

In Danger: Deaf Education in Utah

Part V

**In Danger: Deaf Education in Utah and
Its Impact on ASL/English Bilingual Program
as well as Inequality of Deaf Education in Utah**

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Note

This Part V manuscript is a draft. Bronwyn O'Hara, an editor is currently editing the manuscript. She is in the process of including emails and letters that were sent in from January 2009-August 2012 to Dr. Martell Menlove, Glenna Gallo, and Leslie Castle regarding the hiring and firing of Steven W. Noyce. Many parents, family members, and Utah Deaf community members shared their stories and struggles. It effectively changed the course of deaf education in Utah because the Utah State Office of Education heard them (USOE). USOE changed Steven W. Noyce's contract as superintendent and also removed Dr. Karl White from one of the interviewing committees as a result of their input. Bronwyn wanted to show what kind of letters/emails were sent in to accomplish such a marvelous victory. As soon as it is completed, I will let you know.

Thank you for your patience, Jodi B. Kinner

Acknowledgment

After the enactment of the 2009 House Bill 296 and accomplishment in obtaining a permanent Libby Edwards school building in Salt Lake City, Jean Massieu School staff members and Utah deaf leaders had been able to capitalize on this school pride while working with various USDB administrators to ensure that the ASL/English Bilingual approach was given equal attention to what was given to what was now called the Listening and Spoken Language approach until the new USDB superintendent, Steven W. Noyce, an avowed oralist and a very active member of the National Alexander Graham Bell Association, came into the picture.

As mentioned earlier, the battle over oral and sign language had been ongoing since the beginning of formal deaf education in the state of Utah in 1884. For a while, the controversy had quite down. The ASL and LSL people were getting along "alright," as both of the groups were "minding their business," before Mr. Noyce got on board in 2009. By the time, he came on board, he had blinders on and truly believed that LSL was superior to ASL/English. He used his bias to influence the people, particularly parents as well as to manipulate people, information, and events to achieve his predispose outcome. The result was a battle. The Utah Deaf community was up in arms, because they saw the hidden agenda. The battle lines were eventually drawn among the LSL and ASL advocates and the response from the eventually formed Utah Deaf Education Core Group had been in reaction to all Mr. Noyce had done and to what Day Mullings, a new Director of the Parent Infant Program, was doing. For crying out loud, the ASL advocates asked for intervention. However, the people in authority would not listen. ASL advocates continued to make noise.

Noyce and Mullings had a vision for making all deaf children "hearing like." The Core Group argued that deaf children were different, as it was not a one-size-fits all. They felt the children should be allowed to access to two languages: ASL and LSL equally if requested by parents. For instance, in 2007, the Canadian government established an anti-sign language policy denying the rights of deaf and hard of hearing children to language. In this policy, the parents may choose to obtain a cochlear implant for their child, or they may choose sign language, without the option of choosing both.

This situation brought outrage among the Canadian Deaf community and called on the government to end its discriminatory practices through a rally. The National Association of the Deaf was represented the rally and noted that the language is a fundamental human right (UAD Bulletin, June 2007). In a similar parallel, Noyce established a policy for the Parent Infant Program for not allowing the parents to choose both options: ASL and LSL, which drew anger among the local Utah Deaf community. From the very beginning of the battle, the Utah Deaf Education Core Group likewise fought for the fundamental right of deaf children to have equality in education, particularly to language and communication in the State of Utah. Since the communication methodology options was implemented for parents to choose, they championed for flexible pro-choice as well as for deaf and hard of hearing children's right to communication and language.

New USDB Superintendent Appoints

For years, the Utah Schools for the Deaf and the Blind administration had one superintendent and one assistant superintendent. Under the HB 296 bill, the USDB administrative structure changed. The new structure included one superintendent and two associate superintendents. Superintendent *acts as a chief executive officer*. One of the associate superintendents has expertise in deaf education and the other has expertise in blind education.

During the screening process for the superintendent position at Utah Schools for the Deaf and the Blind, Dr. Jennifer Howell, hard of hearing and then Curriculum Coordinator, was chosen to be one of the four finalists for the position. When it was announced that Steven W. Noyce was also one of four finalists, Julio Diaz Jr., husband of Minnie Mae Wilding-Diaz, JMS co-founder and father of three deaf children who attended USDB's Jean Massieu School, expressed his concern about Noyce's commitment to auditory-oral education and how it is not favored by proponents of sign language. Julio believed USDB needs someone who would forge new ground (Stewart, Salt Lake Tribune, July 30,

2009). The USDB community, both Deaf and Blind, felt confident that Dr. Howell would get the job.

