

46.297 (1) **Assistance.** From the appropriation under s. 20.435 (1) (da), the department shall, subject to the availability of funds, provide assistance to hearing-impaired persons who are deaf or hard of hearing to secure telecommunication devices capable of serving their needs. Except in extraordinary circumstances, the department shall purchase or provide funds for the purchase of telecommunication devices.

**SECTION 17.** 46.297 (2) (a) of the statutes is amended to read:

46.297 (2) (a) The person is certified as deaf or severely having severe hearing impaired loss by a physician, an audiologist licensed under subch. II of ch. 459 or the department.

**SECTION 18.** 46.298 of the statutes is amended to read:

46.298 **Vehicle sticker for the deaf or hard of hearing impaired.** Upon the request of a person who is certified as having a hearing impaired loss by the department, by a physician, by a hearing instrument specialist licensed under subch. I of ch. 459 or by an audiologist licensed under subch. II of ch. 459, the department shall issue to the person a decal or sticker for display on a motor vehicle owned or frequently operated by the person to apprise law enforcement officers of the fact that the vehicle is owned or operated by a hearing-impaired person who has a hearing loss. No charge shall be made for issuance of the decal or sticker. The department
shall specify the design of the decal or sticker. The department shall designate the location on the vehicle at which the decal or sticker shall be affixed by its own adhesive.

SECTION 19. 51.05 (6) of the statutes is amended to read:

51.05 (6) HEARING-IMPAIRED DEAF OR HARD-OF-HEARING INDIVIDUALS. The department shall provide mental health services appropriate for hearing-impaired individuals who are deaf or hard of hearing and who are residents of or are committed, admitted or transferred to a mental health institute.

SECTION 20. 51.42 (7) (a) 6. a. of the statutes is amended to read:

51.42 (7) (a) 6. a. Mental health outpatient and follow-up services appropriate for hearing-impaired mentally ill individuals who are deaf or hard of hearing, including advocacy training relating to the rights of mentally ill individuals.

SECTION 21. 51.42 (7) (a) 6. b. of the statutes is amended to read:

51.42 (7) (a) 6. b. Technical assistance to a county department of community programs concerning provision of services to hearing-impaired mentally ill individuals who are deaf or hard of hearing.

SECTION 22. 59.54 (5) of the statutes is amended to read:

59.54 (5) EMERGENCY SERVICES FOR PERSONS WITH A HEARING LOSS AND SPEECH IMPAIRED PERSONS. In any county having a population of 200,000 or more the board shall install in the sheriff’s department a teletypewriter which shall be available to receive calls from hearing and persons who are deaf or hard of hearing and speech impaired persons seeking emergency services. In cities having a population of 30,000 or more which are not contained in a county having a population of 200,000 or more, the city shall install a teletypewriter for the purposes of this subsection in either the police or fire department. If 2 or more cities having a population of 30,000
or more are contained in one county, the board shall install the teletypewriter in the
sheriff’s department and no teletypewriter shall be required in the cities.

SECTION 23. 101.13 (1) of the statutes is amended to read:

101.13 (1) In this section, “access” means the physical characteristics of a place
which allow persons with functional limitations caused by impairments of sight, hearing, coordination, or perception, persons with a hearing loss, or persons with
semiambulatory or nonambulatory disabilities to enter, circulate within and leave
a place of employment or public building and to use the public toilet facilities and
passenger elevators in the place of employment or public building without
assistance.

SECTION 24. 106.52 (1) (fm) of the statutes is amended to read:

106.52 (1) (fm) “Service animal” means a guide dog, signal dog, or other animal
that is individually trained or is being trained to do work or perform tasks for the
benefit of a person with a disability, including the work or task of guiding a person
with impaired vision, alerting a person with impaired hearing who is deaf or hard
of hearing to intruders or sound, providing minimal protection or rescue work,
pulling a wheelchair, or fetching dropped items.

SECTION 25. 115.372 (1) (b) of the statutes is amended to read:

115.372 (1) (b) “Hearing impaired Deaf or hard of hearing” has the meaning
given in s. 115.51 (2).

SECTION 26. 115.372 (2) of the statutes is amended to read:

115.372 (2) The state superintendent shall seek the advice of and consult with
the council on issues related to persons who are hearing impaired deaf or hard of
hearing. The state superintendent and the director of the Wisconsin Educational
Services Program for the Deaf and Hard of Hearing, or their designees, shall attend meetings of the council.

**SECTION 27.** 115.372 (3) (b) of the statutes is amended to read:

115.372 (3) (b) Advise the state superintendent on such statewide services, activities, programs, investigations, and research as in its judgment will benefit pupils who are hearing impaired deaf or hard of hearing.

