

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.