

Senate Substitute for HOUSE BILL No. 2441

By Committee on Education

3-17

1 AN ACT concerning education; creating a language assessment program
2 for children who are deaf or hard of hearing.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) There is hereby established a language assessment
6 program to be coordinated by the Kansas commission for the deaf and
7 hard of hearing. The purpose of the program is to assess, monitor and track
8 the language developmental milestones of children who are deaf or hard of
9 hearing from birth through the age of eight. The recognized languages
10 used in the education of children who are deaf and hard of hearing are
11 English and American sign language. The scope of the program includes
12 children who may use one or more communication modes in American
13 sign language, English literacy and, if applicable, spoken English and
14 visual supplements.

15 (b) On and after July 1, 2018, an annual language assessment shall be
16 given to each child who is deaf or hard of hearing and who is less than
17 nine years of age. Language assessments shall be provided either through
18 early intervention services administered by the Kansas department of
19 health and environment, or if the child is three years of age or older,
20 through the school district in which the child is enrolled. Such language
21 assessments shall be provided in accordance with the provisions of this
22 section and any recommendations adopted pursuant to this section.

23 (c) There is hereby established within KCDHH an advisory
24 committee on the language assessment program. The advisory committee
25 shall consist of 16 members as follows:

26 (1) Nine members of the advisory committee shall be appointed by
27 the governor as follows:

28 (A) One member shall be a credentialed teacher of the deaf who uses
29 both ASL and English during instruction;

30 (B) one member shall be a credentialed teacher of the deaf who uses
31 spoken English with or without visual supplements during instruction;

32 (C) one member shall be a credentialed teacher of the deaf who has
33 expertise in curriculum development and instruction of ASL and English;

34 (D) one member shall be a credentialed teacher of the deaf who has
35 expertise in assessing language development in both ASL and English;

36 (E) one member shall be a speech language pathologist who has

1 experience working with children from birth through the age of eight;

2 (F) one member shall be a professional with a linguistic background
3 who conducts research on language outcomes of children who are deaf or
4 hard of hearing and use ASL and English;

5 (G) one member shall be a parent of a child who is deaf or hard of
6 hearing and who uses both ASL and English;

7 (H) one member shall be a parent of a child who is deaf or hard of
8 hearing and who uses spoken English with or without visual supplements;
9 and

10 (I) one member who is knowledgeable about teaching and using both
11 ASL and English in the education of children who are deaf and hard of
12 hearing; and

13 (2) seven members of the advisory committee shall be ex officio
14 members as follows:

15 (A) One member shall be the executive director of KCDHH;

16 (B) one member shall be the coordinator of the sound start program,
17 or such coordinator's designee;

18 (C) one member shall be the KCDHH commission member
19 representing the state school for the deaf, or such commission member's
20 designee;

21 (D) one member shall be the KCDHH commission member
22 representing the department of health and environment, or such
23 commission member's designee;

24 (E) one member shall be the KCDHH commission member
25 representing the state board of education, or such commission member's
26 designee;

27 (F) one member shall be the coordinator of the early intervention
28 program administered by the department of health and environment, or
29 such coordinator's designee; and

30 (G) one member shall be the coordinator of the early education
31 program administered by the department of education, or such
32 coordinator's designee.

33 (d) The executive director of KCDHH shall call an organizational
34 meeting of the advisory committee on or before August 1, 2016. At such
35 organizational meeting, the members shall elect a chairperson and vice-
36 chairperson from the membership of the advisory committee. The advisory
37 committee may meet at any time and at any place within the state on the
38 call of the chairperson. A quorum of the advisory committee shall be nine
39 members. All actions of the advisory committee shall be by motion
40 adopted by a majority of those members present when there is a quorum.
41 Any vacancy on the committee shall be filled in accordance with
42 subsection (c).

