

SENATE BILL NO. 340

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR RAZER.

1303S.01H

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 161, RSMo, by adding thereto one new section relating to a language assessment and literacy development for children who are deaf and hard of hearing.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 161, RSMo, is amended by adding thereto one new section, to be known as section 161.396, to read as follows:

161.396. 1. As used in this section, the following terms mean:

(1) "ASL", American Sign Language as defined in section 209.285;

(2) "Department", the department of elementary and secondary education;

(3) "English", the English language including, but not limited to, spoken English, written English, and English with the use of visual supplements;

(4) "IEP", individualized education program;

(5) "IFSP", individualized family service plan;

(6) "Language", communication including, but not limited to, ASL and English;

(7) "Language developmental milestones", milestones of language development aligned with the existing state instrument used to meet the requirements of federal law for the assessment of children from birth to twelve years of age;

18 (8) "Parent", a parent, legal guardian, or other
19 person having charge, custody, or control of the student.

20 2. The department shall select language developmental
21 milestones from existing standardized norms as provided in
22 subsection 5 of this section to develop a resource for use
23 by parents to monitor and track expressive and receptive
24 language acquisition and developmental stages toward ASL and
25 English literacy of children who are deaf or hard of
26 hearing. Such parent resource shall:

27 (1) Include the language developmental milestones
28 selected under the process specified in subsection 5 of this
29 section;

30 (2) Be appropriate for use, in both content and
31 administration, with children who are deaf or hard of
32 hearing and who use ASL, English, or both;

33 (3) Present the language developmental milestones in
34 terms of typical development of all children by age range;

35 (4) Be written for clarity and ease of use by parents;

36 (5) Be aligned with the department's existing infant,
37 toddler, and preschool guidelines; the existing instrument
38 used to assess the development of children with disabilities
39 under federal law; and state standards in English language
40 arts;

41 (6) Make clear that parents have the right to select
42 ASL, English, or both for a child's language acquisition and
43 developmental milestones;

44 (7) Make clear that the parent resource is not a
45 formal assessment of language and literacy development and
46 that a parent's observations of a child may differ from
47 formal assessment data presented at an IEP or IFSP meeting;

48 (8) Make clear that parents may bring the parent
49 resource to an IEP or IFSP meeting for purposes of sharing
50 observations about a child's development;

51 (9) Include fair, balanced, and comprehensive
52 information about language and communication modes and about
53 available services and programs; and

54 (10) Include informational resources from Missouri
55 hospitals, as such term is defined in section 197.020,
56 audiologists, otolaryngologists, and pediatricians.

57 3. The department shall select existing tools or
58 assessments for educators that can be used to assess the
59 language and literacy development of children who are deaf
60 or hard of hearing. Such tools or assessments selected
61 under this subsection:

62 (1) Shall be:

63 (a) In a format that shows stages of language
64 development;

65 (b) Selected for use by educators to track the
66 development of expressive and receptive language acquisition
67 and developmental stages toward English literacy of children
68 who are deaf or hard of hearing;

69 (c) Selected from existing instruments or assessments
70 used to assess the development of all children from birth to
71 twelve years of age; and

72 (d) Appropriate, in both content and administration,
73 for use with children who are deaf or hard of hearing; and

74 (2) May:

75 (a) In addition to the assessment required by federal
76 law, be used by the child's IEP or IFSP team, as applicable,
77 to track the progress of the child who is deaf or hard of
78 hearing and to establish or modify the child's IEP or IFSP;
79 and

80 (b) Reflect the recommendations of the advisory
81 committee established in this section.

82 4. (1) The department shall:

83 (a) Disseminate the parent resource developed under
84 subsection 2 of this section to parents of children who are
85 deaf or hard of hearing;

86 (b) Under federal law, disseminate the educator tools
87 and assessments selected under subsection 3 of this section
88 to local educational agencies for use in the development and
89 modification of an IEP or IFSP; and

90 (c) Provide materials and training on the use of the
91 parent resource to assist children who are deaf or hard of
92 hearing in becoming linguistically ready for kindergarten
93 using ASL, English, or both.

94 (2) If a child who is deaf or hard of hearing does not
95 demonstrate progress in expressive and receptive language
96 skills, as measured by one of the educator tools or
97 assessments selected under subsection 3 of this section or
98 by the existing instrument used to assess the development of
99 children with disabilities under federal law, the child's
100 IEP or IFSP team shall, as part of the process required by
101 federal law, explain in detail the reasons the child is not
102 progressing toward or meeting the language developmental
103 milestones and shall recommend specific strategies,
104 services, and programs that will be provided to assist with
105 the child's success toward English literacy.

106 5. (1) Before March 1, 2024, the department shall
107 provide the advisory committee established in this section
108 with a list of existing language developmental milestones
109 from existing standardized norms with any relevant
110 information held by the department regarding those language
111 developmental milestones for possible inclusion in the

112 parent resource developed under subsection 2 of this
113 section. The language developmental milestones shall be
114 aligned to the department's existing infant, toddler, and
115 preschool guidelines; the existing instrument used to assess
116 the development of children with disabilities under federal
117 law; and the state standards in English language arts.

