

# HOUSE BILL No. 5159

October 19, 2017, Introduced by Reps. Phelps, Howrylak, Chang, Lucido, 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 1705a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **SEC. 1705A. (1) TO ENSURE THAT EVERY DEAF, DEAFBLIND, OR HARD-**  
2 **OF-HEARING CHILD HAS THE SAME OPPORTUNITY AS ANY OTHER CHILD IN**  
3 **THIS STATE TO ACHIEVE HIS OR HER EDUCATIONAL GROWTH POTENTIAL AND**  
4 **TO BECOME A FULLY PARTICIPATORY MEMBER OF SOCIETY, THE DEPARTMENT**  
5 **SHALL PROMOTE COMMUNICATION-MODE- AND LANGUAGE-DRIVEN PRACTICES,**  
6 **POLICIES, SERVICES, AND PROGRAMS IN ORDER TO PROVIDE DEAF,**  
7 **DEAFBLIND, AND HARD-OF-HEARING CHILDREN THE FOLLOWING RESOURCES AND**  
8 **EXPERIENCES:**

1 (A) QUALITY, ONGOING, AND FLUID LANGUAGE AND COMMUNICATION  
2 MODES IN THE CLASSROOM.

3 (B) AN EDUCATIONAL ENVIRONMENT THAT OFFERS SERVICES BASED ON A  
4 CHILD'S UNIQUE COMMUNICATION MODE, LANGUAGE, AND EDUCATIONAL NEEDS,  
5 CONSISTENT WITH SECTION 614 OF THE INDIVIDUALS WITH DISABILITIES  
6 EDUCATION ACT, 20 USC 1414.

7 (C) TEACHERS, ADMINISTRATORS, AND PROGRAM OR SERVICE PROVIDERS  
8 WHO UNDERSTAND THE INDIVIDUAL EXPERIENCES OF CHILDREN WHO ARE DEAF,  
9 DEAFBLIND, OR HARD OF HEARING AND HAVE TRAINING THAT FACILITATES  
10 SPONTANEOUS AND FLUID COMMUNICATION MODES AND LANGUAGE WITH THOSE  
11 CHILDREN.

12 (D) AN EDUCATIONAL ENVIRONMENT IN WHICH THERE ARE SUFFICIENT  
13 AGE-APPROPRIATE PEERS AND ADULTS PRESENT TO SPONTANEOUSLY AND  
14 FLUIDLY INTERACT WITH A DEAF, DEAFBLIND, OR HARD-OF-HEARING CHILD.

15 (E) DIRECT AND APPROPRIATE ACCESS TO THE GENERAL EDUCATION  
16 CURRICULUM AND ALL ASPECTS OF THE EDUCATION EXPERIENCE, INCLUDING,  
17 BUT NOT LIMITED TO, RECESS, LUNCH, EXTRACURRICULAR ACTIVITIES, AND  
18 OTHER SOCIAL OR ATHLETIC ACTIVITIES.

19 (F) PROGRAMS FOCUSED ON TRANSITION PLANNING, AS DESCRIBED  
20 UNDER SECTION 614 OF THE INDIVIDUALS WITH DISABILITIES EDUCATION  
21 ACT, 20 USC 1414.

22 (G) RESOURCES THAT PROVIDE A DEAF, DEAFBLIND, OR HARD-OF-  
23 HEARING CHILD'S FAMILY WITH ACCURATE AND COMPLETE INFORMATION  
24 REGARDING THE CHILD'S EDUCATIONAL, LANGUAGE, AND COMMUNICATION MODE  
25 NEEDS AND ALL PROGRAM OPTIONS AND WITH ACCESS TO SUPPORT AND  
26 ADVOCACY SERVICES FROM PUBLIC AND PRIVATE AGENCIES, DEPARTMENTS,  
27 AND INSTITUTIONS THAT ARE KNOWLEDGEABLE ABOUT HEARING LOSS AND THE

1 NEEDS OF CHILDREN WHO ARE DEAF, DEAFBLIND, OR HARD OF HEARING.

2 (2) THE DEPARTMENT SHALL DEVELOP OR ADOPT AND MAKE AVAILABLE  
3 TO SCHOOL DISTRICTS, PUBLIC SCHOOL ACADEMIES, AND INTERMEDIATE  
4 SCHOOL DISTRICTS A MODEL WORKSHEET DETAILING ALL LANGUAGE AND  
5 COMMUNICATION MODE CONSIDERATIONS, CONSISTENT WITH 34 CFR  
6 300.324(A)(2)(IV), FOR THE PURPOSE OF ENHANCING THE DEVELOPMENT OF  
7 DEAF, DEAFBLIND, OR HARD-OF-HEARING CHILDREN'S INDIVIDUALIZED  
8 EDUCATIONAL PROGRAMS.

9 (3) TO THE EXTENT CONSISTENT WITH FEDERAL LAW, A SCHOOL  
10 DISTRICT OR OTHER PERSON RESPONSIBLE FOR ADMINISTERING A DEAF,  
11 DEAFBLIND, OR HARD-OF-HEARING CHILD'S INDIVIDUALIZED FAMILY SERVICE  
12 PLAN FOR A CHILD FROM BIRTH TO AGE 3 OR INDIVIDUALIZED EDUCATION  
13 PROGRAM FOR A CHILD 3 YEARS OLD AND OLDER SHALL PROVIDE PROGRAMS  
14 AND SERVICES TO THE CHILD THAT MAXIMIZE HIS OR HER POTENTIAL IN  
15 LANGUAGE AND COMMUNICATION MODE.

16 (4) A STATE AGENCY, INSTITUTION, OR DEPARTMENT INVOLVED IN  
17 EARLY INTERVENTION AND EARLY CHILDHOOD AND K-12 EDUCATION OF DEAF,  
18 DEAFBLIND, OR HARD-OF-HEARING CHILDREN IS ENCOURAGED TO DEVELOP  
19 SPECIFIC GUIDELINES ESTABLISHING HOW THAT STATE AGENCY,  
20 INSTITUTION, OR DEPARTMENT IS ABLE TO CONTRIBUTE TO THE FOLLOWING  
21 OBJECTIVES:

22 (A) PROVIDING EVERY DEAF, DEAFBLIND, AND HARD-OF-HEARING CHILD  
23 AN EDUCATIONAL ENVIRONMENT THAT MEETS THE CHILD'S LANGUAGE AND  
24 COMMUNICATION MODE NEEDS AND INCLUDES EARLY, CONTINUOUS, AND  
25 QUALITY ACCESS TO PLANNED AND INCIDENTAL LANGUAGE AND COMMUNICATION  
26 MODE OPPORTUNITIES.

27 (B) IMPLEMENTING PRACTICES, POLICIES, SERVICES, AND PROGRAMS

1 THAT ARE ALIGNED WITH THE DEPARTMENT'S OBLIGATIONS UNDER THIS  
2 SECTION.

3 (5) IN EFFECTUATING THE OBJECTIVES OF THIS SECTION, THE  
4 DEPARTMENT AND, IF APPLICABLE, ANOTHER STATE DEPARTMENT, AGENCY, OR  
5 INSTITUTION SHALL RECOGNIZE AND RESPECT THAT UNDER SECTION 1705 A  
6 PARENT OR LEGAL GUARDIAN HAS SOLE DISCRETION TO DETERMINE WHICH  
7 LANGUAGE AND COMMUNICATION MODE OPTION OR OPTIONS ARE BEST TO  
8 FURTHER HIS OR HER DEAF, DEAFBLIND, OR HARD-OF-HEARING CHILD'S  
9 EDUCATIONAL PROGRESS.

10 (6) AS USED IN THIS SECTION, "COMMUNICATION MODE",  
11 "INDIVIDUALIZED EDUCATIONAL PROGRAM", "INDIVIDUALIZED FAMILY  
12 SERVICE PLAN", AND "LANGUAGE" MEAN THOSE TERMS AS DEFINED IN  
13 SECTION 1705.

14 (7) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE "DEAF,  
15 DEAFBLIND, AND HARD-OF-HEARING CHILDREN'S EDUCATIONAL BILL OF  
16 RIGHTS 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.\_\_\_\_ (request no.  
21 00160'17 \*) of the 99th Legislature is enacted into law.