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MCHI

MINNESOTA COUNCIL
FOR THE
HEARING IMPAIRED

BIENNIAL
LEGISLATIVE
REPORT

1989-1990

RECOMMENDATIONS
FOR IMPROVING SERVICES
TO HEARING IMPAIRED
MINNESOTANS

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EXECUTIVE SUMMARY

The Minnesota Council for the Hearing Impaired (MCHI) was created by Minnesota Statute 256C.24-28 to review the availability and accessibility of human services for Minnesota's hearing impaired citizens and to make recommendations to the Governor, the Legislature, and the Commissioner of Human Services regarding needed service improvements statewide. To these ends, the MCHI works with a variety of individuals, organizations, advocacy and consumer groups, and state departments to enhance the lives of all hearing impaired Minnesotans.

This report is submitted by the Council in accordance with Minnesota Statutes 1989, Section 256C.28, Subdivision 6, which states: "The Council shall prepare and distribute a report to the commissioner, the governor, and the legislature by December 31 of each even-numbered year. The report must summarize the activities of the council since its prior report, list receipts and expenditures, identify the major problems and issues confronting hearing impaired persons, make recommendations regarding needed policy and program development on behalf of hearing impaired individuals in Minnesota, and list the specific objectives the council seeks to attain during the next biennium."

COUNCIL ACTIVITIES DURING 1989

After a six-month nationwide search, the Minnesota Council for the Hearing Impaired selected Robert A. Geesey to serve as its first Executive Director. Mr. Geesey brought years of advocacy experience with him when he moved to Minnesota from Spokane, Washington, where he was Regional Coordinator of Deaf Services for the Washington Department of Social and Health Services.

The Council held five regular meetings through 1989 and a two-day retreat in May, 1990. The Council's subcommittees also held meetings with service providers, State department personnel, and consumer groups to review service accessibility, availability, and appropriateness for hearing impaired Minnesotans in the following areas:

Education
Human Services
Employment

Although progress has been made, much remains to be done to create full and equal access for hearing impaired citizens to the range of human services available to hearing Minnesotans. The following describes the Council's identification of issues and recommendations for further action.

EDUCATION

STATEMENT OF SUPPORT

The Minnesota Council for the Hearing Impaired supports the Quality Assurance Project for Teachers and Interpreters of the Hearing Impaired. This project is being undertaken by the Minnesota Foundation for Better Hearing and Speech, and has been fully funded through its first two phases by the Minnesota Department of Education. It is now entering its third and final phase. This project was designed to develop guidelines and assessment materials to assist local school districts in hiring qualified teachers and interpreters for the hearing impaired by providing appropriate evaluation criteria in the area of sign language proficiency.

ISSUE:

The Minnesota Department of Education fully funded the first two phases of the Quality Assurance project. Due to cuts, funding for the third and final year of the project was reduced to one-fifth of the amount needed to finish the project. This project is essential to the provision of appropriate educational services to Minnesota's hearing impaired children. Without the completion of the project and implementation of its criteria, two things will occur: project funds spent to date will be utterly wasted and our hearing impaired children will continue to suffer from inappropriate educational services.

RECOMMENDATION:

The Minnesota Council for the Hearing Impaired respectfully requests that the Governor and the Minnesota Legislature direct the Department of Education to appropriate the funds necessary for the completion of the Quality Assurance Project for Teachers and Interpreters of the Hearing Impaired. The Council also requests that Department of Education be directed to implement the recommendations resulting from the Project in a timely manner. This allocation would be in addition to current program funding.

STATEMENT OF SUPPORT

The Minnesota Council for the Hearing Impaired supports the work and the programs of the Minnesota Resource Center: Hearing Impaired, which is housed at the Minnesota State Residential Academy for the Deaf in Faribault. The Resource Center provides consultation to local school districts in areas related to the education of hearing impaired children.

ISSUE:

The main focus of the Resource Center for Hearing Impaired is to give technical assistance to educators of hearing impaired students. Parents of hearing impaired children have expressed the need for additional staff at the Resource Center to meet the direct needs of parents.

RECOMMENDATION:

The Minnesota Council for the Hearing Impaired recommends that the Minnesota Legislature appropriate additional funding to the Resource Center: Hearing Impaired, to allow hiring of additional staff to concentrate on provision of consultation to parents of hearing impaired children in the areas of parent education, educational trends, program placements and support services.

STATEMENT OF SUPPORT

The Minnesota Council for the Hearing Impaired supports the Minnesota State Residential Academy for the Deaf in Faribault as an optional placement resource for hearing impaired children.

ISSUE:

For Minnesota to continue to offer a full range of placement options for hearing impaired school-age children, the Minnesota State Residential Academy for the Deaf must be funded at a level which allows maintenance of an adequate teacher-to-student ratio. Recent increases in enrollment at the Academy have not been accompanied by increased funding. The ratio of teachers to students is going down, and auxiliary services to meet special needs of individual students is being sacrificed. The number of school days has been cut because of budget restraints, and this also affects hearing impaired children at the Academy receiving an appropriate education.