A shock wave broke out when Steven W. Noyce was hired by the Utah State Board of Education to be Superintendent of Utah Schools for the Deaf and the Blind on August 7, 2009. At that time, he was serving as the Executive Director of the Tucker-Maxon Oral School in Portland, Oregon. Prior to his four years at Tucker-Maxon, he had worked at USDB as an oral teacher, Outreach Program Director and South/Central Program Director for tenure of 40 years.

Since Noyce was no stranger to Utah, several members of the Utah Deaf community were aware that he was a former student the Oral Training Program at the University of Utah during the early 1970s, under the guidance of Dr. Grant B. Bitter (Steven W. Noyce, personal communication, December 2, 1971). Dr. Bitter was the father of deaf daughter, Colleen and worked at Utah School for the Deaf as an oral teacher for two years. He was also Coordinator of the Oral Training Program at the University of Utah and Coordinator of the LDS Deaf Seminary for the State of Utah. A strong espouser of hard-core oralism, Dr. Bitter had the most profound impact on the education for deaf students in Utah, especially the movement towards mainstreaming. They feared Noyce as a new superintendent would carry on Dr. Bitter's legacy.

It had been a long time goal of Noyce to become superintendent of USDB. In an email sent to Dr. Menlove Menlove, a recent hired as a Deputy State Superintendent for the State of Utah on August 20, 2009, a former USD employee (hearing) explained that during a time of great turmoil and anxiety at USDB in 2004, regarding a decision to be made by Utah State Office of Education concerning the position, which hung in the balance of former Superintendent Lee Robinson, Noyce went about reassuring program managers that they did not need to worry about their jobs, that he would see that they were secure, as though he would be the superintendent of USDB and could make those kinds of decisions. This activity completely unnerved the staff. In fact, he was one of the three finalists for Superintendent that year; however, he did not get the job. Noyce then

moved to Portland, Oregon to become the Executive Director of the Tucker-Maxon Oral School.

Leslie Castle, chair of the search committee for the selection of USDB Superintendent, member of Utah State Board of Education and State Board representative on the USDB Advisory Council, stated that there were many parents, faculty, and others associated with USDB in various ways who were pleased with the appointment of Noyce (Leslie Castle, personal communication, August 20, 2009).

The Utah Deaf Community Speaks Up

Noyce was hired despite several letters having been written to Dr. Martell Menlove, Deputy State Superintendent expressing concern about the possible hiring of Noyce. The writers of the letters already knew Mr. Noyce and feared potential problems/issues.

After much discussion of the Utah Deaf community's concern over the appointment of Noyce as the new Superintendent of USDB, Utah Association for the Deaf and the Beehive Chapter of the Gallaudet Alumni Association co-signed a letter sent to the Utah State Board of Education, members of the Utah State Office of Education, and several legislators and others interested in deaf issues on August 11, 2009 (See Appendix A). The letter petitioned that the Associate Superintendent over the Deaf Program at USDB be an ASL native speaker with a background in the ASL/English bilingual philosophy.

The specific language of the legislative session ending in spring 2009 stated that the associate superintendent to administer the Utah School for the Deaf should be hired based on:

“(a) demonstrated competency as an expert educator of deaf person; and (b) knowledge of school management and the instruction of deaf person” (The UAD Board and

BCGUAA Letter to the Utah State Board of Education,
August 11, 2009).

Based on prior experience and history with Noyce, UAD and Beehive GUAA believed strong consideration should be given to their request to select an individual who possessed native ASL communication skills, had the proven ability to manage Deaf education, and had hands on experience with JMS' ASL./English bilingual philosophy.

Eventually, Dr. Jennifer Howell, who met all of the requirements listed above, was hired to be the new Associate Superintendent.

A Meeting with Dr. Martell Menlove, Deputy State Superintendent

After the Utah State Board of Board elected to hire Noyce, Dr. Martell Menlove, who also served as liaison between the Utah State Board of Education and USDB and the USDB Advisory Council, asked for a meeting with certain people when he realized they had very strong feelings about the appointment, especially when one deaf individual, Jodi. B. Kinner who had access to people with authority, expressed serious concerns regarding the election of Mr. Noyce as the new Superintendent.

