
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:

SEC. 1705. (1) AS PROVIDED UNDER THIS SECTION, THE DEPARTMENT SHALL ENSURE THAT ASSESSMENT TOOLS, AS DESCRIBED IN SUBSECTION (6), ARE IDENTIFIED FOR THE PURPOSE OF MONITORING AND TRACKING DEVELOPMENTAL MILESTONES, AS DESCRIBED IN SUBSECTION (3), IN EXPRESSIVE, PRAGMATIC, AND RECEPTIVE LANGUAGE ACQUISITION AND DEVELOPMENT IN AMERICAN SIGN LANGUAGE, ENGLISH, OR COMMUNICATIVE COMPETENCE FOR DEAF, DEAFBLIND, AND HARD-OF-HEARING CHILDREN TO ATTAIN ACADEMIC SUCCESS.

(2) A PARENT OR LEGAL GUARDIAN HAS SOLE DISCRETION UNDER THIS SECTION TO DETERMINE WHICH LANGUAGE AND COMMUNICATION MODE OPTION IS BEST TO FURTHER HIS OR HER DEAF, DEAFBLIND, OR HARD-OF-HEARING
CHILD'S EDUCATIONAL PROGRESS. A PARENT OR LEGAL GUARDIAN MAY DETERMINE THAT HIS OR HER CHILD'S EDUCATIONAL PROGRESS REQUIRES MORE THAN 1 LANGUAGE AND COMMUNICATION MODE OPTION AND THAT THE CHOSEN OPTION OR OPTIONS MUST CHANGE IN ORDER TO BEST SERVE THE CHILD'S EDUCATIONAL PROGRESS.

(3) THE DEPARTMENT SHALL IDENTIFY, AND SHALL MODIFY AS IT CONSIDERS NECESSARY, DEVELOPMENTAL MILESTONES THAT ARE DESIGNED TO INFORM AS TO AN INDIVIDUAL CHILD'S EXPRESSIVE, PRAGMATIC, AND RECEIVING LANGUAGE ACQUISITION AND DEVELOPMENT IN AMERICAN SIGN LANGUAGE, ENGLISH, OR COMMUNICATIVE COMPETENCE COMPARATIVE TO THE CHILD'S AGE-APPROPRIATE PEERS WHO ARE NOT DEAF, DEAFBLIND, OR HARD OF HEARING. THE DEVELOPMENTAL MILESTONES SHALL BE IDENTIFIED FROM EXISTING STANDARDIZED NORMS AND BE ALIGNED WITH ANY EXISTING STANDARDS USED TO MEET THE REQUIREMENTS OF FEDERAL LAW FOR THE ASSESSMENT OF CHILDREN WITH DISABILITIES AND WITH ANY RELEVANT STATE ASSESSMENTS OR ENGLISH LANGUAGE ARTS STANDARDS.

(4) THE DEPARTMENT SHALL DEVELOP, AND SHALL MODIFY AS IT CONSIDERS NECESSARY, A PARENT RESOURCE THAT A PARENT OR LEGAL GUARDIAN OF A DEAF, DEAFBLIND, OR HARD-OF-HEARING CHILD MAY USE TO MONITOR THE CHILD'S LANGUAGE ACQUISITION AND DEVELOPMENT IN AMERICAN SIGN LANGUAGE, ENGLISH, OR COMMUNICATIVE COMPETENCE. THE PARENT RESOURCE SHALL INCLUDE THE FOLLOWING INFORMATION:

(A) THE DEVELOPMENTAL MILESTONES IDENTIFIED UNDER THIS SECTION AND AN EXPLANATION REGARDING HOW THE DEVELOPMENTAL MILESTONES COMPARE TO THE TYPICAL DEVELOPMENT OF ALL CHILDREN, INCLUDING CHILDREN WHO ARE NOT DEAF, DEAFBLIND, OR HARD OF HEARING, BY AGE RANGE FROM BIRTH TO AGE 8.
(B) DIRECTIVES STATEING THAT THE TOOLS DESCRIBED IN THE PARENT RESOURCE ARE NOT A FORMAL ASSESSMENT OF LANGUAGE ACQUISITION AND DEVELOPMENT IN AMERICAN SIGN LANGUAGE, ENGLISH, OR COMMUNICATIVE COMPETENCE; THAT A PARENT'S OR LEGAL GUARDIAN'S OBSERVATION OF HIS OR HER CHILD MAY BE DIFFERENT THAN FORMAL ASSESSMENT DATA PRESENTED DURING A MEETING REGARDING THE CHILD'S INDIVIDUALIZED EDUCATION PROGRAM, INDIVIDUALIZED FAMILY SERVICE PLAN, OR INDIVIDUAL ACCOMMODATION PLAN; AND THAT A PARENT OR LEGAL GUARDIAN MAY BRING THE PARENT RESOURCE TO 1 OR MORE OF THOSE MEETINGS FOR THE PURPOSE OF AIDING DISCUSSION ABOUT THE CHILD'S LANGUAGE ACQUISITION AND DEVELOPMENT IN AMERICAN SIGN LANGUAGE, ENGLISH, OR COMMUNICATIVE COMPETENCE.

