



Sen. Jennifer Bertino-Tarrant

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1 AMENDMENT TO SENATE BILL 451

2 AMENDMENT NO. _____. Amend Senate Bill 451 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Language Equality Acquisition for Deaf Kids Act.

6 Section 5. Definitions. In this Act:

7 "American Sign Language" or "ASL" means a complete visual
8 and manual language with its own grammar and syntax. ASL is
9 used by a deaf individual as the native language of the deaf
10 community.

11 "English" means a method of human communication, either
12 spoken or written, consisting of the use of words in a
13 structured and conventional way. "English" includes spoken
14 English, written English, and English with or without the use
15 of visual supplements or dual language services or tactile use.

16 "English literacy" means the ability to read and write.

1 "IEP" means an individualized education program.

2 "IFSP" means an individualized family service plan.

3 "Kindergarten readiness" means a child who is ready
4 linguistically for kindergarten.

5 "Language developmental milestones" means milestones of
6 development aligning with the State instrument used to meet the
7 requirements of federal law for the assessment of children from
8 birth to 5 years of age.

9 "State Board" means the State Board of Education.

10 Section 10. Language assessment program.

11 (a) The State Board must establish a language assessment
12 program for deaf, hard-of-hearing, or deaf-blind children and
13 must select language developmental milestones from existing
14 standardized norms for the program. The scope of the program
15 must include language developmental milestones in American
16 Sign Language, English, or both. The purpose of the program is
17 to assess, monitor, and track the language developmental
18 milestones of children who are deaf, hard of hearing, or
19 deaf-blind and to (i) develop a resource for use by parents or
20 guardians of those children to monitor and track a child's
21 expressive and receptive language acquisition and his or her
22 developmental stages toward English literacy and kindergarten
23 readiness under Section 15 and (ii) select tools or assessments
24 for educators under Section 20.

25 (b) Under the program, the State Board must refer deaf,

1 hard-of-hearing, or deaf-blind children to early intervention
2 services at 3 months old and must implement early intervention
3 services for those children by 6 months old. If a child is
4 referred to early intervention services under this subsection
5 at 3 months old, the State Board must implement a formal
6 assessment.

7 Section 15. Parent resource.

8 (a) The parent resource developed as part of the language
9 assessment program under Section 10 must do all of the
10 following:

11 (1) Include the language developmental milestones
12 selected by the advisory committee created under Section
13 25.

14 (2) Be appropriate for use, in both content and
15 administration, with deaf, hard-of-hearing, or deaf-blind
16 children from birth to 5 years of age who use American Sign
17 Language, English, or both.

18 (3) Present the deaf, hard-of-hearing, or deaf-blind
19 child's language developmental milestones in terms of
20 typical development of all children, disaggregated by age
21 range.

22 (4) Be written for clarity and ease of use by parents
23 or guardians.

24 (5) Be aligned with any State guidelines on early
25 intervention, early childhood education requirements

1 pursuant to federal law, and State standards in English
2 language arts.

3 (6) Make clear that the parent or guardian has the
4 right to select the language, either ASL, English, or
5 another language, for his or her child's language
6 acquisition and language developmental milestones.

7 (7) Allow a parent or guardian to bring the parent
8 resource to an IFSP or IEP meeting for purposes of sharing
9 his or her observations about his or her child's
10 development.

11 (8) Make clear that the parent resource is not a formal
12 assessment of language and literacy development and that a
13 parent's or guardian's observations of his or her child may
14 differ from the formal assessment data presented at an IFSP
15 or IEP meeting.

16 (9) Make clear that resources provided to a parent or
17 guardian include fair, balanced, and comprehensive
18 information about American Sign Language, English, and
19 other communication modes and available services and
20 programs.

21 (b) The State Board must disseminate the parent resource
22 developed under this Section to all parents or guardians of
23 deaf, hard-of-hearing, or deaf-blind children.

24 Section 20. Educator tools and assessments.

25 (a) The State Board must select tools or assessments for

1 educators that may be used to assess the language and literacy
2 development of deaf, hard-of-hearing, or deaf-blind students.
3 These educator tools or assessments must comply with all of the
4 following:

5 (1) Be in a format that shows stages of language
6 development.

7 (2) Be selected for use by educators to track the
8 development of a deaf, hard-of-hearing, or deaf-blind
9 student's expressive and receptive language acquisition
10 and developmental stages toward literacy.

11 (3) Be selected from a list of instruments or
12 assessments used to assess the development of all children
13 from birth to 5 years of age.

