



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB4091

Introduced 5/16/2023, by Rep. Jay Hoffman

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Language Equality Acquisition for the Deaf, Hard of Hearing, and Deaf-Blind Children Act. Provides that the State Board of Education, in cooperation with the Deaf and Hard of Hearing Commission and the Department of Human Services, shall establish a language assessment program for deaf, hard of hearing, and deaf-blind children, and select language developmental milestones. Sets forth provisions concerning the scope and purpose of the program and the development of a resource for use by parents and guardians. Provides that the State Board, in cooperation with the Deaf and Hard of Hearing Commission and the Department of Human Services, shall select tools or assessments for educators that can be used to assess the language and literacy development of all deaf, hard of hearing, and deaf-blind children. Sets forth provisions concerning the tools or assessments. Provides that beginning on July 1, 2024, a language assessment shall be given to each child who is deaf, hard of hearing, or deaf-blind and who is less than 6 years of age. Sets forth provisions concerning the assessment. Provides that an advisory committee on language assessment programs shall be established by the State Board, the Deaf and Hard of Hearing Commission, and the Department of Human Services. Sets forth the membership and duties of the advisory committee. Provides that on or before July 1, 2024, the State Board, the Deaf and Hard of Hearing Commission, and the Department of Human Services shall publish a joint action plan and may propose legislation and rules necessary to implement the recommendations of the advisory committee. Sets forth provisions concerning reporting and rulemaking. Effective immediately.

LRB103 32280 RJT 61559 b

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Language Equality Acquisition for Deaf, Hard of Hearing, and  
6 Deaf-Blind Children Act.

7 Section 5. Findings and intent.

8 (a) The General Assembly finds that there is an urgent and  
9 substantial need to do all of the following:

10 (1) Develop a State-recognized language assessment  
11 program with language milestones to assist parents,  
12 guardians, and educators in determining the language needs  
13 and goals of deaf, hard of hearing, and deaf-blind  
14 children.

15 (2) End language deprivation in children who are deaf,  
16 hard of hearing, and deaf-blind through proper assessment,  
17 monitoring, and tracking of developmental language and  
18 communication milestones.

19 (3) Augment access to American Sign Language and  
20 English, both of which have been established to be  
21 essential in the development of cognition, communication,  
22 and language development of deaf, hard of hearing, and  
23 deaf-blind infants and toddlers, and enhancing preschool

1 and kindergarten readiness.

2 (4) Maximize educational costs by ensuring deaf, hard  
3 of hearing, and deaf-blind children have the language  
4 foundation to access the curriculum and resources in the  
5 educational setting.

6 (5) Enhance deaf, hard of hearing, and deaf-blind  
7 children's independence, productivity, and socialization  
8 with peers, families, and the community, as well as  
9 maximize the potential for these children to lead quality  
10 lives, have adult independence, receive postsecondary  
11 education, obtain gainful employment, and build a network  
12 of critical relationships and supports.

13 (b) The General Assembly declares that the goal of this  
14 State is for deaf, hard of hearing, and deaf-blind children to  
15 enter public and nonpublic schools in this State prepared for  
16 learning, able to communicate with peers and staff, and having  
17 access to resources to help these children succeed.

18 Section 10. Definitions. As used in this Act:

19 "American Sign Language" or "ASL" means a complete,  
20 visual, and manual language with its own grammar and syntax  
21 that is used by a deaf individual as the native language of the  
22 deaf community.

23 "English" means a method of human communication, either  
24 spoken or written, consisting of the use of English words in a  
25 structured and conventional way, including spoken English,

1 written English, English with or without the use of visual or  
2 tactile supplements or dual language services.

3 "English literacy" means the ability to read and write in  
4 English.

5 "Language developmental milestones" means milestones of  
6 development aligning with the State instruments used to meet  
7 the requirements of federal law for assessment of children  
8 from birth to 5 years of age.

9 "Kindergarten readiness" means being ready linguistically  
10 for kindergarten.

