

HOUSE BILL No. 5158

October 19, 2017, Introduced by Reps. Howrylak, Chang, Lucido, Phelps, LaGrand, Lasinski, Zemke, Hertel, Sneller, Gay-Dagnogo, Geiss, Howell, Calley and Love and referred to the Committee on Health Policy.

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

9 (2) A PARENT OR LEGAL GUARDIAN HAS SOLE DISCRETION UNDER THIS
10 SECTION TO DETERMINE WHICH LANGUAGE AND COMMUNICATION MODE OPTION
11 IS BEST TO FURTHER HIS OR HER DEAF, DEAFBLIND, OR HARD-OF-HEARING

1 CHILD'S EDUCATIONAL PROGRESS. A PARENT OR LEGAL GUARDIAN MAY
2 DETERMINE THAT HIS OR HER CHILD'S EDUCATIONAL PROGRESS REQUIRES
3 MORE THAN 1 LANGUAGE AND COMMUNICATION MODE OPTION AND THAT THE
4 CHOSEN OPTION OR OPTIONS MUST CHANGE IN ORDER TO BEST SERVE THE
5 CHILD'S EDUCATIONAL PROGRESS.

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

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

23 (A) THE DEVELOPMENTAL MILESTONES IDENTIFIED UNDER THIS SECTION
24 AND AN EXPLANATION REGARDING HOW THE DEVELOPMENTAL MILESTONES
25 COMPARE TO THE TYPICAL DEVELOPMENT OF ALL CHILDREN, INCLUDING
26 CHILDREN WHO ARE NOT DEAF, DEAFBLIND, OR HARD OF HEARING, BY AGE
27 RANGE FROM BIRTH TO AGE 8.

1 (B) DIRECTIVES STATING THAT THE TOOLS DESCRIBED IN THE PARENT
2 RESOURCE ARE NOT A FORMAL ASSESSMENT OF LANGUAGE ACQUISITION AND
3 DEVELOPMENT IN AMERICAN SIGN LANGUAGE, ENGLISH, OR COMMUNICATIVE
4 COMPETENCE; THAT A PARENT'S OR LEGAL GUARDIAN'S OBSERVATION OF HIS
5 OR HER CHILD MAY BE DIFFERENT THAN FORMAL ASSESSMENT DATA PRESENTED
6 DURING A MEETING REGARDING THE CHILD'S INDIVIDUALIZED EDUCATION
7 PROGRAM, INDIVIDUALIZED FAMILY SERVICE PLAN, OR INDIVIDUAL
8 ACCOMMODATION PLAN; AND THAT A PARENT OR LEGAL GUARDIAN MAY BRING
9 THE PARENT RESOURCE TO 1 OR MORE OF THOSE MEETINGS FOR THE PURPOSE
10 OF AIDING DISCUSSION ABOUT THE CHILD'S LANGUAGE ACQUISITION AND
11 DEVELOPMENT IN AMERICAN SIGN LANGUAGE, ENGLISH, OR COMMUNICATIVE
12 COMPETENCE.

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

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

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

26 (F) INFORMATION DESCRIBING HOW PARENTS AND LEGAL GUARDIANS OF
27 DEAF, DEAFBLIND, OR HARD-OF-HEARING CHILDREN MAY ACTIVELY

1 PARTICIPATE IN THE CHILD'S INDIVIDUALIZED EDUCATION PROGRAM,
2 INDIVIDUALIZED FAMILY SERVICE PLAN, OR INDIVIDUAL ACCOMMODATION
3 PLAN.

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

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

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

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

26 (5) THE DEPARTMENT SHALL PRESENT THE INFORMATION INCLUDED IN A
27 PARENT RESOURCE DEVELOPED UNDER THIS SECTION IN AN ACCESSIBLE

1 MANNER, POST THE PARENT RESOURCE ON THE DEPARTMENT'S WEBSITE, AND,
2 IN A MANNER DETERMINED BY THE DEPARTMENT, MAKE THE PARENT RESOURCE
3 AVAILABLE TO A PARENT OR LEGAL GUARDIAN OF A DEAF, DEAFBLIND, OR
4 HARD-OF-HEARING CHILD. THE DEPARTMENT ALSO SHALL ENSURE THAT THE
5 EDUCATIONAL ENTITIES, AGENCIES, AND INDIVIDUALS LISTED UNDER
6 SUBSECTION (7) ARE PROVIDED WITH THE PARENT RESOURCE TO AID THEIR
7 ABILITY TO INFORM A PARENT OR LEGAL GUARDIAN OF HIS OR HER DEAF,
8 DEAFBLIND, OR HARD-OF-HEARING CHILD'S EDUCATIONAL NEEDS.

