

JAN 22 2016

A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that children who are
2 deaf, hard of hearing, and deaf-blind have the same ability and
3 capability to learn language as their peers who do not have a
4 similar disability. The ability and right to develop language
5 is central to the human experience and a necessary prerequisite
6 to literacy as well as cognitive, emotional, linguistic,
7 academic, and social growth and the chance for children to
8 evolve into healthy and productive members of society. Without
9 communication through language, formal education is not
10 possible.

11 The legislature further finds that current statistics show
12 many children who are deaf, hard of hearing, and deaf-blind
13 arrive at kindergarten with severe language delays and, in many
14 cases, language deprivation. Children who are deaf, hard of
15 hearing, and deaf-blind often begin kindergarten without the
16 necessary language skills to acquire the knowledge and academic
17 competences that will allow them to be successful in school and



1 life. Currently, there is no requirement to assess the language
2 development of children birth to five years old who are deaf,
3 hard of hearing, and deaf-blind. There is also no requirement
4 to monitor children's progress in the two languages most
5 commonly used in the United States by individuals who are deaf,
6 hard of hearing, and deaf-blind which are American Sign Language
7 and English.

8 The legislature finds that formal milestones and benchmarks
9 must be established and monitored from birth through age five in
10 order to assure children who are deaf, hard of hearing, and
11 deaf-blind have the language foundation to enter kindergarten
12 ready to learn. Accordingly, the purpose of this Act is to:

- 13 (1) Establish within the department of health, family
14 health services division, an early language
15 acquisition program to assess and track language
16 development for children who are deaf, hard of
17 hearing, and deaf-blind;
- 18 (2) Develop a resource for use by parents to monitor and
19 track deaf, hard of hearing, and deaf-blind children's
20 receptive and expressive language acquisition and



- 1 developmental stages related to English literacy and
2 appropriate communication skills;
- 3 (3) Starting on or before July 1, 2018, require the
4 department of health in conjunction with the
5 department of education to produce a report that is
6 specific to language and literacy development of deaf,
7 hard of hearing, and deaf-blind children from birth to
8 five years of age;
- 9 (4) Establish an early language acquisition advisory
10 committee to obtain input from experts on the
11 selection of language development milestones for
12 children who are deaf, hard of hearing, and deaf-
13 blind;
- 14 (5) Require the department of health to forward the
15 individual family service plan, focusing on the
16 child's language and literacy development, to the
17 department of education for inclusion in the
18 development of the child's individual education plan
19 when the child is transitioned to public school; and
- 20 (6) Make an appropriation to the department of health.



1 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§321- Deaf, hard of hearing, and deaf-blind; early
5 language acquisition program; advisory committee; established.

6 (a) There is established within the department of health,
7 family health services division, an early language acquisition
8 program to assess and track language development for children
9 who are deaf, hard of hearing, and deaf-blind.

10 (b) The family health services division shall select
11 language development milestones from existing standardized
12 norms, pursuant to subsection (e), for purposes of developing a
13 resource for use by parents to monitor and track deaf, hard of
14 hearing, and deaf-blind children's expressive and receptive
15 language acquisition and developmental stages toward English
16 literacy. The parent resource shall:

17 (1) Include the language development milestones selected
18 pursuant to the process specified in subsection (e);

19 (2) Be appropriate for use, in content and administration,
20 with deaf, hard of hearing, and deaf-blind children
21 from birth to five years of age, inclusive, who use



1 one or both of the languages of American Sign Language
2 and English; provided that for the purposes of this
3 section English includes spoken English, written
4 English, or English with the use of visual
5 supplements;

6 (3) Present the developmental milestones in terms of
7 typical child development, by age range;

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

9 (5) Be aligned with existing guidelines and instruments of
10 the department of health, family health services
11 division, as applicable, that are used to assess the
12 development of children with disabilities pursuant to
13 federal law and state standards in English language
14 arts;

15 (6) Make clear that the parent resource is not a formal
16 assessment of language and literacy development, and
17 that a parent's observations of a child may differ
18 from formal assessment data presented at an
19 individualized family service plan or individual
20 education plan meeting; and



1 (7) Make clear that a parent may bring the parent resource
2 to a family service plan or individualized education
3 plan meeting for the purposes of sharing the parent's
4 observations about the child's development.