14 (4) Be appropriate, in both content and
15 administration, for use with deaf, hard-of-hearing, or
16 deaf-blind students.

17 (5) Be used, in addition to the assessment required by
18 federal law, by the deaf, hard-of-hearing, or deaf-blind
19 student's IFSP or IEP team, as applicable, to track the
20 student's progress and to establish or modify his or her
21 IFSP or IEP plan.

22 Additionally, the educator tools or assessments may
23 reflect the recommendations of the advisory committee
24 established under Section 25.

25 (b) The State Board must, pursuant to federal law,
26 disseminate the educator tools or assessments selected under

1 this Section to local educational agencies for use in the
2 development and modification of IEP plans and must provide
3 those agencies materials and training on the use of those tools
4 or assessments to assist deaf, hard-of-hearing, or deaf-blind
5 children in becoming linguistically ready for kindergarten.

6 (c) If a deaf, hard-of-hearing, or deaf-blind child does
7 not demonstrate progress in expressive and receptive language
8 skills, as measured by one of the educator tools or assessments
9 selected under subsection (a), the child's IFSP or IEP team
10 must explain, in detail, the reasons why the child is not
11 meeting the language developmental milestones or progressing
12 toward them and must recommend and implement specific
13 strategies, services, and programs that will be provided to
14 assist the child's success toward American Sign Language,
15 English, or both. The child's IFSP or IEP team must conduct a
16 follow-up assessment within 60 days after the strategies,
17 services, and programs have been implemented to determine the
18 effects of those changes on the child.

19 (d) No later than July 1, 2021, and annually thereafter, a
20 language assessment must be given to each child who is deaf,
21 hard of hearing, or deaf-blind and who is less than 6 years of
22 age. The language assessment shall be provided through an early
23 intervention service or, if the child is 3 years of age or
24 older, through the school district in which the child resides.
25 The assessment must be provided in accordance with the
26 provisions of and any rules adopted pursuant to this Act.

1 Section 25. Advisory committee.

2 (a) The State Board must establish an advisory committee
3 for the language assessment program established under this Act.
4 The advisory committee shall consist of all of the following
5 members appointed by the State Board:

6 (1) One parent or guardian of a child who is deaf or
7 hard of hearing and who uses the dual languages of ASL and
8 English.

9 (2) One parent or guardian of a child who is deaf or
10 hard of hearing and who uses only spoken English, with or
11 without visual supplements.

12 (3) One educator licensed under Article 21B of the
13 School Code who teaches deaf or hard-of-hearing pupils who
14 use the dual languages of ASL and English.

15 (4) One educator licensed under Article 21B of the
16 School Code who teaches deaf or hard-of-hearing pupils from
17 only an English-spoken school.

18 (5) One expert who researches language outcomes for
19 deaf or hard-of-hearing children using ASL and English.

20 (6) One expert who researches language outcomes for
21 deaf or hard-of-hearing children using spoken English,
22 with or without visual supplements.

23 (7) One educator licensed under Article 21B of the
24 School Code who teaches deaf or hard-of-hearing pupils and
25 whose expertise is in curriculum and instruction in ASL and

1 English.

2 (8) One educator licensed under Article 21B of the
3 School Code who teaches deaf or hard-of-hearing pupils and
4 whose expertise is in curriculum and instruction in spoken
5 English, with or without visual supplements.

6 (9) One advocate for the teaching and use of the dual
7 languages of ASL and English.

8 (10) One advocate for the teaching and use of spoken
9 English, with or without visual supplements.

10 (11) One early intervention specialist who works with
11 deaf or hard-of-hearing infants and toddlers using the dual
12 languages of ASL and English.

13 (12) One educator licensed under Article 21B of the
14 School Code who teaches deaf or hard-of-hearing pupils and
15 whose expertise is in ASL and English language assessment.

16 (13) One speech pathologist of spoken English, with or
17 without the use of visual supplements.

18 (14) One deaf-blind person who represents the
19 deaf-blind community.

20 (15) One deaf-blind specialist or educator whose
21 expertise is in deaf-blind advocacy or education.

22 (b) The advisory committee shall first meet on or before
23 July 1, 2020, at which meeting it shall elect a chairperson and
24 a vice chairperson. Each subsequent meeting shall be at the
25 call of the chairperson. The State Board shall provide
26 administrative and other support to the advisory committee.

