

AMENDMENTS TO LB965

Introduced by Education.

1 1. Strike the original sections and insert the following new
2 sections:

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

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

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

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

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

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

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

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

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

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

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

20 (3) On or before December 31, 2021, and on or before each December
21 31 thereafter, the State Department of Education and the Commission for
22 the Deaf and Hard of Hearing shall publish a joint report that is
23 specific to language and literacy developmental milestones for each age
24 from birth through five years of age of children who are deaf or hard of
25 hearing, including children who are deaf or hard of hearing and have
26 another disability, relative to such children's peers who are not deaf or
27 hard of hearing. Such report shall be based on existing data annually
28 reported by the State Department of Education in compliance with the
29 federally required state performance plan on pupils with disabilities.
30 The State Department of Education and the Commission for the Deaf and
31 Hard of Hearing shall each publish the report on their respective web

1 sites. The report shall be electronically submitted to the Education
2 Committee of the Legislature and the Clerk of the Legislature.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (2) On or before August 1, 2020, the executive director of the
13 Commission for the Deaf and Hard of Hearing shall call an organizational
14 meeting of the advisory committee. At such organizational meeting, the
15 members shall elect a chairperson and vice-chairperson from the
16 membership of the advisory committee. The advisory committee may meet at
17 any time and at any place within the state on the call of the
18 chairperson. A quorum of the advisory committee shall be six members. All
19 actions of the advisory committee shall be by motion adopted by a
20 majority of those members present when there is a quorum.

21 (3) On or before July 1, 2021, the advisory committee shall develop
22 specific action plans and make recommendations necessary to fully
23 implement the language assessment program. The advisory committee shall:

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

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

31 (c) Review and recommend the use of existing and available language

1 assessments for children who are deaf or hard of hearing;

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

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

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

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

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

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

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

31 (d) Language assessments administered by individuals who are

1 proficient in American Sign Language for American Sign Language
2 assessments and English for English assessments;

3 (e) Use of assessment results, in addition to the results of the
4 assessment required by federal law, for guidance in the language
5 developmental discussions by individualized family service plan or
6 individualized education program team meetings when assessing the child's
7 progress in language development;

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

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

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

20 (5) The advisory committee appointed pursuant to this section shall
21 terminate on July 1, 2021.

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