

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1484

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AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 20-35-12 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

**Chapter 12. Language Development for Children Who Are Deaf or Hard of Hearing**

**Sec. 1. This chapter applies to children who are:**

- (1) less than ten (10) years of age; and**
- (2) deaf or hard of hearing.**

**Sec. 2. As used in this chapter, "advisory committee" refers to the advisory committee appointed by the director of the center under section 10 of this chapter.**

**Sec. 3. As used in this chapter, "amplification device" means:**

- (1) a hearing aid;**
- (2) a cochlear implant;**
- (3) a bone anchored hearing device;**
- (4) a direct microphone system; or**
- (5) any combination of the aids, implants, devices, or systems described in subdivisions (1) through (4).**

**Sec. 4. As used in this chapter, "ASL" refers to American Sign Language.**

**Sec. 5. As used in this chapter, "center" refers to the center for deaf and hard of hearing education established by IC 20-35-11-3.**

**Sec. 6. As used in this chapter, "deaf or hard of hearing", which**

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may be referred to as a hearing impairment, means the following:

- (1) A disability that, with or without the use of an amplification device, adversely affects the student's:
  - (A) ability to use hearing for developing language and learning;
  - (B) educational performance; and
  - (C) developmental progress.
- (2) The hearing loss may be:
  - (A) permanent or fluctuating;
  - (B) mild to profound; or
  - (C) unilateral or bilateral.
- (3) Students who are deaf or hard of hearing may use:
  - (A) spoken language;
  - (B) sign language; or
  - (C) a combination of spoken language and signed systems.

Sec. 7. As used in this chapter, "English" means:

- (1) spoken English;
- (2) written English; or
- (3) English with the use of visual supplements.

Sec. 8. As used in this chapter, "language developmental milestones" means milestones of development aligned with applicable state standards.

Sec. 9. As used in this chapter, "office of the secretary" refers to the office of the secretary of family and social services established by IC 12-8-1.5-1, its offices, or divisions.

Sec. 10. (a) The director of the center shall appoint an advisory committee to assist and advise the center as described in section 11 of this chapter.

(b) The advisory committee consists of individuals who have an expertise in, and a knowledge of, issues concerning the education of children in Indiana who are deaf or hard of hearing.

(c) The director of the center shall do the following:

- (1) Determine the number of persons to serve on the advisory committee.
- (2) Ensure that the membership of the advisory committee includes a balanced representation of deaf or hard of hearing perspectives that comprises of the following:
  - (A) Individuals who have expertise in the assessment and instruction of one (1) or more of the following:
    - (i) ASL.
    - (ii) Listening and spoken language.
    - (iii) English with visual supports.



(iv) Literacy.

(B) Parents of children who are deaf or hard of hearing.

(3) Appoint a chairperson or co-chairpersons for the advisory committee.

(4) Establish policies and procedures under which the advisory committee must operate.

(d) If a vacancy occurs on the advisory committee, the director of the center may appoint an individual to fill the vacancy.

Sec. 11. The advisory committee shall advise and assist the center in:

(1) selecting language developmental milestones from applicable standardized norms to be included in the parent resource described in section 14 of this chapter;

(2) approving tools and assessments under this chapter for the assessment of children who are deaf or hard of hearing; and

(3) developing and preparing the parent resource described in section 14 of this chapter.

Sec. 12. Not later than March 1, 2020, the center shall:

(1) establish a list of language developmental milestones that:

(A) are, as applicable, aligned to the center's guidelines for infant, toddler, and preschool assessments;

(B) are aligned to the applicable instrument used to assess the development of children with disabilities under federal law;

(C) are aligned with applicable state standards in English language arts; and

(D) based on applicable standardized norms; and

(2) provide to the advisory committee the following:

(A) The list of language developmental milestones established under subdivision (1).

(B) Any relevant information regarding the language developmental milestones on the list provided under clause (A).

Sec. 13. (a) The advisory committee shall:

(1) review the list of language developmental milestones and relevant information provided by the center under section 12 of this chapter;

(2) collaborate with experts in:

(A) selecting, for recommendation to the center, the language developmental milestones for inclusion in the parent resource described in section 14 of this chapter; and

(B) approving, for recommendation to the center, tools and



assessments for children who are deaf or hard of hearing that are equivalent to tools and assessments for children who are not deaf or hard of hearing; and

(3) not later than June 1, 2020, provide to the center the following:

(A) A list of the language developmental milestones that the advisory committee recommends that the center include in the parent resource described in section 14 of this chapter.

(B) A list of the tools and assessments for children who are deaf or hard of hearing that the advisory committee recommends the center approve under section 15 of this chapter.

(b) The advisory committee shall, at least once every five (5) years, conduct a review of the language developmental milestones selected and tools and assessments approved by the center under sections 14 and 15 of this chapter.

Sec. 14. (a) The center shall do the following:

(1) Review the lists provided to the center from the advisory committee under section 13 of this chapter.

(2) Select language developmental milestones to include in the parent resource described in subdivision (5).

(3) Not later than July 1, 2020, inform the advisory committee regarding which language developmental milestones the center selected for the parent resource described in subdivision (5).

(4) Not later than July 1, 2020, approve tools and assessments as provided under this chapter to be used in assessing children who are deaf or hard of hearing.

