

HOUSE No. 3550

The Commonwealth of Massachusetts

PRESENTED BY:

Brian M. Ashe

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act ensuring language readiness in deaf and hard-of-hearing children entering kindergarten.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/17/2019</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/25/2019</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>2/25/2019</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>2/27/2019</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>1/28/2019</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>2/26/2019</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>2/25/2019</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>	<i>2/26/2019</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>1/31/2019</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/25/2019</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>3/1/2019</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>2/2/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/23/2019</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>2/25/2019</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	<i>2/25/2019</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>	<i>2/25/2019</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>3/1/2019</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>2/1/2019</i>

<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/26/2019</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>3/1/2019</i>
<i>Marc T. Lombardo</i>	<i>22nd Middlesex</i>	<i>2/25/2019</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>2/22/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/28/2019</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/24/2019</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>2/1/2019</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/27/2019</i>
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>	<i>2/22/2019</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>	<i>2/27/2019</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/25/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>2/26/2019</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>2/28/2019</i>

HOUSE No. 3550

By Mr. Ashe of Longmeadow, a petition (accompanied by bill, House, No. 3550) of Brian M. Ashe and others relative to the language readiness of deaf and hard-of-hearing children entering kindergarten. Education.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act ensuring language readiness in deaf and hard-of-hearing children entering kindergarten.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1 Chapter 69 of the General Laws is hereby amended by inserting after section
2 1Q the following section:

3 SECTION 1R:

4 (a) Definitions:

5 (i) For the purpose of this section, the term “language developmental milestones” means
6 milestones of development aligned with the existing state instrument used to meet the
7 requirements of federal law for the assessment of children from birth to 5 years of age, inclusive.

8 (ii) For the purposes of this section, the term “language” includes American Sign
9 Language and English.

10 (iii) For purposes of this section, “English” includes spoken English, written English, or
11 English with or without the use of visual supplements as specified in Definition (a)(4).

12 (iv) For the purposes of developing and using language as defined in subsection (b)(2),
13 for a child who is deaf or hard-of-hearing the following modes of communication may be used as
14 a means for acquiring language: ASL services; spoken language services; dual language services;
15 cued speech; and tactile; or a combination thereof.

16 (b) The department of public health and the department of elementary and secondary
17 education shall jointly select language developmental milestones from existing standardized
18 norms, pursuant to the process specified in subsection (e), for purposes of developing a resource
19 for use by parents to monitor and track deaf and hard-of-hearing children’s expressive and
20 receptive language acquisition and developmental stages toward English literacy. This parent
21 resource shall:

22 (i) Include the language developmental milestones selected pursuant to the process
23 specified in subsection (e).

24 (ii) Be appropriate for use, in both content and administration, with deaf and hard-of-
25 hearing children from birth to 5 years of age, inclusive, who use American Sign Language
26 (ASL), English, or both languages.

27 (iii) Present the developmental milestones in terms of typical development of all children,
28 by age range.

29 (iv) Be written for clarity and ease of use by parents.

30 (v) Be aligned to the departments’ existing infant, toddler, and preschool guidelines, the
31 existing instrument used to assess the development of children with disabilities pursuant to
32 federal law, and state standards in English language arts.

33 (vi) Make clear that the parent(s) have the right to select which language, (ASL, English
34 or both) for their child's language(s) acquisition and developmental milestones.

35 (vii) Make clear that the parent resource is not a formal assessment of language and
36 literacy development, and that a parent's observations of their children may differ from formal
37 assessment data presented at an individualized family service plan (IFSP) or individualized
38 education program (IEP) meeting.

39 (viii) Make clear that a parent may bring the parent resource to an IFSP or IEP meeting
40 for purposes of sharing their observations about their child's development.

41 (ix) Include fair, balanced and comprehensive information about language(s) and
42 communication modes as well as available services and programs.

