

[Second Reprint]

SENATE, No. 2044

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED FEBRUARY 26, 2018

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Senator M. TERESA RUIZ

District 29 (Essex)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblywoman ELIZABETH MAHER MUOIO

District 15 (Hunterdon and Mercer)

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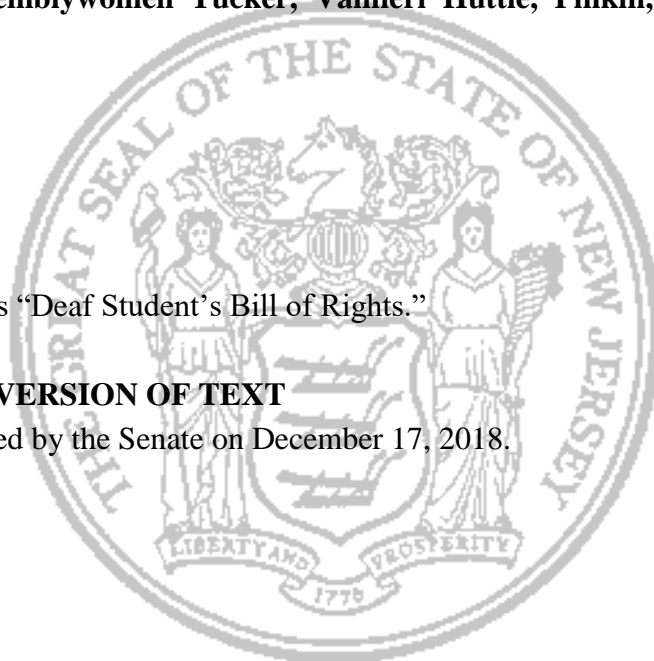
Senators Diegnan, O'Scanlon, Madden, Beach, Assemblywoman Jones, Assemblymen Holley, Danielsen, Assemblywoman DiMaso, Assemblyman Schaer, Assemblywomen Tucker, Vainieri Huttle, Pinkin, Murphy and Timberlake

SYNOPSIS

Establishes "Deaf Student's Bill of Rights."

CURRENT VERSION OF TEXT

As amended by the Senate on December 17, 2018.



(Sponsorship Updated As Of: 6/21/2019)

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.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. This act shall be known and may be cited as the “Deaf
9 Student’s Bill of Rights Act.”

10
11 2. The Legislature recognizes that children who are deaf, hard
12 of 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 ²and evaluation² 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 ¹, including the Marie H. Katzenbach
29 School for the Deaf,¹ and options available to children who are
30 deaf, hard of hearing, or deaf-blind and provide opportunities for
31 parents and guardians to fully participate in the development and
32 implementation of their child’s education plan.

33 d. School districts shall strive to provide children who are deaf,
34 hard of hearing, or deaf-blind opportunities to meet and associate
35 with adult role models who are deaf, hard of hearing, or deaf-blind
36 ²and who utilize varied communication modalities² to learn
37 advocacy skills, including self-advocacy.

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

42 f. School districts shall provide direct instruction to children
43 who are deaf, hard of hearing, or deaf-blind. ¹**[If that is not**
44 possible, school districts shall provide the children with access to

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹**Senate SBA committee amendments adopted December 3, 2018.**

²**Senate floor amendments adopted December 17, 2018.**

- 1 qualified teachers, interpreters, and resource personnel who
2 communicate effectively with each child in that child's mode of
3 communication.]¹
- 4 g. School districts shall include a communication plan in the
5 Individualized Education Program of a student who is deaf, hard of
6 hearing, or deaf-blind ¹【. Where appropriate, public schools shall
7 include a communication plan】 , and¹ in the educational plan
8 prepared pursuant to section 504 of the federal Rehabilitation Act of
9 1973, 29 U.S.C. s.794 for a student who is deaf, hard of hearing, or
10 deaf-blind.
- 11 h. School districts shall provide children who are deaf, hard of
12 hearing, or deaf-blind placement that is best suited to the child's
13 individual needs including, but not limited to, social, emotional,
14 communication,² and cultural needs, with consideration for the
15 child's age, degree and type of hearing loss, academic level, mode
16 of communication, style of learning, motivational level, and amount
17 of family support.
- 18 i. School districts shall provide children who are deaf, hard of
19 hearing, or deaf-blind individual considerations for free, appropriate
20 education across a ¹【full spectrum of educational programs】
21 continuum of placement options required by law¹.
- 22 j. School districts shall provide children who are deaf, hard of
23 hearing, or deaf-blind full support services provided by qualified
24 and certified¹ professionals in their educational settings. The
25 Department of Education through the coordinator for educational
26 programs¹ shall work with school districts to ensure technical
27 assistance is available to support boards of education in meeting the
28 needs of children who are deaf, hard of hearing, or deaf-blind. ²As
29 used in this subsection, "technical assistance" means guidance and
30 support provided to a school district to enable the school district to
31 meet State and federal policy and regulatory requirements and to
32 ensure the provision of a thorough and efficient education.²
- 33 k. School districts shall provide children who are deaf, hard of
34 hearing, or deaf-blind full communication¹ access to all programs
35 in their educational settings including, but not limited to,
36 extracurricular activities, recess, lunch, media showings, ¹driver
37 education,¹ and public announcements.
- 38 l. School districts shall ensure that parents and guardians of
39 children who are deaf, hard of hearing or deaf-blind receive
40 information from appropriately qualified and certified¹
41 professionals on the medical, ethical, cultural, and linguistic issues
42 of individuals who are deaf, hard of hearing, or deaf-blind.
- 43 m. School districts shall ensure that children who are deaf, hard
44 of hearing, or deaf-blind have direct access to mental health
45 services and supporting services from qualified and certified¹

1 providers fluent in ²the student's primary mode of communication,
2 including² American Sign Language.

3 ²[n. School districts ¹], where possible, shall have deaf and hard
4 of hearing adults directly involved in determining the extent,
5 content, and purpose of all programs that affect the education of
6 children who are deaf, hard of hearing, or deaf-blind] shall ensure
7 that children who are deaf, hard of hearing, or deaf-blind have
8 direct access to mental health services and supporting services from
9 qualified and certified providers in the language spoken by the
10 child¹.]²

11
12 3. ¹[**This**] Nothing in this¹ act shall ¹[take effect immediately]
13 be construed to give any greater rights or protections than can be
14 found under the "Individuals with Disabilities Education Act," 20
15 U.S.C. s.1400 et seq., or section 504 of the federal "Rehabilitation
16 Act of 1973," 29 U.S.C. s.794, or any other federal law¹.

17
18 ¹4. This act shall take effect on the 30th day next following the
19 date of enactment.¹