

February 29, 2016

Sen. Steve Abrams, Chairperson
Senate Committee on Education
Statehouse, Room 224-E
Topeka, KS 66612

Re: Testimony in opposition to SB 444

Dear Sen. Steve Abrams and Members of the Senate Education Committee,

Thank you for the opportunity to address Senate Bill 444.

I had the opportunity to attend Mrs. Kim Anderson and Mrs. Chriz Dally's presentation of the SB 444 on Saturday, February 27th. Their presentation and comments provided some background information and how this bill will help benefit the hearing impaired youth and their families. However, the statements that were made at the presentation are not consistent with the language as provided in SB 444. The statements made by the speakers at the presentation were consistent with the language provided in California's SB 210 which passed on October 8, 2015.

I oppose this bill as currently written, but I strongly advise all interested parties work collaboratively to develop a comprehensive proposal that is more content neutral and similar to California's SB 210. I respectfully recommend that the committee holds SB 444 until other interested parties and I have had an opportunity to sit down with the sponsors of this bill and attempt to resolve our differences.

While I support appropriate language assessments and services for children who are hearing impaired, I am concerned with the apparent and strong bias behind this bill along with lack of research data and negligible collaboration between various groups especially when the speakers represented that this bill is the same as California's SB 210 to the attendees at this presentation.

In the presentation, there were no data presented related to Kansas. Rather, there was a chart of data from California dated 2008. The speakers were not able to define the breakdown of the data when asked. The speakers stated that they assumed the data reflected all of California's hearing impaired population and were not able to explain the data any further. From this, I inferred that the group did not do adequate research or obtain data to support their position for the language assessment since their primary objective may be to promote American Sign Language (ASL) rather than promote a thorough and accurate language assessment process for the benefit of the hearing impaired children.

I am concerned about the establishment of the Committee/Advisory Board without receiving input from the various groups involved with the delivery of services to the hearing impaired population. Various professionals who work with this hearing impaired population should convene to discuss ideas and come up with a comprehensive approach. A more collaborative approach is required to ensure all issues are adequately covered.

This bill is written with a strong bias towards ASL. Many parents of hearing impaired children do not choose ASL as part of their communication plan. Children should not be assessed in ASL if this is not their primary or even secondary communication method. Such as children who have cochlear implants and use only listening and spoken language should not be assessed in ASL. The bill should not limit the sign language to just ASL since there are other sign languages out there such as Signing Exact English.

According to the IDEA, it is the parents' right to choose the communication method for their children. This bill is attempting to influence schools to incorporate mandatory ASL assessments for all hearing impaired children which is not appropriate.

The bias towards ASL as the only sign language system available to parents is noted in the six appointed advisory committee members. This is absolutely not representative of the many other methods of communication that are available to parents of hearing impaired children. Professionals such as audiologists and speech language pathologists, two very important roles in the development of children's English language, are clearly omitted from this list.

Page 1, Line 26:

(A) One member shall be a credentialed teacher of the deaf who uses both ASL and English during instruction;

(B) one member shall be a credentialed teacher of the deaf who has expertise in curriculum development and instruction of ASL and English;

(C) one member shall be a credentialed teacher of the deaf who has expertise in assessing language development in both ASL and English;

(D) one member shall be an expert on language outcomes of children who are deaf and use ASL and English;

(E) one member shall be a parent of a child who is deaf and who uses both ASL and English; and

(F) one member who is an advocate for teaching and using both ASL and English. (Emphasis added).

Please compare this language in SB 444 with the California SB 210 which the speakers at this presentation provided was the same. See Section 56326.5(e)(2) of the California Education Code as provided below:

(A) One parent of a child who is deaf or hard of hearing who uses the dual languages of ASL and English.

(B) One parent of a child who is deaf or hard of hearing who uses only spoken English, with or without visual supplements.

(C) One credentialed teacher of deaf and hard-of-hearing pupils who use the dual languages of ASL and English.

(D) One credentialed teacher of deaf and hard-of-hearing pupils from a state certified nonpublic, nonsectarian school.

(E) One expert who researches language outcomes for deaf and hard-of-hearing children using ASL and English.

(F) One expert who researches language outcomes for deaf and hard-of-hearing children using spoken English, with or without visual supplements.

(G) One credentialed teacher of deaf and hard-of-hearing pupils whose expertise is in curriculum and instruction in ASL and English.

(H) One credentialed teacher of deaf and hard-of-hearing pupils whose expertise is in curriculum and instruction in spoken English, with or without visual supplements.

(I) One advocate for the teaching and use of the dual languages of ASL and English.

(J) One advocate for the teaching and use of spoken English, with or without visual supplements.

(K) One early intervention specialist who works with deaf and hard-of-hearing infants and toddlers using the dual languages of ASL and English.

(L) One credentialed teacher of deaf and hard-of-hearing pupils whose expertise is in ASL and English language assessment.

(M) One speech pathologist from spoken English, with or without the use of visual supplements. (Emphasis added).

As you can see, the California language in SB 210 is noticeably different than these included in Kansas's SB 444. California's bill is covers more, is content neutral, and includes professionals from a diverse background which offer substantially more benefits to the language assessment and language development of the children.

The wording of the Kansas SB 444 suggests that all hearing impaired children have the goal of ASL and English literacy.

Page 3, Line 15

(2) language assessments conducted in accordance with standardized norms and timelines in order to monitor and track language developmental milestones in both receptive and expressive language acquisition and developmental stages towards ASL and English literacy for all children who are deaf or hard of hearing from birth to the age of eight;

Compare this with Section 56326.5(a)(2) of the California Education Code which does not suggest that all hearing impaired children have to use both ASL and English.

(2) Be appropriate for use, in both content and administration, with deaf and hard-of-hearing children from birth to five years of age, inclusive, who use both or one of the languages of American Sign Language (ASL) and English. For purposes of this section, "English" includes spoken English, written English, or English with the use of visual supplements. (Emphasis added).

It is clear that Kansas's SB 444 is biased, not inclusive of other communication choices, and does not include adequate collaboration among various groups. Thank you for the opportunity to share my concerns.

Sincerely,



Michael J. Fowler, J.D.