

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Oliver signs legislation to assist students, hard-of-hearing community," NJBIZ, August 6, 2019

"New laws enhance education access for deaf students, families - New laws enhance access to education for deaf students and families,"
The Press of Atlantic City, August 8, 2019

RWH/JA

P.L. 2019, CHAPTER 204, *approved August 5, 2019*
Senate, No. 2044 (*Second Reprint*)

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.

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:

¹Senate SBA committee amendments adopted December 3, 2018.

²Senate floor amendments adopted December 17, 2018.

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

1 information from appropriately qualified ¹and certified¹
2 professionals on the medical, ethical, cultural, and linguistic issues
3 of individuals who are deaf, hard of hearing, or deaf-blind.

4 m. School districts shall ensure that children who are deaf, hard
5 of hearing, or deaf-blind have direct access to mental health
6 services and supporting services from qualified ¹and certified¹
7 providers fluent in ²the student's primary mode of communication,
8 including² American Sign Language.

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

17

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

23

24 ¹4. This act shall take effect on the 30th day next following the
25 date of enactment.¹

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30

Establishes "Deaf Student's Bill of Rights."

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)

Co-Sponsored by:

Senator Diegnan

SYNOPSIS

Establishes “Deaf Student’s Bill of Rights.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/15/2018)

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:*

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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 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.

37

38 3. This act shall take effect immediately.

39

40

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STATEMENT

42

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

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

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]

SENATE, No. 2044

STATE OF NEW JERSEY

DATED: JUNE 13, 2019

The Assembly Appropriations Committee reports favorably Senate Bill No. 2044 (2R).

This bill creates a “Deaf Student’s Bill of Rights,” which requires school districts to recognize the rights of students who are deaf, hard of hearing, and deaf-blind.

Specifically, school districts are to provide the following:

- access to appropriate screening and assessment of hearing and vision capabilities and communication and language needs, and the continuation of screening and evaluation services throughout the educational experience;
- access to individualized and appropriate early intervention to support the acquisition of solid language bases;
- information to the families of students on placement considerations and available educational options, including the Marie H. Katzenbach School for the Deaf;
- opportunities to meet and associate with adult role models who are deaf, hard of hearing, or deaf-blind and who utilize varied communication modalities;
- opportunities to meet and associate with their peers in the school environment and during school-sponsored activities;
- direct instruction;
- the right to have a communication plan in the student’s Individualized Education Program and 504 plan;
- a placement that is best suited to the student’s individual needs including, but not limited to, social, emotional, communication, and cultural needs;
- individual consideration for free, appropriate education across a continuum of placement options required by law;
- full support services provided by qualified and certified professionals in their educational settings. The Department of Education, through the coordinator for educational programs, must work with school districts to ensure that technical assistance is available to support boards of education in meeting these needs. Under the bill, “technical assistance” means guidance and support provided to a school district to enable the school district to meet

State and federal policy and regulatory requirements and to ensure the provision of a thorough and efficient education;

- full communication access to all programs in their educational settings;
- information to families from appropriately qualified and certified professionals on the medical, ethical, cultural, and linguistic issues of the deaf community; and
- access to mental health services and supporting services from qualified and certified providers fluent in the student's primary mode of communication, including American Sign Language.

The bill should not be construed to give any greater rights or protections than found under federal law.

As reported by the committee, this bill is identical to Assembly Bill No. 1896, which was amended and also reported by the committee on this same date.

FISCAL IMPACT:

As amended, this bill is not certified as requiring a fiscal note.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 2044

STATE OF NEW JERSEY

DATED: JUNE 14, 2018

The Senate Education Committee favorably reports Senate Bill No. 2044.

