

# SENATE BILL 785

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By: **Senator Lam**

Introduced and read first time: February 4, 2019

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Deaf or Hard of Hearing Infants or Toddlers**

3 FOR the purpose of requiring the State Department of Education to coordinate with certain  
4 entities to identify and implement certain language developmental milestones on or  
5 before a certain date; requiring the Department to develop a certain parent resource  
6 that meets certain specifications on or before a certain date; establishing the  
7 Statewide Coordinator of Language Development of Deaf or Hard of Hearing Infants  
8 or Toddlers within the Department; providing for the Statewide Coordinator's  
9 qualifications; requiring the Statewide Coordinator to make a certain parent  
10 resource available or distribute certain milestones in a certain way; requiring the  
11 Statewide Coordinator to provide certain resources and training to certain  
12 individuals; requiring the Department to report on certain information to certain  
13 committees of the General Assembly on or before a certain date; requiring or  
14 authorizing the Statewide Coordinator to publish certain recommendations on or  
15 before a certain date; requiring the Statewide Coordinator to develop and publish  
16 certain educational materials; requiring the Statewide Coordinator, in coordination  
17 with certain entities, to select certain tools or assessments; requiring the Statewide  
18 Coordinator to review, assess, and revise certain professional standards; requiring  
19 the Statewide Coordinator to establish a certain system to assess and certify early  
20 intervention service providers; requiring the Department to provide certain training  
21 for a certain purpose under certain circumstances; establishing the position of early  
22 intervention county service coordinator within the Department; requiring the  
23 Department to provide an early intervention county service coordinator within a  
24 certain period of time for a certain purpose; requiring the Department to assign a  
25 certain expert to perform a certain assessment or evaluation under certain  
26 circumstances; requiring the early intervention county service coordinator to take  
27 certain steps under certain circumstances; requiring a certain plan or program to  
28 include certain information under certain circumstances; requiring each early  
29 intervention county service coordinator to report on its activities on or before a  
30 certain date; requiring the Department to appoint a qualified early intervention  
31 service provider for a certain purpose under certain circumstances; requiring the

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 early intervention service provider to provide certain training at a certain location  
2 until a certain time; requiring the Department to conduct a certain class taught by  
3 a certain individual over a certain period of time; requiring the Department to  
4 establish a certain program; authorizing the Department to seek certain grant  
5 funding; requiring a certain plan to include certain information; requiring the  
6 Department to ensure that a certain infant or toddler has access to certain programs  
7 under certain circumstances; authorizing a certain parent or legal guardian to bring  
8 a certain action; providing that a parent or legal guardian is not required to exhaust  
9 administrative remedies before bringing a certain action; defining certain terms; and  
10 generally relating to educating deaf or hard of hearing infants or toddlers.

11 BY adding to  
12 Article – Education  
13 Section 8–801 through 8–807 to be under the new subtitle “Subtitle 8. Deaf or Hard  
14 of Hearing Infants or Toddlers”  
15 Annotated Code of Maryland  
16 (2018 Replacement Volume and 2018 Supplement)

17 Preamble

18 WHEREAS, There is a need to improve academic outcomes for deaf or hard of  
19 hearing children through ensuring those children have the language competency necessary  
20 to be successful in kindergarten, which will result in a cost benefit to the State over a  
21 long-term period; and

22 WHEREAS, The State recognizes that the right to be kindergarten-ready is a human  
23 right for every child, including those who are deaf or hard of hearing; and

24 WHEREAS, The State recognizes the rights of every parent to make educated  
25 decisions for their child and the purpose of this bill is to provide parents with additional  
26 data to support their decision-making process as far as the child’s education is concerned;  
27 and

28 WHEREAS, Data and research demonstrate that many deaf and hard of hearing  
29 children struggle academically due to a lack of access to visual and spoken language; and

30 WHEREAS, Data and research demonstrate that currently many deaf or hard of  
31 hearing children experience delayed cognitive and language development leading to  
32 academic challenges and underperformance; and

33 WHEREAS, The State’s Early Hearing Detection and Intervention program has  
34 excelled in identifying at birth children who are deaf or hard of hearing, but the language  
35 acquisition of these children is a significant concern; and

36 WHEREAS, Drastic changes must occur to ensure no child who is deaf or hard of  
37 hearing is deprived of language access from birth; and