RECOMMENDATION:

The Minnesota Council for the Hearing Impaired recommends that the Minnesota Legislature re-evaluate its appropriation to the Minnesota State Residential Academy for the Deaf. Attention should be given to the issue of appropriations keeping pace with changes in enrollment, teacher-to-student ratios, provision of auxiliary services, and ability to meet State-mandated minimum number of school days. The Minnesota Council for the Hearing Impaired further recommends that the Minnesota Legislature appropriate such funds as may be needed to allow the Minnesota State Residential Academy for the Deaf to purchase appropriate updated educational materials necessary for the Academy to remain a viable placement option for hearing impaired children.

STATEMENT OF SUPPORT

The Minnesota Council for the Hearing Impaired supports efforts by the Minnesota Department of Education to implement sections of the President's Commission on Education of the Deaf Report.

ISSUE:

During 1988, a committee made up of hearing impaired consumers, education professionals, and other interested parties reviewed the Commission on Education of the Deaf (C.O.E.D.) Report. They recommended that nine of the C.O.E.D. recommendations be implemented in Minnesota (see Appendix I). Of these nine recommendations, to date only two have been addressed. Recommendation 4 has been implemented. Recommendation 8 would be addressed by completion and implementation of the Quality Assurance Project for Teachers and Interpreters for the Hearing Impaired, mentioned elsewhere in this section.

RECOMMENDATION:

The Minnesota Council for the Hearing Impaired recommends that the Minnesota Department of Education re-evaluate its response to the Commission on Education of the Deaf Task Force document (see Appendix I), and make a commitment to implementation of the remaining seven C.O.E.D. recommendations within the next biennium.

HUMAN SERVICES

STATEMENT OF SUPPORT

The Minnesota Council for the Hearing Impaired supports the Department of Human Services in its efforts to make its services accessible and available to hearing impaired Minnesotans.

The Department's Deaf Services Division and its Regional Service Centers for Hearing Impaired Persons have been providing training and resources to the various other Departments in attaining full access to services for this population. The Minnesota Council for the Hearing Impaired supports continuation of these necessary services. The Council strongly supports continued full funding for the Deaf Services Division and its programs.

HUMAN SERVICES SUBCOMMITTEE ACTIVITIES

The Human Services Subcommittee of the Minnesota Council for the Hearing Impaired held a series of open meetings with community service providers, Regional Treatment Center staff, and other interested parties to review availability of, access to, and quality of services to hearing impaired persons with mental health, chemical dependency, and developmental disability problems, and to explore avenues toward improvement in the service delivery area. This series of meetings resulted in identification of the following issues and recommendations for solution thereof.

ISSUE:

The Department of Human Services' Division of Developmental Disabilities requires integration of developmentally disabled hearing impaired persons into generic treatment programs. For many of these clients, integration works against their receiving necessary and appropriate services. Lack of understanding of the uniqueness of hearing impairment's effects on such clients, or of the communicative and cultural differences of this population often puts these clients at risk of failure in treatment programs not specifically designed for them. Isolation of hearing impaired clients from culturally and communicatively appropriate peer groups frequently contributes to treatment failure.

Professionals who are unfamiliar with hearing impairments are uncertain as to what constitutes appropriate care for profoundly retarded deaf persons who neither use nor understand sign language. It is assumed that it is not necessary to use sign language with these persons. On the contrary, professionals working with this population should be even more skilled in and knowledgeable about various communication systems in order to be able to appropriately work with these persons in helping them develop communicative skills.

The difficulties of working with hearing impaired persons with developmental disabilities are more pronounced on the county level, where county case managers, although trained in the area of developmental disabilities, almost never have the training in deafness and its effects on this population.

RECOMMENDATIONS:

To resolve the above-identified issues in the area of service provision to developmentally disabled hearing impaired persons, the Minnesota Council for the Hearing Impaired offers the following recommendations:

1. That criteria be developed jointly by the Division of Developmental Disabilities, with assistance from the Deaf Services Division, concerning the appropriate level of communication skills for professionals providing services to hearing impaired developmentally disabled persons.
2. That the Department of Human Services establish clear lines of responsibility for enforcement of present DHS guidelines concerning the identification and treatment of the hearing impaired population within the Regional Treatment Centers.
3. That the State Regional Treatment Centers be required to hire program assistants who have received training and/or work experience in hearing impairment, deaf culture, and communication modes used or adaptable for this population as well as having received training and/or work experience in mental health areas to serve this population in the Regional Treatment Centers.
4. That two of the State Operated Centers (SOCs) programs be set aside for programs specifically geared towards hearing impaired developmentally disabled persons. It is further recommended that one of these set-aside SOC's be located in close proximity to St. Peter's Regional Treatment Center so as to allow consultative services from the Deaf Services Department staff there.
5. That the Department of Human Services establish a policy stating that developmentally disabled hearing impaired persons who do not presently know or use sign language have the right to receive communication training which is most appropriate for their needs and abilities. (It should not be assumed that the only communication option for this population is the use of picture systems because available staff do not have the skills to offer any other form of communication training.)

