

FIRST REGULAR SESSION

HOUSE BILL NO. 1076

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FITZWATER (49).

1967H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 161, RSMo, by adding thereto one new section relating to language development milestones for children who are deaf or 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
2 known as section 161.413, to read as follows:

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

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

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

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

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

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

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

12 **2. There is hereby established an advisory committee by the Missouri commission**
13 **for the deaf and hard of hearing to monitor the tracking of the language development**
14 **milestones of children who are deaf or hard of hearing from birth through the age of eight.**

15 **3. On and after July 1, 2019, an annual language assessment shall be given to each**
16 **child who is deaf or hard of hearing and who is less than nine years of age. Language**
17 **assessments shall be provided either through early intervention services monitored by an**

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.

18 advisory committee established by the Missouri commission for the deaf and hard of
19 hearing or, if the child is three years of age or older, through the school district in which
20 the child is enrolled. Such language assessments shall be provided in accordance with the
21 provisions of this section and any recommendations adopted under this section.

22 4. There is hereby selected by the commission an advisory committee to monitor the
23 tracking of the language development milestones of children who are deaf or hard of
24 hearing from birth through the age of eight. The advisory committee shall consist of
25 thirteen members as follows:

26 (1) Ten members of the advisory committee shall be appointed by the governor, by
27 and with the consent of the senate, following a public posting of such positions as follows:

28 (a) A teacher of the deaf who provides direct instruction in ASL;

29 (b) A teacher of the deaf who provides direct instruction in listening and spoken
30 language;

31 (c) An administrator of a program for children who are deaf or hard of hearing
32 using ASL;

33 (d) An administrator of a program for children who are deaf or hard of hearing
34 using listening and spoken language;

35 (e) A speech-language pathologist who has experience working with children who
36 are deaf or hard of hearing who use listening and spoken language;

37 (f) A speech-language pathologist who has experience working with children who
38 are deaf or hard of hearing who use ASL;

39 (g) A parent of a child who is deaf or hard of hearing who uses ASL;

40 (h) A parent of a child who is deaf or hard of hearing who uses listening and
41 spoken language;

42 (i) A deaf member of the community who uses ASL as his or her primary means
43 of communication; and

44 (j) A deaf member of the community who uses spoken language as his or her
45 primary means of communication; and

46 (2) Three members of the advisory committee shall be ex officio members as
47 follows:

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

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

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

53 5. The executive director of the commission shall call an organizational meeting of
54 the advisory committee on or before September 1, 2017. At such organizational meeting,

55 the members shall elect a chairperson and vice-chairperson from the membership of the
56 advisory committee. The advisory committee may meet at any time and at any place within
57 the state on the call of the chairperson. A quorum of the advisory committee shall be seven
58 members. All actions of the advisory committee shall be by motion adopted by a majority
59 of those members present when there is a quorum. Any vacancy on the committee shall
60 be filled in accordance with initial appointment procedures.

61 6. On or before January 31, 2019, the advisory committee shall develop specific
62 action plans and make recommendations necessary for the advisory committee to monitor
63 the tracking of the language development milestones of children who are deaf or hard of
64 hearing from birth through the age of eight. In carrying out its charge under this section,
65 the committee shall:

66 (1) Collaborate with the office of special education in the department of elementary
67 and secondary education;

68 (2) Recognize that language development milestones for deaf or hard of hearing
69 children using spoken language should be the same as those for hearing children, although
70 they may be somewhat delayed. Milestones for children using ASL should be those that
71 are already established ASL milestones;

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

74 (4) Identify qualified language professionals with knowledge of the use of
75 evidence-based best practices in the mode of communication of the child;

76 (5) Require that language assessment evaluators be either teachers of the deaf or
77 speech-language pathologists qualified to administer language assessments with expertise
78 in the mode of communication of the child; and

79 (6) Require the procedures and methods for communicating information on
80 language acquisition, assessment results, milestones, assessment tools used, and progress
81 of the child to the parent or legal guardian of such child, teachers, and other professionals
82 involved in the early intervention and education of such child be those in place under the
83 Individuals with Disabilities Education Act (IDEA).

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

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

90 (2) Language assessments conducted in accordance with standardized norms and
91 timelines in order to monitor and track language developmental milestones in receptive,

expressive, social, and pragmatic language acquisition and developmental stages to show progress in English literacy, and ASL literacy as appropriate, for all children who are deaf or hard of hearing from birth through the age of eight;

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

(4) Language assessments administered by individuals who are proficient in ASL and qualified in the administration of language assessments in ASL and interpretation of results when administration of an ASL assessment is appropriate, and language assessments administered by individuals qualified in the administration of language assessments in English and proficient in the administration of assessments and interpretation of results in English when appropriate;

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

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

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

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

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

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

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

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