1 WHEREAS, Data and research demonstrate that deaf or hard of hearing children  
2 achieve optimal language acquisition and educational success when afforded access to  
3 language from birth; and

4 WHEREAS, Advances in listening technology such as cochlear implants and hearing  
5 aids may provide audiological support but may not necessarily provide adequate or  
6 immediate access to language, resulting in educational delays and deficits; and

7 WHEREAS, Data and research demonstrate that providing visual language from  
8 birth is greatly beneficial to all deaf or hard of hearing children, including those who utilize  
9 any form of listening technology; and

10 WHEREAS, Research has shown that when effectively provided with visual  
11 language, deaf or hard of hearing children can achieve age-appropriate acquisition of  
12 writing and speaking the English language; and

13 WHEREAS, It is generally acknowledged that all children, regardless of hearing  
14 status, benefit from learning sign language at an early age; and

15 WHEREAS, Research has indicated that children benefit greatly from learning more  
16 than one language at an early age; and

17 WHEREAS, Maryland lacks valid assessments and intervention services for  
18 preschool and prekindergarten children who are deaf, hard of hearing, or deaf-blind; and

19 WHEREAS, Maryland's 2016–2017 Kindergarten Readiness Assessment Technical  
20 Report does not provide specific data about the literacy and language readiness for children  
21 who are deaf or hard of hearing and that the data for deaf or hard of hearing children are  
22 included in data sets for children with disabilities; now, therefore,

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
24 That the Laws of Maryland read as follows:

25 **Article – Education**

26 **SUBTITLE 8. DEAF OR HARD OF HEARING INFANTS OR TODDLERS.**

27 **8–801.**

28 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
29 INDICATED.

30 (B) “DEAF OR HARD OF HEARING INFANT OR TODDLER” MEANS A CHILD  
31 UNDER THE AGE OF 5 YEARS FOR WHOM A SCREENING DETERMINES THAT THE  
32 CHILD HAS A HEARING IMPAIRMENT.

1 (C) "ENGLISH" INCLUDES SPOKEN ENGLISH, WRITTEN ENGLISH, OR  
2 ENGLISH WITH THE USE OF VISUAL SUPPLEMENTS.

3 (D) "INDIVIDUALIZED EDUCATION PROGRAM" AND "INDIVIDUALIZED  
4 FAMILY SERVICE PLAN" HAVE THE SAME MEANING AS PROVIDED IN THE FEDERAL  
5 INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

6 (E) "STATEWIDE COORDINATOR" MEANS THE STATEWIDE COORDINATOR  
7 OF LANGUAGE DEVELOPMENT OF DEAF OR HARD OF HEARING INFANTS OR  
8 TODDLERS ESTABLISHED UNDER § 8-803 OF THIS SUBTITLE.

9 8-802.

10 (A) ON OR BEFORE JULY 1, 2021, THE DEPARTMENT, IN COORDINATION  
11 WITH THE STATEWIDE COORDINATOR AND THE MARYLAND SCHOOL FOR THE DEAF,  
12 SHALL IDENTIFY AND IMPLEMENT THE USE OF EXISTING STANDARDIZED NORMS  
13 FOR APPROPRIATE LANGUAGE DEVELOPMENTAL MILESTONES TO EVALUATE A DEAF  
14 OR HARD OF HEARING INFANT OR TODDLER'S LANGUAGE DEVELOPMENT IN  
15 ENGLISH LITERACY.

16 (B) (1) ON OR BEFORE JULY 1, 2021, THE DEPARTMENT, IN  
17 COORDINATION WITH THE STATEWIDE COORDINATOR, SHALL DEVELOP A PARENT  
18 RESOURCE TO MONITOR AND TRACK A DEAF OR HARD OF HEARING INFANT OR  
19 TODDLER'S EXPRESSIVE AND RECEPTIVE LANGUAGE DEVELOPMENT AND  
20 DEVELOPMENT IN ENGLISH FLUENCY AND LITERACY.

