

CHAPTER 204

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

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

C.18A:46-2.7 Short title.

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

C.18A:46-2.8 “Deaf Student’s Bill of Rights.”

2. 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. Therefore, the Legislature recognizes the following “Deaf Student’s Bill of Rights.”

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

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

c. School districts shall inform the parents or guardians of children who are deaf, hard of hearing, or deaf-blind of all placement considerations, including the Marie H. Katzenbach School for the Deaf, and options available to children who are deaf, hard of hearing, or deaf-blind and provide opportunities for parents and guardians to fully participate in the development and implementation of their child’s education plan.

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

e. School districts shall provide children 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.

f. School districts shall provide direct instruction to children who are deaf, hard of hearing, or deaf-blind.

g. School districts shall include a communication plan in the Individualized Education Program of a student who is deaf, hard of hearing, or deaf-blind, and in the educational plan prepared pursuant to section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. s.794 for a student who is deaf, hard of hearing, or deaf-blind.

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

i. School districts shall provide children who are deaf, hard of hearing, or deaf-blind individual considerations for free, appropriate education across a continuum of placement options required by law.

j. School districts shall provide children who are deaf, hard of hearing, or deaf-blind full support services provided by qualified and certified professionals in their educational

settings. The Department of Education through the coordinator for educational programs shall work with school districts to ensure technical assistance is available to support boards of education in meeting the needs of children who are deaf, hard of hearing, or deaf-blind. As used in this subsection, "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.

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

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

m. School districts shall 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 fluent in the student's primary mode of communication, including American Sign Language.

C.18A:46-2.9 Construction of act.

3. Nothing in this act shall be construed to give any greater rights or protections than can be found under the "Individuals with Disabilities Education Act," 20 U.S.C. s.1400 et seq., or section 504 of the federal "Rehabilitation Act of 1973," 29 U.S.C. s.794, or any other federal law.

4. This act shall take effect on the 30th day next following the date of enactment.

Approved August 5, 2019.