

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

House Bill 2571

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COOPER, HAMILTON, MR. SPEAKER (MR. ARMSTEAD),
WAGNER, MOYE, ROHRBACH, KELLY AND RODIGHIERO

[Originating in the Committee on Education]

March 6, 2017

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §18-20-11, relating to selection of language developmental milestones for
3 purposes of developing a resource for use by parents to monitor and track deaf and hard-
4 of-hearing children's expressive and receptive language acquisition and developmental
5 stages toward English literacy.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 section, designated §18-20-11, to read as follows:

ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

**§18-20-11. Selection of language developmental milestones for purposes of developing a
resource for use by parents to monitor and track deaf and hard-of-hearing
children's expressive and receptive language acquisition and developmental
stages toward English literacy.**

1 (a) The West Virginia Department of Health and Human Resources through its agencies
2 that serve children ages birth through five and their families and the West Virginia Schools for the
3 Deaf and the Blind shall jointly select language developmental milestones from existing
4 standardized norms, pursuant to the process specified in subsection (d) of this section, for
5 purposes of developing a resource for use by parents to monitor and track deaf and hard-of-
6 hearing children's expressive and receptive language acquisition and developmental stages
7 toward English literacy. This parent resource shall:

8 (1) Include the language developmental milestones selected pursuant to the process
9 specified in subsection (d) of this section;

10 (2) Be appropriate for use, in both content and administration, with deaf and hard-of-
11 hearing children from birth to five years of age, inclusive, who use both or one of the languages
12 of American Sign Language and English. For purposes of this section, "English" includes spoken
13 English, written English, or English with the use of visual supplements;

14 (3) Present the developmental milestones in terms of typical development of all children,
15 by age range;

16 (4) Be written for clarity and ease of use by parents;

17 (5) Be aligned with the department's existing infant, toddler and preschool guidelines, the
18 existing instrument used to assess the development of children with disabilities pursuant to federal
19 law, and state standards in English language arts;

20 (6) Make clear that the parent resource is not a formal assessment of language and
21 literacy development, and that a parent's observations of their children may differ from formal
22 assessment data presented at an individualized family service plan or individualized education
23 program meeting; and

24 (7) Make clear that a parent may bring the parent resource to an individualized family
25 service plan or individualized education program meeting for purposes of sharing their
26 observations about their child's development.

27 (b) The department shall also select existing tools or assessments for educators that can
28 be used daily to assess the language and literacy development of deaf and hard-of-hearing
29 children. These educator tools or assessments:

30 (1) Shall be in a format that shows stages of language development including
31 comprehension;

32 (2) Shall be selected for use by educators to track the development of deaf and hard-of-
33 hearing children's expressive and receptive language acquisition and developmental stages
34 toward English literacy;

35 (3) Shall be selected from existing instruments or assessments used to assess the
36 development of all children from birth to five years of age, inclusive;

37 (4) Shall be appropriate, in both content and administration, for use with deaf and hard-of-
38 hearing children;

39 (5) May be used, in addition to the assessment required by federal law, by the child's
40 individualized family service plan or individualized education program team, as applicable, to track
41 deaf and hard-of-hearing children's progress, and to establish or modify individualized family
42 service plan or individualized education program plans; and

43 (6) May reflect the recommendations of the advisory committee established pursuant to
44 subsection (e) of this section.

45 (c) (1) The department shall:

46 (A) Disseminate the parent resource developed pursuant to subsection (a) of this section
47 to parents and guardians of deaf and hard-of-hearing children;

48 (B) Pursuant to federal law, disseminate the educator tools and assessments selected
49 pursuant to subsection (b) of this section to local educational agencies for use in the development
50 and modification of individualized family service plan and individualized education program plans;
51 and

52 (C) Provide materials and training on the use of the educator tools and assessments to
53 assist deaf and hard-of-hearing children in becoming linguistically ready for kindergarten using
54 both or one of the languages of American Sign Language and English.

55 (2) If a deaf or hard-of-hearing child does not demonstrate progress in expressive and
56 receptive language skills, as measured by one of the educator tools or assessments selected
57 pursuant to subsection (b) of this section, or by the existing instrument used to assess the
58 development of children with disabilities pursuant to federal law, the child's individualized family
59 service plan or individualized education program team, as applicable, shall, as part of the process
60 required by federal law, explain in detail the reasons why the child is not meeting the language
61 developmental milestones or progressing towards them, and shall recommend specific strategies,
62 services, and programs that shall be provided to assist the child's success toward English literacy.

