

1 SB141
2 189512-1
3 By Senator McClendon
4 RFD: Education and Youth Affairs
5 First Read: 11-JAN-18

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8 SYNOPSIS: This bill would require the State Department
9 of Education and the Alabama Department of
10 Rehabilitation Services in consultation with the
11 Alabama Institute for Deaf and Blind to jointly
12 select language developmental milestones from
13 existing standardized norms for purposes of
14 developing a resource for use by parents to monitor
15 and track deaf and hard-of-hearing children's
16 expressive and receptive language acquisition and
17 developmental stages toward English literacy.

18 This bill would establish and provide for
19 the membership of an advisory committee.

20 This bill would require the departments to
21 select existing tools or assessments for educators
22 to use in assessing the language and literacy
23 development of deaf and hard-of-hearing children.

24 This bill would require the departments to
25 jointly produce a report that is specific to
26 language and literacy development of deaf and
27 hard-of-hearing children from birth to five years

1 of age, inclusive, including those who are deaf or
2 hard of hearing and have other disabilities,
3 relative to their peers who are not deaf or hard of
4 hearing.

5 This bill would also state that the act not
6 be interpreted or construed to prefer a specific
7 language or modality.

8
9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 Relating to deaf and hard-of-hearing children; to
14 require the State Department of Education and the Alabama
15 Department of Rehabilitation Services in consultation with the
16 Alabama Institute for Deaf and Blind to jointly select
17 language developmental milestones to monitor and track
18 expressive and receptive language acquisition and
19 developmental stages toward English literacy; to establish and
20 provide for the membership of an advisory committee; to
21 require the departments to select existing tools or
22 assessments for educators to use; to require the departments
23 to annually and jointly produce a report; and to state that
24 the act not be interpreted or construed to prefer a specific
25 language or modality.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. For the purpose of this act, the
2 following terms shall have the following meanings:

3 (1) AMERICAN SIGN LANGUAGE (ASL). A visual language
4 that is separate and distinct from English and other
5 languages, and uses the hands, arms, facial markers, and body
6 movements to convey grammatical information.

7 (2) DEVELOPMENTAL MILESTONES. Milestones expected
8 for the chronological age of a child, as measured by qualified
9 professionals using appropriate diagnostic instruments or
10 procedures, or both, and informed clinical opinion, in one or
11 more of the following areas of development: Cognitive,
12 physical, communication, social or emotional, or adaptive.

13 (3) ENGLISH. Includes spoken English, written
14 English, or English with the use of visual supplements.

15 (4) LANGUAGE. Forms of communication that involve
16 complex patterns of phonology, morphology, syntax, and
17 semantics.

18 (5) LANGUAGE DEVELOPMENTAL MILESTONES. Milestones of
19 development aligned with the existing state instrument used to
20 meet the requirements of federal law for the assessment of
21 children from birth to five years of age, inclusive.

22 (6) MODE OF COMMUNICATION. The avenue through which
23 language is expressed and received. The term includes one or
24 more of the following systems or methods of communication
25 applicable to children who are deaf and hard of hearing:

26 a. Signed language.

27 b. Spoken English.

1 c. Written language.

2 (7) STANDARDIZED ASSESSMENT. A statewide assessment
3 that reflects the impaired sensory, manual, or speaking skills
4 of a child.

5 (8) VISUAL SUPPLEMENTS. Overheads, chalkboard,
6 charts, vocabulary lists, lecture outlines, and other visual
7 aids.

8 Section 2. The State Department of Education and the
9 Alabama Department of Rehabilitation Services, in consultation
10 with the Alabama Institute for Deaf and Blind, shall jointly
11 select language developmental milestones from existing
12 standardized norms, pursuant to the process specified in
13 Section 5, for purposes of developing a resource for use by
14 parents to monitor and track deaf and hard-of-hearing
15 children's expressive and receptive language acquisition and
16 developmental stages toward English literacy. This parent
17 resource shall satisfy all of the following:

18 (1) Include the language developmental milestones
19 selected pursuant to the process specified in Section 5.

20 (2) Be appropriate for use, in both content and
21 administration, with deaf and hard-of-hearing children from
22 birth to five years of age, inclusive, who listen, talk, read,
23 and write English and those who use American Sign Language and
24 read and write English.

25 (3) Present the developmental milestones in terms of
26 typical development of all children, by age range.

1 (4) Be written for clarity and ease of use by
2 parents.

3 (5) Be aligned to the existing infant, toddler, and
4 preschool guidelines, the existing instrument used to assess
5 the development of children with disabilities pursuant to
6 federal law and state standards in English language arts
7 utilized by the departments.