**SECTION 28.** 115.372 (3) (d) of the statutes is amended to read:

115.372 (3) (d) Review the level and quality of services available to pupils in the state who are hearing impaired deaf or hard of hearing and make recommendations about those services.

**SECTION 29.** 115.372 (3) (e) of the statutes is amended to read:

115.372 (3) (e) Propose to the state superintendent ways to improve the preparation of teachers and other staff who provide services to pupils who are hearing impaired deaf or hard of hearing.

**SECTION 30.** 115.372 (3) (f) of the statutes is amended to read:

115.372 (3) (f) Propose to the state superintendent ways to improve coordination between the department and other agencies in providing services to persons who are hearing impaired deaf or hard of hearing.

**SECTION 31.** 115.372 (5) of the statutes is amended to read:

115.372 (5) The council shall have access to public files, public records, and statistics kept in the department that relate to matters concerning children who are hearing impaired deaf or hard of hearing.

**SECTION 32.** 115.51 (2) of the statutes is amended to read:
115.51 (2) “Hearing impaired Deaf or hard of hearing” has the meaning given in the rules promulgated by the state superintendent to define “hearing impairments loss” under s. 115.76 (5) (a) 2.

SECTION 33. 115.52 (1m) of the statutes is amended to read:

115.52 (1m) PURPOSE. The purpose of the program is to serve as a statewide educational resource relating to hearing impairments loss to benefit all Wisconsin children who are hearing impaired deaf or hard of hearing.

SECTION 34. 115.52 (2) of the statutes is amended to read:

115.52 (2) GOVERNANCE. The state superintendent shall maintain and govern the program’s facilities. The state superintendent shall appoint an individual who has training and experience in educating pupils who are hearing impaired deaf or hard of hearing to serve as the director of the program.

SECTION 35. 115.52 (3) (intro.) of the statutes is amended to read:

115.52 (3) SERVICES. (intro.) The program shall provide services that benefit children throughout the state who are hearing impaired deaf or hard of hearing.

SECTION 36. 115.52 (3) (a) 1. of the statutes is amended to read:

115.52 (3) (a) 1. ‘Residents 3 to 20 years old.’ The program shall operate a school at which any resident of this state 3 to 20 years old who is hearing impaired deaf or hard of hearing, and for the duration of a school term any resident of this state who is hearing impaired deaf or hard of hearing and becomes 21 years old during that school term, shall be received and taught free of charge if the individualized education program for the resident under s. 115.787 and the educational placement under s. 115.79 specify the school operated by the program as the appropriate placement.

SECTION 37. 115.52 (3) (a) 2. of the statutes is amended to read:
115.52 (3) (a) 2. ‘Residents 21 years old or older.’ The state superintendent may admit to the school operated by the program a resident of the state who is hearing impaired deaf or hard of hearing and is 21 years of age or older prior to the beginning of a school term upon the payment of fees fixed by the state superintendent and upon the recommendation of the secretary of health services, the director of the technical college system, or the director of the program.

**SECTION 38.** 115.52 (3) (a) 3. of the statutes is amended to read:

115.52 (3) (a) 3. ‘Nonresidents.’ A nonresident of this state, who is hearing impaired deaf or hard of hearing, who either is 3 to 20 years old or becomes 21 years old during a school term, whose individualized education program under 20 USC 1414 (d) and educational placement specify the school operated by the program as the appropriate placement, and who is capable of receiving instruction may be received at the school upon payment in advance of the fees fixed by the state superintendent, but no nonresident may be received to the exclusion of a resident pupil.

**SECTION 39.** 115.52 (3) (b) 4. of the statutes is amended to read:

115.52 (3) (b) 4. Provide in-service and other training to teachers and other staff serving pupils who are hearing impaired deaf or hard of hearing.

**SECTION 40.** 115.52 (3) (b) 5. of the statutes is amended to read:

115.52 (3) (b) 5. Provide training, technical assistance, and consultation services for parents of children who are hearing impaired deaf or hard of hearing and for professionals who work with children who are hearing impaired deaf or hard of hearing.

**SECTION 41.** 115.52 (3) (b) 6. of the statutes is amended to read:
115.52 (3) (b) 6. Provide access to educational materials to children who are hearing impaired deaf or hard of hearing.

SECTION 42. 115.52 (3) (b) 8. of the statutes is amended to read:

115.52 (3) (b) 8. Serve as a clearinghouse for information about children who are hearing impaired deaf or hard of hearing.