6. That the Department of Human Services, through its Deaf Services Division, develop a training packet for professionals working with developmentally disabled hearing impaired persons which includes aspects of communication, culture, and other issues relevant to this population, and that the Department offer such training and/or materials to county case managers, regional treatment center personnel, and other community-based service agencies who may have a need to work with this population.
7. That the Developmental Disabilities Division of the Department of Human Services revise the per diem rules for hearing impaired clients to take into consideration the added costs of appropriate services to this population, including but not limited to provision of interpreter services, outfitting facilities with visual warning signal systems, the frequent need for extending treatment program time to accommodate communicative difficulties, and in consideration of the fact that the cost of hiring and retaining employees who have training in both deafness and a mental health, developmental disability, or chemical dependency field can be higher.

ISSUE:

From information presented at meetings with Mental Health Division staff, it appears that revisions to Rule 36 may include provisions that would limit stays in Rule 36 facilities to one year and limit clients served to those with serious and persistent mental illness.

Because of the needs of persons who are hearing impaired and mentally ill, such limitations would seriously jeopardize the availability of services to many hearing impaired clients now receiving services from programs such as Journey House and Petra Howard House. It is well known within the field of deafness that developmental needs of deaf persons often compound problems involved with the time necessary to work with this population. Proposed revisions to Rule 36 would put many hearing impaired persons on the streets long before they are able to function independently.

STATEMENT OF SUPPORT:

The Minnesota Council for the Hearing Impaired has been informed that the revisions to Rule 36 now include allowances for extended treatment beyond one year if the facility documents the need for such on a quarterly basis. The Council supports this change.

ISSUE:

Because separate funds are often neither provided nor available to cover the costs of necessary assistive devices and services, such as visual warning systems, telecommunication devices, and sign language interpreters for hearing impaired persons placed in residential treatment facilities for developmental disabilities, mental illness, or chemical dependency, these costs frequently must be paid out of treatment funds. This in effect reduces the amount of direct treatment available, and thus denies hearing impaired clients services and treatment equal to those provided to non-hearing impaired clients. In cases where the facilities do not provide the necessary assistive devices and services, the value of the treatment program itself is thereby lessened.

RECOMMENDATION:

The Minnesota Council for the Hearing Impaired recommends that special state set-aside funds be made available to defray the costs of such special assistive devices and services to assure that funds earmarked for treatment programs are not applied to non-treatment expenses related to serving hearing impaired clients in residential treatment facilities for developmental disabilities, mental health, or chemical dependency. These funds would provide assurance that this population receives appropriate treatment and services, including necessary support services, equivalent to those provided to persons without hearing impairments.

ISSUE:

Because of specific guidelines delineating classification of developmental disabilities, mental retardation, and severe and persistent mental illness, hearing impaired persons sometimes may exhibit symptoms or behavior compatible with a specific diagnosis, but fail to meet the strict criteria required, thus do not fit within such groupings, and are therefore denied needed services provided to these groups. In addition, the effects of rubella in combination with hearing loss compounds the difficulties in the diagnosis and treatment of a large number of these clients.

RECOMMENDATION:

The Minnesota Council for the Hearing Impaired recommends that the Deaf Services Division of the Department of Human Services be empowered to establish a Task Force on Service Provision to Hearing Impaired Persons, with the express objective of developing recommendations for resolution of the issue related to provision of services to such "borderline" hearing impaired persons. The resulting recommendations should be submitted to the Governor and the Legislature for authorization, and to the Commissioner of Human Services for implementation.

ISSUE:

For the majority of hearing impaired chemically dependent persons, after-care services are not communicatively accessible. After-care programs rarely have available funding for the provision of interpreters for group meetings or sessions with counselors. This leaves hearing impaired chemically dependent people at a higher risk of recidivism.

RECOMMENDATION:

The Minnesota Council for the Hearing Impaired recommends that the Chemical Dependency Division of the Department of Human Services set aside funds for the provision of interpreter services which will make after-care programs more readily accessible to hearing impaired chemically dependent persons and assure equal access for total programming.

ISSUE:

The Department of Human Services, as well as other Departments within the State of Minnesota, from time to time produces video tapes containing training information for dissemination by professionals working in the field. Professionals who are hearing impaired themselves do not have equal access to these video tapes due to the tapes not being captioned. Much critical information can be lost in translation when hearing impaired persons must rely on interpreters. The one-time cost of captioning is a less expensive way to provide equal access compared to the repeat cost of hiring interpreters each time a tape is shown.

This situation also applies to public service announcements on video tapes which are shown on television. Hearing impaired persons miss out on the information contained on such tapes when they are not captioned.

RECOMMENDATION:

The Minnesota Council for the Hearing Impaired recommends that all video tapes produced by any Minnesota Department, either for training or for public information purposes, be open captioned.

