

SESSION OF 2016

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2441**

As Recommended by Senate Committee on
Education

Brief*

Senate Sub. for HB 2441 would establish a language assessment program coordinated by the Kansas Commission for the Deaf and Hard of Hearing (KCDHH) with the purpose of assessing, monitoring, and tracking the language developmental milestones of children who are deaf or hard of hearing from birth to age eight. The recognized languages used in the education of children who are deaf and hard of hearing would be English and American Sign Language (ASL). The scope of the program would include children who may use one or more communication modes in ASL, English literacy, and, if applicable, spoken English and visual supplements. Language would be defined as “a complex and dynamic system of conventional symbols used in various modes for thought and communication.”

On and after July 1, 2018, the bill would require an annual language assessment to be given in accordance with the bill’s provisions and any rules and regulations adopted pursuant to the bill to each child who is deaf or hard of hearing and who is less than age nine. The assessment would be provided either through early intervention services administered by the Kansas Department of Health and Environment (KDHE), or if the child is age three or older, through the school district in which the child is enrolled.

The bill also would establish a 16-member advisory committee on the language assessment program (Advisory

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Committee) within the KCDHH. The Governor would appoint nine members with the following qualifications:

- A credentialed teacher of the deaf who uses both ASL and English during instruction;
- A credentialed teacher of the deaf who uses spoken English with or without visual supplements during instruction;
- A credentialed teacher of the deaf who has expertise in curriculum development and instruction of ASL and English;
- A credentialed teacher of the deaf who has expertise in assessing language development in both ASL and English;
- A speech language pathologist who has expertise working with children from birth to age eight;
- A professional with a linguistic background who conducts research on language outcomes of children who are deaf or hard of hearing and use ASL and English;
- A parent of a child who is deaf and uses both ASL and English; and
- A parent of a child who is deaf or hard of hearing and who uses spoken English with or without visual supplements; and
- A member who is knowledgeable about teaching and using both ASL and English in the education of children who are deaf and hard of hearing.

The remaining seven members, or their designees, would be *ex officio* members:

- The executive director of KCDHH;
- The coordinator of the Sound Start Program;
- The KCDHH member representing the State School for the Deaf;
- The KDCHH member representing KDHE;
- The KDCHH member representing the Kansas State Board of Education;
- The coordinator of the KDHE Early Intervention Program; and
- The coordinator of the Kansas State Department of Education's (KSDE's) Early Education Program.

The executive director of KCDHH would call an organizational meeting of the Advisory Committee on or before August 1, 2016, where the members would elect a chairperson and vice-chairperson. The bill would authorize the Advisory Committee to meet at any time and at any place within the state on the call of the chairperson. The bill would specify a quorum would be nine members and all actions of the Advisory Committee would be by motion adopted by a majority of members present when there is a quorum.

The Advisory Committee would be charged with developing specific action plans and proposed rules and regulations necessary to fully implement the language assessment program on or before January 31, 2018. To carry out this charge, the bill would require the Advisory Committee to:

- Collaborate with the Coordinating Council on Early Childhood Developmental Services and the Kansas State Special Education Advisory Council;
- Solicit input from professionals trained in the language development and education of children who are deaf or hard of hearing on the selection of specific language developmental milestones;
- Review, recommend, and monitor the use of existing and available language assessments for children who are deaf or hard of hearing;
- Identify and recommend qualifications of language professionals with knowledge of the use of evidence-based, best practices in English and ASL who can be available to advocate at individualized family service plan (IFSP) and individualized education program (IEP) team meetings;
- Identify qualifications of language assessment evaluators with knowledge on the use of evidence-based, best practices with children who are deaf or hard of hearing and resources for locating such evaluators; and
- Identify procedures and methods for communicating language acquisition, assessment results, milestones, assessment tools used, and progress of the child to the parent or legal guardian of such child, teachers, and other professionals involved in the early intervention and education of such child.