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

24 (7) THE DEPARTMENT SHALL MAKE AVAILABLE TO THE EDUCATIONAL
25 ENTITIES, AGENCIES, AND INDIVIDUALS LISTED IN THIS SUBSECTION
26 ASSESSMENT TOOLS IDENTIFIED UNDER THIS SECTION AND ANY MODIFICATION
27 OF THOSE ASSESSMENT TOOLS, ALONG WITH NECESSARY TRAINING MATERIALS,

1 TO ENSURE THAT LANGUAGE ACQUISITION AND DEVELOPMENT IN AMERICAN
2 SIGN LANGUAGE, ENGLISH, OR COMMUNICATIVE COMPETENCE REMAIN A
3 PRIORITY AND, IF APPLICABLE, ARE ABLE TO BE ASSESSED AS PART OF A
4 DEAF, DEAFBLIND, OR HARD-OF-HEARING CHILD'S INDIVIDUALIZED
5 EDUCATION PROGRAM, INDIVIDUALIZED FAMILY SERVICE PLAN, OR
6 INDIVIDUAL ACCOMMODATION PLAN. THE ASSESSMENT TOOLS SHALL BE
7 IDENTIFIED IN THE RULES GOVERNING SPECIAL EDUCATION PROGRAMS AND
8 SERVICES. THE DEPARTMENT SHALL MAKE AVAILABLE THE ASSESSMENT TOOLS,
9 ANY MODIFICATION OF THE ASSESSMENT TOOLS, AND NECESSARY TRAINING
10 MATERIALS TO ALL OF THE FOLLOWING:

11 (A) SCHOOL DISTRICTS.

12 (B) PUBLIC SCHOOL ACADEMIES.

13 (C) INTERMEDIATE SCHOOL DISTRICTS.

14 (D) EARLY INTERVENTION PROVIDERS, INCLUDING, BUT NOT LIMITED
15 TO, PUBLIC AND PRIVATE DAYCARES AND PRESCHOOLS.

16 (E) APPROPRIATE SPECIAL EDUCATION PERSONNEL, INCLUDING, BUT
17 NOT LIMITED TO, INDIVIDUALIZED EDUCATIONAL PROGRAM TEAMS AND
18 INDIVIDUALS WHO DEVELOP, MANAGE, OR IMPLEMENT AN INDIVIDUALIZED
19 FAMILY SERVICE PLAN OR INDIVIDUAL ACCOMMODATION PLAN.

20 (F) INDIVIDUALS WHO DEVELOP, MANAGE, OR IMPLEMENT TEACHER
21 PREPARATION PROGRAMS.

22 (G) THE MICHIGAN SCHOOL FOR THE DEAF.

23 (8) IF A DEAF, DEAFBLIND, OR HARD-OF-HEARING CHILD DOES NOT
24 DEMONSTRATE REASONABLE PROGRESS IN AGE-APPROPRIATE EXPRESSIVE,
25 PRAGMATIC, AND RECEPTIVE LANGUAGE ACQUISITION AND DEVELOPMENT IN
26 AMERICAN SIGN LANGUAGE, ENGLISH, OR COMMUNICATIVE COMPETENCE, AS
27 MEASURED BY ASSESSMENT TOOLS IDENTIFIED UNDER THIS SECTION OR BY