118 (2) Before June 1, 2024, the advisory committee shall
119 recommend language developmental milestones for selection
120 under subsection 2 of this section.

121 (3) Before July 1, 2024, the department shall inform
122 the advisory committee of which language developmental
123 milestones the department selected.

124 6. (1) The commissioner of education shall establish
125 an ad hoc advisory committee to solicit input from experts
126 on the selection of language developmental milestones for
127 children who are deaf or hard of hearing that are equivalent
128 to milestones for children who are not deaf or hard of
129 hearing for inclusion in the parent resource developed under
130 subsection 2 of this section. The advisory committee may
131 make recommendations on the selection and administration of
132 the educator tools or assessments selected under subsection
133 3 of this section. The advisory committee may make
134 recommendations on materials that are unbiased and
135 comprehensive to add to the parent resource.

136 (2) The advisory committee shall consist of sixteen
137 members as follows:

138 (a) The majority of the members shall be individuals
139 who are deaf or hard of hearing;

140 (b) Parents, advocates, and professionals from the
141 field of education for the deaf and hard of hearing;

142 (c) A balance of members who personally,
143 professionally, or parentally use ASL and English and

144 members who personally, professionally, or parentally use
145 only spoken English;

146 (d) Any of the following as determined by the
147 department:

148 a. A teacher of the deaf who provides direct
149 instruction in ASL;

150 b. A teacher of the deaf who provides direct
151 instruction in listening and spoken language;

152 c. An administrator of a program for children who are
153 deaf or hard of hearing using ASL;

154 d. An administrator of a program for children who are
155 deaf or hard of hearing using listening and spoken language;

156 e. A speech-language pathologist who has experience
157 working with children who are deaf or hard of hearing and
158 use listening and spoken language;

159 f. A speech-language pathologist who has experience
160 working with children who are deaf or hard of hearing and
161 use ASL;

162 g. A parent of a child who is deaf or hard of hearing
163 who uses ASL;

164 h. A parent of a child who is deaf or hard of hearing
165 who uses listening and spoken language;

166 i. A deaf member of the community who uses ASL as the
167 primary means of communication; or

168 j. A deaf member of the community who uses spoken
169 language as the primary means of communication; and

170 (e) Six members of the committee shall be ex officio
171 members and shall be:

172 a. The executive director of the Missouri commission
173 for the deaf and hard of hearing, or the director's designee;

174 b. The superintendent or assistant superintendent of
175 the Missouri School for the Deaf, or the superintendent's
176 designee;

177 c. A member of the state board of education, or such
178 member's designee;

179 d. The person designated by the department of health
180 and senior services to manage the Missouri newborn hearing
181 screening program;

182 e. A representative from the Missouri commission for
183 the deaf and hard of hearing; and

184 f. The person designated by the department of
185 elementary and secondary education's office of childhood to
186 manage Missouri's early care & education connections.

187 (3) The advisory committee may advise the department
188 or the department's contractor on the content and
189 administration of the existing instrument used to assess the
190 development of children with disabilities under federal law,
191 as used to assess the language and literacy development of
192 children who are deaf or hard of hearing to ensure the
193 appropriate use of such instrument with such children, and
194 may make recommendations regarding future research to
195 improve the measurement of progress in language and literacy
196 of children who are deaf or hard of hearing.

197 7. For the 2024-25 school year and all subsequent
198 school years, the department shall produce an annual report
199 that is specific to language and literacy development of
200 children who are deaf or hard of hearing including, but not
201 limited to, children who are deaf or hard of hearing and
202 have other disabilities, from birth to twelve years of age
203 relative to peers who are not deaf or hard of hearing. The
204 report shall use existing data reported in compliance with
205 the federally required state performance plan on pupils with

206 disabilities. The department shall make the report
207 available on the department's website before August first of
208 each school year.

209 8. All activities of the department in implementing
210 this section shall be consistent with federal law regarding
211 the education of children with disabilities and federal law
212 regarding the privacy of pupil information.

213 9. For the purposes of developing and using language
214 as described in paragraph (a) of subdivision (1) of
215 subsection 3 of this section, for a child who is deaf or
216 hard of hearing the following modes of communication may be
217 used as a means for acquiring language:

- 218 (1) ASL services;
- 219 (2) Spoken language services;
- 220 (3) Dual-language services;
- 221 (4) Cued speech;
- 222 (5) Tactile sign as defined in section 209.285; and
- 223 (6) Any combination of subdivisions (1) to (5) of this
224 subsection.

225 10. This section shall apply only to activities of the
226 department relating to children from birth to twelve years
227 of age.

228 11. Implementation of this section shall be subject to
229 appropriations for purposes of this section.

✓