

18104083D

**HOUSE BILL NO. 1410**

Offered January 15, 2018

A *BILL to amend the Code of Virginia by adding in Article 1 of Chapter 3 of Title 37.2 a section numbered 37.2-314.1, relating to language development for children who are deaf or hard of hearing; assessment resources for parents and educators; advisory committee; report.*

---

 Patron—Helsel
 

---



---

 Referred to Committee on Health, Welfare and Institutions
 

---

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Article 1 of Chapter 3 of Title 37.2 a section numbered 37.2-314.1 as follows:**

**§ 37.2-314.1. *Language development for children who are deaf or hard of hearing; assessment resources for parents and educators; advisory committee; report.***

A. The Department, in coordination with 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 or hard of hearing to monitor and track the child's expressive and receptive language acquisition and developmental stages toward English literacy. The advisory committee shall consist of 13 nonlegislative citizen members, the majority of whom shall be deaf or hard of hearing, and all of whom shall have experience in the field of education of individuals who are deaf or hard of hearing. The advisory committee shall include:

1. One parent of a child who is deaf 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 or hard of hearing and who uses only spoken English, with or without visual supplements;

3. One credentialed teacher of students who are deaf 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 or hard of hearing who teaches at an accredited private, nonsectarian elementary or secondary school;

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

7. One credentialed teacher of students who are deaf 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 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 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 or hard of hearing;

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

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

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

B. No later than March 1, 2019, the Department, in coordination with the Department of Education, shall provide the advisory committee established pursuant to subsection A with a list of all existing language developmental milestones from standardized norms and any relevant information regarding such language developmental milestones for possible inclusion in the parent resource set forth in subsection C. No later than June 1, 2019, the advisory committee shall recommend language developmental milestones for inclusion in the parent resource and may make recommendations for tools or assessments to be included in an educator resource set forth in subsection D for use in assessing the language and literacy development of children from birth to age five who are deaf or hard of hearing. No later than June 30, 2019, the Department, in coordination with the Department of Education, shall select language developmental milestones for inclusion in the parent resource and inform the advisory

INTRODUCED

HB1410

59 committee of its selections.

60 C. The Department, in coordination with the Department of Education, shall, after considering the  
61 recommendations submitted by the advisory committee, select language developmental milestones for  
62 inclusion in a resource, and develop such resource, for use by parents of a child from birth to age five  
63 who is identified as deaf or hard of hearing to monitor and track the child's expressive and receptive  
64 language acquisition and developmental stages toward English literacy. Such parent resource shall:

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

67 2. Present the language development milestones selected pursuant to subsection B in terms of typical  
68 development of all children in a particular age range;

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

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

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

77 6. Explain that parents may bring the parent resource to an IFSP or IEP meeting for purposes of  
78 sharing their observations about their child's development.

79 The Department and the Department of Education shall jointly disseminate the resource to parents of  
80 children from birth to age 5 who are deaf or hard of hearing.

81 D. The Department, in coordination with the Department of Education, shall, after considering any  
82 recommendations submitted by the advisory committee, select existing tools or assessments for educators  
83 for use in assessing the language and literacy development of children from birth to age five who are  
84 deaf or hard of hearing. Such tools or assessments shall:

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

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

89 3. Be appropriate, in both content and administration, for use with children who are deaf or hard of  
90 hearing and who use American Sign Language, English, or both.

91 The Department and the Department of Education shall jointly disseminate the tools or assessments  
92 selected pursuant to this subsection to local educational agencies and provide materials and training on  
93 their use. Such tools or assessments may be used by a child's IFSP or IEP team, as applicable, to track  
94 the expressive and receptive language acquisition and developmental stages toward English literacy of  
95 such child or to establish or modify IFSP or IEP plans.

96 E. In addition to the powers and duties set forth above, the advisory committee may:

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

104 F. If a child from birth to age five who is deaf or hard of hearing does not demonstrate progress in  
105 expressive and receptive language skills as measured by one of the educator tools or assessments  
106 selected pursuant to subsection D or by the existing instrument used to assess the development of  
107 children who are deaf or hard of hearing, 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 G. No later than August 1, 2019, and no later than August 1 of each year thereafter, the  
112 Department, in coordination with the Department of Education, shall produce a report, using existing  
113 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 or hard of hearing with the language and literacy development of their peers who are not deaf  
116 or hard of hearing and shall make such report available to the public on its website.