

2016 -- H 7978 SUBSTITUTE A

LC005519/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

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

Introduced By: Representatives Handy, Nardolillo, Naughton, Ajello, and Ackerman

Date Introduced: March 23, 2016

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 (hereinafter referred to in this chapter as "the department") shall ensure that
6 appropriate language assessments and standardized norms are used for the purpose of monitoring
7 and tracking language developmental milestones in both expressive and receptive language
8 acquisition and developmental stages toward both or one of the languages of American Sign
9 Language (ASL) and English literacy for all deaf and hard-of-hearing children. For purposes of
10 these considerations, language shall be considered the cognitive ability to learn and use systems
11 of complex communication, separate from modality employed to communicate.

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

1 appropriately normed.

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

6 (d) Model language developmental milestones shall be chosen from existing standardized
7 norms and shall be selected by a working group and/or an advisory committee of the Rhode
8 Island department of elementary and secondary education as defined in §§16-25.2-3.1(a) and (b).
9 These model language developmental milestones chosen by the individualized education
10 programs (IEP), the 504 Plan (504), or individual family service plans (IFSP) as regulated by the
11 department of human services team in assessing the progress of the child's language development
12 in both or one of the languages of American Sign Language and English. For purposes of this
13 section, English includes spoken English, written English, or English with the use of visual
14 supplements.

15 (e) All results shall be shared with parents in an accessible language.

16 (f) If a deaf or hard-of-hearing child does not demonstrate progress in age-appropriate
17 expressive and receptive language skills, as measured by the educator toll developed pursuant to
18 §16-25.2-3.1, the language developmental milestones shall be disseminated to the child's IEP,
19 504, or IFSP team, including parents and guardians of the deaf or hard-of-hearing child, along
20 with materials and training to ensure appropriate language growth remains a priority and
21 continues to be monitored annually in the child's IEP, 504, or IFSP.

22 (g) IEP, 504, or IFSP must include as much detail as possible to explain the lack of such
23 skills and make specific recommendations as to what strategies, services, and programs will be
24 available to assist the child in becoming linguistically ready for kindergarten and/or linguistically
25 age-appropriate. These recommendations shall be part of the child's IEP, 504 plans, or IFSP and
26 in developing the child's educational plans.

27 (h) The department, with the assistance of a workgroup as defined in §16-25.2-3.1 shall
28 develop specific plans and regulations by July 1, 2018, to fully implement this language
29 assessment program.

30 SECTION 2. Chapter 16-25.2 of the General Laws entitled "Instruction for the Deaf and
31 Hard-of-Hearing Students" is hereby amended by adding thereto the following section:

32 **16-25.2-3.1. Implementation.** -- (a) On or before January 1, 2017, the department shall
33 establish a workgroup. The purpose of the workgroup is to develop the following by July 1,
34 2018:

- 1 (1) Standards for language development milestones;
- 2 (2) Methods for monitoring and reporting children’s development related to the
- 3 milestones;
- 4 (3) Selecting evidence-based assessment tools and the required skills necessary to deliver
- 5 the assessments;
- 6 (4) Methods for delivering the student assessment results to students, parents, teachers,
- 7 administrators and others as deemed appropriate;
- 8 (5) Methods to deliver aggregated data to stakeholders, schools and Rhode Island
- 9 department of education, for examining areas of training and service delivery improvement;
- 10 (6) Methods of communicating the milestones, assessment tools and student progress
- 11 monitoring to students, parents, and educators; and
- 12 (7) Permanent advisory council to oversee the “language assessment” program effective
- 13 January 1, 2018;
- 14 (i) The workgroup will be composed of up to seven (7) members, appointed by the Rhode
- 15 Island department of elementary and secondary education and RI commission on the deaf and
- 16 hard-of-hearing, who possess the following characteristics:
- 17 (A) Open to different perspectives;
- 18 (B) Willing to engage in research and investigation;
- 19 (C) Willing to consider the needs of deaf and hard-of-hearing students from all education
- 20 settings;
- 21 (D) Committed to working on an aggressive timeline to produce clear and implementable
- 22 recommendations; and
- 23 (E) Sensitive toward multi-cultural and socio-economic factors;
- 24 (ii) Workgroup characteristics would include members who:
- 25 (A) Understand child development;
- 26 (B) Understands how American Sign Language (ASL) develops in deaf and hard-of-
- 27 hearing children;
- 28 (C) Understands how English, including various modalities, develops in deaf and hard-
- 29 of- hearing children;
- 30 (D) Are knowledgeable about assessments and assessment administration works for this
- 31 population;
- 32 (E) Are knowledgeable about deaf culture and community values;
- 33 (F) Are knowledgeable about how schools typically operate and how services are best
- 34 provided to children in various education settings;

1 (G) Are knowledgeable about early intervention and early childhood education; and

2 (H) Are knowledgeable about family engagement.

