

FIRST REGULAR SESSION

HOUSE BILL NO. 106

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BARNES.

0375H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 161, RSMo, by adding thereto one new section relating to language developmental milestones for children who are deaf or hard of hearing.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 161, RSMo, is amended by adding thereto one new section, to be known as section 161.396, to read as follows:

161.396. 1. As used in this section, the following terms mean:

- (1) "ASL", American Sign Language as defined in section 209.285;**
- (2) "Department", the department of elementary and secondary education;**
- (3) "English", the English language including, but not limited to, spoken English, written English, and English with the use of visual supplements;**
- (4) "IEP", individualized education program;**
- (5) "IFSP", individualized family service plan;**
- (6) "Language", communication including, but not limited to, ASL and English;**
- (7) "Language developmental milestones", milestones of language development aligned with the existing state instrument used to meet the requirements of federal law for the assessment of children from birth to twelve years of age;**
- (8) "Parent", a parent, legal guardian, or other person having charge, custody, or control of the student.**

2. The department shall select language developmental milestones from existing standardized norms as provided in subsection 5 of this section to develop a resource for use by parents to monitor and track expressive and receptive language acquisition and

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 developmental stages toward ASL and English literacy of children who are deaf or hard
18 of hearing. Such parent resource shall:

19 (1) Include the language developmental milestones selected under the process
20 specified in subsection 5 of this section;

21 (2) Be appropriate for use, in both content and administration, with children
22 who are deaf or hard of hearing and who use ASL, English, or both;

23 (3) Present the language developmental milestones in terms of typical
24 development of all children by age range;

25 (4) Be written for clarity and ease of use by parents;

26 (5) Be aligned with the department's existing infant, toddler, and preschool
27 guidelines; the existing instrument used to assess the development of children with
28 disabilities under federal law; and state standards in English language arts;

29 (6) Make clear that parents have the right to select ASL, English, or both for a
30 child's language acquisition and developmental milestones;

31 (7) Make clear that the parent resource is not a formal assessment of language
32 and literacy development and that a parent's observations of a child may differ from
33 formal assessment data presented at an IEP or IFSP meeting;

34 (8) Make clear that parents may bring the parent resource to an IEP or IFSP
35 meeting for purposes of sharing observations about a child's development;

36 (9) Include fair, balanced, and comprehensive information about language and
37 communication modes and about available services and programs; and

38 (10) Include informational resources from Missouri hospitals, as such term is
39 defined in section 197.020, audiologists, otolaryngologists, and pediatricians.

40 3. The department shall select existing tools or assessments for educators that
41 can be used to assess the language and literacy development of children who are deaf or
42 hard of hearing. Such tools or assessments selected under this subsection:

43 (1) Shall be:

44 (a) In a format that shows stages of language development;

45 (b) Selected for use by educators to track the development of expressive and
46 receptive language acquisition and developmental stages toward English literacy of
47 children who are deaf or hard of hearing;

48 (c) Selected from existing instruments or assessments used to assess the
49 development of all children from birth to twelve years of age; and

50 (d) Appropriate, in both content and administration, for use with children who
51 are deaf or hard of hearing; and

52 (2) May:

53 (a) In addition to the assessment required by federal law, be used by the child's
54 IEP or IFSP team, as applicable, to track the progress of the child who is deaf or hard of
55 hearing and to establish or modify the child's IEP or IFSP; and

56 (b) Reflect the recommendations of the advisory committee established in this
57 section.

58 4. (1) The department shall:

59 (a) Disseminate the parent resource developed under subsection 2 of this section
60 to parents of children who are deaf or hard of hearing;

61 (b) Under federal law, disseminate the educator tools and assessments selected
62 under subsection 3 of this section to local educational agencies for use in the
63 development and modification of an IEP or IFSP; and

64 (c) Provide materials and training on the use of the parent resource to assist
65 children who are deaf or hard of hearing in becoming linguistically ready for
66 kindergarten using ASL, English, or both.

67 (2) If a child who is deaf or hard of hearing does not demonstrate progress in
68 expressive and receptive language skills, as measured by one of the educator tools or
69 assessments selected under subsection 3 of this section or by the existing instrument
70 used to assess the development of children with disabilities under federal law, the child's
71 IEP or IFSP team shall, as part of the process required by federal law, explain in detail
72 the reasons the child is not progressing toward or meeting the language developmental
73 milestones and shall recommend specific strategies, services, and programs that will be
74 provided to assist with the child's success toward English literacy.

75 5. (1) Before March 1, 2024, the department shall provide the advisory
76 committee established in this section with a list of existing language developmental
77 milestones from existing standardized norms with any relevant information held by the
78 department regarding those language developmental milestones for possible inclusion in
79 the parent resource developed under subsection 2 of this section. The language
80 developmental milestones shall be aligned to the department's existing infant, toddler,
81 and preschool guidelines; the existing instrument used to assess the development of
82 children with disabilities under federal law; and the state standards in English language
83 arts.

