

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 965

FINAL READING

Introduced by McDonnell, 5.

Read first time January 13, 2020

Committee: Education

1 A BILL FOR AN ACT relating to education; to recognize American Sign
2 Language as a distinct and separate language; to authorize schools
3 and postsecondary educational institutions to offer courses in
4 American Sign Language; to define terms; to establish a language
5 assessment program for children who are deaf or hard of hearing; to
6 provide duties for the Commission for the Deaf and Hard of Hearing
7 and the State Department of Education; to provide for an advisory
8 committee; and to provide a duty for the Revisor of Statutes.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. The Legislature hereby declares that American Sign
2 Language is recognized by the State of Nebraska as a distinct and
3 separate language.

4 Sec. 2. The State Department of Education may provide for the
5 teaching of American Sign Language in public, private, denominational,
6 and parochial schools. If a school offers a course in American Sign
7 Language, such course shall be offered to all students and may be used
8 for world language credits by the school.

9 Sec. 3. Any postsecondary educational institution may offer an
10 elective course in American Sign Language. Any credits earned in a course
11 in American Sign Language at a postsecondary educational institution may
12 be used for world language credits if recognized as such by the
13 postsecondary educational institution.

14 Sec. 4. For purposes of sections 4 to 6 of this act:

15 (1) Communication means a two-way, interactive process to convey
16 meaning from one person or group to another through the use of mutually
17 understood signs, symbols, or voice;

18 (2) Credentialed teacher of the deaf means a certificated teacher
19 with a special education endorsement in deaf or hard of hearing
20 education;

21 (3) English means English literacy, spoken English, signing exact
22 English and morphemic system of signs, conceptually accurate signed
23 English, cued speech, and any other visual supplements;

24 (4) Language means a complex and dynamic system of conventional
25 symbols that is used in various modes for thought and communication; and

26 (5) Literacy includes the developmental stages of literacy, which
27 are necessary beginning stages to master a language and which include
28 pre-emergent, emergent, and novice levels.

29 Sec. 5. (1) The State Department of Education, in collaboration
30 with the Commission for the Deaf and Hard of Hearing, shall establish and
31 coordinate a language assessment program for children who are deaf or

1 hard of hearing. The program shall assess, monitor, and track the
2 language developmental milestones for children from birth through five
3 years of age who are deaf or hard of hearing. The scope of the program
4 shall include children who use one or more communication modes in
5 American Sign Language, English literacy, and, if applicable, spoken
6 English and visual supplements.

7 (2) Language assessments shall be given as needed to each child who
8 is deaf or hard of hearing and who is less than six years of age in
9 compliance with the Special Education Act and the federal Individuals
10 with Disabilities Education Act, as such act existed on January 1, 2020.
11 Such language assessments shall be provided in accordance with the
12 provisions of this section and any recommendations adopted pursuant to
13 this section.

14 (3) On or before December 31, 2022, and on or before each December
15 31 thereafter, the State Department of Education and the Commission for
16 the Deaf and Hard of Hearing shall publish a joint report that is
17 specific to language and literacy developmental milestones for each age
18 from birth through five years of age of children who are deaf or hard of
19 hearing, including children who are deaf or hard of hearing and have
20 another disability, relative to such children's peers who are not deaf or
21 hard of hearing. Such report shall be based on existing data annually
22 reported by the State Department of Education in compliance with the
23 federally required state performance plan on pupils with disabilities.
24 The State Department of Education and the Commission for the Deaf and
25 Hard of Hearing shall each publish the report on their respective web
26 sites. The report shall be electronically submitted to the Education
27 Committee of the Legislature and the Clerk of the Legislature.

28 Sec. 6. (1) The Commission for the Deaf and Hard of Hearing shall
29 appoint an advisory committee to advise the commission regarding all
30 aspects of the language assessment program established pursuant to
31 section 5 of this act. The advisory committee shall consist of fourteen

1 members as follows:

2 (a) One member shall be a credentialed teacher of the deaf who uses
3 both American Sign Language and English during instruction;

4 (b) One member shall be a credentialed teacher of the deaf who uses
5 spoken English, with or without visual supplements, during instruction;

6 (c) One member shall be a credentialed teacher of the deaf who has
7 expertise in curriculum development and instruction for American Sign
8 Language and English;

9 (d) One member shall be a credentialed teacher of the deaf who has
10 expertise in assessing language development in both American Sign
11 Language and English;

12 (e) One member shall be a speech language pathologist who has
13 experience working with children from birth through five years of age;

14 (f) One member shall be a professional with a linguistic background
15 who conducts research on language outcomes of children who are deaf or
16 hard of hearing and who uses both American Sign Language and English;

17 (g) One member shall be a parent of a child who is deaf or hard of
18 hearing and who uses both American Sign Language and English;

19 (h) One member shall be a parent of a child who is deaf or hard of
20 hearing and who uses spoken English with or without visual supplements;

21 (i) One member shall be knowledgeable about teaching and using both
22 American Sign Language and English in the education of children who are
23 deaf or hard of hearing;

24 (j) One member shall be a community member representing the deaf
25 community;

26 (k) One member shall be a community member representing the hard of
27 hearing community;

28 (l) One member shall be the state liaison for any regional programs
29 for the education of children who are deaf or hard of hearing,
30 coordinated through the State Department of Education, or the state
31 liaison's designee;

1 (m) One member shall be a member of the Commission for the Deaf and
2 Hard of Hearing; and

3 (n) One member shall be the coordinator of a network that provides
4 service coordination for children with special needs who are below three
5 years of age or the coordinator's designee.

6 (2) On or before December 30, 2020, the executive director of the
7 Commission for the Deaf and Hard of Hearing shall call an organizational
8 meeting of the advisory committee. At such organizational meeting, the
9 members shall elect a chairperson and vice-chairperson from the
10 membership of the advisory committee. The advisory committee may meet at
11 any time and at any place within the state on the call of the
12 chairperson. A quorum of the advisory committee shall be six members. All
13 actions of the advisory committee shall be by motion adopted by a
14 majority of those members present when there is a quorum.

15 (3) On or before July 1, 2022, the advisory committee shall develop
16 specific action plans and make recommendations necessary to fully
17 implement the language assessment program. The advisory committee shall:

18 (a) Collaborate with the coordinating council for a network that
19 provides service coordination for children with special needs who are
20 below three years of age and an advisory council that provides policy
21 guidance to the State Department of Education;

22 (b) Solicit input from professionals trained in the language
23 development and education of children who are deaf or hard of hearing on
24 the selection of specific language developmental milestones;

25 (c) Review and recommend the use of existing and available language
26 assessments for children who are deaf or hard of hearing;

27 (d) Recommend qualifications for identifying language professionals
28 with knowledge of the use of evidence-based, best practices in English
29 and American Sign Language who can be available to advocate at
30 individualized family service plan or individualized education program
31 team meetings;

1 (e) Recommend qualifications for identifying language assessment
2 evaluators with knowledge of the use of evidence-based, best practices
3 with children who are deaf or hard of hearing and the resources for
4 locating such evaluators; and

5 (f) Recommend procedures and methods for communicating information
6 on language acquisition, assessment results, milestones, assessment tools
7 used, and progress of the child to the parent or legal guardian of such
8 child and the teachers and other professionals involved in the early
9 intervention and education of such child.

10 (4) The specific action plans and recommendations developed by the
11 advisory committee shall include, but are not limited to, the following:

12 (a) Language assessments that include data collection and timely
13 tracking of the child's development so as to provide information about
14 the child's receptive and expressive language compared to such child's
15 linguistically age-appropriate peers who are not deaf or hard of hearing;

16 (b) Language assessments conducted in accordance with standardized
17 norms and timelines in order to monitor and track language developmental
18 milestones in receptive, expressive, social, and pragmatic language
19 acquisition and developmental stages to show progress in American Sign
20 Language literacy, English literacy, or both, for all children from birth
21 through five years of age who are deaf or hard of hearing;

22 (c) Language assessments delivered in the child's mode of
23 communication and which have been validated for the specific purposes for
24 which each assessment is used, and appropriately normed;

25 (d) Language assessments administered by individuals who are
26 proficient in American Sign Language for American Sign Language
27 assessments and English for English assessments;

28 (e) Use of assessment results, in addition to the results of the
29 assessment required by federal law, for guidance in the language
30 developmental discussions by individualized family service plan or
31 individualized education program team meetings when assessing the child's

1 progress in language development;

2 (f) Reporting of assessment results to the parents or legal guardian
3 of the child and any applicable agency;

4 (g) Reporting of assessment results on an aggregated basis to the
5 Education Committee of the Legislature, the Clerk of the Legislature, and
6 the Governor; and

7 (h) Reporting of assessment results to the members of the child's
8 individualized family service plan or individualized education program
9 team, which assessment results may be used, in addition to the results of
10 the assessment required by federal law, by the child's individualized
11 family service plan or individualized education program team, as
12 applicable, to track the child's progress, and to establish or modify the
13 individualized family service plan or individualized education program.

14 (5) The advisory committee appointed pursuant to this section shall
15 terminate on July 1, 2022.

16 Sec. 7. The Revisor of Statutes shall assign section 2 of this act
17 to Chapter 79, article 7, and section 3 of this act to Chapter 85,
18 article 9.