

HOUSE BILL NO. 619

INTRODUCED BY C. KEOGH, J. CARLSON

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO THE ASSESSMENT OF LANGUAGE DEVELOPMENT IN DEAF AND HARD-OF-HEARING CHILDREN; REQUIRING THE CREATION OF A PARENT RESOURCE ON LANGUAGE DEVELOPMENTAL MILESTONES; ESTABLISHING LANGUAGE ASSESSMENT STANDARDS; ESTABLISHING A TEMPORARY ADVISORY COMMITTEE; REQUIRING REPORTS; PROVIDING DEFINITIONS; AMENDING SECTIONS 20-7-404 AND 52-2-901, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Parent resource on language developmental milestones -- criteria -- distribution -- timeline for development. (1) The department of public health and human services and the office of public instruction shall collaborate to select language developmental milestones from existing standardized norms to develop a resource for parents to use in monitoring the expressive and receptive language acquisition of deaf and hard-of-hearing children.

(2) The parent resource must:

(a) include the language developmental milestones developed in accordance with subsection (4);

(b) be appropriate, in both content and administration, for use with deaf and hard-of-hearing children from birth through 8 years of age who use American sign language, English, or both;

(c) present the language developmental milestones in terms of the typical development of all children by age range;

(d) be written for clarity and ease of use by parents;

(e) be aligned with:

(i) the department's existing infant, toddler, and preschool guidelines;

(ii) the existing ~~instrument~~ INSTRUMENTS used to assess the development of children with disabilities pursuant to federal law; and

1 (iii) the state standards in English language arts;

2 (f) make clear that a parent has the right to select ~~American sign language, English~~ A SPOKEN
3 LANGUAGE, A SIGNED LANGUAGE, or both, as the language to be used for the child's language acquisition and
4 developmental milestones;

5 (g) make clear that the parent resource is not a formal assessment of language development and
6 that a parent's observations of a child may differ from formal assessment data presented at a meeting to
7 discuss an individualized family service plan or individualized education program;

8 (h) make clear that a parent may bring the parent resource to an individualized family service plan
9 or individualized education program meeting to share the parent's observations about the child's development;
10 and

11 (i) include fair, balanced, and comprehensive information about languages, communication
12 modes, and available services and programs.

13 (3) The department and the office of public instruction shall disseminate the parent resource on
14 their websites.

15 (4) (a) (i) On or before March 1, 2024, the department and the office of public instruction shall
16 provide the language development advisory committee provided for in [section 2] with a list of existing language
17 developmental milestones from existing standardized norms. Each agency shall provide any relevant
18 information it holds regarding the language developmental milestones for possible inclusion in the parent
19 resource.

20 (ii) The language developmental milestones must be aligned with the agencies' existing infant,
21 toddler, and preschool guidelines, the existing instrument used to assess the development of children with
22 disabilities pursuant to federal law, and the state standards in English language arts.

23 (b) On or before June 1, 2024, the advisory committee shall recommend language developmental
24 milestones to be selected for the parent resource.

25 (c) On or before June 30, 2024, the department and the office of public instruction shall inform the
26 advisory committee of language developmental milestones selected for inclusion in the parent resource.

27
28 NEW SECTION. Section 2. Language development advisory committee. (1) There is a language

1 development advisory committee consisting of at least 10 but no more than 15 volunteers selected
2 collaboratively by the director of the department and the superintendent of public instruction from among names
3 submitted by statewide associations representing deaf and hard-of-hearing individuals and families of deaf and
4 hard-of-hearing children.

5 (2) The advisory committee must include, TO THE EXTENT POSSIBLE:

6 (a) a parent of a child who is deaf or hard of hearing and uses both American sign language and
7 English;

8 (b) a parent of a child who is deaf or hard of hearing and uses only spoken English, with or without
9 visual supplements;

10 (c) a parent of a child who is deaf or hard of hearing and has one or more co-occurring disabilities;

11 (d) a representative of the Montana school for the deaf and blind who provides outreach and is
12 fluent in both American sign language and English;

13 (e) a representative of the department of public health and human services;

14 (f) a representative of the office of public instruction;

15 (G) A SPEECH-LANGUAGE PATHOLOGIST;

16 (H) A PEDIATRIC AUDIOLOGIST; AND

17 ~~(g)(l)~~ at least four members from among the following:

18 (i) an expert who researches language outcomes for deaf and hard-of-hearing children who use
19 American sign language and English;

