

HOUSE BILL NO. 5836

June 04, 2020, Introduced by Reps. Crawford, Schroeder, Koleszar, Vaupel, Webber, Wozniak, Leutheuser, Rendon, Whiteford, Lasinski and Cherry and referred to the Committee on Families, Children, and Seniors.

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, 2021, the department shall
2 develop a resource for use by a parent or legal guardian of a child
3 who is age 5 or younger and who is deaf or hard of hearing that
4 allows the parent or legal guardian to monitor and track the



1 child's expressive and receptive language acquisition and
2 developmental stages toward English literacy. The resource
3 developed under this subsection must meet all of the following
4 requirements:

5 (a) Include the language developmental milestones selected
6 under subsection (7).

7 (b) Present the language developmental milestones described in
8 subdivision (a) in terms of the typical development of all children
9 by age range.

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

14 (d) Be written clearly for easy use by parents and legal
15 guardians.

16 (e) Be aligned with any existing infant, toddler, and
17 preschool department guidelines, be aligned with existing
18 instruments used to assess the development of children with
19 disabilities under federal law, and be aligned with state standards
20 in English language arts.

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

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

28 (h) Provide that a parent's or legal guardian's observation of
29 his or her child may differ from formal assessment data presented



1 at an individualized family service plan or individualized
2 education program meeting.

3 (i) Provide that a parent or legal guardian may bring the
4 resource to an individualized family service plan or individualized
5 education program meeting for purposes of sharing his or her
6 observations about his or her child's development.

7 (j) Include fair, balanced, and comprehensive information
8 about languages, communication modes, and all available services
9 and programs.

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

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

18 (b) Are used by local school districts, intermediate school
19 districts, public school academies, and the Michigan School for the
20 Deaf to track the development of a deaf or hard of hearing child's
21 expressive and receptive language acquisition and developmental
22 stages toward English literacy at age 5 or younger.

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

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

28 (e) Are designed for use, in addition to any assessment
29 required under federal law, by a child's individualized family



1 service plan team or individualized education program team to track
2 a deaf or hard of hearing child's progress and to establish or
3 modify an individualized family service plan or individualized
4 education program.

5 (f) Are reflective of the recommendations of the advisory
6 committee established under subsection (7).

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

20 (4) By September 1, 2021, local school districts, intermediate
21 school districts, public school academies, and the Michigan School
22 for the Deaf shall implement the tools and assessments developed
23 under subsection (2) to track the development of a deaf or hard of
24 hearing child's expressive and receptive language acquisition and
25 developmental stages toward English literacy at age 5 or younger.

26 (5) A local school district, intermediate school district,
27 public school academy, or the Michigan School for the Deaf that
28 administers the tools or assessments adopted under subsection (2)
29 or 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 who is age 5 or younger and, based on the
3 assessment results, a 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 and communication mode or modes and that are delivered by
24 professionals with background, training, and experience in that
25 language and communication mode or modes.

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, 2021, 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, 2021, 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, 2021, 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 (8) The superintendent of public instruction shall appoint 13
20 volunteer members to an advisory committee within the department.
21 All of the following apply to the advisory committee described in
22 this subsection:

23 (a) The advisory committee shall solicit input from experts on
24 the selection of language developmental milestones for children who
25 are age 5 or younger and who are deaf or hard of hearing that are
26 equivalent to those for children who are age 5 or younger and who
27 are not deaf or hard of hearing, for inclusion in the resource
28 described under subsection (1).

29 (b) The advisory committee may make recommendations on



1 materials that are unbiased and comprehensive to add to the
2 resource described under subsection (1).

3 (c) The majority of the volunteer members appointed to serve
4 on the committee under this subsection must be deaf or hard of
5 hearing. 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 deaf or hard of hearing children. The
8 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, with or without
18 visual supplements.

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

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

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

27 (vi) One certificated teacher of deaf and hard of hearing
28 pupils whose expertise is in curriculum and instruction in spoken
29 English, with or without visual supplements.



1 (vii) One certificated teacher of deaf and hard of hearing
2 pupils 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 deaf and
7 hard of hearing children using American Sign Language and English.

8 (ix) One expert who researches language outcomes for deaf and
9 hard of hearing children using spoken English, with or without
10 visual supplements.

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

13 (xi) One advocate for the teaching and use of spoken English,
14 with or without visual supplements.

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

18 (xiii) One speech language pathologist whose expertise is in
19 assessment and intervention with children who are deaf and hard of
20 hearing.

21 (9) The advisory committee established under subsection (8)
22 may also advise the department on the content and administration of
23 existing instruments used to assess the development of children
24 with disabilities under federal law, as used to assess deaf and
25 hard of hearing children's language and literacy development to
26 ensure the appropriate use of those instruments with those
27 children, and may make recommendations regarding future research to
28 improve the measurement of progress of deaf and hard of hearing
29 children in language and literacy.



1 (10) By July 1, 2022, and by July 1 of each year thereafter,
2 the department shall produce a report, using existing data reported
3 in compliance with the federally required state performance plan,
4 on students with disabilities that is specific to the language and
5 literacy development of deaf and hard of hearing children who are
6 age 5 or younger as compared to their peers. The department shall
7 make this report available on its website homepage.

8 (11) All activities of the department in implementing this
9 section must be consistent with federal law regarding the education
10 of children with disabilities.

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

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

15 (14) As used in this section:

16 (a) "English" includes spoken English, written English, or
17 English communicated with or without the use of a visual
18 supplement.

19 (b) "Language" includes, but is not limited to, American Sign
20 Language and English.

21 (c) "Language developmental milestones" means milestones of
22 development aligned with existing state instruments used to meet
23 the requirements of federal law for the assessment of a child who
24 is age 5 or younger.

25 (d) "Visual supplement" includes, but is not limited to, smart
26 boards, printed materials, diagrams, graphs, certified sign
27 language interpreters, semicircular seating, large-print books,
28 overhead projectors, electronic white boards, captioned television
29 or media, posted schedules or assignments, or communication boards.

