

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

916Z0535

HOUSE EDUCATION ENGROSSED NO. **HB 1155** 2/7/2018

Introduced by: Representatives Ahlers, Bartling, Smith, and Wismer and Senators Nesiba and Heinert

1 FOR AN ACT ENTITLED, An Act to create provisions regarding the language development
2 of deaf and hard-of-hearing students.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 13-33B be amended by adding a NEW SECTION to read:

5 Terms used in this Act, mean:

6 (1) "ASL," American sign language;

7 (2) "Department," the Department of Education;

8 (3) "English," spoken English, written English, or English with the use of visual
9 supplements;

10 (4) "IEP," individualized education program as used in §13-33B-2;

11 (5) "IFSP," individualized family service plan as used in 20 USC §1436;

12 (6) "Language developmental milestones," milestones of development aligned with
13 existing state instruments used to meet the federal requirements for the assessment
14 of children from birth to age five, inclusive.



1 Section 2. That chapter 13-33B be amended by adding a NEW SECTION to read:

2 The department shall select language developmental milestones from existing standardized
3 norms, pursuant to the process specified in section 5 of this Act, for the purpose of developing
4 a resource for parents to monitor and track deaf and hard-of-hearing children's expressive and
5 receptive language acquisition and developmental stages toward English literacy. The parent
6 resource shall:

- 7 (1) Include language and developmental milestones selected pursuant to section 5 of this
8 Act;
- 9 (2) Be appropriate for use, in both content and administration, with deaf and
10 hard-of-hearing children from birth to five years of age, inclusive, who use English
11 or ASL, or both;
- 12 (3) Present developmental milestones in terms of typical development of all children, by
13 age range;
- 14 (4) Written in a way parents can use clearly and easily;
- 15 (5) Align to the department's existing infant, toddler, and preschool guidelines, the
16 existing instrument used to assess the development of children with disabilities
17 pursuant to federal law and state standards in English language arts;
- 18 (6) Make clear that the parent resource is not a formal assessment of language and
19 literacy development and that a parent's observations of the parent's children may
20 differ from the formal assessment data presented at an IFSP or IEP meeting; and
- 21 (7) Make clear the parent may bring the parent resource to an IFSP or IEP meeting for
22 the purpose of sharing the parent's observations about the child's development.

23 Section 3. That chapter 13-33B be amended by adding a NEW SECTION to read:

24 The department shall use existing tools or assessments for educators to be used to assess the

1 language and literacy development of deaf and hard-of-hearing children. The tools or
2 assessments shall be:

- 3 (1) In a format that shows the stages of language development;
- 4 (2) Selected for use by educators to track the development of deaf and hard-of-hearing
5 children's expressive and receptive language acquisition and developmental stages
6 toward English literacy;
- 7 (3) Selected from existing tools or assessments used to assess the development of all
8 children from birth to five years of age; and
- 9 (4) Appropriate, in both content and administration, for use with deaf and
10 hard-of-hearing children.

11 The tools or assessments may be used by the child's IFSP or IEP team to track the deaf or
12 hard-of-hearing child's progress and to establish or modify IFSP or IEP plans. The tools or
13 assessments may reflect the recommendations of the advisory committee pursuant to section 6
14 of this Act.

15 Section 4. That chapter 13-33B be amended by adding a NEW SECTION to read:

16 The department shall disseminate the parent resource developed pursuant to section 2 of this
17 Act to parents and guardians of deaf and hard-of-hearing children. The department shall
18 disseminate the educator tools and assessments selected pursuant to section 3 of this Act to local
19 educational agencies for use in the development and modification of IFSP and IEP plans. The
20 department shall provide materials and training on use of the tools and assessment to assist deaf
21 and hard-of-hearing children in becoming linguistically ready for kindergarten using ASL,
22 English, or both. If a deaf or hard-of-hearing child does not demonstrate progress in expressive
23 and receptive language skills, as measured by the educator tools or assessments or by the
24 existing instrument used to assess the development of children with disabilities pursuant to

1 federal law, the child's IFSP or IEP team shall explain in detail the reasons why the child is not
2 meeting the language developmental milestones or progressing towards the developmental
3 milestones. The team shall recommend specific strategies, services, and programs that shall be
4 provided to assist the child's success toward English literacy.

