

**ASSEMBLY, No. 5073**

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**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

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INTRODUCED JUNE 29, 2017

**Sponsored by:**

**Assemblywoman ELIZABETH MAHER MUOIO**  
**District 15 (Hunterdon and Mercer)**

**SYNOPSIS**

Establishes “Deaf Student’s Bill of Rights.”

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the rights of students who are deaf, hard of  
2 hearing, or deaf-blind and supplementing chapter 46 of Title 18A  
3 of the New Jersey Statutes.

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5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

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8 1. This act shall be known and may be cited as the “Deaf  
9 Student’s Bill of Rights Act.”

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11 2. The Legislature recognizes that children who are deaf, hard of  
12 hearing, or deaf-blind who utilize one or more modes of  
13 communication have the same rights and potential as children who  
14 are not deaf, hard of hearing, or deaf-blind. Therefore, the  
15 Legislature recognizes the following “Deaf Student’s Bill of  
16 Rights.”

17 a. School districts shall provide children who are deaf, hard of  
18 hearing, or deaf-blind appropriate screening and assessment of  
19 hearing and vision capabilities and communication and language  
20 needs at the earliest possible age and the continuation of screening  
21 services throughout the educational experience.

22 b. School districts shall provide children who are deaf, hard of  
23 hearing, or deaf-blind with individualized and appropriate early  
24 intervention to support the acquisition of solid language bases  
25 developed at the earliest possible age.

26 c. School districts shall inform the parents or guardians of  
27 children who are deaf, hard of hearing, or deaf-blind of all  
28 placement considerations and options available to children who are  
29 deaf, hard of hearing, or deaf-blind and provide opportunities for  
30 parents and guardians to fully participate in the development and  
31 implementation of their child’s education plan.

32 d. School districts shall strive to provide children who are deaf,  
33 hard of hearing, or deaf-blind opportunities to meet and associate  
34 with adult role models who are deaf, hard of hearing, or deaf-blind  
35 to learn advocacy skills, including self-advocacy.

36 e. School districts shall provide children who are deaf, hard of  
37 hearing, or deaf-blind opportunities to meet and associate with their  
38 peers in the school environment and during school-sponsored  
39 activities.

40 f. School districts shall provide direct instruction to children  
41 who are deaf, hard of hearing, or deaf-blind. If that is not possible,  
42 school districts shall provide the children with access to qualified  
43 teachers, interpreters, and resource personnel who communicate  
44 effectively with each child in that child’s mode of communication.

45 g. School districts shall include a communication plan in the  
46 Individualized Education Program of a student who is deaf, hard of  
47 hearing, or deaf-blind. Where appropriate, public schools shall  
48 include a communication plan in the educational plan prepared

1 pursuant to section 504 of the federal Rehabilitation Act of 1973, 29  
2 U.S.C. s.794 for a student who is deaf, hard of hearing, or deaf-  
3 blind.

4 h. School districts shall provide children who are deaf, hard of  
5 hearing, or deaf-blind placement that is best suited to the child's  
6 individual needs including, but not limited to, social, emotional, and  
7 cultural needs, with consideration for the child's age, degree and  
8 type of hearing loss, academic level, mode of communication, style  
9 of learning, motivational level, and amount of family support.

10 i. School districts shall provide children who are deaf, hard of  
11 hearing, or deaf-blind individual considerations for free, appropriate  
12 education across a full spectrum of educational programs.

13 j. School districts shall provide children who are deaf, hard of  
14 hearing, or deaf-blind full support services provided by qualified  
15 professionals in their educational settings. The Department of  
16 Education shall work with school districts to ensure technical  
17 assistance is available to support boards of education in meeting the  
18 needs of children who are deaf, hard of hearing, or deaf-blind.

19 k. School districts shall provide children who are deaf, hard of  
20 hearing, or deaf-blind full access to all programs in their  
21 educational settings including, but not limited to, extracurricular  
22 activities, recess, lunch, media showings, and public  
23 announcements.

24 l. School districts shall ensure that parents and guardians of  
25 children who are deaf, hard of hearing or deaf-blind receive  
26 information from appropriately qualified professionals on the  
27 medical, ethical, cultural, and linguistic issues of individuals who  
28 are deaf, hard of hearing, or deaf-blind.

29 m. School districts shall ensure that children who are deaf, hard  
30 of hearing, or deaf-blind have direct access to mental health  
31 services and supporting services from qualified providers fluent in  
32 American Sign Language.

33 n. School districts, where possible, shall have deaf and hard of  
34 hearing adults directly involved in determining the extent, content,  
35 and purpose of all programs that affect the education of children  
36 who are deaf, hard of hearing, or deaf-blind.

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38 3. This act shall take effect immediately.

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#### STATEMENT

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43 The Legislature recognizes that children who are deaf, hard of  
44 hearing, or deaf-blind who utilize one or more modes of  
45 communication have the same rights and potential as children who  
46 are not deaf, hard of hearing, or deaf-blind. Under the bill, the  
47 Legislature recognizes a "Deaf Student's Bill of Rights" that

## A5073 MUOIO

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- 1 requires school districts to recognize the rights of students who are  
2 deaf, hard of hearing, and deaf-blind by providing:
- 3 • access to appropriate screening and assessment of hearing and  
4 vision capabilities and communication and language needs and the  
5 continuation of screening services;
  - 6 • access to individualized and appropriate early intervention to  
7 support the acquisition of solid language bases;
  - 8 • information to the families of students on placement  
9 considerations and available educational options;
  - 10 • opportunities to meet and associate with adult role models who  
11 are deaf, hard of hearing, or deaf-blind;
  - 12 • opportunities to meet and associate with their peers in the school  
13 environment and during school-sponsored activities;
  - 14 • direct instruction, where possible and where not possible, access  
15 to qualified teachers, interpreters, and resource personnel who  
16 communicate effectively with each child in that child's mode of  
17 communication;
  - 18 • the right to have a communication plan in the student's  
19 Individualized Education Program or 504 plan, as applicable;
  - 20 • a placement that is best suited to the student's individual needs  
21 including, but not limited to, social, emotional, and cultural needs;
  - 22 • individual consideration for free, appropriate education across a  
23 full spectrum of educational programs;
  - 24 • full support services provided by qualified professionals in their  
25 educational settings. The Department of Education must work with  
26 school districts to ensure that technical assistance is available to  
27 support boards of education in meeting these needs;
  - 28 • full access to all programs in their educational settings;
  - 29 • information to families from appropriately qualified  
30 professionals on the medical, ethical, cultural, and linguistic issues  
31 of the deaf community;
  - 32 • access to mental health services and supporting services from  
33 qualified providers fluent in American Sign Language; and
  - 34 • where possible, the participation of deaf and hard of hearing  
35 adults in determining the extent, content, and purpose of all  
36 programs that affect the education of students who are deaf, hard of  
37 hearing, or deaf-blind.