



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 642

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S.P. 204

In Senate, February 7, 2019

### **An Act Regarding Kindergarten Readiness for Children Who Are Deaf and Hard of Hearing**

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator BREEN of Cumberland.  
Cosponsored by Representative PIERCE of Falmouth.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 20-A MRSA §7204, sub-§6**, as amended by PL 2015, c. 448, §11, is  
3 further amended to read:

4 **6. Technical assistance.** May, on the request of a school administrative unit,  
5 provide technical assistance in the formulation of a plan or subsequent report required of  
6 all administrative units. Assistance may not be designed to transfer the responsibility for  
7 or actual development of the plan or report; ~~and~~

8 **Sec. 2. 20-A MRSA §7204, sub-§7**, as enacted by PL 2015, c. 448, §12, is  
9 amended to read:

10 **7. Out-of-state placement of a state ward.** May, when a child with a disability  
11 who is a state ward is placed in an out-of-state residential treatment center by the  
12 Department of Health and Human Services, designate the Department of Education as  
13 having responsibility for oversight of the child's individualized education program to  
14 ensure that the child receives a free, appropriate public education; and

15 **Sec. 3. 20-A MRSA §7204, sub-§8** is enacted to read:

16 **8. Report on language and literacy development of children who are deaf and**  
17 **hard of hearing from birth to 5 years of age.** Beginning July 31, 2020 and annually  
18 thereafter, shall submit a report to the joint standing committee of the Legislature having  
19 jurisdiction over education and cultural affairs of:

20 A. The data reported in compliance with the state performance plan required by the  
21 federal Individuals with Disabilities Education Act that are specific to language and  
22 literacy development of children who are deaf or hard of hearing from birth to 5 years  
23 of age, including children who are deaf or hard of hearing and have other disabilities,  
24 that demonstrate language and literacy development of children who are deaf or hard  
25 of hearing relative to the children's peers who are not deaf or hard of hearing; and

26 B. Any language developmental milestones or parent resources used or disseminated  
27 by the department to parents, educators, early interventionists or therapists for use in  
28 tracking or assessing the expressive and receptive language acquisition of children  
29 from birth to 5 years of age who are deaf and hard of hearing and their development  
30 stages toward literacy in American Sign Language and English.

31 The commissioner shall post the report on the department's publicly accessible website.

32 **Sec. 4. Departmental task force established.** The Commissioner of Education  
33 shall establish a departmental task force to recommend language developmental  
34 milestones for children, from birth to 5 years of age, based on existing resources and  
35 current standards and to develop a parent resource portfolio as described in subsection 5  
36 to monitor and track the expressive and receptive language acquisition of children who  
37 are deaf and hard of hearing and their developmental stages toward literacy in American  
38 Sign Language and English. The task force must be convened no later than October 1,  
39 2019.

1           1. The commissioner shall appoint members of the task force in accordance with the  
2 following provisions.

3           A. The task force must include:

4               (1) A majority of members who are deaf or hard of hearing;

5               (2) Members who are advocates and professionals within the field of education  
6 for children who are deaf and hard of hearing and parents of children who are  
7 deaf and hard of hearing; and

8               (3) A balance between members who personally, professionally or as parents use  
9 both American Sign Language and English and members who personally,  
10 professionally or as parents use only spoken English.

11          B. The task force may include:

12               (1) A parent of a child who is deaf or hard of hearing and who communicates  
13 using only spoken English without visual supplements;

14               (2) A parent of a child who is deaf or hard of hearing and who communicates  
15 using American Sign Language;

16               (3) A parent of a child who is deaf or hard of hearing and who communicates  
17 using American Sign Language and spoken English;

18               (4) A parent of a child who is deaf or hard of hearing and who has additional  
19 special needs;

20               (5) A credentialed teacher of students who are deaf and hard of hearing and who  
21 use both American Sign Language and English;

22               (6) A credentialed teacher of students who are deaf and hard of hearing who use  
23 only spoken English;

24               (7) A credentialed teacher of students who are deaf and hard of hearing whose  
25 expertise is in curriculum development and instruction in American Sign  
26 Language;

27               (8) A credentialed teacher of students who are deaf and hard of hearing whose  
28 expertise is in curriculum development and instruction in English;

29               (9) A credentialed teacher of students who are deaf and hard of hearing whose  
30 expertise is in American Sign Language and English language assessment;

31               (10) A credentialed spoken language therapist whose expertise is in spoken  
32 English assessments;

33               (11) An expert who researches language outcomes for children who are deaf and  
34 hard of hearing;

35               (12) An advocate for the teaching and use of both American Sign Language and  
36 English;

