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February 12, 2018

Representative Taylor Barras
Speaker of the House of Representatives
P.O. Box 94062
Baton Rouge, Louisiana 70804

Senator John A. Alario, Jr.
President of the Senate
P.O. Box 94183
Baton Rouge, Louisiana 70804

**RE: HOUSE CONCURRENT RESOLUTION NO. 36 OF THE 2017 REGULAR
SESSION**

Dear Mr. Speaker and Mr. President:

The Louisiana State Law Institute respectfully submits herewith its report to the legislature relative to the prospective use of the term "d/Deaf" in Louisiana.

Sincerely,


William E. Crawford
Director

WEC/puc

Enclosure

cc: Representative Patricia Smith

email cc: David R. Poynter Legislative Research Library
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LOUISIANA STATE LAW INSTITUTE

**REPORT TO THE LEGISLATURE
IN RESPONSE TO HCR NO. 36 OF THE 2017 REGULAR SESSION**

Relative to the prospective use of the term “d/Deaf” in Louisiana law

Prepared for the
Louisiana Legislature on
February 12, 2018

Baton Rouge, Louisiana

2017 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 36

BY REPRESENTATIVE SMITH

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study the prospective use of the term "d/Deaf" in law, and to report findings of the study in the form of recommendations to the legislature concerning the term.

WHEREAS, the Legislature of Louisiana recognizes that language used to refer to persons with disabilities and other persons with exceptionalities shapes and reflects attitudes toward and perceptions of those persons by society; and

WHEREAS, through consideration of legislative instruments such as House Bill No. 63 of the 2014 Regular Session and House Bill No. 253 of this 2017 Regular Session, the legislature has engaged in careful review and evaluation of terminology in Louisiana law referring to persons with disabilities; and

WHEREAS, the deaf community encompasses distinct cultures, the members of which self-identify with either the term "deaf" (lower case) or "Deaf" (capitalized); and

WHEREAS, "deaf" and "Deaf" are distinct in that the former term refers, generally, to persons who identify with people who have hearing ability, and who regard their own hearing loss solely in medical terms; while the latter, capitalized term refers to people who identify as culturally deaf, and whose life experiences are shaped primarily by deaf culture; and

WHEREAS, the combination term "d/Deaf" has emerged as an inclusive means of referring to these two groups within the deaf community; and

WHEREAS, proponents of wider use of "d/Deaf" in written language argue that the term is more than a linguistic expedient as it embodies both sense and reference and has a generally accepted definition; and

WHEREAS, like the law, language is a human creation which evolves to meet the needs of human society.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study the prospective use of the term "d/Deaf" in law and to report findings of the study in the form of recommendations to the legislature concerning the term.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall report findings and recommendations resulting from the study requested by this Resolution to the legislature no later than thirty days prior to the convening of the 2018 Regular Session.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute and to the executive director and each member of the Louisiana Commission for the Deaf.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

February 12, 2018

To: Representative Taylor F. Barras
Speaker of the House
P.O. Box 94062
Baton Rouge, Louisiana 70804

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P.O. Box 94183
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**REPORT TO THE LEGISLATURE
IN RESPONSE TO HCR NO. 36 OF THE 2017 REGULAR SESSION**

House Concurrent Resolution No. 36 of the 2017 Regular Session, a copy of which is attached, urged and requested the Louisiana State Law Institute to study the prospective use of the term “d/Deaf” in Louisiana law and to report its findings in the form of recommendations to the legislature.

The Term “d/Deaf”

According to the resolution, the term “d/Deaf” has emerged as an inclusive means of referring to two distinct groups of individuals within the deaf community: those who self-identify as “deaf” (uncapitalized), and those who self-identify as “Deaf” (capitalized).¹ Proponents of using the term “d/Deaf” throughout Louisiana law to encompass both “deaf” and “Deaf” individuals argue that “d/Deaf” “is more than a linguistic expedient” and “has a generally accepted definition.”² Additionally, during legislative testimony, the author of the resolution testified that this term is already being used by organizations throughout the country and that other state legislatures, specifically Utah, had incorporated or were considering incorporating the term “d/Deaf” throughout their laws.³ In fact, Massachusetts currently uses the term in its Code of Regulations,⁴ and Arkansas not only uses “D/deaf” in its Administrative Code, but also defines the term in a way that explains the differences between “deaf” and “Deaf” individuals.⁵ Nevertheless, it appears that no other states currently use the term “d/Deaf” in their statutory or administrative compilations.

¹ HCR No. 36 of the 2017 Regular Session [hereinafter “2017 HCR No. 36”].

² 2017 HCR No. 36. *See also* Jamie Berke, “Big D” and “Small d” in the Deaf Community: How Do You Identify In Deaf Culture?, <https://www.verywell.com/deaf-culture-big-d-small-d-1046233> [hereinafter Berke, “Big D” and “Small d”] (last visited Feb. 12, 2018).

³ Hearing on 2017 HCR No. 36, House Comm. on Health & Welfare (May 2, 2017). *See also* Hearing on 2017 HCR No. 36, House Chamber (May 11, 2017); Hearing on 2017 HCR No. 36, Senate Comm. on Jud. A (May 23, 2017).

⁴ 101 CMR 429.02, available at <https://www.mass.gov/files/documents/2017/08/28/101cmr429.pdf>.

⁵ Ark. Admin. Code 005.18.37-7, available at <http://170.94.37.152/REGS/005.15.15-002F-16433.pdf>.

Although Utah does not presently use the term “d/Deaf” in its statutory code, the Utah legislature did pass H.B. 60 during its 2017 General Session to modify terminology throughout the Utah Code relative to individuals who are deaf or hard of hearing by changing “hearing impairment” to “deaf or hard of hearing.”⁶ The Utah bill bears a strong resemblance to an instrument enacted by the Louisiana legislature last year. House Bill No. 253 of the 2017 Regular Session, which was mentioned in the resolution and sponsored by its author, was ultimately enacted as Acts 2017, No. 146 to eliminate derogatory terms such as “hearing impaired” and “hearing impairment” and to provide for consistency in terminology relative to the deaf and hard of hearing.⁷

These legislative changes are consistent with the National Association of the Deaf’s endorsement of “deaf,” “Deaf,” and “hard of hearing” as the terms that are “most commonly accepted” when referring to members of the deaf community.⁸ In fact, the World Federation of the Deaf voted to use the official terms “deaf” and “hard of hearing” in 1991,⁹ and according to the National Association of the Deaf, members of the deaf community “[o]verwhelmingly . . . prefer to be called ‘deaf’ or ‘hard of hearing.’”¹⁰ Additionally, “[n]early all organizations of the deaf use the term ‘deaf and hard of hearing,’” including the National Association of the Deaf itself.¹¹

Distinctions Between “deaf” and “Deaf” Individuals

Nevertheless, according to the resolution, “the deaf community encompasses distinct cultures” and is composed of members who self-identify as either “deaf” or “Deaf.”¹² The resolution explains that whereas “deaf” persons identify with individuals who have hearing ability, and regard their own hearing loss solely in medical terms, “Deaf” persons identify as culturally deaf and have life experiences that are shaped primarily by deaf culture.¹³ In addition to this distinction, the author of the resolution further explained during legislative testimony that “deaf” is used to refer to persons who have lost their hearing, whereas “Deaf” is used to refer to persons who were born deaf.¹⁴ The author also noted that persons who have lost their hearing with age or because of an accident often identify much differently than persons who have never been capable

⁶ H.B. 60, Utah Gen. Sess. 2017, available at <https://le.utah.gov/~2017/bills/static/HB0060.html>.

⁷ Acts 2017, No. 146.

⁸ NAT’L ASSOC. OF THE DEAF, Community and Culture – Frequently Asked Questions, <https://www.nad.org/resources/american-sign-language/community-and-culture-frequently-asked-questions/> [hereinafter NAD, Community & Culture] (last visited Feb. 12, 2018). See also Amy Frasu, Which is correct... Deaf, deaf, hard of hearing, or hearing impaired?, <http://www.deafinix.com/DeafCommunity/identity.html> [hereinafter Frasu, Which is correct] (last visited Feb. 12, 2018).

⁹ GALLAUDET UNIV., LAURENT CLERC NAT’L DEAF EDUC. CTR., Terminology Describing Deaf Individuals, Resources for Mainstream Programs, [https://web.archive.org/web/20130605054809/http://www.gallaudet.edu/Clerc_Center/Information_and_Resources/Info_to_Go/Educate_Children_\(3_to_21\)/Resources_for_Mainstream_Programs/Terminology.html](https://web.archive.org/web/20130605054809/http://www.gallaudet.edu/Clerc_Center/Information_and_Resources/Info_to_Go/Educate_Children_(3_to_21)/Resources_for_Mainstream_Programs/Terminology.html) [hereinafter GALLAUDET UNIV., Terminology] (last visited Feb. 12, 2018).

¹⁰ NAD, Community & Culture, *supra* note 8.

¹¹ *Id.* See also GALLAUDET UNIV., Terminology, *supra* note 9.

¹² 2017 HCR No. 36.

¹³ 2017 HCR No. 36. See also Berke, “Big D” and “Small d,” *supra* note 3; Frasu, Which is correct, *supra* note 8.

¹⁴ Hearing on 2017 HCR No. 36, House Chamber (May 11, 2017). See also Hearing on 2017 HCR No. 36, Senate Comm. on Jud. A (May 23, 2017); Hearing on 2017 HCR No. 36, Senate Chamber (May 30, 2017).

of hearing, a difference that serves as one of the many reasons why “Deaf” individuals feel a stronger sense of belonging within the deaf community and culture.¹⁵

In fact, according to the National Association of the Deaf, the members of the group of people who identify as “Deaf” “share a language – American Sign Language (ASL) – and a culture” and “hold a set of beliefs about themselves and their connection to the larger society.”¹⁶ These individuals are distinguished from “deaf” persons who, despite “shar[ing] the condition of not hearing” due to factors such as illness, trauma, or age, “do not have access to the knowledge, beliefs, and practices that make up the culture of Deaf people.”¹⁷

Other sources suggest slightly different meanings for these two terms. According to the Laurent Clerc National Deaf Education Center of Gallaudet University, the term “deaf” “most often refers to a person who is unable to use his hearing for the purpose of understanding” and “is usually an audiological description of a person’s hearing level.”¹⁸ In contrast, the term “Deaf” “refers to adults and children who share the use of American Sign Language and Deaf culture-common values, rules for behavior, traditions, and views of themselves and others.”¹⁹ Although some “deaf” persons may not associate with members of the deaf community or participate in deaf culture at all,²⁰ others may experience progressive hearing loss and are therefore simply not yet integrated into the deaf community and culture.²¹ Nevertheless, both “deaf” and “Deaf” can be used to describe people with a range of hearing levels, and neither term necessarily means that a person cannot hear anything at all.²²

Regardless of these differences in definitions, all sources agree that whether deaf individuals self-identify as “deaf” or “Deaf” is a personal decision affected by a host of factors, including “level of hearing, age of onset, educational background, communication methods, and cultural identity.”²³ Because the deaf community is diverse and each deaf person is unique, “it is impossible to create a definite rule that is acceptable to everyone.”²⁴ Accordingly, it is important to allow deaf individuals to choose the terminology that best describes themselves “based on their hearing status, communication preferences, cultural orientation, and use of technology.”²⁵

¹⁵ Hearing on 2017 HCR No. 36, House Comm. on Health & Welfare (May 2, 2017).