11 Section 15. Language assessment program.

12 (a) This Section applies only to children from birth to 5  
13 years of age and is subject to appropriation.

14 (b) The State Board of Education, in cooperation with the  
15 Deaf and Hard of Hearing Commission and the Department of  
16 Human Services, shall establish a language assessment program  
17 for deaf, hard of hearing, and deaf-blind children and select  
18 language developmental milestones from standardized norms. The  
19 scope of the program shall include language developmental  
20 milestones in American Sign Language, English, or both  
21 languages. The purpose of the program is to assess, monitor,  
22 and track the language developmental milestones of all  
23 children who are deaf, hard of hearing, and deaf-blind and  
24 develop a resource for use by parents and guardians to monitor  
25 and track deaf, hard of hearing, and deaf-blind children's

1 expressive and receptive language acquisition and  
2 developmental stages toward English literacy and kindergarten  
3 readiness.

4 (c) The resource developed under subsection (b) shall do  
5 all of the following:

6 (1) Include the language developmental milestones  
7 selected by the advisory committee established pursuant to  
8 subsection (g).

9 (2) Be appropriate for use, in both content and  
10 administration, with deaf, hard of hearing, and deaf-blind  
11 children from birth to 5 years of age who use American Sign  
12 Language, English, or both languages.

13 (3) Present the developmental milestones in terms of  
14 typical language development of all children, by age  
15 range.

16 (4) Be written for clarity and ease of use by parents  
17 and guardians.

18 (5) Be aligned to any State guidelines on early  
19 intervention, early childhood education pursuant to  
20 federal law, and State standards in English language arts.

21 (6) Make clear that parents and guardians have the  
22 right to select which language, ASL, English, or both,  
23 shall be used for a child's language acquisition and  
24 developmental milestones.

25 (7) Provide that parents and guardians may bring the  
26 resource to an individualized family service plan (IFSP)

1 or individualized education program (IEP) meeting for  
2 purposes of sharing a parent's or guardian's observations  
3 about a child's development.

4 (8) Make clear that the resource is not a formal  
5 assessment of language and literacy development and that a  
6 parent's or guardian's observations of a child may differ  
7 from formal assessment data presented at an IFSP, IEP, or  
8 federal Section 504 plan meeting.

9 (9) Make clear that a parent or guardian may bring the  
10 resource to an IFSP, IEP, or federal Section 504 plan  
11 meeting for purposes of sharing the parent's or guardian's  
12 observations about a child's development.

13 (10) Make clear that resources provided to parents and  
14 guardians include fair, balanced, and comprehensive  
15 information about ASL, English, and other communication  
16 modes, as well as available services and programs.

17 (d) The State Board of Education, in cooperation with the  
18 Deaf and Hard of Hearing Commission and the Department of  
19 Human Services, shall select tools or assessments for  
20 educators that can be used to assess the language and literacy  
21 development of all deaf, hard of hearing, and deaf-blind  
22 children. These educator tools or assessments shall do all of  
23 the following:

24 (1) Be in a format that shows stages of language  
25 development.

26 (2) Be selected for use by educators to track the

1 development of deaf, hard of hearing, and deaf-blind  
2 children's expressive and receptive language acquisition  
3 and developmental stages toward literacy.

4 (3) Be selected from a list of instruments or  
5 assessments used to assess the development of all children  
6 from birth to 5 years of age.

7 (4) Be appropriate, in both content and  
8 administration, for use with deaf, hard of hearing, and  
9 deaf-blind children.

10 The educator tools or assessments may be used, in addition to  
11 the assessment required by federal law, by a child's IFSP or  
12 IEP, as applicable, to track a deaf, hard of hearing, or  
13 deaf-blind child's progress and to establish or modify an IFSP  
14 or IEP. Children with federal Section 504 plans shall be  
15 assessed to ensure appropriate services are provided. The  
16 educator tools or assessments may reflect the recommendations  
17 of the advisory committee established pursuant to subsection  
18 (g).