1 Members of the advisory committee shall serve without
2 compensation, but may be reimbursed for travel and related
3 expenses from funds appropriated for that purpose, subject to
4 the rules of the appropriate travel control board. A quorum of
5 the advisory committee shall be 9 members. All actions of the
6 advisory committee shall be by motion adopted by a majority of
7 those members present when there is a quorum. Any vacancy in
8 the committee shall be filled in th same manner as the original
9 appointment in accordance with subsection (a).

10 The State Board must provide the advisory committee with a
11 list of language developmental milestones from existing
12 standardized norms, along with any relevant information held
13 regarding those language developmental milestones, for
14 possible inclusion in the parent resource developed under
15 Section 15. These language developmental milestones must be
16 aligned with the State's infant, toddler, and preschool
17 guidelines, the instrument used to assess the development of
18 children with disabilities pursuant to federal law, and State
19 standards in English language arts.

20 (c) On or before June 1, 2021, the advisory committee must
21 develop and submit to the State Board specific action plans and
22 must propose any rules necessary to fully implement this Act.
23 The specific action plans and proposed rules developed by the
24 advisory committee must include, but are not limited to, all of
25 the following:

26 (1) Language assessments that include data collection

1 and timely tracking of a child's development to provide
2 information about the child's receptive and expressive
3 language compared to the child's linguistically
4 age-appropriate peers who are not deaf, hard of hearing, or
5 deaf-blind.

6 (2) Language assessments conducted in accordance with
7 standardized norms and timelines to monitor and track
8 language developmental milestones in both receptive and
9 expressive language acquisition and developmental stages
10 toward English literacy for all children who are deaf, hard
11 of hearing, or deaf-blind from birth to the age of 5.

12 (3) Language assessments delivered in ASL and English
13 that have been validated for the specific purpose for which
14 each assessment is used and appropriately normed.

15 (4) Language assessments administered by individuals
16 who are proficient in:

17 (A) ASL;

18 (B) both ASL and English;

19 (C) English, with or without visual supplements;

20 (D) reading developmental stages; or

21 (E) language developmental stages of ASL and
22 English.

23 (5) Use of assessment results for guidance on the
24 language developmental discussions by IFSP and IEP teams
25 when assessing the progress of a child's language
26 development in ASL, English, or both.

1 (6) Reporting of assessment results to the parent or
2 guardian of a child who is deaf, hard of hearing, or
3 deaf-blind, and, on an aggregated basis, reporting those
4 results to the State Board and the Department of Public
5 Health for publication to ensure accountability and
6 provide information on how the education of those children
7 may be improved.

8 (7) Reporting of assessment results to the members of a
9 child's IFSP or IEP team, as appropriate, to assist the
10 team in ensuring that appropriate language growth remains a
11 priority and continues to be monitored by the team.

12 (d) In carrying out its duties under this Section, the
13 advisory committee must do all of the following:

14 (1) Solicit input from experts on the selection of
15 language developmental milestones for American Sign
16 Language and English.

17 (2) Review, select, and monitor the use of language
18 assessments for children who are deaf, hard of hearing, or
19 deaf-blind.

20 (3) Identify criteria for qualified ASL and English
21 experts who may be advocates at initial and periodic IFSP
22 or IEP team meetings. This includes role models of deaf,
23 hard-of-hearing, or deaf-blind professionals in similar
24 fields.

25 (4) Identify criteria for qualified language
26 assessment evaluators and resources for locating those

1 evaluators.

2 (5) Identify methods for communicating language
3 assessment results, language developmental milestones,
4 assessment tools, and the progress of a deaf,
5 hard-of-hearing, or deaf-blind child to the parent or
6 guardian of that child, teachers, and other professionals
7 involved in the early intervention and education of the
8 child.

9 Section 30. Report. On or before July 1, 2022, and on or
10 before each July 1 thereafter, the State Board must produce and
11 make available on its website a report using data reported in
12 compliance with the federally required State performance plan
13 on pupils with disabilities that is specific to the language
14 and literacy development of deaf, hard-of-hearing, or
15 deaf-blind children from birth to 5 years of age relative to
16 those children's peers who are not deaf, hard of hearing, or
17 deaf-blind.

18 Section 35. Application and implementation of Act. This Act
19 applies only to children from birth through 5 years of age. Any
20 activities of the State Board in implementing this Act must be
21 consistent with federal law regarding the education of children
22 with disabilities and federal law regarding the privacy of
23 pupil information. Implementation of this Act is subject to
24 appropriation.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".