43

44 (c) The departments of public health and elementary and secondary education shall also
45 select existing tools or assessments for educators that can be used to assess the language and
46 literacy development of deaf and hard-of-hearing children. These educator tools or assessments:

47 (i) Shall be in a format that shows stages of language development in ASL and/or
48 English.

49 (ii) Shall be selected for use by educators to track the development of deaf and hard-of-
50 hearing children's expressive and receptive language acquisition in ASL and/or English and
51 developmental stages toward English literacy.

52 (iii) Shall be selected from existing instruments or assessments used to assess the
53 development of all children from birth to 5 years of age, inclusive.

54 (iv) Shall be appropriate, in both content and administration, for use with deaf and hard-
55 of-hearing children.

56 (v) Shall be used, in addition to the assessment required by federal law, by the child's
57 IFSP or IEP team, as applicable, to track deaf and hard-of-hearing children's progress, and to
58 establish or modify IFSP or IEP plans.

59 (vi) Shall reflect the recommendations of the task force on kindergarten readiness
60 established pursuant to subsection (f).

61 (d) (i) The departments shall disseminate the parent resource developed pursuant to
62 subsection (a) to parents and guardians of deaf and hard-of-hearing children, and, pursuant to
63 federal law, shall disseminate the educator tools and assessments selected pursuant to subsection
64 (b) to local educational agencies for use in the development and modification of IFSP and IEP
65 plans, and shall provide materials and training on its use, to assist deaf and hard-of-hearing
66 children in becoming linguistically ready for kindergarten using both or one of the languages of
67 ASL and English.

68 (ii) If a deaf or hard-of-hearing child does not demonstrate progress in expressive and
69 receptive language skills, as measured by one of the educator tools or assessments selected
70 pursuant to subsection (b), or by the existing instrument used to assess the development of
71 children with disabilities pursuant to federal law, the child's IFSP or IEP team, as applicable,
72 shall, as part of the process required by federal law, explain in detail the reasons why the child is
73 not meeting the language developmental milestones or progressing towards them, and shall

74 recommend specific strategies, services, and programs that shall be provided to assist the child's
75 success toward English literacy.

76 (e) (i) On or before March 1, 2020, the departments shall provide the task force on
77 kindergarten readiness established pursuant to subsection (f) with a list of existing language
78 developmental milestones from existing standardized norms, along with any relevant information
79 held by the departments regarding those language developmental milestones for possible
80 inclusion in the parent resource developed pursuant to subsection (a). These language
81 developmental milestones shall be aligned to the department's existing infant, toddler, and
82 preschool guidelines, the existing instrument used to assess the development of children with
83 disabilities pursuant to federal law, and the state standards in English language arts.

84 (ii) On or before June 1, 2020, the task force on kindergarten readiness shall recommend
85 language developmental milestones for selection pursuant to subsection (b).

86 (iii) On or before June 30, 2020, the departments shall inform the task force on
87 kindergarten readiness of which language developmental milestones were selected.

88

89 (f) (i) The commissioner of public health and the commissioner of elementary and
90 secondary education shall jointly appoint an ad hoc task force, hereafter referred to as the task
91 force on kindergarten readiness, for purposes of soliciting input from experts on the selection of
92 language developmental milestones for children who are deaf or hard-of-hearing that are
93 equivalent to those for children who are not deaf or hard-of-hearing, for inclusion in the parent
94 resource developed pursuant to subsection (a). The task force on kindergarten readiness may also
95 make recommendations on the selection and administration of the educator tools or assessments

96 selected pursuant to subsection (b). The task force on kindergarten readiness may also make
97 recommendations on what materials are unbiased and comprehensive to add to the parent
98 resource.

99 (ii) The task force on kindergarten readiness shall consist of 16 volunteers, the majority
100 of whom shall be deaf and hard-of-hearing. The task force on kindergarten readiness shall have a
101 balance of members who personally, professionally or parentally use the dual languages of ASL
102 and English and members who personally, professionally or parentally use only spoken English.