21 (2) THE PARENT RESOURCE DEVELOPED UNDER PARAGRAPH (1) OF  
22 THIS SUBSECTION SHALL:

23 (I) INCLUDE THE LANGUAGE DEVELOPMENTAL MILESTONES  
24 ESTABLISHED BY THE DEPARTMENT IN SUBSECTION (A) OF THIS SECTION AND  
25 TYPICAL DEVELOPMENTAL MILESTONES FOR CHILDREN OF THAT AGE;

26 (II) BE APPROPRIATE FOR USE WITH A DEAF OR HARD OF  
27 HEARING INFANT OR TODDLER WHO USES EITHER AMERICAN SIGN LANGUAGE OR  
28 ENGLISH;

29 (III) BE WRITTEN CLEARLY AND EASY TO UNDERSTAND;

30 (IV) BE CONSISTENT WITH THE DEPARTMENT'S EXISTING  
31 INFANT, TODDLER, AND PRESCHOOL GUIDELINES, ANY EXISTING INSTRUMENT USED  
32 TO ASSESS THE DEVELOPMENT OF CHILDREN WITH DISABILITIES UNDER FEDERAL  
33 LAW, AND STATE STANDARDS IN ENGLISH LANGUAGE ARTS; AND

1 (V) INCLUDE THE FOLLOWING STATEMENTS:

2 1. THE PARENT RESOURCE IS NOT A FORMAL  
3 ASSESSMENT OF LANGUAGE AND LITERACY DEVELOPMENT;

4 2. A PARENT'S OBSERVATIONS OF THEIR INFANT OR  
5 TODDLER MAY DIFFER FROM FORMAL ASSESSMENT DATA PRESENTED AT AN  
6 INDIVIDUALIZED FAMILY SERVICE PLAN OR INDIVIDUALIZED EDUCATION PROGRAM  
7 MEETING; AND

8 3. A PARENT MAY BRING THE PARENT RESOURCE TO AN  
9 INDIVIDUALIZED FAMILY SERVICE PLAN OR INDIVIDUALIZED EDUCATION PROGRAM  
10 MEETING FOR PURPOSES OF SHARING THEIR OBSERVATIONS ABOUT THEIR INFANT  
11 OR TODDLER'S DEVELOPMENT.

12 (C) ON OR BEFORE JULY 1, 2021, THE STATEWIDE COORDINATOR SHALL:

13 (1) MAKE THE PARENT RESOURCE DEVELOPED UNDER SUBSECTION  
14 (B) OF THIS SECTION AVAILABLE TO PARENTS AND LEGAL GUARDIANS OF DEAF OR  
15 HARD OF HEARING INFANTS OR TODDLERS; AND

16 (2) DISTRIBUTE THE LANGUAGE DEVELOPMENTAL MILESTONES  
17 SELECTED UNDER SUBSECTION (A) OF THIS SECTION TO COUNTY BOARDS FOR USE  
18 IN DEVELOPING AND MODIFYING INDIVIDUALIZED FAMILY SERVICE PLANS OR  
19 INDIVIDUALIZED EDUCATION PROGRAM PLANS.

20 (D) BEGINNING ON OR AFTER JULY 1, 2021, THE STATEWIDE  
21 COORDINATOR SHALL PROVIDE TO THE FOLLOWING INDIVIDUALS RESOURCES AND  
22 TRAINING FOR ASSISTING DEAF OR HARD OF HEARING INFANTS OR TODDLERS IN  
23 BECOMING LINGUISTICALLY READY FOR KINDERGARTEN USING AMERICAN SIGN  
24 LANGUAGE OR ENGLISH:

25 (1) PARENTS AND LEGAL GUARDIANS USING THE PARENT RESOURCE  
26 DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION; AND

27 (2) EDUCATORS USING THE LANGUAGE DEVELOPMENTAL  
28 MILESTONES SELECTED UNDER SUBSECTION (A) OF THIS SECTION.

29 (E) ON OR BEFORE JULY 1, 2021, AND EACH JULY 1 THEREAFTER, THE  
30 DEPARTMENT SHALL USE EXISTING DATA TO REPORT ON THE LANGUAGE AND  
31 LITERACY DEVELOPMENT OF INFANTS OR TODDLERS WITH A DISABILITY,  
32 INCLUDING INFANTS OR TODDLERS WHO ARE DEAF OR HARD OF HEARING AND

1 INFANTS OR TODDLERS WHO HAVE OTHER DISABILITIES, IN COMPARISON TO  
2 INFANTS OR TODDLERS WHO ARE NOT DEAF OR HARD OF HEARING OR DO NOT HAVE  
3 A DISABILITY TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL  
4 AFFAIRS COMMITTEE AND THE HOUSE COMMITTEE ON WAYS AND MEANS IN  
5 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

6 8-803.

