

SUBSTITUTE FOR  
HOUSE BILL NO. 5777

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, 2025, the department shall  
2   develop a resource for use by a parent or legal guardian of a child  
3   who is deaf or hard of hearing and is age 5 or younger that allows  
4   the parent or legal guardian to monitor and track the child's  
5   expressive and receptive language acquisition and developmental  
6   stages toward English literacy. The resource developed under this  
7   subsection must meet all of the following requirements:

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

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

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

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

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

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

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

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

27 (i) Provide that a parent or legal guardian may bring the  
28 resource to an individualized family service plan or individualized  
29 education program meeting for purposes of sharing his or her

1 observations about his or her child's development.

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

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

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

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

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

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

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

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

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

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

27 (5) A local school district, intermediate school district,  
28 public school academy, or the Michigan School for the Deaf shall  
29 administer the tools or assessments adopted under subsection (2) or

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

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

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

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

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

29 (a) On or before March 1, 2025, the department shall provide

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

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

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

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

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

26 (a) The advisory committee shall solicit input from experts on  
27 the selection of language developmental milestones for children who  
28 are age 5 or younger and who are deaf or hard of hearing that are  
29 equivalent to those for children who are age 5 or younger and who

1 are not deaf or hard of hearing, for inclusion in the resource  
2 described under subsection (1).

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

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

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

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

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

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

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

28 (vi) One certificated teacher of pupils who are deaf and hard  
29 of hearing whose expertise is in curriculum and instruction in

1 spoken English and a mode of communication.

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

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

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

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

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

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

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

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

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

29 (9) The advisory committee established under subsection (8)



1 may also advise the department on the content and administration of  
2 existing instruments used to assess the development of children  
3 with disabilities under federal law, as used to assess the language  
4 and literacy development of children who are deaf and hard of  
5 hearing to recommend the appropriate use of those instruments with  
6 those children, and may make recommendations regarding future  
7 research to improve the measurement of progress of children who are  
8 deaf and hard of hearing in language and literacy.

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

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

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

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

23 (14) As used in this section:

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

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

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

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

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

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

- 13 (i) Augmentative and alternative communication.  
14 (ii) Cued speech.  
15 (iii) Listening and spoken language.  
16 (iv) Tactile signing.  
17 (v) Total communication.  
18 (vi) Any other appropriate mode of communication.  
19 (vii) A combination of any of the above.