

# SENATE BILL No. 1144

October 20, 2016, Introduced by Senators ROBERTSON, WARREN, HOPGOOD and KNOLLENBERG and referred to the Committee on Education.

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 APPROPRIATE LANGUAGE ASSESSMENTS ARE USED FOR  
3 MONITORING AND TRACKING LANGUAGE DEVELOPMENTAL MILESTONES IN BOTH  
4 EXPRESSIVE AND RECEPTIVE LANGUAGE ACHIEVEMENT AND DEVELOPMENTAL  
5 STAGES IN AMERICAN SIGN LANGUAGE, ENGLISH LITERACY, AUDIOLOGICAL  
6 HABILITATION, OR ANY COMBINATION OF THOSE SKILLS FOR DEAF,  
7 DEAFBLIND, AND HARD-OF-HEARING CHILDREN IN ORDER TO BE SCHOOL-  
8 READY.

9           (2) UPON CONSIDERATION OF THE ADVISORY COMMITTEE'S

1 RECOMMENDATION UNDER SUBSECTION (9), THE DEPARTMENT SHALL DEVELOP  
2 OR ADOPT AND MODIFY, AS APPLICABLE, LANGUAGE DEVELOPMENTAL  
3 MILESTONES THAT ARE DESIGNED TO INFORM AS TO AN INDIVIDUAL CHILD'S  
4 EXPRESSIVE AND RECEPTIVE LANGUAGE AND COGNITIVE ABILITIES  
5 COMPARATIVE TO THE CHILD'S LINGUISTICALLY AGE-APPROPRIATE PEERS WHO  
6 ARE NOT DEAF, DEAFBLIND, OR HARD OF HEARING, USING AMERICAN SIGN  
7 LANGUAGE, ENGLISH, OR BOTH. THE LANGUAGE DEVELOPMENTAL MILESTONES  
8 SHALL BE DEVELOPED OR ADOPTED FROM EXISTING STANDARDIZED NORMS AND  
9 BE ALIGNED WITH ANY EXISTING STANDARDS USED TO MEET THE  
10 REQUIREMENTS OF FEDERAL LAW FOR THE ASSESSMENT OF CHILDREN WITH  
11 DISABILITIES AND WITH ANY RELEVANT STATE ASSESSMENTS OR ENGLISH  
12 LANGUAGE ARTS STANDARDS.

13 (3) FOR EACH CATEGORY OF CHILDREN WHO ARE DEAF, DEAFBLIND, OR  
14 HARD OF HEARING, THE DEPARTMENT SHALL DEVELOP OR ADOPT AND MODIFY,  
15 AS APPLICABLE, A PARENT RESOURCE THAT A PARENT OR LEGAL GUARDIAN OF  
16 A DEAF, DEAFBLIND, OR HARD-OF-HEARING CHILD MAY USE TO MONITOR THE  
17 CHILD'S LANGUAGE, LITERACY, OR ORAL DEVELOPMENT. IN A MANNER THAT  
18 IS TAILORED TO THE RELEVANT CATEGORY OF DEAF, DEAFBLIND, OR HARD-  
19 OF-HEARING CHILDREN, THE RESOURCE SHALL INCLUDE THE FOLLOWING  
20 INFORMATION:

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

26 (B) DIRECTIVES STATING THAT THE PARENT RESOURCE IS NOT A  
27 FORMAL ASSESSMENT OF LANGUAGE, LITERACY, OR ORAL DEVELOPMENT; THAT

1 A PARENT OR LEGAL GUARDIAN'S OBSERVATION OF HIS OR HER CHILD MAY BE  
2 DIFFERENT THAN FORMAL ASSESSMENT DATA PRESENTED DURING A MEETING  
3 REGARDING THE CHILD'S INDIVIDUALIZED EDUCATION PROGRAM,  
4 INDIVIDUALIZED FAMILY SERVICE PLAN, OR INDIVIDUAL ACCOMMODATION  
5 PLAN; AND THAT A PARENT OR LEGAL GUARDIAN MAY BRING THE RESOURCE TO  
6 1 OR MORE OF THOSE MEETINGS FOR THE PURPOSE OF AIDING COMMUNICATION  
7 ABOUT THE CHILD'S LANGUAGE, LITERACY, OR ORAL DEVELOPMENT.

