

# Considerations From the Analysis of Survey House Bill 5158 and House Bill 5159 December, 2017

Survey conducted by Michigan Council for Exceptional Children Division for Communicative Disabilities and Deafness (MIDCDD)  
November, 2017

*Disclaimer: collective results are not representative of a specific individual,  
personal opinion, school district and/or intermediate school district.*

Considerations mentioned were selected for the reason that the:

- Section summary contained 50% or less “support”
- Comments within a section reflected more than two repetitive statements

House Bill 5158 would create the EMPOWER (Early Meaningful Parental Outreach with Educational Resources) Law within the Revised School Code, to prescribe assessments and developmental milestones for deaf, deafblind, and hard-of-hearing students (“designated children”) from birth to age 8. (proposed MCL 380.1705)

### Section (2) line 9 & Section (4) (G) line 11

“parent or legal guardian has sole discretion”

- Current language supported in natural settings and/or under the age of the three under IFSP guidelines
- Current language presents to conflict with rules under IEP guidelines
- Under IEP guidelines current language presents the following implications for educational organizations to implement a mode of communication that:
  - Conflicts with a child’s presented and/or preferred mode of communication demonstrated through social interactions and/or stated
  - Conflicts with the language medium in which a child is demonstrating the greatest academic growth
  - After providing the parent or legal guardian with multiple medical and educational resources, and data the parent or legal guardian requests a mode of communication that is physically unattainable for the child.
  - Not used/supported as a mode of communication in the child’s natural setting resulting from limits in a manual modes of communication and/or use of technology
  - Conflicts with the majority of the MET/IEP Team.

Consideration: Include **specifically identified** parameters that align with IFSP/IEP guidelines for which “parent or legal guardian has sole discretion”

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Section (3) lines 9-12; Section (6) lines 13-14 & 15-16

“...development in American Sign Language, English, or communicative competence...”

Consideration options:

- “...develop in the child’s language and mode of communication...” (*note: language used in Individuals with Disabilities Education Act (IDEA)*)
- “...development in the child’s communicative language mode competence comparative...”
- “...develop in the child’s demonstrated communicative language mode competence comparative...”
- “...develop in the child’s language competence comparative...”

Section (6) line 10

“valid and reliable”

The following implications will impact validity and reliability of assessments:

- Extremely limited amount of standardized, normed or criterion referenced assessments for students who are DDBHH
- Extremely limited amount of professionals able to administer assessments familiar with students who are DDBHH.
- Additional assessments and provisions required for students whose family speak any other language than mentioned in the bill

Consideration: Include language stated in Section (8) line 4-6 in addition to what is in italicized.

“...may be modified to include, in as much detail as possible, an explanation as to why **the assessment results may not be valid and/or reliable**”

Section (11) subsection (D) “In addition to member appointed under subdivisions (B) and (C), at least 3 additional members must each satisfy 1 or more of the following:”

Noted:

- A minimum of eight individual and/or more combinations of additional member options were listed ( i - viii)
- Psychologists were not mentioned

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Consideration: A minimum of 4 members from each of group equaling 12 total advisory members which allows for the additional members to possess **at least 2** of the criteria listed in i through viii.

## Section 20

Consideration: include the following definitions

- *Listening and Spoken Language* - approach is a communication option for infants, toddlers, and young children with hearing loss and their families. This approach is for families who want their child to listen and talk in the primary language of the home and typically taught by teachers and/or therapists with Listening and Spoken Specialist Certifications (LSLS Cert. Auditory Verbal Therapist (AVT) OR LSLS Cert. Auditory Verbal Educator (AVEd)

<https://hearingfirst.org/ls/what-is-ls/>

- *Auditory/Oral* - approach teaches infants and young children to use hearing and speech to develop spoken language for communication and learning. Children typically attend a preschool or early elementary program taught by teachers and therapists with A/O and child development training and experience.

[http://www.handsandvoices.org/comcon/articles/aud\\_oral\\_edu.htm](http://www.handsandvoices.org/comcon/articles/aud_oral_edu.htm)

- *Signing Exact English* - is a sign system that matches signs with the English language. Children who are exposed learn idiomatic standard English and thus have learning opportunities similar to those of hearing children.

<https://www.signingexactenglish.com/?pageid=2>

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House Bill 5159 would create the Deaf, Deafblind, and Hard-of-hearing Children’s Educational Bill of Rights Law within the Revised School Code. (proposed MCL 380.1705a)

Section (5) line 6 “parent or legal guardian has sole discretion”

- Current language supported in a natural settings and/or under the age of the three under IFSP guidelines
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*Considerations mentioned in the “Overall Impact Questions” of the survey reflected  
acknowledgement of situations beyond professional control*

- Critical shortage of professionals with certification and/or experience working with students who are deaf, deafblind, or hard of hearing
- Critical shortage of current professionals with certification and/or experience working with students who are deaf, deafblind, or hard of hearing who have certification and/or experience in multiple modes of communications throughout the state of Michigan
- Limited opportunity in the state of Michigan to become a certified teacher for the deaf, deafblind, or hard of hearing
- Limited mentors who are deaf, deafblind, or hard of hearing to support educational organizations around the state of Michigan
- Limited Educational Interpreters with appropriate certification to work in educational organizations around the state of Michigan
- Limited fluid language environment for students in all modes of communication, within their community
- Limited appropriate supplementary aids, supports, services, and/or programs for students in all mode of communication, within their community