

In opposition to HB 2621 prohibiting the dismissal or transfer of a student who gains access to hearing from the Kansas School for the Deaf (KSD).

To intentionally deny a child access to one of their accessible senses in an educational setting is bad instructional pedagogy, conflicts with child development, and denies the child a full education in violation of state and federal law.

As implied by the name, and codified in state statutes and regulations, KSD was established to serve students who have a medically diagnosed hearing loss, their families, and the professionals who serve them throughout the State of Kansas. Students who are deaf/hard of hearing (DHH) experience and interact with their world and educational settings differently than their hearing peers. With almost 97% of DHH children being born to hearing parents, these students often lack full and accessible communication with their own parents and family members. We are fortunate in Kansas to have robust early intervention to support these families but the fact remains that students who are DHH in Kansas are not meeting their language development milestones in American Sign Language (ASL) or English. The Language Assessment Program for Students who are DHH (LAP) that was established by the State in 2016 shows that approximately 80% of students who are DHH are NOT meeting language milestones. This means when students arrive in school, at age 3 or age 5, educators are immediately faced with the challenge to bring a student's language development to a level commiserate with hearing peers. This challenge requires specialized training, pedagogy, and resources.

On the other hand, hearing students have a shared language with their parents. They have access to incidental language and learning that is enhanced by explicit instruction/interactions. That is, hearing students have access to auditory input in utero; when overhearing people speak in their immediate, and not-so-immediate, environment; via television, radio, music, movies, and technologies; and when exposed to environmental sounds (e.g, birds chirping, footsteps in a hall, traffic, sirens, furniture being dragged on the floor, crowds cheering, noises through the night when one is asleep).

Hearing students interact and experience their world differently than their DHH peers. Hearing students require specific pedagogy and methodology that address their unique needs and includes access to the sense of hearing. This is intensified when educating students who are hearing and have cognitive delays or other disabilities. The needs of these students to maximize their learning and skill development cannot be met in a deaf school environment. In fact, it would rob the child of some critical instructional practices from which they could benefit.

There are students who have access to ASL prior to entry in the school system. Examples of this would be children of deaf adults (CODAs), children who have deaf family members, and hearing students whose hearing parents have consistently and thoroughly utilized ASL within their home and family environments. This is a great language foundation. We recognize that being bilingual is an asset. However, it does not mean that this student would benefit from receiving education in a deaf environment. Nor does it mean that a child will lose their foundational ASL skills when they enter a hearing school. A hearing student must receive the benefit from a fully accessible environment that utilizes all their senses to maximize their learning. Truly, families with hearing students have multiple resources and options: public school, private school, virtual school, home-schooling, etc. This recommended legislation is detrimental to hearing students, deaf students, and is a violation of federal and state law as it pertains to students requiring special education.

All educational decisions must be made by looking at the whole child. If a student manifests a disability that impacts their education, the parents can request an evaluation to determine if the student would qualify for special education services. This is a collaborative process between the parent and the schools. In fact, KSD has a history of collaborative partnerships with tiny-k (early intervention) programs, public school districts, private schools and parents throughout the State in serving our DHH students. The IEP is reviewed at least annually but can be reviewed more frequently if needed. At each annual meeting the team must review the least restrictive environment (LRE) where the child can receive a free, appropriate public education (FAPE). The Kansas Special Education Process Handbook states, “The IEP team must ensure that children with disabilities are educated with children who do not have disabilities, to the maximum extent appropriate” (Chapter 6, pg. 119). For hearing students this is defined as a hearing school. Parents are provided with procedural safeguards if a disagreement occurs or if the parent is not satisfied with a situation. Data collection, assessments/evaluations, complaints, mediation, and due process are all avenues to resolve conflict. Schools can also utilize multi-tiered system of supports to provide students with enhanced supports for success.

Finally, this legislation is an over-reach of imposing pre-determined educational decisions on parents and schools. It forces us to look at a child as a “decibel (dB) level” instead of looking at the whole child. It ignores, and actually subjugates, the linguistic, academic, and pragmatic skills of our DHH children. It hijacks educational opportunities and resources that have been dedicated to serving DHH students. DHH students already experience minimal resources compared to their hearing peers. This recommendation blatantly takes those minimal resources and reduces them even further. It elevates the needs of hearing students who already have a shared language with their families, have access to both implicit and explicit language input, and have a plethora of educational options and resources. I urge you to oppose HB 2621.

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