103 The task force on kindergarten readiness shall comprise the following members:

104 (i) one parent of a child who is deaf or hard-of-hearing who uses the dual languages of
105 ASL and English.

106 (ii) one parent of a child who is deaf or hard-of-hearing who uses only spoken English,
107 with or without visual supplements.

108 (iii) one teacher of the deaf and hard-of-hearing licensed in the area of American Sign
109 Language/Total Communication who uses the dual languages of American Sign Language and
110 English in instruction.

111 (iv) one teacher of the deaf and hard-of-hearing licensed in the area of Oral/Aural from a
112 spoken English only school.

113 (v) one expert who researches language outcomes for deaf and hard-of-hearing children
114 using ASL and English.

115 (vi) one expert who researches language outcomes for deaf and hard-of-hearing children
116 using spoken English, with or without visual supplements.

117 (vii) one teacher of the deaf and hard-of-hearing licensed in the area of American Sign
118 Language/Total Communication whose expertise is in curriculum and instruction in American
119 Sign Language and English.

120 (viii) one teacher of the deaf and hard-of-hearing licensed in the area of Oral/Aural whose
121 expertise is in curriculum and instruction in spoken English, with or without visual supplements.

122 (ix) one advocate for the teaching and use of the dual languages of ASL and English.

123 (x) one advocate for the teaching and use of spoken English, with or without visual
124 supplements.

125 (xi) one early intervention specialist who works with deaf and hard-of-hearing infants and
126 toddlers using the dual languages of ASL and English.

127 (xii) one teacher of the deaf and hard-of-hearing licensed in the area of American Sign
128 Language/Total Communication whose expertise is in ASL and English language assessment.

129 (xiii) one speech pathologist from spoken English, with or without the use of visual
130 supplements, who has expertise in assessment of English language.

131 (xiv) one American Sign Language Specialist who has expertise in assessment of ASL.

132 (xv) The chairperson of the Massachusetts State Association of the Deaf (MSAD)
133 Education Advocacy Committee or other designee appointed by the MSAD president.

134 (xvi) The commissioner of Massachusetts Commission for the Deaf & Hard-of-hearing,
135 or designee who is a Children's Specialist.

136

137 (g) The task force on kindergarten readiness established pursuant to subsection (f) may
138 also advise the departments on the content and administration of the existing instrument used to
139 assess the development of children with disabilities pursuant to federal law, as used to assess
140 deaf and hard-of-hearing children’s language and literacy development to ensure the appropriate
141 use of that instrument with those children, and may make recommendations regarding future
142 research to improve the measurement of progress of deaf and hard-of-hearing children in
143 language and literacy.

144 (h) Commencing on or before July 31, 2020, and on or before each July 31 thereafter, the
145 department shall annually produce a joint report, using existing data reported in compliance with
146 the federally required state performance plan on pupils with disabilities, that is specific to
147 language and literacy development of deaf and hard-of-hearing children from birth to 5 years of
148 age, inclusive, including those who are deaf or hard-of-hearing and have other disabilities,
149 relative to their peers who are not deaf or hard-of-hearing. The departments shall make this
150 report available on their respective Internet Web sites.

151 (i) All activities of the departments in implementing this section shall be consistent with
152 federal law regarding the education of children with disabilities and federal law regarding the
153 privacy of pupil information.

154 (j) This section shall apply only to children from birth to 5 years of age, inclusive.

155 SECTION 2. The definition of “Early intervention services” in section 1 of chapter 111G
156 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by adding the
157 following sentence: – Early intervention services shall include language readiness services
158 provided under section 1R of chapter 69.

159 SECTION 3. Section 2 of said chapter 111G, as so appearing, is hereby amended by
160 adding the following paragraph:-

161 The department shall, in coordination with the department of elementary and secondary
162 education, develop and promulgate uniform rules and regulations for the provision of language
163 readiness services provided under section 1R of chapter 69.