20 (ii) a credentialed teacher of deaf and hard-of-hearing students with expertise in curriculum and
21 instruction in American sign language and English;

22 (iii) a credentialed teacher of deaf and hard-of-hearing students with expertise in curriculum and
23 instruction in spoken English, with or without visual supplements;

24 (iv) an advocate from a statewide association that represents the deaf who advocates for teaching
25 using both American sign language and English;

26 (v) an early intervention specialist who works with deaf and hard-of-hearing infants and toddlers
27 using both American sign language and English;

28 (vi) a credentialed teacher of deaf and hard-of-hearing students with expertise in American sign

1 language and English language assessments;

2 (vii) a representative from a parent training information center;

3 (viii) a representative from an association of interpreters who provide services to support the
4 communication needs of deaf and hard-of-hearing students in educational settings; OR

5 (ix) a psychologist with expertise in assessing deaf and hard-of-hearing children who is fluent in
6 American sign language and English;

7 ~~(x) a speech-language pathologist; or~~

8 ~~(xi) a pediatric audiologist.~~

9 (3) In selecting members, the director of the department and the superintendent shall ensure that:

10 (a) at least two and up to six of the members are deaf or hard of hearing, with preference given,
11 when appointing members with equal credentials, to deaf and hard-of-hearing members in order to include the
12 greatest number of deaf and hard-of-hearing members possible; and

13 (b) the membership is balanced among people who personally, professionally, or parentally use
14 the dual languages of American sign language and English and members who personally, professionally, or
15 parentally use only spoken English.

16 (4) The committee shall:

17 (a) advise the department and the office of public instruction on the selection of language
18 developmental milestones for children who are deaf or hard of hearing that are equivalent to milestones for
19 children who are not deaf or hard of hearing, for inclusion in the parent resource developed pursuant to [section
20 1];

21 (b) make recommendations on the selection and administration of provider or educator tools or
22 assessments selected pursuant to 52-2-901;

23 (c) advise the department or the office of public instruction on how the content and administration
24 of the existing instruments used to assess the development of children with disabilities correlate to assessing
25 the language development of deaf and hard-of-hearing children to ensure the appropriate use of the instrument
26 with deaf and hard-of-hearing children;

27 (d) make recommendations on unbiased and comprehensive materials to add to the parent
28 resource; and

1 (e) make recommendations regarding future research to improve the measurement of the progress
2 of deaf and hard-of-hearing children in language development.

3 (5) The committee shall meet by means of videoconference only at least four times a year.

4 (6) Committee members are not entitled to compensation for their services other than any
5 compensation provided by their employers.

6 (7) The committee is attached to the department of public health and human services for
7 administrative purposes. The department shall provide staff support to the committee.

8

9 NEW SECTION. Section 3. Definitions. As used in this part, the following definitions apply:

10 ~~(1) "Adequate progress" means:~~

11 ~~(a) 6 months or more of growth in language development for children from birth up to 3 years of~~
12 ~~age; and~~

13 ~~(b) 1 year or more of growth in language development for children 3 years of age through 8 years~~
14 ~~of age.~~

15 ~~(2)~~(1) "American sign language" means visual American sign language, tactile American sign
16 language, or protactile American sign language.

17 ~~(3)~~(2) "Department" means the department of public health and human services provided for in 2-15-
18 2201.

19 ~~(4)~~(3) "English" means spoken English, written English, or English with or without the use of visual
20 supplements, cued speech, or manually coded English.

21 ~~(5)~~(4) "Language" means the use of American sign language or English.

22 ~~(6)~~(5) "Language developmental milestones" means milestones of development aligned with the
23 existing state instruments used to meet the requirements of 20 U.S.C. 1414(b) for the assessment of children
24 from birth through 8 years of age.

25

26 **Section 4.** Section 20-7-404, MCA, is amended to read:

27 **"20-7-404. Cooperation of state agencies.** (1) The department of public health and human services
28 and the state school for the deaf and blind shall cooperate with the superintendent of public instruction in:

1 (a) assisting school districts in discovering children in need of special education; and

2 (b) carrying out the provisions of Title 52, chapter 2, part 9.

3 (2) This section may not be construed to interfere with the purpose and function of these state
4 agencies."