37               (13) An advocate for the teaching and use of spoken English, with or without  
38 visual supplements;

- 1 (14) An early intervention specialist who oversees statewide programming for  
2 infants and toddlers who are deaf and hard of hearing;
- 3 (15) A pediatrician who is committed to the health and well-being of children  
4 who are deaf and hard of hearing;
- 5 (16) A specialist whose expertise is in the resources, curriculum and teaching of  
6 children who are blind and who are also deaf or hard of hearing;
- 7 (17) A licensed audiologist who specializes in pediatric and educational  
8 audiology;
- 9 (18) A licensed clinical social worker who specializes in working with children  
10 who are deaf or hard of hearing;
- 11 (19) A representative from the Child Development Services System, established  
12 under the Maine Revised Statutes, Title 20-A, section 7209; and
- 13 (20) A representative from the Maine Newborn Hearing Program established by  
14 Title 22, section 8821 within the Department of Health and Human Services who  
15 is responsible for referring children who are deaf and hard of hearing to early  
16 intervention services.

17 C. Members are not entitled to compensation.

18 2. By March 1, 2020, the Department of Education shall provide to the task force the  
19 following information:

- 20 A. A list of language developmental milestones based on current standardized norms  
21 that are aligned to the department's infant, toddler and preschool guidelines;
- 22 B. Information held by the department relating to language developmental  
23 milestones;
- 24 C. The instrument currently used by the Department of Education to assess the  
25 development of children with disabilities pursuant to federal law; and
- 26 D. The state standards in English language arts education as provided under the  
27 Maine Revised Statutes, Title 20-A, section 6209.

28 3. By June 1, 2020, the task force shall recommend to the Department of Education  
29 language developmental milestones based on current standardized norms and aligned  
30 with the state instrument used to meet the requirements of federal law for the assessment  
31 of children who are deaf or hard of hearing from birth to 5 years of age for purposes of  
32 developing a parent resource portfolio as described in subsection 5 for use by parents to  
33 monitor and track their children's expressive and receptive language acquisition and  
34 developmental stages toward literacy in American Sign Language and English. In  
35 selecting language developmental milestones, the task force shall solicit input from  
36 experts in the field of education for the deaf and hard of hearing. The Department of  
37 Education shall post the recommendations on its publicly accessible website and shall  
38 solicit public comments.

1           4. By June 30, 2020, the Department of Education shall select the language  
2 developmental milestones to include in the parent resource portfolio and inform the task  
3 force of which language developmental milestones have been selected.

4           5. By November 15, 2020, the task force shall, in consultation with any governmental  
5 entities that oversee the education of children who are deaf or hard of hearing from birth  
6 to 5 years of age, develop a parent resource portfolio. The parent resource portfolio must:

7           A. Include the language developmental milestones selected pursuant to subsection 4;

8           B. Be appropriate for use, in both content and administration, with children who are  
9 deaf and hard of hearing from birth to 5 years of age who use American Sign  
10 Language or English, or both;

11           C. Present the developmental milestones in terms of typical development of all  
12 children;

13           D. Be written for clarity and ease of use for parents to monitor and track their  
14 children's expressive and receptive language acquisition and developmental stages  
15 toward literacy in American Sign Language and English;

16           E. Be aligned to the department's existing infant, toddler and preschool guidelines,  
17 the existing instrument used to assess the development of children with disabilities  
18 pursuant to federal law and state standards in English language arts;

19           F. Make clear that parents have the right to select American Sign Language, English,  
20 or both, and the modalities for language provision, including but not limited to cued  
21 speech, lipreading, listening and tactile communication, for the child's language  
22 acquisition and developmental milestones;

23           G. Make clear that the parent resource portfolio is not a formal assessment of  
24 language and literacy development and that a parent's observation of that parent's  
25 child may differ from formal assessment data presented at an individual family  
26 service plan meeting or individual education program meeting;

27           H. Make clear that a parent may bring the parent resource portfolio to an individual  
28 family service plan meeting or individual education program meeting for purposes of  
29 sharing that parent's observations about that parent's child's development; and

30           I. Include balanced and comprehensive information about languages and  
31 communication modes as well as available services and programs.

32           6. The task force may advise the department on the content and administration of  
33 instruments used to assess the development of children with disabilities pursuant to  
34 federal law as used to assess the language and literacy development of children who are  
35 deaf and hard of hearing to ensure appropriate use of those instruments and may make  
36 recommendations regarding future research to improve the measurement of progress in  
37 language and literacy of children who are deaf and hard of hearing.

