

2018 Regular Session

HOUSE BILL NO. 199

BY REPRESENTATIVES SMITH, AMEDEE, BOUIE, BRASS, STEVE CARTER,
EDMONDS, FALCONER, HILFERTY, SIMON, AND WRIGHT

EXCEPTIONAL PERSONS: Creates Language Equality and Acquisition for Deaf Kids (LEAD-K) Task Force to develop framework for assessing children who are deaf or hard of hearing to determine language skills and ensure kindergarten readiness

1 AN ACT

2 To enact R.S. 17:1960.1 and R.S. 36:651(G)(6) and to repeal R.S. 17:1960.1 and R.S.
3 36:651(G)(6), relative to the development of children who are deaf or hard of
4 hearing; to establish the Language Equality and Acquisition for Deaf Kids (LEAD-
5 K) Task Force; to provide relative to the purpose, membership, and meetings of the
6 task force; to require the task force to study and make recommendations relative to
7 specific matters; to require the task force to submit a report to the legislature; to
8 require the state Department of Education and the Department of Health to provide
9 a response to such report to the legislature; to provide for termination of the task
10 force; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 17:1960.1 is hereby enacted to read as follows:

13 §1960.1. Language Equality and Acquisition for Deaf Kids (LEAD-K) Task Force

14 A.(1) The legislature finds that children who are deaf or hard of hearing have
15 the same ability and capability to learn language as their peers who do not have a
16 similar disability and that the ability and right to develop language are central to the
17 human experience and necessary prerequisites to literacy as well as cognitive,
18 emotional, linguistic, academic, and social growth and the chance for children to
19 evolve into healthy and productive members of society.

1 (2) The legislature further finds that the state Department of Education and
2 the Louisiana Department of Health are committed to collaborating to improve
3 services for children who are deaf or hard of hearing so that they have the
4 opportunity to begin kindergarten with the necessary language skills to acquire the
5 knowledge and academic competencies that will allow them to be successful in
6 school and life.

7 (3) The legislature further finds that pursuant to the Individuals with
8 Disabilities Education Act, P.L. 108-446:

9 (a) The Louisiana Department of Health is responsible for the provision of
10 early intervention services as identified in the child's Individualized Family Support
11 Plan to children from birth to age three years with special needs and their families.

12 (b) The state Department of Education is responsible for the provision of
13 special education and related services as identified in the child's Individualized
14 Education Program to children age three to five years with special needs.

15 B. The Language Equality and Acquisition for Deaf Kids (LEAD-K) Task
16 Force is hereby established for the purpose of developing a framework for assessing
17 children who are deaf or hard of hearing to determine their competencies in language
18 and literacy skills for the purpose of ensuring they have the opportunity to achieve
19 kindergarten readiness in an equitable manner.

20 C.(1) The task force shall consist of twenty-two members as follows:

21 (a) One parent of a child who is deaf or hard of hearing and is proficient in
22 American Sign Language and English.

23 (b) One parent of a child who is deaf or hard of hearing and who uses only
24 spoken English.

25 (c) One teacher of children who are deaf or hard of hearing whose expertise
26 is in curriculum and instruction in American Sign Language and English.

27 (d) One teacher of children who are deaf or hard of hearing whose expertise
28 is in curriculum and instruction in English.

1 (e) One early intervention specialist who works with infants and toddlers
2 who are deaf or hard of hearing using American Sign Language and spoken English.

3 (f) One administrator of an early intervention program for children who are
4 deaf or hard of hearing.

5 (g) One administrator of a school-age program for children who are deaf or
6 hard of hearing.

7 (h) One speech pathologist with experience working with children who are
8 deaf or hard of hearing on the development of spoken English, with or without the
9 use of visual supplements.

10 (i) One school psychologist with experience working with students who are
11 deaf or hard of hearing and with knowledge in conducting and interpreting cognitive
12 assessments for such students.

13 (j) Two representatives of an association that advocates to enhance the
14 quality of life for Louisiana children who are deaf or hard of hearing.

15 (k) A mental health professional.

16 (l) A medical professional.

17 (m) One adult who is deaf or hard of hearing and is proficient in American
18 Sign Language and English.

19 (n) One adult who is deaf or hard of hearing who uses spoken English,
20 without visual supplements.

21 (o) One member of the Louisiana House of Representatives appointed by the
22 Speaker of the House.

