

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2205**

BY DELEGATES ROWAN AND J. KELLY

[Introduced January 10, 2019; referred to the  
committee on Education.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §18-20-11, relating to selection of language developmental milestones for  
 3 purposes of developing a resource for use by parents to monitor and track deaf and hard-  
 4 of-hearing children’s expressive and receptive language acquisition and developmental  
 5 stages toward English literacy.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.**

**§18-20-11. Selection of language developmental milestones for purposes of developing a  
 resource for use by parents to monitor and track deaf and hard-of-hearing  
 children’s expressive and receptive language acquisition and developmental  
 stages toward English literacy.**

1 (a) The West Virginia State Department of Education Office of Special Programs, Birth to  
 2 Three programs, and the West Virginia Schools for the Deaf and the Blind shall jointly select  
 3 language developmental milestones from existing standardized norms, pursuant to the process  
 4 specified in §18-20-11(d) of this code, for purposes of developing a resource for use by parents  
 5 to monitor and track deaf and hard-of-hearing children’s expressive and receptive language  
 6 acquisition and developmental stages toward English literacy. This parent resource shall:

7 (1) Include the language developmental milestones selected pursuant to the process  
 8 specified in §18-20-11(d) of this code;

9 (2) Be appropriate for use, in both content and administration, with deaf and hard-of-  
 10 hearing children from birth to five years of age, inclusive, who use both or one of the languages  
 11 of American Sign Language and English. For purposes of this section, “English” includes spoken  
 12 English, written English, or English with the use of visual supplements;

13 (3) Present the developmental milestones in terms of typical development of all children,  
 14 by age range;

15 (4) Be written for clarity and ease of use by parents;

16 (5) Be aligned with the department's existing infant, toddler and preschool guidelines, the  
17 existing instrument used to assess the development of children with disabilities pursuant to federal  
18 law, and state standards in English language arts;

19 (6) Make clear that the parent resource is not a formal assessment of language and  
20 literacy development, and that a parent's observations of their children may differ from formal  
21 assessment data presented at an individualized family service plan or individualized education  
22 program meeting; and

23 (7) Make clear that a parent may bring the parent resource to an individualized family  
24 service plan or individualized education program meeting for purposes of sharing their  
25 observations about their child's development.

26 (b) The department shall also select existing tools or assessments for educators that can  
27 be used daily to assess the language and literacy development of deaf and hard-of-hearing  
28 children. These educator tools or assessments:

29 (1) Shall be in a format that shows stages of language development including  
30 comprehension;

31 (2) Shall be selected for use by educators to track the development of deaf and hard-of-  
32 hearing children's expressive and receptive language acquisition and developmental stages  
33 toward English literacy;

34 (3) Shall be selected from existing instruments or assessments used to assess the  
35 development of all children from birth to five years of age, inclusive;

36 (4) Shall be appropriate, in both content and administration, for use with deaf and hard-of-  
37 hearing children;

38 (5) May be used, in addition to the assessment required by federal law, by the child's  
39 individualized family service plan or individualized education program team, as applicable, to track  
40 deaf and hard-of-hearing children's progress, and to establish or modify individualized family  
41 service plan or individualized education program plans; and

42 (6) May reflect the recommendations of the advisory committee established pursuant to  
43 §18-20-11(e) of this code.

44 (c) (1) The department shall:

45 (A) Disseminate the parent resource developed pursuant to §18-20-11(d) of this code to  
46 parents and guardians of deaf and hard-of-hearing children;

47 (B) Pursuant to federal law, disseminate the educator tools and assessments selected  
48 pursuant to §18-20-11(b) of this code to local educational agencies for use in the development  
49 and modification of individualized family service plan and individualized education program plans;  
50 and

51 (C) Provide materials and training on the use of the educator tools and assessments to  
52 assist deaf and hard-of-hearing children in becoming linguistically ready for kindergarten using  
53 both or one of the languages of American Sign Language and English.

54 (2) If a deaf or hard-of-hearing child does not demonstrate progress in expressive and  
55 receptive language skills, as measured by one of the educator tools or assessments selected  
56 pursuant to §18-20-11(b) of this code, or by the existing instrument used to assess the  
57 development of children with disabilities pursuant to federal law, the child's individualized family  
58 service plan or individualized education program team, as applicable, shall, as part of the process  
59 required by federal law, explain in detail the reasons why the child is not meeting the language  
60 developmental milestones or progressing towards them, and shall recommend specific strategies,  
61 services, and programs that shall be provided to assist the child's success toward English literacy.