Three people, Joe Ziedner, Dr. J. Freeman King, and Jodi were present the meeting on August 21, 2009. Leslie Castle, Board member, was also present at the meeting. Dr. Menlove placated them by saying that Noyce's contract was for only two years and that Mr. Noyce would be evaluated in a year.

During the meeting, Dr. Menlove told the three concerned people that he also received letters from supporters for Noyce. Much of the history of USDB and various viewpoints regarding Noyce were shared. Dr. Menlove shared some comments he received from parents and interested individuals that were very supportive of Noyce's

appointment. The conclusion was that there are many opinions, positive and negative about him (Joe Zeidner, personal communication, August 25, 2009).

Three important points were made by Dr. Menlove, which brought some degree of comfort to the Utah Deaf Community. The following four points were:

1. The contract for the USDB Superintendent must be reviewed and renewed, or not renewed, by the Utah State Board of Education every two years,
2. Mr. Noyce will have an annual review with the Board of Education. He reportedly had asked to be included on the UAD agenda for their September 2nd meeting in order to discuss his appointment and to introduce himself to the UAD board and take their questions, and
3. Dr. Menlove became a Deputy State Superintendent who reported directly to the Utah State Superintendent Larry Shumway. This was an important change as going forward Dr. Menlove will be the contact point for the Deaf community and due to his position will be in a much better position to quickly make adjustments as need be (Joe Zeidner, personal communication, August 25, 2009).

The fact was that Noyce was the new superintendent of USDB regardless of any other opinions and began his job on August 24th. Three people were encouraged to take a “wait and see” approach (Joe Zeidner, personal communication, August 25, 2009).

Deaf Leaders’ Observation of USDB Superintendent Steven W. Noyce

Ever since Steven N. Noyce was hired as the USDB superintendent, the Utah ASL advocates were concerned about the direction in which Deaf education in Utah seemed to be embarking. Unlike most other states, in which oral education was promoted outside of the state schools for the Deaf, Utah had proudly claimed its uniqueness in its sponsoring both options through their state deaf school. Little they realized its impact in accordance with Dave Mortensen’s explanation in his June 1975 UAD Bulletin article entitled, “Utah’s Unique Dual System” in *“Controversies Surrounding*

Communication/Educational Methods and Educational Placement Regarding Interpretation of “Least Restrictive Environment” in Utah” manuscript.

With Noyce as the USDB Superintendent, however, the Utah deaf leaders felt the USDB was not only NOT making any headway, but also that the ASL/English bilingual program such as Deaf Mentor Program, Jean Massieu School, CEABER and AEBPD training that the Utah Deaf Community worked hard to establish in Utah was being slowly taken away from the school. They felt Mr. Noyce as superintendent of a state school should be promoting all the programs under his jurisdiction whether he completely agrees with them or not.

Furthermore, deaf co-workers during Noyce’s 40-year career in deaf education reveal that he rarely greeted them when walking past them on campus, not even with a “Hi.” Needless to say, he has barely interacted with them to learn about their experience growing up as deaf people. They wondered how could he make decisions regarding ASL/English bilingual programs when he did not associate with the people involved with those programs. Additionally, they wondered how he perceives ASL, not only in the education of deaf and hard of hearing children, but also in general. They questioned, “Why is he in Deaf education if he can’t acknowledge the vitality and validity of ASL?”

During one meeting, Noyce, a hearing male, told Jill Radford, a deaf female and Program Director of Jean Massieu School, that he felt oppressed by the Deaf community. What? The Deaf community was an oppressed minority among the larger hearing population, not the other way around. Deaf leaders recognized this statement revealed a lot about his way of thinking and showed the Deaf community that it will be very difficult for them to try to help him understand their perspectives or to share their experiences of growing up with sub-par education and low expectations, with limits to their language and communication access in the school system.

Deaf leaders wondered what Noyce was telling his superiors at the Utah State Office of Education. Is he saying that the Deaf community is just oppressing people who don't think the same way they do? In one letter, Noyce said, “For those who advocate for

only American Sign Language, they may never be satisfied with the position of the Utah Schools for the Deaf and the Blind” (emphasis added). Deaf leaders recognized that he did not understand that the Deaf Community was not advocating only for ASL but for the USDB Superintendent to vigorously support BOTH of the two approaches offered at USDB. After all his salary was paid with tax monies from the entire state of Utah, including numerous members of the Deaf community.

