

# WEST VIRGINIA LEGISLATURE

## 2018 REGULAR SESSION

Introduced

### House Bill 4223

FISCAL  
NOTE

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WAGNER, COOPER, AMBLER, MOYE AND KELLY

[Introduced January 19, 2018; Referred  
to the Committee on Education.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §16-1-20, relating to selection of language developmental milestones to  
 3 develop a resource for use by parents to monitor and track deaf and hard-of-hearing  
 4 children’s receptive and expressive language acquisition in the language(s) and  
 5 communication mode chosen by the parents, and developmental stages toward English  
 6 literacy.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.**

**§16-1-20. Selection of early language developmental milestones to develop a resource for  
 use by families to monitor and track deaf and hard-of-hearing children’s early  
 expressive and receptive language acquisition and developmental stages toward  
 English literacy in the mode of communication and language(s) selected by the  
 parent/guardian.**

1 (a) The West Virginia Department of Health and Human Resources (hereinafter the  
 2 department) through its agencies that serve children ages birth to three shall jointly select  
 3 language developmental milestones from existing standardized norms, pursuant to the process  
 4 specified in subsection (d) of this section, to develop a family resource for use by families,  
 5 providers, early interventionists, speech pathologists, educators, and other service providers to  
 6 determine and track deaf and hard-of-hearing children’s receptive and expressive language  
 7 acquisition and progress toward English literacy development. This family resource shall include  
 8 at a minimum:

- 9 (1) Language that provides familial choice of communication mode;
- 10 (2) The language developmental milestones selected pursuant to the process specified in  
 11 subsection (d) of this section;
- 12 (3) Developmental milestones in terms of typical development of all children, by age range;
- 13 (4) Be written for clarity and ease of use by families;

14 (5) Be aligned with the department's existing guidelines used to assess the development  
15 of children with disabilities pursuant to federal law, and state standards in language and literacy;

16 (6) Make clear that the family resource is not a formal assessment of language and literacy  
17 development, and that a family's observations of their children may differ from formal assessment  
18 data presented at an individualized family service plan meeting; and

19 (7) Make clear that the family resource may be used during an individualized family service  
20 plan meeting for purposes of sharing the family's observations about their child's development.

21 (b) The department shall also prepare a list of valid and reliable existing tools or  
22 assessments for providers, early interventionists, speech pathologists, educators, and other  
23 service providers that can be used periodically to determine the receptive and expressive  
24 language and literacy development of deaf and hard-of-hearing children. These educator tools  
25 and assessments:

26 (1) Shall be used by providers, early interventionists, speech pathologists, educators, and  
27 other service providers to determine the progressing development of deaf and hard-of-hearing  
28 children's receptive and expressive language acquisition and developmental stages toward  
29 English literacy;

30 (2) Shall be appropriate, in both content and administration, for use with children who are  
31 deaf and hard-of-hearing;

32 (3) May be used, in addition to the assessment required by federal law, by the  
33 individualized family service plan team, as applicable, to track deaf and hard-of-hearing children's  
34 progress, and to establish or modify individualized family service plan plans; and

35 (4) May reflect the recommendations of the advisory committee established pursuant to  
36 subsections (e) and (f) of this section.

37 (c) In promoting the intent of this section, the department shall:

38 (1) Disseminate the family resource developed pursuant to subsection (a) of this section  
39 to families of deaf and hard-of-hearing children, as well as providers, early interventionists,

40 speech pathologists, educators, and related service personnel; and

41 (2) Provide informational materials, identify ASL mentors and professional learning  
42 opportunities for the providers, early interventionists, speech pathologists, educators, and other  
43 service providers on the use of the resources, tools, and assessments to assist deaf and hard-of-  
44 hearing children in becoming linguistically ready for formal school entry (either itinerant services,  
45 West Virginia Universal PreK/PreK Special Needs, or Kindergarten) using the mode(s) of  
46 communication and language(s) chosen by the parents.

47 (d)(1) If a deaf or hard-of-hearing child does not demonstrate progress in receptive and  
48 expressive language skills, as measured by one of the educator tools or assessments selected  
49 pursuant to subsection (b) of this section, or by the existing instrument used to assess the  
50 development of children with disabilities pursuant to federal law, the child's individualized family  
51 service plan team, as applicable, shall, as part of the process required by federal law, explain in  
52 detail the reasons why the child is not meeting the language developmental milestones or  
53 progressing towards them, and shall recommend specific strategies, services, and programs that  
54 shall be provided to assist the child's success toward English literacy development.

55 (2) The department shall provide the advisory committee established pursuant to  
56 subsections (e) and (f) of this section with a list of existing language developmental milestones  
57 from existing standardized norms, along with any relevant information held by the department  
58 regarding those language developmental milestones for possible inclusion in the family resource  
59 developed pursuant to subsection (a) of this section.

60 (3) After reviewing, the advisory committee shall recommend to the department language  
61 developmental milestones for selection pursuant to subsection (a) of this section.

62 (e) The department shall establish an advisory committee to solicit input from stakeholders  
63 identified herein on the selection of language developmental milestones for children who are deaf  
64 or hard-of-hearing that are equivalent to those for children who are not deaf or hard-of-hearing,  
65 for inclusion in the family resource developed pursuant to subsection (a) of this section.

66 (f) The advisory committee shall be comprised of volunteer individuals representing all  
67 known modes of communication, specifically including the following:

68 (1) One parent of a child who is hard-of-hearing who uses the dual languages of American  
69 Sign Language and English;

70 (2) One parent of a child who is deaf or hard-of-hearing who uses assistive technology to  
71 communicate with spoken English;

72 (3) Two credentialed providers, early interventionists, speech pathologists, educators, or  
73 other service providers of deaf or hard-of-hearing children who are knowledgeable in the use of  
74 the dual languages of English and American Sign Languages;

75 (4) Two credentialed providers, early interventionists, speech pathologists, educators, or  
76 other service provider of deaf or hard-of-hearing children who are knowledgeable in the use of  
77 assistive technology to communicate with spoken English;

78 (5) One expert who researches or is knowledgeable in the research regarding language  
79 outcomes for deaf and hard-of-hearing children using American Sign Language or English;

80 (6) One expert who researches or is knowledgeable in the research regarding language  
81 outcomes for deaf and hard-of-hearing children using assistive technology to communicate with  
82 spoken English;

83 (g)(1) The advisory committee may advise the department on the content and  
84 administration of instruments used to assess the development of children with disabilities  
85 pursuant to federal law, as used to assess deaf and hard-of-hearing children's language and  
86 literacy development to ensure the appropriate use of that instrument with those children, and  
87 may make recommendations regarding future research needed to improve the measurement of  
88 progress of deaf and hard-of-hearing children in language and literacy.

89 (2) For the purpose of this section, the term "language developmental milestones" means  
90 milestones of development aligned with existing norms.

91 (h) This section applies only to children from birth to three years of age, inclusive.

NOTE: The purpose of this bill is to develop a resource families can use to monitor and track deaf and hard-of-hearing children's early language acquisition and expression, and developmental stages toward English literacy.

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