7 (A) (1) THERE IS A STATEWIDE COORDINATOR OF LANGUAGE  
8 DEVELOPMENT OF DEAF OR HARD OF HEARING INFANTS OR TODDLERS WITHIN  
9 THE DEPARTMENT.

10 (2) THE STATEWIDE COORDINATOR SHALL:

11 (I) BE DEAF OR HARD OF HEARING;

12 (II) BE FLUENT IN AMERICAN SIGN LANGUAGE; AND

13 (III) HAVE AN ACADEMIC OR PROFESSIONAL BACKGROUND IN  
14 EARLY CHILDHOOD EDUCATION.

15 (B) ON OR BEFORE JULY 1, 2021, AND EVERY 3 YEARS THEREAFTER, THE  
16 STATEWIDE COORDINATOR, IN COORDINATION WITH THE DEPARTMENT AND THE  
17 MARYLAND SCHOOL FOR THE DEAF:

18 (1) SHALL PUBLISH RECOMMENDATIONS ON:

19 (I) THE SELECTION, CONTENT, AND ADMINISTRATION OF THE  
20 TOOLS, ASSESSMENTS, EXISTING INSTRUMENTS, AND RESOURCES ON LANGUAGE  
21 DEVELOPMENTAL MILESTONES USED TO ASSESS A DEAF OR HARD OF HEARING  
22 INFANT OR TODDLER'S LANGUAGE AND LITERACY DEVELOPMENT; AND

23 (II) THE USE OF THE TOOLS, ASSESSMENTS, INSTRUMENTS, AND  
24 RESOURCES IN ITEM (I) OF THIS ITEM WITH A DEAF OR HARD OF HEARING INFANT  
25 OR TODDLER; AND

26 (2) MAY PUBLISH RECOMMENDATIONS ON RESEARCH PROJECTS  
27 THAT MAY IMPROVE THE METHODS FOR MEASURING THE PROGRESS OF A DEAF OR  
28 HARD OF HEARING INFANT OR TODDLER'S LANGUAGE AND LITERACY.

29 (C) THE STATEWIDE COORDINATOR SHALL DEVELOP AND PUBLISH  
30 EDUCATIONAL MATERIALS ON THE BENEFITS OF BILINGUAL DEVELOPMENT OF  
31 DEAF OR HARD OF HEARING INFANTS OR TODDLERS.

1           **(D) (1) THE STATEWIDE COORDINATOR, IN COORDINATION WITH THE**  
2 **DEPARTMENT AND THE MARYLAND SCHOOL FOR THE DEAF, SHALL SELECT TOOLS**  
3 **OR ASSESSMENTS FOR EDUCATORS TO USE IN ASSESSING THE LANGUAGE AND**  
4 **LITERACY DEVELOPMENT OF DEAF OR HARD OF HEARING INFANTS OR TODDLERS.**

5           **(2) THE EDUCATOR TOOLS OR ASSESSMENTS SELECTED UNDER**  
6 **PARAGRAPH (1) OF THIS SUBSECTION:**

7                   **(I) SHALL BE:**

8                           **1. IN A FORMAT THAT SHOWS THE STAGES OF LANGUAGE**  
9 **DEVELOPMENT;**

10                           **2. IN A FORMAT THAT EDUCATORS CAN USE TO TRACK:**

11                                   **A. THE DEVELOPMENT OF A DEAF OR HARD OF HEARING**  
12 **INFANT OR TODDLER'S EXPRESSIVE AND RECEPTIVE LANGUAGE ACQUISITION; AND**

13                                   **B. A DEAF OR HARD OF HEARING INFANT OR TODDLER'S**  
14 **DEVELOPMENTAL STAGES TOWARD ENGLISH LITERACY;**

15                                   **3. SELECTED FROM EXISTING TOOLS OR ASSESSMENTS**  
16 **USED TO ASSESS THE DEVELOPMENT OF ALL INFANTS OR TODDLERS; AND**

17                                   **4. APPROPRIATE FOR USE WITH DEAF OR HARD OF**  
18 **HEARING INFANTS OR TODDLERS; AND**