23 (p) One member of the Louisiana Senate appointed by the President of the
24 Senate.

25 (q) One representative of the Louisiana Department of Health appointed by
26 the department secretary.

27 (r) One audiologist appointed by the secretary of the Louisiana Department
28 of Health.

1 (s) The executive director of the Louisiana Commission for the Deaf or his
2 designee.

3 (t) The state superintendent of education or his designee.

4 (u) The executive director of the Governor's Office on Disability
5 Affairs or his designee.

6 (2) Members provided in Subparagraphs (1)(a) through (n) of this Subsection
7 shall be appointed jointly by the state superintendent of education and the secretary
8 of the Louisiana Department of Health, who shall seek input on the appointments
9 from offices and organizations that serve the deaf community, including but not
10 limited to the Louisiana Early Hearing Detection and Intervention Program, the Early
11 Steps Program, and the Louisiana Commission for the Deaf. When making these
12 appointments, preference shall be given, if applicable, to persons with deaf education
13 certification or with early childhood education certification and experience working
14 with children with hearing loss.

15 (3) A vacancy in the membership of the task force shall be filled in the same
16 manner as the original appointment.

17 (4) The members of the task force shall elect a chairman.

18 (5) The members of the task force shall serve without compensation.

19 D. The state Department of Education and the Louisiana Department of
20 Health shall provide staff support for the task force.

21 E. The task force shall hold its initial meeting no later than August 1, 2018,
22 and thereafter shall meet according to a schedule it establishes. A majority of the
23 members of the task force shall constitute a quorum for the transaction of any and
24 all business. The task force shall be domiciled in Baton Rouge but may hold public
25 meetings elsewhere in the state.

26 F. The task force shall study and make recommendations relative to matters
27 that shall include but need not be limited to developing the framework for assessing
28 children who are deaf or hard of hearing as provided in Subsection B of this Section.
29 Such framework shall consider children with congenital or acquired hearing loss,

1 unilateral and bilateral hearing loss, all degrees of hearing loss from minimal to
2 profound, and all types of hearing loss. When conducting analysis and making
3 recommendations relative to the framework, the task force shall be impartial with
4 regard to the language modalities used to teach children who are deaf or hard of
5 hearing and shall do all of the following:

6 (1) Review and make recommendations relative to tools or assessments for
7 educators to use to assess the language and literacy development of children who are
8 deaf or hard of hearing. The tools or assessments shall be all of the following:

9 (a) Standardized, norm-referenced, and validated.

10 (b) Able to track such children's expressive and receptive language and
11 cognitive abilities compared to peers who are not deaf or hard of hearing.

12 (c) Able to be used to establish or modify a child's Individualized Education
13 Program or Individualized Family Service Plan.

14 (2) Determine how often the tools or assessments reviewed pursuant to
15 Paragraph (1) of this Subsection should be used for children from birth to age five.

16 (3) Identify language development milestones for children who are deaf or
17 hard of hearing by consulting with professionals trained in the language development
18 and education of such children. The milestones shall be all of the following:

19 (a) A resource for use by parents and educators to monitor and track such
20 children's expressive and receptive language acquisition.

21 (b) Able to be used to ensure that such children meet developmental
22 milestones toward English literacy.

23 (c) Evaluated by the use of formalized, evidence-based assessments.

24 (4) Identify procedures and methods for reporting language acquisition,
25 assessment results, milestones, assessment tools used, and progress of such children
26 to parents and to teachers and other professionals involved in their early intervention
27 and education.

1 by Article III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the
 2 governor and subsequently approved by the legislature, this Act shall become effective on
 3 the day following such approval.

4 (B) Section 4 of this Act shall become effective on March 1, 2019.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 199 Engrossed

2018 Regular Session

Smith

Abstract: Establishes the Language Equality and Acquisition for Deaf Kids (LEAD-K) Task Force to develop a framework for assessing children who are deaf or hard of hearing to determine competencies in language and literacy skills and to ensure opportunities for equitable achievement of kindergarten readiness.

