

# STATE OF NEW YORK

5992--A

2017-2018 Regular Sessions

## IN SENATE

May 9, 2017

Introduced by Sens. ROBACH, AVELLA, CARLUCCI, FUNKE -- 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

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 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;

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

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

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

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

11 g. Make clear that a parent may bring the parent resource to an indi-  
12 vidualized family service plan or individualized education program meet-  
13 ing for purposes of sharing their observations about their child's  
14 development.

15 2. The department shall also select existing tools or assessments for  
16 educators that can be used to assess the language and literacy develop-  
17 ment of deaf and hard of hearing children. These educator tools or  
18 assessments:

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

20 b. Shall be selected for use by educators to track the development of  
21 deaf and hard of hearing children's expressive and receptive language  
22 acquisition and developmental stages toward English literacy;

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

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

28 e. May be used, in addition to the assessment required by federal law,  
29 by the child's individualized family service plan or individualized  
30 education program team, as applicable, to track deaf and hard of hearing  
31 children's progress, and to establish or modify individualized family  
32 service plans or individualized education program meeting plans; and

33 f. May reflect the recommendations of the advisory committee estab-  
34 lished pursuant to subdivision five of this section.

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

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

1     4. a. On or before March first, two thousand nineteen, the department  
2 shall provide the advisory committee established pursuant to subdivision  
3 five of this section with a list of existing language developmental  
4 milestones from existing standardized norms, along with any relevant  
5 information held by the department regarding those language develop-  
6 mental milestones for possible inclusion in the parent resource devel-  
7 oped pursuant to subdivision one of this section. These language devel-  
8 opmental milestones shall be aligned to the department's existing  
9 infant, toddler, and preschool guidelines, the existing instrument used  
10 to assess the development of children with disabilities pursuant to  
11 federal law, and the state standards in English language arts.

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

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

18     5. a. The superintendent of schools shall establish an ad hoc advisory  
19 committee for purposes of soliciting input from experts on the selection  
20 of language developmental milestones for children who are deaf or hard  
21 of hearing that are equivalent to those for children who are not deaf or  
22 hard of hearing, for inclusion in the parent resource developed pursuant  
23 to subdivision one of this section. The advisory committee may also make  
24 recommendations on the selection and administration of the educator  
25 tools or assessments selected pursuant to subdivision two of this  
26 section.

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

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

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

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

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

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

41         (6) One expert who researches language outcomes for deaf and hard of  
42 hearing children using spoken English, with or without visual supple-  
43 ments;

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

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

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

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

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

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

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

6 6. The advisory committee established pursuant to subdivision five of  
7 this section may also advise the department or its contractor on the  
8 content and administration of the existing instrument used to assess the  
9 development of children with disabilities pursuant to federal law, as  
10 used to assess deaf and hard of hearing children's language and literacy  
11 development to ensure the appropriate use of that instrument with those  
12 children, and may make recommendations regarding future research to  
13 improve the measurement of progress of deaf and hard of hearing children  
14 in language and literacy.

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

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

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

29 10. The implementation of this section shall be subject to an appro-  
30 priation made therefor.

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