



Testimony before the
Senate Committee on Education
on
SB 444 – Language Assessment Program for Deaf & Hard of Hearing Children

by

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Mr. Chairman, Members of the Committee:

Thank you for allowing me to make remarks on behalf of KASB regarding [SB 444](#), which creates a language assessment program for children who are deaf or hard of hearing.

While we are supportive of efforts to ensure all children, including those who are deaf or hard of hearing, make progress on their development of language skills, we do have a few areas of concern which we would ask the committee to address before approving the bill. Accordingly, we are testifying as neutral.

Concerns

Our first concern with this bill is that it seeks to assess language for deaf and hard of hearing students only through the use of one system of sign language, namely American Sign Language (“ASL”). Although ASL is perhaps the best known sign language in this country, it is not the only sign language used in public schools. For example, some schools use Signing Exact English (SEE-II), which is intended to be an exact representation of English vocabulary and grammar. The handshapes and vocabulary of SEE-II differ from ASL. Thus, we are concerned that assessing the language of a deaf or hard of hearing child who uses SEE-II by assessing the child’s understanding of ASL is both unfair to the child and not an accurate reflection of the child’s language development. This seems contrary to the requirement that special education must be individualized to the needs of each student. This requirement for individualization is one reason why schools utilize many different methodologies.

Our second concern is with the repeated references to the Individualized Education Programs (“IEPs”) and the Individualized Family Service Plans (“IFSPs”). IEPs and IFSPs are terms from the federal and state special education laws. Although this bill does not purport to make changes to state special education law, it appears that the advisory committee created by this bill would be recommending changes that would impact the state’s special education law. We note that none of the members of the

advisory committee are required to be familiar with the requirements of federal and state special education law.

In particular, we have concerns regarding the following provisions of the bill:

1. Section 1(e)(4), which requires the advisory committee to “identify criteria for qualified ASL and English language experts for IFSP or IEP team meetings.”
 - The purpose of this provision is unclear. School districts are required to provide appropriately licensed special education teachers, sign language interpreters, and, in some cases, audiologists for deaf and hard of hearing students. Would the advisory committee be determining additional criteria that such school district staff would be required to meet? Is the purpose to identify a pool of third party individuals who will attempt to direct school district staff members how to educate deaf and hard of hearing children?
2. Section 1(f)(5), which requires the advisory committee to develop specific action plans and proposed rules and regulations which shall include “use of assessment results for guidance on the language developmental discussions by IFSP and IEP teams when assessing the progress of a child’s language development in both ASL and English.”
 - While we have no issue with the language assessment being considered by the IEP and IFSP teams in the development of appropriate services, goals, and objectives for deaf and hard of hearing students, we do not believe it would be appropriate for that to be the only factor (or even the primary factor) guiding those discussions. Each student is different, and we must ensure that we are meeting their individual needs.
 - Again, as noted above, we have concerns about assessing all students using ASL when they may be utilizing a different form of sign language.

Proposed Resolutions

We suggest that simply striking Section 1(e)(4) would solve our concern regarding the identification of criteria for experts. Furthermore, we believe our concern with Section 1(f)(5) could be resolved by changing it to read “consideration of the language assessment results by the IFSP and IEP teams.”

However, we think the larger issue of only assessing language for deaf and hard of hearing children through the use of ASL must also be addressed. We believe this issue could be resolved by seeking to assess the development of language for deaf and hard of hearing children using the method of sign language used by the child, rather than limiting it to ASL.

One of KASB’s attorneys, Sarah Loquist, is here today to answer any questions you may have.

Thank you for your time and attention to our concerns.