The Legislature recognizes that children who are deaf, hard of hearing, or deaf-blind who utilize one or more modes of communication have the same rights and potential as children who are not deaf, hard of hearing, or deaf-blind. Under the bill, the Legislature recognizes a “Deaf Student’s Bill of Rights” that requires school districts to recognize the rights of students who are deaf, hard of hearing, and deaf-blind by providing the following:

- access to appropriate screening and assessment of hearing and vision capabilities and communication and language needs, and the continuation of screening services;
- access to individualized and appropriate early intervention to support the acquisition of solid language bases;
- information to the families of students on placement considerations and available educational options;
- opportunities to meet and associate with adult role models who are deaf, hard of hearing, or deaf-blind;
- opportunities to meet and associate with their peers in the school environment and during school-sponsored activities;
- direct instruction, where possible and where not possible, access to qualified teachers, interpreters, and resource personnel who communicate effectively with each child in that child’s mode of communication;
- the right to have a communication plan in the student’s Individualized Education Program or 504 plan, as applicable;
- a placement that is best suited to the student’s individual needs including, but not limited to, social, emotional, and cultural needs;
- individual consideration for free, appropriate education across a full spectrum of educational programs;
- full support services provided by qualified professionals in their educational settings. The Department of Education must work with school districts to ensure that technical assistance is available to support boards of education in meeting these needs;
- full access to all programs in their educational settings;

- information to families from appropriately qualified professionals on the medical, ethical, cultural, and linguistic issues of the deaf community;
- access to mental health services and supporting services from qualified providers fluent in American Sign Language; and
- where possible, the participation of deaf and hard of hearing adults in determining the extent, content, and purpose of all programs that affect the education of students who are deaf, hard of hearing, or deaf-blind.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2044

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 3, 2018

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2044, with committee amendments.

Senate Bill No. 2044, as amended, creates a “Deaf Student’s Bill of Rights,” which requires school districts to recognize the rights of students who are deaf, hard of hearing, and deaf-blind.

Specifically, school districts are to provide the following:

- access to appropriate screening and assessment of hearing and vision capabilities and communication and language needs, and the continuation of screening services throughout the educational experience;
- access to individualized and appropriate early intervention to support the acquisition of solid language bases;
- information to the families of students on placement considerations and available educational options;
- opportunities to meet and associate with adult role models who are deaf, hard of hearing, or deaf-blind;
- opportunities to meet and associate with their peers in the school environment and during school-sponsored activities;
- direct instruction;
- the right to have a communication plan in the student’s Individualized Education Program and 504 plan;
- a placement that is best suited to the student’s individual needs including, but not limited to, social, emotional, and cultural needs;
- individual consideration for free, appropriate education across a full continuum of placement options required by law;
- full support services provided by qualified and certified professionals in their educational settings. The Department of Education, through the coordinator for educational programs, must work with school districts to ensure that technical assistance is available to support boards of education in meeting these needs;
- full communication access to all programs in their educational settings;

- information to families from appropriately qualified and certified professionals on the medical, ethical, cultural, and linguistic issues of the deaf community;
- access to mental health services and supporting services from qualified and certified providers fluent in American Sign Language;
- access to mental health services and supporting services from qualified and certified providers in the language spoken by the child.

The bill as amended, however, should not be construed to give any greater rights or protections than found under federal law.

COMMITTEE AMENDMENTS:

The amendments:

(1) provide that the Marie H. Katzenbach School for the Deaf must be one of the placement considerations on which school districts provide parents information;

(2) eliminate the option for school districts to provide children with access to qualified teachers, interpreters, and resource personnel who can communicate in the child's mode of communication as an alternative to direct instruction;

(3) provide that the professionals providing services to children who are deaf, hard of hearing, or deaf blind must be qualified and certified. The bill in its original form only references qualified;

(4) include driver education as one of the programs to which students who are deaf, hard of hearing, or deaf blind must have full communication access;

(5) eliminate the requirement that school districts, where possible, have deaf and hard of hearing adults directly involved in determining the extent, content, and purpose of all programs that affect their education;

(6) clarify that school districts must ensure that children who are deaf, hard of hearing, or deaf-blind have direct access to mental health services and supporting services from qualified and certified providers in the language spoken by the child. The bill in its original form only made reference to qualified and certified providers fluent in American Sign Language;

(7) clarify that the bill should not be construed to give any greater rights or protections than found under federal law; and

(8) delay the effective date, to 30 days after enactment.

