

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.

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

3 c. Present the developmental milestones in terms of typical develop-
4 ment of all children, by age range;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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