

2018 Regular Session

HOUSE BILL NO. 199

BY REPRESENTATIVE SMITH

EXCEPTIONAL PERSONS: Creates Language Equality and Acquisition for Deaf Kids (LEAD-K) Task Force to develop framework for assessing children who are deaf or hard of hearing to determine language skills and ensure kindergarten readiness

1 AN ACT

2 To enact R.S. 17:1960.1 and R.S. 36:651(G)(6) and to repeal R.S. 17:1960.1 and R.S.
3 36:651(G)(6), relative to the development of children who are deaf or hard of
4 hearing; to establish the Language Equality and Acquisition for Deaf Kids (LEAD-
5 K) Task Force; to provide relative to the purpose, membership, and meetings of the
6 task force; to require the task force to study and make recommendations relative to
7 specific matters; to require the task force to submit a report to the legislature; to
8 require the state Department of Education and the Department of Health to provide
9 a response to such report to the legislature; to provide for termination of the task
10 force; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 17:1960.1 is hereby enacted to read as follows:

13 §1960.1. Language Equality and Acquisition for Deaf Kids (LEAD-K) Task Force

14 A.(1) The legislature finds that children who are deaf or hard of hearing have
15 the same ability and capability to learn language as their peers who do not have a
16 similar disability and that the ability and right to develop language are central to the
17 human experience and necessary prerequisites to literacy as well as cognitive,
18 emotional, linguistic, academic, and social growth and the chance for children to
19 evolve into healthy and productive members of society.

20 (2) The legislature further finds that the state Department of Education and
21 the Louisiana Department of Health are committed to collaborating to improve

1 services for children who are deaf or hard of hearing so that they begin kindergarten
2 with the necessary language skills to acquire the knowledge and academic
3 competencies that will allow them to be successful in school and life.

4 (3) The legislature further finds that pursuant to the Individuals with
5 Disabilities Education Act, P.L. 108-446:

6 (a) The Louisiana Department of Health is responsible for the provision of
7 early intervention services as identified in the child's Individualized Family Support
8 Plan to children from birth to age three years with special needs and their families.

9 (b) The state Department of Education is responsible for the provision of
10 special education and related services as identified in the child's Individualized
11 Education Program to children age three to five years with special needs.

12 B. The Language Equality and Acquisition for Deaf Kids (LEAD-K) Task
13 Force is hereby established for the purpose of developing a framework for assessing
14 children who are deaf or hard of hearing to determine their competencies in language
15 and literacy skills for the purpose of ensuring they are able to achieve kindergarten
16 readiness in an equitable manner.

17 C.(1) The task force shall consist of nineteen members as follows:

18 (a) One parent of a child who is deaf or hard of hearing and is proficient in
19 American Sign Language and English.

20 (b) One parent of a child who is deaf or hard of hearing and who uses only
21 spoken English, without visual supplements.

22 (c) One teacher of children who are deaf or hard of hearing whose expertise
23 is in curriculum and instruction in American Sign Language and English.

24 (d) One teacher of children who are deaf or hard of hearing whose expertise
25 is in curriculum and instruction in American Sign Language and English, with or
26 without visual supplements.

27 (e) One early intervention specialist who works with infants and toddlers
28 who are deaf or hard of hearing using American Sign Language and spoken English.

1 (f) One administrator of an early intervention program for children who are
2 deaf or hard of hearing.

3 (g) One administrator of a school-age program for children who are deaf or
4 hard of hearing.

5 (h) One speech pathologist with experience working with children who are
6 deaf or hard of hearing on the development of spoken English, with or without the
7 use of visual supplements.

8 (i) One school psychologist with experience working with students who are
9 deaf or hard of hearing and with knowledge in conducting and interpreting cognitive
10 assessments for such students.

11 (j) Two representatives of an association that advocates to enhance the
12 quality of life for Louisiana children who are deaf or hard of hearing.

13 (k) One representative of the state Department of Education.

14 (l) One adult who is deaf or hard of hearing and is proficient in American
15 Sign Language and English.

16 (m) One adult who is deaf or hard of hearing who uses only spoken English,
17 without visual supplements.

18 (n) One member of the Louisiana House of Representatives appointed by the
19 Speaker of the House.

20 (o) One member of the Louisiana Senate appointed by the President of the
21 Senate.

22 (p) One representative of the Louisiana Department of Health appointed by
23 the department secretary.

24 (q) One pediatric audiologist appointed by the secretary of the Louisiana
25 Department of Health.

26 (r) The executive director of the Louisiana Commission for the Deaf.

27 (2) Members provided in Subparagraphs (1)(a) through (m) of this
28 Subsection shall be appointed by the state superintendent of education.

1 (3) A vacancy in the membership of the task force shall be filled in the same
2 manner as the original appointment.

3 (4) The members of the task force shall elect a chairman.

4 (5) The members of the task force shall serve without compensation.

5 D. The state Department of Education and the Louisiana Department of
6 Health shall provide staff support for the task force.

7 E. The task force shall hold its initial meeting no later than August 1, 2018,
8 and thereafter shall meet according to a schedule it establishes. A majority of the
9 members of the task force shall constitute a quorum for the transaction of any and
10 all business. The task force shall be domiciled in Baton Rouge but may hold public
11 meetings elsewhere in the state.