FISCAL IMPACT:

As amended, this bill is not certified as requiring a fiscal note.

STATEMENT TO
[First Reprint]
SENATE, No. 2044

with Senate Floor Amendments
(Proposed by Senator TURNER)

ADOPTED: DECEMBER 17, 2018

The floor amendments:

- Clarify that school districts must provide evaluation services, not just screening services, throughout the educational experience of children who are deaf, hard of hearing, or deaf-blind;
- Provide that the adult role models provided to children who are deaf, hard of hearing, or deaf-blind must also be persons who utilize varied communication modalities;
- Provide that in making decisions on the placement that is best suited to a child's needs, the child's communication needs must be considered;
- Provide that the mental health and supporting services provided to children who are deaf, hard of hearing, or deaf-blind must be from providers fluent in the student's primary mode of communication;
- Include a definition of "technical assistance" which is referenced in regard to the assistance the Department of Education will provide to support boards of education in meeting the needs of children who are deaf, hard of hearing, or deaf-blind; and
- Delete a duplicative provision in the bill.

ASSEMBLY, No. 1896

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

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)

Co-Sponsored by:

**Assemblywoman Jones, Assemblymen Holley, Danielsen and
Assemblywoman DiMaso**

SYNOPSIS

Establishes “Deaf Student’s Bill of Rights.”

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 10/19/2018)

1 AN ACT concerning the rights of students who are deaf, hard of
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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.

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35 to learn advocacy skills, including self-advocacy.

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37 hearing, or deaf-blind opportunities to meet and associate with their
38 peers in the school environment and during school-sponsored
39 activities.

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48 include a communication plan in the educational plan prepared

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2 U.S.C. s.794 for a student who is deaf, hard of hearing, or deaf-
3 blind.

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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.

37

38 3. This act shall take effect immediately.

39

40

41

STATEMENT

42

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

- 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;
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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.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1896

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 18, 2018

The Assembly Education Committee reports favorably Assembly Bill No. 1896 with committee amendments.

The Legislature recognizes that children who are deaf, hard of hearing, or deaf-blind who utilize one or more modes of communication have the same rights and potential as children who are not deaf, hard of hearing, or deaf-blind. Under the bill as amended, the Legislature recognizes a “Deaf Student’s Bill of Rights” that requires school districts to recognize the rights of students who are deaf, hard of hearing, and deaf-blind by providing the following:

- access to appropriate screening and assessment of hearing and vision capabilities and communication and language needs, and the continuation of screening services throughout the educational experience;
- access to individualized and appropriate early intervention to support the acquisition of solid language bases;
- information to the families of students on placement considerations and available educational options;
- opportunities to meet and associate with adult role models who are deaf, hard of hearing, or deaf-blind;
- opportunities to meet and associate with their peers in the school environment and during school-sponsored activities;
- direct instruction;
- the right to have a communication plan in the student’s Individualized Education Program or 504 plan, as applicable;
- a placement that is best suited to the student’s individual needs including, but not limited to, social, emotional, and cultural needs;
- individual consideration for free, appropriate education across a full continuum of placement options required by law;
- full support services provided by qualified and certified professionals in their educational settings. The Department of Education, through the coordinator for educational programs, must work with school districts to ensure that technical

assistance is available to support boards of education in meeting these needs;

- full communication access to all programs in their educational settings;
- information to families from appropriately qualified and certified professionals on the medical, ethical, cultural, and linguistic issues of the deaf community;
- access to mental health services and supporting services from qualified and certified providers fluent in American Sign Language;
- access to mental health services and supporting services from qualified and certified providers in the language spoken by the child.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) provide that the Marie H. Katzenbach School for the Deaf must be one of the placement considerations on which school districts provide parents information;

2) eliminate the option for school districts to provide children with access to qualified teachers, interpreters, and resource personnel who can communicate in the child's mode of communication as an alternative to direct instruction;