¹⁶ NAD, Community & Culture, *supra* note 8 (citing Carol Padden & Tom Humphries, *Deaf in America: Voices from a Culture* (1988)).

¹⁷ *Id.*

¹⁸ GALLAUDET UNIV., Terminology, *supra* note 9.

¹⁹ *Id.* (citing Carol Padden & Tom Humphries, *Deaf in America: Voices from a Culture* (1988)).

²⁰ GALLAUDET UNIV., Terminology, *supra* note 9.

²¹ Berke, “Big D” and “Small d”, *supra* note 3. *See also* Frasu, Which is correct, *supra* note 8.

²² GALLAUDET UNIV., Terminology, *supra* note 9.

²³ NAD, Community & Culture, *supra* note 8. *See also* Frasu, Which is correct, *supra* note 8; Berke, “Big D” and “Small d”, *supra* note 3.

²⁴ Frasu, Which is correct, *supra* note 8. *See also* NAD, Community & Culture, *supra* note 8; GALLAUDET UNIV., Terminology, *supra* note 9.

²⁵ GALLAUDET UNIV., Terminology, *supra* note 9 (citing *Hearing Loss: Terminology and Classification*, Joint Committee of the American Speech-Language-Hearing Association and the Council on Education of the Deaf (1997)).

Use of “d/Deaf” and Recommended Alternatives

For the reasons discussed above, the legislature may wish to consider developing an inclusive way of referring to both “deaf” and “Deaf” individuals throughout Louisiana law. However, for several reasons, the Law Institute recommends against replacing existing terminology with “d/Deaf” as is suggested by House Concurrent Resolution No. 36 of the 2017 Regular Session.

First, as indicated by the author of the resolution during legislative testimony, slashes are not generally used when drafting statutory provisions of Louisiana law,²⁶ and partial words containing slashes, such as “d/Deaf,” are not used at all. Also, the attached appendix, which reproduces all of the instances of “deaf” and “Deaf” throughout Louisiana law, includes several provisions in which existing terminology should not be changed. For example, Civil Code Article 1580.1, on page 1 of the appendix, provides that a notarial testament may be executed only by a person who has been “legally declared physically deaf,” such that replacing the term “deaf” with “d/Deaf” would be inappropriate in the context of this provision.²⁷ Additionally, the term “Deaf” is also used throughout the appendix in existing statutes containing the names of schools, associations, commissions, institutes, registries, funds, and provisions of law, such that the term “Deaf” should not be replaced with “d/Deaf” in any of these provisions unless the names of these entities, registries, funds, and provisions of law are also changed.²⁸ Finally, concern was expressed that by not replacing existing terminology consistently throughout Louisiana law, undesirable consequences could potentially result from the inadvertent creation of legal distinctions among “deaf,” “Deaf,” and “d/Deaf” individuals.

As a result, rather than incorporating the term “d/Deaf” throughout Louisiana law, the legislature may wish to consider enacting one or more provisions in the Revised Statutes as applicable containing language similar to the following:

Unless the context clearly indicates otherwise, the terms “deaf” (uncapitalized) and “Deaf” (capitalized) are each intended to refer to all members of the deaf community. Whereas “deaf” generally refers to the audiological condition of not being able to hear, “Deaf” generally refers to a group of deaf people who share a common language, American Sign Language (ASL), and culture.

²⁶ See Hearing on 2017 HCR No. 36, House Comm. on Health & Welfare (May 2, 2017); Hearing on 2017 HCR No. 36, House Chamber (May 11, 2017); Hearing on 2017 HCR No. 36, Senate Comm. on Jud. A (May 23, 2017). *But see* use of “deaf/blind” in R.S. 47:1061 and use of “interpreter/transliterator” in R.S. 22:245 and 1027 and R.S. 46:2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, and 2371.

²⁷ Replacing the term “deaf” with “d/Deaf” may also be inappropriate in the context of other provisions, such as in R.S. 32:403.3, on page 17 of the appendix, which requires a flag code to be placed on the registration of motor vehicle indicating “that the driver of the vehicle is deaf or hard of hearing,” and in Identification of Hearing Loss in Infants Law, R.S. 46:2261 et seq., on page 23 of the appendix, the purpose of which is “to identify deaf or hard of hearing infants at the earliest possible time.”

²⁸ See, e.g., La. Const. Art. VII, Sec. 10.8; R.S. 17:43, 46, 81.9, 240, 348, 419.2, 421.4, 422.6, 1945, 1960, and 3996; R.S. 23:1472; R.S. 32:378.3; R.S. 36:259; R.S. 39:98.3, 362, 466.11, 466.12, 466.13, and 1626; R.S. 42:1121, 2262.1, 2264, 2265, 2351, 2352, 2356, 2362, 2365, 2368, and 2370; R.S. 47:301.1 and 1061; and R.S. 49:121.

The substance of the first sentence of this suggested provision was proposed during legislative testimony as a more efficient alternative to replacing existing terminology with “d/Deaf” throughout Louisiana law, particularly since this methodology is already being used in the Civil Code, Code of Civil Procedure, Code of Criminal Procedure, Children’s Code, and several titles of the Revised Statutes.²⁹ Two such examples of this existing mechanism for recognizing variations of terms can be found in provisions concerning the use of singular and plural words and the use of one gender to denote the other.³⁰

With respect to the second sentence of the provision, the legislature may wish to define the terms “deaf” and “Deaf” in a way that offers guidance as to the generally understood meanings of both terms, as well as the differences between the groups of individuals who self-identify with each of them. During legislative testimony, it was noted that if the legislature simply replaces existing terminology with “d/Deaf” throughout Louisiana law, it may miss the opportunity to clarify the important distinctions that have emerged in the deaf community between “deaf” and “Deaf” individuals.³¹ The definitions of the terms “deaf” and “Deaf” included in the above provision are based on definitions provided on the website for the National Association of the Deaf³² and in the Arkansas Administrative Code.³³

The legislature could also model its definitions after provisions contained in the statutory and administrative compilations of other states. Three states include variations of the above definitions in their codes of regulations and state rules. Colorado’s Code of Regulations defines the terms “deaf” and “Deaf” in the following way:

A. “Deaf” (uppercase): A group of people, with varying hearing acuity, whose primary mode of communication is a visual language (predominantly American Sign Language (ASL) in the United States) and have a shared heritage and culture.

B. “deaf” (lowercase): Individuals with hearing loss who may, or may not, use ASL and do not share a heritage and culture of those who use ASL as a primary communication mode. Typically, deaf individuals communicate using oral interpreting service, assistive technology, including hearing aids, cochlear implants, and captioning provided in real-time.³⁴

²⁹ Hearing on 2017 HCR No. 36, House Chamber (May 11, 2017).

³⁰ See, e.g., C.C. Art. 3506; C.C.P. Art. 5055; C.Cr.P. Art. 4; Ch.C. Art. 106; R.S. 1:7 and 8; and R.S. 28:2. See also Ch.C. Art. 1604; R.S. 3:4602; R.S. 9:3307 and 3517; R.S. 11:952.1, 3002, 3033, 3390, and 3662; R.S. 13:5121; R.S. 22:1593; R.S. 33:130.51, 3072, 4159, 4175, 4545.3, 4707, 4720.62, 4720.112, 4720.138, and 9100.1; R.S. 34:3102 and 3492; R.S. 37:2407; R.S. 40:1231.1 and 1472.2; R.S. 45:1164.1; R.S. 47:1702, 6034, and 6037; and R.S. 51:1151 and 1283.

³¹ Hearing on 2017 HCR No. 36, Senate Comm. on Jud. A (May 23, 2017).

³² NAD, Community & Culture, *supra* note 8 (citing Carol Padden & Tom Humphries, *Deaf in America: Voices from a Culture* (1988)) (defining “deaf” as “referring to the audiological condition of not hearing,” and “Deaf” as “referring to a particular group of people who share a language – American Sign Language (ASL) – and a culture”).

³³ Ark. Admin. Code 005.18.37-7, available at <http://170.94.37.152/REGS/005.15.15-002F-16433.pdf> (defining “D/deaf” as follows: “D/deaf – 1. the upper case “D” in “Deaf” is used for a group of deaf people who share a common language (ASL) and culture. 2. the lower case “d” in “deaf” is used for the audiological condition of not being able to hear”).

³⁴ 12 CCR 2516-1:27.400, available at <https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=3504>.

Similarly, West Virginia's Code of State Rules defines "deaf" as referring to "individuals who cannot hear well enough to understand spoken language" and "Deaf" as being "used within the Deaf Community to reflect its pride and culture."³⁵ Additionally, a regulation in Oregon's Administrative Code defines these two terms as follows:

(1) "Deaf" is a term that describes individuals who usually have no useful residual hearing and who generally use sign language as their primary mode of communication. This group of individuals is culturally Deaf and uses the uppercase "D" when using this term.

(2) "deaf" is a term that describes individuals who are audiological deaf. Individuals who are deaf generally use their residual hearing with speech reading, amplification, hearing aids, cochlear implants, and other hearing assistive technology, and usually speak as a primary mode of communication. This group of individuals uses the lowercase "d" when using this term.³⁶

Alternatively, the legislature could memorialize the information contained in HCR No. 36 and related legislative testimony by defining the terms "deaf" and "Deaf" as follows:

"deaf" (uncapitalized) generally refers to persons who have lost the ability to hear and regard this hearing loss primarily in medical terms. Persons who are "deaf" do not consider themselves members of the deaf community and often identify with individuals who have hearing ability.

"Deaf" (capitalized) generally refers to persons who were born without the ability to hear and have life experiences that are shaped primarily by deaf culture. Persons who are "Deaf" consider themselves culturally deaf and often identify with individuals who are also members of the deaf community.

In conjunction with the above provision, the legislature may also wish to include a special policy statement similar to the language included in both the resolution and Acts 2017, No. 146. This policy statement could reiterate the legislature's commitment to "engag[ing] in careful review and evaluation of terminology in Louisiana law referring to persons with disabilities," as well as its recognition that the "language used to refer to persons with disabilities and other persons with exceptionalities shapes and reflects attitudes toward and perceptions of those persons by society."³⁷

³⁵ W. Va. Code St. R. § 126-44S-4, available at <https://wvde.state.wv.us/policies/p2520.18.pdf>.