Deaf leaders urged that the Utah School for the Deaf, as a state agency funded by taxpayers, needed to ensure a good balance of both methods to meet the needs of each child as it is not a one-size fit for all. They recognized that other state schools for the deaf were also state agencies, but unlike USDB, they functioned like a school by providing classrooms, sports, extracurricular activities, peers, and etc.

Deaf leaders supported the right of parents of deaf children and deaf students to decide on a program for them, based on fair information. Like Dr. Robert G. Sanderson said in his March 1992 UAD Bulletin issue that they were also opposed to the presentation of improper, biased, one-sided information from so-called professionals that have taken root among many USDB/PIP employees. Furthermore, they supported Dr. Sanderson’s dream, “That every deaf child will be carefully evaluated by unbiased professionals who have the best interests of the child at heart, rather than their personal philosophies” (Sanderson, UAD Bulletin, July 1992).

However, no one had listened. Shortly after Noyce was hired, Leslie Castle, from the Board of Education, with whom Julio Diaz had been in touch with frequently via video-relay calls, said that the Board would watch closely his attention (or non-attention) to the equality between the oral and ASL/English programs (Minnie Mae Wilding-Diaz, personal communication, August 11, 2009).

Deaf leaders wanted their voices be heard one way or another. They could relate their experience to USD former Principal and Head Teacher, Henry C. White’s

experience when no one listened to him. As mentioned earlier in this chapter, in 1894, while deaf leaders were battling Alexandra Graham Bell and attempting to block the expansion of oral day schools across the United States, newspaper articles in Portland, Maine included a statement from Henry C. White. In his statement, he faulted school administrators for their failure to consult directly with deaf adults. He asked, “What of the deaf themselves? Have they no say in a matter which means intellectual life and death to them?” (Buchanan, 1850 – 1950, p. 28). Deaf leaders likewise wanted their Deaf voices to be heard!

Superintendent Steven W. Noyce’s Perspective and Attitude Of Deaf Culture and American Sign Language

Utah deaf leaders’ worst fear came true when Steven W. Noyce as USDB superintendent did not have positive perspective and attitude toward the Deaf Culture and American Sign Language. There are four following examples of his unsupportive perspective of what the Deaf community valued.

During a retreat for members of the Advisory Council on August 28, 2009, Noyce erroneously stated that the Sanderson Community Center of the Deaf and Hard of Hearing tended to focus only on Deaf people using American Sign Language. His statement was similar to what Dr. Grant B. Bitter said about the Deaf Center in the “*History of the Sanderson Community Center of the Deaf and Hard of Hearing*” manuscript. Marilyn Call, a member of the Advisory Council who happened to be the Director of the Sanderson Community Center clarified that the way he viewed the Sanderson Center sounded like how the old Deaf Center in Bountiful was operated, and that a lot of things had changed over the years. The Sanderson Center was now required by the State of Utah to be neutral by providing a wide continuum of services for all deaf and hard of hearing populations. Deaf leaders wondered why couldn’t the State of Utah require the same with the Utah School for the Deaf, especially the Parent Infant Program (which is separately funded by the Legislature)?

On November 12, 2009, a town hall meeting was held at the Sanderson Community Center with Noyce and the Associate Superintendent, Dr. Jennifer Howell as main speakers. Over 250 people attended the town hall meeting. During the two-and-a-half hour meeting, Dr. Howell did most of the talking, but when Noyce put in some words, he often referred to the oral approach, defending various components of the concept (USDB Town Hall transcript of the meeting, November 12, 2009). Many of the people who attended the meeting us felt uneasy about the message conveyed by Noyce, despite the overall success of the town hall meeting. His philosophical leanings was evident, but they decided to give Noyce the benefit of the doubt, hoping that, as Superintendent, he would give equal attention to the two approaches available at USD and they were Listening and Spoken Language-LSL and ASL/English bilingual options.

During the USDB Advisory Council meeting on December 10, 2009, Noyce reported on a visit that he and a few other USDB administrators made to an oral program in California. Jodi B. Kinner, one of the two representatives from the Utah Deaf community on the Advisory Council then asked Noyce if he would later visit an ASL/English program. He replied, “That is not going to happen” (USDB Advisory Council Minutes/ Meeting recorder minutes recorder, December 10, 2009). The Deaf leaders were stunned at such an attitude coming from their new Superintendent. Eventually, Noyce sent ASL/English bilingual employees to the California School for the Deaf, Fremont, however, he did not join them.