8 (C) THE CONTACT INFORMATION FOR THE HEARING LOSS ASSOCIATION  
9 OF AMERICA, MICHIGAN STATE ASSOCIATION; MICHIGAN DEAF ASSOCIATION;  
10 DEAFBLIND CENTRAL; AND MICHIGAN SCHOOL FOR THE DEAF.

11 (D) A DESCRIPTION OF THE RISKS OF LANGUAGE DEPRIVATION AND THE  
12 PROCESS OF LANGUAGE ACQUISITION.

13 (E) A STATEMENT REGARDING THE IMPORTANCE OF A PARENT'S OR  
14 LEGAL GUARDIAN'S INVOLVEMENT IN THE LANGUAGE ACQUISITION PROCESS.

15 (F) A LIST OF TECHNOLOGICAL ADVANCES AVAILABLE TO ASSIST DEAF,  
16 DEAFBLIND, OR HARD-OF-HEARING CHILDREN IN THE CLASSROOM AND AT  
17 HOME.

18 (G) ALL AVAILABLE COMMUNICATION OPTIONS FOR A CHILD WHO IS  
19 DEAF, DEAFBLIND, OR HARD OF HEARING THAT ARE SPECIFIC TO THE  
20 CATEGORY OF HEARING OR VISION LOSS FOR WHICH THE PARENT RESOURCE IS  
21 DEVELOPED OR ADOPTED AND A STATEMENT EMPHASIZING THAT THE OPTIONS  
22 ARE INCLUDED IN THE RESOURCE TO ENSURE THAT THE CHILD'S PARENT OR  
23 LEGAL GUARDIAN IS ABLE TO MAKE INFORMED DECISIONS REGARDING THE  
24 CHILD'S LANGUAGE, LITERACY, OR ORAL DEVELOPMENT.

25 (H) ANY OTHER INFORMATION THAT THE DEPARTMENT CONSIDERS  
26 APPROPRIATE AND HELPFUL TO INCLUDE IN A PARENT RESOURCE.

27 (4) THE DEPARTMENT SHALL PRESENT THE INFORMATION INCLUDED IN

1 PARENT RESOURCES DEVELOPED OR ADOPTED FOR EACH CATEGORY OF CHILDREN  
2 WHO ARE DEAF, DEAFBLIND, OR HARD OF HEARING IN AN ACCESSIBLE MANNER  
3 AND MAKE THE APPLICABLE RESOURCES AVAILABLE TO A PARENT OR LEGAL  
4 GUARDIAN OF A DEAF, DEAFBLIND, OR HARD-OF-HEARING CHILD.

5 (5) UPON CONSIDERATION OF THE ADVISORY COMMITTEE'S  
6 RECOMMENDATION UNDER SUBSECTION (9), THE DEPARTMENT SHALL DEVELOP  
7 OR ADOPT AND MODIFY, AS APPLICABLE, APPROPRIATE ASSESSMENT TOOLS TO  
8 EVALUATE A DEAF, DEAFBLIND, OR HARD-OF-HEARING CHILD'S EXPRESSIVE  
9 AND RECEPTIVE LANGUAGE ACHIEVEMENT AND DEVELOPMENTAL STAGES IN  
10 AMERICAN SIGN LANGUAGE, ENGLISH LITERACY, AUDIOLOGICAL  
11 HABILITATION, OR ANY COMBINATION OF THOSE SKILLS. ASSESSMENT TOOLS  
12 SHALL BE FORMATTED TO SHOW STAGES OF LANGUAGE, LITERACY, OR ORAL  
13 DEVELOPMENT AND MAY BE USED TO ESTABLISH OR MODIFY A DEAF,  
14 DEAFBLIND, OR HARD-OF-HEARING CHILD'S INDIVIDUALIZED EDUCATION  
15 PROGRAM, INDIVIDUALIZED FAMILY SERVICE PLAN, OR INDIVIDUAL  
16 ACCOMMODATION PLAN IF CONSISTENT WITH FEDERAL LAW.

