

Act No. 256
Public Acts of 2022
Approved by the Governor
December 22, 2022
Filed with the Secretary of State
December 22, 2022
EFFECTIVE DATE: Sine Die

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2022**

Introduced by Reps. Frederick, Paquette, Kuppa, Koleszar, Cherry and Cynthia Johnson

ENROLLED HOUSE BILL No. 5777

AN ACT to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to make appropriations for certain purposes; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” (MCL 380.1 to 380.1852) by adding section 1705.

The People of the State of Michigan enact:

Sec. 1705. (1) By August 31, 2025, the department shall develop a resource for use by a parent or legal guardian of a child who is deaf or hard of hearing and is age 5 or younger that allows the parent or legal guardian to monitor and track the child’s expressive and receptive language acquisition and developmental stages toward English literacy. The resource developed under this subsection must meet all of the following requirements:

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

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

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

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

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

(f) Subject to the individuals with disabilities education act, 20 USC 1400 to 1482, include a statement that the parent or legal guardian of a child who is deaf or hard of hearing has the right to all necessary resources in choosing American Sign Language, English, or both, and a mode of communication for the child's language acquisition and development milestones.

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

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

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

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

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

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

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

(c) Are selected from existing instruments or assessments used to assess the development of all children who are deaf or hard of hearing and are age 5 or younger.

(d) Are appropriate in content and administration for use with a child who is deaf or hard of hearing and is age 5 or younger.

(e) Are designed for use, in addition to any assessment required under federal law, by a child's individualized family service plan team or individualized education program team to track the progress of a child who is deaf or hard of hearing and to establish or modify an individualized family service plan or individualized education program.

(f) Are reflective of the recommendations of the advisory committee established under subsection (7).

(3) Subject to federal law, the department shall provide the resource developed under subsection (1) to parents and legal guardians of children who are deaf or hard of hearing, shall provide the tools and assessments adopted under subsection (2) to intermediate school districts for use in the development and modification of individualized family service plans or individualized education programs, and shall provide materials and training to parents and legal guardians of children who are deaf or hard of hearing on the use of the resource developed under subsection (1), to assist a child who is deaf or hard of hearing and is age 5 or younger to be linguistically ready for kindergarten using American Sign Language or English, or both. The intermediate school districts shall provide the tools and assessments provided by the department under this subsection to its local school districts, the public school academies located in the geographic boundaries of the intermediate school district, and to the Michigan School for the Deaf.

(4) By September 1, 2025, local school districts, intermediate school districts, public school academies, and the Michigan School for the Deaf shall implement the tools and assessments developed under subsection (2) to track the development of the expressive and receptive language acquisition and developmental stages toward English literacy of a child who is deaf or hard of hearing at age 5 or younger.

(5) A local school district, intermediate school district, public school academy, or the Michigan School for the Deaf shall administer the tools or assessments adopted under subsection (2) or any other assessment used to

assess the development of children with disabilities as required by federal law to a child who is deaf or hard of hearing and is age 5 or younger, and, based on the assessment results, if the child does not meet the developmental milestones or demonstrate progress in expressive and receptive language skills necessary to meet the developmental milestones, the child's individualized family service plan team or individualized education program team, as applicable, shall, as part of the process required under the individuals with disabilities education act, 20 USC 1400 to 1482, provide both of the following to each service plan team member or program team member and the parent or legal guardian of the child:

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

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

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

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

(a) On or before March 1, 2025, the department shall provide the advisory committee established under subsection (8) with a list of language developmental milestones based on standardized norms, along with any relevant information held by the department regarding those language developmental milestones for possible inclusion in the parent resource developed under subsection (1). The language developmental milestones must be aligned with any applicable existing infant, toddler, and preschool department guidelines, existing instruments used to assess the development of children with disabilities under federal law, and state standards in English language arts.

(b) On or before May 1, 2025, the advisory committee established under subsection (8) shall recommend language developmental milestones selected for inclusion in the parent resource described under subsection (1).

(c) On or before June 30, 2025, the department shall inform the advisory committee established under subsection (8) of the language developmental milestones that were selected under subdivision (b) for inclusion in the parent resource described under subsection (1).

(d) On December 31, 2025, the advisory committee established under subsection (8) is dissolved and shall cease operations.

(8) On January 1, 2025, superintendent of public instruction shall appoint 15 volunteer members to an advisory committee within the department for a 1-year term. All of the following apply to the advisory committee described in this subsection:

(a) The advisory committee shall solicit input from experts on the selection of language developmental milestones for children who are age 5 or younger and who are deaf or hard of hearing that are equivalent to those for children who are age 5 or younger and who are not deaf or hard of hearing, for inclusion in the resource described under subsection (1).

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

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

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

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

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

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

(v) One certificated teacher of pupils who are deaf and hard of hearing whose expertise is in curriculum and instruction in American Sign Language and English.

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

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

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

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

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

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

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

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

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

(xv) One educational audiologist, licensed under part 168 of the public health code, 1978 PA 368, MCL 333.16801 to 333.16811, proficient in American Sign Language and English.

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

(10) By July 1, 2026, and by July 1 of each year thereafter, the department shall produce a report, using existing data reported in compliance with the federally required state performance plan, on students with disabilities that is specific to the language and literacy development of children who are deaf and hard of hearing and are age 5 or younger as compared to their peers. The department shall make this report available on its website homepage.

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

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

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

(14) As used in this section:

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

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

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

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

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

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

(i) Augmentative and alternative communication.

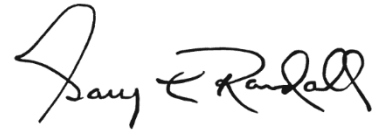
(ii) Cued speech.

(iii) Listening and spoken language.

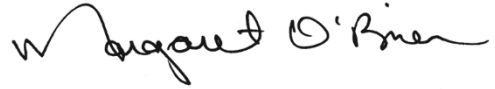
(iv) Tactile signing.

(v) Total communication.

- (vi) Any other appropriate mode of communication.
- (vii) A combination of any of the above.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor