

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 965

Introduced by McDonnell, 5.

Read first time January 13, 2020

Committee: Education

- 1 A BILL FOR AN ACT relating to education; to establish a language
2 assessment program for children who are deaf or hard of hearing as
3 prescribed; to define terms; to provide duties for the Commission
4 for the Deaf and Hard of Hearing; to provide for an advisory
5 committee as prescribed; and to provide duties for and require
6 submission of reports by the Commission for the Deaf and Hard of
7 Hearing.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. For purposes of sections 1 to 3 of this act:

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

5 (2) Credentialed teacher of the deaf means a certificated teacher
6 with a special education endorsement in deaf or hard of hearing
7 education;

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

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

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

16 Sec. 2. (1) The Commission for the Deaf and Hard of Hearing shall
17 establish and coordinate a language assessment program for children who
18 are deaf or hard of hearing. The program shall assess, monitor, and track
19 the language developmental milestones for children who are deaf or hard
20 of hearing from birth through the age of five. The scope of the program
21 shall include children who use one or more communication modes in
22 American Sign Language, English literacy, and, if applicable, spoken
23 English and visual supplements.

24 (2) On and after July 31, 2021, language assessments shall be given
25 as needed to each child who is deaf or hard of hearing and who is less
26 than six years of age. Language assessments shall be provided either
27 through early intervention services administered by a network that
28 provides service coordination for children with special needs below the
29 age of three or, for children three years of age or older, through the
30 school district in which the child is enrolled. Such language assessments
31 shall be provided in accordance with the provisions of this section and

1 any recommendations adopted pursuant to this section.

2 (3) Any regional programs for the education of children who are deaf
3 or hard of hearing coordinated through the State Department of Education
4 shall enter into interagency agreements with the Commission for the Deaf
5 and Hard of Hearing to share statewide aggregate data.

6 (4) On or before January 31, 2021, and on or before each January 31
7 thereafter, the Commission for the Deaf and Hard of Hearing shall publish
8 a report that is specific to language and literacy developmental
9 milestones of children who are deaf or hard of hearing for each age from
10 birth through the age of five, including those who are deaf or hard of
11 hearing and have other disabilities, relative to such children's peers
12 who are not deaf or hard of hearing. Such report shall be based on
13 existing data annually reported by the State Department of Education in
14 compliance with the federally required state performance plan on pupils
15 with disabilities. The Commission for the Deaf and Hard of Hearing shall
16 publish the report on its web site. The report shall be electronically
17 submitted to the Education Committee of the Legislature and the Clerk of
18 the Legislature.

19 Sec. 3. (1) The Commission for the Deaf and Hard of Hearing shall
20 appoint an advisory committee to advise the commission regarding all
21 aspects of the language assessment program established pursuant to
22 section 2 of this act. The advisory committee shall consist of fourteen
23 members as follows:

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

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

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

31 (d) One member shall be a credentialed teacher of the deaf who has

1 expertise in assessing language development in both American Sign
2 Language and English;

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

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

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

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

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

15 (j) One member shall be a community member representing the deaf
16 community;

17 (k) One member shall be a community member representing the hard of
18 hearing community;

19 (l) One member shall be the state liaison for regional programs or
20 the liaison's designee;

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

23 (n) One member shall be the coordinator of a network that provides
24 service coordination for children with special needs below the age of
25 three or the coordinator's designee.

26 (2) On or before August 1, 2020, the executive director of the
27 Commission for the Deaf and Hard of Hearing shall call an organizational
28 meeting of the advisory committee. At such organizational meeting, the
29 members shall elect a chairperson and vice-chairperson from the
30 membership of the advisory committee. The advisory committee may meet at
31 any time and at any place within the state on the call of the

1 chairperson. A quorum of the advisory committee shall be six members. All
2 actions of the advisory committee shall be by motion adopted by a
3 majority of those members present when there is a quorum.

4 (3) On or before July 1, 2021, the advisory committee shall develop
5 specific action plans and make recommendations necessary to fully
6 implement the language assessment program. The advisory committee shall:

7 (a) Collaborate with the coordinating council for a network that
8 provides service coordination for children with special needs below the
9 age of three and an advisory council that provides policy guidance to the
10 State Department of Education;

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

14 (c) Review, recommend, and monitor the use of existing and available
15 language assessments for children who are deaf or hard of hearing;

16 (d) Determine and recommend qualifications for identifying language
17 professionals with knowledge of the use of evidence-based, best practices
18 in English and American Sign Language who can be available to advocate at
19 individualized family service plan or individualized education plan team
20 meetings;

21 (e) Determine qualifications for identifying language assessment
22 evaluators with knowledge of the use of evidence-based, best practices
23 with children who are deaf or hard of hearing and the resources for
24 locating such evaluators; and

25 (f) Determine procedures and methods for communicating information
26 on language acquisition, assessment results, milestones, assessment tools
27 used, and progress of the child to the parent or legal guardian of such
28 child and the teachers and other professionals involved in the early
29 intervention and education of such child.

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

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

5 (b) Language assessments conducted in accordance with standardized
6 norms and timelines in order to monitor and track language developmental
7 milestones in receptive, expressive, social, and pragmatic language
8 acquisition and developmental stages to show progress in American Sign
9 Language literacy, English literacy, or both, for all children who are
10 deaf or hard of hearing from birth through the age of five;

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

14 (d) Language assessments administered by individuals who are
15 proficient in American Sign Language for American Sign Language
16 assessments and English for English assessments;

17 (e) Use of assessment results, in addition to the results of the
18 assessment required by federal law, for guidance in the language
19 developmental discussions by individualized family service plan or
20 individualized education plan team meetings when assessing the child's
21 progress in language development;

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

24 (g) Reporting of assessment results on an aggregated basis to the
25 Education Committee of the Legislature, the Clerk of the Legislature, and
26 the Governor; and

27 (h) Reporting of assessment results to the members of the child's
28 individualized family service plan or individualized education plan team,
29 which assessment results may be used, in addition to the results of the
30 assessment required by federal law, by the child's individualized family
31 service plan or individualized education plan team, as applicable, to

1 track the child's progress, and to establish or modify the individualized
2 family service plan or individualized education plan.

3 (5) The advisory committee appointed pursuant to this section shall
4 terminate on July 1, 2021.