

AMENDED IN ASSEMBLY JULY 16, 2015

AMENDED IN ASSEMBLY JULY 1, 2015

AMENDED IN SENATE JUNE 2, 2015

AMENDED IN SENATE MAY 6, 2015

AMENDED IN SENATE APRIL 20, 2015

AMENDED IN SENATE MARCH 24, 2015

SENATE BILL

No. 210

Introduced by Senator Galgiani

February 11, 2015

An act to add Section 56326.5 to the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

SB 210, as amended, Galgiani. Special education: deaf and hard-of-hearing children: language—~~benchmarks~~. *developmental milestones*.

Existing

(1) *Existing* law provides that the Superintendent of Public Instruction may authorize the California School for the ~~Deaf Deaf~~, which is composed of two schools, the California School for the Deaf, Northern California, and the California School for the Deaf, Southern California, 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, and the ~~department's deaf education resource centers located in Fremont and Riverside, state's 2 schools for the deaf,~~ to jointly select language ~~benchmarks~~ *developmental milestones* from existing standardized norms for purposes of ~~monitoring and tracking~~ *developing a resource for use by parents to monitor and track* 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~~ *developmental milestones* to be selected from the language ~~benchmarks~~ *developmental milestones* 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 both or one of the languages of American Sign Language (ASL) and English, which would be required to be reported to the department by the child's IFSP team or IEP team. ~~By imposing additional duties on local educational agency officials, the bill would impose a state-mandated local program.~~ *provided. The bill would require the parent resource to, among other things, make clear that the parent resource is not a formal assessment of language and literacy development, and that a parent's observations of their children may differ from formal assessment data presented at an individualized family service plan (IFSP) or individualized education program (IEP) meeting, but to also make clear that a parent may bring the parent resource to an IFSP or IEP meeting for purposes of sharing their observations about their child's development.*

The bill would require the department to also develop a version of an existing tool for educators that can be used to assess the language and literacy development of deaf and hard-of-hearing children, as specified. The bill would authorize the educator tool to be used, in addition to the assessment required by federal law, by the child's IFSP or IEP team, as applicable, to track deaf and hard-of-hearing children's progress, and to establish or modify IFSP or IEP plans.

The bill would require, if a child does not demonstrate progress in expressive and receptive language ~~skills according to the applicable language benchmarks,~~ *skills, as measured by the educator tool or the existing instrument used to satisfy federal law, the child's IFSP team*

or IEP team, as applicable, to explain in detail the reasons why the child is not meeting the ~~benchmarks language developmental milestones~~ or progressing towards the ~~age-appropriate benchmark~~, *them*, 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 provision 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 language ~~benchmarks developmental milestones~~ to a child's IFSP or IEP team, ~~including~~ parents and guardians of deaf or hard-of-hearing children, *and, pursuant to federal law, to disseminate the educator tool to local educational agencies for use in the development and modification of IFSP and IEP plans*, and to provide materials and training to ~~ensure~~ appropriate language growth as part of the child's existing IFSP or IEP ~~in order~~ *on its use* to assist the deaf or hard-of-hearing child in becoming linguistically ready for kindergarten using both or one of the languages of ASL and English. ~~The~~

The bill would require the department, commencing on or before July 31, 2017, and on or before each July 31 thereafter, to produce a report that is specific to language and literacy development of deaf and hard-of-hearing children from birth to 5 years of age, inclusive, including those who are deaf or hard of hearing and have other disabilities, relative to their peers who are not deaf or hard of hearing, as specified. The bill would require the department to make the report available on its Internet Web site. The bill also would require the department, on or before January 1, 2018, to develop specific action plans and regulations to fully implement the language benchmark assessment protocol and processes. provisions of the bill.

The bill would make these provisions applicable only to children from birth to 5 years of age, inclusive. The bill also would provide that implementation of these provisions is subject to an appropriation being made for these purposes in the annual Budget Act or another statute.

