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SENATE BILL NO. 983

Offered January 11, 2017

Prefiled January 3, 2017

A *BILL to amend the Code of Virginia by adding a section numbered 22.1-217.03, relating to children from birth to age five who are deaf, deaf-blind, or hard-of-hearing; parent resource; tools or assessments for educators; report.*

Patrons—Favola; Delegates: Murphy, Rasoul and Sullivan

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. **That the Code of Virginia is amended by adding a section numbered 22.1-217.03 as follows:**

§ 22.1-217.03. Children from birth to age five who are deaf, deaf-blind, or hard-of-hearing.

A. *The Division of Special Education and Student Services of the Department of Education shall establish an advisory committee for the purpose of soliciting input from members on the selection of language developmental milestones for inclusion in a resource for use by parents of a child from birth to age five who is identified as deaf, deaf-blind, or hard-of-hearing to monitor and track their child's expressive and receptive language acquisition and developmental stages toward English literacy. Such advisory committee shall consist of 13 volunteers, the majority of whom shall be deaf, deaf-blind, or hard-of-hearing, and all of whom shall have experience in the field of education of individuals who are deaf, deaf-blind, or hard-of-hearing. The advisory committee shall include:*

1. *One parent of a child who is deaf, deaf-blind, or hard-of-hearing and who uses the dual languages of American Sign Language and English.*

2. *One parent of a child who is deaf, deaf-blind, or hard-of-hearing and who uses only spoken English, with or without visual supplements.*

3. *One credentialed teacher of students who are deaf, deaf-blind, or hard-of-hearing and who use the dual languages of American Sign Language and English.*

4. *One credentialed teacher of students who are deaf, deaf-blind, or hard-of-hearing at an accredited private, nonsectarian elementary or secondary school.*

5. *One expert who researches language outcomes for children who are deaf, deaf-blind, or hard-of-hearing and who use the dual languages of American Sign Language and English.*

6. *One expert who researches language outcomes for children who are deaf, deaf-blind, or hard-of-hearing and who use spoken English, with or without visual supplements.*

7. *One credentialed teacher of students who are deaf, deaf-blind, or hard-of-hearing whose expertise is in curriculum and instruction in the dual languages of American Sign Language and English.*

8. *One credentialed teacher of students who are deaf, deaf-blind, or hard-of-hearing whose expertise is in curriculum and instruction in spoken English, with or without visual supplements.*

9. *One advocate for the teaching and use of the dual languages of American Sign Language and English for children who are deaf, deaf-blind, or hard-of-hearing.*

10. *One advocate for the teaching and use of spoken English, with or without visual supplements, for children who are deaf, deaf-blind, or hard-of-hearing.*

11. *One early intervention specialist who works with infants and toddlers who are deaf, deaf-blind, or hard-of-hearing using the dual languages of American Sign Language and English.*

12. *One credentialed teacher of students who are deaf, deaf-blind, or hard-of-hearing whose expertise is in American Sign Language and English language assessment.*

13. *One speech pathologist in the field of spoken English, with or without the use of visual supplements.*

B. *No later than March 1, 2018, the Division of Special Education and Student Services of the Department of Education shall provide the advisory committee established pursuant to subsection A with a list of existing language developmental milestones from existing standardized norms and any relevant information regarding such language developmental milestones.*

C. *No later than June 1, 2018, the advisory committee shall recommend language developmental milestones for inclusion in the parent resources developed pursuant to subsection E.*

D. *No later than June 30, 2018, the Division of Special Education and Student Services of the Department of Education shall select language developmental milestones for inclusion in the parent resources developed pursuant to subsection E and inform the advisory committee of its selection.*

E. *The Division of Special Education and Student Services of the Department of Education, in consultation with the Department of Behavioral Health and Developmental Services, shall develop a*

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59 resource for use by parents of a child from birth to age five who is identified as deaf, deaf-blind, or
60 hard-of-hearing to monitor and track their child's expressive and receptive language acquisition and
61 developmental stages toward English literacy. Such parent resource shall:

