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## **SENATE COMMITTEE ON EDUCATION**

**Senator Carol Liu, Chair**

**2015 - 2016 Regular**

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**Bill No:** SB 210  
**Author:** Galgiani  
**Version:** April 20, 2015  
**Urgency:** No  
**Consultant:** Lynn Lorber

**Hearing Date:** April 29, 2015  
**Fiscal:** Yes

**Subject:** Special education: deaf and hard-of-hearing children: language benchmarks

### **SUMMARY**

This bill requires the California Department of Education to select language benchmarks to monitor and track the language acquisition and development of students who are deaf and hard-of-hearing.

### **BACKGROUND**

The California Infant/Toddler Learning & Development Foundations were developed by the California Department of Education, in collaboration with many researchers and stakeholders. The Infant/Toddler foundations were released in 2009.

<http://www.cde.ca.gov/sp/cd/re/documents/itfoundations2009.pdf>

The California Preschool Learning Foundations were developed by the California Department of Education, in collaboration with many researchers and stakeholders. These foundations include three volumes. Volume 1, released on January 22, 2008, includes language and literacy, and English language development:

<http://www.cde.ca.gov/sp/cd/re/documents/preschoollf.pdf>

Children with disabilities age birth to three years are provided with an individualized family service plan (IFSP). Students with disabilities age three to 22 years are provided with an individualized education program (IEP).

Current law requires each student's IEP team to:

1. Consider, among other things, the communication needs of the student, and in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. (Education Code § 56341.1)
2. Specifically discuss the communication needs of the student, consistent with "Deaf Students Education Services Policy Guidance" including, among other things, the following:

- A. The student's primary language mode and language, which may include the use of spoken language with or without visual cues, or the use of sign language, or a combination of both.
- B. Appropriate, direct, and ongoing language access to special education teachers and other specialists who are proficient in the student's primary language mode and language consistent with existing law regarding teacher training requirements.
- C. Services necessary to ensure communication-accessible academic instructions, school services, and extracurricular activities. (EC § 56345)

## ANALYSIS

This bill requires the California Department of Education to select language benchmarks to monitor and track the language acquisition and development of students who are deaf and hard-of-hearing. Specifically, this bill:

- 1. Requires the California Department of Education's (CDE) Deaf and Hard of Hearing unit, and the CDE's deaf education resource centers located in Fremont and Riverside, to jointly select language benchmarks from existing standardized norms for purposes of monitoring and tracking deaf and hard-of-hearing children's expressive and receptive language acquisition and developmental stages toward English literacy.
- 2. Requires the language benchmarks to be selected from the language benchmarks recommended by the advisory committee established by this bill.
- 3. Requires the selected benchmarks to be used by a child's individualized family service plan (IFSP) or individualized education program (IEP) team to assess the progress of the child's language development using both or one of the languages of American Sign Language (ASL) and English.
- 4. Requires each IEP and IFSP team to report progress of students toward reaching the benchmarks to the CDE.
- 5. Requires the CDE to track development stages that are equivalent to a child's linguistically age-appropriate peers who are not deaf or hard-of-hearing, with the goal of assisting children who are deaf or hard-of-hearing to become kindergarten ready.
- 6. Requires the IEP or IFSP team, if a child does not demonstrate progress in expressive and receptive language skills according to the language benchmarks, to explain in detail the reasons why the child is not meeting the benchmarks or progressing towards the age-appropriate benchmark, and requires the IEP or IFSP team to recommend specific strategies, services, and programs that must be provided to assist the child's success toward English literacy.
- 7. Requires the CDE to disseminate the language benchmarks to a child's IFSP or IEP team, including parents and guardians of deaf or hard-of-hearing children,

and requires the CDE to provide materials and training to ensure appropriate language growth as part of the child's existing individualized family service plan (IFSP) or individualized education program (IEP) in order to assist the child in becoming linguistically ready for kindergarten using both or one of the languages of American Sign Language (ASL) or English.

