

STATE OF NEW YORK

674

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Education

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:

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

3 § 4214. Language development for deaf and hard of hearing children. 1.
4 The department shall select language developmental milestones from
5 existing standardized norms, pursuant to the process specified in subdi-
6 vision four of this section, for purposes of developing a resource for
7 use by parents to monitor and track deaf and hard of hearing children's
8 expressive and receptive language acquisition and developmental stages
9 toward English literacy. For the purposes of this section, the term
10 "language developmental milestones" means milestones of development
11 aligned with the existing state instrument used to meet the requirements
12 of federal law for the assessment of children from birth to five years
13 of age, inclusive. This parent resource shall:

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

16 b. Be appropriate for use, in both content and administration, with
17 deaf children from birth to five years of age, inclusive, who use one or
18 both of the languages of American sign language and English. For the
19 purposes of this section, "English" includes spoken English, written
20 English, or English with the use of visual supplements;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55 4. a. On or before March first, two thousand twenty, the department
56 shall provide the advisory committee established pursuant to subdivision

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

10 b. On or before June first, two thousand twenty, the advisory commit-
11 tee shall recommend language developmental milestones for selection
12 pursuant to subdivision one of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

52 (11) One early intervention specialist who works with deaf and hard of
53 hearing infants and toddlers using the dual languages of American sign
54 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 twenty, and
16 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.