The bill would require the specific action plans and proposed rules and regulations developed by the advisory committee to include the following:

- Language assessments that include data collections and timely tracking of the child's

development so as to provide information about the child's receptive and expressive language compared to such child's linguistically age-appropriate peers who are not deaf or hard of hearing;

- Language assessments conducted in accordance with standardized norms and time lines in order to monitor and track language development milestones in receptive, expressive social, and pragmatic language acquisition and developmental stages to show progress in ASL literacy, English literacy, or both for all children who are deaf or hard of hearing from birth to age eight;
- Language assessments delivered in the child's mode of communication and which have been validated for the specific purposes for which each assessment is used, and appropriately normed;
- Language assessments administered by individuals who are proficient in ASL for ASL assessments and English for English assessments;
- Use of assessment results, in addition to the assessment required by federal law, for guidance on the language developmental discussions by IFSP and IEP teams when assessing the child's progress in language development;
- Reporting of assessment results to the parents or legal guardian of the child and the applicable agency;
- Reporting of assessment results on an aggregated basis to the House and Senate Committees on Education; and
- Reporting of assessment results to the members of the child's IFSP or IEP team, which may be used, in addition to the assessment required by federal

law, by the child's IFSP or IEP team, as applicable, to track the child's progress and to establish or modify the IFSP or IEP.

The Advisory Committee would cease to exist after July 1, 2018.

The bill would require KSDE, KDHE, and the State School for the Deaf to enter into interagency agreements with KCDHH to share statewide aggregate data. Further, on or before January 31, 2019, and each January 31 thereafter, the bill would require KCDHH to publish a report specific to language and literacy development of children who are deaf or hard of hearing for each age from birth to age eight, including those who are deaf or hard of hearing and have other disabilities, relative to such children's peers who are not deaf or hard of hearing. The report would be based on existing data reported in compliance with the federally required state performance plan on pupils with disabilities. KCDHH also would be required to publish the report on its website.

Background

HB 2441, as introduced, would have extended the sunset of a statute requiring the Legislative Division of Post Audit to conduct three school district efficiency audits each fiscal year from June 30, 2017, to June 30, 2020.

The Senate Committee adopted a substitute to SB 444, which was offered by a group of stakeholders who had collaborated to reach consensus on the bill. The substitute modified the makeup of the Advisory Committee, its charge, and the required components of the specific action plans and proposed rules and regulations developed by the Advisory Committee; added a sunset for the Advisory Committee; required KSDE, KDHE, and the State School for the Deaf to enter into interagency agreements with KCDHH to share statewide aggregate data; and amended definitions. The

Committee then agreed to strike the contents of HB 2441 and recommend the SB 444 substitute as a Senate Substitute for HB 2441.

SB 444 Background

At the Senate Committee on Education hearing on the bill, representatives of the Deaf Cultural Center, Kansas Association of Centers for Independent Living, KCDHH, Language Equality and Acquisition of Deaf Kids, United Way of Leavenworth, and numerous private citizens appeared in support of the bill. Representatives of the American Speech-Language-Hearing Association, Cowley County Special Services Cooperative, Kansas Association of Special Education Administrators, Kansas Speech-Language-Hearing Association, were opponents. Neutral testimony was provided by representatives of the Department for Children and Families, Kansas Association of School Boards, the Kansas School for the Deaf, and Kansas State Board of Education.

The corrected fiscal note prepared by the Division of the Budget for SB 444, as introduced, indicates enactment would require additional expenditures by the Department for Children and Families totaling \$42,314 from the State General Fund, including 0.50 FTE Public Service Administrator I. Of this estimate, \$24,974 would be for salaries and wages and \$17,340 for other operating expenditures, including travel and expenses for interpreters for deaf advisory committee members. Annual ongoing costs would be approximately \$42,000 each year from the State General Fund for the position and associated expenses. Any fiscal effect associated with the bill is not reflected in *The FY 2017 Governor's Budget Report*.