

AMENDED IN SENATE MARCH 24, 2015

SENATE BILL

No. 210

Introduced by Senator Galgiani

February 11, 2015

An act to ~~amend Sections 42651, 42652, 42653, and 42654 of the Food and Agricultural Code, relating to fruit, nut, and vegetable standards.~~ *add Section 56326.5 to the Education Code, relating to special education.*

LEGISLATIVE COUNSEL'S DIGEST

SB 210, as amended, Galgiani. ~~Fruit, nut, and vegetable standards: enforcement.~~ *Special education: deaf and hard-of-hearing children: language benchmarks.*

Existing law provides that the Superintendent of Public Instruction may authorize the California School for the Deaf to establish and maintain a testing center for deaf and hard-of-hearing minors. Existing law provides that the purpose of the center shall be to test hearing acuity and to give such other tests as may be necessary for advising parents and school authorities concerning an appropriate educational program for the child. Existing law authorizes a pupil to be referred, as appropriate, to the California School for the Deaf, among other places, for further assessment and recommendations.

This bill would require the State Department of Education's Deaf and Hard of Hearing unit, the California School for the Deaf, Fremont, and the California School for the Deaf, Riverside, to jointly select language benchmarks from existing standardized norms for purposes of monitoring and tracking deaf and hard-of-hearing children's expressive and receptive language acquisition and developmental stages toward English literacy. The bill would require the language

benchmarks to be selected from the language benchmarks recommended by an ad hoc advisory committee, which the bill would establish, as provided, and would require the language benchmarks to be used by a child's individualized family service plan (IFSP) team or individualized education program (IEP) team, as applicable, to assess the progress of the child's language development using one or both of the dual languages of American Sign Language (ASL) and English, which would be required to be reported to the department. To the extent using the language benchmarks would impose additional duties on local educational agency officials, the bill would impose a state-mandated local program.

The bill would require, if a child does not demonstrate progress in expressive and receptive language skills according to the applicable language benchmarks, the child's IFSP team or IEP team, as applicable, to explain in detail the reasons why the child is not meeting the benchmarks or progressing towards the age-appropriate benchmark, and to recommend specific strategies, services, and programs that would be provided to assist the child's success toward English literacy. To the extent this would impose additional duties on local educational agency officials, the bill would impose a state-mandated local program. The bill also would require the department to disseminate the overall goals for the language benchmarks to the parents or guardians of deaf or hard-of-hearing children, and a child's IFSP or IEP team, and to provide materials and training to ensure appropriate language growth as part of the child's existing IFSP or IEP in order to assist the deaf or hard-of-hearing child in becoming linguistically ready for kindergarten using one or both of the dual languages of ASL and English. The bill would require the department, on or before January 1, 2017, to develop specific action plans and regulations to fully implement the language benchmark assessment protocol and processes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law requires the Director of Food and Agriculture and the commissioners of each county of the state, and their deputies and~~

inspectors, under the supervision and control of the director, to enforce specified provisions governing the failure of food and agricultural officers to carry out orders and directions of the director, the enforcement of specified fruit, nut, and vegetable standards, and the maintenance of state inspection stations.

~~This bill would make nonsubstantive changes to these provisions, including changing the reference from Director of Food and Agriculture to the Secretary of Food and Agriculture.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 56326.5 is added to the Education Code,
2 to read:
3 56326.5. (a) (1) *The department’s Deaf and Hard of Hearing*
4 *unit, the California School for the Deaf, Fremont, and the*
5 *California School for the Deaf, Riverside, shall jointly select*
6 *language benchmarks from existing standardized norms for*
7 *purposes of monitoring and tracking deaf and hard-of-hearing*
8 *children’s expressive and receptive language acquisition and*
9 *developmental stages toward English literacy.*

10 (2) (A) *The language benchmarks shall be selected from the*
11 *language benchmarks recommended by the advisory committee*
12 *pursuant to subdivision (c), and shall be used by a child’s*
13 *individualized family service plan (IFSP) team or individualized*
14 *education program (IEP) team, as applicable, to assess the*
15 *progress of the child’s language development using one or both*
16 *of the dual languages of American Sign Language (ASL) and*
17 *English, which shall be reported to the department.*

18 (B) *On or before March 1, 2016, the department shall provide*
19 *the advisory committee with a list of existing language benchmarks*
20 *from existing standardized norms, along with any relevant*
21 *information held by the department regarding those language*
22 *benchmarks.*

23 (C) *On or before June 1, 2016, the advisory committee shall*
24 *recommend language benchmarks for selection pursuant to*
25 *subdivision (a).*

1 (D) On or before June 30, 2016, the department shall inform
2 the advisory committee of which language benchmarks were
3 selected.

4 (3) The department shall track development stages that are
5 equivalent to a child's linguistically age-appropriate peers who
6 are not deaf or hard of hearing, with the goal of assisting children
7 who are deaf or hard of hearing to become kindergarten-ready.

