

**House File 2539 - Introduced**

HOUSE FILE 2539  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 680)

**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.*

4 a. The director of the department of education shall appoint  
5 an early language development coordinator to work with the  
6 state school for the deaf and the area education agencies early  
7 access administrators, and shall select language developmental  
8 milestones from existing standardized norms for purposes  
9 of developing a resource for use by parents or guardians  
10 to monitor and track deaf and hard-of-hearing children's  
11 expressive and receptive language acquisition and developmental  
12 stages toward American sign language and English literacy. In  
13 selecting the language developmental milestones, the early  
14 language development coordinator shall consider recommendations  
15 from the advisory committee established under subsection 6.

16 b. The duties of the early language development coordinator  
17 appointed by the director pursuant to paragraph "a" shall, at a  
18 minimum, include all of the following:

19 (1) Developing and managing language milestones for each  
20 age levels one through eight in American sign language and  
21 English pursuant to subsection 3.

22 (2) Staffing the advisory committee established pursuant  
23 to subsection 6, including but not limited to organizing and  
24 facilitating the advisory committee meetings.

25 (3) Developing and distributing resources for parents  
26 pertaining to language development pursuant to subsection 4.

27 (4) Developing and distributing resources for early  
28 interventionists, educators, hospitals, and health care  
29 providers pertaining to language development.

30 (5) Overseeing follow-up contacts with parents and  
31 guardians regarding the need for unbiased language assessments  
32 and distribution of resources toward language development in  
33 American sign language and English.

34 (6) Planning a parent-friendly procedure for outreach and  
35 follow-up.

1 (7) Coordinating annual or biannual, at the coordinator's  
2 discretion, milestone assessments for deaf and hard-of-hearing  
3 children.

4 (8) Managing and summarizing data outcomes for parents,  
5 guardians, and partner agencies to use, including the annual  
6 report published pursuant to subsection 8.

7 (9) Providing the appropriate training for language  
8 assessment personnel and serving as a supervisor to such  
9 personnel.

10 (10) Maintaining an unbiased two-fold language assessment  
11 approach, utilizing both American sign language and English,  
12 in selecting milestones, compiling data, employing qualified  
13 personnel, and distributing resources.

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

16 a. Include American sign language and English language  
17 developmental milestones selected 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 eight 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 eight years  
24 of 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 early language  
9 development coordinator, in consultation with the state school  
10 for the deaf and the area education agencies' early access  
11 administrators and early hearing detection and intervention  
12 directors, shall select existing tools or assessments for  
13 educators that can be used to assess American sign language  
14 and English language and literacy development of deaf and  
15 hard-of-hearing children from birth to eight years of age,  
16 inclusive.

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

19 (1) Be in a format that shows stages of language  
20 development.

21 (2) Be selected for use by educators to track the  
22 development of deaf and hard-of-hearing children's expressive  
23 and receptive language acquisition and developmental stages  
24 toward American sign language and English literacy.

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

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

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

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

3 4. *Dissemination.* The early language development  
4 coordinator shall disseminate the parent resource developed  
5 pursuant to this section to parents and guardians of deaf and  
6 hard-of-hearing children and, consistent with federal law,  
7 shall disseminate the educator tools and assessments selected  
8 pursuant to subsection 3 to early hearing detection and  
9 invention programs, area education agencies, school districts,  
10 accredited nonpublic schools, and the state school for the deaf  
11 for use in the development and modification of individualized  
12 family service or individualized education program plans,  
13 and shall provide materials and training on the use of such  
14 materials to assist deaf and hard-of-hearing children in  
15 kindergarten readiness using American sign language or English,  
16 or both, from birth through age eight.