1 ANY EXISTING ASSESSMENT OR MEASUREMENT DEVELOPED TO COMPLY WITH
2 FEDERAL LAW RELATING TO CHILDREN WITH DISABILITIES, THE CHILD'S
3 INDIVIDUALIZED EDUCATION PROGRAM, INDIVIDUALIZED FAMILY SERVICE
4 PLAN, OR INDIVIDUAL ACCOMMODATION PLAN, AS APPLICABLE, MAY BE
5 MODIFIED TO INCLUDE, IN AS MUCH DETAIL AS POSSIBLE, AN EXPLANATION
6 AS TO WHY THE CHILD HAS NOT DEMONSTRATED REASONABLE PROGRESS. IN
7 ADDITION TO MODIFYING A CHILD'S INDIVIDUALIZED EDUCATION PROGRAM,
8 INDIVIDUALIZED FAMILY SERVICE PLAN, OR INDIVIDUAL ACCOMMODATION
9 PLAN, SPECIFIC RECOMMENDATIONS MAY BE MADE REGARDING WHAT
10 STRATEGIES, SERVICES, AND PROGRAMS ARE OR WILL BE AVAILABLE TO
11 ASSIST THE CHILD IN REACHING HIS OR HER DEVELOPMENTAL MILESTONES.

12 (9) NOT LATER THAN SEPTEMBER 1, 2018, AND NOT LATER THAN
13 AUGUST 1 OF EACH SUBSEQUENT YEAR, THE DEPARTMENT SHALL, IN A MANNER
14 THAT ENSURES PUPIL PRIVACY AS REQUIRED UNDER SUBSECTION (18) AND
15 THAT EXCLUDES PERSONALLY IDENTIFIABLE INFORMATION, PREPARE AN
16 ANNUAL REPORT USING THE EXISTING DATA REPORTED IN COMPLIANCE WITH
17 THE FEDERALLY REQUIRED STATE PERFORMANCE PLAN ON CHILDREN WITH
18 DISABILITIES. THE REPORT MUST BE SPECIFIC TO DEAF, DEAFBLIND, AND
19 HARD-OF-HEARING CHILDREN'S LANGUAGE ACQUISITION AND DEVELOPMENT IN
20 AMERICAN SIGN LANGUAGE, ENGLISH, OR COMMUNICATIVE COMPETENCE
21 RELATIVE TO THEIR PEERS WHO ARE NOT DEAF, DEAFBLIND, OR HARD OF
22 HEARING. NOT LATER THAN 30 DAYS AFTER THE DEPARTMENT PREPARES THE
23 REPORT, THE DEPARTMENT SHALL MAKE THE REPORT AVAILABLE ON ITS
24 WEBSITE AND PROVIDE THE REPORT TO THE STANDING COMMITTEES OF THE
25 LEGISLATURE RESPONSIBLE FOR K-12 EDUCATION LEGISLATION. AS USED IN
26 THIS SUBSECTION, "PERSONALLY IDENTIFIABLE INFORMATION" MEANS THAT
27 TERM AS DEFINED IN 34 CFR 99.3.

1 (10) NOT LATER THAN 6 MONTHS AFTER THE EFFECTIVE DATE OF THE
2 AMENDATORY ACT THAT ADDED THIS SECTION, THE DEPARTMENT SHALL
3 ESTABLISH AN ADVISORY COMMITTEE TO ADVISE AND ASSIST THE DEPARTMENT
4 IN MEETING THE REQUIREMENTS OF THIS SECTION. HOWEVER, THE
5 DEPARTMENT HAS EXCLUSIVE AUTHORITY TO IDENTIFY AND MODIFY THE
6 RESOURCES AND SERVICES DESCRIBED UNDER THIS SECTION. THE ADVISORY
7 COMMITTEE SHALL PERFORM THE FOLLOWING DUTIES:

8 (A) RECOMMEND DEVELOPMENTAL MILESTONES FOR DEAF, DEAFBLIND,
9 AND HARD-OF-HEARING CHILDREN THAT ARE CONSISTENT WITH SUBSECTION
10 (3) AND RECOMMEND ASSESSMENT TOOLS THAT ARE CONSISTENT WITH
11 SUBSECTION (6).

12 (B) DEVELOP SUGGESTED METHODS FOR MONITORING AND REPORTING
13 CHILDREN'S DEVELOPMENT RELATED TO THE DEVELOPMENTAL MILESTONES AND
14 RECOMMEND A NECESSARY FREQUENCY OF ASSESSMENTS.

15 (C) RECOMMEND METHODS FOR COMMUNICATING DEVELOPMENTAL
16 MILESTONES, ASSESSMENT TOOLS, AND A CHILD'S ASSESSMENT RESULTS TO
17 THE CHILD'S PARENT OR LEGAL GUARDIAN, EDUCATORS, AND OTHERS AS
18 CONSIDERED APPROPRIATE.

