

1 S.172

2 Introduced by Senator Hashim

3 Referred to Committee on

4 Date:

5 Subject: Education; special education; deaf students; bill of rights

6 Statement of purpose of bill as introduced: This bill proposes to create the

7 Education Bill of Rights for Children Who Are Deaf, Hard of Hearing, or

8 DeafBlind and requires the State Board of Education to adopt rules to

9 implement the bill of rights.

10 An act relating to the Education Bill of Rights for Children Who Are Deaf,
11 Hard of Hearing, or DeafBlind

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 16 V.S.A. § 2946 is added to read:

14 § 2946. EDUCATION BILL OF RIGHTS FOR CHILDREN WHO ARE

15 DEAF, HARD OF HEARING, OR DEAFBLIND

16 (a) Rights established. Children who are Deaf, Hard of Hearing, or

17 DeafBlind shall have an education in which their language and communication

18 modes, as well as their existing listening and speaking ability as their hearing

19 level and technology allows, are respected, used, and developed to an

20 appropriate level of proficiency. Children who are Deaf, Hard of Hearing, or

1 DeafBlind shall be ensured the following rights in public schools and approved
2 independent schools:

3 (1) a high-quality, ongoing, and fluent means of communication, both
4 inside and outside of the classroom;

5 (2) placement in the least restrictive educational environment and
6 services and accommodations provided based on the child's unique
7 communication, language, and educational needs, consistent with the
8 Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.; Section
9 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; and the Americans
10 with Disabilities Act, 42 U.S.C. § 12101 et seq.;

11 (3) an education in which teachers, related service providers, and
12 assessors understand the unique nature of deafness, are specifically trained to
13 work with children who are Deaf, Hard of Hearing, or DeafBlind, and can
14 communicate spontaneously and fluently with these children;

15 (4) an education in which children who are Deaf, Hard of Hearing, or
16 DeafBlind are exposed to role models who are Deaf, Hard of Hearing, or
17 DeafBlind;

18 (5) direct and appropriate access to all components of the educational
19 process, including recess, lunch, and extracurricular, social, and athletic
20 activities, consistent with the Individuals with Disabilities Education Act, 20

1 U.S.C. § 1400 et seq.; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.
2 § 794; and the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.;

3 (6) educational programs with transitional planning as required under
4 the Individuals with Disabilities Education Act, 20 U.S.C., § 1400 et seq., that
5 focus on the unique vocational needs of children who are Deaf, Hard of
6 Hearing, or DeafBlind;

7 (7) the opportunity to choose a variety of languages, communication
8 modes, and technologies to enhance language learning;

9 (8) teachers, consultants, and interpreters proficient in appropriate
10 languages and communication modes and credentialed in their professional
11 field;

12 (9) the opportunity to develop proficiency in American Sign Language
13 and English, including spoken and written forms, and manual visual methods
14 of communications; and

15 (10) balanced and complete information for each family of a child who
16 is Deaf, Hard of Hearing, or DeafBlind regarding their child's:

17 (A) educational and communication needs;

18 (B) available programmatic, placement, and resource options;

19 (C) support services and advocacy resources from private and public
20 agencies and institutions; and

1 (D) available resources pertaining to hearing loss and the needs of
2 children who are Deaf, Hard of Hearing, or DeafBlind.

3 (b) Eligibility for early intervention services. Any infant with a
4 documented hearing loss, prior to demonstration of any developmental delay,
5 shall categorically qualify for services as determined by that infant's
6 individualized family service plan team.

7 (c) Right of parents and legal guardians. Parents and legal guardians of
8 children who are Deaf, Hard of Hearing, or DeafBlind, and their advocates,
9 shall be given the opportunity to be involved in determining the extent,
10 content, and purpose of educational programs for their children.

11 (d) Rules. In accordance with 3 V.S.A. chapter 25, the State Board of
12 Education shall adopt rules to implement this section that shall, at a minimum,
13 address:

14 (1) qualifications of personnel providing professional services to
15 children who are Deaf, Hard of Hearing, or DeafBlind within the school
16 system;

17 (2) composition of the individualized family service plan team and the
18 individualized education program team;

19 (3) the individualized communication plan, including language
20 acquisition and ongoing language development evaluation, for every student
21 who is Deaf, Hard of Hearing, or DeafBlind;

- 1 (4) procedures and materials for assessment and placement;
2 (5) psychological counseling and mental health services;
3 (6) evaluation of the effectiveness of programs for students who are
4 Deaf, Hard of Hearing, or DeafBlind; and
5 (7) the creation of a complaint and resolution process to ensure
6 compliance with this section.

7 Sec. 2. EFFECTIVE DATE

8 This act shall take effect on July 1, 2024.