

2015 -- H 5697 SUBSTITUTE A

LC001305/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO EDUCATION -- INSTRUCTION FOR DEAF OR HARD-OF-HEARING STUDENTS

Introduced By: Representatives Handy, Jacquard, Naughton, Messier, and Williams

Date Introduced: February 26, 2015

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-25.2-3 of the General Laws in Chapter 16-25.2 entitled
2 "Instruction for Deaf or Hard of Hearing Students [See Title 16 Chapter 97 - The Rhode Island
3 Board of Education Act]" is hereby amended to read as follows:

4 **16-25.2-3. Assessment.** – (a) The Rhode Island department of elementary and secondary
5 education shall ensure that appropriate language assessments and standardized norms are used for
6 the purpose of monitoring and tracking language benchmarks in both expressive and receptive
7 language acquisition and developmental stages towards American Sign Language (ASL) and
8 English literacy for all deaf and hard of hearing children. For purposes of these considerations,
9 language shall be considered the cognitive ability to learn and use systems of complex
10 communication, separate from modality employed to communicate.

11 ~~(a)~~ (b) Individuals involved in administering assessment tools to students who are deaf or
12 hard of hearing shall be proficient in ~~the student's primary communication mode, style, or~~
13 ~~language as determined by a language assessment~~ American Sign Language and English
14 consistent with the requirements of § 16-25.2- All assessments shall be delivered in ~~the student's~~
15 ~~primary communication mode, style, or language as determined by a language assessment~~
16 American Sign Language and English consistent with the requirements of § 16-25.2-2, shall have
17 been validated for the specific purposes for which they are used, and shall be appropriately
18 normed.

1 (c) Language benchmarks must provide data and annual tracking that informs as to the
2 individual child's receptive and expressive language and cognitive abilities comparative to the
3 child's linguistically age-appropriate peers who are not deaf or hard-of-hearing, using ASL and/or
4 English in order to be school-ready.

5 (d) Language benchmarks shall be chosen from existing standardized norms and shall be
6 selected by an advisory committee of the Rhode Island department of education as defined in
7 §16-25.2-3.1 (a) and (b), which would require that these benchmarks be used by a child's
8 individualized education program (IEP) or individual family service plan as regulated by the
9 department of human services (IFSP) team, to assess the progress of the child's language
10 development in both languages of American Sign Language and English. For purposes of this
11 section, English includes spoken English, written English, or English with the use of visual
12 supplements.

13 (e) All results shall be shared with parents.

14 (f) When the language assessment/benchmarks indicate that the child does not
15 demonstrate progress in age-appropriate expressive and receptive language skills, according to
16 the applicable benchmarks, the benchmarks shall be disseminated to the child's IEP or IFSP team,
17 including parents and guardians of the deaf or hard-of-hearing child, along with materials and
18 training to ensure appropriate language growth remains a priority and continues to be monitored
19 annually in the child's IEP or IFSP.

20 (g) The individualized education plan (IEP) or the individual family service plan (IFSP)
21 must include as much detail as possible to explain the lack of such skills and make specific
22 recommendations as to what strategies, services, and programs will be available to assist the
23 child in becoming linguistically ready for kindergarten and/or linguistically age-appropriate.

24 These recommendations shall be part of the child's ISFP/IEP file and all
25 recommendations shall be carefully considered by the child's IFSP/IEP team in developing the
26 child's educational plans.

27 (h) A qualified language expert in American Sign Language and other language experts,
28 as deemed appropriate for the language acquisition of the child, shall be part of the IFSP or IEP
29 team.

30 (i) The Rhode Island department of education with assistance of an advisory committee
31 as defined in §16-25.2-3.1 shall develop specific plans and regulations by January 31, 2017, to
32 fully implement this "language assessment" program.

33 **16-25.2-3.1. Implementation – (a) On or before January 1, 2016, the department shall**
34 **establish an advisory committee for purposes of soliciting input from experts on the selection of**

1 specific language benchmarks for children, ages of zero through twenty-one (0-21), who are deaf
2 or hard of hearing, reviewing and monitoring the use of existing language assessments of the deaf
3 and hard of hearing, and establishing and maintaining a list of qualified language assessment
4 evaluators.

