

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2345

FISCAL
NOTE

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[Introduced January 11, 2019; Referred
to the Committee on Education then Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §16-1-20, relating to selection of language developmental milestones to
 3 develop a resource for use by parents to monitor and track deaf and hard-of-hearing
 4 children’s receptive and expressive language acquisition in the language(s) and
 5 communication mode chosen by the parents, and developmental stages toward English
 6 literacy.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.

**§16-1-20. Selection of early language developmental milestones to develop a resource for
 use by families to monitor and track deaf and hard-of-hearing children’s early
 expressive and receptive language acquisition and developmental stages toward
 English literacy in the mode of communication and language(s) selected by the
 parent/guardian.**

1 (a) The West Virginia Department of Health and Human Resources (hereinafter the
 2 department) through its agencies that serve children ages birth to three shall jointly select
 3 language developmental milestones from existing standardized norms, pursuant to the process
 4 specified in §16-1-20(d) of this code, to develop a family resource for use by families, providers,
 5 early interventionists, speech pathologists, educators, and other service providers to determine
 6 and track deaf and hard-of-hearing children’s receptive and expressive language acquisition and
 7 progress toward English literacy development. This family resource shall include at a minimum:

- 8 (1) Language that provides familial choice of communication mode;
- 9 (2) The language developmental milestones selected pursuant to the process specified in
 10 §16-1-20(d) of this code;
- 11 (3) Developmental milestones in terms of typical development of all children, by age range;
- 12 (4) Be written for clarity and ease of use by families;
- 13 (5) Be aligned with the department’s existing guidelines used to assess the development

14 of children with disabilities pursuant to federal law, and state standards in language and literacy;

15 (6) Make clear that the family resource is not a formal assessment of language and literacy
16 development, and that a family's observations of their children may differ from formal assessment
17 data presented at an individualized family service plan meeting; and

18 (7) Make clear that the family resource may be used during an individualized family service
19 plan meeting for purposes of sharing the family's observations about their child's development.

20 (b) The department shall also prepare a list of valid and reliable existing tools or
21 assessments for providers, early interventionists, speech pathologists, educators, and other
22 service providers that can be used periodically to determine the receptive and expressive
23 language and literacy development of deaf and hard-of-hearing children. These educator tools
24 and assessments:

25 (1) Shall be used by providers, early interventionists, speech pathologists, educators, and
26 other service providers to determine the progressing development of deaf and hard-of-hearing
27 children's receptive and expressive language acquisition and developmental stages toward
28 English literacy;

29 (2) Shall be appropriate, in both content and administration, for use with children who are
30 deaf and hard-of-hearing;

31 (3) May be used, in addition to the assessment required by federal law, by the
32 individualized family service plan team, as applicable, to track deaf and hard-of-hearing children's
33 progress, and to establish or modify individualized family service plan plans; and

34 (4) May reflect the recommendations of the advisory committee established pursuant to
35 §16-1-20(e) and §16-1-20(f) of this code.

36 (c) In promoting the intent of this section, the department shall:

37 (1) Disseminate the family resource developed pursuant to §16-1-20(a) of this code to
38 families of deaf and hard-of-hearing children, as well as providers, early interventionists, speech
39 pathologists, educators, and related service personnel; and

40 (2) Provide informational materials, identify ASL mentors and professional learning
41 opportunities for the providers, early interventionists, speech pathologists, educators, and other
42 service providers on the use of the resources, tools, and assessments to assist deaf and hard-of-
43 hearing children in becoming linguistically ready for formal school entry (either itinerant services,
44 West Virginia Universal PreK/PreK Special Needs, or Kindergarten) using the mode(s) of
45 communication and language(s) chosen by the parents.

46 (d)(1) If a deaf or hard-of-hearing child does not demonstrate progress in receptive and
47 expressive language skills, as measured by one of the educator tools or assessments selected
48 pursuant to §16-1-20(b) of this code, or by the existing instrument used to assess the development
49 of children with disabilities pursuant to federal law, the child's individualized family service plan
50 team, as applicable, shall, as part of the process required by federal law, explain in detail the
51 reasons why the child is not meeting the language developmental milestones or progressing
52 towards them, and shall recommend specific strategies, services, and programs that shall be
53 provided to assist the child's success toward English literacy development.

54 (2) The department shall provide the advisory committee established pursuant to
55 subsections §16-1-20(e) and §16-1-20(f) of this code with a list of existing language
56 developmental milestones from existing standardized norms, along with any relevant information
57 held by the department regarding those language developmental milestones for possible inclusion
58 in the family resource developed pursuant to subsection §16-1-20(a) of this code.

59 (3) After reviewing, the advisory committee shall recommend to the department language
60 developmental milestones for selection pursuant to §16-1-20(a) of this code.

61 (e) The department shall establish an advisory committee to solicit input from stakeholders
62 identified herein on the selection of language developmental milestones for children who are deaf
63 or hard-of-hearing that are equivalent to those for children who are not deaf or hard-of-hearing,
64 for inclusion in the family resource developed pursuant to §16-1-20(a) of this code.

65 (f) The advisory committee shall be comprised of volunteer individuals representing all

66 known modes of communication, specifically including the following:

67 (1) One parent of a child who is hard-of-hearing who uses the dual languages of American
68 Sign Language and English;

69 (2) One parent of a child who is deaf or hard-of-hearing who uses assistive technology to
70 communicate with spoken English;

71 (3) Two credentialed providers, early interventionists, speech pathologists, educators, or
72 other service providers of deaf or hard-of-hearing children who are knowledgeable in the use of
73 the dual languages of English and American Sign Languages;

74 (4) Two credentialed providers, early interventionists, speech pathologists, educators, or
75 other service provider of deaf or hard-of-hearing children who are knowledgeable in the use of
76 assistive technology to communicate with spoken English;

77 (5) One expert who researches or is knowledgeable in the research regarding language
78 outcomes for deaf and hard-of-hearing children using American Sign Language or English;

79 (6) One expert who researches or is knowledgeable in the research regarding language
80 outcomes for deaf and hard-of-hearing children using assistive technology to communicate with
81 spoken English.

82 (g)(1) The advisory committee may advise the department on the content and
83 administration of instruments used to assess the development of children with disabilities
84 pursuant to federal law, as used to assess deaf and hard-of-hearing children's language and
85 literacy development to ensure the appropriate use of that instrument with those children, and
86 may make recommendations regarding future research needed to improve the measurement of
87 progress of deaf and hard-of-hearing children in language and literacy.

88 (2) For the purpose of this section, the term "language developmental milestones" means
89 milestones of development aligned with existing norms.

90 (h) This section applies only to children from birth to three years of age, inclusive.

NOTE: The purpose of this bill is to develop a resource which families can use to monitor and track deaf and hard-of-hearing children's early language acquisition and expression, 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.