

HOUSE No. 126

The Commonwealth of Massachusetts

PRESENTED BY:

Brian M. Ashe

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing the deaf children's bill of rights.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|----------------------------|----------------------|------------------|
| <i>Brian M. Ashe</i> | <i>2nd Hampden</i> | <i>1/17/2023</i> |
| <i>Lindsay N. Sabadosa</i> | <i>1st Hampshire</i> | <i>3/17/2023</i> |

HOUSE No. 126

By Representative Ashe of Longmeadow, a petition (accompanied by bill, House, No. 126) of Brian M. Ashe relative to the rights of deaf children. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act establishing the deaf children's bill of rights.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1: Chapter 71 of the General Laws is hereby amended by inserting after
2 section 1D the following section:-

3 Section 1D. (a) As used in this section, the following words shall, unless the context
4 clearly requires otherwise, have the following meanings:

5 “Deaf”, any individual that is Deaf, Hard of Hearing, DeafBlind or DeafDisabled.

6 “DeafDisabled”, any individual who is Deaf with special needs.

7 “Qualified Professionals”, any professional working with a Deaf child who has
8 demonstrated knowledge of language acquisition in Deaf children, fluency in American Sign
9 Language as measured by the American Sign Language Proficiency Interview and has
10 credentials in their specialized profession. American Sign Language interpreters must have a K-
11 12 Certification through the Educational Interpreters Performance Assessment or an equivalent

12 certification as determined between the commission for the deaf and hard of hearing and the
13 department of elementary and secondary education.

14 “Language Access”, a process of providing tools to a Deaf child to acquire a language
15 and allows a Deaf child to access a free and appropriate education and participate in everyday
16 activities.

17 “Language Acquisition”, a process by which a Deaf child acquires the capacity to
18 perceive and comprehend language, as well as to produce and use words and sentences to
19 communicate.

20 “Language modality”, using language in one or other modes, including, signed, spoken or
21 written language. Language modality helps to facilitate language development, communication,
22 and learning.

23 (b) The commonwealth recognizes that deaf children, Hard of Hearing, DeafBlind or
24 DeafDisabled have the same potential and rights as all children to receive a free and appropriate
25 public education and to become independent and self-actualized citizens. The commonwealth
26 acknowledges the need for early screening and access to language services and instruction.

27 (c) There shall be a policy known as the Deaf Children’s Bill of Rights that shall contain,
28 at a minimum, the following:

29 (1) Deaf children have the right to appropriate screening and assessments of hearing and
30 vision capabilities by qualified professionals proficient in American Sign Language, English and
31 educational needs of deaf children and to acquire American Sign Language and English at the

32 earliest possible age or at time of identification and assessment throughout the educational
33 process at regular intervals;

34 (2) Deaf children shall receive individualized and appropriate early language access
35 services by qualified providers that shall include support for the acquisition of language as early
36 as possible and assessments at regular intervals every 3 months prior to kindergarten and every 3
37 years until the child reaches age 22. Assessments shall utilize age-appropriate benchmarks and
38 identify current language levels and educational planning to support progress. Failure to show
39 progress shall be subject to state agency intervention to ensure measures are taken to remediate
40 the issue;

41 (3) all educational entities from pre-kindergarten through grade 12 shall ensure that
42 parents or guardians of deaf children are entitled to full and informed participation in the
43 development of their child's educational plans and the determination of educational placement
44 based on their child's educational and language needs and the capacity of the program to meet
45 those needs. Furthermore, the child's parents or guardian may request enrollment in a school for
46 deaf students;

47 (4) Deaf children shall be entitled to placement in a school that is best suited to each
48 child's individual needs including, but not limited to, language levels, social, emotional and
49 cultural needs, with consideration for the child's age, degree of hearing loss, academic level,
50 language needs, style of learning, motivational level and amount of family support. A language
51 access plan shall be required as a part of the student's Individualized family service plan,
52 Individualized education program, or individual accommodation plan;

53 (5) all educational entities from pre-kindergarten through grade 12 shall provide
54 placement options for deaf children across a full spectrum of educational programs and shall
55 inform parents about all school choices including the local school for the deaf;

56 (6) all educational entities from pre-kindergarten through grade 12 shall provide enrolled
57 deaf children access to full support services by qualified professionals in their educational
58 settings. The department of elementary and secondary education shall work with educational
59 entities to ensure technical assistance is available to support local education agencies and other
60 programs in meeting the needs of Deaf students;

61 (7) Deaf children have the right to direct instruction. If that is not possible, all educational
62 entities from pre-kindergarten through grade 12 shall provide enrolled deaf children access to
63 qualified teachers, interpreters and resource personnel who are fluent in both American Sign
64 Language and English along with the child's home language if different. Qualified providers
65 should include but not be limited to teachers of Deaf students, paraprofessionals, language
66 translators and Sign Language Interpreters, school psychologists, speech and language
67 pathologists, American Sign Language Specialists and counselors;

68 (8) Deaf children who are under the age of 7 and who do not receive direct instruction
69 shall have a certified or state approved deaf interpreter in the classroom to enhance language
70 acquisition;

71 (9) Deaf children shall have full access to all programs and information in their
72 educational placements, including but not limited to extracurricular activities, recess, lunch,
73 media showings and public announcements;

74 (10) Deaf children shall have opportunities to meet and associate with adult role models
75 who are Deaf and learn about identity, self-advocacy and leadership skills;

76 (11) Deaf children shall have opportunities to meet and associate with Deaf peers that are
77 around the same age or have similar academic abilities during school hours and school-
78 sponsored activities, including those occurring outside regular school hours;

79 (12) professionals in related fields, including, but not limited to medicine and education,
80 working with Deaf children shall be responsible for providing full information to the children's
81 families on medical, ethical, cultural and linguistic issues including the benefits, risks and
82 limitations of technology, cochlear implant or bone anchored hearing aid implant surgery,
83 hearing aids and language acquisition and deprivation;

84 (13) Deaf children are entitled to the involvement and participation of Deaf adults, if
85 requested, in any meeting with parents and the school district in determining the extent, content
86 and purpose of all programs that affect their education;

87 (14) Deaf children are entitled to have direct access to mental health services and
88 supporting services from qualified providers who are culturally and linguistically competent and
89 who are fluent in American Sign Language;

90 (15) the commission for the deaf and hard of hearing shall track each Deaf child from
91 birth or identification until age 22. Each Deaf child shall have an individualized family service
92 plan, individualized education program or 504 plan based on that child's unique language and
93 learning needs;

94 (16) If a local education agency, school entity or educational institution or early
95 Intervention program is found to be in violation of this section, where the child is shown to be
96 language deprived or lacking in development, such education provider may be subject to an
97 intervention by the department of elementary and secondary education. Each state agency shall
98 aggregate and publish results of any data from qualified providers related to the enforcement of
99 this section on an annual basis.