At a retreat for members of the Advisory Council on September 22, 2010, Mr. Noyce announced that most parents were choosing cochlear implants and the Listening and Speaking Language approach. During the same retreat, during Noyce’s comments regarding the newly organized PIP, he said something like this: "There are people in the Deaf community who fear ASL will (interpreter signed FADE AWAY) not exist.” Because the deaf leaders were certainly not privy to Noyce’s innermost thoughts, deaf leaders can’t say with absolute certainty WHY he would say such a statement, but the attitude in which it was articulated seemed to be one of telling the Deaf community that they had to get “over it” (USDB Advisory Council Retreat Minutes/Meeting minutes

recorder, September 22, 2010). Naturally, they were quite offended by the statement and wondered if he did not understand the true purpose of our letters. They were not concerned about the potential decline of ASL should USDB put a heavy emphasis on one methodology over the other. George W. Veditz, a former president of the National Association of the Deaf stated in 1913 that, “As long as we have deaf people on earth, we will have signs” (George W. Veditz, Wikipedia, 1913). Their concern, instead, was the communication and educational needs of the Deaf children in the state of Utah.

Did You Know?

On October 13, 2010, Julio Diaz, a representative of the Utah Deaf Education Core Group submitted a letter on behalf of a group of concerned parents and members of the Deaf community in Utah asking the Conference of Educational Administrators of Schools and Programs for the Deaf (CEASD) for assistance after Superintendent Steven W. Noyce made on September 22 regarding the supposed fear that the Deaf community has of ASL ceasing to exist. The Utah Deaf Education Core Group this comment was the "straw that broke the camel's back." Dr. Larry Shumway, Dr. Martell Menlove and Leslie Castle were cc'ed. Ronald Stern, CEASD President responded explaining, as follows:

CEASD stands by the indispensable principle that quality education for deaf children is driven by accessible language and communication as well as educational equity and excellence. CEASD (www.ceasd.org) has several position statements that may be helpful to your group as it advocates on behalf of deaf and hard of hearing children. I hope you and your group are able to work collaboratively and with knowledgeable and trained professionals in the field of education of the deaf and hard of hearing to resolve your concerns (Ronald Stern, personal communication, October 26, 2010).

Superintendent Steven W. Noyce Revamps the Parent Infant Program

While Utah deaf leaders attempted to give Steven W. Noyce the benefit of the doubt, hoping that he would give equal attention to the two approaches available at the Utah School for the Deaf, they were however alarmed with the way he revamped the

Parent Infant Program that was strongly slanted in favor of the Listening and Spoken Language Program.

Noyce had always said that he supported the choice of the family, but he had taken choices away from them. Before the specific examples of what he had done that lead the Deaf leaders to believe he still favored the LSL program at the expense of ASL/English bilingual program. For example, the training on the ASL/English bilingual approach was given on a national level, and there were three main areas of focus in regard to language abilities:

- 1) Signacy (sign language skills of students utilizing ASL as their first language),
- 2) Literacy (students' skills in reading and writing, and
- 3) Oracy (students' listening and speaking skills) (Nover, 2006).

For parents who chose the ASL/English bilingual option, PIP did not include the oracy component before the age of 3. This means that parents who choose the ASL/English path will not be allowed to get speech services from USDB until their children enter preschool where oracy was included.

Under the new system, parents had to choose only either Listening or Spoken Language or ASL/English Bilingual option. They cannot ask for a combination of both. The choice of having both did not exist under the current system at PIP as it did in the past. The Total Communication was no longer an option as USD had recognized that signing and speaking at the same time was not an effective way of education. Parents cannot experiment with both until they make their decision even though the “old” program did need improving, it at least allowed parents to try signing and speech/listening until age 3. The parents were pressured into making a decision very early in the “game.” Deaf leaders understood that it was vital to get children started onto learning a language as early as possible, but due to several factors, it put undue pressure on parents.

Many parents wanted the LSL option AND to learn ASL. Because it was what

parents want for their child, it should be acknowledged in a way that parents feel supported in their decision. The parents who choose the LSL option were not allowed to have a Deaf Mentor to teach them ASL. As it stood, there was very little, if any, support for LSL parents who want to incorporate ASL in their homes. It was same for parents who choose the ASL option were not allowed to have speech services.

Because parents were allowed only ONE option under the current system, they did not realize that ASL/English did, in fact, include speech therapy, most parents naturally lean towards the LSL option. It was very natural for them, especially as hearing parents, to want their children to speak. If they had the complete picture of what ASL/English bilingual literacy means, including oracy, it would probably make a difference in their choices. It was pretty clear that the LSL option was in fact being promoted at the expense of the ASL/English program by Noyce and his PIP Director, Day Mullings. They observed at different occasions that he was predisposed to the oral ideology and was not promoting the ASL/English bilingual program at the same rate that he was the Listening and Spoken Language program.