The rationale for open captioning as opposed to closed captions is based on the fact that, in order to access closed captions, the viewer needs to have access to special decoders. Recent enactment of the Americans With Disabilities Act provides that after 1993 all television sets made in America must have built-in decoders to access closed captions, but until then closed captions will continue to have limited impact, especially for those persons who are in the lower income brackets and those whose hearing loss is related to aging.

EMPLOYMENT
STATEMENT OF SUPPORT

The Minnesota Council for the Hearing Impaired commends the Minnesota Department of Jobs and Training for the efforts it has taken over the past year in assuring access to its programs for hearing impaired people.

However, the council finds the following issues to be of critical concern, and offers it recommendations for their resolution:

ISSUE: Minnesota's hearing impaired citizens continue to experience greater rates of unemployment and underemployment than their hearing counterparts. The Minnesota Council for the Hearing Impaired (MCHI) believes that the Department of Jobs and Training has the same responsibility to assist hearing impaired persons with their work-related concerns as it has for hearing persons.

ISSUE: In the past, any work-related concerns about persons with disabilities, including hearing impaired, have commonly been referred to the Division of Rehabilitation Services when other services provided by the Department of Jobs and Training would have been more appropriate (Job Services, Job Training Partnership Act services, Workmen's Compensation, Unemployment Insurance). To more appropriately serve hearing impaired persons, all divisions of the Minnesota Department of Jobs and Training should provide both sign language interpreters and TDD access to its services.

ISSUE: Not all hearing impaired persons meet the eligibility criteria of the Minnesota Division of Rehabilitation Services. These hearing impaired persons often do not have access to the DRS/Postal Service Placement Plan; the DRS/700 hour placement plan; the DRS/HRDI placement agency; and DRS monies for sign language interpreters for job interviews and/or on the job training.

RECOMMENDATION: The Department of Jobs and Training (DJT) must provide access to all of its programs to persons who are hearing impaired. This process can be started by:

1. Developing a full time State Coordinator for the Deaf position to supervise the provision of services to hearing impaired persons and to supervise direct line staff solely responsible for working with hearing impaired persons. Additional responsibilities would include, but not be limited to:
 - Working closely with DJT and having responsibility and authority to implement equal access for hearing impaired for all DJT programs.
 - Reviewing incoming information on deafness and hard of hearing persons and disseminate such information to DJT staff as appropriate.

- Coordination of working/cooperative agreements with local agencies, organizations, and programs working with hearing impaired persons (Regional Service Centers, Self Help for the Hard of Hearing, Hearing Impaired Health and Wellness, Petra Howard House, etc.).
 - Managing an operation budget for sign language interpreters in the areas of on the job training and job interviews.
 - Coordinating regular training dates for all RCDs and specially assigned DJT staff.
 - Handling complaints/grievances so that hearing impaired clients have equal access to the appeal or grievance process.
 - Assessing and reviewing all incoming RCD's and assigned DJT staff on an annual basis to measure skills/abilities/knowledge and recommend areas of growth when weaknesses are identified.
 - Providing coordination and support to the VR Hearing Impaired Advisory Committee, whose responsibilities would be expanded to cover the entire department.
 - Enhancing centers for independent living capabilities to effectively serve hearing impaired persons.
 - * Because this position would be so important in providing services to the hearing impaired community, it is advisable that the community be involved in the hiring process. Members of the Minnesota Council for the Hearing Impaired would be willing to either be involved in this process themselves, or to recommend persons who would be in a position to assist DJT in hiring a state coordinator for the deaf.
2. Hire staff specifically for the purpose of making all services of DJT accessible on a state-wide basis. These staff members could do an intake interview with a hearing impaired person, determine which services the person could benefit the most from, inform the hearing impaired person of the purpose of such services, and assist both the DJT program and the hearing impaired person in applying and using the services of the program.
 3. Inform the deaf and hearing impaired community of the services available through DJT.
 - Develop pamphlets for each agency in accordance with the plain language law and in American Sign Language style to inform citizens what the service is, who is eligible to apply for services, applicant's rights and responsibilities, and how to apply for the service.

- Any videotapes developed to explain DJT services should be captioned.
- Any public information pamphlet or videotape should have a voice/TDD phone number listed for further information.
- Copies of the pamphlets and/or videotapes should be made available to the Regional Service centers for the Hearing Impaired for use in referring the client for services.

ISSUE: MCHI recognizes that employment is influenced by many factors, including quality of education, exposure to the world of work at an early age, school-to-work transitional planning, and job seeking skills training.

RECOMMENDATION: Because of the complex nature of employment related issues, MCHI recommends the establishment of a "blue ribbon" task force on employment and deafness, established by the Governor of Minnesota and coordinated by a project director. The task force should be charged with the responsibility to identify employment related issues and develop recommendations for presentation to the Governor and the Legislature.