(5) Prepare a parent resource that:

(A) includes the language developmental milestones described in subdivision (2);

(B) can be used by a parent to monitor and track the expressive and receptive language acquisition and developmental stages toward English literacy of children who are deaf or hard of hearing; and

(C) meets the requirements of subsection (b).

(b) The parent resource prepared by the center under subsection (a)(5) must meet the following requirements:

(1) Be appropriate for use, in both content and administration, with children who:

(A) are less than eleven (11) years of age;



- (B) are deaf or hard of hearing; and
- (C) use:
  - (i) ASL;
  - (ii) English; or
  - (iii) both ASL and English.
- (2) Be written for clarity and ease of use by parents.
- (3) Be aligned to the applicable:
  - (A) state standards for infant, toddler, and preschool assessments;
  - (B) federal standards for assessing the development of children with disabilities; and
  - (C) state standards in ASL and English language arts.
- (4) Include information that:
  - (A) the parent resource is not a formal assessment of language and English literacy development; and
  - (B) a parent's observation of the parent's child may differ from formal assessment data presented at a meeting for a child's individualized education program, individualized family service plan, or a plan developed under Section 504 of the federal Rehabilitation Act, 29 U.S.C. 794.
- (5) Contain the language developmental milestones selected by the center under this section.
- (6) Present the language developmental milestones in terms of development of all children who are less than eleven (11) years of age.
- (7) Provide information regarding the general development of language, including phonology, semantics, syntax, and pragmatics, to a parent whose child uses a language at home that is not English or ASL.
- (8) Provide information on additional supports for language acquisition, including:
  - (A) amplification device options;
  - (B) ASL services options; and
  - (C) other additional supports determined appropriate by the center.
- (9) Provide information about special education law in Indiana as the law applies to children who are deaf or hard of hearing.
- (10) Provide additional information for parents of children who:
  - (A) are deaf or hard of hearing; and
  - (B) have additional disabilities.



(11) Provide notice that a parent of a child has the right to select the language or communication mode for the child's language acquisition and developmental milestone tracking.

(c) The center shall:

- (1) distribute the parent resource prepared under this section to parents of children who are deaf or hard of hearing; and
- (2) post the parent resource prepared under this section on the center's Internet web site.

Sec. 15. (a) Not later than July 1, 2020, the center shall approve applicable tools and assessments to assess, as applicable, the spoken English, written English, or ASL development of children who are:

- (1) less than eleven (11) years of age; and
- (2) deaf or hard of hearing.

(b) The tools and assessments approved under subsection (a) must meet the following requirements:

- (1) Be presented in a form that shows the stages of language development.
- (2) Be selected to track the following for deaf or hard of hearing children:
  - (A) The development of expressive and receptive language acquisition.
  - (B) The developmental stages toward English literacy.
- (3) Be selected from applicable instruments, tools, or assessments used to assess the development of all children who are less than eleven (11) years of age.
- (4) Be appropriate, in both content and administration, for use with children who are deaf or hard of hearing.

Sec. 16. Subject to section 18 of this chapter, the office of the secretary may administer annually to a child who is:

- (1) less than three (3) years of age; and
- (2) deaf or hard of hearing;

at least one (1) of the assessments approved by the center under section 15 of this chapter.

Sec. 17. Subject to section 18 of this chapter, each school corporation may administer annually to a child who:

- (1) is at least three (3) years of age and less than eleven (11) years of age;
- (2) is deaf or hard of hearing; and
- (3) has legal settlement in the school corporation;

at least one (1) of the assessments approved by the center under section 15 of this chapter.

Sec. 18. (a) A parent of a child who is deaf or hard of hearing



may opt the child out of the administration of the annual assessment required under section 16 or 17 of this chapter. To opt out of an annual assessment required under this chapter, a parent of a child who is deaf or hard of hearing must provide, in writing, to the office of the secretary or the school corporation, whichever is applicable, the parent's intent to opt out of the annual assessment for the child.

(b) The office of the secretary and a school corporation is not required to administer an annual assessment to a child who is deaf or hard of hearing under this chapter if the parent provides, in writing, to the office of the secretary or the school corporation, whichever is applicable, the parent's intent to opt out of the annual assessment.

**Sec. 19.** Beginning July 1, 2020, the center may, upon request, provide training and technical assistance to:

- (1) the office of the secretary;
- (2) school corporations; and
- (3) other service providers involved in the assessment process of children who are deaf or hard of hearing;

concerning the use and administration of the tools and assessments approved under section 15 of this chapter. The training must include, as applicable, best practices on the appropriate use of amplification devices and visual supports during the assessments.

**Sec. 20.** Subject to any applicable federal laws, the office of the secretary and each school corporation shall provide to the center the results of any tools and assessments administered to a child in accordance with this chapter.

**Sec. 21. (a)** Before August 1, 2020, and before August 1 of each year thereafter, the center shall:

- (1) prepare a report using data that is submitted under this chapter; and
- (2) post the report on the center's Internet web site.

The report may not include any data that identifies an individual child.

(b) The report prepared under subsection (a) must include data that considers the language and English literacy development of children who are:

- (1) less than eleven (11) years of age; and
- (2) deaf or hard of hearing;

in relation to the children's peers who are not deaf or hard of hearing.

**Sec. 22.** The center shall implement the requirements of this



**chapter in accordance with federal law regarding the:**  
**(1) education of children with disabilities; and**  
**(2) privacy of student information.**





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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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