

Bill Analysis of HB 5777

Date: March 7, 2022

Bill Number: HB 5777

Topic: Revised School Code

Sponsor: Rep. Frederick

Bipartisan Support by Reps. Frederick, Paquette, Kuppa, Koleszar, Cherry and Johnson

Committee: Families, Children, and Seniors.

Analysis Done By: Jerome Reide, Legislative Liaison

Date of Analysis/update: March 7, 2022

Reviewed by: Annie Urasky, Division Director, Division of Deaf, DeafBlind and Hard of Hearing, MDCR

Intent of Legislation (20 seconds or less)

- Re-introduction: This legislation was last introduced as HB 5836.
- Summary
- The Department of Education 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 or younger that allows the parent or legal guardian to monitor and track the child's expressive and receptive language acquisition and developmental.
- "Kindergarten ready" campaign for children who are deaf, deafblind, and hard of hearing aged 0-5; it affirms the principle that acquisition of language from birth is a human right. Every child in the educational system counts.
- Extensive research proves when many students who are deaf, deafblind, and hard of hearing start kindergarten, language deprivation and delays are the main cause behind eventual literacy, academic, and social struggles in education.
- Parents are not fully informed of all options for acquiring language during critical learning phase: ages 0-5. Ensures all tools for early intervention services do provide parents with full spectrum of choices. Current process often done through discussing one approach and one option.

Lead Agency Position (Support/Oppose/Neutral)

Michigan Department of Education Support

- Co-Lead
- Other departments consulted? Michigan Department of Civil Rights Support
- Are there any reasons (legal or otherwise) that prevent the department from weighing in? No.
 - E.g., does the department have an ongoing proceeding on this subject pending before it? No.

Suggested Changes

MDCR concurs with MDE's recommendations to modify the bill language: (1) Either remove the term "communicative competence" or define. It is a term that may not be immediately understood and may be interpreted differently depending on the reader. We suggest defining it at the end of the bill with other definitions. Note: this term is used throughout the proposed legislation and will need to be addressed throughout. Rationale for suggested removal: This term is not contained in the Model Bill. It is unnecessary. The focus of the milestones, the parent resource, and the assessment tools is language acquisition and development. In section (2) Replace "sole discretion" with alternate wording consistent with IDEA. Suggested wording would be "A parent or legal guardian has the right to provide meaningful input..." This is consistent with IDEA. The U.S. Department of Education, Office of Special Education Programs (OSEP) provides further clarification in Letter to Richards, January 7, 2010, which "...assessment tools ...are identified for the purpose of monitoring and tracking a child's progress on developmental milestones..." (3) American Sign Language and English are languages, not modes of communication. (4) Parent resources should be sent directly to the ISD for the distribution to school districts and public-school academies. (5) An advisory committee is redundant since the Special Education Advisory Committee is already responsible for many areas covered in the legislation. (6) The word 'deafblind' should also be added in the bill when it mentions 'deaf and hard of hearing'.

Fiscal/Economic Impact

Are there revenue or budgetary implications in the bill to the –

- Department
 - Budgetary
 - Revenue
 - Comments
- State
 - Budgetary
 - Revenue There is no continuing appropriation to pay for the initiative in 3,550 schools in 891 school districts, so there is a potential Headlee Amendment violation.
 - Comments
- Local Government
 - Budgetary
 - Revenue There is no continuing appropriation to pay for the initiative in 3,550 schools in 891 school districts, so there is a potential Headlee Amendment violation.
 - Comments
- Tribes
 - Budgetary
 - Revenue
 - Comments

Significant Changes from Introduction to Enrollment (Including committee subs)

- Position changes for department and stakeholders

Summary of Arguments

Pro

- This is “Kindergarten ready” legislation for children who are deaf, deafblind, and hard of hearing aged 0-5; it affirms the principle that acquisition of language from birth is a civil right. Every child in the educational system counts.
- Promotes the ongoing language assessment and tracking of developmental milestones for students who are deaf, deafblind, and hard of hearing.
- Provides families with accurate and complete information regarding education, language, communication, and program options.
- Allows MDE to adopt existing tools or assessments used by Local Education Agencies, (LEAs), Intermediate School Districts (ISDs), Public School Academies, (PSAs), and Michigan School for the Deaf, (MSD). It requires utilizing assessments with language milestones. Assessments must be appropriate to assess the child’s developmental needs.
- Ensures meaningful input and participation from parent or legal guardian.
- Strengthens federal Individuals with Disabilities Education Act (IDEA) legislation that requires a comprehensive assessment.

Con

- Some of the requirements go above and beyond federal mandates.
- Requires MDE to provide the tools and assessments needed for all LEAs, ISDs, PSAs and MSD. Creates additional requirements for assessments, data collection without help or resources to implement.
- Does not address staffing needs for implementation. Bill requires child who is deaf, deafblind, and hard of hearing to be provided a learning environment that utilizes the family’s choice of language mode but is also delivered by professionals with the background, training, and experience in those language modes. Staff shortage is an issue.

Stakeholder Positions

Background

Problem being addressed: Parent choice is meaningless if parents are not provided with full resources and options needed to ensure their child will be able to thrive in educational environments. An infant who does not hear will not learn from sound. Most parents learn their child is deaf, deafblind, or hard of hearing from a medical professional and that medical professional often approaches hearing loss as “something to be fixed”. The most consequential early choice is determining when the infant will be exposed to visual language specifically directed at the development of communication skills. The skills learned visually as an infant establish the core foundation on which additional skills can be built.

- History: This legislation was last introduced as HB 5836

Executive power/legal policy (check for “yes,” and provide citation)

- Any limitations on department rulemaking authority?
- Does the bill have any provisions that relate to executive power, including the removal, clemency, appointment, disaster/emergency management, or executive order powers?

- For appointments, any limitations on who the governor can appoint (such as a list provided by another entity or person)?
- Any new advisory bodies within the executive branch?
- Does the bill overrule or codify a court decision or agency determination?
- Any limitations that limit access to courts or other remedies?
- Local

POST ENROLLMENT

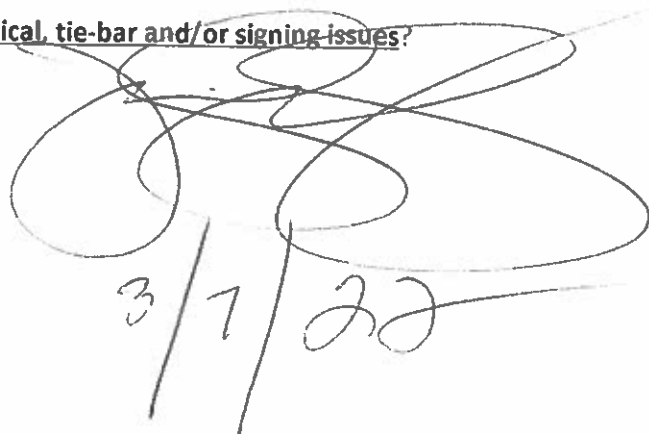
Vote Summary (Notable Splits)

- Senate:
- House:

Administrative Rules Impact

Are there any technical, tie-bar and/or signing issues?

Director's Signature



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