5 (c) The family health services division shall select
6 existing tools or assessments for educators that can be used to
7 assess the language and literacy development of children who are
8 deaf, hard of hearing, and deaf-blind. The educator tools or
9 assessments:

10 (1) Shall be in a format that shows stages of language
11 development;

12 (2) Shall be selected for use by educators to track the
13 development of deaf, hard of hearing, and deaf-blind
14 children's expressive and receptive language
15 acquisition and development stages toward English
16 literacy;

17 (3) Shall be selected from existing instruments or
18 assessments used to evaluate the development of all
19 children from birth to five years of age, inclusive;



1 (4) Shall be appropriate, in content and administration,
2 for use with deaf, hard of hearing, and deaf-blind
3 children;

4 (5) May be used, in addition to federally required
5 assessments, by the child's individualized family
6 service plan or individualized education plan team, as
7 applicable, to track deaf, hard of hearing, and deaf-
8 blind children's progress and to establish or modify
9 individual family service plans or individual
10 educational service plans; and

11 (6) May reflect the recommendations of the advisory
12 committee established pursuant to subsection (f).

13 (d) The family health services division shall disseminate
14 the parent resource developed pursuant to subsection (b) to
15 parents and guardians of deaf, hard of hearing, or deaf-blind
16 children, and, pursuant to federal law, shall disseminate the
17 educator tools and assessments selected pursuant to subsection
18 (c) to schools and teachers for use in the development of
19 individualized family service plans or individual education
20 plans, and shall provide materials and training on use of the
21 educator tools and assessments to assist deaf, hard of hearing,



1 and deaf-blind children in becoming linguistically ready for
2 kindergarten using both or one of American Sign Language and
3 English.

4 If a deaf, hard of hearing, or deaf-blind child does not
5 demonstrate progress in expressive or receptive language skills,
6 as measured by one of the educator tools or assessments selected
7 pursuant to subsection (c), or by the existing instrument used
8 to assess the development of children with disabilities pursuant
9 to federal law, the child's individualized family services plan
10 or individualized education plan, as applicable, shall, as part
11 of the process required by federal law, explain in detail the
12 reasons why the child is not meeting the language developmental
13 milestones, and shall recommend specific strategies, services,
14 and programs that shall be provided to assist the child's
15 success toward English literacy.

16 (e) On or before March 1, 2018, the family health services
17 division shall provide the advisory committee established
18 pursuant to subsection (f) with a list of existing language
19 development milestones from existing standardized norms, along
20 with any relevant information held by the family health services
21 division regarding those language development milestones for



1 possible inclusion in the parent resource developed pursuant to
2 subsection (b). These language development milestones shall be
3 aligned with the existing guidelines and instruments of the
4 department of health's family health services division and
5 department of education, as applicable, that are used to assess
6 the development of children with disabilities pursuant to
7 federal law, and state standards in English language arts.

8 On or before June 1, 2018, the advisory committee shall
9 recommend language development milestones for selection pursuant
10 to subsection (b).

11 On or before June 30, 2018, the family health services
12 division and department of education shall inform the advisory
13 committee of which language development milestones were
14 selected.

15 (f) The director of health shall establish an ad hoc early
16 language acquisition advisory committee for the purposes of
17 soliciting input from experts on the selection of language
18 developmental milestones for children who are deaf, hard of
19 hearing, or deaf-blind, for inclusion in the parent resource
20 developed pursuant to subsection (b). The advisory committee
21 may also make recommendations on the selection and



1 administration of the educator tools or assessments selected
2 pursuant to subsection (c).

3 The advisory committee shall consist of fourteen members,
4 the majority of whom shall be deaf, hard of hearing, or deaf-
5 blind. In addition, the advisory committee shall include the
6 following:

7 (1) One parent of a child who is deaf, hard of hearing, or
8 deaf-blind who uses American Sign Language and
9 English;

10 (2) One parent of a child who is deaf, hard of hearing, or
11 deaf-blind who uses only spoken English, with or
12 without visual supplements;

13 (3) One parent, sibling, or teacher of a child who is
14 deaf-blind who is familiar with the language needs of
15 a child who is deaf-blind;

16 (4) One credentialed teacher of students who are deaf,
17 hard of hearing, or deaf-blind who uses American Sign
18 Language and English;

19 (5) One credentialed teacher of students who are deaf,
20 hard of hearing, or deaf-blind from a state certified
21 nonpublic, nonsectarian school;