5 (b) The advisory committee shall consist of five (5) volunteers, all of whom shall be
6 within the field of education of the deaf and hard-of-hearing and/or within the field of first and
7 second language acquisition. The advisory committee shall include all of the following:

8 (1) One credentialed teacher of deaf and hard-of-hearing pupils whose expertise is in
9 curriculum and instruction in ASL and English.

10 (2) One credentialed teacher of deaf and hard-of-hearing pupils whose expertise is in
11 curriculum and instruction in spoken English, with or without visual supplements.

12 (3) One professional whose expertise is in child development of deaf and hard-of-hearing
13 using the dual languages of ASL and English.

14 (4) One professional whose expertise is in child development of the deaf and hard-of-
15 hearing using spoken English with or without the use of visual supplements.

16 (5) One professional whose expertise is in first and second language acquisition of deaf
17 and hard-of-hearing.

18 SECTION 2. Chapter 23-13 of the General Laws entitled "Maternal and Child Health
19 Services for Children with Special Health Care Needs" is hereby amended by adding thereto the
20 following section:

21 **23-13-27. Assessment for deaf and hard-of-hearing language development.** – (a) The
22 Rhode Island department of human services with assistance of the Rhode Island department of
23 education's advisory committee as defined in §16-25.2-3.1 shall develop language assessments to
24 monitor deaf and hard-of-hearing children's developmental language benchmarks in American
25 Sign Language (ASL) and English literacy and, if applicable, spoken English and visual
26 supplements. Language benchmarks must include data and tracking that provides information as
27 to the individual child's receptive and expressive language comparative to the child's age and
28 cognitive abilities using ASL and/or English in order to be school-ready.

29 (b) Language benchmarks shall be chosen from existing standardized norms and shall be
30 selected by an advisory committee of the Rhode Island department of education, which would
31 require that these benchmarks be used by a child's individual education plan (IEP) or individual
32 family services plan as regulated by the department of human services (IFSP) team, to assess the
33 progress of the child's language development in both languages of American Sign Language and
34 English. For purposes of this section, English includes spoken English, written English, or

1 English with the use of visual supplements.

2 (c) All results shall be shared with parents.

3 (d) When the language assessment/benchmarks indicate that the child does not
4 demonstrate progress in age-appropriate expressive and receptive language skills, according to
5 the applicable benchmarks, the benchmarks shall be disseminated to the child's IEP or IFSP team,
6 including parents and guardians of the deaf or hard-of-hearing child, along with materials and
7 training to ensure appropriate language growth remains a priority and continues to be monitored
8 annually in the child's IEP or IFSP.

9 (e) The IEP or the IFSP must include as much detail as possible to explain the lack of
10 such skills and make specific recommendations as to what strategies, services, and programs will
11 be available to assist the child in becoming linguistically ready for kindergarten and/or
12 linguistically age-appropriate.

13 These recommendations shall be part of the child's ISFP/IEP file and all
14 recommendations shall be carefully considered by the child's IFSP/IEP team in developing the
15 child's educational plans.

16 (f) A qualified language expert in American Sign Language and other language experts,
17 as deemed appropriate for the language acquisition of the child, shall be part of the IFSP or IEP
18 team.

19 (g) The Rhode Island department of education with assistance of an advisory committee
20 shall develop specific plans and regulations by January 31, 2017, to fully implement this
21 "language assessment" program.

22 SECTION 3. This act shall take effect on July 1, 2017.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO EDUCATION -- INSTRUCTION FOR DEAF OR HARD-OF-HEARING
STUDENTS

1 This act would mandate that the department of education (ages 5-21) in conjunction with
2 the department of human services (ages 0-3) develop programs to assess and monitor
3 developmental language benchmarks for deaf and hard-of-hearing children and would require that
4 Individual Education Plans (IEP) and Individual Family Service Plans (IFSP) include clear
5 recommendations and plans to assist the child in becoming linguistically age-appropriate and/or
6 kindergarten ready. Language experts would be part of the IEP and IFSP teams.

7 This act would take effect on July 1, 2017.

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