19                   **(II) MAY:**

20                           **1. BE USED, IN ADDITION TO ANY ASSESSMENT**  
21 **REQUIRED BY FEDERAL LAW, BY A DEAF OR HARD OF HEARING INFANT OR**  
22 **TODDLER'S INDIVIDUALIZED FAMILY SERVICE PLAN OR INDIVIDUALIZED**  
23 **EDUCATION PROGRAM TO TRACK THE INFANT OR TODDLER'S PROGRESS AND TO**  
24 **ESTABLISH OR MODIFY AN INDIVIDUALIZED FAMILY SERVICE PLAN OR**  
25 **INDIVIDUALIZED EDUCATION PROGRAM; AND**

26                           **2. REFLECT THE RECOMMENDATIONS OF THE**  
27 **STATEWIDE COORDINATOR UNDER SUBSECTION (B) OF THIS SECTION.**

28           **(E) THE STATEWIDE COORDINATOR SHALL REVIEW, ASSESS, AND REVISE**  
29 **PROFESSIONAL STANDARDS AND REQUIREMENTS FOR INDIVIDUALS PROVIDING**  
30 **LANGUAGE SERVICES TO DEAF OR HARD OF HEARING INFANTS OR TODDLERS TO**

1 ENSURE APPROPRIATE SERVICES ARE PROVIDED TO DEAF, HARD OF HEARING, OR  
2 DEAF-BLIND INFANTS OR TODDLERS AND THEIR FAMILIES.

3 (F) THE STATEWIDE COORDINATOR, IN CONJUNCTION WITH THE  
4 MARYLAND INFANTS AND TODDLERS PROGRAM, SHALL WORK WITH THE  
5 MARYLAND SCHOOL FOR THE DEAF TO ESTABLISH A SYSTEM TO ASSESS AND  
6 CERTIFY EARLY INTERVENTION SERVICE PROVIDERS THAT:

7 (1) IS BASED ON DEMONSTRATED EXPERTISE IN AMERICAN SIGN  
8 LANGUAGE AND ENGLISH; AND

9 (2) USES EXISTING EARLY INTERVENTION STANDARDS.

10 (G) IF THE DEPARTMENT DETERMINES THAT ADDITIONAL QUALIFIED  
11 EARLY INTERVENTION SERVICE PROVIDERS FOR FAMILIES WITH INFANTS OR  
12 TODDLERS WHO ARE DEAF OR HARD OF HEARING ARE NEEDED, THE DEPARTMENT  
13 SHALL PROVIDE TRAINING TO EXPAND THE NUMBER OF AVAILABLE EARLY  
14 INTERVENTION SERVICE PROVIDERS.

15 8-804.

16 (A) THERE IS AN EARLY INTERVENTION COUNTY SERVICE COORDINATOR  
17 FOR EACH COUNTY IN THE STATE WITHIN THE DEPARTMENT.

18 (B) WITHIN 14 DAYS AFTER THE DEPARTMENT RECEIVES NOTICE THAT AN  
19 INFANT OR A TODDLER WAS FOUND TO BE DEAF OR HARD OF HEARING AND EVERY 3  
20 MONTHS THEREAFTER, THE EARLY INTERVENTION COUNTY SERVICE COORDINATOR  
21 FOR THE COUNTY IN WHICH THE INFANT OR TODDLER RESIDES SHALL EVALUATE  
22 AND MAKE A RECORD OF THE INFANT OR TODDLER'S LANGUAGE ACQUISITION AND  
23 DEVELOPMENT TO ENSURE THE INFANT OR TODDLER IS ACHIEVING  
24 AGE-APPROPRIATE MILESTONES.

25 (C) (1) IF ANY OF THE EARLY INTERVENTION COUNTY SERVICE  
26 COORDINATOR'S EVALUATIONS UNDER SUBSECTION (B) OF THIS SECTION  
27 ESTABLISH THAT A DEAF OR HARD OF HEARING INFANT OR TODDLER IS NOT  
28 ACHIEVING AGE-APPROPRIATE MILESTONES, THE DEPARTMENT SHALL ASSIGN AN  
29 EDUCATIONAL EXPERT ON LANGUAGE ACQUISITION BY DEAF OR HARD OF HEARING  
30 INFANTS OR TODDLERS FROM THE DEPARTMENT TO PERFORM RESEARCH-BASED  
31 COMPREHENSIVE ASSESSMENTS AND EVALUATIONS OF THE INFANT OR TODDLER  
32 TO:

33 (I) IDENTIFY THE FACTORS CONTRIBUTING TO THE LANGUAGE  
34 DELAYS OR DEFICITS; AND



1                   **(II) MAKE RECOMMENDATIONS ON HOW TO IMPROVE THE**  
2 **INFANT OR TODDLER’S LANGUAGE ACQUISITION.**

3                   **(2) ON COMPLETION OF A COMPREHENSIVE ASSESSMENT AND**  
4 **EVALUATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE EARLY**  
5 **INTERVENTION COUNTY SERVICE COORDINATOR SHALL:**

6                   **(I) ACT ON THE RECOMMENDATIONS OF THE EDUCATIONAL**  
7 **EXPERT; AND**

8                   **(II) DEVELOP A PLAN TO ENSURE THE DEAF OR HARD OF**  
9 **HEARING INFANT OR TODDLER ACQUIRES AND DEVELOPS LANGUAGE AT AN**  
10 **AGE-APPROPRIATE PACE.**

11                   **(D) IF A DEAF OR HARD OF HEARING INFANT OR TODDLER DOES NOT**  
12 **DEMONSTRATE PROGRESS IN LANGUAGE SKILLS, AS MEASURED BY ONE OF THE**  
13 **EDUCATOR TOOLS OR ASSESSMENTS DEVELOPED IN § 8-803(D) OF THIS SUBTITLE**  
14 **OR BY AN EXISTING INSTRUMENT USED TO ASSESS THE DEVELOPMENT OF CHILDREN**  
15 **WITH DISABILITIES UNDER FEDERAL LAW, THE INFANT OR TODDLER’S**  
16 **INDIVIDUALIZED FAMILY SERVICE PLAN OR INDIVIDUALIZED EDUCATION PROGRAM**  
17 **SHALL:**

18                   **(1) EXPLAIN IN DETAIL THE REASONS WHY THE INFANT OR TODDLER**  
19 **IS NOT MEETING OR MAKING PROGRESS TOWARD THE LANGUAGE DEVELOPMENTAL**  
20 **MILESTONES; AND**

21                   **(2) RECOMMEND SPECIFIC STRATEGIES, SERVICES, AND PROGRAMS**  
22 **TO ASSIST THE INFANT OR TODDLER’S SUCCESS TOWARD ENGLISH AND AMERICAN**  
23 **SIGN LANGUAGE LITERACY.**

24                   **(E) ON OR BEFORE JULY 1, 2021, AND EACH JULY 1 THEREAFTER, EACH**  
25 **EARLY INTERVENTION COUNTY SERVICE COORDINATOR SHALL SUBMIT TO THE**  
26 **STATEWIDE COORDINATOR AN ANNUAL REPORT ON THE EARLY INTERVENTION**  
27 **COUNTY SERVICE COORDINATOR’S ACTIVITIES.**

28 **8-805.**

29                   **(A) (1) WITHIN 14 DAYS AFTER THE DEPARTMENT RECEIVES NOTICE**  
30 **THAT AN INFANT OR A TODDLER WAS FOUND TO BE DEAF OR HARD OF HEARING, THE**  
31 **DEPARTMENT SHALL APPOINT A QUALIFIED EARLY INTERVENTION SERVICE**  
32 **PROVIDER TO WORK WITH THE INFANT OR TODDLER’S FAMILY.**

1           **(2) THE QUALIFIED EARLY INTERVENTION SERVICE PROVIDER**  
2 **PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL TRAIN THE INFANT**  
3 **OR TODDLER'S FAMILY IN THEIR HOME OR AT AN AGREED ON LOCATION ON THE USE**  
4 **OF AMERICAN SIGN LANGUAGE AT LEAST TWICE A WEEK UNTIL THE FAMILY**  
5 **DECLINES THE TRAINING.**

6           **(B) (1) THE DEPARTMENT SHALL CONDUCT A CLASS AT LEAST ONCE A**  
7 **WEEK IN AT LEAST ONE LOCATION IN THE STATE TO ASSIST A PARENT OR LEGAL**  
8 **GUARDIAN OF A DEAF OR HARD OF HEARING INFANT OR TODDLER WITH LEARNING**  
9 **AMERICAN SIGN LANGUAGE AND ENGLISH.**

10           **(2) THE CLASS UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL**  
11 **BE TAUGHT BY A QUALIFIED EARLY INTERVENTION SERVICE PROVIDER.**

12           **(C) (1) THE DEPARTMENT SHALL ESTABLISH A SPECIALIZED EARLY**  
13 **CHILDHOOD EDUCATIONAL PROGRAM THAT MEETS THE REQUIREMENTS OF § 34**  
14 **C.F.R. 303.101 ON AMERICAN SIGN LANGUAGE AND ENGLISH FOR DEAF AND HARD**  
15 **OF HEARING INFANTS OR TODDLERS AND THEIR FAMILIES.**

16           **(2) THE DEPARTMENT MAY SEEK A GRANT FROM THE U.S.**  
17 **DEPARTMENT OF EDUCATION TO ESTABLISH THE PROGRAM UNDER PARAGRAPH (1)**  
18 **OF THIS SUBSECTION.**

19 **8-806.**

20           **(A) AN INDIVIDUALIZED FAMILY SERVICE PLAN FOR AN INFANT OR A**  
21 **TODDLER WHO IS DEAF OR HARD OF HEARING SHALL:**

22           **(1) ADDRESS THE NEEDS OF THE INFANT OR TODDLER WITH A**  
23 **DISABILITY;**

24           **(2) ADDRESS THE NEEDS OF THE FAMILY TO ASSIST IN THE INFANT**  
25 **OR TODDLER'S LANGUAGE AND COMMUNICATION DEVELOPMENT; AND**

26           **(3) INCLUDE:**

27           **(I) A STATEMENT ON THE ONGOING LANGUAGE AND**  
28 **COMMUNICATION ASSESSMENT THAT WILL BE PROVIDED TO THE INFANT OR**  
29 **TODDLER;**

30           **(II) LANGUAGE AND COMMUNICATION DEVELOPMENT GOALS**  
31 **PROPORTIONATE WITH THE INFANT OR TODDLER'S COGNITIVE ABILITIES;**

1                   **(III) LANGUAGE AND COMMUNICATION ACCESS THAT WILL BE**  
2 **PROVIDED, WHICH MAY INCLUDE:**

3                   **1. ONGOING OPPORTUNITIES FOR DIRECT LANGUAGE**  
4 **LEARNING, INCLUDING COMMUNICATION WITH PEERS;**

5                   **2. SERVICES PROVIDED BY EARLY INTERVENTION**  
6 **SERVICE PROVIDERS; AND**

7                   **3. SERVICES PROVIDED BY OTHER EXPERTS IN THE**  
8 **INFANT OR TODDLER'S LANGUAGE, INCLUDING AMERICAN SIGN LANGUAGE AND**  
9 **SPOKEN ENGLISH WITH OR WITHOUT VISUAL SUPPORTS; AND**

10                   **(IV) SUPPORT AND INSTRUCTION FOR THE FAMILY TO LEARN**  
11 **AND SUPPORT THE INFANT OR TODDLER'S LANGUAGE AND COMMUNICATION MODE.**

12                   **(B) AT THE REQUEST OF A PARENT OR LEGAL GUARDIAN OF A DEAF, HARD**  
13 **OF HEARING, OR DEAF-BLIND INFANT OR TODDLER, THE DEPARTMENT SHALL**  
14 **ENSURE THAT AN INFANT OR A TODDLER HAS ACCESS TO SPECIALIZED SCHOOLS,**  
15 **CENTERS, OR OTHER PROGRAMS WHERE THE CHILD'S LANGUAGE IS THE PRIMARY**  
16 **LANGUAGE AND MODE OF COMMUNICATION, INCLUDING AMERICAN SIGN**  
17 **LANGUAGE AND SPOKEN ENGLISH WITH OR WITHOUT VISUAL SUPPORTS.**

18 **8-807.**

19                   **(A) A PARENT OF A DEAF OR HARD OF HEARING INFANT OR TODDLER MAY**  
20 **BRING AN ACTION AGAINST THE DEPARTMENT TO OBTAIN REQUESTED**  
21 **ASSESSMENTS, REPORTS, AND SERVICES THAT THE DEPARTMENT HAS NOT**  
22 **PROMPTLY PROVIDED.**

23                   **(B) A PARENT OR LEGAL GUARDIAN IS NOT REQUIRED TO EXHAUST**  
24 **ADMINISTRATIVE REMEDIES BEFORE BRINGING AN ACTION UNDER SUBSECTION (A)**  
25 **OF THIS SECTION.**

26                   **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July**  
27 **1, 2019.**