19 (e) The State Board of Education, in cooperation with the  
20 Deaf and Hard of Hearing Commission and the Department of  
21 Human Services, shall disseminate the resource developed under  
22 subsection (b) to parents and guardians of deaf, hard of  
23 hearing, and deaf-blind children and, pursuant to federal law,  
24 shall disseminate the educator tools and assessments selected  
25 under subsection (d) to local educational agencies for use in  
26 the development and modification of IEP and IFSP plans, and

1 shall provide materials and training on the resources used to  
2 assist deaf, hard of hearing, or deaf-blind children in  
3 becoming linguistically ready for kindergarten.

4 (f) Beginning on July 1, 2024, a language assessment shall  
5 be given to each child who is deaf, hard of hearing, or  
6 deaf-blind and who is less than 6 years of age. The language  
7 assessment shall be provided either through an early  
8 intervention service or, if the child is 3 years of age or  
9 older, through the school district in which the child is  
10 enrolled. Language assessments shall be provided in accordance  
11 with the provisions of this Section and any rules adopted  
12 pursuant to this Act.

13 Deaf, hard of hearing, and deaf-blind children shall be  
14 identified by the time a child turns one month old, be referred  
15 to early intervention services by the time a child turns 3  
16 months old, and receive early intervention services by the  
17 time the child turns 6 months old. If a deaf, hard of hearing,  
18 or deaf-blind child is referred to early intervention  
19 services, formal assessments shall be implemented.

20 If a deaf, hard of hearing, or deaf-blind child does not  
21 demonstrate progress in expressive and receptive language  
22 skills, as measured by one of the educator tools or  
23 assessments selected pursuant to subsection (d), the child's  
24 IFSP, IEP, or federal Section 504 plan team shall be  
25 responsible for explaining in detail the reasons why the child  
26 is not meeting the language developmental milestones or



1 progressing toward them and shall recommend and implement  
2 specific strategies, services, and programs that shall be  
3 provided to assist the child's success toward learning  
4 American Sign Language, English, or both languages. A  
5 follow-up meeting shall be scheduled within 30 to 60 days to  
6 determine the effects of the recommendations.

7 (g) An advisory committee on language assessment programs  
8 shall be established by the State Board of Education, the Deaf  
9 and Hard of Hearing Commission, and the Department of Human  
10 Services. The advisory committee shall consist of the members  
11 listed in this subsection (g), the majority of whom shall be  
12 deaf or hard of hearing and have fluency in American Sign  
13 Language. The advisory committee shall be composed of  
14 advocates and professionals, all of whom shall be within the  
15 field of education for the deaf, hard of hearing, or  
16 deaf-blind, and parents or guardians of deaf, hard of hearing,  
17 and deaf-blind children. The advisory committee shall have a  
18 balance of members who personally, professionally, or  
19 parentally use ASL and the English language and members who  
20 personally, professionally, or parentally use only spoken  
21 English. The advisory committee shall consist of all of the  
22 following members, each appointed by the State Board of  
23 Education:

24 (1) One parent or guardian of a child who is deaf or  
25 hard of hearing and who uses ASL and the English language.

26 (2) One parent or guardian of a child who is deaf or

1 hard of hearing and who uses only spoken English, with or  
2 without visual supplements.

3 (3) One credentialed teacher of deaf and hard of  
4 hearing pupils who uses ASL and the English language.

5 (4) One credentialed teacher of deaf and hard of  
6 hearing pupils from a spoken English-only school.

7 (6) One credentialed teacher or an expert on language  
8 assessment and outcomes for deaf and hard of hearing  
9 children using ASL and the English language.

10 (7) One credentialed teacher or an expert on language  
11 assessment and outcomes for deaf and hard of hearing  
12 children using spoken English, with or without visual  
13 supplements.

14 (8) One credentialed teacher of deaf and hard of  
15 hearing pupils whose expertise is in curriculum and  
16 instruction in ASL and English.

17 (9) One credentialed teacher of deaf and hard of  
18 hearing pupils whose expertise is in curriculum and  
19 instruction in spoken English, with or without visual  
20 supplements.

