



Submitted via e-mail: mmcdonnell@leg.ne.gov

February 24, 2020

The Honorable Mike McDonnell
Room 2107
P.O. Box 94604
Lincoln, NE 68509

RE: LB 965

Dear Senator McDonnell:

On behalf of the American Speech-Language-Hearing Association, I write to express opposition to LB 965, which establishes a language assessment program for children who are deaf or hard of hearing and provides for an advisory committee to assist the Commission for Deaf and Hard of Hearing.

The American Speech-Language-Hearing Association (ASHA) is the national professional, scientific, and credentialing association for 211,000 members and affiliates who are audiologists; speech-language pathologists; speech, language, and hearing scientists; audiology and speech-language pathology support personnel; and students. Over 1,400 ASHA members reside in Nebraska.

ASHA strongly supports the intent of LB 965, which is to ensure young children who are deaf or hard of hearing (D/HH) have a strong language foundation for kindergarten readiness and academic success. ASHA also supports a family's right to decide the most appropriate language(s) (e.g., American Sign Language, spoken language, or both), communication mode(s) (e.g., augmentative and alternative communication), and education plan for their child. However, LB 965 includes provisions that regrettably undermine these goals and create unnecessary and burdensome requirements that interfere with the decision-making authority of the Individualized Family Service Plan (IFSP) and Individualized Education Program (IEP) teams required under the Individuals with Disabilities Education Act (IDEA).¹

Specification of English As A Preferred Language/Communication Mode

LB 965 establishes English, defined in the bill as "English literacy, spoken English, signing exact English, written English... and any other visual supplements," as a preferred method of language communication included as part of the family resource. ASHA supports the use of the term "spoken language" to include native and non-native English speakers.

Role of the Commission for the Deaf and Hard of Hearing

LB 965 requires the Commission for the Deaf and Hard of Hearing to coordinate a language assessment program for children who are D/HH. The bill also requires that each child under the age of six be assessed annually. Adding these requirements is duplicative and undermines the role of the IFSP/IEP teams that, as required by IDEA, determine the appropriate assessments and treatment plan for each child who has been identified as a child with special needs.

Creation of An Advisory Committee

ASHA recommends eliminating the proposed advisory committee, which would advise the Commission for the Deaf and Hard of Hearing on the language assessment program, because it's unnecessary. The requirements of LB 965 to track and report milestones are already required in the IFSP or IEP planning process under IDEA. Creating an advisory committee undermines the decision-making authority of the IFSP/IEP team, which must include professionals knowledgeable about the assessment and services needed for children with disabilities, including those children who are D/HH and their parents.

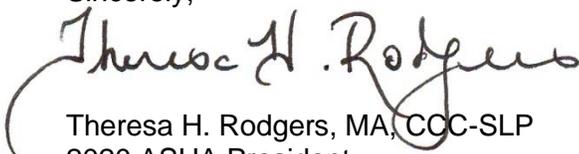
ASHA Supports A Parent's Right to Decide and the Development of a Comprehensive Parent Resource

ASHA has model language that:

- emphasizes a parent's right to decide the language(s) and communication mode(s) that are best for their child and family;
- strengthens existing federal IDEA legislation that requires a comprehensive assessment and the development of an intervention plan that utilizes the full complement of qualified providers to ensure that all children who are D/HH receive the services they need to develop a strong language foundation for future academic success;
- requires the state lead agency to create a comprehensive and balanced parent/family resource that includes existing developmental milestones, assessment information, and education options for children who are D/HH and encourages the lead agency to utilize experts in the state to advise them on the creation of the resource; and
- requires the state lead agency to distribute the parent/family resource widely to families, medical specialists/facilities, parent resource centers, early intervention and preschool programs, as well as school districts throughout the state so that families have the tools and resources they need to fully participate and impact decision-making in IFSP and IEP meetings.²

Thank you for your consideration of ASHA's position on LB 965. If you or your staff have any questions or would like additional information on ASHA's model language, please contact Janet Deppe, ASHA's director of state affairs, at jdeppe@asha.org.

Sincerely,



Theresa H. Rodgers, MA, CCC-SLP
2020 ASHA President

¹ Individuals with Disabilities Education Act, 34 U.S.C. § 300.320 *et seq.*

² American Speech-Language-Hearing Association. (n.d.). *State Issue Brief: Language Equality and Acquisition for Deaf Kids (LEAD-K) State Legislation*. Retrieved from <https://www.asha.org/uploadedFiles/LEAD-K-Issue-Brief.pdf>.