(C) CONTACT INFORMATION FOR ORGANIZATIONS AND ASSOCIATIONS THAT THE DEPARTMENT DETERMINES WOULD BE HELPFUL TO DEAF, DEAFBLIND, OR HARD-OF-HEARING CHILDREN AND THEIR FAMILIES.

(D) A DESCRIPTION OF THE RISKS OF DEPRIVATION OF LANGUAGE ACQUISITION AND DEVELOPMENT IN AMERICAN SIGN LANGUAGE, ENGLISH, OR COMMUNICATIVE COMPETENCE. THE RESOURCE SHALL ALSO DESCRIBE THE PROCESS OF LANGUAGE ACQUISITION AND DEVELOPMENT IN AMERICAN SIGN LANGUAGE, ENGLISH, OR COMMUNICATIVE COMPETENCE, INCLUDING INFORMATION RELATING TO AUDILOGICAL HABILITATION.

(E) A STATEMENT REGARDING THE IMPORTANCE OF A PARENT'S OR LEGAL GUARDIAN'S INVOLVEMENT IN THE PROCESS OF LANGUAGE ACQUISITION AND DEVELOPMENT IN AMERICAN SIGN LANGUAGE, ENGLISH, OR COMMUNICATIVE COMPETENCE.

(F) INFORMATION DESCRIBING HOW PARENTS AND LEGAL GUARDIANS OF DEAF, DEAFBLIND, OR HARD-OF-HEARING CHILDREN MAY ACTIVELY
PARTICIPATE IN THE CHILD'S INDIVIDUALIZED EDUCATION PROGRAM,
INDIVIDUALIZED FAMILY SERVICE PLAN, OR INDIVIDUAL ACCOMMODATION PLAN.

(G) LANGUAGE AND COMMUNICATION MODE OPTIONS FOR A CHILD WHO IS DEAF, DEAFBLIND, OR HARD OF HEARING AND A STATEMENT EMphasIZING THAT THE OPTIONS ARE INCLUDED IN THE PARENT RESOURCE TO ENSURE THAT THE CHILD'S PARENT OR LEGAL GUARDIAN IS ABLE TO MAKE INFORMED DECISIONS REGARDING THE CHILD'S LANGUAGE ACQUISITION AND DEVELOPMENT IN AMERICAN SIGN LANGUAGE, ENGLISH, OR COMMUNICATIVE COMPETENCE. THE PARENT RESOURCE SHALL EMPHASIZE THAT A PARENT OR LEGAL GUARDIAN HAS SOLE DISCRETION TO CHOOSE 1 OR MORE LANGUAGE AND COMMUNICATION MODE OPTIONS THAT ARE BEST FOR HIS OR HER DEAF, DEAFBLIND, OR HARD-OF-HEARING CHILD'S EDUCATIONAL PROGRESS.

(H) A LIST OF TECHNOLOGICAL ADVANCES AVAILABLE TO ASSIST DEAF, DEAFBLIND, OR HARD-OF-HEARING CHILDREN IN THE CLASSROOM, INCLUDING, BUT NOT LIMITED TO, HEARING AIDS AND COCHLEAR IMPLANTS, AND AN EXPLANATION OF HOW THOSE TECHNOLOGIES CAN BENEFIT DEAF, DEAFBLIND, OR HARD-OF-HEARING CHILDREN.