21 (10) One early intervention specialist who works with  
22 deaf and hard of hearing infants and toddlers using ASL  
23 and the English language.

24 (11) One speech pathologist who works with deaf or  
25 hard of hearing infants and toddlers.

26 (12) One deaf-blind person who represents the

1 deaf-blind community.

2 (13) One deaf-blind specialist or deaf-blind educator  
3 whose expertise is in deaf-blind advocacy or education.

4 (14) One statewide coordinator for deaf and hard of  
5 hearing services from the Department of Human Services.

6 The State Board of Education, the Deaf and Hard of Hearing  
7 Commission, and the Department of Human Services shall call an  
8 organizational meeting of the advisory committee on or before  
9 July 1, 2023. At the organizational meeting, the members shall  
10 elect a chairperson and vice chairperson from among the  
11 membership of the advisory committee. The advisory committee  
12 may meet at any time and at any place within this State at the  
13 call of the chairperson.

14 Members of the advisory committee shall serve without  
15 compensation or travel reimbursement.

16 A quorum of the advisory committee shall be 9 members. All  
17 actions of the advisory committee shall be by motion adopted  
18 by a majority of those members present when there is a quorum.

19 Any vacancy in the committee shall be filled in accordance  
20 with this subsection (g).

21 The State Board of Education shall provide the advisory  
22 committee with administrative support, including a list of  
23 language developmental milestones from standardized norms,  
24 along with any relevant information held regarding those  
25 language developmental milestones for possible inclusion in  
26 the resource developed under subsection (b). Language

1 developmental milestones shall be aligned with this State's  
2 infant, toddler, and preschool guidelines and the instrument  
3 used to assess the development of children with disabilities  
4 pursuant to federal law and State standards in English  
5 language arts.

6 (h) On or before June 1, 2024, the advisory committee  
7 shall develop specific action plans and propose rules  
8 necessary to fully implement the language assessment program.  
9 The committee shall do the following:

10 (1) Solicit input from experts on the selection of  
11 language developmental milestones for American Sign  
12 Language and English.

13 (2) Review, select, and monitor the use of language  
14 assessments for children who are deaf and hard of hearing.

15 (3) Identify criteria for qualified ASL and English  
16 experts who can be advocates at initial and periodic IFSP  
17 or IEP team meetings, including role models of deaf and  
18 hard of hearing professionals in similar fields.

19 (4) Identify criteria for qualified language  
20 assessment evaluators and resources for locating  
21 evaluators.

22 (5) Identify methods for communicating language  
23 assessment results, milestones, assessment tools, and the  
24 progress of a child to the parent or guardian the child,  
25 teachers, and other professionals involved in the early  
26 intervention and education of the child.

1           (i) The specific action plans and proposed rules developed  
2 by the advisory committee shall include, but are not limited  
3 to, all of the following:

4           (1) Language assessments that include data collection  
5 and timely tracking of a child's development to provide  
6 information about the child's receptive and expressive  
7 language compared to the child's linguistically  
8 age-appropriate peers who are not deaf, hard of hearing,  
9 or deaf-blind.

10          (2) Language assessments conducted in accordance with  
11 standardized norms and timelines to monitor and track  
12 language developmental milestones in both receptive and  
13 expressive language acquisition and developmental stages  
14 toward English literacy for all children who are deaf or  
15 hard of hearing from birth to 5 years of age.

16          (3) Language assessments delivered in ASL and English  
17 that have been validated for the specific purposes for  
18 which each assessment is used and appropriately normed.

19          (4) Language assessments administered by individuals  
20 who are proficient and have expertise in the language  
21 developmental stages of ASL and English in any of the  
22 following:

23           (A) ASL.

24           (B) Both ASL and English.

25           (C) English, with or without visual supplements.

26           (D) Reading developmental stages.

1           (5) The use of assessment results for guidance on the  
2 language developmental discussions by IFSP and IEP teams  
3 when assessing the progress of a child's language  
4 development in ASL, English, or both languages.

