

FIRST REGULAR SESSION

# HOUSE BILL NO. 481

## 99TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE FITZWATER (49).

1066H.011

D. ADAM CRUMBLISS, Chief Clerk

---

### AN ACT

To amend chapter 161, RSMo, by adding thereto one new section relating to assessments for the deaf and hard of hearing.

---

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 161, RSMo, is amended by adding thereto one new section, to be known as section 161.413, to read as follows:

**161.413. 1. As used in this section the following terms shall mean:**

**(1) "ASL", American Sign Language;**

**(2) "Commission", the Missouri commission for the deaf and hard of hearing;**

**(3) "English", English literacy, spoken English, signing exact English and morphemic system of signs, CASE, cued speech, and any other visual supplements;**

**(4) "IEP", individualized education program;**

**(5) "Language", a complex and dynamic system of conventional symbols that is used in various modes for thought and communication;**

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

**2. There is hereby established a language assessment program to be coordinated by the Missouri commission for the deaf and hard of hearing. The purpose of the program is to assess, monitor, and track the language developmental milestones of children who are deaf or hard of hearing from birth through the age of eight. The recognized languages used in the education of children who are deaf and hard of hearing are English and ASL.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **The scope of the program includes children who may use one or more communication**  
18 **modes in ASL, English literacy and, if applicable, spoken English and visual supplements.**

19 **3. On and after July 1, 2019, an annual language assessment shall be given to each**  
20 **child who is deaf or hard of hearing and who is less than nine years of age. Language**  
21 **assessments shall be provided either through early intervention services administered by**  
22 **the Missouri commission for the deaf and hard of hearing or, if the child is three years of**  
23 **age or older, through the school district in which the child is enrolled. Such language**  
24 **assessments shall be provided in accordance with the provisions of this section and any**  
25 **recommendations adopted under this section.**

26 **4. There is hereby established within the commission an advisory committee on the**  
27 **language assessment program. The advisory committee shall consist of twelve members**  
28 **as follows:**

29 **(1) Nine members of the advisory committee shall be appointed by the governor,**  
30 **by and with the consent of the senate, as follows:**

31 **(a) One member shall be a credentialed teacher of the deaf who uses both ASL and**  
32 **English during instruction;**

33 **(b) One member shall be a credentialed teacher of the deaf who uses spoken**  
34 **English with or without visual supplements during instruction;**

35 **(c) One member shall be a credentialed teacher of the deaf who has expertise in**  
36 **curriculum development and instruction of ASL and English;**

37 **(d) One member shall be a credentialed teacher of the deaf who has expertise in**  
38 **assessing language development in both ASL and English;**

39 **(e) One member shall be a speech language pathologist who has experience working**  
40 **with children from birth through the age of eight;**

41 **(f) One member shall be a professional with a linguistic background who conducts**  
42 **research on language outcomes of children who are deaf or hard of hearing and use ASL**  
43 **and English;**

44 **(g) One member shall be a parent of a child who is deaf or hard of hearing and who**  
45 **uses both ASL and English;**

46 **(h) One member shall be a parent of a child who is deaf or hard of hearing and who**  
47 **uses spoken English with or without visual supplements; and**

48 **(i) One member who is knowledgeable about teaching and using both ASL and**  
49 **English in the education of children who are deaf and hard of hearing; and**

50 **(2) Three members of the advisory committee shall be ex officio members as**  
51 **follows:**

52 **(a) One member shall be the executive director of the commission;**

53           **(b) One member shall be the commission member representing the Missouri school**  
54 **for the deaf, or such commission member's designee; and**

55           **(c) One member shall be the commission member representing the state board of**  
56 **education, or such commission member's designee.**