12 F. The task force shall study and make recommendations relative to matters
13 that shall include but need not be limited to developing the framework for assessing
14 children who are deaf or hard of hearing as provided in Subsection B of this Section.
15 Such framework shall consider children with congenital or acquired hearing loss,
16 unilateral and bilateral hearing loss, all degrees of hearing loss from minimal to
17 profound, and all types of hearing loss. When conducting analysis and making
18 recommendations relative to the framework, the task force shall be impartial with
19 regard to the language taught to children who are deaf or hard of hearing and shall
20 do all of the following:

21 (1) Review and make recommendations relative to tools or assessments for
22 educators to use to assess the language and literacy development of children who are
23 deaf or hard of hearing. The tools or assessments shall be all of the following:

24 (a) Standardized, norm-referenced, and validated.

25 (b) Able to track such children's expressive and receptive language and
26 cognitive abilities compared to peers who are not deaf or hard of hearing.

27 (c) Able to be used to establish or modify a child's Individualized Education
28 Program or Individualized Family Service Plan.

1 G. The following agencies, as defined by R.S. 36:3, are transferred to and
2 hereafter shall be within the Department of Education as provided in Part III of
3 Chapter 22 of this Title:

4 * * *

5 (6) The Language Equality and Acquisition for Deaf Kids (LEAD-K) Task
6 Force (R.S. 17:1960.1).

7 * * *

8 Section 3. This Act shall be known and may be cited as the "Louisiana LEAD-K
9 Act."

10 Section 4. R.S. 17:1960.1 and R.S. 36:651(G)(6) are hereby repealed in their
11 entirety.

12 Section 5.(A) Sections 1 through 3 and this Section of this Act shall become
13 effective upon signature of this Act by the governor or, if not signed by the governor, upon
14 expiration of the time for bills to become law without signature by the governor, as provided
15 by Article III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the
16 governor and subsequently approved by the legislature, this Act shall become effective on
17 the day following such approval.

18 (B) Section 4 of this Act shall become effective on March 1, 2019.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 199 Original

2018 Regular Session

Smith

Abstract: Establishes the Language Equality and Acquisition for Deaf Kids (LEAD-K) Task Force to develop a framework for assessing children who are deaf or hard of hearing to determine competencies in language and literacy skills and to ensure equitable achievement of kindergarten readiness.

Proposed law creates the Language Equality and Acquisition for Deaf Kids (LEAD-K) Task Force to develop a framework for assessing children who are deaf or hard of hearing to determine their competencies in language and literacy skills for the purpose of ensuring they are able to achieve kindergarten readiness in an equitable manner. Provides for 19 members as follows:

- (1) 14 members appointed by the state superintendent of education:

- (a) One parent of a child who is deaf or hard of hearing and is proficient in American Sign Language (ASL) and English.
 - (b) One parent of a child who is deaf or hard of hearing and who uses only spoken English, without visual supplements.
 - (c) One teacher of children who are deaf or hard of hearing whose expertise is in curriculum and instruction in ASL and English.
 - (d) One teacher of children who are deaf or hard of hearing whose expertise is in curriculum and instruction in ASL and English, with or without visual supplements.
 - (e) One early intervention specialist who works with deaf and hard of hearing infants and toddlers using ASL and spoken English.
 - (f) One administrator of an early intervention program for children who are deaf or hard of hearing.
 - (g) One administrator of a school-age program for children who are deaf or hard of hearing.
 - (h) One speech pathologist with experience working with children who are deaf or hard of hearing on the development of spoken English, with or without the use of visual supplements.
 - (i) One school psychologist with experience working with students who are deaf or hard of hearing and with knowledge in conducting and interpreting cognitive assessments for such students.
 - (j) Two representatives of an association that advocates to enhance the quality of life for children who are deaf or hard of hearing.
 - (k) One adult who is deaf or hard of hearing and is proficient in ASL and English.
 - (l) One adult who is deaf or hard of hearing who uses only spoken English, without visual supplements.
 - (m) One representative of the state Dept. of Education.
- (2) One member of the La. House of Representatives appointed by the speaker.
 - (3) One member of the La. Senate appointed by the president.
 - (4) One representative of the La. Dept. of Health appointed by the department secretary.
 - (5) One pediatric audiologist appointed by the secretary of the La. Dept. of Health.
 - (6) Executive director of the La. Commission for the Deaf.

Proposed law provides relative to membership and meetings:

- (1) A vacancy shall be filled in the same manner as the original appointment.
- (2) Members shall elect a chairman and serve without compensation.
- (3) The state Dept. of Education and the La. Dept. of Health shall provide staff support.

- (4) The task force shall hold its initial meeting no later than August 1, 2018, and shall be domiciled in Baton Rouge but may hold public meetings elsewhere in the state.

Proposed law provides that the task force shall study and make recommendations relative to matters that shall include but need not be limited to developing a framework for assessing children who are deaf or hard of hearing and shall do all of the following:

- (1) Review and make recommendations relative to tools or assessments for educators to use to assess the language and literacy development of such children.
- (2) Determine how often such tools or assessments should be used for children from birth to age five.
- (3) Identify language development milestones for such children by consulting with professionals trained in the language development and education of such children.
- (4) Identify procedures and methods for reporting language acquisition, assessment results, milestones, assessment tools used, and progress of such children to parents and to teachers and other professionals involved in their early intervention and education.
- (5) Make recommendations relative to ensuring that state law and state and local policies are adequately addressing the language developmental needs of such children.

Proposed law requires the task force to submit a report to the House and Senate education committees and health and welfare committees not later than Feb. 1, 2019. Requires the state Dept. of Education and the La. Dept. of Health to submit responses to this report to these committees not later than March 1, 2019.

Proposed law is effective upon signature of governor or lapse of time for gubernatorial action and is repealed on March 1, 2019.

(Adds R.S. 17:1960.1 and R.S. 36:651(G)(6); Repeals R.S. 17:1960.1 and R.S. 36:651(G)(6))