

**House File 2539 - Reprinted**

HOUSE FILE 2539  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 680)

(As Amended and Passed by the House March 4, 2020)

**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 to eight years of age, inclusive, who use American sign  
23 language or English, or both.

24 c. Present the language developmental milestones in terms of  
25 typical development of all children from birth to eight years  
26 of age, 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 to eight years of  
18 age, inclusive.

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

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

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

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

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

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

1 modify individualized family service plans or individualized  
2 education programs.

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

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

19 5. *Advisory committee.*

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

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

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

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

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

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

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

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

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

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

1 (e) One advocate for the deaf or an advocate of American  
2 sign language.

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

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

9 c. The early language development consultant shall  
10 convene the advisory committee by March 1, 2021, and as  
11 frequently thereafter as the consultant deems necessary  
12 for purposes of this section. The advisory committee shall  
13 submit recommendations to the state board of education by  
14 July 1, 2021, shall submit recommendations relating to plan  
15 modifications developed pursuant to paragraph "b", subparagraph  
16 (3), to the state board of education and to the general  
17 assembly by December 1, 2021, and shall submit recommendations  
18 thereafter as the consultant deems necessary.

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

23 7. *Annual report.* The department of education shall  
24 annually compile, and publish on the department's internet  
25 site, a report using existing data reported in compliance  
26 with the state performance plan on pupils with disabilities,  
27 required under federal law, that is specific to language and  
28 literacy development in 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.

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

35 a. "English" includes spoken English, written English, or

1 English with the use of visual supplements.

2     *b.* "*Federal law*" means the federal Individuals with  
3 Disabilities Education Act, as amended by the federal  
4 Individuals with Disabilities Improvement Act, Pub. L. No.  
5 108-446, 20 U.S.C. §1400 et seq., as amended.