

Senate File 2076 - Introduced

SENATE FILE 2076

BY HOGG

A BILL FOR

1 An Act relating to language and literacy development for deaf
2 and hard-of-hearing children.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 256B.10 Deaf and hard-of-hearing
2 children — language developmental milestones.

3 1. *Language developmental milestones — selection.* The
4 director of the department of education, in cooperation with
5 the department of public health and the state school for the
6 deaf, shall select language developmental milestones from
7 existing standardized norms for purposes of developing a
8 resource for use by parents or guardians to monitor and track
9 deaf and hard-of-hearing children's expressive and receptive
10 language acquisition and developmental stages toward English
11 literacy. In selecting the language developmental milestones,
12 the director shall consider recommendations from the advisory
13 committee established under subsection 6.

14 2. *Parent resource.* The parent resource developed pursuant
15 to subsection 1 shall meet all of the following requirements:

16 a. Include the language developmental milestones selected
17 under subsection 1.

18 b. Be appropriate for use, in both content and
19 administration, with deaf and hard-of-hearing children from
20 birth to five years of age, inclusive, who use American sign
21 language or English, or both.

22 c. Present the language developmental milestones in terms of
23 typical development of all children from birth to five years of
24 age, by age range.

25 d. Be written for clarity and ease of use by parents and
26 guardians.

27 e. Be aligned to the department of education's existing
28 infant, toddler, and preschool guidelines, the existing
29 instrument used to assess the development of children with
30 disabilities pursuant to federal law, and state standards in
31 English language arts.

32 f. Clearly specify that the parent resource is not a
33 formal assessment of language and literacy development, and
34 that the observations of a child by the child's parent or
35 guardian may differ from formal assessment data presented at an

1 individualized family service plan or individualized education
2 program meeting.

3 *g.* Clearly specify that a parent or guardian may bring
4 the parent resource to an individualized family service plan
5 or individualized education program meeting for purposes of
6 sharing the parent's or guardian's observations regarding the
7 child's development.

8 3. *Selection of tools or assessments.* The department of
9 education shall select existing tools or assessments for
10 educators that can be used to assess the language and literacy
11 development of deaf and hard-of-hearing children from birth to
12 five years of age, inclusive.

13 *a.* Educator tools or assessments selected under this
14 subsection shall meet the following criteria:

15 (1) Be in a format that shows stages of language
16 development.

17 (2) Be selected for use by educators to track the
18 development of deaf and hard-of-hearing children's expressive
19 and receptive language acquisition and developmental stages
20 toward English literacy.

21 (3) Be appropriate in both content and administration for
22 use with deaf and hard-of-hearing children.

23 *b.* Educator tools or assessments selected under this
24 subsection may do either of the following:

25 (1) Be used, in addition to any assessment required by
26 federal law, by the child's individualized family service plan
27 or individualized education program team, as applicable, to
28 track deaf and hard-of-hearing children's progress in improving
29 expressive and receptive language skills, and to establish
30 or modify individualized family service or individualized
31 education program plans.

32 (2) Reflect the recommendations of the advisory committee
33 convened under subsection 6.

34 4. *Dissemination.* The department of education shall
35 disseminate the parent resource developed pursuant to this

1 section to parents and guardians of deaf and hard-of-hearing
2 children and, consistent with federal law, shall disseminate
3 the educator tools and assessments selected pursuant to
4 subsection 3 to area education agencies, school districts, and
5 accredited nonpublic schools for use in the development and
6 modification of individualized family service or individualized
7 education program plans, and shall provide materials and
8 training on the use of such materials to assist deaf and
9 hard-of-hearing children in becoming linguistically ready for
10 kindergarten using American sign language or English, or both.

11 5. *Plan modification.* If a deaf or hard-of-hearing child
12 does not demonstrate progress in expressive and receptive
13 language skills, as measured by one of the educator tools or
14 assessments selected under subsection 3, or by the existing
15 instrument used to assess the development of children
16 with disabilities pursuant to federal law, the child's
17 individualized family service plan or individualized education
18 program team, as applicable, as part of the process required
19 by federal law, shall explain in detail the reasons why
20 the child is not meeting or progressing toward meeting the
21 language development milestones, and shall recommend specific
22 strategies, services, and programs that shall be provided under
23 a modified individualized family service plan or individualized
24 education program, as appropriate, to assist the child in
25 achieving English literacy proficiency.

26 6. *Advisory committee.*

27 a. The department of education shall establish and consult
28 with an advisory committee for purposes of soliciting input
29 from experts on the selection of language developmental
30 milestones for children who are deaf or hard-of-hearing
31 that are equivalent to those for children who are not deaf
32 or hard-of-hearing, for inclusion in the parent resource
33 developed and disseminated to parents and guardians pursuant
34 to this section. The department of education shall provide
35 the committee with a list of existing language developmental

1 milestones from existing standardized norms, along with any
2 relevant information held by the department regarding those
3 language developmental milestones for possible inclusion in the
4 parent resource developed pursuant to this section.

