

LEGISLATIVE BILL 965

Approved by the Governor August 15, 2020

Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to education; to recognize American Sign Language as a distinct and separate language; to authorize schools and postsecondary educational institutions to offer courses in American Sign Language; to define terms; to establish a language assessment program for children who are deaf or hard of hearing; to provide duties for the Commission for the Deaf and Hard of Hearing and the State Department of Education; to provide for an advisory committee; and to provide a duty for the Revisor of Statutes.

Be it enacted by the people of the State of Nebraska,

Section 1. The Legislature hereby declares that American Sign Language is recognized by the State of Nebraska as a distinct and separate language.

Sec. 2. The State Department of Education may provide for the teaching of American Sign Language in public, private, denominational, and parochial schools. If a school offers a course in American Sign Language, such course shall be offered to all students and may be used for world language credits by the school.

Sec. 3. Any postsecondary educational institution may offer an elective course in American Sign Language. Any credits earned in a course in American Sign Language at a postsecondary educational institution may be used for world language credits if recognized as such by the postsecondary educational institution.

Sec. 4. For purposes of sections 4 to 6 of this act:

(1) Communication means a two-way, interactive process to convey meaning from one person or group to another through the use of mutually understood signs, symbols, or voice;

(2) Credentialed teacher of the deaf means a certificated teacher with a special education endorsement in deaf or hard of hearing education;

(3) English means English literacy, spoken English, signing exact English and morphemic system of signs, conceptually accurate signed English, cued speech, and any other visual supplements;

(4) Language means a complex and dynamic system of conventional symbols that is used in various modes for thought and communication; and

(5) Literacy includes the developmental stages of literacy, which are necessary beginning stages to master a language and which include pre-emergent, emergent, and novice levels.

Sec. 5. (1) The State Department of Education, in collaboration with the Commission for the Deaf and Hard of Hearing, shall establish and coordinate a language assessment program for children who are deaf or hard of hearing. The program shall assess, monitor, and track the language developmental milestones for children from birth through five years of age who are deaf or hard of hearing. The scope of the program shall include children who use one or more communication modes in American Sign Language, English literacy, and, if applicable, spoken English and visual supplements.

(2) Language assessments shall be given as needed to each child who is deaf or hard of hearing and who is less than six years of age in compliance with the Special Education Act and the federal Individuals with Disabilities Education Act, as such act existed on January 1, 2020. Such language assessments shall be provided in accordance with the provisions of this section and any recommendations adopted pursuant to this section.

(3) On or before December 31, 2022, and on or before each December 31 thereafter, the State Department of Education and the Commission for the Deaf and Hard of Hearing shall publish a joint report that is specific to language and literacy developmental milestones for each age from birth through five years of age of children who are deaf or hard of hearing, including children who are deaf or hard of hearing and have another disability, relative to such children's peers who are not deaf or hard of hearing. Such report shall be based on existing data annually reported by the State Department of Education in compliance with the federally required state performance plan on pupils with disabilities. The State Department of Education and the Commission for the Deaf and Hard of Hearing shall each publish the report on their respective web sites. The report shall be electronically submitted to the Education Committee of the Legislature and the Clerk of the Legislature.

Sec. 6. (1) The Commission for the Deaf and Hard of Hearing shall appoint an advisory committee to advise the commission regarding all aspects of the language assessment program established pursuant to section 5 of this act. The advisory committee shall consist of fourteen members as follows:

(a) One member shall be a credentialed teacher of the deaf who uses both American Sign Language and English during instruction;

(b) One member shall be a credentialed teacher of the deaf who uses spoken English, with or without visual supplements, during instruction;

(c) One member shall be a credentialed teacher of the deaf who has expertise in curriculum development and instruction for American Sign Language

and English;

(d) One member shall be a credentialed teacher of the deaf who has expertise in assessing language development in both American Sign Language and English;

(e) One member shall be a speech language pathologist who has experience working with children from birth through five years of age;

(f) One member shall be a professional with a linguistic background who conducts research on language outcomes of children who are deaf or hard of hearing and who uses both American Sign Language and English;