SECTION 43. 115.52 (3) (b) 11. of the statutes is amended to read:

115.52 (3) (b) 11. Facilitate the preparation of teachers of pupils who are hearing impaired deaf or hard of hearing by providing assistance to teacher preparation programs.

SECTION 44. 115.52 (3) (b) 12. of the statutes is amended to read:

115.52 (3) (b) 12. Provide other statewide services that relate to the education of children who are hearing impaired deaf or hard of hearing.

SECTION 45. 115.52 (3) (c) 1. of the statutes is amended to read:

115.52 (3) (c) 1. ‘Birth to 3 services.’ The program may provide instruction or services, or both, for children who are under the age of 3 and are hearing impaired deaf or hard of hearing and their parents. The instruction or services are subject to the approval of, and shall comply with requirements established by, the department.

SECTION 46. 115.52 (3) (c) 2. of the statutes is amended to read:

115.52 (3) (c) 2. ‘Library.’ Educational media and materials acquired by the program constitute a circulating collection for persons who are hearing impaired deaf or hard of hearing. The collection shall be kept at the program’s facility and be under the supervision of its director. All school age children of the state who are hearing impaired deaf or hard of hearing may use the media and materials upon compliance with criteria established by the director of the program and approved by the state superintendent.
SECTION 47. 115.52 (3) (c) 3. of the statutes is amended to read:

115.52 (3) (c) 3. ‘Summer programs.’ The program shall provide summer programs each year for children who are hearing impaired deaf or hard of hearing.

SECTION 48. 115.53 (5) of the statutes is amended to read:

115.53 (5) Arrange for visits by members of the staff of either the Wisconsin Educational Services Program for the Deaf and Hard of Hearing or the Wisconsin Center for the Blind and Visually Impaired to other public schools or to families of children who are hearing impaired deaf or hard of hearing or children who are visually impaired, whenever it appears to the state superintendent that such visits will be of advantage to such children.

SECTION 49. 115.54 of the statutes is amended to read:

115.54 Compulsory education. If it appears, by affidavit, to any circuit judge that any child who is either hearing impaired deaf or hard of hearing or visually impaired and who is between the ages of 6 and 21 is deprived of a suitable education by the failure of the person having the care and custody of the child to provide a suitable education, the judge shall order the person to bring the child before the judge. If the material allegations of the affidavit are denied, the judge shall subpoena witnesses and hear testimony. If the allegations are admitted or established, the judge may order the child sent to the school operated by the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, the school operated by the Wisconsin Center for the Blind and Visually Impaired or to some class or other school for instruction, but the order may not make a direct charge for the class or school against any county.

SECTION 50. 115.76 (5) (a) 2. of the statutes is amended to read:

115.76 (5) (a) 2. Hearing impairments loss.
SECTION 51. 115.787 (3) (b) 4. of the statutes is amended to read:

115.787 (3) (b) 4. Consider the communication needs of the child, and, in the case of a child who is hearing impaired deaf or hard of hearing, consider the child’s language and communication needs, opportunities for direct communications with peers and professional personnel in the child’s language and communication mode, academic level and full range of needs, including opportunities for direct instruction in the child’s language and communication mode.

SECTION 52. 118.255 (1) (a) of the statutes is amended to read:

118.255 (1) (a) Under this section “physical or mental health treatment services” means treatment for physical or orthopedic disability, developmental disability, emotional disturbance, hearing impairment loss, visual disability, speech or language disability; and includes itinerant services such as evaluative and diagnostic services.

SECTION 53. 459.01 (2) of the statutes is amended to read:

459.01 (2) “Hearing aid” means any wearable instrument or device designed for or offered for the purpose of aiding or compensating for impaired human hearing loss and any parts, attachments or accessories of such an instrument or device, except batteries and cords.

SECTION 54. 459.01 (5) of the statutes is amended to read:

459.01 (5) “Practice of fitting and dealing in hearing aids” means the measurement of human hearing by means of an audiometer or by any other means accepted by the examining board solely for the purpose of making selections, adaptations or sales of hearing aids intended to compensate for impaired hearing loss. This term also includes making impressions for ear molds.

SECTION 55. 459.10 (1) (q) of the statutes is amended to read:
459.10 (1) (q) Intentionally or negligently misrepresented the cause of a hearing impairment loss or the cure of a hearing impairment loss by the use of a hearing aid.

**SECTION 56.** 459.20 (3g) of the statutes is amended to read:

459.20 (3g) “Hearing aid” means any wearable or implantable instrument or device designed for or offered for the purpose of aiding or compensating for impaired human hearing loss and any parts, attachments or accessories of such an instrument or device, except batteries and cords.