5           (6) The reporting of assessment results to the parent  
6 or guardian of a child and, on an aggregated basis, to the  
7 State Board of Education and the Department of Human  
8 Services for publication to ensure accountability and  
9 provide information on how the education of children who  
10 are deaf, hard of hearing, or deaf-blind can be improved.

11           (7) The reporting of assessment results to the members  
12 of a child's IFSP or IEP team, as appropriate, to assist  
13 the team in ensuring that appropriate language growth  
14 remains a priority and continues to be monitored by the  
15 team.

16           (j) On or before July 1, 2024 and each July 1 thereafter,  
17 the State Board of Education, the Deaf and Hard of Hearing  
18 Commission, and the Department of Human Services shall  
19 annually produce a report, using data reported in compliance  
20 with the federally required State performance plan on pupils  
21 with disabilities, specific to the language and literacy  
22 development of deaf, hard of hearing, or deaf-blind children  
23 from birth to 5 years of age, including those who are deaf,  
24 hard of hearing, or deaf-blind and have other disabilities,  
25 relative to such children's peers who are not deaf, hard of  
26 hearing, or deaf-blind. The State Board of Education, the Deaf

1 and Hard of Hearing Commission, and the Department of Human  
2 Services shall make this report available on each agency's  
3 Internet website.

4 (k) All activities of the State Board of Education, the  
5 Deaf and Hard of Hearing Commission, and the Department of  
6 Human Services in implementing this Section shall be  
7 consistent with federal and State law regarding the education  
8 of children with disabilities and the privacy of pupil  
9 information.

10 Section 20. Joint action plan on deaf, hard of hearing,  
11 and deaf-blind children. On or before July 1, 2024, the State  
12 Board of Education, the Deaf and Hard of Hearing Commission,  
13 and the Department of Human Services shall publish a joint  
14 action plan and may propose legislation and rules necessary to  
15 implement the recommendations of the advisory committee  
16 established under Section 15. The joint action plan and  
17 legislation and rules may include all of the following:

18 (1) Recommendations on evidence-based and research  
19 supported tools to help identify deaf, hard of hearing,  
20 and deaf-blind infants and toddlers from birth to 3 years  
21 of age.

22 (2) The development of a toolkit and training for  
23 parents and guardians about State resources available to  
24 deaf, hard of hearing, and deaf-blind infants, toddlers,  
25 and children of school age. The toolkit and training shall

1 include evidence-based information on language development  
2 and American Sign Language.

3 (3) Strategies and suggestions on ways to connect  
4 deaf, hard of hearing, and deaf-blind adults with families  
5 supporting deaf children in need of support.

6 (4) Recommendations for training and educating  
7 physicians and other healthcare providers on how to  
8 connect deaf, hard of hearing, and deaf-blind children and  
9 their parents or guardians to resources and support. The  
10 recommendations shall provide resources but may not  
11 discuss language options.

12 Section 25. Reporting. On or before July 1, 2024, the  
13 State Board of Education, the Deaf and Hard of Hearing  
14 Commission, and the Department of Human Services shall jointly  
15 publish data on the incidence of hearing loss and any  
16 available information on the language and literacy development  
17 of children from birth to 5 years in this State. The State  
18 Board of Education shall report from data sources the number  
19 and scope of individualized education programs written for  
20 students ages 3 to 5 years who are enrolled in public preschool  
21 programs and who are deaf, hard of hearing, or deaf-blind and  
22 the number of individualized education programs for students  
23 in kindergarten and first grade who are deaf, hard of hearing,  
24 or deaf-blind. The State Board of Education, the Deaf and Hard  
25 of Hearing Commission, and the Department of Human Services



1 may add additional data reporting recommendations. The data  
2 must be shared within the requirements of the federal Family  
3 Educational Rights and Privacy Act of 1974, the Illinois  
4 School Student Records Act, and the Personal Information  
5 Protection Act.

6 Section 90. Rulemaking. The State Board of Education, the  
7 Deaf and Hard of Hearing Commission, and the Department of  
8 Human Services may adopt any rules necessary to implement this  
9 Act.

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.