

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 106
102ND GENERAL ASSEMBLY

0375H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 161, RSMo, by adding thereto one new section relating to language developmental milestones for children who are deaf or hard of hearing.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 161, RSMo, is amended by adding thereto one new section, to be
2 known as section 161.396, to read as follows:

3 **161.396. 1. This section shall be known and may be cited as the "Language**
4 **Equality and Acquisition for Deaf Kids (LEAD-K) Act".**

5 **2. As used in this section, the following terms mean:**

6 **(1) "ASL", American Sign Language as defined in section 209.285;**

7 **(2) "Credentialed teacher", a certificated teacher with a special education**
8 **endorsement in deaf or hard-of-hearing education;**

9 **(3) "Department", the department of elementary and secondary education;**

10 **(4) "English", the English language including, but not limited to, spoken**
11 **English, written English, and English with the use of visual supplements;**

12 **(5) "IEP", individualized education program;**

13 **(6) "IFSP", individualized family service plan;**

14 **(7) "Language", communication including, but not limited to, ASL and English;**

15 **(8) "Language developmental milestones", milestones of language development**
16 **aligned with the existing state instrument used to meet the requirements of federal law**
17 **for the assessment of children from birth to five years of age;**

18 **(9) "Parent", a parent, legal guardian, or other person having charge, custody,**
19 **or control of the student.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **3. The department shall select language developmental milestones from existing**
19 **standardized norms as provided in subsection 6 of this section to develop a resource for**
20 **use by parents to monitor and track expressive and receptive language acquisition and**
21 **developmental stages toward ASL and English literacy of children who are deaf or hard**
22 **of hearing. Such parent resource shall:**

23 **(1) Include the language developmental milestones selected under the process**
24 **specified in subsection 6 of this section;**

25 **(2) Be appropriate for use, in both content and administration, with children**
26 **who are deaf or hard of hearing and who use ASL, English, or both;**

27 **(3) Present the language developmental milestones in terms of typical**
28 **development of all children by age range;**

29 **(4) Be written for clarity and ease of use by parents;**

30 **(5) Be aligned with the department's existing infant, toddler, and preschool**
31 **guidelines; the existing instrument used to assess the development of children with**
32 **disabilities under federal law; and state standards in English language arts;**

33 **(6) Make clear that parents have the right to select ASL, English, or both for a**
34 **child's language acquisition and developmental milestones;**

35 **(7) Make clear that the parent resource is not a formal assessment of language**
36 **and literacy development and that a parent's observations of a child may differ from**
37 **formal assessment data presented at an IEP or IFSP meeting;**

38 **(8) Make clear that parents may bring the parent resource to an IEP or IFSP**
39 **meeting for purposes of sharing observations about a child's development;**

40 **(9) Include fair, balanced, and comprehensive information about language and**
41 **communication modes and about available services and programs; and**

42 **(10) Include informational resources from Missouri hospitals, as such term is**
43 **defined in section 197.020, audiologists, otolaryngologists, and pediatricians.**

44 **4. The department shall select existing tools or assessments for educators that**
45 **can be used to assess the language and literacy development of children who are deaf or**
46 **hard of hearing. Such tools or assessments selected under this subsection:**

47 **(1) Shall be:**

48 **(a) In a format that shows stages of language development;**

49 **(b) Selected for use by educators to track the development of expressive and**
50 **receptive language acquisition and developmental stages toward English literacy of**
51 **children who are deaf or hard of hearing;**

52 **(c) Selected from existing instruments or assessments used to assess the**
53 **development of all children from birth to five years of age; and**

54 (d) Appropriate, in both content and administration, for use with children who
55 are deaf or hard of hearing; and

56 (2) May:

57 (a) In addition to the assessment required by federal law, be used by the child's
58 IEP or IFSP team, as applicable, to track the progress of the child who is deaf or hard of
59 hearing and to establish or modify the child's IEP or IFSP; and

60 (b) Reflect the recommendations of the advisory committee established in this
61 section.

62 5. (1) The department shall:

63 (a) Disseminate the parent resource developed under subsection 3 of this section
64 to parents of children who are deaf or hard of hearing;

65 (b) Under federal law, disseminate the educator tools and assessments selected
66 under subsection 4 of this section to local educational agencies for use in the
67 development and modification of an IEP or IFSP; and

68 (c) Provide materials and training on the use of the parent resource to assist
69 children who are deaf or hard of hearing in becoming linguistically ready for
70 kindergarten using ASL, English, or both.

71 (2) If a child who is deaf or hard of hearing does not demonstrate progress in
72 expressive and receptive language skills, as measured by one of the educator tools or
73 assessments selected under subsection 4 of this section or by the existing instrument
74 used to assess the development of children with disabilities under federal law, the child's
75 IEP or IFSP team shall, as part of the process required by federal law, explain in detail
76 the reasons the child is not progressing toward or meeting the language developmental
77 milestones and shall recommend specific strategies, services, and programs that will be
78 provided to assist with the child's success toward English literacy.

79 6. (1) Before March 1, 2024, the department shall provide the advisory
80 committee established in this section with a list of existing language developmental
81 milestones from existing standardized norms with any relevant information held by the
82 department regarding those language developmental milestones for possible inclusion in
83 the parent resource developed under subsection 3 of this section. The language
84 developmental milestones shall be aligned to the department's existing infant, toddler,
85 and preschool guidelines; the existing instrument used to assess the development of
86 children with disabilities under federal law; and the state standards in English language
87 arts.