3 (b) Commencing on or before July 31, 2019, and annually on or before each July 31
4 thereafter, the department shall annually produce a report, using the existing data reported in
5 compliance with the federally required state performance plan on pupils with disabilities, that is
6 specific to language and literacy development of deaf and hard-of-hearing children from birth to
7 eight (8) years of age, inclusive, including those who are deaf or hard-of-hearing and have other
8 disabilities, relative to their peers who are not deaf or hard-of-hearing. The department shall make
9 this report available on its Internet website.

10 (c) All activities of the department in implementing this section shall be consistent with
11 federal law regarding education of children with disabilities and federal law regarding the privacy
12 of pupil information.

13 (d) The department shall, on or before January 1, 2018, develop specific action plans and
14 regulations to fully implement this section.

15 (e) For the purpose of this section, the term "language developmental milestones" means
16 milestones of development aligned with the existing state instrument used to meet the
17 requirements of federal law for the assessment of children from birth to eight (8) years of age,
18 inclusive.

19 (f) This section shall apply to children from birth to ten (10) years of age, inclusive. After
20 eight (8) years of age, the assessment shall be conducted every three (3) years until graduation.

21 SECTION 3. Chapter 23-13 of the General Laws entitled "Maternal and Child Health
22 Services for Children with Special Health Care Needs" is hereby amended by adding thereto the
23 following section:

24 **23-13-27. Assessment for deaf and hard-of-hearing language development. --**

25 (a) The Rhode Island department of human services, with assistance of the Rhode Island
26 department of elementary and secondary education, shall develop language assessments to
27 monitor deaf and hard-of-hearing children's language developmental milestones in both or one of
28 the languages of American Sign Language (ASL) and English literacy and, if applicable, spoken
29 English and visual supplements. Language developmental milestones must include data and
30 tracking that provides information as to the individual child's receptive and expressive language
31 comparative to the child's age and cognitive abilities using ASL and/or English in order to be
32 school-ready.

33 (b) Model language developmental milestones shall be chosen from existing standardized
34 norms and shall be selected by a working group and/or an advisory committee of the Rhode

1 Island department of elementary and secondary education as defined in §§16-25.2-3.1(a) and (b).
2 These model language developmental milestones chosen by the individualized education
3 programs (IEP), the 504 Plan (504), or individual family service plans (IFSP) as regulated by the
4 department of human services team in assessing the progress of the child's language development
5 in both or one of the languages of American Sign Language and English. For purposes of this
6 section, English includes spoken English, written English, or English with the use of visual
7 supplements.

8 (c) All results shall be shared with parents in an accessible language.

9 (d) If a deaf or hard-of-hearing child does not demonstrate progress in age-appropriate
10 expressive and receptive language skills, as measured by the educator toll developed pursuant to
11 §16-25.2-3.1, the language developmental milestones shall be disseminated to the child's IEP,
12 504, or IFSP team, including parents and guardians of the deaf or hard-of-hearing child, along
13 with materials and training to ensure appropriate language growth remains a priority and
14 continues to be monitored annually in the child's IEP, 504, or IFSP.

15 (e) IEP, 504, or IFSP must include as much detail as possible to explain the lack of such
16 skills and make specific recommendations as to what strategies, services, and programs will be
17 available to assist the child in becoming linguistically ready for kindergarten and/or linguistically
18 age-appropriate. These recommendations shall be part of the child's IEP, 504 plans, or IFSP in
19 developing the child's educational plans.

20 (f) The Rhode Island department of elementary and secondary education with the
21 assistance of a workgroup as defined in §16-25.2-3.1 shall develop specific plans and regulations
22 by July 1, 2018, to fully implement this language assessment program.

23 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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

1 This act would direct that the Rhode Island department of elementary and secondary
2 education ensure that appropriate language assessments and standardized norms are used for the
3 purpose of monitoring and tracking language developmental milestones in both expressive and
4 receptive language acquisition and developmental stages toward American Sign Language (ASL)
5 and English literacy for all deaf and hard-of-hearing children.

6 This act would take effect upon passage.

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