

1 HOUSE BILL NO. 619

2 INTRODUCED BY C. KEOGH, J. CARLSON

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO THE ASSESSMENT OF
5 LANGUAGE DEVELOPMENT IN DEAF AND HARD-OF-HEARING CHILDREN; REQUIRING THE CREATION
6 OF A PARENT RESOURCE ON LANGUAGE DEVELOPMENTAL MILESTONES; ESTABLISHING
7 LANGUAGE ASSESSMENT STANDARDS; ESTABLISHING A TEMPORARY ADVISORY COMMITTEE;
8 REQUIRING REPORTS; PROVIDING DEFINITIONS; AMENDING SECTIONS 20-7-404 AND 52-2-901, MCA;
9 AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

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

12
13 **NEW SECTION. Section 1. Parent resource on language developmental milestones -- criteria --**
14 **distribution -- timeline for development.** (1) The department of public health and human services and the
15 office of public instruction shall collaborate to select language developmental milestones from existing
16 standardized norms to develop a resource for parents to use in monitoring the expressive and receptive
17 language acquisition of deaf and hard-of-hearing children.

- 18 (2) The parent resource must:
- 19 (a) include the language developmental milestones developed in accordance with subsection (4);
 - 20 (b) be appropriate, in both content and administration, for use with deaf and hard-of-hearing
21 children from birth through 8 years of age who use American sign language, English, or both;
 - 22 (c) present the language developmental milestones in terms of the typical development of all
23 children by age range;
 - 24 (d) be written for clarity and ease of use by parents;
 - 25 (e) be aligned with:
 - 26 (i) the department's existing infant, toddler, and preschool guidelines;
 - 27 (ii) the existing ~~instrument~~ INSTRUMENTS used to assess the development of children with

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1 the language development of deaf and hard-of-hearing children to ensure the appropriate use of the instrument
2 with deaf and hard-of-hearing children;

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

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

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

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

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

12

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

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

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

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

19 ~~(2)(1)~~ "American sign language" means visual American sign language, tactile American sign
20 language, or protactile American sign language.

21 ~~(3)(2)~~ "Department" means the department of public health and human services provided for in 2-15-
22 2201.

23 ~~(4)(3)~~ "English" means spoken English, written English, or English with or without the use of visual
24 supplements, cued speech, or manually coded English.

25 ~~(5)(4)~~ "Language" means the use of American sign language or English.

26 ~~(6)(5)~~ "Language developmental milestones" means milestones of development aligned with the
27 existing state instruments used to meet the requirements of 20 U.S.C. 1414(b) for the assessment of children

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1 from birth through 8 years of age.

2

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

4 **"20-7-404. Cooperation of state agencies.** (1) The department of public health and human services
5 and the state school for the deaf and blind shall cooperate with the superintendent of public instruction in:

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

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

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

10

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

12 **"52-2-901. Evaluation and assessment of language and literacy development in deaf and hard-**

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

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

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

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

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

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

19 (2) A tool:

20 (a) must be in a format that shows the stages of language development for American sign

21 language or English, for American sign language, or for another language spoken in the child's home;

22 (b) must be used by qualified personnel and educators to track the development of deaf and hard-
23 of-hearing children's expressive and receptive language acquisition and developmental stages toward literacy

24 effective communication;

25 (c) must be selected from existing instruments or assessments used to assess the development of

26 all deaf and hard-of-hearing children from birth to 3 years through 8 years of age; and

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

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1 children.

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

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

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

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

9 (5) If a deaf or hard-of-hearing child does not demonstrate adequate progress through established
10 benchmarks in expressive and receptive language skills as measured by one of the educator tools or
11 assessments selected pursuant to this section or by the existing instrument used to assess the development of
12 children with disabilities, the child's individualized family service plan or individualized education program team
13 must:

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

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

18 (4)(6) (a) The department shall provide ~~a~~the list of tools selected pursuant to this ~~section~~part to
19 providers of early intervention services to track the language ~~and literacy~~ development of the deaf and hard-of-
20 hearing children to whom the provider is providing services.

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

23 (5)(7) (a) The department ~~and the office of public instruction~~ shall each prepare an annual report,
24 using existing data that is reported in compliance with federal requirements for children receiving Part B and
25 Part C services, regarding ~~the language and literacy~~ development in deaf and hard-of-hearing children from
26 birth ~~to 3 through 8 years of age~~ relative to their peers who are not deaf or hard of hearing.

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