8 (6) Make clear that the parent resource is not a
9 formal assessment of language and literacy development, and
10 that the observations of a parent of his or her children may
11 differ from formal assessment data presented at an
12 individualized family service plan (IFSP) or individualized
13 education program (IEP) meeting.

14 (7) Make clear that a parent may bring the parent
15 resource to an IFSP or IEP meeting for purposes of sharing his
16 or her observations about the development of his or her child.

17 Section 3. (a) The departments shall also select
18 existing tools or assessments for educators that may be used
19 to assess the language and literacy development of deaf and
20 hard-of-hearing children. These educator tools or assessments
21 shall be all of the following:

22 (1) In a format that shows stages of language
23 development.

24 (2) Selected for use by educators to track the
25 development of deaf and hard-of-hearing children's expressive
26 and receptive language acquisition and developmental stages
27 toward English literacy.

1 (3) Selected from existing instruments or
2 assessments used to assess the development of all children
3 from birth to five years of age, inclusive.

4 (4) Appropriate, in both content and administration,
5 for use with deaf and hard-of-hearing children.

6 (b) In addition to subsection (a), the educator
7 tools and assessments may be used, in addition to the
8 assessment required by federal law, by the child's IFSP or IEP
9 team, as applicable, to track deaf and hard-of-hearing
10 children's progress, and to establish or modify IFSP or IEP
11 plans, and may reflect the recommendations of the advisory
12 committee established pursuant to Section 6.

13 Section 4. (a) The departments shall disseminate the
14 parent resource developed pursuant to Section 2 to parents and
15 guardians of deaf and hard-of-hearing children and, pursuant
16 to federal law, shall disseminate the educator tools and
17 assessments selected pursuant to Section 3 to local
18 educational agencies for use in the development and
19 modification of IFSP and IEP plans, and shall provide
20 materials and training on its use, to assist deaf and
21 hard-of-hearing children in becoming linguistically ready for
22 kindergarten using both or one of the languages of ASL and
23 English.

24 (b) If a deaf or hard-of-hearing child does not
25 demonstrate progress in expressive and receptive language
26 skills, as measured by one of the educator tools or
27 assessments selected pursuant to Section 3, or by the existing

1 instrument used to assess the development of children with
2 disabilities pursuant to federal law, the child's IFSP or IEP
3 team, as applicable, as part of the process required by
4 federal law, shall explain in detail the reasons why the child
5 is not meeting the language developmental milestones or
6 progressing toward them, and shall recommend specific
7 strategies, services, and programs that shall be provided to
8 assist the child's success toward English literacy.

9 Section 5. (a) On or before March 1, 2019, the
10 departments shall jointly provide the advisory committee
11 established pursuant to Section 6 with a list of existing
12 language developmental milestones from existing standardized
13 norms, along with any relevant information held by each
14 department regarding those language developmental milestones
15 for possible inclusion in the parent resource developed
16 pursuant to Section 2. These language developmental milestones
17 shall be aligned to the existing infant, toddler, and
18 preschool guidelines, the existing instrument used to assess
19 the development of children with disabilities pursuant to
20 federal law, and the state standards in English language arts
21 utilized by the departments.

22 (b) On or before June 30, 2019, the departments
23 shall jointly inform the advisory committee of which language
24 developmental milestones were selected.

25 Section 6. (a) There is created an advisory
26 committee to serve under the direction and supervision of, and
27 for a duration determined by, the State Superintendent of

1 Education, or his or her designee, the President of the
2 Alabama Institute for Deaf and Blind, or his or her designee,
3 and the Commissioner of the Alabama Department of
4 Rehabilitation Services, or his or her designee. The purpose
5 of the advisory committee is to solicit input from known
6 experts on the selection of language developmental milestones
7 for children who are deaf or hard of hearing that are
8 equivalent to those for children who are not deaf or hard of
9 hearing, for inclusion in the parent resource developed
10 pursuant to Section 2. The advisory committee may also make
11 recommendations on the selection and administration of the
12 educator tools or assessments selected pursuant to Section 3.

