**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “LANGUAGE EQUALITY AND ACQUISITION FOR DEAF KIDS (LEAD‑K) ACT” BY ADDING ARTICLE 3 TO CHAPTER 36, TITLE 59 SO AS TO DEFINE NECESSARY TERMS, TO PROVIDE THE STATE BOARD OF EDUCATION AND THE STATE DEPARTMENT OF EDUCATION JOINTLY SHALL SELECT LANGUAGE DEVELOPMENTAL MILESTONES AS RESOURCES FOR PARENTS OF DEAF AND HARD OF HEARING CHILDREN TO USE TO MONITOR AND TRACK CERTAIN LANGUAGE ACQUISITION AND DEVELOPMENTAL STAGES TOWARD ENGLISH LITERACY OF THOSE CHILDREN; TO PROVIDE FOR THE CREATION OF AN AD HOC ADVISORY COMMITTEE TO SOLICIT INPUT FROM EXPERTS ON SELECTING CERTAIN LANGUAGE DEVELOPMENTAL MILESTONES FOR DEAF AND HARD OF HEARING CHILDREN, AND TO PROVIDE FOR THE COMPOSITION AND OTHER DUTIES OF THE COMMITTEE, AMONG OTHER THINGS; TO IMPOSE RELATED REPORTING REQUIREMENTS ON THE DEPARTMENT; TO PROVIDE THE PROVISIONS OF THIS ACT APPLY ONLY TO CHILDREN FROM BIRTH THROUGH FIVE YEARS OF AGE; AND TO PROVIDE IMPLEMENTATION OF THE ARTICLE IS CONTINGENT ON FUNDING, AMONG OTHER THINGS; AND TO DESIGNATE THE EXISTING PROVISIONS OF CHAPTER 36, TITLE 1, AS “ARTICLE 1, GENERAL PROVISIONS”.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 36, Title 59 of the 1976 Code is amended by adding:

“Article 3

Language Equality and Acquisition for Deaf Kids (LEAD‑K) Act

Section 59‑36‑310. This article must be known and may be cited as the ‘Language Equality and Acquisition for Deaf Kids (LEAD‑K) Act.’

Section 59‑36‑320. As used in this article:

(1) ‘American Sign Language’ or ‘ASL’ means a visual‑gestural language which incorporates facial‑grammatical markers, physical‑affect markers, spatial linguistic information, and fingerspelling, as well as signs made with the hands. ASL is a distinct language with its own grammar and syntax that is not based on, nor derived from, a spoken language.

(2) ‘English’ means spoken English, written English, or English with the use of visual supplements.

(3) ‘Individual Education Plan’ or ‘IEP’ means a plan developed for an individual handicapped student as required by Section 59‑33‑90 and Public Law 94‑142.

(4) ‘Individualized Family Service Plan’ or ‘IFSP’ has the same meaning as used in Section 44‑7‑2560.

(3) ‘Language’ mean American Sign Language and English.

(4) ‘Language developmental milestones’ means milestones of development aligned with the existing state instrument used to meet the requirements of federal law for the assessment of children from birth to five years of age, inclusive.

Section 59‑36‑330. The State Board of Education and the State Department of Education jointly shall select language developmental milestones from existing standardized norms, pursuant to the process specified in Section 59‑36‑360, for the purpose of developing a resource that parents of deaf and hard of hearing children may use to monitor and track the expressive and receptive language acquisition and developmental stages toward English literacy of those children. This parent resource must:

(1) include the language developmental milestones selected pursuant to the process specified in Section 59‑36‑360;

(2) be appropriate for use, in both content and administration, with deaf and hard of hearing children from birth to five years of age, inclusive, who use both or one of the languages of American Sign Language and English;

(3) present the developmental milestones in terms of typical development of all children by age range;

(4) be written for clarity and ease of use by parents;

(5) be aligned to the department’s existing infant, toddler, and preschool guidelines, the existing instrument used to assess the development of children with disabilities pursuant to federal law, and state standards in English/language arts;

(6) make clear that the parent has the right to select whether ASL, English, or both are used for their child’s language acquisition and developmental milestones;

(7) make clear that the parent resource is not a formal assessment of language and literacy development, and that a parent’s observations of their children may differ from formal assessment data presented at an IFSP or IEP meeting;

(8) make clear that a parent may bring the parent resource to an IFSP or IEP meeting for the purpose of sharing his observations about the development of his child; and

(9) include fair, balanced, and comprehensive information about languages and communication modes as well as available services and programs.

Section 59‑36‑340. The department also shall select existing tools or assessments for educators that can be used to assess the language and literacy development of deaf and hard of hearing children. These educator tools or assessments:

(1) must be in a format that shows stages of language development;

(2) must be selected for use by educators to track the development of deaf and hard of hearing children’s expressive and receptive language acquisition and developmental stages toward English literacy;

(3) must be selected from existing instruments or assessments used to assess the development of all children from birth to five years of age, inclusive;

(4) must be appropriate, in both content and administration, for use with deaf and hard of hearing children;

(5) may be used, in addition to the assessment required by federal law, by the child’s IFSP or IEP team, as applicable, to track deaf and hard of hearing children’s progress and to establish or modify IFSP or IEP plans; and

(6) may reflect the recommendations of the advisory committee established pursuant to Section 59‑36‑370.

Section 59‑36‑350. (A) The department shall:

(1) disseminate the parent resource developed pursuant to Section 59‑36‑330 to parents and guardians of deaf and hard of hearing children;

(2) disseminate the educator tools and assessments selected pursuant to Section 59‑36‑340 to local educational agencies for use in the development and modification of IFSP and IEP plans pursuant to federal law; and

(3) assist deaf and hard of hearing children in becoming linguistically ready for kindergarten using both or one of the languages of ASL and English by providing materials and training on the use of the educator tools and assessments selected pursuant to Section 59‑36‑340.