Proposed law creates the Language Equality and Acquisition for Deaf Kids (LEAD-K) Task Force to develop a framework for assessing children who are deaf or hard of hearing to determine their competencies in language and literacy skills for the purpose of ensuring they are able to achieve kindergarten readiness in an equitable manner. Requires impartiality with regard to the language modalities used to teach such children. Provides for 22 members as follows:

- (1) 15 members appointed jointly by the state superintendent of education and the secretary of the La. Department of Health (LDH), who shall seek input on the appointments from offices and organizations that serve the deaf community. Provides that when making these appointments, preference shall be given, if applicable, to persons with deaf education certification or with early childhood education certification and experience working with children with hearing loss. These members shall be as follows:
 - (a) One parent of a child who is deaf or hard of hearing and is proficient in American Sign Language (ASL) and English.
 - (b) One parent of a child who is deaf or hard of hearing and who uses only spoken English.
 - (c) One teacher of children who are deaf or hard of hearing whose expertise is in curriculum and instruction in ASL and English.
 - (d) One teacher of children who are deaf or hard of hearing whose expertise is in curriculum and instruction in English.
 - (e) One early intervention specialist who works with deaf and hard of hearing infants and toddlers using ASL and spoken English.
 - (f) One administrator of an early intervention program for children who are deaf or hard of hearing.
 - (g) One administrator of a school-age program for children who are deaf or hard of hearing.

- (h) One speech pathologist with experience working with children who are deaf or hard of hearing on the development of spoken English, with or without the use of visual supplements.
 - (i) One school psychologist with experience working with students who are deaf or hard of hearing and with knowledge in conducting and interpreting cognitive assessments for such students.
 - (j) Two representatives of an association that advocates to enhance the quality of life for children who are deaf or hard of hearing.
 - (k) One adult who is deaf or hard of hearing and is proficient in ASL and English.
 - (l) One adult who is deaf or hard of hearing who uses spoken English, without visual supplements.
 - (m) A mental health professional.
 - (n) A medical professional.
- (2) One member of the La. House of Representatives appointed by the speaker.
 - (3) One member of the La. Senate appointed by the president.
 - (4) One representative of the La. Dept. of Health appointed by the department secretary.
 - (5) One audiologist appointed by the secretary of the La. Dept. of Health.
 - (6) Executive director of the La. Commission for the Deaf or his designee.
 - (7) The state superintendent of education or his designee.
 - (8) The executive director of the Governor's Office on Disability Affairs or his designee.

Proposed law provides relative to membership and meetings:

- (1) A vacancy shall be filled in the same manner as the original appointment.
- (2) Members shall elect a chairman and serve without compensation.
- (3) The state Dept. of Education and the La. Dept. of Health shall provide staff support.
- (4) The task force shall hold its initial meeting no later than August 1, 2018, and shall be domiciled in Baton Rouge but may hold public meetings elsewhere in the state.

Proposed law provides that the task force shall study and make recommendations relative to matters that shall include developing a framework for assessing children who are deaf or hard of hearing and shall do all of the following:

- (1) Review and make recommendations relative to tools or assessments for educators to use to assess the language and literacy development of such children.
- (2) Determine how often such tools or assessments should be used for children from birth to age five.
- (3) Identify language development milestones for such children by consulting with professionals trained in the language development and education of such children.

- (4) Identify procedures and methods for reporting language acquisition, assessment results, milestones, assessment tools used, and progress of such children to parents and to teachers and other professionals involved in their early intervention and education.
- (5) Make recommendations relative to ensuring that state law and state and local policies are adequately addressing the language developmental needs of such children.

Proposed law requires the task force to submit a report to the House and Senate education committees and health and welfare committees not later than Feb. 1, 2019. Requires the state Dept. of Education and the La. Dept. of Health to submit responses to this report to these committees not later than March 1, 2019.

Proposed law is effective upon signature of governor or lapse of time for gubernatorial action and is repealed on March 1, 2019.

(Adds R.S. 17:1960.1 and R.S. 36:651(G)(6); Repeals R.S. 17:1960.1 and R.S. 36:651(G)(6))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Revise provisions relative to commission membership as follows:
 - (a) Increase number of commission members from 19 to 22 by adding a mental health professional, a medical professional, and the executive director of the Governor's Office on Disability Affairs.
 - (b) Instead of granting sole appointment authority of a majority of the commission to the state superintendent of education, provide for joint appointment by the superintendent and the secretary of the La. Department of Health with input from offices and organizations that serve the deaf community.
 - (c) Relative to appointments, add that preference be given, if applicable, to those holding early childhood or deaf education certification.
2. Instead of requiring that the task force be impartial with regard to language taught to children who are deaf or hard of hearing, require that it be impartial with regard to language modalities used to teach them.