(I) A DESCRIPTION OF THE COMMUNICATION PLAN EXAMPLES PROVIDED BY THE DEPARTMENT FOR USE IN DEVELOPING OR MODIFYING A DEAF, DEAFBLIND, OR HARD-OF-HEARING CHILD'S INDIVIDUALIZED EDUCATION PROGRAM, INDIVIDUALIZED FAMILY SERVICE PLAN, OR INDIVIDUAL ACCOMMODATION PLAN.

(J) ANY OTHER INFORMATION THAT THE DEPARTMENT CONSIDERS APPROPRIATE AND HELPFUL TO INCLUDE IN THE PARENT RESOURCE.

(5) THE DEPARTMENT SHALL PRESENT THE INFORMATION INCLUDED IN A PARENT RESOURCE DEVELOPED UNDER THIS SECTION IN AN ACCESSIBLE
MANNER, POST THE PARENT RESOURCE ON THE DEPARTMENT'S WEBSITE, AND,
IN A MANNER DETERMINED BY THE DEPARTMENT, MAKE THE PARENT RESOURCE
AVAILABLE TO A PARENT OR LEGAL GUARDIAN OF A DEAF, DEAFBLIND, OR
HARD-OF-HEARING CHILD. THE DEPARTMENT ALSO SHALL ENSURE THAT THE
EDUCATIONAL ENTITIES, AGENCIES, AND INDIVIDUALS LISTED UNDER
SUBSECTION (7) ARE PROVIDED WITH THE PARENT RESOURCE TO AID THEIR
ABILITY TO INFORM A PARENT OR LEGAL GUARDIAN OF HIS OR HER DEAF,
DEAFBLIND, OR HARD-OF-HEARING CHILD'S EDUCATIONAL NEEDS.

(6) THE DEPARTMENT SHALL IDENTIFY, AND SHALL MODIFY AS IT
CONSIDERS NECESSARY, A LIST OF VALID AND RELIABLE ASSESSMENT TOOLS
THAT MAY BE USED TO EVALUATE A DEAF, DEAFBLIND, OR HARD-OF-HEARING
CHILD'S EXPRESSIVE, PRAGMATIC, AND RECEPTIVE LANGUAGE ACQUISITION
AND DEVELOPMENT IN AMERICAN SIGN LANGUAGE, ENGLISH, OR
COMMUNICATIVE COMPETENCE. ASSESSMENT TOOLS SHALL BE FORMATTED TO
SHOW DEVELOPMENTAL STAGES OF LANGUAGE ACQUISITION IN AMERICAN SIGN
LANGUAGE, ENGLISH, OR COMMUNICATIVE COMPETENCE AND BE TAILORED TO
LANGUAGE AND COMMUNICATION MODES. ASSESSMENT TOOLS MAY BE USED TO
ESTABLISH OR MODIFY A DEAF, DEAFBLIND, OR HARD-OF-HEARING CHILD'S
INDIVIDUALIZED EDUCATION PROGRAM, INDIVIDUALIZED FAMILY SERVICE
PLAN, OR INDIVIDUAL ACCOMMODATION PLAN IF CONSISTENT WITH FEDERAL
LAW. HOWEVER, BEFORE A CHILD IS EVALUATED USING THE ASSESSMENT
TOOLS IDENTIFIED UNDER THIS SUBSECTION, THE CHILD'S PARENT OR LEGAL
GUARDIAN SHALL PROVIDE PERMISSION AUTHORIZING THE EVALUATION.

(7) THE DEPARTMENT SHALL MAKE AVAILABLE TO THE EDUCATIONAL
ENTITIES, AGENCIES, AND INDIVIDUALS LISTED IN THIS SUBSECTION
ASSESSMENT TOOLS IDENTIFIED UNDER THIS SECTION AND ANY MODIFICATION
OF THOSE ASSESSMENT TOOLS, ALONG WITH NECESSARY TRAINING MATERIALS,
TO ENSURE THAT LANGUAGE ACQUISITION AND DEVELOPMENT IN AMERICAN
SIGN LANGUAGE, ENGLISH, OR COMMUNICATIVE COMPETENCE REMAIN A
PRIORITY AND, IF APPLICABLE, ARE ABLE TO BE ASSESSED AS PART OF A
DEAF, DEAFBLIND, OR HARD-OF-HEARING CHILD'S INDIVIDUALIZED
EDUCATION PROGRAM, INDIVIDUALIZED FAMILY SERVICE PLAN, OR
INDIVIDUAL ACCOMMODATION PLAN. THE ASSESSMENT TOOLS SHALL BE
IDENTIFIED IN THE RULES GOVERNING SPECIAL EDUCATION PROGRAMS AND
SERVICES. THE DEPARTMENT SHALL MAKE AVAILABLE THE ASSESSMENT TOOLS,
ANY MODIFICATION OF THE ASSESSMENT TOOLS, AND NECESSARY TRAINING
MATERIALS TO ALL OF THE FOLLOWING:

(A) SCHOOL DISTRICTS.
(B) PUBLIC SCHOOL ACADEMIES.
(C) INTERMEDIATE SCHOOL DISTRICTS.
(D) EARLY INTERVENTION PROVIDERS, INCLUDING, BUT NOT LIMITED
TO, PUBLIC AND PRIVATE DAYCARES AND PRESCHOOLS.
(E) APPROPRIATE SPECIAL EDUCATION PERSONNEL, INCLUDING, BUT
NOT LIMITED TO, INDIVIDUALIZED EDUCATIONAL PROGRAM TEAMS AND
INDIVIDUALS WHO DEVELOP, MANAGE, OR IMPLEMENT AN INDIVIDUALIZED
FAMILY SERVICE PLAN OR INDIVIDUAL ACCOMMODATION PLAN.
(F) INDIVIDUALS WHO DEVELOP, MANAGE, OR IMPLEMENT TEACHER
PREPARATION PROGRAMS.
(G) THE MICHIGAN SCHOOL FOR THE DEAF.
(8) IF A DEAF, DEAFBLIND, OR HARD-OF-HEARING CHILD DOES NOT
DEMONSTRATE REASONABLE PROGRESS IN AGE-APPROPRIATE EXPRESSIVE,
PRAGMATIC, AND RECEP TIVE LANGUAGE ACQUISITION AND DEVELOPMENT IN
AMERICAN SIGN LANGUAGE, ENGLISH, OR COMMUNICATIVE COMPETENCE, AS
MEASURED BY ASSESSMENT TOOLS IDENTIFIED UNDER THIS SECTION OR BY
ANY EXISTING ASSESSMENT OR MEASUREMENT DEVELOPED TO COMPLY WITH
FEDERAL LAW RELATING TO CHILDREN WITH DISABILITIES, THE CHILD'S
INDIVIDUALIZED EDUCATION PROGRAM, INDIVIDUALIZED FAMILY SERVICE
PLAN, OR INDIVIDUAL ACCOMMODATION PLAN, AS APPLICABLE, MAY BE
MODIFIED TO INCLUDE, IN AS MUCH DETAIL AS POSSIBLE, AN EXPLANATION
AS TO WHY THE CHILD HAS NOT DEMONSTRATED REASONABLE PROGRESS. IN
ADDITION TO MODIFYING A CHILD'S INDIVIDUALIZED EDUCATION PROGRAM,
INDIVIDUALIZED FAMILY SERVICE PLAN, OR INDIVIDUAL ACCOMMODATION
PLAN, SPECIFIC RECOMMENDATIONS MAY BE MADE REGARDING WHAT
STRATEGIES, SERVICES, AND PROGRAMS ARE OR WILL BE AVAILABLE TO
ASSIST THE CHILD IN REACHING HIS OR HER DEVELOPMENTAL MILESTONES.

(9) NOT LATER THAN SEPTEMBER 1, 2018, AND NOT LATER THAN
AUGUST 1 OF EACH SUBSEQUENT YEAR, THE DEPARTMENT SHALL, IN A MANNER
THAT ENSURES PUPIL PRIVACY AS REQUIRED UNDER SUBSECTION (18) AND
THAT EXCLUDES PERSONALLY IDENTIFIABLE INFORMATION, PREPARE AN
ANNUAL REPORT USING THE EXISTING DATA REPORTED IN COMPLIANCE WITH
THE FEDERALLY REQUIRED STATE PERFORMANCE PLAN ON CHILDREN WITH
DISABILITIES. THE REPORT MUST BE SPECIFIC TO DEAF, DEAFBLIND, AND
HARD-OF-HEARING CHILDREN'S LANGUAGE ACQUISITION AND DEVELOPMENT IN
AMERICAN SIGN LANGUAGE, ENGLISH, OR COMMUNICATIVE COMPETENCE
RELATIVE TO THEIR PEERS WHO ARE NOT DEAF, DEAFBLIND, OR HARD OF
HEARING. NOT LATER THAN 30 DAYS AFTER THE DEPARTMENT Prepares THE
REPORT, THE DEPARTMENT SHALL MAKE THE REPORT AVAILABLE ON ITS
WEBSITE AND PROVIDE THE REPORT TO THE STANDING COMMITTEES OF THE
LEGISLATURE RESPONSIBLE FOR K-12 EDUCATION LEGISLATION. AS USED IN
THIS SUBSECTION, "PERSONALLY IDENTIFIABLE INFORMATION" MEANS THAT
TERM AS DEFINED IN 34 CFR 99.3.
(10) Not later than 6 months after the effective date of the amendatory act that added this section, the department shall establish an advisory committee to advise and assist the department in meeting the requirements of this section. However, the department has exclusive authority to identify and modify the resources and services described under this section. The advisory committee shall perform the following duties:

(A) Recommend developmental milestones for deaf, deafblind, and hard-of-hearing children that are consistent with subsection (3) and recommend assessment tools that are consistent with subsection (6).

(B) Develop suggested methods for monitoring and reporting children's development related to the developmental milestones and recommend a necessary frequency of assessments.

(C) Recommend methods for communicating developmental milestones, assessment tools, and a child's assessment results to the child's parent or legal guardian, educators, and others as considered appropriate.

(D) Periodically review, and update if necessary, recommendations developed under this subsection.

(11) The department shall appoint 9 members to the advisory committee established under subsection (10) as follows:

(A) The members must be selected from a cross-section of individuals who are a part of the deaf, deafblind, or hard-of-hearing community to avoid imbalance and bias.

(B) At least 3 members must be a parent or legal guardian of a deaf, deafblind, or hard-of-hearing child.
(C) AT LEAST 3 MEMBERS MUST BE DEAF, DEAFBLIND, OR HARD OF HEARING.

(D) IN ADDITION TO MEMBERS APPOINTED UNDER SUBDIVISIONS (B) AND (C), AT LEAST 3 ADDITIONAL MEMBERS MUST EACH SATISFY 1 OR MORE OF THE FOLLOWING:

(i) POSSESSES A VALID TEACHING CERTIFICATE ISSUED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION UNDER SECTION 1531 WITH AN ENDORSEMENT OR OTHER OFFICIAL DESIGNATION BY THE DEPARTMENT RELATING TO TEACHING DEAF, DEAFBLIND, OR HARD-OF-HEARING CHILDREN.

(ii) HAS AT LEAST 3 YEARS OF EXPERIENCE IN A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT RELATING TO TEACHING OR SUPERVISING INDIVIDUALS WHO TEACH DEAF, DEAFBLIND, OR HARD-OF-HEARING CHILDREN.

(iii) IS AFFILIATED WITH THE MICHIGAN SCHOOL FOR THE DEAF.

(iv) IS AN AUDIOLOGIST LICENSED UNDER ARTICLE 15 OF THE PUBLIC HEALTH CODE, MCL 333.16101 TO 333.18838, WHO SPECIALIZES IN DEAF, DEAFBLIND, OR HARD-OF-HEARING CHILDREN FROM BIRTH TO AGE 8.

(v) IS A SPEECH-LANGUAGE PATHOLOGIST LICENSED UNDER PART 176 OF THE PUBLIC HEALTH CODE, MCL 333.17601 TO 333.17613.

(vi) IS A SPEECH-LANGUAGE PATHOLOGIST LICENSED UNDER PART 176 OF THE PUBLIC HEALTH CODE, MCL 333.17601 TO 333.17613, WHO WORKS WITH DEAF, DEAFBLIND, OR HARD-OF-HEARING CHILDREN FROM BIRTH TO AGE 8.

(vii) IS AN EARLY INTERVENTION SPECIALIST WHO WORKS WITH DEAF, DEAFBLIND, OR HARD-OF-HEARING CHILDREN.

(viii) HAS EXPERTISE AND TRAINING IN EDUCATIONAL METHODS APPLICABLE TO DEAF, DEAFBLIND, OR HARD-OF-HEARING CHILDREN.