63 (d) (1) On or before March 1, 2018, the department shall provide the advisory committee
64 established pursuant to subsection (e) of this section with a list of existing language

65 developmental milestones from existing standardized norms, along with any relevant information
66 held by the department regarding those language developmental milestones for possible inclusion
67 in the parent resource developed pursuant to subsection (a) of this section. These language
68 developmental milestones shall be aligned to the department's existing infant, toddler, and
69 preschool guidelines, the existing instrument used to assess the development of children with
70 disabilities pursuant to federal law, and the state standards in English language arts.

71 (2) On or before June 1, 2018, the advisory committee shall recommend language
72 developmental milestones for selection pursuant to subsection (a) of this section.

73 (3) On or before June 30, 2018, the department shall inform the advisory committee of
74 which language developmental milestones were selected.

75 (e) (1) The Superintendent of the West Virginia Schools for the Deaf and the Blind shall
76 establish an ad hoc advisory committee for the purposes of soliciting input from experts on the
77 selection of language developmental milestones for children who are deaf or hard of hearing that
78 are equivalent to those for children who are not deaf or hard of hearing, for inclusion in the parent
79 resource developed pursuant to subsection (a) of this section. The advisory committee may also
80 make recommendations on the selection and administration of the educator tools or assessments
81 selected pursuant to subsection (b) of this section.

82 (2) The advisory committee shall consist of twelve volunteers, the majority of whom shall
83 be deaf or hard of hearing, and all of whom shall be within the field of education for the deaf and
84 hard of hearing. The advisory committee shall include all of the following:

85 (A) One deaf parent of a child who is deaf or hard of hearing who uses the dual languages
86 of American Sign Language and English;

87 (B) One hearing parent of a child who is deaf or hard of hearing who uses only spoken
88 English, with or without visual supplements;

89 (C) One credentialed teacher of deaf or hard-of-hearing whose pupils use the dual
90 languages of English and American Sign Language;

91 (D) One credentialed teacher of deaf or hard-of-hearing whose pupils are from a state
92 certified nonpublic school;

93 (E) One expert who researches language outcomes for deaf and hard-of-hearing children
94 using American Sign Language and English;

95 (F) One expert who researches language outcomes for deaf and hard-of-hearing children
96 using spoken English, with or without visual supplements;

97 (G) One credentialed deaf teacher of deaf and hard-of-hearing children whose expertise
98 is in curriculum and instruction in American Sign Language and English;

99 (H) One credentialed teacher of deaf and hard-of-hearing whose expertise is in curriculum
100 and instruction in spoken English, with or without visual supplements;

101 (I) One advocate for the teaching and use of the dual languages of American Sign
102 Language and English;

103 (J) One early intervention specialist who works with deaf and hard-of-hearing infants and
104 toddlers using the dual languages of American Sign Language and English;

105 (K) One credentialed teacher of deaf and hard-of-hearing whose expertise is in American
106 Sign Language and English language assessment; and

107 (L) One speech pathologist from spoken English, with or without the use of visual
108 supplements.

109 (f) The advisory committee established pursuant to subsection (e) of this section may also
110 advise the department or its contractor on the content and administration of the existing
111 instrument used to assess the development of children with disabilities pursuant to federal law,
112 as used to assess deaf and hard-of-hearing children's language and literacy development to
113 ensure the appropriate use of that instrument with those children, and may make
114 recommendations regarding future research to improve the measurement of progress of deaf and
115 hard-of-hearing children in language and literacy.

116 (g) Commencing on or before July 31, 2018, and on or before each July 31 thereafter, the
117 department shall annually produce a report, using existing data reported in compliance with the
118 federally required state performance plan on pupils with disabilities, that is specific to language
119 and literacy development of deaf and hard-of-hearing from birth to five years of age, inclusive,
120 including those who are deaf or hard of hearing and have other disabilities, relative to their peers
121 who are not deaf or hard of hearing. The department shall make this report available on its Internet
122 web site.

123 (h) All activities of the department in implementing this section shall be consistent with
124 federal law regarding the education of children with disabilities and federal law regarding the
125 privacy of pupil information.

126 (i) For the purpose of this section, the term “language developmental milestones” means
127 milestones of development aligned with the existing state instrument used to meet the
128 requirements of federal law for the assessment of children from birth to five years of age, inclusive.

129 (j) This section applies only to children from birth to five years of age, inclusive.

Strike-throughs indicate language that would be stricken from a heading or the present law
and underscoring indicates new language that would be added.