3) provide that the professionals providing services to children who are deaf, hard of hearing, or deaf blind must be qualified and certified. The bill in its original form only references qualified;

4) include driver education as one of the programs to which students who are deaf, hard of hearing, or deaf blind must have full communication access;

5) eliminate the requirement that school districts, where possible, have deaf and hard of hearing adults directly involved in determining the extent, content, and purpose of all programs that affect their education; and

6) clarify that school districts must ensure that children who are deaf, hard of hearing, or deaf-blind have direct access to mental health services and supporting services from qualified and certified providers in the language spoken by the child. The bill in its original form only made reference to qualified and certified providers fluent in American Sign Language.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1896

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 13, 2019

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1896 (1R), with committee amendments.

As amended, this bill creates a “Deaf Student’s Bill of Rights,” which requires school districts to recognize the rights of students who are deaf, hard of hearing, and deaf-blind.

Specifically, school districts are to provide the following:

- access to appropriate screening and assessment of hearing and vision capabilities and communication and language needs, and the continuation of screening and evaluation services throughout the educational experience;
- access to individualized and appropriate early intervention to support the acquisition of solid language bases;
- information to the families of students on placement considerations and available educational options, including the Marie H. Katzenbach School for the Deaf;
- opportunities to meet and associate with adult role models who are deaf, hard of hearing, or deaf-blind and who utilize varied communication modalities;
- opportunities to meet and associate with their peers in the school environment and during school-sponsored activities;
- direct instruction;
- the right to have a communication plan in the student’s Individualized Education Program and 504 plan;
- a placement that is best suited to the student’s individual needs including, but not limited to, social, emotional, communication, and cultural needs;
- individual consideration for free, appropriate education across a continuum of placement options required by law;
- full support services provided by qualified and certified professionals in their educational settings. The Department of Education, through the coordinator for educational programs, must work with school districts to ensure that technical assistance is available to support boards of education in meeting these needs. Under the bill, “technical assistance” means guidance and support

provided to a school district to enable the school district to meet State and federal policy and regulatory requirements and to ensure the provision of a thorough and efficient education;

- full communication access to all programs in their educational settings;
- information to families from appropriately qualified and certified professionals on the medical, ethical, cultural, and linguistic issues of the deaf community; and
- access to mental health services and supporting services from qualified and certified providers fluent in the student's primary mode of communication, including American Sign Language.

The bill should not be construed to give any greater rights or protections than found under federal law.

As amended and reported by the committee, this bill is identical to Senate Bill No. 2044 (2R), which also was reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The amendments:

- Clarify that school districts must provide evaluation services, not just screening services, throughout the educational experience of children who are deaf, hard of hearing, or deaf-blind;
- Provide that the adult role models provided to children who are deaf, hard of hearing, or deaf-blind must also be persons who utilize varied communication modalities;
- Provide that in making decisions on the placement that is best suited to a child's needs, the child's communication needs must be considered;
- Provide that the mental health and supporting services provided to children who are deaf, hard of hearing, or deaf-blind must be from providers fluent in the student's primary mode of communication;
- Include a definition of "technical assistance" which is referenced in regard to the assistance the Department of Education will provide to support boards of education in meeting the needs of children who are deaf, hard of hearing, or deaf-blind;
- Delete a duplicative provision in the bill;
- Clarify that the bill should not be construed to give any greater rights or protections than found under federal law; and

Delay the bill's effective date to 30 days after enactment.

FISCAL NOTE:

This bill is not certified as requiring a fiscal note.

Acting Governor Oliver Signs Legislation Assisting Hard of Hearing Community

08/05/2019

TRENTON – Today, Acting Governor Sheila Y. Oliver signed S2044 and S2045 into law, establishing a "Deaf Student's Bill of Rights" and a Working Group on Deaf Education. Additionally, the legislation requires the Department of Education to develop a parent resource guide and for both the Department of Education and Department of Health to collect and report data for children who are deaf or hard of hearing children.

