

Jason Flatt Act (Suicide Awareness), Language Assessment Program, and Capital Improvement State Aid; Sub. for SB 323

Sub. for SB 323 enacts the Jason Flatt Act, establishes a language assessment program coordinated by the Kansas Commission for the Deaf and Hard of Hearing (KCDHH), and amends the capital improvement state aid formula.

Jason Flatt Act (Suicide Awareness)

The Jason Flatt Act requires the board of education of each school district to provide suicide awareness and prevention programming to all school staff. The bill requires such programming to include at least one hour of training each calendar year based on programs approved by the Kansas State Board of Education (Board), which could be satisfied through independent self-review of suicide prevention training materials and a building crisis plan developed for each school building, including steps for recognizing suicide ideation, appropriate methods of interventions, and a crisis recovery plan. The bill also requires each school district to notify parents or legal guardians of students enrolled in such district that the training materials provided under such programming are available.

The bill prohibits a cause of action from being brought for any loss or damage caused by an act or omission resulting from the implementation of the provisions of the bill, or resulting from any training, or lack of training, required by the bill. Further, the bill states nothing in this section shall be construed to impose any specific duty of care.

The bill requires the Board to adopt rules and regulations necessary to implement the Jason Flatt Act by January 1, 2017.

Language Assessment Program

The bill establishes a language assessment program coordinated by the KCDHH with the purpose of assessing, monitoring, and tracking the language developmental milestones of children who are deaf or hard of hearing from birth to age eight. In addition to defining other key terms, the bill defines “language” as a complex and dynamic system of conventional symbols used in various modes for thought and communication. The recognized languages used in the education of children who are deaf and hard of hearing will be English and American Sign Language (ASL). The scope of the program includes children who may use one or more communication modes in ASL, English literacy, and, if applicable, spoken English and visual supplements.

On and after July 1, 2018, the bill requires an annual language assessment to be given in accordance with the bill’s provisions and any rules and regulations adopted pursuant to the bill to each child who is deaf or hard of hearing and who is younger than age nine. The assessment will be provided either through early intervention services administered by the Kansas Department of Health and Environment (KDHE) or, if the child is age three or older, through the school district in which the child is enrolled.

The bill also establishes a 16-member advisory committee on the language assessment program (Advisory Committee) within the KCDHH. The Governor will appoint nine members with the following qualifications:

- A credentialed teacher of the deaf who uses both ASL and English during instruction;
- A credentialed teacher of the deaf who uses spoken English with or without visual supplements during instruction;
- A credentialed teacher of the deaf who has expertise in curriculum development and instruction of ASL and English;
- A credentialed teacher of the deaf who has expertise in assessing language development in both ASL and English;
- A speech language pathologist who has experience working with children from birth to age eight;
- A professional with a linguistic background who conducts research on language outcomes of children who are deaf or hard of hearing and use ASL and English;
- A parent of a child who is deaf and uses both ASL and English;
- A parent of a child who is deaf or hard of hearing and who uses spoken English with or without visual supplements; and
- A member who is knowledgeable about teaching and using both ASL and English in the education of children who are deaf and hard of hearing.

The remaining seven members, or their designees, will be *ex officio* members:

- The executive director of KCDHH;
- The coordinator of the Sound Start Program;
- The KCDHH member representing the State School for the Deaf;
- The KCDHH member representing KDHE;
- The KCDHH member representing the Board;
- The coordinator of the KDHE Early Intervention Program; and

- The coordinator of the Kansas State Department of Education (KSDE) Early Education Program.

The executive director of KCDHH will call an organizational meeting of the Advisory Committee on or before August 1, 2016, where the members will elect a Chairperson and Vice-chairperson. The bill authorizes the Advisory Committee to meet at any time and at any place within the state on the call of the Chairperson. The bill specifies a quorum as nine members and all actions of the Advisory Committee will be by motion adopted by a majority of members present when there is a quorum.

