

2018 Regular Session

HOUSE BILL NO. 199

BY REPRESENTATIVES SMITH, AMEDEE, ANDERS, BACALA, BAGNERIS, BARRAS, BERTHELOT, BILLIOT, BOUIE, BRASS, CHAD BROWN, TERRY BROWN, CARMODY, CARPENTER, GARY CARTER, STEVE CARTER, COX, DAVIS, DEVILLIER, EDMONDS, EMERSON, FALCONER, FOIL, GAINES, GISCLAIR, HALL, LANCE HARRIS, HAZEL, HILFERTY, HODGES, HOWARD, HUNTER, JACKSON, JAMES, JEFFERSON, JENKINS, JOHNSON, JONES, JORDAN, LEGER, LYONS, MARCELLE, GREGORY MILLER, NORTON, PIERRE, POPE, REYNOLDS, SCHEXNAYDER, SIMON, STAGNI, WHITE, WRIGHT, AND ZERINGUE AND SENATORS ALARIO, APPEL, BARROW, BOUDREAUX, CHABERT, CLAITOR, DONAHUE, FANNIN, GATTI, HEWITT, LAFLEUR, LONG, LUNEAU, MILKOVICH, MILLS, MIZELL, MORRISH, PEACOCK, PRICE, GARY SMITH, THOMPSON, WALSWORTH, AND WHITE

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 Louisiana Department of Health
9 to provide a response to such report to the legislature; to provide for termination of
10 the task 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,

1 emotional, linguistic, academic, and social growth and the chance for children to
2 evolve into healthy and productive members of society.

3 (2) The legislature further finds that the state Department of Education and
4 the Louisiana Department of Health are committed to collaborating to improve
5 services for children who are deaf or hard of hearing so that they have the
6 opportunity to begin kindergarten with the necessary language skills to acquire the
7 knowledge and academic competencies that will allow them to be successful in
8 school and life.

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

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

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

17 B.(1) The Language Equality and Acquisition for Deaf Kids (LEAD-K) Task
18 Force is hereby established for the purposes of developing a resource for parents to
19 monitor and track deaf or hard of hearing children's expressive and receptive
20 language acquisition, using American Sign Language, English, or both languages,
21 and developmental stages toward English literacy and developing a framework for
22 assessing children who are deaf or hard of hearing to determine their competencies
23 in language and literacy skills for the purpose of ensuring they have the opportunity
24 to achieve kindergarten readiness in an equitable manner.

25 (2) For purposes of this Section, the term "English" shall include spoken
26 English, written English, and English with the use of visual supplements, including
27 but not limited to Cued Speech and Signing Exact English.

28 C.(1) The task force shall consist of twenty-three members as follows:

29 (a) One parent whose child is deaf or hard of hearing and proficient in
30 American Sign Language and English.

1 (b) One parent whose child is deaf or hard of hearing and uses only spoken
2 English.

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

5 (d) One teacher of children who are deaf or hard of hearing whose expertise
6 is in curriculum and instruction in English.

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

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

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

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

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

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

21 (k) A licensed or certified mental health professional who works with
22 children who are deaf or hard of hearing and their families.

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

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

27 (n) One member of the Louisiana House of Representatives appointed by the
28 speaker of the House of Representatives.

29 (o) One member of the Louisiana Senate appointed by the president of the
30 Senate.

1 (p) One representative of the Louisiana Department of Health appointed by
2 the department secretary.

3 (q) The director of the Louisiana Early Hearing Detection and Intervention
4 Program or his designee.

5 (r) The executive director of the Louisiana Commission for the Deaf or his
6 designee.

7 (s) The state superintendent of education or his designee.

8 (t) The executive director of the governor's office of disability affairs or his
9 designee.

10 (u) The outreach coordinator for the Parent Pupil Education Program at the
11 Louisiana School for the Deaf.

12 (v) One representative appointed by the National Cued Speech Association.

13 (2) Members provided in Subparagraphs (1)(a) through (m) of this
14 Subsection shall be appointed jointly by the state superintendent of education and the
15 secretary of the Louisiana Department of Health, who shall seek input on the
16 appointments from offices and organizations that serve the deaf community,
17 including but not limited to the Louisiana Early Hearing Detection and Intervention
18 Program, the Early Steps Program, and the Louisiana Commission for the Deaf.
19 When making these appointments, preference shall be given, if applicable, to persons
20 with deaf education certification or with early childhood education certification and
21 experience working with children with hearing loss.

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

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

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

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

28 E. The state superintendent of education and the secretary of the Louisiana
29 Department of Health shall jointly call the initial meeting no later than August 1,
30 2018, and thereafter the task force shall meet according to a schedule it establishes.

1 A majority of the members of the task force shall constitute a quorum for the
2 transaction of any and all business. The task force shall be domiciled in Baton
3 Rouge but may hold public meetings elsewhere in the state.

4 F. The task force shall study and make recommendations relative to matters
5 that shall include, but need not be limited to, developing the framework for assessing
6 children who are deaf or hard of hearing as provided in Subsection B of this Section
7 and selecting language developmental milestones from existing standardized norms.
8 Such framework shall consider children with congenital or acquired hearing loss,
9 unilateral and bilateral hearing loss, all degrees of hearing loss from minimal to
10 profound, and all types of hearing loss. When conducting analysis and making
11 recommendations relative to the framework, the task force shall be impartial with
12 regard to the language and modalities used to teach children who are deaf or hard of
13 hearing and shall do all of the following:

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

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

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

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

23 (2) Determine how often the tools or assessments reviewed pursuant to
24 Paragraph (1) of this Subsection should be used for children from birth to age five.

25 (3) Identify language development milestones for children who are deaf or
26 hard of hearing by consulting with professionals trained in the language development
27 and education of such children. The milestones shall be all of the following:

28 (a) A resource for use by parents and educators to monitor and track such
29 children's expressive and receptive language acquisition.

1 (b) Able to be used to ensure that such children meet developmental
2 milestones toward English literacy.

3 (c) Evaluated by the use of existing formalized, evidence-based assessments.

4 (4) Identify procedures and methods for reporting language acquisition,
5 assessment results, milestones, assessment tools used, and progress of such children
6 to parents and to teachers and other professionals involved in their early intervention
7 and education.

8 (5) Make recommendations relative to ensuring that state law and state and
9 local policies are adequately addressing the language developmental needs of such
10 children.

11 G. The task force shall submit a report to the House Committee on
12 Education, the Senate Committee on Education, the House Committee on Health and
13 Welfare, and the Senate Committee on Health and Welfare relative to the provisions
14 of Subsection F of this Section and any other issues it deems appropriate, including
15 any recommendations for related legislation, not later than February 1, 2019. The
16 state Department of Education and the Louisiana Department of Health shall submit
17 responses to this report to these committees not later than March 1, 2019.

18 Section 2. R.S. 36:651(G)(6) is hereby enacted to read as follows:

19 §651. Transfer of boards, commissions, departments, and agencies to Department
20 of Education; boards, commissions, and agencies within Department of
21 Education

22 * * *

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

26 * * *

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

29 * * *

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

3 Section 4. R.S. 17:1960.1, R.S. 36:651(G)(6), and Section 3 of this Act are hereby
4 repealed in their entirety.

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____