

**Testimony of:**

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**Testimony on:**

House Bill 2621 – Creating Exception for KSD  
February 16, 2022

**Chair Huebert and Members of House Education Committee:**

I am the Executive Director of the Kansas Commission for the Deaf and Hard of Hearing (KCDHH). KCDHH cannot take a position on HB 2621 at the present time, but I am here to provide possible considerations regarding HB 2621 to assist with the process.

KCDHH is a state agency housed administratively within the Department for Children and Families (DCF) and based in Topeka. KCDHH works with agencies and organizations throughout Kansas to assure availability and coordination of services for people who are deaf and hard of hearing, including communication access and resources related to hearing loss.

KCDHH is governed by a 17-member Commission, of which there are five ex-officio members representing key state agencies and twelve at-large members appointed by the Governor. Since 1982, the Commission has provided policy considerations relating to social, emotional, educational and vocational needs of the deaf and hard of hearing and their families and makes recommendations for needed improvements, while serving as an advisory board on new legislation affecting the deaf and hard of hearing.

The considerations taken and expressed by the Commission do not necessarily represent the views or positions of DCF or individual agency members.

The Commission was informed of the specific situation leading to the introduction of HB 2621 and its companion bill SB 372 during its meeting on January 14, 2022. It was recognized by the Commission that this policy change effort may affect the Kansas School for the Deaf (KSD) as well as all deaf and hard of hearing students who use KSD as a last resort when their local schools are unable to meet their special educational needs. The Commission was not privy to the specifics of the situation at the meeting but asked its Executive Committee to assess this bill's impact as well as whether a viable solution could be found, including redrafting the legislation, if necessary. SB 372 was then rapidly introduced the following week before the Executive Committee was able to proceed to the next step, which requires an open meeting for further consideration.

Since then, I, as the Executive Director, have been gathering information, especially on options and avenues, while conferring with different stakeholders, including the members of the deaf and hard of hearing community. With the sharing of what we have learned, we hope to gain a clearer picture of what might be considered positive outcomes and/or potential pitfalls, as well as whether we can determine how to move forward after today's hearing.

While HB 2621 seems to address the problem directly, it doesn't elaborate on how it will help to resolve this specific situation or maybe others like it. A child with any of the conditions listed in HB 2621, other than attaining normal hearing, remains eligible for enrollment and placement at KSD. The main obstacle to this specific policy change is the attainment of normal hearing, this change is not a simple one but is a big deal for KSD, if not systematically from a statewide perspective.

This policy change is causing all stakeholders, including the Deaf Community, to wonder whether local schools would start deferring all future placement considerations to KSD without first meeting the children's needs locally or without considering KSD as a last resort. This could impact all other deaf and hard-of-hearing students that have no option but to attend KSD while still undergoing their own due process, not to mention KSD's current constraints of staffing and space.

HB 2621 does not specify if those children who attained normal hearing must also have another underlying disability to qualify nor whether their other disability needs would be met by placement at KSD. Specifically, the IDEA has a provision to determine whether a non-deaf/HH child's placement based on other disabilities would also meet the requirement of least restrictive environment (LRE) since KSD is only recognized as a last resort for specifically deaf and hard of hearing children. There are still options and avenues outside of KSD available to meet LRE requirements, as resources are abundant within the same proximity as the local schools involved in the situation that led to HB 2621. We must ask whether KSD and the State can continue to receive federal funds through IDEA if these procedures are changed. I have encountered a number of people inquiring about these considerations and the answer to this question.

It is evident that we, all of us gathered here today, must take a more thoughtful approach to consider the consequences and effects of the changes to this policy, as well as whether HB 2621's approach is feasible. Perhaps we can figure out how to provide all children in this specific or similar situation with useful options and avenues. On behalf of the Commission, I can say that they encourage additional public participation in this important discussion and to help provide the best policy recommendations. Thank you.