- 1 (6) One credentialed teacher of students who are deaf,
2 heard of hearing, and deaf-blind whose expertise is in
3 curriculum development and the instruction of American
4 Sign Language and English;
- 5 (7) One credentialed teacher of students who are deaf,
6 hard of hearing, or deaf-blind whose expertise is in
7 curriculum development and instruction in spoken
8 English, with or without visual supplements;
- 9 (8) One credentialed teacher for students who are deaf,
10 hard of hearing, or deaf-blind whose expertise is in
11 American Sign Language and English language
12 assessment;
- 13 (9) One expert who researches language outcomes for
14 children who are deaf, hard of hearing, or deaf-blind
15 using American Sign Language and English;
- 16 (10) One expert who researches language outcomes for
17 students who are deaf, hard of hearing, and deaf-blind
18 using spoken English with or without visual
19 supplements;
- 20 (11) One advocate for the teaching and use of American Sign
21 Language and English;



- 1 (12) One advocate for the teaching and use of spoken
2 English, with or without visual supplements;
- 3 (13) One early intervention specialist who works with
4 infants and toddlers using American Sign Language and
5 English; and
- 6 (14) One speech pathologist who works with spoken English,
7 with or without use of visual supplements.

8 Advisory committee members shall serve without compensation
9 and include representation from each of the counties of
10 Honolulu, Hawaii, Kauai, and Maui.

11 (g) The advisory committee established pursuant to
12 subsection (f) may also advise the family health services
13 division on the content and administration of the existing
14 instruments used to assess the development of children with
15 disabilities pursuant to federal law, as used to assess children
16 who are deaf, hard of hearing, or deaf-blind's language and
17 literacy development to ensure the appropriate use of the
18 instrument, and may make recommendations regarding future
19 research to improve the measurement of progress of children who
20 are deaf, hard of hearing, and deaf-blind in language and
21 literacy.



1 (h) Commencing on or before July 1, 2018, and on or before
2 each July 1 thereafter, the family health services division, in
3 collaboration with the department of education, shall produce a
4 report, using existing data reported in compliance with the
5 federally required state performance plan on students with
6 disabilities that is specific to language and literacy
7 development of children who are deaf, hard of hearing, and deaf-
8 blind from birth to five years of age, inclusive, including
9 those who are deaf, hard of hearing, and deaf-blind and have
10 other disabilities, relative to their peers who are not deaf,
11 hard of hearing, or deaf-blind. The family health services
12 division and the department of education shall make this report
13 available on each department's website.

14 (i) All activities of the family health services division
15 in implementing this section shall be consistent with federal
16 law regarding the education of children with disabilities and
17 the privacy of student information.

18 (j) For the purposes of this section, the term "language
19 development milestones" means milestones of development aligned
20 with the existing state instruments used to meet the



1 requirements of federal law for the assessment of children from
2 birth to five years of age, inclusive.

3 (k) This section shall apply to children receiving
4 services from the department of health from birth to three years
5 of age, inclusive, and to children transitioning to the
6 department of education from ages three to five, inclusive."

7 SECTION 3. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$ or so
9 much thereof as may be necessary for fiscal year 2016-2017 for
10 the establishment of language developmental milestones for
11 children who are deaf, hard of hearing, and deaf-blind and
12 development of a parent resource and educator tools to monitor
13 and track children who are deaf, hard of hearing, and deaf-
14 blind's language acquisition and development stages toward
15 English literacy.

16 The sum appropriated shall be expended by the department of
17 health for the purposes of this Act.

18 SECTION 4. New statutory material is underscored.

19 SECTION 5. This Act shall take effect on July 1, 2016.

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INTRODUCED BY:

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Report Title:

Language Development Milestones; Deaf; Hard of Hearing; Deaf-blind; Early Language Acquisition Program; Early Language Acquisition Advisory Committee; Appropriation

Description:

Establishes the early language acquisition program to assess and track language development for children who are deaf, hard of hearing, and deaf-blind. Requires the departments of health and education to collaborate in the use of language assessments for children who are deaf, hard of hearing, and deaf-blind when developing individualized family support plans and individualized education plans in order to monitor language acquisition progress and implement appropriate language acquisition strategies to promote school readiness. Establishes the early language acquisition advisory committee to solicit input from experts on the selection of language developmental milestones. Makes an appropriation for the establishment of language developmental milestones and the corresponding parent resource and educator tools and assessments.

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