

SENATE No. 305

The Commonwealth of Massachusetts

PRESENTED BY:

Eric P. Lesser

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:	
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>	
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>1/23/2019</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>1/29/2019</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>1/29/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>12/2/2019</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>2/1/2019</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/1/2019</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>	<i>2/1/2019</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>1/30/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/30/2019</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>2/1/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/1/2019</i>
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>	<i>2/7/2019</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/27/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>3/6/2019</i>

SENATE No. 305

By Mr. Lesser, a petition (accompanied by bill, Senate, No. 305) of Eric P. Lesser, Michael J. Rodrigues, William N. Brownsberger, Patrick M. O'Connor and other members of the General Court for legislation to ensure language readiness in 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, as appearing in the 2016 official edition, is
2 hereby amended by inserting after section 36 the following section:-

3 Section 37. (a)(1) As used in this section, the following words shall have the following
4 meanings unless the context clearly requires otherwise:

5 “English”, includes spoken English, written English, or English with or without the use of
6 visual supplements as specified in subsection (a)(4).

7 “Language”, includes American Sign Language and English.

8 “Language developmental milestones”, means milestones of development aligned with
9 the existing state instrument used to meet the requirements of federal law for the assessment of
10 children from birth to 5 years of age, inclusive.

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

15 (b) The department of elementary and secondary education, in conjunction with the
16 department of public health as appropriate, shall jointly select language developmental
17 milestones from existing standardized norms, pursuant to the process specified in subsection (f)
18 of this section, for purposes of developing a resource for use by parents to monitor and track deaf
19 and hard-of-hearing children’s expressive and receptive language acquisition and developmental
20 stages toward English literacy. This parent resource shall: (1) include the language
21 developmental milestones selected pursuant to the process specified in subsection (f) of this
22 section; (2) be appropriate for use, in both content and administration, with deaf and hard-of-
23 hearing children from birth to 5 years of age, inclusive, who use American Sign Language
24 (ASL), English, or both languages; (3) present the developmental milestones in terms of typical
25 development of all children, by age range; (4) be written for clarity and ease of use by parents;
26 (5) be aligned to the departments’ existing infant, toddler, and preschool guidelines, the existing
27 instrument used to assess the development of children with disabilities pursuant to federal law,
28 and state standards in English language arts; (6) make clear that parent(s) have the right to select
29 which language, (ASL, English or both) for their child’s language(s) acquisition and
30 developmental milestones; (7) make clear that the parent resource is not a formal assessment of
31 language and literacy development, and that a parent’s observations of their children may differ
32 from formal assessment data presented at an individualized family service plan (IFSP) or
33 individualized education program (IEP) meeting; (8) make clear that a parent may bring the

34 parent resource to an IFSP or IEP meeting for purposes of sharing their observations about their
35 child's development; and (9) include fair, balanced and comprehensive information about
36 language(s) and communication modes as well as available services and programs.

37 (c) The department of elementary and secondary education, in conjunction with the
38 department of public health as appropriate, shall also select existing tools or assessments for
39 educators that can be used to assess the language and literacy development of deaf and hard-of-
40 hearing children. These educator tools or assessments: (1) Shall be in a format that shows stages
41 of language development in ASL and/or English; (2) Shall be selected for use by educators to
42 track the development of deaf and hard-of-hearing children's expressive and receptive language
43 acquisition in ASL and/or English and developmental stages toward English literacy; (3) Shall be
44 selected from existing instruments or assessments used to assess the development of all children
45 from birth to 5 years of age, inclusive; (4) Shall be appropriate, in both content and
46 administration, for use with deaf and hard-of-hearing children; (5) May be used, in addition to
47 the assessment required by federal law, by the child's IFSP or IEP team, as applicable, to track
48 deaf and hard-of-hearing children's progress, and to establish or modify IFSP or IEP plans; and
49 (6) Shall reflect the recommendations of the task force on kindergarten readiness established
50 pursuant to subsection (f).

51 (d) The department of elementary and secondary education, in conjunction with the
52 department of public health as appropriate, shall disseminate the parent resource developed
53 pursuant to subsection (b) of this section to parents and guardians of deaf and hard-of-hearing
54 children, and, pursuant to federal law, shall disseminate the educator tools and assessments
55 selected pursuant to subsection (c) of this section to local educational agencies for use in the
56 development and modification of IFSP and IEP plans, and shall provide materials and training on

57 its use, to assist deaf and hard-of-hearing children in becoming linguistically ready for
58 kindergarten using both or one of the languages of ASL and English.

59 (e) If a deaf or hard-of-hearing child does not demonstrate progress in expressive and
60 receptive language skills, as measured by one of the educator tools or assessments selected
61 pursuant to subsection (c) of this section, or by the existing instrument used to assess the
62 development of children with disabilities pursuant to federal law, the child's IFSP or IEP team,
63 as applicable, shall, as part of the process required by federal law, explain in detail the reasons
64 why the child is not meeting the language developmental milestones or progressing towards
65 them, and shall recommend specific strategies, services, and programs that shall be provided to
66 assist the child's success toward English literacy.

67 (f)(1) On or before March 1, 2020, the department of elementary and secondary
68 education, in conjunction with the department of public health as appropriate, shall provide the
69 task force on kindergarten readiness, established pursuant to subsection (g) of this section, with a
70 list of existing language developmental milestones from existing standardized norms, along with
71 any relevant information held by the departments regarding those language developmental
72 milestones for possible inclusion in the parent resource developed pursuant to subsection (b) of
73 this section. These language developmental milestones shall be aligned to the department's
74 existing infant, toddler, and preschool guidelines, the existing instrument used to assess the
75 development of children with disabilities pursuant to federal law, and the state standards in
76 English language arts.

77 (2) On or before June 1, 2020, the task force on kindergarten readiness shall recommend
78 language developmental milestones for selection pursuant to subsection (b) of this section.

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