17 (6) THE DEPARTMENT SHALL DISSEMINATE ASSESSMENT TOOLS  
18 DEVELOPED OR ADOPTED UNDER THIS SECTION AND ANY MODIFICATION OF  
19 THOSE ASSESSMENT TOOLS, ALONG WITH NECESSARY TRAINING MATERIALS, TO  
20 ENSURE THAT LANGUAGE, LITERACY, AND ORAL DEVELOPMENT REMAIN A  
21 PRIORITY AND, IF APPLICABLE, CONTINUE TO BE ASSESSED AS PART OF A  
22 DEAF, DEAFBLIND, OR HARD-OF-HEARING CHILD'S INDIVIDUALIZED  
23 EDUCATION PROGRAM, INDIVIDUALIZED FAMILY SERVICE PLAN, OR  
24 INDIVIDUAL ACCOMMODATION PLAN. THE ASSESSMENT TOOLS SHALL BE  
25 IDENTIFIED IN THE RULES GOVERNING SPECIAL EDUCATION PROGRAMS AND  
26 SERVICES. THE DEPARTMENT SHALL DISSEMINATE THE ASSESSMENT TOOLS,  
27 ANY MODIFICATION OF THE ASSESSMENT TOOLS, AND NECESSARY TRAINING

1 MATERIALS TO AT LEAST ALL OF THE FOLLOWING:

2 (A) SCHOOL DISTRICTS.

3 (B) PUBLIC SCHOOL ACADEMIES.

4 (C) INTERMEDIATE SCHOOL DISTRICTS.

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

7 (E) APPROPRIATE SPECIAL EDUCATION PERSONNEL, INCLUDING, BUT  
8 NOT LIMITED TO, INDIVIDUALIZED EDUCATIONAL PLANNING COMMITTEES AND  
9 INDIVIDUALS WHO DEVELOP, MANAGE, OR IMPLEMENT AN INDIVIDUALIZED  
10 FAMILY SERVICE PLAN OR INDIVIDUAL ACCOMMODATION PLAN.

11 (F) INDIVIDUALS WHO DEVELOP, MANAGE, OR IMPLEMENT TEACHER  
12 PREPARATION PROGRAMS.

13 (G) THE MICHIGAN SCHOOL FOR THE DEAF.

14 (7) IF A DEAF, DEAFBLIND, OR HARD-OF-HEARING CHILD DOES NOT  
15 DEMONSTRATE REASONABLE PROGRESS IN AGE-APPROPRIATE EXPRESSIVE AND  
16 RECEPTIVE LANGUAGE SKILLS, AS MEASURED BY ASSESSMENT TOOLS  
17 DEVELOPED OR ADOPTED UNDER THIS SECTION OR BY ANY EXISTING  
18 ASSESSMENT OR MEASUREMENT DEVELOPED TO COMPLY WITH FEDERAL LAW  
19 RELATING TO CHILDREN WITH DISABILITIES, THE CHILD'S INDIVIDUALIZED  
20 EDUCATIONAL PLANNING COMMITTEE OR INDIVIDUAL WHO DEVELOPS, MANAGES,  
21 OR IMPLEMENTS THE CHILD'S INDIVIDUALIZED FAMILY SERVICE PLAN OR  
22 INDIVIDUAL ACCOMMODATION PLAN, AS APPLICABLE, SHALL MODIFY THE  
23 CHILD'S PLAN OR PROGRAM TO INCLUDE, IN AS MUCH DETAIL AS POSSIBLE,  
24 AN EXPLANATION AS TO WHY THE CHILD HAS NOT DEMONSTRATED REASONABLE  
25 PROGRESS IN EXPRESSIVE AND RECEPTIVE LANGUAGE SKILLS AND SPECIFIC  
26 RECOMMENDATIONS AS TO WHAT STRATEGIES, SERVICES, AND PROGRAMS ARE  
27 OR WILL BE AVAILABLE TO ASSIST THE CHILD IN REACHING HIS OR HER

1 LANGUAGE DEVELOPMENTAL MILESTONES.

2 (8) NOT LATER THAN SEPTEMBER 1, 2018, AND NO LATER THAN AUGUST  
3 1 OF EACH SUBSEQUENT YEAR, THE DEPARTMENT SHALL PRODUCE AN ANNUAL  
4 REPORT USING THE EXISTING DATA REPORTED IN COMPLIANCE WITH THE  
5 FEDERALLY REQUIRED STATE PERFORMANCE PLAN ON CHILDREN WITH  
6 DISABILITIES THAT IS SPECIFIC TO LANGUAGE, LITERACY, OR ORAL  
7 DEVELOPMENT OF DEAF, DEAFBLIND, AND HARD-OF-HEARING CHILDREN FROM  
8 BIRTH TO AGE 8 RELATIVE TO THEIR PEERS WHO ARE NOT DEAF, DEAFBLIND,  
9 OR HARD OF HEARING. NO LATER THAN 30 DAYS AFTER THE DEPARTMENT  
10 PRODUCES THE REPORT, THE DEPARTMENT SHALL MAKE THIS REPORT  
11 AVAILABLE ON ITS INTERNET WEBSITE AND PROVIDE THE REPORT TO THE  
12 STANDING COMMITTEES OF THE LEGISLATURE RESPONSIBLE FOR K-12  
13 EDUCATION LEGISLATION.

