



ASHA
American
Speech-Language-Hearing
Association

Submitted via e-mail: district18@senate.virginia.gov
district10@senate.virginia.gov

February 4, 2022

The Honorable L. Louise Lucas, Chair
Pocahontas Building, Room E604
900 East Main Street
Richmond, VA 23219

RE: S.B. 265

Dear Chairperson Lucas and Members of the Committee:

On behalf of the American Speech-Language-Hearing Association, I write to express opposition to S.B. 265. This legislation would require the Department of Education and the Department for the Deaf and Hard-of-Hearing to select language developmental milestones for children who are deaf or hard of hearing (D/HH), create a parent resource, and select existing tools for educators to assess language and literacy development of children who are D/HH. The bill would also create an advisory committee to recommend milestones. This legislation aims to ensure that children who are D/HH are ready for kindergarten using either American Sign Language (ASL) or English.

The American Speech-Language-Hearing Association (ASHA) is the national professional, scientific, and credentialing association for 218,000 members and affiliates who are audiologists; speech-language pathologists; speech, language, and hearing scientists; audiology and speech-language pathology support personnel; and students. Over 4,700 ASHA members reside in Virginia.¹

ASHA strongly supports the intent of S.B. 265, which is to ensure young children who are 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, S.B. 265 includes provisions that 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).²

Current Services for Children Who Are D/HH

As it stands now, children who are D/HH can receive services through Virginia's early intervention program, which includes a variety of communication methods that suit the individual child's needs and the family's preferences. Those methods could include ASL, but it could also include listening and spoken language (with assistance from a hearing aid or cochlear implant), cued speech or language, or another communication method with appropriate educational support.

Having communication options to choose from is critical for parents. Over 90% of children who are deaf are born to parents who can hear.³ While ASL may be the most appropriate choice for

some children, **ASHA recognizes that there are several evidence-based communication options that should be made available to families.**

IDEA

Importance of a Comprehensive Assessment

IDEA requires early intervention programs and schools to administer a comprehensive assessment to students suspected of having a disability. The assessment team must include qualified providers trained to assess the full range of the suspected disability, including communication disorders. Evaluators must administer appropriate assessments and recommend interventions and supports based on the child's needs and their family's priorities.

ASHA Opposes the Creation of an Advisory Committee

ASHA recommends eliminating the proposed advisory committee, which would advise the Department of Education on the selection of appropriate milestones for the parent resource and language assessment program. Creating an advisory committee is burdensome, unnecessary, and costly and may undermine 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 provided attached model language that:⁴

- emphasizes a parent's right to decide the best language(s) and communication mode(s) for their child and family;
- 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;
- 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; and
- requires the state lead agency to widely distribute the parent/family resource 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.⁵

Thank you for considering ASHA's position on S.B. 265. If you or your staff have any questions, please contact Tim Boyd, ASHA's director of state healthcare and education affairs at tboyd@asha.org.

Sincerely,



Judy Rich, EdD, CCC-SLP, BCS-CL
2022 ASHA President

¹ American Speech-Language-Hearing Association. (2021). *Virginia* [Quick Facts]. <https://www.asha.org/siteassets/uploadedfiles/virginia-state-flyer.pdf>.

² Individuals with Disabilities Education Act, 34 U.S.C. § 300.320 et seq.

³ Mitchell, R., Karchmer, M. (2002). *Chasing the Mythical Text Percent: Parental Hearing Status of Deaf and Hard of Hearing Students in the United States*. Gallaudet Research Institute. https://research.gallaudet.edu/Demographics/SLS_Paper.pdf.

⁴ American Speech-Language-Hearing Association. (n.d.). *ASHA LEAD-K Model Bill* <https://www.asha.org/siteassets/uploadedfiles/LEAD-K-Model-Bill-ASHA-Version.pdf>.

⁵ American Speech-Language-Hearing Association. (n.d.). *State Issue Brief: Language Equality and Acquisition for Deaf Kids (LEAD-K) State Legislation*. <https://www.asha.org/siteassets/uploadedFiles/LEAD-K-Issue-Brief.pdf>.