³⁶ OAR 411-019-0010, available at <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=88878>.

³⁷ See Acts 2017, No. 146, § 15; 2017 HCR No. 36.

Conclusion

House Concurrent Resolution No. 36 of the 2017 Regular Session urged and requested the Law Institute to study the prospective use of the term “d/Deaf” in Louisiana law. Research conducted by the Law Institute indicated that although a few states define the terms “deaf” and “Deaf” individually, only two states currently use a variation of the term “d/Deaf” in their statutory or administrative compilations. Additionally, the Law Institute concluded that replacing existing terminology with “d/Deaf” would be inappropriate in certain statutory provisions and that, for these and other reasons, incorporating the term “d/Deaf” throughout Louisiana law is not recommended.

Nevertheless, the legislature could develop an inclusive way of referring to both “deaf” and “Deaf” individuals throughout Louisiana law. Rather than incorporating the term “d/Deaf,” the legislature may wish to consider enacting one or more provisions stating that unless the context clearly indicates otherwise, the terms “deaf” and “Deaf” as used throughout Louisiana law are intended to refer to all members of the deaf community. The legislature may also wish to define each of these terms in a manner that clarifies the important distinctions that have emerged between them. Several alternative definitions are provided above for the legislature’s consideration.

APPENDIX

Instances of "Deaf" in Louisiana Statutory Provisions

Constitution

Article VII, Section 10.8. Millennium Trust

Section 10.8. Millennium Trust

* * *

(C) Appropriations. * * *

* * *

(3) Appropriations from the Education Excellence Fund shall be limited as follows:

* * *

(b) Appropriations shall be made each year to the Louisiana School for the Deaf, the Louisiana School for the Visually Impaired, the Louisiana Special Education Center in Alexandria, the Louisiana School for Math, Science and the Arts, the New Orleans Center for Creative Arts and the Louis Armstrong High School for the Arts, after such schools are operational, to provide for a payment to each school of seventy-five thousand dollars plus an allocation for each pupil equal to the average statewide per pupil amount provided each city, parish, and local school system pursuant to Subsubparagraphs (d) and (e) of this Subparagraph.

* * *

Civil Code

Article 1580.1. Deaf or deaf and blind notarial testament; form; witnesses

A. A notarial testament may be executed under this Article only by a person who has been legally declared physically deaf or deaf and blind and who is able to read sign language, braille, or visual English.

* * *

E.(1) A competent witness for the purposes of this Article is a person who meets the qualifications of Articles 1581 and 1582, and who knows how to sign his name and to read the required attestation clause, and is physically able to do both. At least one of the witnesses to the testament shall also meet the qualifications of a certified interpreter for the deaf as provided for in R.S. 46:2361 et seq.

* * *

APPENDIX

1 **Article 1581. Persons incompetent to be witnesses**

2
3 A person cannot be a witness to any testament if he is insane, blind, under the age of
4 sixteen, or unable to sign his name. A person who is competent but deaf or unable to read cannot
5 be a witness to a notarial testament under Article 1579.

6
7 * * *

8
9 **Article 3107. Capacity of arbitrators**

10
11 * * *

12
13 B. Therefore, minors under the age of eighteen years, persons interdicted, those who are
14 deaf and unable to speak, can not be arbitrators.

15
16 **Code of Civil Procedure**

17
18 **Article 192.1. Interpreters for deaf and severely hearing-impaired persons**

19
20 A. In all civil cases and in the taking of any deposition where a party or a witness is a deaf
21 or severely hearing-impaired person, the proceedings of the trial shall be interpreted to him in a
22 language that he can understand by a qualified interpreter appointed by the court. The qualification
23 of an interpreter as an expert is governed by the Louisiana Code of Evidence.

24
25 B. In any case in which an interpreter is required to be appointed by the court under the
26 provisions of this Article, the court shall not commence proceedings until the appointed interpreter
27 is in court. The interpreter so appointed shall take an oath or affirmation that he will make a true
28 interpretation to the deaf or severely hearing-impaired person of all the proceedings of the case in
29 a language that he understands, and that he will repeat the deaf or severely hearing-impaired
30 person's answer to questions to counsel, court or jury to the best of his skill and judgment.

31
32 * * *

33
34 **Code of Criminal Procedure**

35
36 **Article 401.1. Court instructions for interpreter**

37
38 A. When a person with a hearing loss is among the petit jury venire, the court shall:

39
40 (1) Provide an interpreter for the deaf prospective juror. The interpreter shall be sworn in
41 as an officer of the court.

42
43 (2) Permit the interpreter to be present and assist a deaf prospective juror during voir dire.

44
45 B. When a deaf or hard of hearing person is summoned for jury duty, the court shall:

APPENDIX

1 (1) Provide an interpreter for the deaf juror. The interpreter shall be sworn in as an officer
2 of the court.

3
4 (2) Instruct the interpreter, in the presence of the jury, to:

5
6 (a) Make true, literal, and complete translations of all testimony and other relevant
7 colloquy to the deaf juror during the deliberations of the jury.

8
9 * * *

10
11 (3) Permit the interpreter to be present and assist a deaf juror during the deliberations of
12 the jury.

13
14 * * *

15 Title 3

16 **R.S. 3:2772. Dog, cat, and kennel licenses fee and certificate; records**

17
18 * * *

19
20
21
22 D. Dogs used as guides for blind persons and commonly known as "seeing-eye" dogs or
23 dogs used to assist deaf persons and commonly known as "hearing-ear" dogs, may be licensed as
24 other dogs herein provided for, except that the owner or keeper of such dog shall not be required
25 to pay any fee therefor.

26
27 * * *

28 Title 14

29
30 **R.S. 14:32. Negligent homicide**

31
32 * * *

33
34
35 D. The provisions of this Section shall not apply to:

36
37 * * *

38
39 (3) Any guide or service dog trained at a qualified dog guide or service school who is
40 accompanying any blind person, visually impaired person, person who is deaf or hard of hearing,
41 or person with any other physical disability who is using the dog as a guide or for service.

42
43 * * *

APPENDIX

1 **R.S. 14:39. Negligent injuring**

2
3 * * *

4
5 D. The provisions of this Section shall not apply to:

6
7 * * *

8
9 (3) Any guide or service dog trained at a qualified dog guide or service school who is
10 accompanying any blind person, visually impaired person, person who is deaf or hard of hearing,
11 or person with any other physical disability who is using the dog as a guide or for service.

12
13 * * *

14
15 **Title 15**

16
17 **R.S. 15:270. Interpreters for deaf or severely hearing-impaired persons**

18
19 A. In all criminal prosecutions, where the accused is deaf or severely hearing-impaired, he
20 shall have the proceedings of the trial interpreted to him in a language that he can understand by a
21 qualified interpreter appointed by the court. In all cases where the mental condition of a person is
22 being considered and where such person may be committed to a mental institution, and where such
23 person is deaf or severely hearing-impaired, all of the court proceedings pertaining to him shall be
24 interpreted by a qualified interpreter appointed by the court. The qualification of an interpreter as
25 an expert witness is governed by the Louisiana Code of Evidence.

26
27 B. * * *

28
29 * * *

30
31 (2) The interpreter appointed in accordance with this Section shall take an oath or
32 affirmation that he will make a true interpretation to the deaf or severely hearing-impaired person
33 accused or being examined of all the proceedings of his case in a language that he understands,
34 and that he will repeat said deaf or severely hearing-impaired person's answer to questions to
35 counsel, court or jury, to the best of his skill and judgment.

36
37 * * *

38
39 **Title 17**

40
41 **R.S. 17:43. Special schools defined; benefits for certificated teachers; legislative policy**

42
43 A. It is declared to be legislative policy that the Louisiana special schools, which include
44 the Louisiana Schools for the Deaf and Visually Impaired and the Louisiana Special Education
45 Center, and the special schools comprising Special School Programs, operated and maintained as
46 a part of the public educational system by the Louisiana Department of Education, shall provide

APPENDIX

1 all benefits, privileges, rights, and powers as provided for certificated teachers in the public
2 elementary and secondary schools in the interest of statewide uniformity of administration of
3 teacher welfare benefits, including but not limited to the benefits enumerated in this Part.

4
5 B. * * *

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7 * * *

8
9 (2) Teachers at the Louisiana Schools for the Deaf and Visually Impaired may attain tenure
10 in the educational program, either the educational program for the deaf and hard of hearing or the
11 educational program for the visually impaired, for which they are certified. Teachers at the
12 Louisiana Special Education Center may attain tenure at the Louisiana Special Education Center.
13 Teachers in Special School Programs may attain tenure in Special School Programs.

14
15 * * *

17 R.S. 17:46. Sabbatical leave program

18
19 A.(1) * * *

20
21 * * *

22
23 (c) For purposes of this Subpart, Louisiana Schools for the Deaf and Visually Impaired,
24 Louisiana Special Education Center, and Special School Programs are considered separate schools.

25
26 * * *

28 R.S. 17:81.9. School board policies; hiring procedures; statements; requirements

29
30 A. Notwithstanding any other provision of law to the contrary, prior to hiring any
31 employee, each city, parish, and other local public school board shall require the applicant for such
32 employment, hereinafter referred to in this Section as "the applicant", to sign a statement that:

33
34 (1) * * *

35
36 (b) Provides procedures for the disclosure of information by the applicant's current or
37 previous employer, if such employer is the Louisiana School for the Deaf, the Louisiana School
38 for the Visually Impaired, or the Louisiana Special Education Center, relative to all instances of
39 abuse or neglect of students, as such terms are defined in Children's Code Article 603, as
40 committed by the applicant, if any.

41
42 * * *

APPENDIX

1 **R.S. 17:240. Prohibition against use of tobacco in schools; prohibition against smoking on**
2 **school bus; rules and regulations**

3
4 A. For purposes of this Section the following terms shall have the following meanings
5 unless the context clearly indicates otherwise:
6

7 (1) "School property" means school grounds, playgrounds, premises, and property,
8 including but not limited to land, improvements, and school facilities, located on the property of
9 any elementary or secondary school, the Louisiana School for the Deaf, the Louisiana School for
10 the Visually Impaired, the Louisiana Special Education Center, and schools in the Special School
11 District. "School property" also means any school vehicle used for the provision of academic and
12 extracurricular programs and administration at any elementary or secondary school, the Louisiana
13 School for the Deaf, the Louisiana School for the Visually Impaired, the Louisiana Special
14 Education Center, and schools in the Special School District.
15

16 * * *

17
18 **R.S. 17:284. American Sign Language; secondary schools**

19 * * *

20
21
22 B. As used in this Section "American Sign Language" shall mean a visual language which
23 has emerged from the deaf culture and is comprised of handshapes, movement, and body and facial
24 expression, and possesses an identifiable syntax and grammar specific to visual languages which
25 incorporates spatial relationships as a linguistic factor.
26

27 * * *

28
29 **R.S. 17:348. Louisiana Schools for the Deaf and Visually Impaired; Louisiana Special**
30 **Education Center; year-round operation; continuing service**

31
32 A. The Louisiana Schools for the Deaf and Visually Impaired and the Louisiana Special
33 Education Center may operate year-round under the provisions of this Subpart, subject to the
34 approval of the superintendent of the Special School District and subject to the availability of
35 funds.
36

37 * * *

38 **R.S. 17:419.2. Extra compensation for school support personnel**

39
40 A. All noncertificated support personnel employed by city, parish, or other local public
41 school systems and noncertificated, unclassified support personnel employed by the Louisiana
42 School for the Visually Impaired, the Louisiana School for the Deaf, the Louisiana Special
43 Education Center, the Jimmy D. Long, Sr. Louisiana School for Math, Science, and the Arts, the
44 Southern University Lab School, the Louisiana State University Lab School, the New Orleans
45 Center for the Creative Arts, the special school districts, the office of juvenile justice in the
46 Department of Public Safety and Corrections, and nonpublic lunchroom employees eligible for

APPENDIX

1 state salary supplements shall be paid by the state extra compensation as provided in Subsection
2 B of this Section. The annual state extra compensation shall be paid only to those support
3 personnel not paid exclusively from federal funds.