(12) MEMBERS OF THE ADVISORY COMMITTEE SHALL BE APPOINTED TO
SERVE A TERM OF 4 YEARS. THE DEPARTMENT MAY APPOINT A MEMBER OF THE
ADVISORY COMMITTEE TO SERVE 1 OR MORE SUBSEQUENT TERMS OF 4 YEARS
EACH. IF A VACANCY OCCURS ON THE ADVISORY COMMITTEE, THE DEPARTMENT
SHALL MAKE AN APPOINTMENT FOR THE UNEXPIRED TERM IN THE SAME MANNER
AS THE ORIGINAL APPOINTMENT.

(13) THE FIRST MEETING OF THE ADVISORY COMMITTEE SHALL BE
CALLED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION. AT THE FIRST
MEETING, THE ADVISORY COMMITTEE SHALL ELECT FROM AMONG ITS MEMBERS
A CHAIRPERSON AND OTHER OFFICERS AS IT CONSIDERS NECESSARY OR
APPROPRIATE. AFTER THE FIRST MEETING, THE ADVISORY COMMITTEE SHALL
MEET AT THE CALL OF THE CHAIR OR IF REQUESTED BY A MAJORITY OF
MEMBERS.

(14) A MAJORITY OF THE MEMBERS OF THE ADVISORY COMMITTEE
CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS, INCLUDING ANY
RECOMMENDATION PROVIDED TO THE DEPARTMENT UNDER THIS SECTION, AT A
MEETING OF THE ADVISORY COMMITTEE. A MAJORITY OF THE MEMBERS
PRESENT AND SERVING ARE REQUIRED FOR OFFICIAL ACTION OF THE
ADVISORY COMMITTEE.

(15) THE BUSINESS THAT THE ADVISORY COMMITTEE MAY PERFORM
SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE ADVISORY COMMITTEE
HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL
15.261 TO 15.275.

(16) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR
RETAINED BY THE ADVISORY COMMITTEE IN THE PERFORMANCE OF AN
OFFICIAL FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT,
1976 PA 442, MCL 15.231 TO 15.246.

(17) MEMBERS OF THE ADVISORY COMMITTEE SHALL SERVE WITHOUT
COMPENSATION. HOWEVER, MEMBERS OF THE ADVISORY COMMITTEE MAY BE
REIMBURSED FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE
PERFORMANCE OF THEIR OFFICIAL DUTIES AS MEMBERS OF THE ADVISORY
COMMITTEE.

(18) IMPLEMENTATION OF THIS SECTION SHALL BE CONSISTENT WITH
ALL APPLICABLE STATE AND FEDERAL LAW REGARDING EDUCATION OF
CHILDREN WITH DISABILITIES AND THE PRIVACY OF PUPIL INFORMATION,
INCLUDING, BUT NOT LIMITED TO, THE INDIVIDUALS WITH DISABILITIES
EDUCATION ACT, 20 USC 1400 TO 1482, AND SECTION 444 OF THE GENERAL
EDUCATION PROVISIONS ACT, 20 USC 1232G.

(19) THIS SECTION APPLIES TO DEAF, DEAFBLIND, AND HARD-OF-
HEARING CHILDREN FROM BIRTH TO AGE 8.

(20) AS USED IN THIS SECTION:

(A) "AMERICAN SIGN LANGUAGE" MEANS A VISUAL LANGUAGE. THE
SHAPE, PLACEMENT, AND MOVEMENT OF AN INDIVIDUAL'S HANDS AND THE
INDIVIDUAL'S FACIAL EXPRESSIONS AND BODY MOVEMENT ARE IMPORTANT
ASPECTS OF CONVEYING LINGUISTIC INFORMATION.

(B) "AUDIOLOGICAL HABILITATION" MEANS THE PROCESS OF ASSISTING
AN INDIVIDUAL WHO IS HARD OF HEARING OR DEAF IN DEVELOPING SPOKEN
AND WRITTEN LANGUAGE, AUDITORY PERCEPTION SKILLS, AND VISUAL CUES,
OR LEARNING HOW TO MANAGE HEARING ASSISTIVE DEVICES.

(C) "AUGMENTATIVE AND ALTERNATIVE COMMUNICATION (AAC)"
INCLUDES ALL FORMS OF COMMUNICATION, OTHER THAN ORAL SPEECH, THAT
ARE USED TO EXPRESS THOUGHTS, NEEDS, WANTS, AND IDEAS THROUGH, FOR
EXAMPLE, FACIAL EXPRESSIONS, GESTURES, SYMBOLS, OR PICTURES.