8. Requires the Superintendent of Public Instruction (SPI) to establish an ad hoc advisory committee for purposes of soliciting input from experts on the selection of language benchmarks for children who are deaf or hard-of-hearing that are equivalent to those for children who are not deaf or hard-of-hearing.
9. Requires the advisory committee to consist of 13 volunteers, the majority of whom must be deaf or hard-of hearing, and all of whom must be within the field of education for the deaf and hard-of-hearing. This bill requires the advisory committee to include all of the following:
  - A. One parent of a child who is deaf or hard-of-hearing who uses the dual languages of ASL and English.
  - B. One parent of a child who is deaf or hard-of-hearing who uses only spoken English, with or without visual supplements.
  - C. One credentialed teacher of deaf and hard-of-hearing students who use the dual languages of ASL and English.
  - D. One credentialed teacher of deaf and hard-of-hearing students from a state certified non-public, non-sectarian school.
  - E. One expert who researches language outcomes for deaf and hard-of-hearing children using ASL and English.
  - F. One expert who researches language outcomes for deaf and hard-of-hearing children using spoken English, with or without visual supplements.
  - G. One credentialed teacher of deaf and hard-of-hearing students whose expertise is in curriculum and instruction in ASL and English.
  - H. One credentialed teacher of deaf and hard-of-hearing students whose expertise is in curriculum and instruction in spoken English, with or without visual supplements.
  - I. One advocate for the teaching and use of the dual languages of ASL and English.
  - J. One advocate for the teaching and use of spoken English, with or without visual supplements.
  - K. One early intervention specialist who works with deaf and hard-of-hearing infants and toddlers using the dual languages of ASL and English.

- L. One professional from the dual languages of American Sign Language (ASL) and English.
  - M. One professional from spoken English, with or without the use of visual supplements.
10. Requires the California Department of Education (CDE), by March 1, 2016, to provide the advisory committee with a list of existing language benchmarks from existing standardized norms, along with any relevant information held by the CDE regarding those language benchmarks.
11. Requires the advisory committee to recommend language benchmarks for selection by June 1, 2016.
12. Requires the CDE to inform the advisory committee of which language benchmarks were selected, by June 30, 2016.
13. Requires the CDE to develop specific action plans and regulations to fully implement the language benchmark assessment protocol and processes.
14. Defines “English” to include spoken English, written English, or English with the use of visual supplements.

## STAFF COMMENTS

1. **Need for the bill.** According to the author, “Children who are deaf and hard of hearing have the same ability and capability to learn language as their peers who are not deaf and hard of hearing. Current statistics show that many children who are deaf and hard of hearing arrive at Kindergarten with severe language delays and in many cases, language deprivation. These children begin Kindergarten without the necessary language skills to acquire the knowledge and academic competencies, which will allow them to be successful in school and life. Currently, there are no requirements to assess the language development of children birth to five who are deaf and hard of hearing, or to monitor their progress in the languages most commonly used by individuals who are deaf and hard of hearing in the United States: American Sign Language and English.”
2. **Author’s amendments.** The author wishes to amend this bill as follows:
  - A. Limit the scope of the bill to children age birth to five years.
  - B. Clarify that progress toward benchmarks is to be reported by each IEP and IFSP team to the CDE. On page 3, line 19.
3. **Existing infant/toddler and preschool foundations.** The California Department of Education developed the California Infant/Toddler Learning & Development Foundations and the California Preschool Learning Foundations to provide guidance to providers of early education and care. Both the infant/toddler and preschool foundations are non-binding (voluntary) on providers, programs, and local educational agencies.

The California Infant/Toddler Learning & Development Foundations do not include any reference to the development of children who are deaf or hard of hearing. (specific to language and literacy, and English language development: <http://www.cde.ca.gov/sp/cd/re/itf09langdev.asp>)

The California Preschool Learning Foundations include only a footnote reference to students who are deaf or hard of hearing: specifically, that phonological awareness is an important skill for students who are deaf, and that teachers of the deaf should be consulted for strategies for facilitating phonological awareness. Phonological awareness is defined as sensitivity to the sound (or phonological) structure of spoken language.

