
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2083 Session of
2019

INTRODUCED BY HOHENSTEIN, LEE, D. MILLER, MURT, DEASY, FREEMAN,
HARKINS, HARRIS, HILL-EVANS, ISAACSON, KENYATTA, KINSEY,
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SOLOMON, ULLMAN, DeLUCA, ROEBUCK, GALLOWAY AND GILLEN,
NOVEMBER 22, 2019

REFERRED TO COMMITTEE ON EDUCATION, NOVEMBER 22, 2019

AN ACT

1 Providing for rights of deaf students, for duties of school
2 entities and for duties of Department of Education.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Deaf
7 Student's Bill of Rights Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Deaf." An impairment of hearing or speech which creates an
13 inability to understand or communicate the spoken English
14 language.

15 "Deaf student." A student enrolled in a school entity who is
16 deaf, hard of hearing or deaf-blind.

1 "Department." The Department of Education of the
2 Commonwealth.

3 "School entity." A school district, intermediate unit, joint
4 school, area vocational-technical school, charter school,
5 regional charter school or cyber charter school.

6 "Technical support services." Technical assistance to ensure
7 compliance with Federal and State law, regulations and policies
8 regarding instruction requirements for deaf students.

9 Section 3. Declaration of purpose.

10 The General Assembly finds and declares as follows:

11 (1) Children who are deaf, hard of hearing or deaf-blind
12 who utilize one or more modes of communication have the same
13 rights and potential as children who are not deaf, hard of
14 hearing or deaf-blind.

15 (2) Each school entity must administer a deaf student's
16 bill of rights to ensure that deaf students have the same
17 access to a quality education as students who are not deaf,
18 hard of hearing or deaf-blind.

19 Section 4. Duties of school entities.

20 A school entity shall have the following duties:

21 (1) Provide a deaf student with appropriate screenings
22 and assessments of hearing and vision capabilities and
23 communication and language needs at the earliest possible age
24 and the continuation of the screenings and assessments
25 throughout the educational experience.

26 (2) Inform the parent or legal guardians of a deaf
27 student of all educational placement considerations,
28 including whether the deaf student should be placed in a
29 private school approved by the department to provide
30 instruction to deaf children.

1 (3) Provide opportunities for the parent or legal
2 guardian of a deaf student to fully participate in the
3 development and implementation of education plans for the
4 deaf student.

5 (4) Provide a deaf student with opportunities to meet
6 and associate with adult role models who are deaf, hard of
7 hearing or deaf-blind and who utilize varied communication
8 modalities to learn advocacy skills, including self-advocacy.

9 (5) Provide a deaf student with opportunities to meet
10 and associate with their peers in the school environment and
11 during school-sponsored activities.

12 (6) Provide direct instruction to a deaf student.

13 (7) Provide a deaf student placement in an educational
14 environment that is best suited to the deaf student's
15 individual needs, including, but not limited to, social,
16 emotional, communication and cultural needs, by considering
17 all of the following factors:

18 (i) The deaf student's age.

19 (ii) The degree and type of hearing loss experienced
20 by the deaf student.

21 (iii) The deaf student's academic level.

22 (iv) The deaf student's mode of communication, style
23 of learning and motivational level.

24 (v) The amount of family support for the deaf
25 student.

26 (8) Provide a deaf student with free and appropriate
27 instruction across a continuum of education placement options
28 as required by Federal and State law.

29 (9) Offer a deaf student technical support services
30 provided by qualified and certified professionals in the deaf

1 student's educational setting.

2 (10) Provide a deaf student with full communication
3 access to all programs in the deaf student's educational
4 settings, including, but not limited to, extracurricular
5 activities, recess, lunch, media showings, driver education
6 and public announcements.

7 (11) Ensure that the parent or legal guardian of a deaf
8 student receives information from appropriately qualified and
9 certified professionals on the medical, ethical, cultural and
10 linguistic issues of deaf individuals.

11 (12) Ensure that a deaf student has direct access to
12 mental health services and supporting services from qualified
13 and certified providers fluent in the deaf student's primary
14 mode of communication, including American Sign Language.

15 Section 5. Duties of department.

16 The department, in collaboration with the Pennsylvania
17 Training and Technical Assistance Network (PaTTAN), shall work
18 with school entities to ensure technical support services are
19 available to school entities for the purpose of complying with
20 section 4(10).

21 Section 6. Construction.

22 Nothing in this act shall be construed to provide greater
23 rights or protections than provided under the Individuals with
24 Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400
25 et seq.), the Rehabilitation Act of 1973 (Public Law 93-112, 29
26 U.S.C. § 701 et seq.) or any other Federal law.

27 Section 7. Effective date.

28 This act shall take effect in 60 days.