

SENATE BILL NO. 509

September 11, 2019, Introduced by Senators GEISS, WOJNO, BULLOCK, HERTEL, CHANG, ALEXANDER, BAYER, BRINKS, MCMORROW, MOSS, IRWIN, SANTANA and HOLLIER and referred to the Committee on Education and Career Readiness.

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, 2020, 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 department shall
3 ensure that the resource developed under this subsection meets all
4 of the following requirements:

5 (a) Includes the language developmental milestones selected
6 under subsection (12) and presents the milestones based on typical
7 developmental expectations of children based on age.

8 (b) The content regarding and suggested utilization of the
9 language developmental milestones included in the resource are
10 applicable to deaf and hard of hearing children who are age 5 or
11 younger and who use American Sign Language or English, or both, as
12 their language. For purposes of this subdivision, "English"
13 includes spoken English, written English, and cued English.

14 (c) Is written in a manner that is clear and easy to use by
15 parents and legal guardians.

16 (d) Is aligned with all of the following:

17 (i) Existing instruments used to assess the development of
18 children with disabilities under federal law, as applicable.

19 (ii) State standards regarding English language arts, as
20 applicable.

21 (iii) Any existing department guidelines the department
22 considers appropriate regarding children who have not yet entered
23 kindergarten.

24 (e) Subject to the individuals with disabilities education
25 act, includes a statement indicating that a parent or legal
26 guardian of a child who is deaf or hard of hearing has the sole
27 discretion to choose American Sign Language, English, or both, and
28 the communication mode for his or her child's language acquisition.

29 (f) Includes a statement indicating that the resource is not a

1 formal assessment of language and literacy development.

2 (g) Informs parents and legal guardians that a parent's or
3 legal guardian's observation of his or her child may differ from
4 assessment data presented during an individualized family service
5 plan meeting or individualized education program meeting.

6 (h) Includes a statement indicating that a parent or legal
7 guardian may bring the resource to an individualized family service
8 plan meeting or individualized education program meeting for the
9 purpose of sharing his or her observations about his or her child's
10 development.

11 (i) Includes fair, balanced, and comprehensive information
12 regarding languages, communication modes, amplification devices,
13 and all services and programs.

14 (2) The department shall adopt tools or assessments that
15 school districts, intermediate school districts, and public school
16 academies may select to assess the language and literacy
17 development of deaf and hard of hearing children who are age 5 or
18 younger. The department shall ensure that tools or assessments
19 adopted under this subsection meet all of the following:

20 (a) Are in a format that shows stages of language and literacy
21 development.

22 (b) Can be used by school districts, intermediate school
23 districts, and public school academies to track the development of
24 deaf and hard of hearing children's expressive and receptive
25 language acquisition and developmental stages toward English
26 literacy.

27 (c) Are selected from existing tools or assessments used to
28 assess the development of all children who are age 5 or younger, as
29 applicable.

1 (d) The content and suggested method of administration is
2 appropriate for use for deaf and hard of hearing children.

3 (e) Reflect the recommendations of the advisory committee
4 established under subsection (9), as determined by the department.

5 (3) Subject to other state laws or federal law regarding
6 individualized family service plans and individualized education
7 programs, the tools or assessments adopted under subsection (2) may
8 be used, in addition to any assessment required under federal law,
9 by a child's individualized family service plan team or
10 individualized education program team to track a deaf or hard of
11 hearing child's progress and to establish or modify an
12 individualized family service plan or individualized education
13 program.

14 (4) The department shall provide the resource developed under
15 subsection (1) to all parents and legal guardians who have a deaf
16 or hard of hearing child who is age 5 or younger. The department
17 shall also provide all school districts, intermediate school
18 districts, and public school academies with both of the following:

19 (a) A copy of the tools or assessments adopted under
20 subsection (2).

21 (b) Supplemental material or training regarding implementation
22 of the tools or assessments adopted under subsection (2).

23 (5) If a school district, intermediate school district, or
24 public school academy administers the tools or assessments adopted
25 under subsection (2) or any other assessment used to assess the
26 development of children with disabilities as required by federal
27 law to a child who is deaf or hard of hearing and who is age 5 or
28 younger, and based on the assessment results, the child does not
29 demonstrate progress in expressive and receptive language skills,

1 the child's individualized family service plan team or
2 individualized education program team, as applicable, shall, as
3 part of the process required under the individuals with
4 disabilities education act, provide both of the following to each
5 service plan team or program team member and the parent or legal
6 guardian of the child:

7 (a) A written statement explaining in detail why the child is
8 not meeting the developmental milestones or progressing towards
9 them.

10 (b) A written recommendation including specific strategies,
11 services, and programs that should be provided to the child to
12 assist the child toward becoming linguistically prepared for
13 kindergarten and English literacy, as applicable.

14 (6) Subject to the individuals with disabilities education
15 act, the parent or legal guardian of a child who is deaf or hard of
16 hearing has sole discretion to select the communication mode for
17 his or her child's language acquisition. Communication modes may
18 include, but are not limited to, augmentative and alternative
19 communication, cued speech, listening and spoken language, tactile
20 signing, written English, a combination of any of these
21 communication modes, or other appropriate modes of communication.

22 (7) A school district, intermediate school district, or public
23 school academy shall do all of the following:

24 (a) Subject to the individuals with disabilities education
25 act, provide a learning environment for each child who is deaf or
26 hard of hearing in which services using the language and
27 communication mode or modes chosen by his or her parent or legal
28 guardian are delivered by professionals with background, training,
29 and experience in that language and communication mode or modes.