MCHI EDUCATION SUBCOMMITTEE

GOAL FOR 1991-1992

The Education Subcommittee of the Minnesota Council for the Hearing Impaired has established the following goal for the 1991-1992 biennium:

To make contact with all groups involved in the education of the deaf in Minnesota. This includes state, nonprofit and private organizations. Our goal is to take the lead in opening up communication so all who have the same goal, a better education for deaf and hard of hearing children in Minnesota, will work together toward that end.

MCHI EMPLOYMENT SUBCOMMITTEE

GOAL FOR 1991-1992

The Employment Subcommittee of the Minnesota Council for the Hearing Impaired has established the following priority goal for the 1991-1992 biennium:

To follow up on improved access to services provided by the Department of Jobs and Training, especially within the area of making training programs provided by DJT accessible to the hearing impaired community.

Rationale: Although the Department of Jobs and Training has been very cooperative and progressive on issues of access to its services for the hearing impaired, there remain areas which are not readily accessible for this population. An example of this is the fact that Minnesota does not have a Projects With Industry program specifically designed to serve hearing impaired persons, or at least such a program with persons trained to serve the hearing impaired population.

MCHI HUMAN SERVICES SUBCOMMITTEE

GOALS FOR 1991-1992

The Human Services Subcommittee of the Minnesota Council for the Hearing Impaired has established the following priority goals for the 1991-1992 biennium:

1. To work closely with state, county, local and national organizations and federal agencies on rules and guidelines to implement provisions of the Americans with Disabilities Act (ADA).

Rationale: The ADA as passed by the Congress requires that various federal agencies develop rules and guidelines on implementation of the Act's various provisions, and requires public input and review of those guidelines. The Council has a special interest on provisions related to equal access, the telecommunications provision, and on funding for interpreter services for hearing impaired people.

2. To work with organizations such as the Association of Retarded Citizens, Pacer, American Association of Retired People, and other advocacy groups on methods to improve the skills and abilities of hearing impaired persons to serve as advocates for other hearing impaired people.

Rationale: During the course of the Council's meetings with service providers and other agencies, an oft-recurring theme was the lack of skilled hearing impaired advocates for developmentally disabled and mentally ill hearing impaired persons. This also applies to general advocacy skills in issues such as equal access.

3. To work closely with colleges and universities in the State of Minnesota towards development of cross-disciplinary training programs to develop potential professionals in the human service fields who have a combination of training in both deafness and mental health, deafness and developmental disabilities, or deafness and chemical dependency.

Rationale: Recommendations made elsewhere in this report address the need for training in deafness for professionals already employed in the service provision area. The Council believes there should be development of training programs for future professionals which incorporates a cross-disciplinary curriculum of deafness and mental health.

4. To continue the Council's tradition of reviewing existing programs throughout the State of Minnesota with the aim of assuring complete and appropriate access to services for all hearing impaired Minnesotans.

MINNESOTA COUNCIL FOR THE HEARING IMPAIRED

GENERAL GOALS FOR 1991-1992

The Minnesota Council for the Hearing Impaired has established the following goals for the 1991-1992 biennium in addition to those goals identified by the Council's subcommittees and listed on preceding pages:

1. To seek ways to develop full access for hearing impaired persons to all legal services, both public and private.

Rationale: Historically, the legal services area has been difficult for hearing impaired people to access. There are no laws requiring attorneys to provide interpreter services to hearing impaired clients, and frequently the client must pay for such services in addition to other legal costs. This added expense makes legal services prohibitively expensive for the hearing impaired.

2. To address issues relating to oppression and exploitation of hearing impaired persons in both the public and private sectors.

Rationale: Of all handicapped people, the hearing impaired are probably the most misunderstood. Stereotypes related to this condition are among the hardest to eradicate. Hearing impaired persons are, if not the most unemployed, the most underemployed.

3. To host a series of Town Meetings throughout Minnesota to solicit information and to identify issues which need to be addressed relating to hearing impaired persons.
4. To evaluate present services for, and recommend improvements in service delivery to:
 - a. Deaf-blind individuals;
 - b. Hearing impaired persons with multiple handicaps;
 - c. Hearing impaired refugees.
5. To work with other organizations towards developing self-advocacy skills among hearing impaired persons and groups.
6. To follow-up on the recommendations made in this report.

MINNESOTA COUNCIL FOR THE HEARING IMPAIRED

FINANCIAL REPORT -- STATE FISCAL YEAR 1990

The Minnesota Council for the Hearing Impaired was appropriated the sum of \$70,000 for fiscal year 1990. The Council received no other funding.

	<u>Budget</u>	<u>Expend.</u>	<u>Balance</u>
Personal Services	\$50,000	\$27,746	\$22,254*
Expenses, Contract Svc.	10,000	9,292	708
Misc. Oper. Expenses	8,000	9,971	(1,971)
Supplies, Materials	<u>2,000</u>	<u>2,000</u>	<u>0</u>
	\$70,000	\$49,009	\$20,991

- * The balance of \$22,254 in the Personal Expense category is due to the Executive Director's having been hired on January 16, 1990, which was in the middle of the state fiscal year.

