



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

September 15, 2020

Representative Kathy Crawford
P.O. Box 30014
Lansing, MI 48909

Dear Representative Crawford,

This letter is an update to the letter I submitted September 8, 2020, regarding HB 5836 and the response received back from your office. Language acquisition and literacy development are both vital for all children, including children who are deaf or hard of hearing. This bill attempts to help with these issues; however, we feel there is still a need for further discussion, changes to the proposed language and a new dedicated source of state funding. For the Michigan Department of Education (MDE) to support this statute there continues to be several requests to modify the language.

1. We are requesting you add language stating the statute is only required to be implemented if new state funding is secured. It is important to understand no IDEA funds can be used, there are no extra state funds to move around and add to. Even if funding was secured, there is concern about the Maintenance of State Fiscal Support (MSFS). Funding this initiative would increase state level funding for special education and, if ever eliminated in the future, it would increase a potential MSFS shortfall effectively reducing our Federal IDEA grant funding. State funds must be added to address the staffing shortage. For the Office of Special Education to effectively provide monitoring and oversight there are required positions which include the need for a Deaf/Hard of Hearing (D/HH) Consultant, Parent Liaison, Web Designer, Early On Consultant, contracted staff, interpreters, committee meetings, technology/assistive technology, conferences and workshops, materials, publications, video productions, telecommunications, and computers. The estimated, re-occurring costs are over \$1,000,000. The state general fund must fund 100% of these costs.
2. We are concerned about staff availability to implement this statute. There is a shortage of Deaf and Hard of Hearing endorsed staff. In addition, Michigan State University was the only post-secondary institution in Michigan that had a program and that program no longer exists.
3. You also heard our concern about the precedence this would set for other categories of disabilities and the public's interest in making similar requirements for strategies

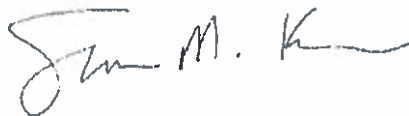
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- or interventions the state may be required to fund. That continues to be a concern.
4. We continue to be concerned that the language goes above and beyond federal mandates as well as conflicts with IDEA. We request language that:
- Requires the MDE to distribute to Intermediate School Districts (ISDs) so they can forward to their local school districts and public school academies. We appreciate you are removing local school districts. Public school academies are within ISD regions as well. MDE will be responsible for distributing to the Michigan School for the Deaf as that is a state agency overseen by MDE.
 - In section 1(f), 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.)
 - In section 2 we suggest "...can be used" instead to allow flexibility.
 - In section 2(d), use first person wording throughout: "...children who are deaf or hard of hearing". Thank you for your agreement to change this wording.
 - The language in section 8 conflicts with (c). Section 8 implies all individuals must come from the MDE but (c) states they must come from the field of education. This needs to be clarified so the language clearly states the advisory committee would be facilitated by the MDE.
 - We also recommend this advisory committee be referred to as a "D/HH Stakeholder Group".
 - In section 9, we continue to request that you move the data requirement as the MDE has no means to report on this information. There is no federal requirement to provide this data and we are concerned that due to the low incidence of children who are D/HH publicizing this data could be a violation of HIPPA confidentiality.
 - In section 9, there is a reference to this committee having the responsibility to "ensure" the appropriate use of instruments. This implies this committee has full legal responsibility. We recommend you change "ensure" to "recommend". Thank you for agreeing to this.

Sincerely,



Dr. Scott M. Koenigsnecht, Deputy Superintendent
P-20 System and Student Transitions