1 (b) Provide programs and services that maximize a deaf or hard
2 of hearing child's potential in the language and communication mode
3 or modes.

4 (c) Report the results of language and literacy development
5 assessments of children who are deaf or hard of hearing to the
6 department.

7 (8) The department shall provide a model communication plan to
8 all school districts, intermediate school districts, and public
9 school academies that is consistent with the individuals with
10 disabilities education act and the Americans with disabilities act
11 of 1990 for use as a guide for determining the communication needs
12 of children who are deaf or hard of hearing during individualized
13 family service plan team meetings and individualized education
14 program team meetings.

15 (9) The superintendent of public instruction shall appoint 14
16 members to an advisory committee within the department. All of the
17 following apply to the advisory committee described under this
18 subsection:

19 (a) The advisory committee shall aid the department in the
20 selection of language developmental milestones for children who are
21 deaf or hard of hearing and who are age 5 or younger that are
22 equivalent to language developmental milestones for children who
23 are age 5 or younger and who are not deaf or hard of hearing for
24 inclusion in the resource under subsection (1).

25 (b) The advisory committee may make recommendations regarding
26 the tools or assessments adopted by the department under subsection
27 (2).

28 (c) The advisory committee may make unbiased and comprehensive
29 recommendations to the department regarding materials to be added

1 to the resource under subsection (1).

2 (d) The advisory committee may advise the department on the
3 content and administration of existing instruments used to assess
4 the development of children with disabilities under federal law,
5 including, but not limited to, advice regarding the use of the
6 native language of a child to assess a deaf or hard of hearing
7 child's language and literacy development to ensure the appropriate
8 use of an instrument with the child.

9 (e) The advisory committee may make recommendations regarding
10 future research for methods to improve the measurement of the
11 progress of deaf and hard of hearing children in language and
12 literacy.

13 (f) The advisory committee must consist of the following
14 members, a majority of whom must be deaf or hard of hearing:

15 (i) One parent or legal guardian of a child who is deaf or hard
16 of hearing who uses both American Sign Language and English.

17 (ii) One parent or legal guardian of a child who is deaf or
18 hard of hearing and who uses only spoken English, with or without
19 cued speech.

20 (iii) One credentialed teacher, as determined by the department,
21 who teaches deaf and hard of hearing children who utilize both
22 American Sign Language and English.

23 (iv) One credentialed teacher, as determined by the department,
24 who teaches deaf and hard of hearing children in a listening and
25 spoken language program.

26 (v) One credentialed teacher, as determined by the department,
27 who teaches deaf and hard of hearing children and whose expertise
28 is in curriculum and instruction in American Sign Language and
29 English.

1 (vi) One educational audiologist.

2 (vii) One individual who advocates for the teaching and dual
3 use of both American Sign Language and English, as determined by
4 the department.

5 (viii) One individual who advocates for the teaching and use of
6 listening and spoken language, as determined by the department.

7 (ix) One individual who advocates for the teaching and use of
8 American Sign Language for deaf-blind children, as determined by
9 the department.

10 (x) One individual who advocates for the teaching and use of
11 cued speech, as determined by the department.

12 (xi) One early intervention specialist who works with deaf and
13 hard of hearing infants and toddlers using both American Sign
14 Language and English.

15 (xii) One credentialed teacher, as determined by the
16 department, who teaches deaf and hard of hearing children and whose
17 expertise is in American Sign Language and English language
18 assessment.

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

22 (xiv) One early intervention specialist who works with deaf and
23 hard of hearing infants and toddlers utilizing spoken language,
24 with or without cued speech.

25 (10) By March 1, 2020, the department shall provide the
26 advisory committee established under subsection (9) a list of
27 existing language developmental milestones based off of existing
28 standardized norms and any additional information that the

1 department determines is pertinent for inclusion in the resource
2 described under subsection (1). These existing milestones must meet
3 the requirements under subsection (1)(d).

4 (11) By June 1, 2020, the advisory committee established under
5 subsection (9) shall recommend language developmental milestones
6 for selection for inclusion in the resource described under
7 subsection (1).

8 (12) By June 30, 2020, the department shall select language
9 developmental milestones from the recommendation of the advisory
10 committee described under subsection (11) and shall send written
11 notice to the committee of the language developmental milestones it
12 selects under this subsection.

13 (13) By July 31, 2021, and by July 31 of each year thereafter,
14 the department shall display on its website homepage a report
15 regarding the language and literacy development of deaf and hard of
16 hearing children who are age 5 or younger compared to their peers
17 using data reported to comply with federal law regarding the state
18 performance plan on pupils with disabilities. This report must also
19 include children who are age 5 or younger and deaf or hard of
20 hearing and who have another disability or disabilities, as
21 determined by the department.

22 (14) The duties of the department under this section are
23 subject to federal disability and privacy laws.

24 (15) For the purpose of the development and use of language
25 for a child who is deaf or hard of hearing, the following languages
26 and communication modes, without limitation, may be considered
27 means for acquiring language:

28 (a) American Sign Language and English.

29 (b) Listening and spoken language.

1 (c) Dual languages.

2 (d) Cued speech.

3 (e) Augmentative and alternative communication.

4 (f) Tactile.

5 (g) Any other appropriate mode of communication.

6 (h) A combination of subdivisions (a) to (g).

7 (16) As used in this section:

8 (a) "Americans with disabilities act of 1990" means Public Law
9 101-336.

10 (b) "Individuals with disabilities education act" means Public
11 Law 91-230.

12 (c) "Language" includes American Sign Language and English.