MINNESOTA COUNCIL FOR THE HEARING IMPAIRED

MEMBERSHIP - 1990

Robert A. Geesey
Executive Director

Ruby A. Vine*
Chair, At-Large (12/91)
Hearing Impaired Consumer
Blaine

Roseanne Florey
At-Large (12/90)
Parent
Litchfield

Samira Anderson
Southeast RSC (12/91)
Service Provider (RTC)
Faribault

Dale L. Lauseng Sr.*
Northeast RSC (12/91)
Hearing Impaired Consumer
Hibbing

Dr. Robert Harris*
Metro RSC (12/90)
Service Provider
Eden Prairie

Linda Nelson*
At-Large (12/90)
Service Provider (HIHW)
Minnetonka

Curt Micka
At-Large (12/90)
Service Provider
Eden Prairie

James Potter*
At-Large (12/91)
Educator
Morristown

Kathleen Peterson
Upper Northwest RSC (12/90)
Parent
Warren

Ann L. Sherman
East Central RSC (12/91)
Parent
Brainerd

Floyd Scott*
At-Large (12/91)
Service Provider
Minnetonka

Dr. Arne Teigland
Northwest RSC (12/90)
Educator
Moorhead

Gretchen Spear
Southwest RSC (12/90)
Service Provider (DRS)
Mankato

Linda Flint*
At-Large (12/91)
Service Provider
St. Louis Park

Brenda Woltjer
West Center RSC (12/90)
Parent Willmar

*Hearing Impaired

APPENDIX I

RECOMMENDATIONS MADE TO THE MINNESOTA STATE BOARD OF EDUCATION BY THE MINNESOTA ASSOCIATION OF DEAF CITIZENS' TASK FORCE ON THE PRESIDENT'S COMMISSION ON EDUCATION OF THE DEAF (COED)

Presented to the State Board of Education on January 19, 1989

(The following are recommendations made to the State Board of Education on January 19, 1989, concerning education of deaf and hard of hearing children. They were made on behalf of the Minnesota Association of Deaf Citizens Task Force on COED. Recommendations and the National Association of the Deaf Educational Task Force. The MSAD COED Task Force represents 340,000 hearing impaired people and 4,500 hearing impaired children in the State of Minnesota. They represented the needs of the hearing impaired children as a group of deaf consumers who are very much concerned about the findings in "TOWARD EQUALITY: Education of the Deaf, A Report to the President and the Congress of the United States by the Commission on Education of the Deaf," published February 1988.) (To be consistent to the report cited above, the term Deaf is used to refer to all persons with hearing impairments, including those who are hard of hearing, those deafened later in life, those who are profoundly deaf, etc.)

ISSUE: PUBLIC LAW 94-142

"The provision of Public Law 94-142 called Least Restrictive Environment (LRE) mandates that handicapped children have the opportunity to be educated with non-handicapped children. We agree with this premise. However, the COED Task Force has discovered that school districts and state departments of education, with guidelines from the Federal Office of Special Education, have already interpreted this to mean that the least restrictive environment that promotes education of regular and handicapped children WILL BE the facility closest to home, and in some cases WILL BE the regular classroom. Any other placements that are not in keeping with the "geographic consideration" are "more restrictive" placements. The specific academic needs of the child are to be safeguarded by the Individualized Education Plan (IEP) team...however, if it has already been decided that the school closest to home, and/or the regular classroom, is the least restrictive environment...then the "least restrictive placement" is driving the IEP instead of the IEP driving the placement." (IMPACT-HI, Independently Merging Parents Associations of California - Together for the Hearing Impaired.)

PROBLEMS:

- * The interpretation of Public Law 94-142 in Minnesota does not meet the intent of the Law as it is presently being implemented.

- * Minnesota Statute 120.17 (4) should be abolished or amended to reflect the special needs of deaf and hard of hearing students.
- * The "Cascade" model of educational placement is a faulty concept for deaf and hard of hearing students and is corrupted and prejudiced from the outset. When put into practice the result is a "failure" model.
- * Individualized education plans are frequently developed without an expert on deafness and/or a professional from the field of deaf education serving on the IEP Multidisciplinary team (M-team). Parents all too frequently feel intimidated by the "professionals" on the M-team and yield to their combined "wisdom." Unfortunately, speech and hearing therapists and audiologists are not professionals in deafness, they are only familiar with the medical side of deafness and not the culture, education, curriculum, etc.
- * There are no experts on deafness designated to monitor the IEP of "mainstreamed" deaf and hard of hearing children.
- * A wide range of support services are usually not incorporated into the IEP of students placed in mainstreamed programs.
- * Quality education for deaf and hard of hearing students is measured by programmatic components rather than student outcomes.
- * There are no standards for educational interpreters.

Cases in point:

A program is set up for a five-year-old hearing impaired child in a rural school district with an uncertified interpreter with inadequate signing skills and the child does not have language skills to comprehend the interpreting being conducted. (Who is monitoring such placement?)

The landmark Rawley court decision enabled a school district to refuse interpreter services because the student had "passing grades." In other words, she had to fail her courses before she could obtain interpreter services.