62 1. Be appropriate for use, in both content and administration, with children who use American Sign
63 Language or English, or both;

64 2. Present the language development milestones selected pursuant to subsection D in terms of typical
65 development of all children in a particular age range;

66 3. Be written for clarity and ease of use by parents;

67 4. Be aligned to the Department of Education's existing infant, toddler, and preschool guidelines, the
68 existing instrument used to assess the development of children with disabilities pursuant to federal law,
69 and state standards in English language arts;

70 5. Make clear that the parent resource is not a formal assessment of language and literacy
71 development and that parents' observations of their child may differ from formal assessment data
72 presented at an Individual Family Service Plan (IFSP) or Individualized Education Program (IEP)
73 meeting; and

74 6. Make clear that parents may bring the parent resource to an IFSP or IEP meeting for purposes of
75 sharing their observations about their child's development.

76 F. The Division of Special Education and Student Services of the Department of Education shall
77 disseminate the parent resource developed pursuant to subdivision E to parents of children from birth to
78 age 5 who are deaf, deaf-blind, or hard-of-hearing.

79 G. The Division of Special Education and Student Services of the Department of Education shall,
80 after considering any recommendations submitted by the advisory committee established pursuant to
81 subsection A, select existing tools or assessments for educators for use in assessing the language and
82 literacy development of children from birth to age five who are deaf, deaf-blind, or hard-of-hearing.

83 H. The tools or assessments selected pursuant to subsection G shall:

84 1. Be in a format that shows stages of language and literacy development;

85 2. Be selected for use by educators to track the expressive and receptive language acquisition and
86 developmental stages toward English literacy of children from birth to age five who are deaf, deaf-blind,
87 or hard-of-hearing; and

88 3. Be appropriate, in both content and administration, for use with children from birth to age 5 who
89 are deaf, deaf-blind, or hard-of-hearing and who use American Sign Language or English, or both.

90 I. The tools or assessments selected pursuant to subsection G may be used by a child's IFSP or IEP
91 team, as applicable, to track the expressive and receptive language acquisition and developmental stages
92 toward English literacy of such child or to establish or modify IFSP or IEP plans.

93 J. The Division of Special Education and Student Services of the Department of Education shall
94 disseminate the tools or assessments selected pursuant to subsection G to local educational agencies and
95 provide materials and training on their use.

96 K. The advisory committee established pursuant to subdivision A may:

97 1. Advise the Division of Special Education and Student Services of the Department of Education or
98 its contractor on the content and administration of the existing instrument used to assess the
99 development of children with disabilities in order to ensure the appropriate use of such instrument for
100 the assessment of the language and literacy development of children from birth to age five who are
101 deaf, deaf-blind, or hard-of-hearing; and

102 2. Make recommendations regarding future research to improve the measurement of the language
103 and literacy development of children from birth to age five who are deaf, deaf-blind, or hard-of-hearing.

104 L. If a child from birth to age five who is deaf, deaf-blind, or hard-of-hearing does not demonstrate
105 progress in expressive and receptive language skills as measured by one of the educator tools or
106 assessments selected pursuant to subsection G or by the existing instrument used to assess the
107 development of children with disabilities, such child's IFSP or IEP team, as applicable, shall explain in
108 detail the reasons why the child is not meeting or progressing toward the language developmental
109 milestones and shall recommend specific strategies, services, and programs that shall be provided to
110 assist the child's progress toward English literacy.

111 M. No later than July 31, 2018, and no later than July 31 of each year thereafter, the Division of
112 Special Education and Student Services of the Department of Education shall produce a report, using
113 existing data reported in compliance with the federally required state performance plan on students with
114 disabilities, that compares the language and literacy development of children from birth to age five who
115 are deaf, deaf-blind, or hard-of-hearing with the language and literacy development of their peers who
116 are not deaf, deaf-blind, or hard-of-hearing and shall make such report available to the public on its
117 website.