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

32 6. *Advisory committee.*

33 a. The department of education shall establish and consult  
34 with an advisory committee for purposes of soliciting input  
35 from experts on the selection of language developmental

1 milestones for children who are deaf or hard-of-hearing that  
2 are equivalent to those for children who are not deaf or  
3 hard-of-hearing, for inclusion in the parent resource developed  
4 and disseminated to parents and guardians pursuant to this  
5 section. The early language development coordinator shall  
6 provide staffing and administrative support to the advisory  
7 committee and shall provide the committee with a list of  
8 existing language developmental milestones from existing  
9 standardized norms, along with any relevant information held  
10 by the department regarding those language developmental  
11 milestones for possible inclusion in the parent resource  
12 developed pursuant to this section.

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

14         (1) Make recommendations on the selection and use of the  
15 educator tools or assessments selected pursuant to subsection  
16 3.

17         (2) Advise the department or its consultants on the content  
18 and administration of the existing instrument used to assess  
19 the development of children with disabilities pursuant to  
20 federal law, and to assess deaf and hard-of-hearing children's  
21 language and literacy development to ensure the appropriate  
22 use of that instrument with such children, and may make  
23 recommendations regarding future research to improve the  
24 measurement of progress of deaf and hard-of-hearing children in  
25 language and literacy development.

26         (3) The advisory committee shall consist of seven  
27 volunteers, the majority of whom shall be deaf or  
28 hard-of-hearing, and all of whom shall have experience  
29 or involvement within the field of education for the  
30 deaf and hard-of-hearing or relating directly to deaf and  
31 hard-of-hearing children. The advisory committee shall include  
32 all of the following members:

33             (a) One parent or guardian of a child who is deaf or  
34 hard-of-hearing and who uses both American sign language and  
35 English or who uses spoken English.

1 (b) One licensed teacher who uses American sign language and  
2 English.

3 (c) One licensed teacher who uses spoken English.

4 (d) One person who shall be the parent or guardian of a deaf  
5 or hard-of-hearing child or an interpreter, speech pathologist,  
6 teacher of the deaf, human rights advocate, child advocate, or  
7 licensed education administrator.

8 (e) One advocate for the deaf or an advocate of American  
9 sign language.

10 (f) One American sign language specialist, American sign  
11 language professor, or native signer recommended by the Iowa  
12 association of the deaf and the office of deaf services of the  
13 department of human rights.

14 (g) One speech pathologist whose expertise is in spoken  
15 English, or an early interventionist who uses spoken English.

16 c. The early language development coordinator shall  
17 convene the advisory committee by March 1, 2021, and as  
18 frequently thereafter as the coordinator deems necessary  
19 for purposes of this section. The advisory committee shall  
20 submit recommendations to the state board of education by July  
21 1, 2021, and shall submit recommendations thereafter as the  
22 coordinator deems necessary.

23 7. *Activities — consistent with federal law.* All activities  
24 of the department of education in implementing this section  
25 shall be consistent with federal law for the assessment of  
26 children from birth to eight years of age, inclusive.

27 8. *Annual report.* The department of education shall  
28 annually compile, and publish on the department's internet  
29 site, a report using existing data reported in compliance  
30 with the state performance plan on pupils with disabilities,  
31 required under federal law, that is specific to language and  
32 literacy development in deaf and hard-of-hearing children  
33 from birth to eight years of age, inclusive, including those  
34 children who are deaf or hard-of-hearing and have other  
35 disabilities, relative to the children's peers who are not deaf

1 or hard-of-hearing.

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

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

6 b. *"Federal law"* means the federal Individuals with  
7 Disabilities Education Act, as amended by the federal  
8 Individuals with Disabilities Improvement Act, Pub. L. No.  
9 108-446, 20 U.S.C. §1400 et seq., as amended.

