

2018 Regular Session

HOUSE BILL NO. 199

BY REPRESENTATIVES SMITH, AMEDEE, ANDERS, BACALA, BAGNERIS, BARRAS, BERTHELOT, BILLIOT, BOUIE, BRASS, CHAD BROWN, TERRY BROWN, CARMODY, CARPENTER, GARY CARTER, STEVE CARTER, COX, DAVIS, DEVILLIER, EDMONDS, EMERSON, FALCONER, FOIL, GAINES, GISCLAIR, HALL, LANCE HARRIS, HAZEL, HILFERTY, HODGES, HOWARD, HUNTER, JACKSON, JAMES, JEFFERSON, JENKINS, JOHNSON, JONES, JORDAN, LEGER, LYONS, MARCELLE, GREGORY MILLER, NORTON, PIERRE, POPE, REYNOLDS, SCHEXNAYDER, SIMON, STAGNI, WHITE, WRIGHT, AND ZERINGUE

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 Louisiana Department of Health
9 to provide a response to such report to the legislature; to provide for termination of
10 the task 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,

1 emotional, linguistic, academic, and social growth and the chance for children to
2 evolve into healthy and productive members of society.

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

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

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

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

17 B.(1) The Language Equality and Acquisition for Deaf Kids (LEAD-K) Task
18 Force is hereby established for the purposes of developing a resource for parents to
19 monitor and track deaf and hard of hearing children's expressive and receptive
20 language acquisition and developmental stages toward English literacy and
21 developing a framework for assessing children who are deaf or hard of hearing to
22 determine their competencies in language and literacy skills for the purpose of
23 ensuring they have the opportunity to achieve kindergarten readiness in an equitable
24 manner.

25 (2) For purposes of this Section, the term "English" shall include spoken
26 English, written English, and English with the use of visual supplements, including
27 but not limited to Cued Speech and Signing Exact English.

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

1 (a) One parent whose child is deaf or hard of hearing and proficient in
2 American Sign Language and English.

3 (b) One parent whose child is deaf or hard of hearing and uses only spoken
4 English.

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

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

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

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

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

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

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

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

23 (k) A licensed or certified mental health professional who works with
24 children who are deaf or hard of hearing and their families.

25 (l) One adult who is deaf or hard of hearing and is proficient in American
26 Sign Language and English.

27 (m) One adult who is deaf or hard of hearing who uses spoken English,
28 without visual supplements.

1 (n) One member of the Louisiana House of Representatives appointed by the
2 speaker of the House of Representatives.

3 (o) One member of the Louisiana Senate appointed by the president of the
4 Senate.

5 (p) One representative of the Louisiana Department of Health appointed by
6 the department secretary.

7 (q) The director of the Louisiana Early Hearing Detection and Intervention
8 Program or his designee.

9 (r) The executive director of the Louisiana Commission for the Deaf or his
10 designee.

11 (s) The state superintendent of education or his designee.

12 (t) The executive director of the governor's office of disability affairs or his
13 designee.

14 (u) The outreach coordinator for the Parent Pupil Education Program at the
15 Louisiana School for the Deaf.

16 (2) Members provided in Subparagraphs (1)(a) through (m) of this
17 Subsection shall be appointed jointly by the state superintendent of education and the
18 secretary of the Louisiana Department of Health, who shall seek input on the
19 appointments from offices and organizations that serve the deaf community,
20 including but not limited to the Louisiana Early Hearing Detection and Intervention
21 Program, the Early Steps Program, and the Louisiana Commission for the Deaf.
22 When making these appointments, preference shall be given, if applicable, to persons
23 with deaf education certification or with early childhood education certification and
24 experience working with children with hearing loss.

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

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

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

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

3 E. The state superintendent of education and the secretary of the Louisiana
4 Department of Health shall jointly call the initial meeting no later than August 1,
5 2018, and thereafter the task force shall meet according to a schedule it establishes.
6 A majority of the members of the task force shall constitute a quorum for the
7 transaction of any and all business. The task force shall be domiciled in Baton
8 Rouge but may hold public meetings elsewhere in the state.

9 F. The task force shall study and make recommendations relative to matters
10 that shall include but need not be limited to developing the framework for assessing
11 children who are deaf or hard of hearing as provided in Subsection B of this Section
12 and selecting language developmental milestones from existing standardized norms.
13 Such framework shall consider children with congenital or acquired hearing loss,
14 unilateral and bilateral hearing loss, all degrees of hearing loss from minimal to
15 profound, and all types of hearing loss. When conducting analysis and making
16 recommendations relative to the framework, the task force shall be impartial with
17 regard to the language and modalities used to teach children who are deaf or hard of
18 hearing and shall do all of the following:

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

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

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

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

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

- (1) 14 members appointed jointly by the state superintendent of education and the secretary of the La. Dept. 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 whose child is deaf or hard of hearing and proficient in American Sign Language (ASL) and English.
 - (b) One parent whose child is deaf or hard of hearing and 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 licensed or certified mental health professional who works with children who are deaf or hard of hearing and their families.
- (2) One member of La. House of Representatives appointed by the speaker.
- (3) One member of La. Senate appointed by the president.
- (4) One representative of La. Dept. of Health appointed by the department secretary.
- (5) Director of La. Early Hearing Detection and Intervention Program or his designee.
- (6) Executive director of La. Commission for the Deaf or his designee.

- (7) State superintendent of education or his designee.
- (8) Executive director of governor's office of disability affairs or his designee.
- (9) Outreach coordinator for the Parent Pupil Education Program at La. School for the Deaf.

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 and shall jointly call the first meeting.
- (4) The task force shall hold its initial meeting no later than Aug. 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 but need not be limited to developing a framework for assessing children who are deaf or hard of hearing and selecting language developmental milestones from existing standardized norms. Requires the task force to do all of the following:

- (1) Review and make recommendations relative to existing 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 of 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. Dept. 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.

The House Floor Amendments to the engrossed bill:

1. Expand purpose of task force to include developing a resource for parents to monitor and track deaf and hard of hearing children's expressive and receptive language acquisition and developmental stages toward English literacy.
2. Add that for proposed law purposes, "English" shall include spoken English, written English, and English with the use of visual supplements, including but not limited to Cued Speech and Signing Exact English.
3. Relative to membership: retain total membership of 22 but replace medical professional and audiologist with director of the La. Early Hearing Detection and Intervention Program and outreach coordinator for the Parent Pupil Education Program at the La. School for the Deaf; specify that the mental health professional shall be one who is licensed or certified and works with children who are deaf or hard of hearing and their families.
4. Add that the state supt. of education and secretary of La. Dept. of Health shall jointly call the first task force meeting.
5. Instead of requiring that the task force be impartial with regard to language modalities used to teach children who are deaf or hard of hearing, requires impartiality regarding language and modalities used to teach them.