

House File 244 - Introduced

HOUSE FILE 244

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

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

21 (1) Developing and managing language milestones for each
22 age, from birth through age eight, in American sign language
23 and English pursuant to subsection 3.

24 (2) Staffing the advisory committee established pursuant
25 to subsection 5, including but not limited to organizing and
26 facilitating the advisory committee meetings.

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

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

32 (5) Exercising general supervision over follow-up contacts
33 with parents and guardians regarding the need for valid and
34 reliable language assessments and distribution of resources
35 toward language development in American sign language and

1 English.

2 (6) Planning a parent-friendly procedure for outreach and
3 follow-up.

4 (7) Exercising general supervision over annual or biannual,
5 at the consultant's discretion, milestone assessments for deaf
6 and hard-of-hearing children.

7 (8) Managing and summarizing data outcomes for parents,
8 guardians, and partner agencies to use, including the annual
9 report published pursuant to subsection 7.

10 (9) Arranging for and exercising general supervision over
11 the appropriate training for language assessment personnel.

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

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

18 a. Include American sign language and English language
19 developmental milestones selected under subsection 1.

20 b. Be appropriate for use, in both content and
21 administration, with deaf and hard-of-hearing children from
22 birth through age eight who use American sign language or
23 English, or both.

24 c. Present the language developmental milestones in terms
25 of typical development of all children from birth through age
26 eight, by age range.

27 d. Be written for clarity and ease of use by parents and
28 guardians.

29 e. Be aligned to the department of education's existing
30 infant, toddler, and preschool guidelines, standards for
31 evaluating eligibility and progress for early intervention or
32 special education under federal law, and state standards in
33 English language arts.

34 f. Clearly specify that the parent resource is not a
35 formal assessment of language and literacy development, and

1 that the observations of a child by the child's parent or
2 guardian may differ from formal assessment data presented at an
3 individualized family service plan or individualized education
4 program meeting.

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

10 3. *Selection of tools or assessments.* The early language
11 development consultant, in consultation with the state school
12 for the deaf, the area education agencies, school districts,
13 and the early hearing detection and intervention program in the
14 department of public health, shall select existing tools or
15 assessments for educators that can be used to assess American
16 sign language and English language and literacy development of
17 deaf and hard-of-hearing children from birth through age eight.

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

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

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

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

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

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

1 education programs.

2 (2) Reflect the recommendations of the advisory committee
3 convened under subsection 5.

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

18 5. *Advisory committee.*

19 a. The department of education shall establish and consult
20 with an advisory committee for purposes of soliciting input,
21 including input from experts on the selection of language
22 developmental milestones for children who are deaf or
23 hard-of-hearing that are equivalent to those for children who
24 are not deaf or hard-of-hearing, for inclusion in the parent
25 resource developed and disseminated to parents and guardians
26 pursuant to this section. The early language development
27 consultant shall provide staffing and administrative support
28 to the advisory committee and shall provide the committee
29 with a list of existing language developmental milestones
30 from existing standardized norms, along with any relevant
31 information the department has regarding those language
32 developmental milestones for possible inclusion in the parent
33 resource developed pursuant to this section.

34 b. The advisory committee shall do all of the following:

35 (1) Make recommendations on the selection and use of the

1 educator tools or assessments selected pursuant to subsection
2 3.

3 (2) Advise the department or its consultants on the content
4 and administration of existing evaluation and assessment tools,
5 instruments, and procedures used to assess the development
6 of children with disabilities pursuant to federal law, and
7 to assess deaf and hard-of-hearing children's language and
8 literacy development to ensure the appropriate use of such
9 tools, instruments, and procedures with such children, and may
10 make recommendations regarding future research to improve the
11 measurement of progress of deaf and hard-of-hearing children in
12 language and literacy development.

13 (3) Develop a process in compliance with federal law for
14 plan modifications if a deaf or hard-of-hearing child does not
15 demonstrate adequate yearly progress in improving expressive
16 and receptive language skills, as measured by an educator tool
17 or assessment selected pursuant to subsection 3.

18 (4) The advisory committee shall consist of seven
19 volunteers, the majority of whom shall be deaf or
20 hard-of-hearing, and all of whom shall have experience
21 or involvement within the field of education for the
22 deaf and hard-of-hearing or relating directly to deaf and
23 hard-of-hearing children. The advisory committee shall include
24 all of the following members:

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

28 (b) One licensed teacher who uses American sign language and
29 English.

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

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

35 (e) One advocate for the deaf or an advocate of American

1 sign language.

2 (f) One American sign language specialist, American sign
3 language professor, or native signer recommended by the Iowa
4 association of the deaf and the office of deaf services of the
5 department of human rights.

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

8 c. The early language development consultant shall
9 convene the advisory committee by March 1, 2022, and as
10 frequently thereafter as the consultant deems necessary
11 for purposes of this section. The advisory committee shall
12 submit recommendations to the state board of education by
13 July 1, 2022, shall submit recommendations relating to plan
14 modifications developed pursuant to paragraph "b", subparagraph
15 (3), to the state board of education and to the general
16 assembly by December 1, 2022, and shall submit recommendations
17 thereafter as the consultant deems necessary.

18 6. *Activities — consistent with federal law.* All activities
19 of the department of education in implementing this section
20 shall be consistent with federal law for the education of
21 children from birth through age eight.