**SECTION 57.** 459.20 (3p) of the statutes is amended to read:

459.20 (3p) “Practice of fitting and dealing in hearing aids” means the measurement of human hearing by means of an audiometer or by any other means accepted by the examining board for the purpose of making selections, adaptations or sales of hearing aids intended to compensate for impaired hearing loss, and includes making impressions for ear molds.

**SECTION 58.** 459.34 (2) (i) of the statutes is amended to read:

459.34 (2) (i) Intentionally or negligently misrepresented the cause of a hearing impairment loss or the cure of a hearing impairment loss by the use of a hearing aid.

**SECTION 59.** 632.895 (16) (a) 2. of the statutes is amended to read:

632.895 (16) (a) 2. “Hearing aid” means any externally wearable instrument or device designed for or offered for the purpose of aiding or compensating for impaired human hearing loss and any parts, attachments, or accessories of such an instrument or device, except batteries and cords.

**SECTION 60.** 632.895 (16) (b) 1. a. of the statutes is amended to read:
632.895 (16) (b) 1. a. Coverage of the cost of hearing aids and cochlear implants that are prescribed by a physician, or by an audiologist licensed under subch. II of ch. 459, in accordance with accepted professional medical or audiological standards, for a child covered under the policy or plan who is under 18 years of age and who is certified as deaf or hearing impaired hard of hearing by a physician or by an audiologist licensed under subch. II of ch. 459.

**SECTION 61.** 885.37 (1) of the statutes is amended to read:

885.37 (1) If a municipal court has notice that a person who is a juvenile or parent subject to ch. 938, or who is a witness in a proceeding under ch. 938, has a language difficulty because of the inability to speak or understand English, has a hearing impairment loss, is unable to speak or has a speech defect, the court shall make a factual determination of whether the language difficulty or the hearing loss, or the speaking impairment is sufficient to prevent the individual from communicating with his or her attorney, reasonably understanding the English testimony or reasonably being understood in English. If the court determines that an interpreter is necessary, the court shall advise the person that he or she has a right to a qualified interpreter and that, if the person cannot afford one, an interpreter will be provided for him or her at the public's expense. Any waiver of the right to an interpreter is effective only if made voluntarily in person, in open court and on the record.

**SECTION 62.** 885.37 (3) (b) of the statutes is amended to read:

885.37 (3) (b) In any administrative contested case proceeding before a state, county or municipal agency, if the agency conducting the proceeding has notice that a party to the proceeding has a language difficulty because of the inability to speak or understand English, has a hearing impairment loss, is unable to speak or has a
speech defect, the agency shall make a factual determination of whether the
language difficulty or hearing loss or speaking impairment is sufficient to prevent
the party from communicating with others, reasonably understanding the English
testimony or reasonably being understood in English. If the agency determines that
an interpreter is necessary, the agency shall advise the party that he or she has a
right to a qualified interpreter. After considering the party's ability to pay and the
other needs of the party, the agency may provide for an interpreter for the party at
the public's expense. Any waiver of the right to an interpreter is effective only if made
at the administrative contested case proceeding.

SECTION 63. 885.37 (5) (b) of the statutes is amended to read:

885.37 (5) (b) The department of health services shall maintain a list of
qualified interpreters for use with persons who have hearing impairments are deaf
or hard of hearing. The department shall distribute the list, upon request and
without cost, to courts and agencies who must appoint interpreters. If an interpreter
needs to be appointed for a person who has a hearing impairment is deaf or hard of
hearing, the court or agency shall appoint a qualified interpreter from the list. If no
listed interpreter is available or able to interpret, the court or agency shall appoint
as interpreter another person who is able to accurately communicate with and
convey information to and receive information from the hearing-impaired person
who is deaf or hard of hearing.

SECTION 64. 905.015 (title) of the statutes is amended to read:

905.015 (title) Interpreters for persons with language difficulties, limited English proficiency, or hearing loss, or speaking impairments.

SECTION 65. 905.015 (1) of the statutes is amended to read:
905.015 (1) If an interpreter for a person with a language difficulty, limited English proficiency, as defined in s. 885.38 (1) (b), or a hearing loss or speaking impairment interprets as an aid to a communication which is privileged by statute, rules adopted by the supreme court, or the U.S. or state constitution, the interpreter may be prevented from disclosing the communication by any person who has a right to claim the privilege. The interpreter may claim the privilege but only on behalf of the person who has the right. The authority of the interpreter to do so is presumed in the absence of evidence to the contrary.