4 * * *

5
6
7 **R.S. 17:421.4. Salary increases, noninstructional school personnel**

8
9 A. The salary increase funded by Act No. 12 of the 1991 Regular Session of the Legislature
10 for noninstructional school employees, including teacher aides and paraprofessionals, school bus
11 operators, food service workers, including school lunch employees provided a pay increase
12 pursuant to Act No. 713 of the 1972 Regular Session of the Legislature, school nurses, clerical,
13 custodial, and maintenance personnel, and any other employees of a city or parish school board or
14 unclassified noninstructional employees of the Louisiana School for the Deaf, the Louisiana
15 School for the Visually Impaired, the Louisiana Special Education Center, and the Special School
16 District who are not required to hold a teacher's certificate as a condition of employment, shall
17 continue to be paid to such employees from year to year. The legislature annually shall appropriate
18 sufficient funds for this purpose and shall make such funds available to the employing school
19 boards.

20
21 B. Any increase in the expenditures of a city or parish school board or of the State Board
22 of Elementary and Secondary Education resulting from a state-mandated increase in the salaries
23 of noninstructional school personnel shall be fully funded by the state. Such funds shall be made
24 available to the respective school boards. For purposes of this Subsection, noninstructional school
25 personnel shall mean teacher aides and paraprofessionals, school bus operators, food service
26 workers, school nurses, clerical, custodial, and maintenance personnel, and any other employee of
27 a parish or city school board or unclassified noninstructional employee of the Louisiana School
28 for the Deaf, the Louisiana School for the Visually Impaired, the Louisiana Special Education
29 Center, and the Special School District who is not required to hold a teacher's certificate as a
30 condition of employment.

31 * * *

32
33
34 **R.S. 17:422.6. Hourly wages and salaries for school employees; reduction limitations;
35 definition**

36
37 * * *
38
39 B. For purposes of this Section, the term "school employee" shall mean, without limitation,
40 a teacher aide, paraprofessional, school bus operator, food service worker, clerical, custodial, and
41 maintenance personnel, and any other employee of a city or parish school board, of the Louisiana
42 School for the Deaf, the Louisiana School for the Visually Impaired, the Louisiana Special
43 Education Center, or of the Special School District who is not required to hold a teacher's
44 certificate as a condition of employment.

45 * * *
46

APPENDIX

1 **R.S. 17:1942. Definitions**

2
3 * * *

4
5 B. A "student with an exceptionality", including a student with a disability, is any student
6 who is evaluated according to state and federal regulation or policy and is deemed to have a mental
7 disability, hearing loss (including deafness), multiple disabilities, deaf-blindness, speech or
8 language impairment, visual impairment (including blindness), emotional disturbance, orthopedic
9 impairment, other health impairment, specific learning disability, traumatic brain injury, autism,
10 or is deemed to be gifted or talented, and as a result requires special education and related
11 services. A student with an exceptionality may include, as determined by the local education
12 agency, a student experiencing developmental delay ages three through eight.

13
14 * * *

15
16 **R.S. 17:1945. Special schools and school districts**

17
18 * * *

19
20 B.(1) The Louisiana Schools for the Deaf and Visually Impaired, and the Louisiana
21 Special Education Center, referred to as Louisiana Special Schools, are residential schools
22 established to provide such academic, vocational, and other related services as may be required.

23
24 * * *

25
26 **R.S. 17:1960. The Deaf Child's Bill of Rights; legislative recognition**

27
28 A. The Louisiana Association of the Deaf and the United States Congress recognize that
29 children who are deaf, hard of hearing, or deaf-blind who utilize one or more modes of
30 communication have the same rights and potential to become independent and self-actualizing as
31 children who are not deaf, hard of hearing, or deaf-blind. Therefore the legislature recognizes the
32 Deaf Child's Bill of Rights as follows:

33
34 (1) Public schools and all publicly funded early intervention programs shall provide
35 children who are deaf, hard of hearing, or deaf-blind appropriate screening and assessment of
36 hearing and vision capabilities and communication and language needs at the earliest possible age
37 and the continuation of screening services throughout the educational experience.

38
39 (2) Public schools and all publicly funded early intervention programs shall provide
40 children who are deaf, hard of hearing, or deaf-blind with individualized and appropriate early
41 intervention to support the acquisition of solid language bases developed at the earliest possible
42 age.

43
44 (3) Public schools shall inform the parents or guardians of children who are deaf, hard of
45 hearing, or deaf-blind of all State Board of Elementary and Secondary Education policies and
46 regulations relative to placement considerations and options available to children who are deaf,

APPENDIX

1 hard of hearing, or deaf-blind and provide opportunities for parents and guardians to fully
2 participate in the development and implementation of their child's education plan.

3
4 (4) Public schools shall strive to provide children who are deaf, hard of hearing, or deaf-
5 blind opportunities to meet and associate with adult role models who are deaf, hard of hearing, or
6 deaf-blind to learn advocacy skills, including self advocacy.

7
8 (5) Public schools shall provide children who are deaf, hard of hearing, or deaf-blind
9 opportunities to meet and associate with their peers in the school environment and during school
10 sponsored activities.

11
12 (6) Public schools shall provide children who are deaf, hard of hearing, or deaf-blind access
13 to qualified teachers, interpreters, and resource personnel who communicate effectively with each
14 child in that child's mode of communication.

15
16 (7) Public schools shall include a communication plan in the Individualized Education
17 Program of every student with an exceptionality who is deaf, hard of hearing, or deaf-blind. Where
18 appropriate, public schools shall include a communication plan in the Individual Accommodation
19 Plan for a student who is deaf, hard of hearing, or deaf-blind.

20
21 (8) Public schools shall provide children who are deaf, hard of hearing, or deaf-blind
22 placement that is best suited to each child's individual needs, including but not limited to social,
23 emotional, and cultural needs, with consideration for the child's age, degree and type of hearing
24 loss, academic level, mode of communication, style of learning, motivational level, and amount of
25 family support.

26
27 (9) Public schools shall provide children who are deaf, hard of hearing, or deaf-blind
28 individual considerations for free, appropriate education across a full spectrum of educational
29 programs.

30
31 (10) Public schools shall provide children who are deaf, hard of hearing, or deaf-blind full
32 support services provided by qualified professionals in their educational settings. The state
33 Department of Education shall work with local education agencies to ensure technical assistance
34 is available to support public school governing authorities in meeting the needs of children who
35 are deaf, hard of hearing, or deaf-blind.

36
37 (11) Public schools shall provide children who are deaf, hard of hearing, or deaf-blind full
38 access to all programs in their educational settings.

39
40 (12) Deaf, hard of hearing, and deaf-blind children are entitled to have the public fully
41 informed concerning medical, cultural, and linguistic issues of individuals who are deaf, hard of
42 hearing, or deaf-blind.

43

APPENDIX

1 (13) Public schools, where possible, shall have deaf and hard of hearing adults directly
2 involved in determining the extent, content, and purpose of all programs that affect the education
3 of children who are deaf, hard of hearing, or deaf-blind.

4 * * *

5
6
7 **R.S. 17:3996. Charter schools; exemptions; requirements**

8
9 * * *

10
11 B. Notwithstanding any state law, rule, or regulation to the contrary and except as may be
12 otherwise specifically provided for in an approved charter, a charter school established and
13 operated in accordance with the provisions of this Chapter and its approved charter and the school's
14 officers and employees shall be exempt from all statutory mandates or other statutory requirements
15 that are applicable to public schools and to public school officers and employees except for the
16 following laws otherwise applicable to public schools with the same grades:

17
18 * * *

19
20 (41) Deaf Child's Bill of Rights, R.S. 17:1960.

21
22 * * *

23
24 **R.S. 17:5002. Awards and amounts**

25
26 * * *

27
28 B. Any student who is eligible for an Opportunity, Performance, or Honors Award pursuant
29 to this Chapter and who has enrolled:

30
31 * * *

32
33 (4) In an out-of-state college or university that is specifically designed to accommodate
34 deaf and hard-of-hearing students under R.S. 17:5027(C), shall be awarded an amount determined
35 by the administering agency to equal the weighted average of the tuition amounts charged to
36 students attending Louisiana public colleges and universities that offer academic undergraduate
37 degrees during the 2016-2017 academic year.

38
39 * * *

APPENDIX

1 **R.S. 17:5027. Postsecondary institution enrollment**

2
3 * * *
4

5 C. Notwithstanding any provision of Subsection B of this Section, any student who meets
6 all applicable initial and continuing program eligibility requirements of this Chapter for an
7 Opportunity, Performance, or Honors Award may use such award at an out-of-state nonpublic
8 college or university when each of the following conditions is met:

9
10 * * *
11

12 (2) All programs and services at the college or university are specifically designed to
13 accommodate deaf and hard-of-hearing students.

14
15 (3) Deaf and hard-of-hearing students comprise the majority of students enrolled at the
16 college or university at the undergraduate level.

17
18 (4) The award recipient meets the admission requirements of the college or university that
19 are applicable to deaf and hard-of-hearing students.

20
21 * * *
22

23 **Title 21**

24
25 **R.S. 21:51. Pet animals; prohibitions relative to hotels and motels; penalty; exemptions**

26
27 * * *
28

29 C. This Section shall not apply to guide dogs or service dogs used by blind persons,
30 visually impaired persons, persons who are deaf or hard of hearing, and other persons with physical
31 disabilities who have been taught to use such dogs at a qualified dog guide or service school.