School districts "always" say that parents' rights are fully considered in IEP meetings/decisions. It does not always happen that way--perhaps because school districts do not want to lose their "funds," quota, or disseminate school funds to another district. In other words it may be cost efficient and administratively convenient to keep the hearing impaired child within their school districts. Parents' views and considerations are often quelled or one-sided when it comes to a vote. It is usually not in the best interest of the parents/family but of the school district itself.

A suburban hearing impaired child, who has been removed from a special program to be placed in a regular classroom setting with hearing peers, announces that because of this placement he or she will become a hearing person someday.

RECOMMENDATION 1: The Department of Education should develop a statewide high-risk hearing-screening program and provide guidelines in implementing such procedures for each live birth. The guidelines should include the use of high-risk criteria and should delineate subsequent follow-up procedures for infants and young children considered to be at-risk for hearing impairments. Follow-up procedures must include the provision of visual access to language for the hearing impaired youngsters at the ages of 0 to 3.

Language acquisition remains the biggest problem for the hearing impaired population and the critical stage of language development lies in the time line between birth and the age of 3.

RECOMMENDATION 2: The Department of Education should, under Public Law 94-142, emphasize "free and appropriate public education" in a "most appropriate placement" rather than "least restrictive environment" as it now does. Placement options should be (in no particular order):

- * Residential school
- * Special day school
- * Day classes
- * Resource rooms
- * Mainstream settings (regular classroom)
- * Hospital settings
- * Home instruction.

The least restrictive environment should be that environment which will enable each child to reach his/her potential academically, socially, and emotionally in an environment free from communication barriers. Communication accessibility must be of paramount importance when making placement decisions.

"APPROPRIATE"

"'Appropriate' meant appropriate. Proper. Right for our children. What could be plainer? The law promised our children an appropriate education, geared to their individual needs. To us, that was the end of the matter. The law promised. The law would provide.

"Or so we thought.

"We found that 'appropriate' meant, at best, 'adequate,' 'good enough.' Not too costly, and not too troublesome. We found that, for our children who could not hear, 'appropriate' meant placement in a classroom with children who could hear. 'Appropriate' meant a

few hours a day with a teacher minimally qualified to teach deaf children. 'Appropriate' meant depending on a poorly qualified sign language interpreter six hours a day. 'Appropriate' meant being the only kid in the class with your very own grown-up hanging on your heels all day long.

"'Appropriate' meant spending six or eight years of your life in a classroom with all the same kids, and often the same teacher. 'Appropriate' meant being a special kid in a special class down the hall, and away from the 'normal' kids.

"'Appropriate' meant growing up not knowing that you were a part of a community of deaf people. Growing up thinking that upon graduation you would somehow become hearing--after all, you'd never seen a deaf adult. 'Appropriate' meant being embarrassed at your voice, your oversized 'body aids,' and the 'strangeness' of your signs. 'Appropriate' meant denying every aspect of your identity that set you apart, and striving with all your might to look, sound, and be just like a 'normal kid.'

"'Appropriate' meant not expecting too much. Not having responsibilities. Not trying the things that teachers 'knew' deaf kids couldn't do. Not making waves. Not disrupting the system. In short, we found that appropriate meant letting our kids in the schoolhouse door. But not assuring they learned ANYTHING once inside." (M. Cassidy and S. Harvey, Statement, March 17, 1987)

RECOMMENDATION 3: The Department of Education should provide guidelines and technical assistance to local educational agencies and parents to ensure that an individualized education program (IEP) for a child who is deaf relates directly to the academic, social, emotional, and communication needs of the TOTAL child. Further, it is recommended that at a minimum the following needs and factors be addressed and dealt with in the IEP process:

- a) communicative needs and the preferred mode of communication
- b) linguistic needs
- c) severity of hearing loss and the potential for using residual hearing
- d) the child's academic level and style of learning
- e) social needs
- f) placement preference
- g) emotional needs
- h) individual motivation
- i) cultural needs
- j) family support
- k) learning style

"LEARNING STYLE"

List includes but is not limited to:

- a) how long can a child be visually attentive to a speaker?
- b) how long can a child sit in a chair/desk without fidgeting?
- c) can the child ignore extraneous distraction?
- d) can the child have access to essential information and make clarification to details?
- e) is the child physically able to focus on the interpreter, be attentive to teacher, watch classmates, read simultaneously?
- f) does the child have good peripheral vision to see the interpreter end/begin/pause, etc?
- g) what is the child's command of the English language?
- h) does the child communicate primarily in English, ASL or PSE?

RECOMMENDATION 4: The Department of Education should install the placement alternative model for special education in place of the Cascade Model.

(The student is placed in the middle of a circle, "Student's Special Education and Related Services." There are eight program options: Hospital Instruction, Itinerant Instruction, Special Class, Regular Class, Institutional Instruction, Special Schools, Resource Rooms and Home Instruction.)