4. **Resources for parents.** Various resources existing for parents regarding the development of children who are deaf or hard of hearing; none are specific to benchmarks for language development. In 2011, a panel of parents convened with the California Department of Education to create a guide for parents that contains information to help parents understand the services that may be provided through an individualized family service plan (IFSP) and individualized educational program (IEP), including a focus on language development. The purpose of the *Resource Guide for Parents of Infants and Toddlers Who are Deaf or Hard of Hearing*, released by the California Department of Education in 2013, is to provide parents with an introduction to the benefits of both signed and spoken language, as well as to the various communication tools and educational approaches. <http://www.cde.ca.gov/sp/ss/dh/documents/prgsummary.pdf>
5. **Role and capacity of the California Department of Education.** This bill requires each IEP and IFSP team to report progress of students toward reaching the benchmarks to the California Department of Education (CDE). This bill also requires the CDE to track development stages that are equivalent to a child's linguistically age-appropriate peers who are not deaf or hard-of-hearing, with the goal of assisting children who are deaf or hard-of-hearing to become kindergarten ready. It is unclear how CDE will manage progress reports for each child age birth-five who is deaf or hard of hearing, or how CDE will use that information to assist children to be ready for kindergarten.
6. **Things to clarify.** The author may wish to consider clarifying the following:
  - A. This bill requires IEP and IFSP teams to explain reasons why a child is not meeting or progressing toward the benchmarks, and requires teams to recommend specific ways to assist the child's success toward English literacy. This bill does not specify when the IEP or IFSP team is to determine and provide the explanation, or make the recommendations. These teams typically meet annually to review the individualized plan or program.
  - B. This bill requires the CDE to provide materials and training to ensure appropriate language growth as part of the child's existing IFSP or IEP in order to assist the child in becoming linguistically ready for kindergarten using both or one of the languages of ASL or English. It is unclear if the

CDE is to actually provide training to individualized educational program (IEP) and individualized family service plan (IFSP) team members, or if the California Department of Education (CDE) is to identify existing training that is relevant.

- C. Should this bill include a role for the California Department of Developmental Services, particularly as the administrator of the Early Start program?
7. ***Related and prior legislation.***

AB 455 (Medina, 2014) required requires the Superintendent of Public Instruction to develop standards in Braille and American Sign Language that are aligned to the common core standards. AB 455 passed the Assembly but was never heard in the Senate.

AB 2072 (Mendoza, 2010) required the Department of Health Care Services to develop an unbiased, comprehensive, evidence-based informational pamphlet for newborns and infants identified as deaf or hard of hearing about visual and auditory communication and language options including, but not limited to, American Sign Language, and Listening and Spoken Language, that is sufficient to allow a parent to make an informed decision on which options to choose for his or her child. AB 2072 was vetoed by the Governor, whose veto message read:

*I appreciate the strong feelings from advocates on both sides of this issue. Parents, when first advised that their child has been identified with a hearing loss, are in need of information. It is in the parents' and the affected child's best interest to have information that is timely, appropriate, unbiased, and linguistically and culturally sensitive. This bill is an attempt to provide that type of comprehensive information. Unfortunately, the mechanism is through an advisory committee that is anything but unbiased. It's also an advisory committee that will not only duplicate efforts by other state programs and materials by nationally recognized and respected organizations, but it represents a significant workload that will require fiscal resources that cannot be spared. I do believe that our state's Newborn Hearing Screening Program, along with other state agencies and departments, already coordinate and work to provide the best programs for California children that are deaf or hard of hearing. This bill is unnecessary and potentially contradictory to those successful efforts.*

## SUPPORT

California Association of the Deaf  
California Coalition of Option Schools  
Center for Early Intervention on Deafness  
NorCal Services for Deaf and Hard of Hearing

**OPPOSITION**

None received.

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