32
33 **R.S. 21:52. Guide or service dog; rights and privileges of owners and trainers; penalties for**
34 **violations**

35
36 A. Any blind person, visually impaired person, person who is deaf or hard of hearing, or
37 person with any other physical disability who is accompanied by a properly controlled dog which
38 such person has been taught to use as a guide or for service at a qualified dog guide or service
39 school, or any person who is qualified to provide training for a guide dog or service animal and is
40 accompanied by a guide dog in training, is entitled to the full and equal accommodations,
41 advantages, facilities, and privileges of all public accommodation, amusement, or resort, and other
42 places to which the general public is invited, and shall be entitled to take such dog into such
43 conveyances and places, subject only to the accommodations and limitations applicable to all
44 persons not so accompanied, provided that the dog shall not occupy a seat in any public
45 conveyance.

APPENDIX

1 B. Any person, firm, or corporation, or agent, representative, or employee of any person,
2 firm, or corporation who deprives any blind person, visually impaired person, person who is deaf
3 or hard of hearing, or person with any other physical disability, or any person who is accompanied
4 by a guide dog in training of any right conferred by Subsection A of this Section, shall be deemed
5 guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not to exceed five
6 hundred dollars, or be imprisoned in the parish jail for a period not to exceed ninety days, or both,
7 within the discretion of the judge; and for every such offense such person shall forfeit and pay a
8 sum not to exceed five hundred dollars to any person aggrieved thereby, to be recovered in any
9 court of competent jurisdiction in the parish where such offense was committed.

10
11 * * *

12 Title 22

13 **R.S. 22:245. Interpreter services for the deaf and hard of hearing; expenses; requirement**

14
15
16
17 As a requirement for authorization to do business in this state pursuant to R.S. 22:244, all
18 health maintenance organizations shall provide coverage for expenses incurred by any enrollee
19 who is deaf or hard of hearing for services performed by a qualified interpreter/transliterater, other
20 than a family member of the enrollee, when such services are used by the enrollee in connection
21 with medical treatment or diagnostic consultations performed by a healthcare provider.

22
23 * * *

24 **R.S. 22:1027. Interpreter services for the deaf and hard of hearing; expenses**

25
26
27 * * *

28 **R.S. 22:1288. Discrimination in automobile liability insurance prohibited**

29
30
31 A. No insurer shall refuse to issue or renew, increase the premium, or cancel an automobile
32 insurance policy solely because the insured is deaf or hard of hearing, provided such person is
33 mentally and physically capable of driving an automobile and possesses a valid Louisiana
34 operator's license issued by the office of motor vehicles of the Department of Public Safety and
35 Corrections.

36
37 * * *

38 Title 23

39 **R.S. 23:1472. Definitions**

40
41
42
43 As used in this Chapter, the following terms shall have the meanings ascribed to them in
44 this Section, unless the context clearly indicates otherwise:
45

APPENDIX

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* * *
(12) * * *
* * *

F. The term "employment" shall include:

* * *

IV. Notwithstanding the provisions of Subparagraphs (I) or (II) of this Paragraph or any other provision of law to the contrary, the term "employment" shall include service performed by an individual in the employ of the Louisiana School for the Visually Impaired and the Louisiana School for the Deaf, or a successor of any of these schools.

* * *

Title 25

R.S. 25:1282. Public displays of religious history impacting the law

* * *

D. The Declaration of Independence, adopted by Congress on July 4, 1776, the text of which reads as follows:

The Declaration of Independence.
IN CONGRESS, July 4, 1776

The unanimous Declaration of the thirteen United States of America.
When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness, -- That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, -- That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are

APPENDIX

1 sufferable, than to right themselves by abolishing the forms to which they are accustomed. But
2 when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design
3 to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such
4 Government, and to provide new Guards for their future security. -- Such has been the patient
5 sufferance of these Colonies; and such is now the necessity which constrains them to alter their
6 former Systems of Government. The history of the present King of Great Britain is a history of
7 repeated injuries and usurpations, all having in direct object the establishment of an absolute
8 Tyranny over these States. To prove this, let Facts be submitted to a candid world.

9
10 He has refused his Assent to Laws, the most wholesome and necessary for the public good.

11
12 He has forbidden his Governors to pass Laws of immediate and pressing importance, unless
13 suspended in their operation till his Assent should be obtained; and when so suspended, he has
14 utterly neglected to attend to them.

15
16 He has refused to pass other Laws for the accommodation of large districts of people, unless
17 those people would relinquish the right of Representation in the Legislature, a right inestimable to
18 them and formidable to tyrants only.

19
20 He has called together legislative bodies at places unusual, uncomfortable, and distant from
21 the depository of their public Records, for the sole purpose of fatiguing them into compliance with
22 his measures.

23
24 He has dissolved Representative Houses repeatedly, for opposing with manly firmness his
25 invasions on the rights of the people.

26
27 He has refused for a long time, after such dissolutions, to cause others to be elected;
28 whereby the Legislative powers, incapable of Annihilation, have returned to the People at large
29 for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from
30 without, and convulsions within.

31
32 He has endeavoured to prevent the population of these States; for that purpose obstructing
33 the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations
34 hither, and raising the conditions of new Appropriations of Lands.

35
36 He has obstructed the Administration of Justice, by refusing his Assent to Laws for
37 establishing Judiciary powers.

38
39 He has made Judges dependent on his Will alone, for the tenure of their offices, and the
40 amount and payment of their salaries.

41
42 He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass
43 our people, and eat out their substance.

44
45 He has kept among us, in times of peace, Standing Armies without the Consent of our
46 legislatures.

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1 He has affected to render the Military independent of and superior to the Civil power.

2
3 He has combined with others to subject us to a jurisdiction foreign to our constitution, and
4 unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

5
6 For Quartering large bodies of armed troops among us.

7
8 For protecting them, by a mock Trial, from punishment for any Murders which they should
9 commit on the Inhabitants of these States.

10
11 For cutting off our Trade with all parts of the world.

12
13 For imposing Taxes on us without our Consent.

14
15 For depriving us in many cases, of the benefits of Trial by jury.

16
17 For transporting us beyond Seas to be tried for pretended offences.

18
19 For abolishing the free System of English Laws in a neighbouring Province, establishing
20 therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example
21 and fit instrument for introducing the same absolute rule into these Colonies.

22
23 For taking away our Charters, abolishing our most valuable Laws, and altering
24 fundamentally the Forms of our Government.

25
26 For suspending our own Legislatures, and declaring themselves invested with power to
27 legislate for us in all cases whatsoever.

28
29 He has abdicated Government here, by declaring us out of his Protection and waging War
30 against us.

31
32 He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of
33 our people.

34
35 He is at this time transporting large Armies of foreign Mercenaries to compleat the works
36 of death, desolation and tyranny, already begun with circumstances of Cruelty and perfidy scarcely
37 paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

38
39 He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against
40 their Country, to become the executioners of their friends and Brethren, or to fall themselves by
41 their Hands.

42
43 He has excited domestic insurrections amongst us, and has endeavoured to bring on the
44 inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an
45 undistinguished destruction of all ages, sexes and conditions.

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1 In every stage of these Oppressions We have Petitioned for Redress in the most humble
2 terms; Our repeated Petitions have been answered only by repeated injury. A Prince whose
3 character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free
4 people.

5
6 Nor have We been wanting in attentions to our Brittish brethren. We have warned them
7 from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over
8 us. We have reminded them of the circumstances of our emigration and settlement here. We have
9 appealed to their native justice and magnanimity, and we have conjured them by the ties of our
10 common kindred to disavow these usurpations, which, would inevitably interrupt our connections
11 and correspondence. They too have been deaf to the voice of justice and of consanguinity. We
12 must, therefore, acquiesce in the necessity, which denounces our separation, and hold them, as we
13 would the rest of mankind, Enemies in War, in Peace Friends.

14
15 We, therefore, the Representatives of the United States of America, in General Congress,
16 Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in
17 the Name, and by Authority of the good People of these Colonies, solemnly publish and declare,
18 That these United Colonies are, and of Right ought to be Free and Independent States; that they
19 are Absolved from all Allegiance to the British Crown, and that all political connection between
20 them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and
21 independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish
22 Commerce, and to do all other Acts and Things which Independent States may of right do. And
23 for the support of this Declaration, with a firm reliance on the protection of divine Providence, we
24 mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

25
26 * * *

27 Title 27

28 **R.S. 27:392. Collection and disposition of fees and taxes**

29
30
31 * * *

32
33
34 B. * * *

35
36 * * *

37
38 (5) After complying with the provisions of Paragraphs (1) through (4) of this Subsection,
39 the state treasurer shall, each fiscal year, credit a total of two million dollars from the combined
40 taxable net slot machine proceeds collected by the state from each licensed eligible facility, as
41 defined herein, to the "Rehabilitation for the Blind and Visually Impaired Fund", for the purposes
42 of this Paragraph, the "fund", hereby created in the state treasury. Monies in the fund shall be
43 withdrawn only pursuant to appropriation by the legislature and shall be used solely to fund the
44 Affiliated Blind of Louisiana, the Louisiana Center for the Blind at Ruston, The Louisiana
45 Association for the Blind, and the Lighthouse for the Blind in New Orleans, Inc., rehabilitation

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1 services for the blind, deaf-blind, and visually impaired and for training the older visually
2 impaired. Appropriations for this purpose shall be allocated equally to the Affiliated Blind of
3 Louisiana, the Louisiana Center for the Blind at Ruston, The Louisiana Association for the Blind,
4 and the Lighthouse for the Blind in New Orleans, Inc. Monies in the fund shall be invested by the
5 state treasurer in the same manner as monies in the state general fund. Interest earned on
6 investment of such monies shall be credited to the state general fund. Unexpended and
7 unencumbered monies in the fund at the end of each fiscal year shall remain in the fund.

8
9 * * *

10 11 Title 32

12 13 **R.S. 32:378.3. Installation of sound amplification systems to exterior of vehicle; prohibited**

14
15 C. Every person convicted of a violation of this Section shall be punishable by a fine of
16 not less than five hundred dollars. No less than twenty-five dollars of each fine imposed pursuant
17 to the provisions of this Section shall be collected by the court and shall immediately be forwarded
18 to the state treasurer for deposit in the state treasury. After compliance with the requirements of
19 Article VII, Section 9(B) of the Constitution of Louisiana, the remainder shall be appropriated to
20 the Louisiana Commission for the Deaf.

21
22 * * *

23 24 **R.S. 32:403.3. Identification stickers for the deaf and hard of hearing; license label**

25
26 A. The office of motor vehicles of the Department of Public Safety and Corrections is
27 hereby authorized to issue an identification sticker or decal which shall be the international symbol
28 of deafness at no cost for use by deaf and hard of hearing persons who are granted a driver's
29 license. Every deaf or hard of hearing person applying for a driver's license with an identification
30 decal or sticker shall attach to the application a statement indicating a hearing loss attested by one
31 of the following: a medical physician, audiologist, or speech pathologist. The sticker or decal is
32 to be offered at the time the driver's license is issued and shall be prepared so that it may at the
33 option of the user be applied to the windshield and viewed from the outside of the vehicle or on
34 the license plate, or both. The same sticker or decal identifying the licensee as deaf or hard of
35 hearing shall be offered and imprinted on the back of the driver's license under the lamination.

