STATE OF NEW YORK

3866

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

Introduced by M. of A. DICKENS, ABINANTI, COLTON, TAYLOR, SIMON, STIRPE, SAYEGH, GUNTHER, CRUZ, COOK, J. RIVERA, WILLIAMS -- Multi-Sponsored by -- M. of A. BUTTENSCHON, GALEF -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to language equality and acquisition for deaf children

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 equality and acquisition for deaf children. 1. The department and the New York state school for the deaf shall jointly 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. Such 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 and hard-of-hearing children from birth to five years of age, inclusive, who use both or one of the languages of American sign language and English. For 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 devel-

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

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opment 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 (IFSP) or individualized education program (IEP) meeting; and

g. make clear that a parent may bring the parent resource to an IFSP or IEP 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 IFSP or IEP team, as applicable, to track deaf and hard-of-hearing children's progress, and to establish or modify IFSP or IEP 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 IFSP and IEP 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 both or one 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 IFSP or IEP 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 toward 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 twenty-two, 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 twenty-two, 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 twenty-two, the department shall inform the advisory committee of which language developmental milestones were selected.

5. a. The superintendent of the New York state school for the deaf 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:

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

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

(iii) one credentialed teacher of deaf and hard-of-hearing pupils who use the dual languages of American sign language and English;

(iv) one credentialed teacher of deaf and hard-of-hearing pupils from a state certified nonpublic, nonsectarian school;

(v) one expert who researches language outcomes for deaf and hard-of-hearing children using American sign language and English;

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

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

(viii) 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;

(ix) one advocate for the teaching and use of the dual languages of American sign language and English;

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

(xi) 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;

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

(xiii) 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 twenty-two, 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. For the purpose 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.

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

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such date.