~~The~~

(2) *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.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: 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, and the department’s deaf education resource centers located
 5 in Fremont and Riverside, *California School for the Deaf*, shall
 6 jointly select language benchmarks *developmental milestones* from
 7 existing standardized ~~norms~~ *norms, pursuant to the process*
 8 *specified in subdivision (d)*, for purposes of ~~monitoring and tracking~~
 9 *developing a resource for use by parents to monitor and track* deaf
 10 and hard-of-hearing children’s expressive and receptive language
 11 acquisition and developmental stages toward English literacy. *This*
 12 *parent resource shall:*
 13 ~~(2) (A) The language benchmarks shall be selected from the~~
 14 ~~language benchmarks recommended by the advisory committee~~
 15 ~~pursuant to subdivision (d), and shall be used by a child’s~~
 16 ~~individualized family service plan (IFSP) team or individualized~~
 17 ~~education program (IEP) team, as applicable, to assess the progress~~
 18 ~~of the child’s language development using both or one of the~~
 19 ~~languages of American Sign Language (ASL) and English, which~~
 20 ~~shall be reported to the department by the child’s IFSP team or~~
 21 ~~IEP team.~~
 22 *(1) Include the language developmental milestones selected*
 23 *pursuant to the process specified in subdivision (d).*
 24 *(2) Be appropriate for use, in both content and administration,*
 25 *with deaf and hard-of-hearing children from birth to five years of*
 26 *age, inclusive, who use both or one of the languages of American*
 27 *Sign Language (ASL) and English. For purposes of this section,*
 28 *“English” includes spoken English, written English, or English*
 29 *with the use of visual supplements.*
 30 *(3) Present the developmental milestones in terms of typical*
 31 *development of all children, by age range.*
 32 *(4) Be written for clarity and ease of use by parents.*
 33 *(5) Be aligned to the department’s existing infant, toddler, and*
 34 *preschool guidelines, the existing instrument used to assess the*

1 *development of children with disabilities pursuant to federal law,*
2 *and state standards in English language arts.*

3 *(6) Make clear that the parent resource is not a formal*
4 *assessment of language and literacy development, and that a*
5 *parent’s observations of their children may differ from formal*
6 *assessment data presented at an individualized family service plan*
7 *(IFSP) or individualized education program (IEP) meeting.*

8 *(7) Make clear that a parent may bring the parent resource to*
9 *an IFSP or IEP meeting for purposes of sharing their observations*
10 *about their child’s development.*

11 *(b) The department shall also develop a version of an existing*
12 *tool for educators that can be used to assess the language and*
13 *literacy development of deaf and hard-of-hearing children. This*
14 *educator tool:*

15 *(1) Shall be in a standardized format that shows stages of*
16 *language development.*

17 *(2) Shall be developed for use by educators to track the*
18 *development of deaf and hard-of-hearing children’s expressive*
19 *and receptive language acquisition and developmental stages*
20 *toward English literacy.*

21 *(3) Shall be a version of an existing instrument used to assess*
22 *the development of all children for measuring the development of*
23 *children with disabilities from birth to five year of age, inclusive.*

24 *(4) Shall present language and literacy development in terms*
25 *of age-referenced readiness zones.*

26 *(5) Shall be appropriate, in both content and administration,*
27 *for use with deaf and hard-of-hearing children.*

28 *(6) May be used, in addition to the assessment required by*
29 *federal law, by the child’s IFSP or IEP team, as applicable, to*
30 *track deaf and hard-of-hearing children’s progress, and to*
31 *establish or modify IFSP or IEP plans.*

32 *(7) May reflect the recommendations of the advisory committee*
33 *established pursuant to subdivision (e).*

34 *(c) (1) The department shall disseminate the parent resource*
35 *developed pursuant to subdivision (a) to parents and guardians*
36 *of deaf and hard-of-hearing children, and, pursuant to federal*
37 *law, shall disseminate the educator tool developed pursuant to*
38 *subdivision (b) to local educational agencies for use in the*
39 *development and modification of IFSP and IEP plans, and shall*
40 *provide materials and training on its use, to assist deaf and*

1 *hard-of-hearing children in becoming linguistically ready for*
 2 *kindergarten using both or one of the languages of ASL and*
 3 *English.*

4 (2) *If a deaf or hard-of-hearing child does not demonstrate*
 5 *progress in expressive and receptive language skills, as measured*
 6 *by the educator tool developed pursuant to subdivision (b) or the*
 7 *existing instrument used to assess the development of children with*
 8 *disabilities pursuant to federal law, the child's IFSP or IEP team,*
 9 *as applicable, shall, as part of the process required by federal law,*
 10 *explain in detail the reasons why the child is not meeting the*
 11 *language developmental milestones or progressing towards them,*
 12 *and shall recommend specific strategies, services, and programs*
 13 *that shall be provided to assist the child's success toward English*
 14 *literacy.*

15 ~~(B)~~

16 (d) (1) *On or before March 1, 2016, the department shall*
 17 *provide the advisory committee established pursuant to subdivision*
 18 *(e) with a list of existing language-benchmarks developmental*
 19 *milestones from existing standardized norms, along with any*
 20 *relevant information held by the department regarding those*
 21 *language-benchmarks developmental milestones for possible*
 22 *inclusion in the parent resource developed pursuant to subdivision*
 23 *(a). These language developmental milestones shall be aligned to*
 24 *the department's existing infant, toddler, and preschool guidelines,*
 25 *the existing instrument used to assess the development of children*
 26 *with disabilities pursuant to federal law, and the state standards*
 27 *in English language arts.*