"To ensure that every deaf student in New Jersey acquires the same high quality education as other students, I am proudly signing these two bills today establishing a Deaf Student's Bill of Rights along with other initiatives for research, advocacy, and parental guidance," **said Acting Governor Oliver, who serves as Commissioner of the Department of Community Affairs.** "Governor Murphy and I believe that every child has the ability to excel, no matter what their challenges may be. We will work to help deaf students overcome their challenges by providing the resources and support they need to succeed in the classroom and in life."

"Early identification of hearing loss and timely enrollment in culturally sensitive early intervention services can make a lifetime of difference in the education of a child with hearing loss," **said Acting Health Commissioner Judith M. Persichilli.** "The Department of Health's Early Intervention Program provides infants and toddlers up to age three with an individualized service plan that may include instruction in the use of American Sign Language; speech therapy; and other developmental tools that will help Deaf and hard of hearing students succeed in attaining the highest level language skills throughout their lifetime. The Department of Health works with health care providers to ensure children with later onset hearing loss are identified and collaborates with the Department of Education to ensure children over age 3 receive appropriate services."

"The Deaf Student's Bill of Rights requires that school districts recognize the right of each student who is deaf, hard of hearing or deaf-blind to receive the supports and services necessary for full access to communication and a world-class education," **said Education Commissioner Lamont O. Repollet.** "We're eager to expand upon the collaborations that we've established with stakeholders in this area, and we strive to continually improve the educational programs and services that we offer to children."

"Access to early intervention supports and ongoing services throughout the lives of children who are deaf, hard of hearing, and deaf-blind can make a significant difference by developing strong language and literacy skills that will help them succeed," **said Human Services Commissioner Carole Johnson.** "With these bill signings, New Jersey is making clear that we support building strong futures for deaf, hard of hearing, and deaf-blind children." S2044 creates a "Deaf Student's Bill of Rights requiring schools districts to provide the following:

- Access to appropriate screening and assessment of hearing and vision capabilities and communication and language needs, and the continuation of screening and evaluation services throughout the educational experience;
- Access to individualized and appropriate early intervention to support the acquisition of solid language bases;
- Information to the families of students on placement considerations and available educational options;
- Opportunities to meet and associate with adult role models who are deaf, hard of hearing, or deaf-blind and who utilize varied communication modalities;
- Opportunities to meet and associate with their peers in the school environment and during school-sponsored activities;
- A placement that is best suited to the student's individual needs including, but not limited to, social, emotional, communication, and cultural needs;
- Individual consideration for free, appropriate education across a continuum of placement options required by law;
- Full support services provided by qualified and certified professionals in their educational settings;
- Information to families from appropriately qualified and certified professionals on the medical, ethical, cultural, and linguistic issues of the deaf community;
- Access to mental health services and supporting services from qualified and certified providers fluent in the student's primary mode of communication, including American Sign Language.

Primary sponsors of the bill include Senators Shirley K. Turner, M. Teresa Ruiz, and Assemblymembers Daniel Benson, Annette Quijano, and Pamela Lampitt.

“Often times hearing parents are at a loss for how to best address their deaf child’s disability,” **said Senator Shirley Turner**. “Providing them with a resource guide will help parents better grasp the needs of their children and the services available to them. It will also help introduce parents to the deaf community which can provide support and guidance for the children and their loved ones.”

“Our schools must provide children with environments in which they can grow and thrive,” **said Senator M. Teresa Ruiz**. “It is extremely important that our classrooms are meeting the needs of all students. This legislation will help ensure that our districts are providing deaf and hard of hearing students with the tools and resources necessary for them to succeed.”

“With this measure, no longer will we treat deaf or hard of hearing children as second class students or with expectations separate from that which we would have for any of our children,” **said Assemblyman Dan Benson**.

“Around 96 percent of children with hearing loss are born to parents with intact hearing, who may initially know little about deafness or sign language,” **said Assemblywoman Annette Quijano**. “This Bill of Rights will give parents a sense of both knowledge and security when it comes to the education their children should be receiving at school.”

