

**SUBSTITUTE FOR
HOUSE BILL NO. 5836**

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1705.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 1705. (1) By August 31, 2022, the department shall**
2 **develop a resource for use by a parent or legal guardian of a child**
3 **who is deaf or hard of hearing and is age 5 or younger that allows**
4 **the parent or legal guardian to monitor and track the child's**
5 **expressive and receptive language acquisition and developmental**
6 **stages toward English literacy. The resource developed under this**
7 **subsection must meet all of the following requirements:**

8 **(a) Include the language developmental milestones selected**
9 **under subsection (7).**



1 (b) Present the language developmental milestones described in
2 subdivision (a) in terms of the typical development of all children
3 by age range.

4 (c) Provide appropriate content and administration regarding
5 language assessment and delivery of the assessment for children who
6 are deaf or hard of hearing, are age 5 or younger, and who use
7 American Sign Language, English, or both.

8 (d) Be written clearly for easy use by parents and legal
9 guardians.

10 (e) Be aligned with any existing infant, toddler, and
11 preschool department guidelines, be aligned with existing
12 instruments used to assess the development of children with
13 disabilities under federal law, and be aligned with state standards
14 in English language arts.

15 (f) Subject to the individuals with disabilities education
16 act, 20 USC 1400 to 1482, include a statement that the parent or
17 legal guardian of a child who is deaf or hard of hearing has the
18 sole discretion to choose American Sign Language, English, or both,
19 and a mode of communication for the child's language acquisition
20 and developmental milestones.

21 (g) Provide that the resource is not a formal assessment of
22 language and literacy development.

23 (h) Provide that a parent's or legal guardian's observation of
24 his or her child may differ from formal assessment data presented
25 at an individualized family service plan or individualized
26 education program meeting.

27 (i) Provide that a parent or legal guardian may bring the
28 resource to an individualized family service plan or individualized
29 education program meeting for purposes of sharing his or her



1 observations about his or her child's development.

2 (j) Include fair, balanced, and comprehensive information
3 about languages, modes of communication, and all services and
4 programs.

5 (2) The department shall adopt existing tools or assessments
6 to be used by local school districts, intermediate school
7 districts, public school academies, and the Michigan School for the
8 Deaf to assess the language and literacy development of a child who
9 is deaf or hard of hearing and is age 5 or younger. The tools or
10 assessments adopted by the department under this subsection must
11 meet all of the following:

12 (a) Are in a format that shows stages of language development.

13 (b) Are used by local school districts, intermediate school
14 districts, public school academies, and the Michigan School for the
15 Deaf to track the development of the expressive and receptive
16 language acquisition and developmental stages toward English
17 literacy of a child who is deaf or hard of hearing at age 5 or
18 younger.

19 (c) Are selected from existing instruments or assessments used
20 to assess the development of all children who are deaf or hard of
21 hearing and are age 5 or younger.

22 (d) Are appropriate in content and administration for use with
23 a child who is deaf or hard of hearing and is age 5 or younger.

24 (e) Are designed for use, in addition to any assessment
25 required under federal law, by a child's individualized family
26 service plan team or individualized education program team to track
27 the progress of a child who is deaf or hard of hearing and to
28 establish or modify an individualized family service plan or
29 individualized education program.



1 (f) Are reflective of the recommendations of the advisory
2 committee established under subsection (7).

3 (3) Subject to federal law, the department shall provide the
4 resource developed under subsection (1) to parents and legal
5 guardians of children who are deaf or hard of hearing, shall
6 provide the tools and assessments adopted under subsection (2) to
7 intermediate school districts, public school academies, and the
8 Michigan School for the Deaf for use in the development and
9 modification of individualized family service plans or
10 individualized education programs, and shall provide materials and
11 training to parents and legal guardians of children who are deaf or
12 hard of hearing, on the use of the resource developed under
13 subsection (1) to assist a child who is deaf or hard of hearing and
14 is age 5 or younger to be linguistically ready for kindergarten
15 using American Sign Language or English, or both. The intermediate
16 school districts shall provide the tools and assessments provided
17 by the department under this subsection to its local school
18 districts.