14 (9) NOT LATER THAN 6 MONTHS AFTER THE EFFECTIVE DATE OF THE  
15 AMENDATORY ACT THAT ADDED THIS SECTION, THE SUPERINTENDENT OF  
16 PUBLIC INSTRUCTION SHALL ESTABLISH AN ADVISORY COMMITTEE TO ASSIST  
17 THE DEPARTMENT IN MEETING THE REQUIREMENTS OF THIS SECTION. THE  
18 ADVISORY COMMITTEE SHALL PERFORM THE FOLLOWING DUTIES:

19 (A) RECOMMEND APPROPRIATE LANGUAGE DEVELOPMENTAL MILESTONES  
20 FOR DEAF, DEAFBLIND, AND HARD-OF-HEARING CHILDREN THAT ARE  
21 CONSISTENT WITH SUBSECTION (2), AND RECOMMEND ASSESSMENT TOOLS THAT  
22 ARE CONSISTENT WITH SUBSECTION (5).

23 (B) DEVELOP METHODS FOR MONITORING AND REPORTING CHILDREN'S  
24 DEVELOPMENT RELATED TO THE APPROPRIATE LANGUAGE DEVELOPMENTAL  
25 MILESTONES AND DETERMINE THE NECESSARY FREQUENCY OF ASSESSMENTS.

26 (C) DEVELOP METHODS FOR COMMUNICATING LANGUAGE DEVELOPMENTAL  
27 MILESTONES, ASSESSMENT TOOLS, AND A CHILD'S ASSESSMENT RESULTS TO

1 THE CHILD'S PARENT OR LEGAL GUARDIAN, EDUCATORS, AND OTHERS AS  
2 CONSIDERED APPROPRIATE.

3 (D) PERIODICALLY REVIEW AND UPDATE RECOMMENDATIONS AND METHODS  
4 DEVELOPED UNDER THIS SUBSECTION.

5 (10) THE ADVISORY COMMITTEE SHALL CONSIST OF THE FOLLOWING 13  
6 MEMBERS, APPOINTED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION IN A  
7 MANNER CONSISTENT WITH SUBSECTION (11), THE MAJORITY OF WHOM MUST  
8 BE DEAF, DEAFBLIND, OR HARD OF HEARING:

9 (A) ONE PARENT OR LEGAL GUARDIAN OF A DEAF, DEAFBLIND, OR  
10 HARD-OF-HEARING CHILD WHO USES BOTH AMERICAN SIGN LANGUAGE AND  
11 ENGLISH.

12 (B) ONE PARENT OR LEGAL GUARDIAN OF A DEAF, DEAFBLIND, OR  
13 HARD-OF-HEARING CHILD WHO USES ONLY SPOKEN ENGLISH, WITH OR WITHOUT  
14 VISUAL SUPPLEMENTS.

15 (C) ONE CERTIFICATED TEACHER OF DEAF, DEAFBLIND, AND HARD-OF-  
16 HEARING CHILDREN WHO USE BOTH AMERICAN SIGN LANGUAGE AND ENGLISH.

17 (D) ONE AMERICAN SIGN LANGUAGE AND ENGLISH LITERACY  
18 SPECIALIST.

19 (E) ONE CERTIFIED EDUCATIONAL AUDIOLOGIST.

20 (F) ONE EXPERT WHO RESEARCHES LANGUAGE OUTCOMES FOR DEAF,  
21 DEAFBLIND, AND HARD-OF-HEARING CHILDREN.

22 (G) ONE CERTIFICATED TEACHER OF DEAF, DEAFBLIND, AND HARD-OF-  
23 HEARING CHILDREN WHO HAS EXPERTISE IN CURRICULUM AND INSTRUCTION IN  
24 BOTH AMERICAN SIGN LANGUAGE AND ENGLISH.