(D) "COMMUNICATION MODE" INCLUDES AUGMENTATIVE AND ALTERNATIVE
COMMUNICATION (AAC), AUDITORY VERBAL, AUDITORY ORAL, CUED SPEECH,
TOTAL COMMUNICATION, BRAILLE, AMERICAN SIGN LANGUAGE, TACTILE SIGNING, SPOKEN ENGLISH, AND WRITTEN ENGLISH.

(E) "COMMUNICATIVE COMPETENCE" MEANS THE DEGREE TO WHICH A CHILD DEMONSTRATES THE INTENT AND PROFICIENCY TO USE LANGUAGE OR A COMMUNICATION MODE TO EFFECTIVELY COMMUNICATE IN SOCIAL AND SCHOOL ENVIRONMENTS AND MAY OCCUR WITHIN A RANGE OF BASIC TO SOPHISTICATED ABILITIES.

(F) "CUED SPEECH" MEANS A PHONEMIC COMMUNICATION MODE THAT PROVIDES COMPLETE VISUAL ACCESS TO A TRADITIONALLY SPOKEN LANGUAGE. CUED SPEECH COMPRISSES 8 HANDSHAPES TO REPRESENT THE CONSONANT PHONEMES AND 4 HAND PLACEMENTS AROUND THE MOUTH TO REPRESENT THE VOWEL PHONEMES THAT PROVIDE DIRECT VISUAL ACCESS TO THE COMPLETE PHONOLOGICAL AND GRAMMATICAL COMPONENTS OF A SPOKEN LANGUAGE IF SYNCHRONIZED WITH THE NATURAL LIP MOVEMENTS OF THAT LANGUAGE.

(G) "EXPRESSIVE LANGUAGE" MEANS AN INDIVIDUAL'S ABILITY TO COMMUNICATE HIS OR HER THOUGHTS, IDEAS, WANTS, AND NEEDS THROUGH AMERICAN SIGN LANGUAGE, ENGLISH, ORAL COMMUNICATION, FACIAL EXPRESSIONS, AND GESTURES.

(H) "INDIVIDUAL ACCOMMODATION PLAN" MEANS A PLAN DEVELOPED UNDER SECTION 504 OF TITLE V OF THE REHABILITATION ACT OF 1973, 29 USC 794.

(I) "INDIVIDUALIZED EDUCATION PROGRAM" MEANS THAT TERM AS DEFINED IN 20 USC 1414.

(J) "INDIVIDUALIZED FAMILY SERVICE PLAN" MEANS THAT TERM AS DESCRIBED IN 20 USC 1436.

(K) "LANGUAGE" INCLUDES WRITTEN, SPOKEN, OR AUDITORY ENGLISH AND AMERICAN SIGN LANGUAGE.
(I) "PRAGMATIC LANGUAGE" MEANS THE RULES OF SOCIAL LANGUAGE AND COMMUNICATION, INCLUDING THE PURPOSE AND MANNER OF LANGUAGE AND COMMUNICATION, THE ABILITY TO FOLLOW CULTURALLY APPROPRIATE RULES REGARDING CONVERSATION, BODY LANGUAGE, AND VERBAL OR NONVERBAL SIGNALS. PRAGMATIC LANGUAGE SKILLS ARE VITAL FOR EFFECTIVE LANGUAGE AND COMMUNICATION.

(M) "RECEPTIVE LANGUAGE" MEANS THE ABILITY TO UNDERSTAND AND RESPOND TO AMERICAN SIGN LANGUAGE, ENGLISH, OR ORAL COMMUNICATION, INCLUDING THE ABILITY TO INTERPRET GESTURES, QUESTIONS, STATEMENTS, INSTRUCTIONS, AND GRAMMATICAL CONCEPTS.

(N) "TACTILE SIGNING" MEANS SIGNING WHILE PHYSICALLY CONTACTING OR TOUCHING A DEAFBLIND INDIVIDUAL.

(21) THIS SECTION SHALL BE KNOWN AS THE "EMPOWER (EARLY MEANINGFUL PARENTAL OUTREACH WITH EDUCATIONAL RESOURCES) DEAF, DEAFBLIND, AND HARD-OF-HEARING CHILDREN FOR EDUCATIONAL SUCCESS LAW".

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless Senate Bill No. ____ or House Bill No. 5159 (request no. 00866'17) of the 99th Legislature is enacted into law.