36
37 B. In addition to the identification sticker or decal provided for in Subsection A of this
38 Section, the office of motor vehicles of the Department of Public Safety and Corrections shall
39 create a flag code to be placed on the registration of a motor vehicle which shall indicate that the
40 driver of the vehicle is deaf or hard of hearing. Upon the initial application for or renewal of the
41 registration of a motor vehicle, the flag will be placed on the registration at the driver's request at
42 no additional cost, provided he produces a statement indicating a hearing loss attested by one of
43 the following: a medical physician, audiologist, or speech pathologist. The secretary shall adopt
44 rules and regulations in accordance with the Administrative Procedure Act as are necessary to
45 implement the provisions of this Subsection.

APPENDIX

1 * * *

2
3 **R.S. 32:408. Examination of applicants required; classes of licenses**

4 * * *

5
6
7 F.(1) The department shall make provisions for testing noncommercial driver's license or
8 special certificate applicants in languages other than English and for testing deaf applicants.
9 However, this shall not be construed to require the department to furnish an interpreter. Except as
10 required by 49 CFR Part 383.133, a skills test for a commercial driver's license shall be conducted
11 in English without the use of interpreters.

12 * * *

13
14
15 **Title 36**

16
17 **R.S. 36:259. Transfer of agencies and functions to Louisiana Department of Health**

18 * * *

19
20
21 N. The advisory council for the program of early identification of deaf or hard of hearing
22 infants (R.S. 46:2261 et seq.) is placed within the Louisiana Department of Health and shall
23 exercise and perform its powers, duties, functions, and responsibilities as provided by or pursuant
24 to law.

25 * * *

26
27
28 S. The Louisiana Commission for the Deaf (R.S. 46:2351 et seq.) is hereby placed within
29 the Louisiana Department of Health and shall perform and exercise its powers, duties, functions,
30 and responsibilities as provided for agencies transferred as provided in R.S. 36:802.

31 * * *

32
33
34 **Title 37**

35
36 **R.S. 37:2446.1. Continuing education requirement**

37 * * *

38
39
40 B. Among those subjects which shall be approved by the board as categories of study
41 toward completion of the annual requirement of continuing education are:

42 * * *

APPENDIX

1 (7) Allied professional disciplines relating to the deaf or hard of hearing and hearing aid
2 devices may be approved by the board.

3
4 * * *

6 R.S. 37:2651. Definitions

7
8 As used in this Chapter:

9
10 * * *

11
12 (7) * * *

13
14 * * *

15
16 (b) An individual who meets the requirements of this Chapter for licensure as an
17 audiologist and who engages in the fitting and selling of hearing aids shall:

18
19 * * *

20
21 (v) Provide documentation of completion of at least thirty semester credit hours of
22 professional coursework, twenty-one hours of which shall be in audiology. A minimum of six
23 semester credit hours shall be in specific areas in amplification, including:

24
25 * * *

26
27 (hh) Rehabilitative procedures, such as hearing aid orientation, counseling of individuals
28 who are deaf or hard of hearing and their families, speechreading, and auditory training.

29
30 * * *

31 Title 39

32 R.S. 39:98.3. Appropriations from the Health Excellence Fund, the Education Excellence 33 Fund, and the TOPS Fund

34
35
36
37 * * *

38
39 C. Appropriations from the Education Excellence Fund shall be restricted as follows:

40
41 * * *

42
43 (2) Appropriations shall be made each year to the Louisiana School for the Deaf, the
44 Louisiana School for the Visually Impaired, the Louisiana Special Education Center in Alexandria,

APPENDIX

1 the Jimmy D. Long, Sr. Louisiana School for Math, Science, and the Arts, the New Orleans Center
2 for Creative Arts and the Louis Armstrong High School for the Arts, after such schools are
3 operational, to provide for a payment to each school of seventy-five thousand dollars plus an
4 allocation for each pupil equal to the average statewide per pupil amount provided each city,
5 parish, and local school system pursuant to Paragraphs (4) and (5) of this Subsection.

6
7 * * *

8 9 **R.S. 39:362. Policies for fleet vehicles; purchase of vehicles; specifications; exceptions**

10
11 F. The commissioner of administration shall not promulgate rules or regulations which
12 require the Louisiana School for the Deaf, the Louisiana School for the Visually Impaired, the
13 Louisiana Special Education Center, the Special School District, and any community and group
14 home and residential facilities administered by the Department of Children and Family Services
15 or the Louisiana Department of Health to have an inscription, painting, stencil, or decal placed
16 conspicuously on an automobile, truck, or other vehicle with the name of the board, commission,
17 department, agency, or subdivision of the state to which the automobile, truck, or other vehicle
18 belongs, if the vehicle is used to transport students or clients.

19
20 * * *

21 22 **CHAPTER 3-F. CAPITAL CONSTRUCTION, SCHOOL** 23 **FOR THE DEAF**

24 25 **R.S. 39:466.11. Authorization to buildings, structures and facilities**

26
27 The State Bond Commission is hereby authorized and directed to obtain funds not in excess
28 of eleven million dollars for the construction by the Capital Construction and Improvement
29 Commission of buildings, structures and other facilities comprising the capital outlay program of
30 the Louisiana State School for the Deaf to be located in East Baton Rouge Parish and the
31 furnishings and equipment therefor.

32 33 **R.S. 39:466.12. Bonds**

34
35 To provide said funds for such capital outlay, the State Bond Commission is authorized to
36 borrow money and issue and sell bonds and other obligations of the State of Louisiana subject to
37 the first paragraph of Article IV, Section 2 of the Constitution of Louisiana.

38
39 Said bonds or other obligations shall be general obligations of the State of Louisiana to the
40 payment of which, as to principal, premium, if any, and interest, as and when the same become
41 due and payable, the full faith and credit of the State shall be and hereby is irrevocably
42 pledged. The bonds shall be secured by moneys pledged and dedicated to and paid into the Bond
43 Security and Redemption Fund and shall be payable on a parity with bonds or other obligations
44 heretofore and hereafter issued which are secured by said fund.

APPENDIX

1 services contracts with an employee of the commission to provide sign language and interpreting
2 services which are independent of the employee's assigned duties and regular work hours, and for
3 which compensation may be paid; however, such contract is authorized only if a person who is not
4 an employee of the commission is unavailable for such services.

Title 40

R.S. 40:1580.1. Fire alarms; hotel or motel rooms

10 A. Every new or renovated hotel or motel room shall have sleeping rooms equipped with
11 approved fire detection and alarm systems for the deaf or hard of hearing in case of fire in
12 accordance with the requirements of Section 9 of the Americans with Disabilities Act Accessibility
13 Guidelines (ADAAG) table 9.1.2 and 9.1.3.

14 * * *

R.S. 40:2208. Interpreter services for the deaf and hard of hearing; expenses; coverage

18 As a requirement for authorization to do business in this state pursuant to R.S. 40:2203, all
19 preferred provider organizations shall provide coverage for expenses incurred by any covered
20 patient who is deaf or hard of hearing for services performed by a qualified interpreter/translator,
21 other than a family member of the covered patient, when such services are used by the covered
22 patient in connection with medical treatment or diagnostic consultations performed by the
23 healthcare provider.

Title 42

R.S. 42:1119. Nepotism

30 * * *

32 B. * * *

34 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection:

36 (a)(i) Any local school board may employ any member of the immediate family of any
37 board member or of the superintendent as a classroom teacher provided that such family member
38 is certified to teach or is temporarily authorized to teach while pursuing certification. Any local
39 school board in a parish having a population of fewer than sixty thousand according to the latest
40 federal decennial census may employ any member of the immediate family of any board member
41 or of the superintendent as a special education related services professional provided that such
42 family member is licensed in an appropriate field for special education related services and such
43 family member is the only applicant who meets the qualifications for the position set by the school
44 board who has applied for the position after it has been advertised for at least thirty days in the
45 official journal of the school board. A special education related services professional shall include

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1 the following when employed to provide special education services: a social worker, occupational
2 therapist, physical therapist, speech therapist/pathologist, teacher of students who are deaf or hard
3 of hearing, teacher of visually impaired students, or nurse. Any school board member or
4 superintendent whose immediate family member is employed by the school board shall recuse
5 himself from any decision involving the promotion or assignment of teaching or service location
6 of such employee.

7
8 * * *

9
10 **R.S. 42:1121. Assistance to certain persons after termination of public service**

11
12 * * *

13
14 B. * * *

15
16 (2) Nothing in this Section shall prohibit a former employee of the Louisiana School for
17 the Deaf from rendering sign language and interpreting services on a contractual basis to or for the
18 Louisiana School for the Deaf.

19
20 * * *

21
22 **Title 45**

23
24 **R.S. 45:1355. Disasters; deaf and hard of hearing persons informed**

25
26 A. During any time of a disaster, or threat of a disaster, television stations shall transmit
27 information or instructions in connection with the disaster, or threat of disaster, to the deaf and
28 hard of hearing by scrolling or other appropriate means of communication in order to provide such
29 persons with the same information or instructions as is provided to hearing persons.

30
31 * * *

32
33 **Title 46**

34
35 **R.S. 46:2262. Purpose**

36
37 A. The purpose of the program for early identification of hearing loss is to identify deaf
38 or hard of hearing infants at the earliest possible time so that medical treatment, early audiological
39 evaluation, selection of amplification, and early educational intervention can be provided.

40
41 * * *

APPENDIX

1 C. Early identification and management of the deaf or hard of hearing infant are essential
2 if that infant is to acquire the vital language and speech skills needed to achieve maximum potential
3 educationally, emotionally, and socially.

4 * * *

7 R.S. 46:2262.1. Bill of Rights

9 In order to ensure that children who are deaf or hard of hearing have the same rights and
10 potential to become independent and self-actualizing as children who are not deaf or hard of
11 hearing, the Deaf Child's Bill of Rights is established so that children who are deaf or hard of
12 hearing are entitled:

13 * * *

14 (4) To adult role models who are deaf or hard of hearing.

15 * * *

16 (11) To have the public fully informed concerning medical, cultural, and linguistic issues
17 of deafness and hearing loss.

18 (12) Where appropriate, to have deaf and hard of hearing adults directly involved in
19 determining the extent, content, and purpose of all programs that affect their education.

22 R.S. 46:2263. Definitions

23 Except where the context clearly indicates otherwise, in this Chapter:

24 * * *

25 (3) "Deaf or hard of hearing infant" means an infant who has a disorder of the auditory
26 system of any type or degree, causing hearing loss sufficient to interfere with the development of
27 language and speech skills.