28 ~~(C)~~

29 (2) *On or before June 1, 2016, the advisory committee shall*
 30 *recommend language-benchmarks developmental milestones for*
 31 *selection pursuant to paragraph (1). subdivision (a).*

32 ~~(D)~~

33 (3) *On or before June 30, 2016, the department shall inform the*
 34 *advisory committee of which language-benchmarks developmental*
 35 *milestones were selected.*

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

1 ~~(b) For purposes of this section, “English” includes spoken~~
2 ~~English, written English, or English with the use of visual~~
3 ~~supplements.~~

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

12 ~~(2) The department shall disseminate the language benchmarks~~
13 ~~to a child’s IFSP or IEP team, including parents and guardians of~~
14 ~~deaf or hard-of-hearing children, and shall provide materials and~~
15 ~~training to ensure appropriate language growth as part of the child’s~~
16 ~~existing IFSP or IEP in order to assist the deaf or hard-of-hearing~~
17 ~~child in becoming linguistically ready for kindergarten using both~~
18 ~~or one of the languages of ASL and English.~~

19 ~~(d)~~

20 ~~(e) (1) The Superintendent shall establish an ad hoc advisory~~
21 ~~committee for purposes of soliciting input from experts on the~~
22 ~~selection of language benchmarks *developmental milestones* for~~
23 ~~children who are deaf or hard of hearing that are equivalent to~~
24 ~~those for children who are not deaf or hard of hearing. *hearing,*~~
25 ~~*for inclusion in the parent resource developed pursuant to*~~
26 ~~*subdivision (a). The advisory committee may also make*~~
27 ~~*recommendations on the design and administration of the educator*~~
28 ~~*tool developed pursuant to subdivision (b).*~~

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 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 spoken English, with or without
5 visual supplements.
- 6 (G) One credentialed teacher of deaf and hard-of-hearing pupils
7 whose expertise is in curriculum and instruction in ASL and
8 English.
- 9 (H) One credentialed teacher of deaf and hard-of-hearing pupils
10 whose expertise is in curriculum and instruction in spoken English,
11 with or without visual supplements.
- 12 (I) One advocate for the teaching and use of the dual languages
13 of ASL and English.
- 14 (J) One advocate for the teaching and use of spoken English,
15 with or without visual supplements.
- 16 (K) One early intervention specialist who works with deaf and
17 hard-of-hearing infants and toddlers using the dual languages of
18 ASL and English.
- 19 (L) One credentialed teacher of deaf and hard-of-hearing pupils
20 whose expertise is in ASL and English language assessment.
- 21 (M) One speech pathologist from spoken English, with or
22 without the use of visual supplements.
- 23 *(f) The advisory committee established pursuant to subdivision*
24 *(e) may also advise the department or its contractor on the content*
25 *and administration of the existing instrument used to assess the*
26 *development of children with disabilities pursuant to federal law,*
27 *as used to assess deaf and hard-of-hearing children's language*
28 *and literacy development to ensure the appropriate use of that*
29 *instrument with those children, and may make recommendations*
30 *regarding future research to improve the measurement of progress*
31 *of deaf and hard-of-hearing children in language and literacy.*
- 32 *(g) Commencing on or before July 31, 2017, and on or before*
33 *each July 31 thereafter, the department shall annually produce a*
34 *report, using existing data reported in compliance with the*
35 *federally required state performance plan on pupils with*
36 *disabilities, that is specific to language and literacy development*
37 *of deaf and hard-of-hearing children from birth to five years of*
38 *age, inclusive, including those who are deaf or hard of hearing*
39 *and have other disabilities, relative to their peers who are not deaf*

1 or hard of hearing. The department shall make this report available
2 on its Internet Web site.

3 (h) All activities of the department in implementing this section
4 shall be consistent with federal law regarding the education of
5 children with disabilities and federal law regarding the privacy
6 of pupil information.

7 (e)

8 (i) The department shall, on or before January 1, 2018, develop
9 specific action plans and regulations to fully implement ~~the~~
10 ~~language benchmark assessment protocol and processes.~~ this
11 section.

12 (j) For the purpose of this section, the term “language
13 developmental milestones” means milestones of development
14 aligned with the existing state instrument used to meet the
15 requirements of federal law for the assessment of children from
16 birth to five years of age, inclusive.

17 (f)

18 (k) This section shall apply only to children from birth to five
19 years of age, inclusive.

20 (g)

21 (l) Implementation of this section is subject to an appropriation
22 being made for purposes of this section in the annual Budget Act
23 or another statute.

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.