(g) One member shall be a parent of a child who is deaf or hard of hearing and who uses both American Sign Language and English;

(h) One member shall be a parent of a child who is deaf or hard of hearing and who uses spoken English with or without visual supplements;

(i) One member shall be knowledgeable about teaching and using both American Sign Language and English in the education of children who are deaf or hard of hearing;

(j) One member shall be a community member representing the deaf community;

(k) One member shall be a community member representing the hard of hearing community;

(l) One member shall be the state liaison for any regional programs for the education of children who are deaf or hard of hearing, coordinated through the State Department of Education, or the state liaison's designee;

(m) One member shall be a member of the Commission for the Deaf and Hard of Hearing; and

(n) One member shall be the coordinator of a network that provides service coordination for children with special needs who are below three years of age or the coordinator's designee.

(2) On or before December 30, 2020, the executive director of the Commission for the Deaf and Hard of Hearing shall call an organizational meeting of the advisory committee. At such organizational meeting, the members shall elect a chairperson and vice-chairperson from the membership of the advisory committee. The advisory committee may meet at any time and at any place within the state on the call of the chairperson. A quorum of the advisory committee shall be six members. All actions of the advisory committee shall be by motion adopted by a majority of those members present when there is a quorum.

(3) On or before July 1, 2022, the advisory committee shall develop specific action plans and make recommendations necessary to fully implement the language assessment program. The advisory committee shall:

(a) Collaborate with the coordinating council for a network that provides service coordination for children with special needs who are below three years of age and an advisory council that provides policy guidance to the State Department of Education;

(b) Solicit input from professionals trained in the language development and education of children who are deaf or hard of hearing on the selection of specific language developmental milestones;

(c) Review and recommend the use of existing and available language assessments for children who are deaf or hard of hearing;

(d) Recommend qualifications for identifying language professionals with knowledge of the use of evidence-based, best practices in English and American Sign Language who can be available to advocate at individualized family service plan or individualized education program team meetings;

(e) Recommend qualifications for identifying language assessment evaluators with knowledge of the use of evidence-based, best practices with children who are deaf or hard of hearing and the resources for locating such evaluators; and

(f) Recommend procedures and methods for communicating information on language acquisition, assessment results, milestones, assessment tools used, and progress of the child to the parent or legal guardian of such child and the teachers and other professionals involved in the early intervention and education of such child.

(4) The specific action plans and recommendations developed by the advisory committee shall include, but are not limited to, the following:

(a) Language assessments that include data collection and timely tracking of the child's development so as to provide information about the child's receptive and expressive language compared to such child's linguistically age-appropriate peers who are not deaf or hard of hearing;

(b) Language assessments conducted in accordance with standardized norms and timelines in order to monitor and track language developmental milestones in receptive, expressive, social, and pragmatic language acquisition and developmental stages to show progress in American Sign Language literacy, English literacy, or both, for all children from birth through five years of age who are deaf or hard of hearing;

(c) Language assessments delivered in the child's mode of communication and which have been validated for the specific purposes for which each assessment is used, and appropriately normed;

(d) Language assessments administered by individuals who are proficient in American Sign Language for American Sign Language assessments and English for English assessments;

(e) Use of assessment results, in addition to the results of the assessment required by federal law, for guidance in the language developmental discussions by individualized family service plan or individualized education

program team meetings when assessing the child's progress in language development;

(f) Reporting of assessment results to the parents or legal guardian of the child and any applicable agency;

(g) Reporting of assessment results on an aggregated basis to the Education Committee of the Legislature, the Clerk of the Legislature, and the Governor; and

(h) Reporting of assessment results to the members of the child's individualized family service plan or individualized education program team, which assessment results may be used, in addition to the results of the assessment required by federal law, by the child's individualized family service plan or individualized education program team, as applicable, to track the child's progress, and to establish or modify the individualized family service plan or individualized education program.

(5) The advisory committee appointed pursuant to this section shall terminate on July 1, 2022.

Sec. 7. The Revisor of Statutes shall assign section 2 of this act to Chapter 79, article 7, and section 3 of this act to Chapter 85, article 9.