19 (D) PERIODICALLY REVIEW, AND UPDATE IF NECESSARY,
20 RECOMMENDATIONS DEVELOPED UNDER THIS SUBSECTION.

21 (11) THE DEPARTMENT SHALL APPOINT 9 MEMBERS TO THE ADVISORY
22 COMMITTEE ESTABLISHED UNDER SUBSECTION (10) AS FOLLOWS:

23 (A) THE MEMBERS MUST BE SELECTED FROM A CROSS-SECTION OF
24 INDIVIDUALS WHO ARE A PART OF THE DEAF, DEAFBLIND, OR HARD-OF-
25 HEARING COMMUNITY TO AVOID IMBALANCE AND BIAS.

26 (B) AT LEAST 3 MEMBERS MUST BE A PARENT OR LEGAL GUARDIAN OF A
27 DEAF, DEAFBLIND, OR HARD-OF-HEARING CHILD.

1 (C) AT LEAST 3 MEMBERS MUST BE DEAF, DEAFBLIND, OR HARD OF
2 HEARING.

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

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

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

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

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

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

19 (vi) IS A SPEECH-LANGUAGE PATHOLOGIST LICENSED UNDER PART 176
20 OF THE PUBLIC HEALTH CODE, MCL 333.17601 TO 333.17613, WHO WORKS
21 WITH DEAF, DEAFBLIND, OR HARD-OF-HEARING CHILDREN FROM BIRTH TO AGE
22 8.

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

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

27 (12) MEMBERS OF THE ADVISORY COMMITTEE SHALL BE APPOINTED TO

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

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

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

19 (15) THE BUSINESS THAT THE ADVISORY COMMITTEE MAY PERFORM
20 SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE ADVISORY COMMITTEE
21 HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL
22 15.261 TO 15.275.

23 (16) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR
24 RETAINED BY THE ADVISORY COMMITTEE IN THE PERFORMANCE OF AN
25 OFFICIAL FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT,
26 1976 PA 442, MCL 15.231 TO 15.246.

27 (17) MEMBERS OF THE ADVISORY COMMITTEE SHALL SERVE WITHOUT

1 COMPENSATION. HOWEVER, MEMBERS OF THE ADVISORY COMMITTEE MAY BE
2 REIMBURSED FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE
3 PERFORMANCE OF THEIR OFFICIAL DUTIES AS MEMBERS OF THE ADVISORY
4 COMMITTEE.

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

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

13 (20) AS USED IN THIS SECTION:

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

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

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

26 (D) "COMMUNICATION MODE" INCLUDES AUGMENTATIVE AND ALTERNATIVE
27 COMMUNICATION (AAC), AUDITORY VERBAL, AUDITORY ORAL, CUED SPEECH,

1 TOTAL COMMUNICATION, BRAILLE, AMERICAN SIGN LANGUAGE, TACTILE
2 SIGNING, SPOKEN ENGLISH, AND WRITTEN ENGLISH.

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

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

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

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

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

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

26 (K) "LANGUAGE" INCLUDES WRITTEN, SPOKEN, OR AUDITORY ENGLISH
27 AND AMERICAN SIGN LANGUAGE.

1 (l) "PRAGMATIC LANGUAGE" MEANS THE RULES OF SOCIAL LANGUAGE
2 AND COMMUNICATION, INCLUDING THE PURPOSE AND MANNER OF LANGUAGE AND
3 COMMUNICATION, THE ABILITY TO FOLLOW CULTURALLY APPROPRIATE RULES
4 REGARDING CONVERSATION, BODY LANGUAGE, AND VERBAL OR NONVERBAL
5 SIGNALS. PRAGMATIC LANGUAGE SKILLS ARE VITAL FOR EFFECTIVE LANGUAGE
6 AND COMMUNICATION.

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

11 (n) "TACTILE SIGNING" MEANS SIGNING WHILE PHYSICALLY
12 CONTACTING OR TOUCHING A DEAFBLIND INDIVIDUAL.

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

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

19 Enacting section 2. This amendatory act does not take effect
20 unless Senate Bill No. ____ or House Bill No. 5159 (request no.
21 00866'17) of the 99th Legislature is enacted into law.