84 (2) Before June 1, 2024, the advisory committee shall recommend language
85 developmental milestones for selection under subsection 2 of this section.

86 (3) Before July 1, 2024, the department shall inform the advisory committee of
87 which language developmental milestones the department selected.

88 6. (1) The commissioner of education shall establish an ad hoc advisory
89 committee to solicit input from experts on the selection of language developmental

90 milestones for children who are deaf or hard of hearing that are equivalent to milestones
91 for children who are not deaf or hard of hearing for inclusion in the parent resource
92 developed under subsection 2 of this section. The advisory committee may make
93 recommendations on the selection and administration of the educator tools or
94 assessments selected under subsection 3 of this section. The advisory committee may
95 make recommendations on materials that are unbiased and comprehensive to add to the
96 parent resource.

97 (2) The advisory committee shall consist of sixteen members as follows:

98 (a) The majority of the members shall be individuals who are deaf or hard of
99 hearing;

100 (b) Parents, advocates, and professionals from the field of education for the deaf
101 and hard of hearing;

102 (c) A balance of members who personally, professionally, or parentally use ASL
103 and English and members who personally, professionally, or parentally use only spoken
104 English;

105 (d) Any of the following as determined by the department:

106 a. A teacher of the deaf who provides direct instruction in ASL;

107 b. A teacher of the deaf who provides direct instruction in listening and spoken
108 language;

109 c. An administrator of a program for children who are deaf or hard of hearing
110 using ASL;

111 d. An administrator of a program for children who are deaf or hard of hearing
112 using listening and spoken language;

113 e. A speech-language pathologist who has experience working with children who
114 are deaf or hard of hearing and use listening and spoken language;

115 f. A speech-language pathologist who has experience working with children who
116 are deaf or hard of hearing and use ASL;

117 g. A parent of a child who is deaf or hard of hearing who uses ASL;

118 h. A parent of a child who is deaf or hard of hearing who uses listening and
119 spoken language;

120 i. A deaf member of the community who uses ASL as the primary means of
121 communication; or

122 j. A deaf member of the community who uses spoken language as the primary
123 means of communication; and

124 (e) Six members of the committee shall be ex officio members and shall be:

125 a. The executive director of the Missouri commission for the deaf and hard of
126 hearing, or the director's designee;

127 **b. The superintendent or assistant superintendent of the Missouri School for the**
128 **Deaf, or the superintendent's designee;**

129 **c. A member of the state board of education, or such member's designee;**

130 **d. The person designated by the department of health and senior services to**
131 **manage the Missouri newborn hearing screening program;**

132 **e. A representative from the Missouri commission for the deaf and hard of**
133 **hearing; and**

134 **f. The person designated by the department of elementary and secondary**
135 **education's office of childhood to manage Missouri's early care & education**
136 **connections.**

137 **(3) The advisory committee may advise the department or the department's**
138 **contractor on the content and administration of the existing instrument used to assess**
139 **the development of children with disabilities under federal law, as used to assess the**
140 **language and literacy development of children who are deaf or hard of hearing to**
141 **ensure the appropriate use of such instrument with such children, and may make**
142 **recommendations regarding future research to improve the measurement of progress in**
143 **language and literacy of children who are deaf or hard of hearing.**

144 **7. For the 2024-25 school year and all subsequent school years, the department**
145 **shall produce an annual report that is specific to language and literacy development of**
146 **children who are deaf or hard of hearing including, but not limited to, children who are**
147 **deaf or hard of hearing and have other disabilities, from birth to twelve years of age**
148 **relative to peers who are not deaf or hard of hearing. The report shall use existing data**
149 **reported in compliance with the federally required state performance plan on pupils**
150 **with disabilities. The department shall make the report available on the department's**
151 **website before August first of each school year.**

152 **8. All activities of the department in implementing this section shall be consistent**
153 **with federal law regarding the education of children with disabilities and federal law**
154 **regarding the privacy of pupil information.**

155 **9. For the purposes of developing and using language as described in paragraph**
156 **(a) of subdivision (1) of subsection 3 of this section, for a child who is deaf or hard of**
157 **hearing the following modes of communication may be used as a means for acquiring**
158 **language:**

159 **(1) ASL services;**

160 **(2) Spoken language services;**

161 **(3) Dual-language services;**

162 **(4) Cued speech;**

163 **(5) Tactile sign as defined in section 209.285; and**

164 **(6) Any combination of subdivisions (1) to (5) of this subsection.**

165 **10. This section shall apply only to activities of the department relating to**
166 **children from birth to twelve years of age.**

167 **11. Implementation of this section shall be subject to appropriations for**
168 **purposes of this section.**

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