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Summary: Language Equality and Acquisition of Deaf Kids Act (LEAD-K)

**HISTORY OF LEGISLATIVE ACTIONS**

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**VERSIONS OF THIS BILL**

[03/23/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/671_20230323.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE “LANGUAGE EQUALITY AND ACQUISITION FOR DEAF KIDS (LEAD‑K) ACT”; BY AMENDING CHAPTER 36, TITLE 59, RELATING TO PRESCHOOL PROGRAMS FOR CHILDREN WITH DISABILITIES, BY ADDING ARTICLE 3, SO AS TO PROVIDE THAT THE STATE BOARD OF EDUCATION AND THE STATE DEPARTMENT OF EDUCATION SHALL JOINTLY SELECT LANGUAGE DEVELOPMENTAL MILESTONES AS RESOURCES FOR PARENTS OF DEAF OR HARD‑OF‑HEARING CHILDREN TO USE TO MONITOR AND TRACK CERTAIN LANGUAGE ACQUISITION AND DEVELOPMENTAL STAGES TOWARD THE ENGLISH LITERACY OF THOSE CHILDREN, TO PROVIDE FOR THE CREATION OF AN ADVISORY COMMITTEE TO SOLICIT INPUT FROM EXPERTS ON SELECTING CERTAIN LANGUAGE DEVELOPMENTAL MILESTONES FOR DEAF OR HARD‑OF‑HEARING CHILDREN, TO PROVIDE FOR THE COMPOSITION AND OTHER DUTIES OF THE advisory COMMITTEE, TO IMPOSE RELATED REPORTING REQUIREMENTS ON THE STATE DEPARTMENT OF EDUCATION, AND TO PROVIDE THAT IMPLEMENTATION IS CONTINGENT ON FUNDING, AMONG OTHER THINGS; TO DESIGNATE THE EXISTING PROVISIONS OF CHAPTER 36, TITLE 1, AS “ARTICLE 1, GENERAL PROVISIONS”; AND TO PROVIDE A TIMELINE FOR THE ESTABLISHMENT OF LANGUAGE DEVELOPMENTAL MILESTONES.

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

SECTION 1. This act may be cited as the “Language Equality and Acquisition for Deaf Kids (LEAD‑K) Act”.

SECTION 2. Chapter 36, Title 59 of the S.C. Code is amended by adding:

 Article 3

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

 Section 59‑36‑310. As used in this article:

 (1) “American Sign Language” or “ASL” means a visual‑gestural language that 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.

 (5) “Language” includes American Sign Language and English.

 (6) “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 59‑36‑320. (A) The State Board of Education and the State Department of Education shall jointly select language developmental milestones from existing standardized norms for the purpose of developing a resource that parents of deaf or hard‑of‑hearing children may use to monitor and track expressive and receptive language acquisition and the developmental stages toward English literacy of those children.

 (B) This parent resource must:

 (1) include the language developmental milestones selected;

 (2) be appropriate for use, in both content and administration, with deaf or 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 developmental milestones in terms of the typical development of all children by age range;

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

 (5) be aligned with the State Department of Education'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 a parent has the right to select whether ASL, English, or both are used for his 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 his child 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 59‑36‑330. The State Department of Education shall also select existing tools or assessments for educators that can be used to assess the language and literacy development of deaf or 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 or 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 or 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 a deaf or hard‑of‑hearing child'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 59‑36‑350.

 Section 59‑36‑340. (A) The State Department of Education shall:

 (1) disseminate the parent resource developed pursuant to Section 59‑36‑320 to parents and guardians of deaf or hard‑of‑hearing children;

 (2) disseminate the educator tools and assessments selected pursuant to Section 59‑36‑330 to local educational agencies for use in the development and modification of IFSP and IEP plans pursuant to federal law; and

 (3) assist deaf or 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 59‑36‑330.

 (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 59‑36‑330 or by the existing instrument used to assess the development of children with disabilities pursuant to federal law, then 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 toward them, and shall recommend specific strategies, services, and programs that must be provided to assist the child's success toward English literacy.

 Section 59‑36‑350. (A) The superintendent shall establish an advisory committee for the 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 59‑36‑320. The advisory committee shall also make recommendations on:

 (1) the selection and administration of the educator tools or assessments selected pursuant to Section 59‑36‑330; 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 or 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 or hard‑of‑hearing pupils who uses the dual languages of English and ASL;

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

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

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

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

 (8) one credentialed teacher of deaf or hard‑of‑hearing pupils whose expertise is in the curriculum and instruction of 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 or hard‑of‑hearing infants and toddlers using the dual languages of ASL and English;

 (12) one credentialed teacher of deaf or 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 shall:

 (1) meet within one month of appointment to elect a chairperson and other officers as they consider necessary;

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

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

 (4) receive no mileage or per diem.

 Section 59‑36‑360. The advisory committee established pursuant to Section 59‑36‑350 may also advise the State Department of Education 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 or 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 or hard‑of‑hearing children in language and literacy.

 Section 59‑36‑370. Annually before June first, the State Department of Education 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 the language and literacy development of deaf or 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 State Department of Education shall make this report available on its website.

 Section 59‑36‑380. All activities of the State Department of Education 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 59‑36‑390. For the 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 communication; or

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

 Section 59‑36‑400. This article applies only to children from birth to five years of age, inclusive.

 Section 59‑36‑410. Implementation of this article is contingent upon appropriations by the General Assembly. If the provisions of this article require the State Department of Education to expend funds to implement its provisions, then the General Assembly shall appropriate funds to the State Department of Education sufficient to cover the associated costs.

SECTION 3. The existing provisions of Chapter 36, Title 59 are designated "ARTICLE 1, General Provisions".

SECTION 4. (A)(1) Before March 1, 2024, the State Department of Education shall provide the advisory committee established pursuant to Section 59‑36‑350, as added by this act, with a list of existing language developmental milestones from existing standardized norms, along with any relevant information held by the State Department of Education regarding those language developmental milestones for possible inclusion in the parent resource developed pursuant to Section 59‑36‑320, as added by this act. These language developmental milestones must be aligned with the State Department of Education'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.

 (2) Before June 1, 2024, the advisory committee shall recommend language developmental milestones for selection pursuant to Section 59‑36‑320, as added by this act.

 (3) Before June 30, 2024, the State Department of Education shall inform the advisory committee of which language developmental milestones were selected.

 (B) Before June 1, 2024, the State Department of Education shall produce an initial report pursuant to Section 59‑36‑370, as added by this act.

SECTION 5. This act takes effect upon approval by the Governor.

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