13 (b) The advisory committee shall consist of
14 volunteers, the majority of whom shall be deaf or hard of
15 hearing, and all of whom shall be within the field of
16 education for the deaf and hard of hearing. To be considered
17 for appointment to the advisory committee, interested
18 individuals shall submit applications to the Alabama Institute
19 for Deaf and Blind on or before October 1, 2018. Those
20 applications shall be considered by a nominating committee
21 consisting of representatives of the AAD, Citizens and
22 Organizations Serving Deaf Alabamians, Alabama Registry of
23 Interpreters for the Deaf, and a spoken and listening language
24 professional organization operating in the state, as selected
25 by the State Superintendent of Education, the President of the
26 Alabama Institute for Deaf and Blind, and the Commissioner of
27 the Alabama Department of Rehabilitation Services. On or

1 before November 1, 2018, the nominating committee shall submit
2 a list of three names for each position on the advisory
3 committee to the State Superintendent of Education, the
4 President of the Alabama Institute for Deaf and Blind, and the
5 Commissioner of the Alabama Department of Rehabilitation
6 Services, who shall jointly provide the lists to the
7 applicable appointing authority, and each appointing authority
8 shall select one name from the list to fill the position on
9 the advisory committee.

10 (c) The nominating committee and the appointing
11 authorities shall coordinate their nominations and
12 appointments to assure the membership of the advisory
13 committee is inclusive and reflects the racial, gender,
14 geographic, urban, rural, and economic diversity of the state.
15 The State Superintendent of Education, or his or her designee,
16 the President of the Alabama Institute for Deaf and Blind, or
17 his or her designee, and the Commissioner of the Alabama
18 Department of Rehabilitation Services, or his or her designee,
19 shall jointly determine which of the following members shall
20 be appointed to the advisory committee by the Governor, the
21 President Pro Tempore of the Senate, and the Speaker of the
22 House of Representatives:

23 (1) One parent of a child who is deaf or hard of
24 hearing who uses the dual languages of ASL and English.

25 (2) One parent of a child who is deaf or hard of
26 hearing who uses only spoken English, with or without visual
27 supplements.

1 (3) One credentialed teacher of deaf and
2 hard-of-hearing students who uses the dual languages of ASL
3 and English.

4 (4) One expert who researches language outcomes for
5 deaf and hard-of-hearing children using ASL and English.

6 (5) One expert who researches language outcomes for
7 deaf and hard-of-hearing children using spoken English, with
8 or without visual supplements.

9 (6) One credentialed teacher of deaf and
10 hard-of-hearing students whose expertise is in curriculum and
11 instruction in ASL and English.

12 (7) One credentialed teacher of deaf and
13 hard-of-hearing students whose expertise is in curriculum and
14 instruction in spoken English, with or without visual
15 supplements.

16 (8) One advocate for the teaching and use of every
17 mode of communication.

18 (9) One advocate for the teaching and use of spoken
19 English, with or without visual supplements.

20 (10) One early intervention specialist who works
21 with deaf and hard-of-hearing infants and toddlers using the
22 dual languages of ASL and English.

23 (11) One credentialed teacher of deaf and
24 hard-of-hearing students whose expertise is in ASL and English
25 language assessment.

26 (12) One representative of the Alabama Department of
27 Mental Health, deaf services.

1 (13) One representative of Children's Rehabilitation
2 Services.

3 Section 7. The advisory committee established
4 pursuant to Section 6 may also advise the departments on the
5 content and administration of the existing instrument used to
6 assess the development of children with disabilities pursuant
7 to federal law, as used to assess deaf and hard-of-hearing
8 children's language and literacy development to ensure the
9 appropriate use of that instrument with those children, and
10 may make recommendations regarding future research to improve
11 the measurement of progress of deaf and hard-of-hearing
12 children in language and literacy.

13 Section 8. Commencing on or before July 31, 2019,
14 and on or before each July 31 thereafter, the departments
15 shall annually jointly produce a report, using existing data
16 reported in compliance with the federally required state
17 performance plan on students with disabilities, that is
18 specific to language and literacy development of deaf and
19 hard-of-hearing children from birth to five years of age,
20 inclusive, including those who are deaf or hard of hearing and
21 have other disabilities, relative to their peers who are not
22 deaf or hard of hearing. The report shall also compare hearing
23 children with those who use listening and spoken language and
24 those who use ASL. The departments shall each make this report
25 available on their websites and shall jointly provide a copy
26 of the annual report to the Chairs of the House Education
27 Policy, House Health, Senate Education and Youth Affairs, and

1 Senate Health and Human Services Committees on or before the
2 15th day of each regular session.

3 Section 9. All activities of the departments in
4 implementing this act shall be consistent with federal law
5 regarding the education of children with disabilities and
6 state and federal law regarding the privacy of student
7 information.

8 Section 10. This act shall apply only to children
9 from birth to five years of age, inclusive, and shall not be
10 interpreted or construed as preferring a specific language or
11 modality or attempting to affect or influence the informed
12 decision of any family regarding the primary language for
13 their child.

14 Section 11. This act shall become effective on the
15 first day of the third month following its passage and
16 approval by the Governor, or its otherwise becoming law.