43 (e) On or before January 31, 2018, the advisory committee shall

1 develop specific action plans and make recommendations necessary to
2 fully implement the language assessment program. In carrying out its
3 charge under this section, the committee shall:

4 (1) Collaborate with the coordinating council on early childhood
5 developmental services and the Kansas state special education advisory
6 council;

7 (2) solicit input from professionals trained in the language
8 development and education of children who are deaf or hard of hearing on
9 the selection of specific language developmental milestones;

10 (3) review, recommend and monitor the use of existing and available
11 language assessments for children who are deaf or hard of hearing;

12 (4) identify and recommend qualifications of language professionals
13 with knowledge of the use of evidence-based, best practices in English and
14 American sign language who can be available to advocate at IFSP or IEP
15 team meetings;

16 (5) identify qualifications of language assessment evaluators with
17 knowledge on the use of evidence-based, best practices with children who
18 are deaf or hard of hearing and the resources for locating such evaluators;
19 and

20 (6) identify procedures and methods for communicating information
21 on language acquisition, assessment results, milestones, assessment tools
22 used and progress of the child to the parent or legal guardian of such child,
23 teachers and other professionals involved in the early intervention and
24 education of such child.

25 (f) The specific action plans and recommendations developed by the
26 advisory committee shall include, but are not limited to, the following:

27 (1) Language assessments that include data collection and timely
28 tracking of the child's development so as to provide information about the
29 child's receptive and expressive language compared to such child's
30 linguistically age-appropriate peers who are not deaf or hard of hearing;

31 (2) language assessments conducted in accordance with standardized
32 norms and timelines in order to monitor and track language developmental
33 milestones in receptive, expressive, social and pragmatic language
34 acquisition and developmental stages to show progress in American sign
35 language literacy, English literacy, or both, for all children who are deaf or
36 hard of hearing from birth through the age of eight;

37 (3) language assessments delivered in the child's mode of
38 communication and which have been validated for the specific purposes
39 for which each assessment is used, and appropriately normed;

40 (4) language assessments administered by individuals who are
41 proficient in ASL for ASL assessments and English for English
42 assessments;

43 (5) use of assessment results, in addition to the assessment required

1 by federal law, for guidance on the language developmental discussions by
2 IFSP and IEP teams when assessing the child's progress in language
3 development;

4 (6) reporting of assessment results to the parents or legal guardian of
5 the child and the applicable agency;

6 (7) reporting of assessment results on an aggregated basis to the
7 committees on education of the house of representatives and the senate;
8 and

9 (8) reporting of assessment results to the members of the child's IFSP
10 or IEP team, which may be used, in addition to the assessment required by
11 federal law, by the child's IFSP or IEP team, as applicable, to track the
12 child's progress, and to establish or modify the IFSP or IEP.

13 (g) The state department of education, the department of health and
14 environment and the state school for the deaf shall enter into interagency
15 agreements with KCDHH to share statewide aggregate data.

16 (h) On or before January 31, 2019, and each January 31 thereafter,
17 KCDHH shall publish a report that is specific to language and literacy
18 developmental milestones of children who are deaf or hard of hearing for
19 each age from birth through the age of eight, including those who are deaf
20 or hard of hearing and have other disabilities, relative to such children's
21 peers who are not deaf or hard of hearing. Such report shall be based on
22 existing data reported in compliance with the federally required state
23 performance plan on pupils with disabilities. KCDHH shall publish the
24 report on its website.

25 (i) The advisory committee shall cease to exist from and after July 1,
26 2018.

27 (j) As used in this section:

28 (1) "ASL" means American sign language.

29 (2) "English" means English literacy, spoken English, signing exact
30 English and morphemic system of signs, CASE, cued speech and any other
31 visual supplements.

32 (3) "IEP" means individualized education program.

33 (4) "IFSP" means individualized family service plan.

34 (5) "KCDHH" means the Kansas commission for the deaf and hard of
35 hearing.

36 (6) "Language" means a complex and dynamic system of
37 conventional symbols that is used in various modes for thought and
38 communication.

39 (7) "Literacy" includes the developmental stages of literacy, including
40 pre-emergent, emergent and novice levels, as necessary beginning stages
41 to master a language.

42 Sec. 2. This act shall take effect and be in force from and after its
43 publication in the statute book.