5 Section 5. That chapter 13-33B be amended by adding a NEW SECTION to read:

6 Before March 1, 2019, the department shall provide the advisory committee established
7 pursuant to section 6 of this Act with a list of existing language developmental milestones from
8 existing standardized norms, along with any relevant information held by the department
9 regarding those language developmental milestones for possible inclusion in the development
10 of a parent resource pursuant to section 2 of this Act. The language developmental milestones
11 shall be aligned to the department's existing infant, toddler, and preschool guidelines, the
12 existing instrument used to assess the development of children with disabilities pursuant to
13 federal law, and the state standards in English language arts. Before June 1, 2019, the advisory
14 committee shall recommend language developmental milestones for selection pursuant to
15 section 2 of this Act. Before July 1, 2019, the department shall inform the advisory committee
16 of the language developmental milestones selected.

17 Section 6. That chapter 13-33B be amended by adding a NEW SECTION to read:

18 The superintendent of the State School for the Deaf shall establish an advisory committee
19 for purposes of soliciting input from experts on the selection of language developmental
20 milestones for children who are deaf or hard-of-hearing that are equivalent to experts for
21 children who are not deaf or hard-of-hearing, for inclusion in the parent resource pursuant to
22 sections 2 and 4 of this Act. The advisory committee may also make recommendations on the
23 selection and administration of the educator tools or assessments selected pursuant to section
24 3 of this Act. The advisory committee shall consist of fourteen volunteers, at least seven of

1 whom shall be deaf or hard-of-hearing, and all of whom shall practice within the fields of
2 education or services for the deaf and hard-of-hearing. The advisory committee shall include all
3 of the following:

- 4 (1) A parent of a child who is deaf or hard-of-hearing who uses both ASL and English;
- 5 (2) A parent of a child who is deaf or hard-of-hearing who uses only spoken English,
6 with or without visual supplements;
- 7 (3) A parent of a child who is Deaf-Plus;
- 8 (4) A representative from the State School for the Deaf outreach who is fluent in both
9 ASL and English;
- 10 (5) An expert who researches language outcomes for deaf and hard-of-hearing children
11 using ASL and English;
- 12 (6) A credentialed teacher of deaf and hard-of-hearing students with expertise in
13 curriculum and instruction in ASL and English;
- 14 (7) A credentialed teacher of deaf and hard-of-hearing students with expertise in
15 curriculum and instruction in spoken English, with or without visual supplements;
- 16 (8) An advocate from the South Dakota Association of the Deaf who advocates for
17 teaching using both ASL and English;
- 18 (9) An early intervention specialist who works with deaf and hard-of-hearing infants and
19 toddlers using both ASL and English;
- 20 (10) A credentialed teacher of deaf and hard-of-hearing students with expertise in ASL
21 and English language assessments;
- 22 (11) A representative from the Parent Training Information Center for South Dakota or
23 South Dakota Parent Connection;
- 24 (12) A representative from Communication Service for the Deaf;

1 (13) A psychologist with expertise in assessing deaf and hard-of-hearing children who is
2 fluent in ASL and English; and

3 (14) A representative from the Department of Education.

4 The advisory committee may also advise the department on the content and administration
5 of the existing instrument used to assess the development of children with disabilities pursuant
6 to federal law, as used to assess deaf and hard-of-hearing children's language and literacy
7 development to ensure the appropriate use of the instrument with deaf or hard-of-hearing
8 children. The committee may make recommendations regarding future research to improve the
9 measurement of progress of deaf and hard-of-hearing children in language and literacy.

10 Section 7. That chapter 13-33B be amended by adding a NEW SECTION to read:

11 Before August 1, 2019, and before each August first thereafter, the department shall
12 annually produce a report, using existing data reported in compliance with the federally required
13 state performance plan on students with disabilities, that is specific to language and literacy
14 development of deaf and hard-of-hearing children from birth to five years of age, inclusive. The
15 report shall contain a comparison of children who are deaf or hard-of-hearing or have other
16 disabilities, relative to peers who are not deaf or hard-of-hearing. The department shall make
17 the report available on the department's website.

18 Section 8. That chapter 13-33B be amended by adding a NEW SECTION to read:

19 The implementation of this Act shall be consistent with federal law regarding the education
20 of children with disabilities and the privacy of student information. This Act only applies to
21 children from birth to five years of age.