38           **Sec. 5. Department of Education's selection of tools and assessments for**  
39 **educators, early interventionists and therapists.** The Department of Education  
40 shall select tools and assessments for educators, early interventionists and therapists that  
41 can be used to assess the language and literacy development of children who are deaf and

1 hard of hearing and that, in addition to the assessment required by federal law, can be  
2 used by the children's individual family service plans or individual education program  
3 teams, as applicable, to track the progress of these children and to establish and modify  
4 individual family service plans or individual education programs. These tools and  
5 assessments must:

- 6 1. Be in a format that shows stages of language development;
- 7 2. Be currently used by educators to track the development of expressive and  
8 receptive language acquisition of children who are deaf and hard of hearing and their  
9 developmental stages toward literacy in American Sign Language and English;
- 10 3. Be drawn from existing instruments or assessments currently used to assess the  
11 development of all children from birth to 5 years of age; and
- 12 4. Be appropriate, both in content and administration, for use with children who are  
13 deaf and hard of hearing.

14 The selection of tools and assessments for educators, early interventionists and  
15 therapists may also reflect the recommendations of the task force made pursuant to  
16 section 4, subsection 6.

17 **Sec. 6. Report.** No later than December 15, 2020, the Department of Education  
18 shall submit a report of its findings and recommendations, including suggested  
19 legislation, for presentation to the joint standing committee of the Legislature having  
20 jurisdiction over education and cultural affairs. The report must include:

- 21 1. The parent resource portfolio developed by the departmental task force under  
22 section 4, and a procedure to disseminate the parent resource portfolio to parents and  
23 guardians of children who are deaf and hard of hearing;
- 24 2. A procedure to disseminate to local educational agencies educator tools and  
25 assessments selected by the department according to section 5 for use in the development  
26 and modification of individual family service plans and individual education programs  
27 and materials and training in their use in assisting children who are deaf and hard of  
28 hearing to become linguistically prepared for kindergarten using American Sign  
29 Language or English, or both; and
- 30 3. A procedure to require, if a child who is deaf or hard of hearing does not  
31 demonstrate progress in expressive and receptive language skills, as measured by one of  
32 the educator tools or assessments selected by the department according to section 5 or by  
33 the instrument used to assess the development of children with disabilities pursuant to  
34 federal law, the child's individual family service plan or individual education program  
35 team to provide a detailed explanation of why the child is not meeting the language  
36 developmental milestones or progressing toward them and to recommend specific  
37 strategies, services and programs that should be provided to the child to assist in the  
38 child's success toward literacy in American Sign Language or English, or both, including  
39 the possibility that a child may be monolingual in American Sign Language or English.

1 The joint standing committee of the Legislature having jurisdiction over education  
2 and cultural affairs may report out a bill to the First Regular Session of the 130th  
3 Legislature to implement the findings and recommendations included in the report.

#### 4 **SUMMARY**

5 This bill requires the Commissioner of Education, beginning July 31, 2020 and  
6 annually thereafter, to submit a report to the joint standing committee having jurisdiction  
7 over education and cultural affairs of the data specific to language and literacy  
8 development of children who are deaf and hard of hearing from birth to 5 years of age,  
9 including children who are deaf or hard of hearing and have other disabilities, that  
10 demonstrate the children's language and literacy development relative to their peers who  
11 are not deaf or hard of hearing to include any language developmental milestones or  
12 parent resources used or disseminated by the department for use in tracking or assessing  
13 the expressive and receptive language acquisition of children who are deaf or hard of  
14 hearing and to make this report publicly available.

15 This bill also directs the Commissioner of Education, no later than October 1, 2019,  
16 to establish a departmental task force to recommend language developmental milestones  
17 from existing resources and current standards and to develop a parent resource portfolio  
18 to monitor and track the expressive and receptive language acquisition and developmental  
19 stages toward literacy in American Sign Language and English of children who are deaf  
20 and hard of hearing and sets criteria for the task force membership. The bill also directs  
21 the Department of Education to select tools and assessments for educators that can be  
22 used to assess the language and literacy development of children who are deaf and hard  
23 of hearing and to report to the joint standing committee of the Legislature having  
24 jurisdiction over education and cultural affairs, by December 15, 2020, on the parent  
25 resource portfolio developed by the task force and a procedure to disseminate the parent  
26 resource portfolio to parents, a procedure to disseminate the selected tools and  
27 assessments to educators and a procedure for educators to use when a child is not  
28 progressing in expressive and receptive language skills. The report must include  
29 suggested legislation to implement its findings and recommendations, and the joint  
30 standing committing of the Legislature having jurisdiction over education and cultural  
31 affairs is authorized to report out legislation to the First Regular Session of the 130th  
32 Legislature to implement those findings and recommendations.