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

31 8. *Definitions.* For purposes of this section, unless the
32 context otherwise requires:

33 a. "English" includes spoken English, written English, or
34 English with the use of visual supplements.

35 b. "Federal law" means the federal Individuals with

1 Disabilities Education Act, as amended by the federal
2 Individuals with Disabilities Improvement Act, Pub. L. No.
3 108-446, 20 U.S.C. §1400 et seq., as amended.

4 EXPLANATION

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

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

26 EARLY LANGUAGE DEVELOPMENT CONSULTANT. The bill lists
27 the duties of the early language development consultant,
28 including but not limited to staffing the advisory committee;
29 developing and distributing resources; exercising general
30 supervision over follow-up contacts with parents and guardians
31 regarding the need for valid and reliable language assessments
32 and distribution of resources toward language development in
33 American sign language and English; planning a parent-friendly
34 procedure for outreach and follow-ups; arranging for and
35 exercising general supervision over the appropriate training

1 for language assessment personnel and serving as a supervisor
2 to such personnel; and utilizing both American sign language
3 and English in selecting milestones, compiling data, employing
4 qualified personnel, and distributing resources.

5 LANGUAGE DEVELOPMENTAL MILESTONES — SELECTION. The
6 bill requires the early language development consultant to
7 cooperate with the state school for the deaf and area education
8 agencies, school districts, and the early hearing detection
9 and intervention program in the department of public health,
10 in selecting language developmental milestones from existing
11 standardized norms for purposes of developing a resource
12 parents or guardians can use to monitor and track a deaf or
13 hard-of-hearing child's progress toward English literacy.

14 PARENT RESOURCE. In addition to the milestones, the parent
15 resource must be clearly written and appropriate for use with
16 deaf and hard-of-hearing children from birth through age eight
17 who use American sign language or English, or both; present the
18 milestones in terms of typical development of all children;
19 and be aligned to the state's existing infant, toddler, and
20 preschool standards for evaluating eligibility and progress for
21 early intervention or special education in English language
22 arts. Further, the resource must clearly specify that it is
23 not a formal assessment of language and literacy development,
24 that the observations of a child by the child's parent or
25 guardian may differ from formal assessment data, and that a
26 parent or guardian may bring the parent resource to an IFSP or
27 IEP meeting.

28 ASSESSMENTS — TOOLS. The early language development
29 consultant, in consultation with other agencies serving deaf
30 and hard-of-hearing children, must select existing tools or
31 assessments for educators that can be used to assess the
32 language and literacy development of deaf and hard-of-hearing
33 children from birth through age eight.

34 DISSEMINATION. The early language development consultant
35 must disseminate the parent resource to parents and guardians

1 of deaf and hard-of-hearing children and, consistent with the
2 federal Individuals with Disabilities Education Act (IDEA),
3 shall disseminate the educator tools and assessments to early
4 hearing detection and intervention programs, area education
5 agencies, school districts, accredited nonpublic schools,
6 and the school for the deaf for use in the development and
7 modification of IFSPs or IEPs, and provide materials and
8 training on the use of such materials.

9 ADVISORY COMMITTEE. The department of education is
10 directed to establish and consult with an advisory committee
11 to receive input for inclusion in the parent resource. The
12 early language development consultant shall provide staffing
13 and administrative support to the committee and must provide
14 the committee with a list of existing language developmental
15 milestones from existing standardized norms, along with
16 any relevant information the department has regarding those
17 milestones.

18 The advisory committee shall make recommendations on
19 the selection and use of the educator tools or assessments,
20 advise the department or its consultants on the content and
21 administration of the tools, instruments, and procedures used
22 under the federal IDEA to assess deaf and hard-of-hearing
23 children's language and literacy development to ensure the
24 appropriate use of such tools, instruments, and procedures with
25 children, make recommendations regarding future research to
26 improve the measurement of progress of deaf and hard-of-hearing
27 children in language and literacy development, and develop a
28 process of compliance with federal law for plan modification if
29 a child does not demonstrate adequate yearly progress.

30 The advisory committee shall consist of seven volunteers,
31 the majority of whom shall be deaf or hard-of-hearing. The
32 bill specifies the level of expertise or experience each
33 individual member must have.

34 The director of the department must convene the advisory
35 committee by March 1, 2022, and thereafter may convene the

1 committee as the director deems necessary. The advisory
2 committee shall submit recommendations to the state board
3 of education by July 1, 2022, shall submit recommendations
4 relating to plan modifications to the state board by December
5 1, 2022, and shall submit recommendations thereafter as the
6 director of the department deems necessary.

7 ACTIVITIES. All activities of the department of education
8 in implementing the requirements under the bill must be
9 consistent with the federal IDEA for the education of children
10 from birth through age eight.

11 ANNUAL REPORT. The department of education must annually
12 compile, and publish on the department's internet site, a
13 report using existing data reported in compliance with the
14 state performance plan on pupils with disabilities, required
15 under the federal IDEA, that is specific to language and
16 literacy development of deaf and hard-of-hearing children from
17 birth through age eight, including those children who are deaf
18 or hard-of-hearing and have other disabilities, relative to the
19 children's peers who are not deaf or hard-of-hearing.