

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2913

FISCAL
NOTE

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STAGGERS, LAVENDER-BOWE, BYRD, HORNBUCKLE,

ESTEP-BURTON AND HIGGINBOTHAM

[Introduced February 7, 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 the 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 Department of Health and Human Resources through its agencies
2 that serve children ages birth to three and their families; the West Virginia Department of
3 Education, office of Special Programs that serve children ages three to five, inclusive; and the
4 West Virginia Schools for the Deaf and the Blind shall jointly select language developmental
5 milestones from existing standardized norms, pursuant to the process specified in subsection (d)
6 of this section, for purposes of developing a resource for use by parents to monitor and track all
7 deaf and hard-of-hearing children's expressive and receptive language acquisition and
8 developmental stages toward English literacy from birth through five, inclusive. This parent
9 resource shall:

10 (1) Include the language developmental milestones selected pursuant to the process
11 specified in subsection (d) of this section;

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

16 (3) Present the developmental milestones in terms of typical development of all children,
17 by age range from birth to five, inclusive;

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

19 (5) Be aligned with the departments' existing infant, toddler, and preschool guidelines, the
20 existing instrument used to assess the development of children with disabilities pursuant to federal
21 law, and state standards in English language arts;

22 (6) Make clear that the parent(s) have the right to select which language (ASL, English, or
23 both) for their child's language(s) acquisition and developmental milestones;

24 (7) Make clear that the parent resource is not a formal assessment of language and
25 literacy development, and that a parent's observations of their children may differ from formal
26 assessment data presented at an Individualized Family Service Plan (IFSP) or Individualized
27 Education Program (IEP) meeting;

28 (8) Make clear that a parent may bring the parent resource to an IFSP or IEP meeting for
29 purposes of sharing their observations about their child's development; and

30 (9) Include fair, balanced, and comprehensive information about language(s) and
31 communication modes, as well as available services and programs.

32 (b) The departments shall also select existing tools or assessments for educators that can
33 be used to assess the language and literacy development of deaf and hard-of-hearing children.
34 These educator tools or assessments:

35 (1) Shall be in a format that shows stages of language development;

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

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

41 (4) Shall be appropriate, in both content and administration, for use with deaf and hard-of-

42 hearing children;

43 (5) May be used, in addition to the assessment required by federal law, by the child's IFSP
44 or IEP team, as applicable, to track deaf and hard-of-hearing children's progress, and to establish
45 or modify IFSP or IEP plans; and

46 (6) May reflect the recommendations of the advisory committee established pursuant to
47 subsection (e) of this section.

48 (c)(1) The departments shall disseminate the parent resource developed pursuant to
49 subsection (a) of this section to parents and guardians of deaf and hard-of-hearing children, and,
50 pursuant to federal law, shall disseminate the educator tools and assessments selected pursuant
51 to subsection (b) of this section, to local educational agencies for use in the development and
52 modification of IFSP and IEP plans, and shall provide materials and training on its use, to assist
53 deaf and hard-of-hearing children in becoming linguistically ready for kindergarten using both or
54 one of the languages of ASL and English.

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

63 (d)(1) On or before March 1, 2020, the departments shall provide the advisory committee
64 established pursuant to subsection (e) of this section with a list of existing language
65 developmental milestones from existing standardized norms, along with any relevant information
66 held by the department regarding those language developmental milestones for possible inclusion
67 in the parent resource developed pursuant to subsection (a) of this section. These language

68 developmental milestones shall be aligned to the departments' existing infant, toddler, and
69 preschool guidelines, the existing instrument used to assess the development of children with
70 disabilities pursuant to federal law, and the state standards in English language arts.

71 (2) On or before June 1, 2020, the advisory committee shall recommend language
72 developmental milestones for selection pursuant to subsection (a) of this section.

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

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

82 (2) The advisory committee shall consist of 13 volunteers, the majority of whom shall be
83 deaf or hard of hearing; the advisory committee shall be comprised of advocates and
84 professionals, all of whom shall be within the field of education for the deaf and hard of hearing;
85 and parents. The advisory committee shall have a balance of members who personally,
86 professionally, or parentally use the dual languages of ASL and English and members who
87 personally, professionally, or parentally use only spoken English. The advisory committee could
88 include all of the following as determined by the state. Listed below are examples of members of
89 the *ad hoc* committee:

90 (A) One parent of a child who is deaf or hard of hearing who uses the dual languages of
91 ASL and English;

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

- 94 (C) One credentialed teacher of deaf and hard-of-hearing pupils who use the dual
95 languages of ASL and English;
- 96 (D) One credentialed teacher of deaf and hard-of-hearing pupils from a spoken English-
97 only school;
- 98 (E) One expert who researches language outcomes for deaf and hard-of-hearing children
99 using ASL and English;
- 100 (F) One expert who researches language outcomes for deaf and hard-of-hearing children
101 using spoken English, with or without visual supplements;
- 102 (G) One credentialed teacher of deaf and hard-of-hearing pupils whose expertise is in
103 curriculum and instruction in ASL and English;
- 104 (H) One credentialed teacher of deaf and hard-of-hearing pupils whose expertise is in
105 curriculum and instruction in spoken English, with or without visual supplements;
- 106 (I) One advocate for the teaching and use of the dual languages of ASL and English;
- 107 (J) One advocate for the teaching and use of spoken English, with or without visual
108 supplements;
- 109 (K) One early intervention specialist who works with deaf and hard-of-hearing infants and
110 toddlers using the dual languages of ASL and English;
- 111 (L) One credentialed teacher of deaf and hard-of-hearing pupils whose expertise is in ASL
112 and English language assessment; and
- 113 (M) One speech pathologist from spoken English, with or without the use of visual
114 supplements.
- 115 (f) The advisory committee established pursuant to subsection (e) of this section may also
116 advise the departments or its contractor on the content and administration of the existing
117 instrument used to assess the development of children with disabilities pursuant to federal law,
118 as used to assess deaf and hard-of-hearing children's language and literacy development to
119 ensure the appropriate use of that instrument with those children, and may make

120 recommendations regarding future research to improve the measurement of progress of deaf and
121 hard-of-hearing children in language and literacy.

122 (g) Commencing on or before July 31, 2020, and on or before each July 31 thereafter, the
123 departments shall annually produce a report, using existing data reported in compliance with the
124 federally required state performance plan on children with disabilities, that is specific to language
125 and literacy development of deaf and hard-of-hearing children from birth to five years of age,
126 inclusive, including those who are deaf or hard-of-hearing and have other disabilities, relative to
127 their peers who are not deaf or hard-of-hearing. The departments shall make this report available
128 on its Internet website by posting said data in the aggregate.

129 (h) All activities of the departments in implementing this section shall be consistent with
130 federal law regarding the education of children with disabilities and federal law regarding the
131 privacy of pupil information.

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

135 (j) For the purposes of this section, the term “language” includes ASL and English.

136 (k) For the purposes of developing and using language as defined in subdivision (1),
137 section (b) of this section, for a child who is deaf or hard-of-hearing, the following modes of
138 communication may be used as a means for acquiring language: ASL services, spoken language
139 services, dual language services, cued speech, and tactile, or a combination thereof.

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

141 (m) Implementation of this section is subject to an appropriation being made for purposes
142 of this section in the annual Budget Act or another statute.

NOTE: The purpose of this bill is to the 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.

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