

# 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:

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

3 § 4214. Language equality and acquisition for deaf children. 1. The  
4 department and the New York state school for the deaf shall jointly  
5 select language developmental milestones from existing standardized  
6 norms, pursuant to the process specified in subdivision four of this  
7 section, for purposes of developing a resource for use by parents to  
8 monitor and track deaf and hard-of-hearing children's expressive and  
9 receptive language acquisition and developmental stages toward English  
10 literacy. Such parent resource shall:

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

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

19 c. present the developmental milestones in terms of typical develop-  
20 ment of all children, by age range;

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

22 e. be aligned to the department's existing infant, toddler, and  
23 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.

LBD02293-01-1

1 opment of children with disabilities pursuant to federal law, and state  
2 standards in English language arts;

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

8 g. make clear that a parent may bring the parent resource to an IFSP  
9 or IEP meeting for purposes of sharing their observations about their  
10 child's development.

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

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

16 b. shall be selected for use by educators to track the development of  
17 deaf and hard-of-hearing children's expressive and receptive language  
18 acquisition and developmental stages toward English literacy;

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

22 d. shall be appropriate, in both content and administration, for use  
23 with deaf and hard-of-hearing children;

24 e. may be used, in addition to the assessment required by federal law,  
25 by the child's IFSP or IEP team, as applicable, to track deaf and hard-  
26 of-hearing children's progress, and to establish or modify IFSP or IEP  
27 plans; and

28 f. may reflect the recommendations of the advisory committee estab-  
29 lished pursuant to subdivision five of this section.

30 3. a. The department shall disseminate the parent resource developed  
31 pursuant to subdivision one of this section to parents and guardians of  
32 deaf and hard-of-hearing children, and, pursuant to federal law, shall  
33 disseminate the educator tools and assessments selected pursuant to  
34 subdivision two of this section to local educational agencies for use in  
35 the development and modification of IFSP and IEP plans, and shall  
36 provide materials and training on its use, to assist deaf and hard-of-  
37 hearing children in becoming linguistically ready for kindergarten using  
38 both or one of the languages of American sign language and English.

39 b. If a deaf or hard-of-hearing child does not demonstrate progress in  
40 expressive and receptive language skills, as measured by one of the  
41 educator tools or assessments selected pursuant to subdivision two of  
42 this section, or by the existing instrument used to assess the develop-  
43 ment of children with disabilities pursuant to federal law, the child's  
44 IFSP or IEP team, as applicable, shall, as part of the process required  
45 by federal law, explain in detail the reasons why the child is not meet-  
46 ing the language developmental milestones or progressing toward them,  
47 and shall recommend specific strategies, services, and programs that  
48 shall be provided to assist the child's success toward English literacy.

49 4. a. On or before March first, two thousand twenty-two, the depart-  
50 ment shall provide the advisory committee established pursuant to subdivi-  
51 sion five of this section with a list of existing language develop-  
52 mental milestones from existing standardized norms, along with any  
53 relevant information held by the department regarding those language  
54 developmental milestones for possible inclusion in the parent resource  
55 developed pursuant to subdivision one of this section. These language  
56 developmental milestones shall be aligned to the department's existing

1 infant, toddler, and preschool guidelines, the existing instrument used  
2 to assess the development of children with disabilities pursuant to  
3 federal law, and the state standards in English language arts.

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

7 c. On or before June thirtieth, two thousand twenty-two, the depart-  
8 ment shall inform the advisory committee of which language developmental  
9 milestones were selected.

10 5. a. The superintendent of the New York state school for the deaf  
11 shall establish an ad hoc advisory committee for purposes of soliciting  
12 input from experts on the selection of language developmental milestones  
13 for children who are deaf or hard-of-hearing that are equivalent to  
14 those for children who are not deaf or hard-of-hearing, for inclusion in  
15 the parent resource developed pursuant to subdivision one of this  
16 section. The advisory committee may also make recommendations on the  
17 selection and administration of the educator tools or assessments  
18 selected pursuant to subdivision two of this section.

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

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

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

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

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

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

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

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

39 (viii) one credentialed teacher of deaf and hard-of-hearing pupils  
40 whose expertise is in curriculum and instruction in spoken English, with  
41 or without visual supplements;

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

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

46 (xi) one early intervention specialist who works with deaf and hard-  
47 of-hearing infants and toddlers using the dual languages of American  
48 sign language and English;

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

52 (xiii) one speech pathologist from spoken English, with or without the  
53 use of visual supplements.

54 6. The advisory committee established pursuant to subdivision five of  
55 this section may also advise the department or its contractor on the  
56 content and administration of the existing instrument used to assess the

1 development of children with disabilities pursuant to federal law, as  
2 used to assess deaf and hard-of-hearing children's language and literacy  
3 development to ensure the appropriate use of that instrument with those  
4 children, and may make recommendations regarding future research to  
5 improve the measurement of progress of deaf and hard-of-hearing children  
6 in language and literacy.

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

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

19 9. For the purpose of this section, the term "language developmental  
20 milestones" means milestones of development aligned with the existing  
21 state instrument used to meet the requirements of federal law for the  
22 assessment of children from birth to five years of age, inclusive.

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

25 § 2. This act shall take effect on the one hundred eightieth day after  
26 it shall have become a law. Effective immediately, the addition, amend-  
27 ment and/or repeal of any rule or regulation necessary for the implemen-  
28 tation of this act on its effective date are authorized to be made on or  
29 before such date.