(B) If a deaf or hard of hearing child does not demonstrate progress in expressive and receptive language skills as measured by one of the educator tools or assessments selected pursuant to Section 59‑36‑340 or by the existing instrument used to assess the development of children with disabilities pursuant to federal law, the child’s IFSP or IEP team, as applicable, shall, as part of the process required by federal law, explain in detail the reasons why the child is not meeting the language developmental milestones or progressing towards them, and shall recommend specific strategies, services, and programs that must be provided to assist the child’s success toward English literacy.

Section 59‑36‑360. (A) Before March 1, 2020, the department shall provide the advisory committee established pursuant to Section 59‑36‑370 with a list of existing language developmental milestones from existing standardized norms, along with any relevant information held by the department regarding those language developmental milestones for possible inclusion in the parent resource developed pursuant to Section 59‑36‑330. These language developmental milestones must be aligned to the department’s existing infant, toddler, and preschool guidelines, the existing instrument used to assess the development of children with disabilities pursuant to federal law, and the state standards in English/language arts.

(B) Before June 1, 2020, the advisory committee shall recommend language developmental milestones for selection pursuant to Section 59‑36‑330.

(C) Before June 30, 2020, the department shall inform the advisory committee of which language developmental milestones were selected.

Section 59‑36‑370. (A) The superintendent shall establish an ad hoc advisory committee for purposes of soliciting input from experts on the selection of language developmental milestones for children who are deaf or hard of hearing that are equivalent to those for children who are not deaf or hard of hearing, for inclusion in the parent resource developed pursuant to Section 59‑36‑330. The advisory committee also shall make recommendations on:

(1) the selection and administration of the educator tools or assessments selected pursuant to Section 59‑36‑340; and

(2) what materials are unbiased and comprehensive to add to the parent resource.

(B) Membership of the committee is intended to:

(1) include advocates and professionals, all of whom are within the field of education for the deaf and hard of hearing, and parents; and

(2) have a balance of members who personally, professionally, or parentally use the dual languages of ASL and English and members who personally, professionally, or parentally use only spoken English.

(C) The advisory committee must consist of thirteen members, including:

(1) one parent of a child who is deaf or hard of hearing who uses the dual languages of ASL and English;

(2) one parent of a child who is deaf or hard of hearing who uses only spoken English, with or without visual supplements;

(3) one credentialed teacher of deaf and hard of hearing pupils who uses the dual languages of English and ASL;

(4) one credentialed teacher of deaf and hard of hearing pupils from a spoken English‑only school;

(5) one expert who researches language outcomes for deaf and hard of hearing children using ASL and English;

(6) one expert who researches language outcomes for deaf and hard of hearing children using spoken English, with or without visual supplements;

(7) one credentialed teacher of deaf and hard of hearing pupils whose expertise is in curriculum and instruction in ASL and English;

(8) one credentialed teacher of deaf and hard of hearing pupils whose expertise is in curriculum and instruction in spoken English, with or without visual supplements;

(9) one advocate for the teaching and use of the dual languages of ASL and English;

(10) one advocate for the teaching and use of spoken English, with or without visual supplements;

(11) one early intervention specialist who works with deaf and hard of hearing infants and toddlers using the dual languages of ASL and English;

(12) one credentialed teacher of deaf and hard of hearing pupils whose expertise is in ASL and English language assessment; and

(13) one speech pathologist using spoken English, with or without the use of visual supplements.

(D) Members of the committee:

(1) shall meet within one month of appointment to elect a chairperson and other officers it considers necessary;

(2) shall meet at least twice annually and shall meet at the call of the chair;

(3) shall serve for a term of two years or until a successor is appointed by the State Superintendent; and

(4) may receive no mileage or per diem.

Section 59‑36‑380. The advisory committee established pursuant to Section 59‑36‑370 also may advise the department or its contractor on the content and administration of the existing instrument used to assess the development of children with disabilities pursuant to federal law, as used to assess deaf and hard of hearing children’s language and literacy development to ensure the appropriate use of that instrument with those children, and may make recommendations regarding future research to improve the measurement of progress of deaf and hard of hearing children in language and literacy.

Section 59‑36‑390. Before June 1, 2020, and annually before June first thereafter, the department annually shall produce a report, using existing data reported in compliance with the federally required state performance plan on pupils with disabilities, that is specific to language and literacy development of deaf and hard of hearing children from birth to five years of age, inclusive, including those who are deaf or hard of hearing and have other disabilities, relative to their peers who are not deaf or hard of hearing. The department shall make this report available on its Internet website.

Section 59‑36‑400. All activities of the department in implementing this article must be consistent with federal law regarding the education of children with disabilities and federal law regarding the privacy of pupil information.

Section 59‑36‑410. For purposes of developing and using language for a child who is deaf or hard of hearing, the following modes of communication may be used as a means for acquiring language:

(1) ASL services;

(2) spoken language services;

(3) dual language services;

(4) cued speech;

(5) tactile; or

(6) any combination of items (1) through (5).

Section 59‑36‑420. This article applies only to children from birth to five years of age, inclusive.

Section 59‑36‑430. Implementation of this article is contingent upon appropriations from the General Assembly. If the provisions of this article require the department to expend funds to implement its provisions, then the General Assembly shall appropriate funds to the department sufficient to cover the associated costs.”

SECTION 2. The existing provisions of Chapter 36, Title 59 are designated “Article 1, General Provisions”.

SECTION 3. This act takes effect upon approval by the Governor.

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