HOUSE FILE 2539
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 680)

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

A BILL FOR

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

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

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

1. *Language developmental milestones —— selection.*

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

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

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

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

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

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

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

English.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

modify individualized family service plans or individualized education programs.

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

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

5. *Advisory committee.*

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

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

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

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

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

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

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

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

(c) One licensed teacher who uses spoken English.

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

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

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

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

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

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

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

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

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

English with the use of visual supplements.

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