57           **5. The executive director of the commission shall call an organizational meeting of**  
58 **the advisory committee on or before September 1, 2017. At such organizational meeting,**  
59 **the members shall elect a chairperson and vice-chairperson from the membership of the**  
60 **advisory committee. The advisory committee may meet at any time and at any place within**  
61 **the state on the call of the chairperson. A quorum of the advisory committee shall be seven**  
62 **members. All actions of the advisory committee shall be by motion adopted by a majority**  
63 **of those members present when there is a quorum. Any vacancy on the committee shall**  
64 **be filled in accordance with initial appointment procedures.**

65           **6. On or before January 31, 2019, the advisory committee shall develop specific**  
66 **action plans and make recommendations necessary to fully implement the language**  
67 **assessment program. In carrying out its charge under this section, the committee shall:**

68           **(1) Collaborate with the office of special education in the department of elementary**  
69 **and secondary education;**

70           **(2) Solicit input from professionals trained in the language development and**  
71 **education of children who are deaf or hard of hearing on the selection of specific language**  
72 **developmental milestones;**

73           **(3) Review, recommend, and monitor the use of existing and available language**  
74 **assessments for children who are deaf or hard of hearing;**

75           **(4) Identify and recommend qualifications of language professionals with**  
76 **knowledge of the use of evidence-based best practices in English and ASL who can be**  
77 **available to advocate at IEP team meetings;**

78           **(5) Identify qualifications of language assessment evaluators with knowledge on the**  
79 **use of evidence-based best practices with children who are deaf or hard of hearing and the**  
80 **resources for locating such evaluators; and**

81           **(6) Identify procedures and methods for communicating information on language**  
82 **acquisition, assessment results, milestones, assessment tools used, and progress of the child**  
83 **to the parent or legal guardian of such child, teachers, and other professionals involved in**  
84 **the early intervention and education of such child.**

85           **7. The specific action plans and recommendations developed by the advisory**  
86 **committee shall include, but are not limited to, the following:**

87           **(1) Language assessments that include data collection and timely tracking of the**  
88 **child's development so as to provide information about the child's receptive and expressive**

89 language compared to such child's linguistically age-appropriate peers who are not deaf  
90 or hard of hearing;

91 (2) Language assessments conducted in accordance with standardized norms and  
92 timelines in order to monitor and track language developmental milestones in receptive,  
93 expressive, social, and pragmatic language acquisition and developmental stages to show  
94 progress in ASL literacy, English literacy, or both, for all children who are deaf or hard  
95 of hearing from birth through the age of eight;

96 (3) Language assessments delivered in the child's mode of communication and  
97 which have been validated for the specific purposes for which each assessment is used and  
98 appropriately normed;

99 (4) Language assessments administered by individuals who are proficient in ASL  
100 for ASL assessments and English for English assessments;

101 (5) Use of assessment results, in addition to the assessment required by federal law,  
102 for guidance on the language developmental discussions by IEP teams when assessing the  
103 child's progress in language development;

104 (6) Reporting of assessment results to the parents or legal guardian of the child and  
105 the applicable agency;

106 (7) Reporting of assessment results on an aggregated basis to the committees on  
107 education of the house of representatives and the senate; and

108 (8) Reporting of assessment results to the members of the child's IEP team, which  
109 may be used, in addition to the assessment required by federal law, by the child's IEP team,  
110 as applicable, to track the child's progress and to establish or modify the IEP.

111 8. The department of elementary and secondary education, the department of  
112 health and senior services, and the state school for the deaf shall enter into interagency  
113 agreements with the commission to share statewide aggregate data.

114 9. On or before January 31, 2019, and each January thirty-first thereafter, the  
115 commission shall publish a report that is specific to language and literacy developmental  
116 milestones of children who are deaf or hard of hearing for each age from birth through the  
117 age of eight, including those who are deaf or hard of hearing and have other disabilities,  
118 relative to such children's peers who are not deaf or hard of hearing. Such report shall be  
119 based on existing data reported in compliance with the federally required state  
120 performance plan on pupils with disabilities. The commission shall publish the report on  
121 its website.

122 10. The advisory committee established under this section shall expire on July 1,  
123 2019.

✓