STATE OF NEW YORK

5992--B

2017-2018 Regular Sessions

IN SENATE

May 9, 2017

Introduced by Sens. ROBACH, ADDABBO, AKSHAR, AVELLA, BROOKS, CARLUCCI, FUNKE, GALLIVAN, HAMILTON, HELMING -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to language development for deaf and hard of hearing students

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The education law is amended by adding a new section 4214 to read as follows:

§ 4214. Language development for deaf and hard of hearing children. 1. The department shall select language developmental milestones from existing standardized norms, pursuant to the process specified in subdivision four of this section, 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. For the purposes of this section, the term "language developmental milestones" means milestones of development aligned with the existing state instrument used to meet the requirements of federal law for the assessment of children from birth to five years of age, inclusive. This parent resource shall:

a. Include the language developmental milestones selected pursuant to the process specified in subdivision four of this section;

b. Be appropriate for use, in both content and administration, with deaf children from birth to five years of age, inclusive, who use one or both of the languages of American sign language and English. For the

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD11515-05-8

purposes of this section, "English" includes spoken English, written English, or English with the use of visual supplements;

c. Present the developmental milestones in terms of typical development of all children, by age range;

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

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

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

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

2. The department shall also select existing tools or assessments for educators that can be used to assess the language and literacy development of deaf and hard of hearing children. These educator tools or assessments:

a. Shall be in a format that shows stages of language development;

b. Shall 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 English literacy;

c. Shall be selected from existing instruments or assessments used to assess the development of all children from birth to five years of age, inclusive;

d. Shall be appropriate, in both content and administration, for use with deaf and hard of hearing children;

e. May be used, in addition to the 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, and to establish or modify individualized family service plans or individualized education program meeting plans; and

f. May reflect the recommendations of the advisory committee established pursuant to subdivision five of this section.

3. a. The department shall disseminate the parent resource developed pursuant to subdivision one of this section to parents and guardians of deaf and hard of hearing children, and, pursuant to federal law, shall disseminate the educator tools and assessments selected pursuant to subdivision two of this section to local educational agencies for use in the development and modification of individualized family service plans or individualized education program plans, and shall provide materials and training on its use, to assist deaf and hard of hearing children in becoming linguistically ready for kindergarten using one or both of the languages of American sign language and English.

b. If a deaf or hard of hearing child does not demonstrate progress in expressive and receptive language skills, as measured by one of the educator tools or assessments selected pursuant to subdivision two of this section, or by the existing instrument used to assess the development of children with disabilities pursuant to federal law, the child's individualized family service plan or individualized education program team, as applicable, shall, as part of the process required by federal law, explain in detail the reasons why the child is not meeting the

language developmental milestones or progressing towards them, and shall recommend specific strategies, services, and programs that shall be provided to assist the child's success toward English literacy.

4. a. On or before March first, two thousand nineteen, the department shall provide the advisory committee established pursuant to subdivision five of this section 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 subdivision one of this section. These language developmental milestones shall be aligned to the department's existing infant, toddler, and preschool guidelines, the existing instrument used to assess the development of children with disabilities pursuant to federal law, and the state standards in English language arts.

b. On or before June first, two thousand nineteen, the advisory committee shall recommend language developmental milestones for selection pursuant to subdivision one of this section.

c. On or before June thirtieth, two thousand nineteen, the department shall inform the advisory committee of which language developmental milestones were selected from such recommendations.

5. a. The commissioner shall establish an ad hoc advisory committee for purposes of soliciting 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 pursuant to subdivision one of this section. The advisory committee may also make recommendations on the selection and administration of the educator tools or assessments selected pursuant to subdivision two of this section.

b. The advisory committee shall consist of thirteen volunteers, the majority of whom shall be deaf or hard of hearing, and all of whom shall be within the field of education for the deaf and hard of hearing. The advisory committee shall include all of the following:

(1) One parent of a child who is deaf or hard of hearing who uses the dual languages of American sign language and English;

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

(3) One credentialed teacher of deaf and hard of hearing pupils who uses the dual languages of American sign language and English;

(4) One credentialed teacher of deaf and hard of hearing pupils from a state certified nonpublic, nonsectarian school;

(5) One expert who researches language outcomes for deaf and hard of hearing children using American sign language and English;

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

(7) One credentialed teacher of deaf and hard of hearing pupils whose expertise is in curriculum and instruction in American sign language and English;

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

(9) One advocate for the teaching and use of the dual languages of American sign and English;

(10) One advocate for the teaching and use of spoken English, with or without visual supplements;

(11) One early intervention specialist who works with deaf and hard of hearing infants and toddlers using the dual languages of American sign language and English;

(12) One credentialed teacher of deaf and hard of hearing pupils whose expertise is in American sign language and English language assessment; and

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

6. The advisory committee established pursuant to subdivision five of this section may also advise the department or its contractor on the content and administration of the existing instrument used to assess the development of children with disabilities pursuant to federal law, as used to assess deaf and hard of hearing children's language and literacy development to ensure the appropriate use of that instrument with those 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.

7. Commencing on or before July thirty-first, two thousand nineteen, and on or before each July thirty-first thereafter, the department shall annually produce a report, using existing data reported in compliance with the federally required state performance plan on pupils with disabilities, that is specific to language and literacy development of deaf and hard of hearing children from birth to five years of age, inclusive, including those who are deaf or hard of hearing and have other disabilities, relative to their peers who are not deaf or hard of hearing. The department shall make this report available on the department's website.

8. All activities of the department in implementing this section shall be consistent with federal law regarding the education of children with disabilities and federal law regarding the privacy of pupil information.

9. This section shall apply only to children from birth to five years of age, inclusive.

10. The implementation of this section shall be subject to an appropriation made therefor.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.