5 *b.* The advisory committee may do any of the following:

6 (1) Make recommendations on the selection and use of the
7 educator tools or assessments selected pursuant to subsection
8 3.

9 (2) Advise the department or its consultants on the content
10 and administration of the existing instrument used to assess
11 the development of children with disabilities pursuant to
12 federal law, and to assess deaf and hard-of-hearing children's
13 language and literacy development to ensure the appropriate
14 use of that instrument with such children, and may make
15 recommendations regarding future research to improve the
16 measurement of progress of deaf and hard-of-hearing children in
17 language and literacy development.

18 (3) The advisory committee shall consist of thirteen
19 volunteers, the majority of whom shall be deaf or
20 hard-of-hearing, and all of whom shall be working within the
21 field of education for the deaf and hard-of-hearing. The
22 advisory committee shall include all of the following members:

23 (a) One parent of a child who is deaf or hard-of-hearing and
24 who uses both American sign language and English.

25 (b) One parent of a child who is deaf or hard-of-hearing
26 and who uses only spoken English, with or without visual
27 supplements.

28 (c) One licensed teacher who holds an American sign language
29 endorsement or a deaf or hard-of-hearing endorsement under
30 chapter 272.

31 (d) One licensed teacher who holds an American sign
32 language endorsement or a deaf or hard-of-hearing endorsement
33 under chapter 272 and who teaches at an accredited nonpublic,
34 nonsectarian school.

35 (e) One person with expertise in the latest research

1 relating to language outcomes for deaf and hard-of-hearing
2 children using American sign language and English.

3 (f) One person with knowledge of the latest research
4 relating to language outcomes for deaf and hard-of-hearing
5 children using spoken English with or without visual
6 supplements.

7 (g) One licensed teacher who holds an American sign
8 language endorsement or a deaf or hard-of-hearing endorsement
9 under chapter 272 and whose expertise is in curriculum and
10 instruction in American sign language and English.

11 (h) One licensed teacher who holds an American sign
12 language endorsement or a deaf or hard-of-hearing endorsement
13 under chapter 272 and whose expertise is in curriculum
14 and instruction in spoken English, with or without visual
15 supplements.

16 (i) One advocate for the teaching and use of both American
17 sign language and English.

18 (j) One advocate for the teaching and use of spoken English,
19 with or without visual supplements.

20 (k) One early intervention specialist who works with deaf
21 and hard-of-hearing infants and toddlers using both American
22 sign language and English.

23 (l) One licensed teacher who holds an American sign language
24 endorsement or a deaf or hard-of-hearing endorsement under
25 chapter 272 and whose expertise is in American sign language
26 and English language assessment.

27 (m) One speech pathologist whose expertise is in spoken
28 English, with or without the use of visual supplements.

29 c. The director of the department of education shall convene
30 the advisory committee by March 1, 2019, and as frequently
31 thereafter as the director deems necessary for purposes of this
32 section. The advisory committee shall submit recommendations
33 to the state board of education by July 1, 2019, and shall
34 submit recommendations thereafter as the director of the
35 department of education deems necessary.

1 7. *Activities — consistent with federal law.* All activities
2 of the department of education in implementing this section
3 shall be consistent with federal law for the assessment of
4 children from birth to five years of age, inclusive.

5 8. *Annual report.* The department of education shall
6 annually compile, and publish on the department's internet
7 site, a report using existing data reported in compliance
8 with the state performance plan on pupils with disabilities,
9 required under federal law, that is specific to language and
10 literacy development in deaf and hard-of-hearing children
11 from birth to five years of age, inclusive, including those
12 children who are deaf or hard-of-hearing and have other
13 disabilities, relative to the children's peers who are not deaf
14 or hard-of-hearing.

15 9. *Definitions.* For purposes of this section, unless the
16 context otherwise requires:

17 a. "*English*" includes spoken English, written English, or
18 English with the use of visual supplements.

19 b. "*Federal law*" means the federal Individuals with
20 Disabilities Education Act, as amended by the federal
21 Individuals with Disabilities Improvement Act, Pub. L. No.
22 108-446, 20 U.S.C. §1400 et seq., as amended.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 This bill provides for the development and dissemination of
27 a parent resource for the parents and guardians of children who
28 are deaf or hard-of-hearing; provides for the identification of
29 tools or assessments educators can use to assess the language
30 and literacy development of such children from birth to five
31 years of age; requires, if such a child is not meeting language
32 development milestones, that the child's individualized family
33 service plan (IFSP) or individualized education program (IEP)
34 team explain in detail the reasons why the child is not meeting
35 the milestones and submit modifications to the plan to assist

1 the child in achieving English literacy proficiency; and
2 provides for the establishment of an advisory committee for
3 purposes of soliciting input from experts on the selection
4 of language developmental milestones for such children that
5 are equivalent to milestones for children who are not deaf or
6 hard-of-hearing. The bill provides that "English" includes
7 spoken English, written English, or English with the use of
8 visual supplements.