62 (d) (1) On or before March 1, 2020, the department shall provide the advisory committee  
63 established pursuant to §18-20-11(e) of this code with a list of existing language developmental  
64 milestones from existing standardized norms, along with any relevant information held by the  
65 department regarding those language developmental milestones for possible inclusion in the  
66 parent resource developed pursuant to §18-20-11(a) of this code. These language developmental  
67 milestones shall be aligned to the department's existing infant, toddler, and preschool guidelines,

68 the existing instrument used to assess the development of children with disabilities pursuant to  
69 federal law, and the state standards in English language arts.

70 (2) On or before June 1, 2020, the advisory committee shall recommend language  
71 developmental milestones for selection pursuant to §18-20-11(d) of this code.

72 (3) On or before June 30, 2020, the department shall inform the advisory committee of  
73 which language developmental milestones were selected.

74 (e) (1) The Superintendent of the West Virginia Schools for the Deaf and the Blind shall  
75 establish an ad hoc advisory committee for the purposes of soliciting input from experts on the  
76 selection of language developmental milestones for children who are deaf or hard-of-hearing that  
77 are equivalent to those for children who are not deaf or hard-of-hearing, for inclusion in the parent  
78 resource developed pursuant to §18-20-11(a) of this code. The advisory committee may also  
79 make recommendations on the selection and administration of the educator tools or assessments  
80 selected pursuant to §18-20-11(b) of this code.

81 (2) The advisory committee shall consist of twelve volunteers, the majority of whom shall  
82 be deaf or hard of hearing, and all of whom shall be within the field of education for the deaf and  
83 hard-of-hearing. The advisory committee shall include all of the following:

84 (A) One deaf parent of a child who is deaf or hard-of-hearing who uses the dual languages  
85 of American Sign Language and English;

86 (B) One hearing parent of a child who is deaf or hard-of-hearing who uses only spoken  
87 English, with or without visual supplements;

88 (C) One credentialed teacher of deaf or hard-of-hearing whose pupils use the dual  
89 languages of English and American Sign Language;

90 (D) One credentialed teacher of deaf or hard-of-hearing whose pupils are from a state  
91 certified nonpublic school;

92 (E) One expert who researches language outcomes for deaf and hard-of-hearing children  
93 using American Sign Language and English;

94 (F) One expert who researches language outcomes for deaf and hard-of-hearing children  
95 using spoken English, with or without visual supplements;

96 (G) One credentialed deaf teacher of deaf and hard-of-hearing children whose expertise  
97 is in curriculum and instruction in American Sign Language and English;

98 (H) One credentialed teacher of deaf and hard-of-hearing whose expertise is in curriculum  
99 and instruction in spoken English, with or without visual supplements;

100 (I) One advocate for the teaching and use of the dual languages of American Sign  
101 Language and English;

102 (J) One early intervention specialist who works with deaf and hard-of-hearing infants and  
103 toddlers using the dual languages of American Sign Language and English;

104 (K) One credentialed teacher of deaf and hard-of-hearing whose expertise is in American  
105 Sign Language and English language assessment; and

106 (L) One speech pathologist from spoken English, with or without the use of visual  
107 supplements.

108 (f) The advisory committee established pursuant to §18-20-11(e) of this code may also  
109 advise the department or its contractor on the content and administration of the existing  
110 instrument used to assess the development of children with disabilities pursuant to federal law,  
111 as used to assess deaf and hard-of-hearing children's language and literacy development to  
112 ensure the appropriate use of that instrument with those children, and may make  
113 recommendations regarding future research to improve the measurement of progress of deaf and  
114 hard-of-hearing children in language and literacy.

115 (g) Commencing on or before July 31, 2020, and on or before each July 31 thereafter, the  
116 department shall annually produce a report, using existing data reported in compliance with the  
117 federally required state performance plan on pupils with disabilities, that is specific to language  
118 and literacy development of deaf and hard-of-hearing from birth to five years of age, inclusive,  
119 including those who are deaf or hard-of-hearing and have other disabilities, relative to their peers

120 who are not deaf or hard-of-hearing. The department shall make this report available on its  
121 Internet web site.

122 (h) All activities of the department in implementing this section shall be consistent with  
123 federal law regarding the education of children with disabilities and federal law regarding the  
124 privacy of pupil information.

125 (i) For the purpose of this section, the term “language developmental milestones” means  
126 milestones of development aligned with the existing state instrument used to meet the  
127 requirements of federal law for the assessment of children from birth to five years of age, inclusive.

128 (j) This section applies only to children from birth to five years of age, inclusive.

NOTE: The purpose of this bill is to require the State Department of Education and the Schools for the Deaf and the Blind to jointly select language developmental milestones from existing standardized norms for purposes of developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's expressive and receptive language acquisition and developmental stages toward English literacy.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.