

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.