88 (2) Before June 1, 2024, the advisory committee shall recommend language
89 developmental milestones for selection under subsection 3 of this section.

90 **(3) Before July 1, 2024, the department shall inform the advisory committee of**
91 **which language developmental milestones the department selected.**

92 **7. (1) The commissioner of education shall, in consultation with the Missouri**
93 **commission for the deaf and hard of hearing, establish an ad hoc advisory committee to**
94 **solicit input from experts on the selection of language developmental milestones for**
95 **children who are deaf or hard of hearing that are equivalent to milestones for children**
96 **who are not deaf or hard of hearing for inclusion in the parent resource developed**
97 **under subsection 3 of this section. The advisory committee may make recommendations**
98 **on the selection and administration of the educator tools or assessments selected under**
99 **subsection 4 of this section. The advisory committee may make recommendations on**
100 **materials that are unbiased and comprehensive to add to the parent resource.**

101 **(2) The majority of the advisory committee's members shall be individuals who**
102 **are deaf or hard of hearing. The advisory committee shall consist of parents, advocates,**
103 **and professionals from the field of education for the deaf and hard of hearing and shall**
104 **have a balance of members who personally, professionally, or parentally use ASL and**
105 **English and members who personally, professionally, or parentally use only spoken**
106 **English. The advisory committee shall consist of the following members:**

107 **(a) A credentialed teacher of the deaf who provides direct instruction in ASL;**

108 **(b) A credentialed teacher of the deaf who provides direct instruction in listening**
109 **and spoken language;**

110 **(c) A credentialed teacher of the deaf who has expertise in curriculum**
111 **development and instruction in ASL and English;**

112 **(d) A credentialed teacher of the deaf who has expertise in assessing language**
113 **development both in ASL and English;**

114 **(e) A speech-language pathologist who has experience working with children**
115 **from birth to five years of age who are deaf or hard of hearing and use listening and**
116 **spoken language;**

117 **(f) A speech-language pathologist who has experience working with children**
118 **from birth to five years of age who are deaf or hard of hearing and use ASL;**

119 **(g) A parent of a child who is deaf or hard of hearing who uses ASL;**

120 **(h) A parent of a child who is deaf or hard of hearing who uses listening and**
121 **spoken language;**

122 **(i) A deaf or deaf-blind member of the community who uses ASL as the primary**
123 **means of communication; or**

124 **(j) A deaf or deaf-blind member of the community who uses spoken language as**
125 **the primary means of communication; and**

126 **(k) Seven members of the committee shall be ex officio members and shall be:**

- 127 a. The executive director of the Missouri commission for the deaf and hard of
128 hearing, or the director's designee;
- 129 b. The superintendent or assistant superintendent of the Missouri School for the
130 Deaf, or the superintendent's designee;
- 131 c. A representative of the Missouri Association of the Deaf;
- 132 d. The person designated by the department of health and senior services to
133 manage the Missouri newborn hearing screening program;
- 134 e. A coordinator of the First Steps early intervention program administered by
135 the department, or such coordinator's designee;
- 136 f. The person designated by the department of elementary and secondary
137 education's office of childhood to manage Missouri's early care & education
138 connections; and
- 139 g. A representative of the department of elementary and secondary education's
140 vocational rehabilitation program who works with individuals who are deaf or hard of
141 hearing.
- 142 (3) The advisory committee may advise the department or the department's
143 contractor on the content and administration of the existing instrument used to assess
144 the development of children with disabilities under federal law, as used to assess the
145 language and literacy development of children who are deaf or hard of hearing to
146 ensure the appropriate use of such instrument with such children, and may make
147 recommendations regarding future research to improve the measurement of progress in
148 language and literacy of children who are deaf or hard of hearing.
- 149 8. For the 2024-25 school year and all subsequent school years, the department
150 shall produce an annual report that is specific to language and literacy development of
151 children who are deaf or hard of hearing including, but not limited to, children who are
152 deaf or hard of hearing and have other disabilities, from birth to five years of age
153 relative to peers who are not deaf or hard of hearing. The report shall use existing data
154 reported in compliance with the federally required state performance plan on pupils
155 with disabilities. The department shall make the report available on the department's
156 website before August first of each school year.
- 157 9. All activities of the department in implementing this section shall be consistent
158 with federal law regarding the education of children with disabilities and federal law
159 regarding the privacy of pupil information.
- 160 10. For the purposes of developing and using language as described in
161 paragraph (a) of subdivision (1) of subsection 4 of this section, for a child who is deaf or
162 hard of hearing the following modes of communication may be used as a means for
163 acquiring language:

- 164 **(1) ASL services;**
- 165 **(2) Spoken language services;**
- 166 **(3) Dual-language services;**
- 167 **(4) Cued speech;**
- 168 **(5) Tactile sign as defined in section 209.285; and**
- 169 **(6) Any combination of subdivisions (1) to (5) of this subsection.**
- 170 **11. This section shall apply only to activities of the department relating to**
- 171 **children from birth to five years of age.**
- 172 **12. Implementation of this section shall be subject to appropriations for**
- 173 **purposes of this section.**

✓