28 * * *

29 (6) "Program" means the program that the office of public health establishes to provide for
30 the early identification and follow-up of infants susceptible to a hearing disability, of deaf or hard
31 of hearing infants, and of infants who have a risk factor for developing progressive hearing loss.

32 (7) * * *

33 (b) The risk factors that identify those neonates, infants from birth through the first twenty-
34 eight days, who are susceptible to sensorineural hearing loss include the following:

APPENDIX

* * *

(xi) Other risk factors added or deleted by the office of public health upon recommendation of the advisory council for early identification of deaf or hard of hearing children.

(c) The factors that identify those infants aged twenty-nine days to two years who are susceptible to sensorineural hearing loss include the following:

* * *

(ix) Other risk factors added or deleted by the office of public health upon recommendation of the advisory council for early identification of deaf or hard of hearing children.

* * *

R.S. 46:2264. Identification of hearing loss in infants

A. The office shall establish, in consultation with the advice of the Louisiana Commission for the Deaf and the advisory council created in R.S. 46:2265, a program for the early identification and follow-up of infants susceptible to a hearing disability, deaf or hard of hearing infants, and infants susceptible to developing progressive hearing loss. The program shall, at a minimum:

(1) Develop criteria or factors to identify those infants who are likely deaf or hard of hearing and infants who may develop a progressive hearing loss, including the risk factors set forth in this Chapter, and develop a susceptibility questionnaire for infant hearing loss.

(2) Create a susceptibility registry to include, but not be limited to, the identification of infants susceptible to hearing loss, deaf or hard of hearing infants, and infants susceptible to developing progressive hearing loss.

* * *

(6) Develop methods to contact parents or guardians of infants susceptible to a hearing disability, of deaf or hard of hearing infants, and of infants susceptible to developing progressive hearing loss.

(7) Establish a telephone hotline to communicate information about hearing loss, hearing screening, audiological evaluation, and other services for deaf or hard of hearing infants.

* * *

C. The office shall develop a system for the collection of data, determine the cost-effectiveness of the program, and disseminate statistical reports to the Louisiana Commission for the Deaf.

APPENDIX

1 D. The office, in cooperation with the state Department of Education, shall develop a plan
2 to coordinate early educational and audiological services for infants identified as deaf or hard of
3 hearing.
4

5 E. The office shall follow current practices and applicable guidelines that are currently
6 utilized in Louisiana and will consider practices and guidelines that may be established by the
7 National Institute on Deafness and other Communication Disorders (NIDCD).
8

9 **R.S. 46:2265. Advisory council creation; membership; terms; quorum; compensation**
10

11 A. There is hereby created an advisory council for the program of early identification of
12 deaf or hard of hearing infants. The council shall consist of fourteen members as follows:
13

14 * * *

15
16 (5) A deaf person.

17
18 * * *

19
20 (8) A school teacher or administrator certified in education of the deaf.

21
22 (9) A parent who chose the oral method for his deaf or hard of hearing child.

23
24 (10) A parent of a deaf or hard of hearing child utilizing total communication.
25

26 * * *

27
28 (13) A representative from the Louisiana Commission for the Deaf.

29
30 (14) A representative from the Louisiana Association of the Deaf.
31

32 * * *

33
34 **R.S. 46:2266. Powers, duties, functions of the advisory council**
35

36 The advisory council shall:
37

38 (1) Advise and recommend risk factors or criteria for infants who are likely deaf or hard
39 of hearing and infants who may develop a progressive hearing loss.
40

41 * * *

42
43 (3) Advise the office as to integrating the program for early identification of deaf or hard
44 of hearing infants with existing medical, audiological, and early infant education programs.
45

APPENDIX

1 (4) Advise the office as to materials to be distributed to the public concerning deaf or hard
2 of hearing infants.

3
4 (5) Advise the office on the implementation of the program for early identification and
5 follow up of infants susceptible to a hearing disability, deaf or hard of hearing infants, and infants
6 who are at risk of developing progressive hearing loss.

7
8 * * *

9 10 CHAPTER 32. THE LOUISIANA COMMISSION FOR THE DEAF

11 12 R.S. 46:2351. Creation; membership; terms; compensation

13
14 A. The Louisiana Commission for the Deaf, hereinafter referred to as "the commission", is
15 hereby created and established within the Louisiana Department of Health. The commission shall
16 consist of seventeen members as follows:

17
18 (1) The coordinator of vocational rehabilitation services to the deaf or his designee.

19
20 (2) The president of the Louisiana Association of the Deaf or his designee.

21
22 (3) The president of the Louisiana Registry of Interpreters for the Deaf or his designee.

23
24 (4) The superintendent of the Louisiana School for the Deaf or his designee.

25
26 * * *

27
28 (11) In addition, the governor shall appoint seven lay members to the commission, two of
29 whom shall be deaf persons, one of whom shall be hard of hearing, two of whom shall be parents
30 of deaf persons, and two of whom shall be professionals who work with deaf persons. Each
31 appointment by the governor shall be subject to Senate confirmation.

32
33 * * *

34
35 NOTE: Subsection (E)(intro. para.) eff. until one or more of the 20 depts. of the
36 executive branch is abolished or a const. amend. authorizing the creation of an
37 additional dept. becomes effective, whichever is earlier. See Acts 2013, No. 384,
38 §§5 and 9.

39
40 E. Upon request of the commission, the directors of the following agencies shall make
41 themselves available for consultation and shall provide information regarding the services
42 available to the deaf through their respective agencies:

APPENDIX

1 NOTE: Subsection (E)(intro. para.) as amended by Acts 2013, No. 384, §5, eff.
2 when one or more of the 20 depts. of the executive branch is abolished or a const.
3 amend. authorizing the creation of an additional dept. becomes effective, whichever
4 is earlier.
5

6 E. Upon request of the commission, the directors of the following agencies and the
7 secretary in the case of the Department of Elderly Affairs shall make themselves available for
8 consultation and shall provide information regarding the services available to the deaf through
9 their respective agencies:
10

11 (1) The office of behavioral health and substance abuse.

12 (2) The office of family security.

13 (3) The office for citizens with developmental disabilities.

14 (4) The office of elderly affairs.

15 (5) The office of health services and environmental quality.

16 (6) The division of evaluation and services.
17
18

19 Additionally, the commission shall have authority to request consultation or information,
20 or both, from any other state department or agency serving deaf persons.
21
22

23 R.S. 46:2352. Duties

24 The commission shall:
25

26 (1) Promote, coordinate, and facilitate accessibility of all public and private services to
27 deaf people.

28 (2) Serve as advocate for the needs and rights of deaf people.

29 (3) Collect information concerning deafness and provide for the dissemination of this
30 information.
31

32 (4) Develop and implement a statewide program to insure continuity of services to deaf
33 people.
34

35 (5) Inform deaf citizens, parents, and families of the availability of programs and services
36 for deaf adults and children at all levels of state and local government.
37

38 * * *
39
40
41
42
43
44
45

APPENDIX

1 (7) Certify interpreters and maintain a registry of certified interpreters. The commission
2 shall promulgate rules for the examination of applicants for certification and the issuance of
3 certificates. Such rules shall be subject to legislative oversight review pursuant to the
4 Administrative Procedure Act and shall be subject to the following limitations:

5
6 (a) The commission shall not promulgate any rule or regulation which denies a deaf or
7 hard of hearing person's right to choose his interpreter.

8
9 * * *

10
11 (h) The certification of interpreters by the Louisiana Commission for the Deaf shall not be
12 applicable to the Louisiana State Department of Education or to any of the local educational
13 agencies and special board schools throughout the state under the supervision of the Board of
14 Elementary and Secondary Education. Such certification shall incorporate an evaluation
15 conducted by the Interpreter Certification Board of the Louisiana Commission for the Deaf.

16
17 (8) Provide all services of the commission to deaf people with visual impairments.

18
19 (9) Provide interpreter services to the deaf in accordance with rules and regulations
20 adopted by the commission.

21
22 (10)(a) Establish, administer, and promote a statewide program to provide access to all
23 public telecommunications services by persons who are deaf, deaf-blind, and others such as
24 persons with severe hearing loss or severe speech impairments. This program shall include but is
25 not limited to:

26
27 * * *

28
29 (ii) The creation of a dual party relay system to function as a communications bridge
30 between members of the deaf and hearing citizenry.

31
32 * * *

33 34 **R.S. 46:2353. Employees**

35
36 The secretary of the Louisiana Department of Health shall employ a director who shall be
37 the executive officer of the commission. The director shall be a trained professional, having
38 experience as such with the deaf, and skilled in the use of sign language. The director may be either
39 a deaf person or a person with normal hearing, but preference shall be given to a deaf person. The
40 secretary of the Louisiana Department of Health shall employ such other employees as are
41 necessary to carry out the provisions of this Chapter.

42
43 * * *

APPENDIX

1 **R.S. 46:2356. Denial, suspension, or revocation of a certificate**

2
3 A. The commission may deny application by an applicant or may deny renewal of,
4 suspend, or revoke an interpreter's certificate, and/or discipline a certified interpreter for any of the
5 following causes:

6
7 * * *

8
9 (6) Willingly violating or aiding in the violation of any of the standards of ethical behavior
10 listed in the Registry of Interpreters for the Deaf Code of Ethics.

11
12 * * *

13
14 **R.S. 46:2362. Definitions**

15
16 As used in this Chapter:

17 * * *

18
19 (2) "Intermediary interpreter/transliterater" means any person, including any person who
20 is deaf or hard of hearing, who is able to assist in providing an accurate interpretation between
21 spoken English and sign language or between variants of sign language by acting as an
22 intermediary between a person who is deaf or hard of hearing and a qualified
23 interpreter/transliterater. The intermediary interpreter/transliterater may be needed for non-
24 manual persons who are deaf or hard of hearing and shall be provided.

25
26 (3) "Interpreter/transliterater" means a facilitator of communication among persons with
27 hearing and persons who are deaf or hard of hearing as provided in R.S. 46:2365 and 2368.

28
29 (4) A "person who is deaf or hard of hearing" means a person who, because of hearing loss,
30 has difficulty understanding the communication occurring.

31
32 (5) "Qualified interpreter/transliterater" means any person certified by the Registry of
33 Interpreters for the Deaf, or in the event an interpreter/transliterater so certified is not available,
34 one whose qualifications are such that he is able to accurately communicate with and convey
35 information to and from the person who is deaf or hard of hearing.

36
37 * * *

38
39 **R.S. 46:2363. Waiver**

40
41 The right of a person who is deaf or hard of hearing to the services of an
42 interpreter/transliterater may not be waived except by a person who is deaf or hard of hearing who
43 requests a waiver. The failure of the person who is deaf or hard of hearing to request the services
44 of an interpreter/transliterater is not deemed a waiver of that right.