“Too often, our schools do not update their classrooms and lack the appropriate resources to support the communication needs of deaf or hard of hearing students,” **said Assemblywoman Pam Lampitt**. “As a result, these students fall behind not only in language development but other academic areas. This bill would prioritize the language needs of deaf or hard of hearing children in order for them to grow both academically and socially at school.”

S2045 establishes a Working Group on Deaf Education, within the Department of Education, which will make recommendations on issues related to the early linguistic development of children who are deaf or hard of hearing. The working group will be required to issue a report including recommendations one year after the group is organized.

The bill further requires the Department of Education to work with the Department of Health to create a parent resource guide for parents of deaf and hard of hearing children. In addition, the legislation requires both DOE and DOH to develop guidance on early intervention assessments and to communicate this guidance to school districts. The legislation also requires the DOE and DOH to collect and publicly report data on the language acquisition and developmental progress of children up to age five who are deaf or hard of hearing, on an annual basis.

Primary sponsors of this bill include Senators Shirley K. Turner and Teresa M. Ruiz, and Assemblymembers Daniel Benson, Nicholas Chiaravalloti, Raj Mukherji, Ralph Caputo, and Mila Jasey.

“These laws will help both parents and students to ensure they are receiving the best education and given the best opportunities using multi-modal means of communication at school,” **said Assemblyman Dan Benson**.

“All our children are unique. Parents with children who are deaf or hard of hearing face additional obstacles,” **said Assemblyman Nicholas Chiaravalloti**. “This law will provide parents the support needed so they can make informed decisions about the medical, linguistic, and educational management of their child.”

“The hardships that parents of deaf or hard of hearing children go through are unique,” **said Assemblyman Raj Mukherji**. “Providing a parent resource guide that will be made with recommendations from parents who are personally putting their deaf or hard of hearing children through school will undoubtedly provide support that may be hard to find for other parents.”

“This law provides parents of deaf or hearing impaired children with vital and relevant information so they can advocate for their children and ensure they meet their potential despite their challenges,” **said Assemblyman Ralph Caputo**.

“The importance of reliable and up-to-date support for parents’ decisions is critical to the overall well-being of their child,” **said Assemblywoman Mila Jasey**. “This law will provide both support and comfort for parents with a common interest -- the well-being of their children and their education.”

“These bills are rooted in a fundamental belief that every child deserves every opportunity – a fundamental belief that guides so much of the work of this Administration and this Legislature,” **said Paul Aronsohn, Ombudsman for Individuals with Intellectual or Developmental Disabilities and Their Families**. “In that spirit, these bills not only recognize the challenges and opportunities faced by many of our children and their families; they also provide a way forward.”

The Deaf, DeafBlind, and Hard of Hearing constituents of New Jersey are most grateful for this passage of the Deaf Child Bill of Rights as it will promote the importance of communication equity for all deaf and hard of hearing children in the state of New Jersey in all programs serving throughout the state,” **said Michelle Cline, Executive Director of the Walden School at The Learning Center for the Deaf.** “New Jersey has become the first state to support a full comprehensive program assuring that all Deaf, DeafBlind, and hard of hearing students be given equal opportunities to obtain equitable education in a manner that would best help them thrive and communicate with teachers and students in all phases of school day. Again special acknowledgement go to Senator Turner and Assemblyman Benson for their tireless work on behalf of the Deaf, DeafBlind and Hard of Hearing community.”

We can agree that ALL babies deserve accessible goals, dreams and family relationships, but often exposure to a fully accessible language is overlooked. Deaf and hard of hearing children across the country are therefore put at a disadvantage before they even enter preschool,” **said Amy T. Anderson, 2018 New Jersey Teacher of the Year.** “Maya Angelou writes, “I did then what I knew how to do. Now that I know better, I do better. As the 2018 NJ Teacher of the Year, I am so proud and grateful to our NJ legislators for their commitment to DO BETTER for all deaf children in New Jersey because every single child deserves the opportunity to succeed in life, not as a version of everyone else but as themselves.”

