



KANSAS SCHOOLS FOR THE DEAF AND THE BLIND

STATEWIDE RESOURCES ON DEAFNESS AND BLINDNESS

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House Education Committee,

On behalf of the Kansas State School for the Deaf (KSSD), I am here to express my strong opposition to HB 2621 the bill to prohibit the Kansas State School for the Deaf from dismissing or transferring students who are hearing. This bill conflicts with the existing Kansas statute. The statute states:

“Every resident of the state who is within the age of eligibility for admission, as determined by the state board of education, and **who is unable to materially benefit from attendance in the public schools because of a hearing impairment**, as determined under article 9 of chapter 72 of Kansas Statutes Annotated, shall be entitled to admission to the Kansas State School for the Deaf” (Kansas Statutes Annotated, Chapter 76, Article 10, 76-1001b (b), emphasis added.

Although the terms "hearing impaired and/or hearing impairment" are mentioned in the state and federal statutes, for the purpose of today's testimony, I will use "deaf and/or hearing loss" instead. To clarify, the term "deaf" is an inclusive term encapsulating students diagnosed with a range of hearing loss from mild to profound and includes students who utilize hearing aids and cochlear implants. This is an important clarification to help emphasize that students with a medically diagnosed hearing loss require specially designed instruction to meet their needs. These needs are different from their hearing peers.

This bill would result in a new admissions policy – admitting hearing students - and would do so over the objection of KSD and the Kansas State Department of Education. It would establish this admissions policy without notice to and comment from the public. In fact, this bill is intended to move so quickly that most Kansans are not even aware of it. This proposed amendment to the KSD admissions policy is being made in haste, without the knowledge and participation of the public, and without justification as to how the proposed amendment will benefit current or potential KSD students.

This bill would result in students receiving inferior services. KSD's expertise is not with hearing students, it is with deaf students. Professional staff with expertise with the learning needs of hearing students are not available at KSD. Training existing staff or hiring new staff would dilute KSD's mission as a leader in deaf education. It would force upon it new responsibilities which it is not equipped to take on. Forcing teachers to maintain their skills in deaf education while shifting focus to serving hearing students would be burdensome and unnecessary.



EQUAL EMPLOYMENT/EDUCATION OPPORTUNITY SCHOOLS



This bill could jeopardize funding for KSD that is tied to special education, such as through the Individuals with Disabilities Education Act (IDEA). That law allows funds to be used only for children in 13 specified disability categories, including “deafness” and “hearing impairment.” (34 C.F.R. 300.8(c)(3), 34 C.F.R. 300.8(c)(5)) Using IDEA funds for hearing, non-disabled students could result in a finding of a violation of IDEA by the U.S. Department of Education.

This bill sets a bad precedent. IDEA and state regulations map out a detailed set of requirements as to how schools must provide services, based on a student’s Individualized Education Program (IEP). IDEA also sets out procedural safeguards for situations where students or families feel their rights are not being protected. This bill disregards those well-established rules and protocols and makes what should be an IEP decision a matter of state law. It would be unimaginable for legislators to try to make individual placement decisions for every student in Kansas. Yet this bill is designed to make a decision for one student.

KSSD has an admissions protocol that clearly states that the admission to KSSD occurs through a collaborative process between KSSD, the local education agency (LEA), and parent/guardian. LEAs and/or parents cannot decide admittance to the School for the Deaf without KSSD being included with the IEP decision-making process. Both state and federal law ensure that parents have procedural safeguards if they disagree with the IEP team at any time in this process. KSSD reserves the right to refuse admission to a student if the student is hearing (e.g., hearing child, hearing child of deaf adults, sibling of deaf person) or requires services that are beyond the scope of what KSSD can provide (e.g., medically complex).

KSSD provides specialized programming for students who are Deaf or Hard of Hearing in preschool through age 21 as well as an Outreach Team who provides services to DHH students, their families, and professionals throughout the State of Kansas, ages birth through 21. KSSD has contributed to the education and development of DHH children and their families for 160 years. KSSD is not the only placement option available that benefits DHH children in Kansas, however, it is the only school in Kansas where DHH students receive direct instruction in American Sign Language in a 24/5 setting.

The Kansas Statutes Annotated, Chapter 76, Article 10, 76-1001b (b) is written purposely to protect the integrity of the school and ensure that all DHH students receive the best possible education in a fully accessible environment. This education should not be diluted by dissipating resources.

Once again, I urge you to oppose HB 2621

Luanne Barron
Superintendent