RECOMMENDATION 5: The Department of Education should issue a policy statement requiring that school personnel inform parents of all options in the continuum of alternative placements during each individualized education program (IEP) conference.

Too often parents are not informed of all options available to them to consider placement to meet the needs of their child. The local school districts are not obliged to inform them of any other choices and too often the parents do not know of any other options available for their children. They must be informed of all.

The parents' choice of alternative placement should be given HIGH priority.

RECOMMENDATION 6: The Department of Education (Resource Center) must monitor school districts to ensure that the evaluation and assessment of children who are deaf be conducted by professionals knowledgeable about their unique needs and be able to communicate effectively in the child's primary mode of communication.

The Department of Education must expand/add a multidisciplinary (team) staff at the current Resource Center to serve all the school districts in the State of Minnesota. The Department of Education must secure the services of qualified deaf people to be on the staff. The Resource Center must have additional qualified psychologists, social workers. Guidelines must be developed so that school districts statewide, including the metro area, must comply in terms of appropriate assessments and evaluations.

RECOMMENDATION 7: The Department of Education must establish a Quality Education of the Deaf Task Force which has at least 51% deaf people/educators/parents on it.

The Task Force must be able to study/incorporate these requirements if feasible into Minnesota State Statutes:

- * report on achievement levels of students in special education programs and classes;
- * provide guidance to school districts on improvements that can be made in center schools and other programs serving large numbers of students with disabilities;
- * provide incentives to the districts to ensure that center schools and other large programs supported by State and Federal funds take appropriate and timely steps to meet minimum requirements;
- * provide incentives to programs demonstrating better than average language acquisition and other academic progress in students;
- * provide motivation for programs to achieve critical mass, to employ administrators and teachers with specialized training in deafness, and professional support staff who meet the highest level of the standards recommended by the Council on Education of the Deaf;
- * provide a mechanism for rapid dissemination and national publicity for programs demonstrating successful and innovative solutions in these areas;
- * establish performance standards that would be required for further Federal assistance beyond a certain date; and
- * develop evaluation procedures appropriate for deaf children in the following areas:
 1. School Achievement
 2. Person-to-person communication
 3. Social functioning
 4. Cognitive development
 5. Writing skills.

Below are the recommendations found in the COED report which were submitted to Congress. However, we can follow these guidelines and proceed with our direction BEFORE Congress acts on them.

RECOMMENDATION 8: The Department of Education, in consultation with consumers, professionals, and organizations, should provide policies and procedures for the establishment and maintenance of standards to ensure that interpreters in educational settings are adequately prepared, trained, evaluated and supported.

We understand that a quality assurance team is in process in implementing policies. However, we understand that it is monitored by the Department of Education. We feel that the quality assurance team would need more input or involvement from deaf professionals. We believe that the Minnesota Foundation for Better Hearing and Speech (MFBHS) is handling the quality assurance system survey (QAS) of interpreters in this State.

We would hope for a report from the Department of Employment on a regular basis on survey findings, policies, criteria, etc.

RECOMMENDATION 9: The Department of Education should require local school districts to ensure that regular classroom teachers serving students who are deaf in their classes receive the appropriate technical assistance and training to meet the educational needs of the deaf students.

Teachers in regular classrooms should have a background in deaf education and if not, take classes to meet that criteria. For example, special education teachers at day schools and center schools are required to have a degree in deaf education in order to teach the deaf.

Therefore, teachers in regular classrooms should be appropriately certified to teach the deaf. The responsibility to teach deaf children in regular classrooms often falls on the shoulders of interpreters. If a deaf person wanted to teach deaf children, they are required to obtain additional courses, i.e., deaf education. It is ironic because hearing teachers do not have to take courses on hearing education to teach hearing students, so therefore why should they be exempt from deaf education courses to teach deaf children.

CONCLUSION

It is very important that the Board and the Department of Education realize that this effort represents more than a single committee. Hopefully you sense that this "committee" represents deaf citizens of Minnesota and their national organizations.

It is important too that the committee is seen as a political constituency. This effort is a first step toward continued self advocacy and self determination.

A total of nine (9) recommendations are submitted for your consideration. The recommendations are based upon sound educational philosophies and practices and are supported by extensive research. To accept anything less is to accept less than quality education regardless of placement. Minnesota is not the only state facing this issue, but Minnesota can be a forerunner in resolving this issue if it begins now. The deaf community stands ready to roll up its sleeves and stand side by side with educators and significant others to provide a quality education program for deaf and hard of hearing students.

Above all, what we want is a regular dialogue with appropriate Department of Education administrators. Right now we are dissatisfied with our current communication channels.

The Department of Education has not sought input from deaf citizens in the past and we do not see much improvement yet. We hope that this is the stepping stone to improved relationships with department officials in the future.

In closing, the ultimate goal is not to make a deaf person hearing, nor to make a deaf person similar to a hearing person, but to educate him or her to maximize his/her individual potential.

"NATURE CREATES DIFFERENCES--SOCIETY CREATES HANDICAPS"