10 EXPLANATION

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

13 This bill provides for the development and dissemination of  
14 a parent resource for the parents and guardians of children  
15 who are deaf or hard-of-hearing; requires the director of  
16 the department of education to employ an early language  
17 development coordinator, provides for the identification of  
18 tools or assessments educators can use to assess the language  
19 and literacy development of such children from birth to eight  
20 years of age; requires, if such a child is not meeting language  
21 development milestones, that the child's individualized family  
22 service plan (IFSP) or individualized education program (IEP)  
23 team explain in detail the reasons why the child is not meeting  
24 the milestones and submit modifications to the plan to assist  
25 the child in achieving English literacy proficiency; and  
26 provides for the establishment of an advisory committee for  
27 purposes of soliciting input from experts on the selection  
28 of language developmental milestones for such children that  
29 are equivalent to milestones for children who are not deaf or  
30 hard-of-hearing. The bill provides that "English" includes  
31 spoken English, written English, or English with the use of  
32 visual supplements.

33 EARLY LANGUAGE DEVELOPMENT COORDINATOR. The bill lists the  
34 duties of the early language development coordinator, including  
35 but not limited to staffing the advisory committee; developing



1 and distributing resources; overseeing follow-up contacts with  
2 parents and guardians regarding the need for unbiased language  
3 assessments and distribution of resources toward language  
4 development in American sign language and English; planning  
5 a parent-friendly procedure for outreach and follow-ups;  
6 providing the appropriate training for language assessment  
7 personnel and serving as a supervisor to such personnel; and  
8 utilizing both American sign language and English in selecting  
9 milestones, compiling data, employing qualified personnel, and  
10 distributing resources.

11 LANGUAGE DEVELOPMENTAL MILESTONES — SELECTION. The  
12 bill requires the early language development coordinator to  
13 cooperate with the state school for the deaf and area education  
14 agency early access administrators in selecting language  
15 developmental milestones from existing standardized norms for  
16 purposes of developing a resource parents or guardians can use  
17 to monitor and track a deaf or hard-of-hearing child's progress  
18 toward English literacy.

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

35 ASSESSMENTS — TOOLS. The early language development

1 coordinator, in consultation with other agencies serving deaf  
2 and hard-of-hearing children, must select existing tools or  
3 assessments for educators that can be used to assess the  
4 language and literacy development of deaf and hard-of-hearing  
5 children from birth to eight years of age.

6 DISSEMINATION. The early language development coordinator  
7 must disseminate the parent resource to parents and guardians  
8 of deaf and hard-of-hearing children and, consistent with  
9 the federal IDEA, shall disseminate the educator tools and  
10 assessments to early hearing detection and intervention  
11 programs, area education agencies, school districts, accredited  
12 nonpublic schools, and the school for the deaf for use in the  
13 development and modification of IFSPs or IEPs, and provide  
14 materials and training on the use of such materials.

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

25 ADVISORY COMMITTEE. The department of education is  
26 directed to establish and consult with an advisory committee  
27 to receive input for inclusion in the parent resource. The  
28 early language development coordinator shall provide staffing  
29 and administrative support to the committee and must provide  
30 the committee with a list of existing language developmental  
31 milestones from existing standardized norms, along with any  
32 relevant information held by the department regarding those  
33 milestones.

34 The advisory committee may make recommendations on the  
35 selection and use of the educator tools or assessments, may

1 advise the department or its consultants on the content and  
2 administration of the existing instrument used under the  
3 federal IDEA to assess deaf and hard-of-hearing children's  
4 language and literacy development to ensure the appropriate  
5 use of that instrument with such children, and may make  
6 recommendations regarding future research to improve the  
7 measurement of progress of deaf and hard-of-hearing children in  
8 language and literacy development.

9 The advisory committee shall consist of seven volunteers,  
10 the majority of whom shall be deaf or hard-of-hearing. The  
11 bill specifies the level of expertise or experience each  
12 individual member must bring to the committee.

13 The director of the department must convene the advisory  
14 committee by March 1, 2021, and thereafter may convene the  
15 committee as the director deems necessary. The advisory  
16 committee shall submit recommendations to the state board of  
17 education by July 1, 2021, and shall submit recommendations  
18 thereafter as the director of the department deems necessary.

19 ACTIVITIES. All activities of the department of education  
20 in implementing the requirements under the bill must be  
21 consistent with the federal IDEA for the assessment of children  
22 from birth to eight years of age.

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