9 LANGUAGE DEVELOPMENTAL MILESTONES — SELECTION. The
10 bill requires the director of the department of education
11 to cooperate with the department of public health and the
12 state school for the deaf in selecting language developmental
13 milestones from existing standardized norms for purposes of
14 developing a resource parents or guardians can use to monitor
15 and track a deaf or hard-of-hearing child's progress toward
16 English literacy.

17 PARENT RESOURCE. In addition to the milestones, the parent
18 resource must be clearly written and appropriate for use
19 with deaf and hard-of-hearing children from birth to five
20 years of age who use American sign language or English, or
21 both; present the milestones in terms of typical development
22 of all children; be aligned to the state's existing infant,
23 toddler, and preschool guidelines and standards in English
24 language arts, and with federal law, regarding the assessment
25 instrument. Under the bill, the term "federal law" means the
26 federal Individuals with Disabilities Education Act (IDEA), as
27 amended. Further, the resource must clearly specify that it is
28 not a formal assessment of language and literacy development,
29 that the observations of a child by the child's parent or
30 guardian may differ from formal assessment data, and that a
31 parent or guardian may bring the parent resource to an IFSP or
32 IEP meeting.

33 ASSESSMENTS — TOOLS. The department of education must
34 select existing tools or assessments for educators that can be
35 used to assess the language and literacy development of deaf

1 and hard-of-hearing children from birth to five years of age.

2 DISSEMINATION. The department of education must disseminate
3 the parent resource to parents and guardians of deaf and
4 hard-of-hearing children and, consistent with the federal IDEA,
5 shall disseminate the educator tools and assessments to area
6 education agencies, school districts, and accredited nonpublic
7 schools for use in the development and modification of IFSPs
8 or IEPs, and provide materials and training on the use of such
9 materials.

10 PLAN MODIFICATION. If a deaf or hard-of-hearing child
11 does not demonstrate progress in improving expressive and
12 receptive language skills, as measured by an educator tool or
13 assessment, the child's IFSP or IEP team, as applicable, shall,
14 as part of the process required by the federal IDEA, explain in
15 detail the reasons why the child is not meeting or progressing
16 toward meeting the language development milestones, and shall
17 recommend specific strategies, services, and programs that must
18 be provided under a modified IFSP or IEP, as appropriate, to
19 assist the child in achieving English literacy proficiency.

20 ADVISORY COMMITTEE. The department of education is directed
21 to establish and consult with an advisory committee to receive
22 input for inclusion in the parent resource. The department
23 must provide the committee with a list of existing language
24 developmental milestones from existing standardized norms,
25 along with any relevant information held by the department
26 regarding those milestones.

27 The advisory committee may make recommendations on the
28 selection and use of the educator tools or assessments, may
29 advise the department or its consultants on the content and
30 administration of the existing instrument used under the
31 federal IDEA to assess deaf and hard-of-hearing children's
32 language and literacy development to ensure the appropriate
33 use of that instrument with such children, and may make
34 recommendations regarding future research to improve the
35 measurement of progress of deaf and hard-of-hearing children in

1 language and literacy development.

2 The advisory committee shall consist of 13 volunteers, the
3 majority of whom shall be deaf or hard-of-hearing, and all of
4 whom shall be within the field of education for the deaf and
5 hard-of-hearing. The bill specifies the level of expertise or
6 experience each individual member must bring to the committee.

7 The director of the department must convene the advisory
8 committee by March 1, 2019, and thereafter may convene the
9 committee as the director deems necessary. The advisory
10 committee shall submit recommendations to the state board of
11 education by July 1, 2019, and shall submit recommendations
12 thereafter as the director of the department deems necessary.

13 ACTIVITIES. All activities of the department of education
14 in implementing the requirements under the bill must be
15 consistent with the federal IDEA for the assessment of children
16 from birth to five years of age.

17 ANNUAL REPORT. The department of education must annually
18 compile, and publish on the department's internet site, a
19 report using existing data reported in compliance with the
20 state performance plan on pupils with disabilities, required
21 under the federal IDEA, that is specific to language and
22 literacy development of deaf and hard-of-hearing children
23 from birth to five years of age, inclusive, including those
24 children who are deaf or hard-of-hearing and have other
25 disabilities, relative to the children's peers who are not deaf
26 or hard-of-hearing.