19 (4) By September 1, 2022, local school districts, intermediate
20 school districts, public school academies, and the Michigan School
21 for the Deaf shall implement the tools and assessments developed
22 under subsection (2) to track the development of the expressive and
23 receptive language acquisition and developmental stages toward
24 English literacy of a child who is deaf or hard of hearing at age 5
25 or younger.

26 (5) A local school district, intermediate school district,
27 public school academy, or the Michigan School for the Deaf shall
28 administer the tools or assessments adopted under subsection (2) or
29 any other assessment used to assess the development of children



1 with disabilities as required by federal law to a child who is deaf
2 or hard of hearing and is age 5 or younger, and, based on the
3 assessment results, if the child does not meet the developmental
4 milestones or demonstrate progress in expressive and receptive
5 language skills necessary to meet the developmental milestones, the
6 child's individualized family service plan team or individualized
7 education program team, as applicable, shall, as part of the
8 process required under the individuals with disabilities education
9 act, 20 USC 1400 to 1482, provide both of the following to each
10 service plan team member or program team member and the parent or
11 legal guardian of the child:

12 (a) A written statement explaining in detail why the child is
13 not meeting the developmental milestones or progressing toward
14 them.

15 (b) A written recommendation including specific strategies,
16 services, and programs that must be provided to the child to assist
17 the child toward becoming linguistically prepared for kindergarten
18 and English literacy.

19 (6) Subject to the individuals with disabilities education
20 act, 20 USC 1400 to 1482, a child who is identified as deaf or hard
21 of hearing must be provided a learning environment that includes
22 services that utilize the family's choice for the child's language
23 development and that are delivered by professionals with the
24 background, training, and experience in and who use American Sign
25 Language, English, or both.

26 (7) For the purposes of developing the parent resource
27 described in subsection (1), all of the following apply:

28 (a) On or before March 1, 2022, the department shall provide
29 the advisory committee established under subsection (8) with a list



1 of language developmental milestones based on standardized norms,
2 along with any relevant information held by the department
3 regarding those language developmental milestones for possible
4 inclusion in the parent resource developed under subsection (1).
5 The language developmental milestones must be aligned with any
6 applicable existing infant, toddler, and preschool department
7 guidelines, existing instruments used to assess the development of
8 children with disabilities under federal law, and state standards
9 in English language arts.

10 (b) On or before May 1, 2022, the advisory committee
11 established under subsection (8) shall recommend language
12 developmental milestones selected for inclusion in the parent
13 resource described under subsection (1).

14 (c) On or before June 30, 2022, the department shall inform
15 the advisory committee established under subsection (8) of the
16 language developmental milestones that were selected under
17 subdivision (b) for inclusion in the parent resource described
18 under subsection (1).

19 (d) On December 31, 2022, the advisory committee established
20 under subsection (8) is dissolved and shall cease operations.

21 (8) On January 1, 2022, superintendent of public instruction
22 shall appoint 15 volunteer members to an advisory committee within
23 the department for a 1-year term. All of the following apply to the
24 advisory committee described in this subsection:

25 (a) The advisory committee shall solicit input from experts on
26 the selection of language developmental milestones for children who
27 are age 5 or younger and who are deaf or hard of hearing that are
28 equivalent to those for children who are age 5 or younger and who
29 are not deaf or hard of hearing, for inclusion in the resource



1 described under subsection (1).

2 (b) The advisory committee may make recommendations on
3 materials that are unbiased and comprehensive to add to the
4 resource described under subsection (1).

5 (c) The committee must be composed of advocates and
6 professionals within the field of education for the deaf or hard of
7 hearing and parents of children who are deaf or hard of hearing.
8 The advisory committee must have both members who personally,
9 professionally, or parentally use the dual languages of American
10 Sign Language and English and members who personally,
11 professionally, or parentally use only spoken English. The advisory
12 committee must include all of the following:

13 (i) One parent or legal guardian of a child who is deaf or hard
14 of hearing who uses the dual languages of American Sign Language
15 and English.

16 (ii) One parent or legal guardian of a child who is deaf or
17 hard of hearing who uses only spoken English and a mode of
18 communication.