APPENDIX

1 **R.S. 46:2364. Interpreter/transliterator required**
2

3 A. Whenever a person who is deaf or hard of hearing is a party or witness at any stage
4 involving direct communication with persons who are deaf or hard of hearing or his legal
5 representative or custodian during any judicial or quasi-judicial proceeding in this state or in its
6 political subdivisions, including but not limited to proceedings of civil and criminal court, grand
7 jury, before a magistrate, juvenile, adoption, mental health commitment, and any proceeding in
8 which a person who is deaf or hard of hearing may be subjected to confinement or criminal
9 sanction, the appointing authority shall appoint and pay for a qualified interpreter/transliterator to
10 interpret or transliterate the proceedings to the person who is deaf or hard of hearing and to
11 interpret or transliterate the testimony of the person who is deaf or hard of hearing.
12

13 B. Whenever a juvenile whose parent is deaf or hard of hearing is brought before a court
14 for any reason, the court shall appoint and pay for a qualified interpreter/transliterator to interpret
15 or transliterate the proceedings to the deaf or hard of hearing parent and to interpret or transliterate
16 that parent's testimony.
17

18 C. If any hearing or proceeding of any department, board, licensing authority, commission,
19 or administrative agency of the state or of its political subdivision is held, the appointing authority
20 shall appoint and pay for a qualified interpreter/transliterator for deaf or hard of hearing
21 participants.
22

23 D. Whenever a person who is deaf or hard of hearing is a witness before any legislative
24 committee or subcommittee, or legislative research or study committee or subcommittee or
25 commission authorized by the state legislature or by the legislative body of any political
26 subdivision of the state, the appointing authority shall appoint and pay for a qualified
27 interpreter/transliterator to interpret/transliterate the proceedings to the person who is deaf or hard
28 of hearing and to interpret/transliterate that person's testimony.
29

30 E.(1) Whenever a person who is deaf or hard of hearing is arrested for an alleged violation
31 of a criminal law, including a local ordinance, the arresting officer shall procure and the court with
32 jurisdiction over the alleged violation shall pay for a qualified interpreter/transliterator for any
33 interrogation, warning, notification of rights, or taking of a statement.
34

35 (2) No person who is deaf or hard of hearing who has been arrested and who is otherwise
36 eligible for release shall be held in custody pending arrival of an interpreter/transliterator.
37

38 (3) No answer, statement, or admission, written or oral, made by a person who is deaf or
39 hard of hearing in reply to a question of a law enforcement officer or any other person having a
40 prosecutorial function in any criminal proceeding may be used against that person who is deaf or
41 hard of hearing unless either the statement was made or elicited through a qualified
42 interpreter/transliterator and was made knowingly, voluntarily, and intelligently or, in the case of
43 waiver of interpreters/transliterators, unless the court makes a special finding that any statement
44 made by the person who is deaf or hard of hearing was made knowingly, voluntarily, and
45 intelligently.

APPENDIX

1 F. Where it is the policy and practice of a court of this state or of its political subdivisions
2 to appoint counsel for indigent persons, the appointing authority shall appoint and pay for a
3 qualified interpreter/transliterater for indigent people who are deaf or hard of hearing to assist in
4 communication with counsel in all phases of the preparation and presentation of the case.

5
6 **R.S. 46:2365. Determination of interpreter's/transliterater's qualifications**

7
8 A. Before appointing an interpreter/transliterater, the appointing authority shall make a
9 preliminary determination, based on the needs of the person who is deaf or hard of hearing and
10 upon the recommendation of the Louisiana Commission for the Deaf. If the
11 interpreter/transliterater is not able to facilitate effective communication with the person who is
12 deaf or hard of hearing, the appointing authority shall provide another qualified
13 interpreter/transliterater.

14
15 B. Upon request of the person for whom the interpreter/transliterater is appointed, or on
16 the appointing authority's own motion, an interpreter/transliterater may be removed for the
17 inability to communicate with the person who is deaf or hard of hearing, or if, for reasonable cause,
18 another interpreter/transliterater is so desired by the person who is deaf or hard of hearing for
19 whom the interpreter/transliterater is serving.

20
21 * * *

22
23 **R.S. 46:2367. Interpreter/transliterater in full view**

24
25 Whenever an interpreter/transliterater is required to be appointed under this Chapter, the
26 appointing authority shall not commence proceedings until the appointed interpreter/transliterater
27 is in full view of and spatially situated to assure effective communication with the deaf or hard of
28 hearing participant.

29
30 **R.S. 46:2368. Coordination of interpreter/transliterater requests**

31
32 A. The Louisiana Commission for the Deaf shall establish, maintain, update, and distribute
33 a list of qualified interpreters/transliteraters. The commission shall obtain the names of
34 interpreters for this list from the Louisiana Registry of Interpreters for the Deaf and other
35 appropriate sources, such as National Registry of Interpreters for the Deaf, Louisiana School for
36 the Deaf, and Louisiana Association of the Deaf.

37
38 B. Whenever an interpreter/transliterater is required under this Chapter, the appointing
39 authority shall use one of the interpreters/transliteraters on the Louisiana Commission for the Deaf
40 list. If none of the listed interpreters/transliteraters is available or is able to provide effective
41 communication with the particular person who is deaf or hard of hearing, then the appointing
42 authority shall appoint any other person who is able to accurately communicate with and convey
43 information to and from the particular person involved who is deaf or hard of hearing.

44
45 * * *

APPENDIX

1 **R.S. 46:2370. Compensation**

2
3 An interpreter/transliterators appointed under this Chapter is entitled to a reasonable fee for
4 his services, including waiting time and reimbursement for necessary travel and subsistence
5 expenses. The Louisiana Commission for the Deaf may pay the fee for such services which shall
6 be based on the fee schedule for interpreters/transliterators established by the commission,
7 however, in any judicial proceeding the fee shall be fixed by the court. Reimbursement for
8 necessary travel and subsistence expenses shall be at rates provided by law for state employees
9 generally.

10
11 **R.S. 46:2371. Privileged communications**

12
13 No interpreter/transliterators for the deaf is permitted, without consent of the person making
14 the communication, to disclose any communication made in confidence by one seeking situation
15 specific service, or any information that may have been obtained by reason of being such
16 interpreter/transliterators.

17
18 **R.S. 46:2372. Visual recording**

19
20 The appointing authority, on his own motion or on the motion of a party to the proceedings,
21 may order that the testimony of the person who is deaf or hard of hearing and the
22 interpretation/transliteration thereof be electronically or visually recorded for use in verification
23 of the official transcript of the proceedings.

24
25 Title 47

26
27 **R.S. 47:79. Credits of individuals against net income**

28
29 A. Personal exemption.

30
31 * * *

32
33 (2) In addition to the exemptions above provided for, an exemption of one thousand dollars
34 is allowed for the taxpayer who is blind or who has sustained the loss of one or more limbs or who
35 has an intellectual disability or who is deaf. As used herein the word "blind" shall mean and refer
36 to persons who have been determined by a qualified ophthalmologist or optometrist to have no
37 vision or to have vision which is insufficient for use in an occupation or activity for which sight is
38 essential. For purposes herein, the word "deaf" shall be defined as in Paragraph (B)(5) of this
39 Section. Each person claiming an exemption under the provisions of this Paragraph shall be able
40 to prove such claim by certificate of a qualified physician or optometrist.

41
42 B. Credit for dependents.

43
44 * * *

APPENDIX

1 (5) Credit for certain dependents. A credit of one thousand dollars is allowed for each
2 dependent as defined in Subsection C of this Section who is blind or deaf or who has sustained the
3 loss of one or more limbs or who has an intellectual disability. As herein used the word "blind"
4 shall be defined as in Paragraph (A)(2) of this Section. For purposes herein, the word "deaf" shall
5 mean and refer to persons whose hearing is so impaired that it is insufficient for use in an
6 occupation or activity for which hearing is essential. The taxpayer claiming credit as herein
7 provided shall be able to prove such claim by certificate of a qualified physician or optometrist
8 issued for each such dependent for which a credit is claimed.

9
10 * * *

11 12 **R.S. 47:297. Reduction to tax due**

13
14 A. The tax determined as provided in this Part shall be reduced by seventy-two dollars for
15 any taxpayer, taxpayer's spouse, or dependent who is deaf, blind, mentally incapacitated, or has
16 lost the use of one or more limbs. Only one credit is allowed for any one person.

17
18 * * *

19 20 **R.S. 47:301.1. Telecommunications and ancillary services**

21
22 * * *
23
24 F. Notwithstanding any provision of law to the contrary, after allocation of monies to the
25 Bond Security and Redemption Fund as required by Article VII, Section 9(B) of the Constitution
26 of Louisiana, from the avails of the sales tax on telecommunication services there shall be an
27 annual dedication of one million dollars to be deposited into the Telecommunications for the Deaf
28 Fund for use as provided in R.S. 47:1061(B).

29
30 * * *

31 32 **R.S. 47:1061. Telecommunication tax for the deaf**

33
34 A. * * *

35
36 * * *

37
38 (4) The revenues so collected shall be remitted by the secretary immediately upon receipt
39 to the treasurer and the treasurer shall credit the full amount of such taxes to the Bond Security
40 and Redemption Fund. After a sufficient amount is allocated from that fund to pay all obligations
41 secured by the full faith and credit of the state which become due and payable within any fiscal
42 year, the treasurer shall pay the remainder of such funds into a special fund which is hereby created
43 within the state treasury and designated as the "Telecommunications for the Deaf Fund".
44

APPENDIX

Title 49

R.S. 49:121. Name of board, department, or subdivisions; marking on boat or vehicle; Louisiana public license plates; exemptions

* * *

E. Those vehicles used in crime prevention and detection and similar investigative work, which if identified as required by this Section could not be used effectively for such purposes, are exempt from the provisions of this Part, and, in addition, the vehicles used by the governor, lieutenant governor, statewide elected officials, the Louisiana School for the Deaf, the Louisiana School for the Visually Impaired, the Louisiana Special Education Center, the Special School District, and any community and group homes and residential facilities administered by the Department of Children and Family Services or the Louisiana Department of Health are exempt from the provisions of this Part.

* * *

PART X. EMPLOYMENT AND LICENSING EXAMINATIONS—INTERPRETERS FOR THE DEAF AND HARD OF HEARING

R.S. 49:181. State examinations; interpreters for the deaf and hard of hearing

A. Any person who is deaf or hard of hearing and takes an examination which is a prerequisite for employment or licensing by the state or any of its agencies is entitled to be furnished, upon request, with an interpreter by the state or its agency.

* * *

Title 51

R.S. 51:2762. Definitions

For purposes of this Chapter, the following terms shall have the following definitions:

(1) "Assistive device" means any device, including a demonstrator, that a consumer purchases or accepts transfer of in this state which is used for a major life activity which includes but is not limited to:

* * *

(b) Hearing aids, telephone communication devices for the deaf (TDD), assistive listening devices, and other aids that enhance an individual's ability to hear.

* * *