5

6 **Section 5.** Section 52-2-901, MCA, is amended to read:

7 **"52-2-901. Evaluation and assessment of language ~~and literacy~~ development in deaf and hard-**

8 **of-hearing children -- exception -- report.** (1) In providing early intervention services for deaf and hard-of-

9 hearing children and their families pursuant to Part B and Part C of the Individuals with Disabilities Education

10 Act, 20 U.S.C. 1431, et seq., the department of public health and human services and the office of public

11 instruction shall provide a list of tools for qualified personnel and educators to use in evaluating and assessing

12 the language ~~and literacy~~ development of deaf and hard-of-hearing children. The tools must be selected from

13 the list submitted by the language development advisory committee pursuant to [section 2].

14 (2) A tool:

15 (a) must be in a format that shows the stages of language development for American sign
16 language or English, ~~for American sign language, or for another language spoken in the child's home;~~

17 (b) must be used by qualified personnel and educators to track the development of deaf and hard-
18 of-hearing children's expressive and receptive language acquisition and developmental stages toward ~~literacy~~
19 effective communication;

20 (c) must be selected from existing instruments or assessments used to assess the development of
21 ~~all deaf and hard-of-hearing~~ children from birth ~~to 3 years~~ through 8 years of age; and

22 (d) must be appropriate, in both content and administration, for use with deaf and hard-of-hearing
23 children.

24 (3) ~~The~~ Except as provided in subsection (8), the tools ~~may~~ must be used, as part of the
25 assessment required by federal law, by a child's individualized family service plan or individualized education
26 program, as applicable, to track the child's progress and to establish or modify the child's individualized family
27 service plan or individualized education program.

28 (4) Each child's language development must be assessed:

1 (a) every 6 months from birth until the child reaches 3 years of age; and

2 (b) annually from 3 years of age until the child reaches 9 years of age.

3 (5) If a deaf or hard-of-hearing child does not demonstrate adequate progress THROUGH
4 ESTABLISHED BENCHMARKS in expressive and receptive language skills as measured by one of the educator tools
5 or assessments selected pursuant to this section or by the existing instrument used to assess the development
6 of children with disabilities, the child's individualized family service plan or individualized education program
7 team must:

8 (a) explain in detail the reasons the child is not meeting the language developmental milestones or
9 progressing towards them; and

10 (b) recommend specific strategies, services, and programs that may be provided to assist the
11 child's success in effective communication.

12 ~~(4)(6)~~ (a) The department shall provide a the list of tools selected pursuant to this section-part to
13 providers of early intervention services to track the language and literacy development of the deaf and hard-of-
14 hearing children to whom the provider is providing services.

15 (b) The office of public instruction shall provide a list of tools to educators or providers of school-
16 based services to track the language development of a deaf or hard-of-hearing child receiving services.

17 ~~(5)(7)~~ (a) The department and the office of public instruction shall each prepare an annual report,
18 using existing data that is reported in compliance with federal requirements for children receiving Part B and
19 Part C services, regarding the language and literacy development in deaf and hard-of-hearing children from
20 birth to 3 through 8 years of age relative to their peers who are not deaf or hard of hearing.

21 (b) The report must include, as applicable to each agency:

22 (i) the total number of children receiving Part B and Part C services;

23 (ii) the total number of children assessed for language development;

24 (iii) the languages in which children were assessed and the number of children assessed in each
25 language;

26 (iv) the number of reassessed children who made adequate progress in language development
27 during the reporting period ;

28 (IV) THE NUMBER OF CHILDREN WHO WERE AND WERE NOT WITHIN AGE-APPROPRIATE DEVELOPMENT

1 RANGES BASED ON THEIR CHRONOLOGICAL AGE;

2 (v) information on how the ratings included in the report were developed;

3 (vi) for each assessment conducted, the tool that was used for the assessment; and

4 (vii) the number of assessment proctors whose qualifications as established by the producer of the
5 assessment tool were verified by both the parent or guardian and the department or the office of public
6 instruction.

7 (c) ~~The department~~ Each agency shall make ~~the its~~ report available on its website along with the
8 name and contact information of the person who prepared the report.

9 (8) A parent pursuing an indigenous language for a child may opt out of the evaluation and
10 assessment required under this part."

11

12 NEW SECTION. Section 6. Codification instruction. [Sections 1 through 3] are intended to be
13 codified as an integral part of Title 52, chapter 2, part 9, and the provisions of Title 52, chapter 2, part 9, apply
14 to [sections 1 through 3].

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16 NEW SECTION. Section 7. Effective date. [This act] is effective July 1, 2023.

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18 NEW SECTION. Section 8. Termination. [Section 2] terminates June 30, 2025.

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