19 (iii) One certificated teacher of pupils who are deaf and hard
20 of hearing who uses the dual languages of American Sign Language
21 and English.

22 (iv) One certificated teacher of pupils who are deaf and hard
23 of hearing from a spoken-English language program.

24 (v) One certificated teacher of pupils who are deaf and hard
25 of hearing whose expertise is in curriculum and instruction in
26 American Sign Language and English.

27 (vi) One certificated teacher of pupils who are deaf and hard
28 of hearing whose expertise is in curriculum and instruction in
29 spoken English and a mode of communication.



1 (vii) One certificated teacher of pupils who are deaf and hard
2 of hearing whose expertise is in American Sign Language and English
3 language assessments.

4 (viii) One American Sign Language expert, as determined by
5 certification and an American Sign Language Proficiency Interview
6 of 4.0 or higher, who researches language outcomes for children who
7 are deaf and hard of hearing using American Sign Language and
8 English.

9 (ix) One expert who researches language outcomes for children
10 who are deaf and hard of hearing using spoken English and a mode of
11 communication.

12 (x) One advocate for the teaching and use of the dual
13 languages of American Sign Language and English.

14 (xi) One advocate for the teaching and use of spoken English
15 and a mode of communication.

16 (xii) One early intervention specialist who works with infants
17 and toddlers who are deaf and hard of hearing using the dual
18 languages of American Sign Language and English.

19 (xiii) One early intervention specialist who works with infants
20 and toddlers who are deaf and hard of hearing utilizing spoken
21 language and a mode of communication.

22 (xiv) One speech language pathologist proficient in American
23 Sign Language and English whose expertise is in assessment of and
24 intervention with children who are deaf and hard of hearing.

25 (xv) One educational audiologist, licensed under part 168 of
26 the public health code, 1978 PA 368, MCL 333.16801 to 333.16811,
27 proficient in American Sign Language and English.

28 (9) The advisory committee established under subsection (8)



1 may also advise the department on the content and administration of
2 existing instruments used to assess the development of children
3 with disabilities under federal law, as used to assess the language
4 and literacy development of children who are deaf and hard of
5 hearing to recommend the appropriate use of those instruments with
6 those children, and may make recommendations regarding future
7 research to improve the measurement of progress of children who are
8 deaf and hard of hearing in language and literacy.

9 (10) By July 1, 2023, and by July 1 of each year thereafter,
10 the department shall produce a report, using existing data reported
11 in compliance with the federally required state performance plan,
12 on students with disabilities that is specific to the language and
13 literacy development of children who are deaf and hard of hearing
14 children and are age 5 or younger as compared to their peers. The
15 department shall make this report available on its website
16 homepage.

17 (11) All activities of the department in implementing this
18 section must be consistent with federal law regarding the education
19 of children with disabilities.

20 (12) This section applies only to children who are age 5 or
21 younger.

22 (13) The legislature shall appropriate sufficient funding for
23 the purposes of this section.

24 (14) As used in this section:

25 (a) "English" includes spoken English, written English, or
26 English communicated with or without the use of a mode of
27 communication.

28 (b) "Individualized education program" means that term as
29 defined in section 1414 of the individuals with disabilities



1 education act, 20 USC 1414.

2 (c) "Individualized family service plan" means that term as
3 defined in section 1436 of the individuals with disabilities
4 education act, 20 USC 1436.

5 (d) "Language" includes, but is not limited to, American Sign
6 Language and English.

7 (e) "Language developmental milestones" means milestones of
8 development aligned with existing state instruments used to meet
9 the requirements of federal law for the assessment of a child who
10 is age 5 or younger.

11 (f) "Mode of communication" means the means through which
12 language is acquired and used by a child who is deaf or hard-of-
13 hearing including, but not limited to, the following:

- 14 (i) Augmentative and alternative communication.
- 15 (ii) Cued speech.
- 16 (iii) Listening and spoken language.
- 17 (iv) Tactile signing.
- 18 (v) Total communication.
- 19 (vi) Any other appropriate mode of communication.
- 20 (vii) A combination of any of the above.

