

# HOUSE BILL NO. 5777

February 22, 2022, Introduced by Reps. Frederick, Paquette, Kuppa, Koleszar, Cherry and Cynthia Johnson 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, 2024, 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**

1 stages toward English literacy. The resource developed under this  
2 subsection must meet all of the following requirements:

3 (a) Include the language developmental milestones selected  
4 under subsection (7).

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

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

12 (d) Be written clearly for easy use by parents and legal  
13 guardians.

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

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

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

27 (h) Provide that a parent's or legal guardian's observation of  
28 his or her child may differ from formal assessment data presented  
29 at an individualized family service plan or individualized

1 education program meeting.

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

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

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

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

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

26 (d) Are appropriate in content and administration for use with  
27 a child who is deaf or hard of hearing and 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 the progress of a child who is deaf or hard of hearing and to  
3 establish or modify an individualized family service plan or  
4 individualized 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 children who are deaf or hard of hearing, shall  
10 provide the tools and assessments adopted under subsection (2) to  
11 intermediate school districts, public school academies, and the  
12 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 children who are deaf or  
16 hard of hearing, on the use of the resource developed under  
17 subsection (1) to assist a child who is deaf or hard of hearing and  
18 is age 5 or younger to be linguistically ready for kindergarten  
19 using American Sign Language or English, or both. The intermediate  
20 school districts shall provide the tools and assessments provided  
21 by the department under this subsection to its local school  
22 districts.

23 (4) By September 1, 2024, local school districts, intermediate  
24 school districts, public school academies, and the Michigan School  
25 for the Deaf shall implement the tools and assessments developed  
26 under subsection (2) to track the development of the expressive and  
27 receptive language acquisition and developmental stages toward  
28 English literacy of a child who is deaf or hard of hearing at age 5  
29 or younger.

1           (5) A local school district, intermediate school district,  
2 public school academy, or the Michigan School for the Deaf shall  
3 administer the tools or assessments adopted under subsection (2) or  
4 any other assessment used to assess the development of children  
5 with disabilities as required by federal law to a child who is deaf  
6 or hard of hearing and is age 5 or younger, and, based on the  
7 assessment results, if the child does not meet the developmental  
8 milestones or demonstrate progress in expressive and receptive  
9 language skills necessary to meet the developmental milestones, the  
10 child's individualized family service plan team or individualized  
11 education program team, as applicable, shall, as part of the  
12 process required under the individuals with disabilities education  
13 act, 20 USC 1400 to 1482, provide both of the following to each  
14 service plan team member or program team member and the parent or  
15 legal guardian of the child:

16           (a) A written statement explaining in detail why the child is  
17 not meeting the developmental milestones or progressing toward  
18 them.

19           (b) A written recommendation including specific strategies,  
20 services, and programs that must be provided to the child to assist  
21 the child toward becoming linguistically prepared for kindergarten  
22 and English literacy.

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

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

3           (a) On or before March 1, 2024, the department shall provide  
4 the advisory committee established under subsection (8) with a list  
5 of language developmental milestones based on standardized norms,  
6 along with any relevant information held by the department  
7 regarding those language developmental milestones for possible  
8 inclusion in the parent resource developed under subsection (1).  
9 The language developmental milestones must be aligned with any  
10 applicable existing infant, toddler, and preschool department  
11 guidelines, existing instruments used to assess the development of  
12 children with disabilities under federal law, and state standards  
13 in English language arts.

14           (b) On or before May 1, 2024, the advisory committee  
15 established under subsection (8) shall recommend language  
16 developmental milestones selected for inclusion in the parent  
17 resource described under subsection (1).

18           (c) On or before June 30, 2024, the department shall inform  
19 the advisory committee established under subsection (8) of the  
20 language developmental milestones that were selected under  
21 subdivision (b) for inclusion in the parent resource described  
22 under subsection (1).

23           (d) On December 31, 2024, the advisory committee established  
24 under subsection (8) is dissolved and shall cease operations.

25           (8) On January 1, 2024, superintendent of public instruction  
26 shall appoint 15 volunteer members to an advisory committee within  
27 the department for a 1-year term. All of the following apply to the  
28 advisory committee described in this subsection:

29           (a) The advisory committee shall solicit input from experts on

1 the selection of language developmental milestones for children who  
2 are age 5 or younger and who are deaf or hard of hearing that are  
3 equivalent to those for children who are age 5 or younger and who  
4 are not deaf or hard of hearing, for inclusion in the resource  
5 described under subsection (1).

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

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

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

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

23 (iii) One certificated teacher of pupils who are deaf and hard  
24 of hearing who uses the dual languages of American Sign Language  
25 and English.

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

28 (v) One certificated teacher of pupils who are deaf and hard  
29 of hearing whose expertise is in curriculum and instruction in

1 American Sign Language and English.

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

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

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

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

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

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

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

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

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

29 (xv) One educational audiologist, licensed under part 168 of

1 the public health code, 1978 PA 368, MCL 333.16801 to 333.16811,  
2 proficient in American Sign Language and English.

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

12 (10) By July 1, 2025, and by July 1 of each year thereafter,  
13 the department shall produce a report, using existing data reported  
14 in compliance with the federally required state performance plan,  
15 on students with disabilities that is specific to the language and  
16 literacy development of children who are deaf and hard of hearing  
17 and are age 5 or younger as compared to their peers. The department  
18 shall make this report available on its website homepage.

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

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

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

26 (14) As used in this section:

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

1           (b) "Individualized education program" means that term as  
2 defined in section 1414 of the individuals with disabilities  
3 education act, 20 USC 1414.

4           (c) "Individualized family service plan" means an  
5 individualized family service plan described under section 1436 of  
6 the individuals with disabilities education act, 20 USC 1436.

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

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

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

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