8 (b) (1) If a child does not demonstrate progress in expressive
9 and receptive language skills according to the applicable language
10 benchmarks, the child's IFSP team or IEP team, as applicable,
11 shall explain in detail the reasons why the child is not meeting the
12 benchmarks or progressing towards the age-appropriate
13 benchmark, and shall recommend specific strategies, services, and
14 programs that shall be provided to assist the child's success toward
15 English literacy.

16 (2) The department shall disseminate the overall goals for the
17 language benchmarks to the parents or guardians of deaf or
18 hard-of-hearing children, and a child's IFSP or IEP team, and
19 shall provide materials and training to ensure appropriate
20 language growth as part of the child's existing IFSP or IEP in
21 order to assist the deaf or hard-of-hearing child in becoming
22 linguistically ready for kindergarten using one or both of the dual
23 languages of ASL and English.

24 (c) (1) The Superintendent shall establish an ad hoc advisory
25 committee for purposes of soliciting input from experts on the
26 selection of language benchmarks for children who are deaf or
27 hard of hearing that are equivalent to those for children who are
28 not deaf or hard of hearing.

29 (2) The advisory committee shall consist of 13 volunteers, the
30 majority of whom shall be deaf or hard of hearing, and all of whom
31 shall be within the field of education for the deaf and hard of
32 hearing. The advisory committee shall include all of the following:

33 (A) One parent of a child who is deaf or hard of hearing who
34 uses the dual languages of ASL and English.

35 (B) One parent of a child who is deaf or hard of hearing who
36 uses only spoken English, with or without visual supplements.

37 (C) One credentialed teacher of deaf and hard-of-hearing pupils
38 who use the dual languages of ASL and English.

39 (D) One credentialed teacher of deaf and hard-of-hearing pupils
40 from a state certified nonpublic, nonsectarian public school.

1 (E) One expert who researches language outcomes for deaf and
2 hard-of-hearing children using ASL and English.

3 (F) One expert who researches language outcomes for deaf and
4 hard-of-hearing children using English only.

5 (G) One curriculum and instructional specialist in ASL and
6 English.

7 (H) One curriculum and instructional specialist in English only.

8 (I) One advocate for the teaching and use of the dual languages
9 of ASL and English.

10 (J) One advocate for the teaching and use of English only.

11 (K) One early intervention specialist who works with deaf and
12 hard-of-hearing infants and toddlers using the dual languages of
13 ASL and English.

14 (L) One professional from the dual languages of ASL and
15 English.

16 (M) One professional from English only, with or without the
17 use of visual supplements.

18 (d) The department shall, on or before January 1, 2017, develop
19 specific action plans and regulations to fully implement the
20 language benchmark assessment protocol and processes.

21 (e) For purposes of this section, “English” includes spoken
22 English, written English, or English with the use of visual
23 supplements.

24 SEC. 2. If the Commission on State Mandates determines that
25 this act contains costs mandated by the state, reimbursement to
26 local agencies and school districts for those costs shall be made
27 pursuant to Part 7 (commencing with Section 17500) of Division
28 4 of Title 2 of the Government Code.

29 SECTION 1. ~~Section 42651 of the Food and Agricultural Code~~
30 ~~is amended to read:~~

31 ~~42651. The secretary and the commissioners of each county~~
32 ~~of the state, and their deputies and inspectors, under the supervision~~
33 ~~and control of the secretary shall enforce this division.~~

34 SEC. 2. ~~Section 42652 of the Food and Agricultural Code is~~
35 ~~amended to read:~~

36 ~~42652. The refusal of any officer who is authorized under this~~
37 ~~division to carry out the orders and directions of the secretary in~~
38 ~~the enforcement of this division is neglect of duty. However, the~~
39 ~~failure of any such officer to carry out those orders and directions~~

1 shall not be neglect of duty if funds necessary to carry out those
2 orders and directions are not provided.

3 ~~SEC. 3. Section 42653 of the Food and Agricultural Code is~~
4 ~~amended to read:~~

5 ~~42653. The secretary, through the chief of the branch of the~~
6 ~~department that has jurisdiction over the enforcement of this~~
7 ~~division, or any deputy, inspector, or agent of the department, may~~
8 ~~enforce and make inspections of grade, standard of quality, and~~
9 ~~other provisions of any fruit, nut, or vegetable marketing program~~
10 ~~that is adopted under the authority of the United States or of this~~
11 ~~state.~~

12 ~~SEC. 4. Section 42654 of the Food and Agricultural Code is~~
13 ~~amended to read:~~

14 ~~42654. The secretary may maintain state inspection stations at~~
15 ~~those places as he or she deems necessary for the purpose of~~
16 ~~enforcing the standardization provisions of this code.~~