25 (H) ONE CERTIFICATED TEACHER OF DEAF, DEAFBLIND, AND HARD-OF-  
26 HEARING PUPILS WHO HAS EXPERTISE IN CURRICULUM AND INSTRUCTION IN  
27 SPOKEN ENGLISH, WITH OR WITHOUT VISUAL SUPPLEMENTS.

1 (I) ONE ADVOCATE FOR THE TEACHING AND USE OF BOTH AMERICAN  
2 SIGN LANGUAGE AND ENGLISH.

3 (J) ONE ADVOCATE FOR THE TEACHING AND USE OF SPOKEN ENGLISH,  
4 WITH OR WITHOUT VISUAL SUPPLEMENTS.

5 (K) ONE EARLY INTERVENTION SPECIALIST WHO WORKS WITH DEAF,  
6 DEAFBLIND, AND HARD-OF-HEARING INFANTS AND TODDLERS USING BOTH  
7 AMERICAN SIGN LANGUAGE AND ENGLISH.

8 (L) ONE CERTIFICATED TEACHER OF DEAF, DEAFBLIND, AND HARD-OF-  
9 HEARING PUPILS WHO HAS EXPERTISE IN BOTH AMERICAN SIGN LANGUAGE AND  
10 ENGLISH LANGUAGE ASSESSMENT.

11 (M) ONE SPEECH PATHOLOGIST WHO WORKS WITH SPOKEN ENGLISH, WITH  
12 OR WITHOUT THE USE OF VISUAL SUPPLEMENTS.

13 (11) IN ORDER TO BE APPOINTED AS A MEMBER OF THE ADVISORY  
14 COMMITTEE UNDER SUBSECTION (10) (A), (C), (I), (K), OR (L), AN  
15 INDIVIDUAL SHALL BE INTERVIEWED BY THE SUPERINTENDENT OF PUBLIC  
16 INSTRUCTION, OR HIS OR HER DESIGNEE, AND BY AN INDIVIDUAL CERTIFIED  
17 BY THE AMERICAN SIGN LANGUAGE TEACHERS ASSOCIATION. THE  
18 SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ONLY APPOINT MEMBERS OF  
19 THE ADVISORY COMMITTEE UNDER SUBSECTION (10) (A), (C), (I), (K), OR  
20 (L) AFTER RECEIVING THE ADVICE OF THE INDIVIDUAL CERTIFIED BY THE  
21 AMERICAN SIGN LANGUAGE TEACHERS ASSOCIATION WHO ATTENDED AN  
22 INTERVIEW.

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

1 (13) THE DEPARTMENT'S IMPLEMENTATION OF THIS SECTION SHALL BE  
2 CONSISTENT WITH FEDERAL LAW REGARDING EDUCATION OF CHILDREN WITH  
3 DISABILITIES AND THE PRIVACY OF PUPIL INFORMATION.

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

6 (15) AS USED IN THIS SECTION:

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

11 (B) "CERTIFICATED TEACHER" MEANS AN INDIVIDUAL WHO HOLDS A  
12 VALID TEACHING CERTIFICATE ISSUED BY THE SUPERINTENDENT OF PUBLIC  
13 INSTRUCTION UNDER SECTION 1531.

14 (C) "ENGLISH" INCLUDES SPOKEN OR WRITTEN ENGLISH, ENGLISH WITH  
15 THE USE OF VISUAL SUPPLEMENTS, BRAILLE, OR AUGMENTED OR ALTERNATIVE  
16 COMMUNICATION, UNLESS STATED OTHERWISE IN THIS SECTION.

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

21 (E) "INDIVIDUAL ACCOMMODATION PLAN" MEANS A PLAN DEVELOPED  
22 UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973, 29 USC 794.

23 (F) "INDIVIDUALIZED EDUCATIONAL PLANNING COMMITTEE" MEANS AN  
24 INDIVIDUALIZED EDUCATION PROGRAM TEAM AS DEFINED IN SECTION 1414 OF  
25 THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT, 20 USC 1414.

26 (G) "INDIVIDUALIZED EDUCATION PROGRAM" MEANS THAT TERM AS  
27 DEFINED IN SECTION 1414 OF THE INDIVIDUALS WITH DISABILITIES

1 EDUCATION ACT, 20 USC 1414.

2 (H) "INDIVIDUALIZED FAMILY SERVICE PLAN" MEANS THAT TERM AS  
3 DESCRIBED IN SECTION 1436 OF THE INDIVIDUALS WITH DISABILITIES  
4 EDUCATION ACT, 20 USC 1436.

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

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