The Advisory Committee is charged with developing specific action plans and proposed rules and regulations necessary to fully implement the language assessment program by January 31, 2018, and will cease to exist after July 1, 2018. To carry out its charge, the bill requires the Advisory Committee to:

- Collaborate with the Coordinating Council on Early Childhood Developmental Services and the Kansas State Special Education Advisory Council;
- Solicit input from professionals trained in the language development and education of children who are deaf or hard of hearing on the selection of specific language developmental milestones;
- Review, recommend, and monitor the use of existing and available language assessments for children who are deaf or hard of hearing;
- Identify and recommend qualifications of language professionals with knowledge of the use of evidence-based, best practices in English and ASL who can be available to advocate at individualized family service plan (IFSP) and individualized education program (IEP) team meetings;
- Identify qualifications of language assessment evaluators with knowledge on the use of evidence-based, best practices with children who are deaf or hard of hearing and resources for locating such evaluators; and
- Identify procedures and methods for communicating information on language acquisition, assessment results, milestones, assessment tools used, and progress of the child to the parent or legal guardian of such child, teachers, and other professionals involved in the early intervention and education of such child.

The bill requires the specific action plans and proposed rules and regulations developed by the Advisory Committee to include the following:

- Language assessments that include data collections and timely tracking of the child's development so as to provide information about the child's receptive and expressive language compared to such child's linguistically age-appropriate peers who are not deaf or hard of hearing;

- Language assessments conducted in accordance with standardized norms and time lines in order to monitor and track language developmental milestones in receptive, expressive, social, and pragmatic language acquisition and developmental stages to show progress in ASL literacy, English literacy, or both for all children who are deaf or hard of hearing from birth to age eight;
- Language assessments delivered in the child's mode of communication and that have been validated for the specific purposes for which each assessment is used, and appropriately normed;
- Language assessments administered by individuals who are proficient in ASL for ASL assessments and English for English assessments;
- Use of assessment results, in addition to the assessment required by federal law, for guidance on the language developmental discussions by IFSP and IEP teams when assessing the child's progress in language development;
- Reporting of assessment results to the parents or legal guardian of the child and the applicable agency;
- Reporting of assessment results on an aggregated basis to the House and Senate Committees on Education; and
- Reporting of assessment results to the members of the child's IFSP or IEP team, which may be used, in addition to the assessment required by federal law, by the child's IFSP or IEP team, as applicable, to track the child's progress and to establish or modify the IFSP or IEP.

The bill requires KSDE, KDHE, and the State School for the Deaf to enter into interagency agreements with KCDHH to share statewide aggregate data. Further, on or before January 31, 2019, and annually thereafter, the bill requires KCDHH to publish a report specific to language and literacy development of children who are deaf or hard of hearing for each age from birth to age eight, including those who are deaf or hard of hearing and have other disabilities, relative to such children's peers who are not deaf or hard of hearing. The report will be based on existing data reported in compliance with the federally required state performance plan on pupils with disabilities. KCDHH also is required to publish the report on its website.

Capital Improvement State Aid for School Districts

The bill amends the capital improvement state aid formula (bond and interest state aid) for school districts' general obligation bonds approved at an election held on or after July 1, 2016. For such bonds, the bill places a cap on the total amount of capital improvement state aid available. This cap could not exceed the six-year average amount of capital improvement state aid as determined by the Board. The bill uses the same formula for calculating capital improvement state aid as exists under the block grant to school districts.

The bill requires the Board to determine this six-year average by calculating the average of the total amount of capital improvement state aid spent per year in the immediately preceding six fiscal years, but not including the current fiscal year.

The bill instructs the Board to use the following priorities (from highest to lowest priority) when allocating capital improvement state aid:

- Safety of the current facility and disability access to such facility as demonstrated by a State Fire Marshal Report, an inspection under the federal Americans with Disabilities Act, or other similar evaluation;
- Enrollment growth and imminent overcrowding as demonstrated by successive increases in enrollment of the school district in the immediately preceding three school years;
- Impact on the delivery of educational services as demonstrated by restrictive inflexible design or limitations on installation of technology; and
- Energy usage and other operational inefficiencies as demonstrated by a district-wide energy usage analysis, district-wide architectural analysis, or other similar evaluation.

The bill further instructs the Board, when allocating capital improvement state aid, to give a higher priority to school districts with a lower assessed valuation per pupil compared to other districts who are to receive capital improvement state aid. Further, the Board is required to provide approval of the amount of capital improvement state aid a district could expect to receive before the district holds a bond election.

At the beginning of the 2017 Legislative Session, and each year thereafter, the Board is required to submit a report to the Legislature including information on school district elections held on or after July 1, 2016, and the amount of capital improvement state aid approved.