Utah deaf leaders observed that Noyce might not realize he used bias in his decisions and yet he did not compensate sufficiently for his biases. He often said he was supportive of providing families options and choices, his words and actions contradicted. He had repeatedly focused his time and energy towards the LSL option to the detriment of ASL/English Bilingual program. He was resolute in his desire to keep students in the LSL program separate from those in the ASL/English bilingual program so that the oral students don't learn to sign. Additionally, he utilized his personal training which was rooted in a LSL approach to a deaf and hard of hearing child's education over an AS approach.

Utah deaf leaders observed in this way, Noyce was unconsciously segregating oral and signing students like whites and blacks were in the past. For instance, Jacob Dietz, hearing parent of three deaf children had a good observation of the system, expressed his concerns that Noyce was blinded by his biases, and those that support him

were very vocal and just as blind. He had always said that he supports the choice of the family, but in his experience, he had only taken choices away from him and his wife, Erica. As an example, when the decision came down that they had to choose either ASL or LSL for their daughter who was in Parent Infant Program, they were distressed. She had always shown a great proficiency in signing, but also a great desire to vocalize (her hearing loss was not always as severe as her older deaf brother). She was receiving listening therapy through Utah School for the Deaf and was flourishing. Jacob was concerned that if they wanted that to continue, they would have to choose LSL.

However, ASL was essential for her. They did not want deaf children to be on totally separate paths, but they did not want their daughter to miss out on any opportunity to communicate. They voiced their concerns and were told by Dr. Howell and Day Mullings, Deaf PIP Director that the ASL path was an ASL/English bilingual path, that she would get support for both. Jacob and Erica chose ASL. All services that had to do with her oral skills development stopped. They were told they could not continue any of her speech related therapy. Fortunately, Jill Radford, JMS principal had made it possible for the students at JMS to get both, which was awesome, but their daughter was a year away from that. They wrote letters to Steve Noyce, and got no response. He even met with Dr. Martell Menlove personally. Changes were promised, but nothing had happened. Their communication options had been reduced. They were the parents, yet their choice was not valid (Jacob Dietz, personal communication, February 8, 2011). Unlike Jacob, a lot of parents had been lost in the system and did not know where to go for intervention.

Jacob Dietz wrote additional perspective in his BlogSpot and stated, "According to part C of IDEA (Individuals with Disabilities Education Act), which governs early intervention, it discusses the Individualized Family Service Plan. This is where, at the beginning, the family meets with USDB, in this case, and sets up services based on what is available, based on the needs and concerns of the family. This means it should vary from individual to individual, and should not be a choice of two predetermined paths. That is not individualized at all. I felt like this was closer to what we had when Johnny and Eliza were first identified, but then last year I had to pick from two different paths for Eliza, neither of which I felt met her individual needs. We were assured by Day Mullings in a town hall meeting that it was the ASL/ENGLISH path. What we were not told was that if we picked it, the English part does not start at all until

pre-school. So, after a year of listening and auditory therapy, our daughter had no services for listening or spoken English. She would end up having a break from this for almost 18 months, meaning she would probably regress in her oral skills, and she would have to make up even more ground when she started pre-school. Which brings up an interesting point? Steve Noyce mentioned that teachers in PIP are trained in oracy, just like in the pre-school and k-12 programs. I can tell you that our ASL specialist is very good about having an "ASL" day and a "talking" day, but this does not compare to the therapy that is available to Johnny at JMS. The same therapy that was available to Eliza, but is not now. The oracy available at JMS is amazing, but it is absolutely not available to children in PIP. In fact, like us, other parents we have talked to have informed us that they have been told they shouldn't pick the ASL path if they are considering cochlear implantation for their kids. Like us, they have been told that oral and auditory services are not available through JMS at all. So while Steve Noyce is saying in the newspaper that "oracy" is available in the infant program, as well as the k-12 program, his employees are telling parents the opposite. Our experience has shown that speech and listening services are in fact not available to ASL kids in PIP, and the oracy that is available at JMS has more to do with Jill Radford than Steve Noyce" (Jacob Dietz, personal communication, February 21, 2011).

The examples of what happened in PIP as presented above; Utah deaf leaders could no longer give Noyce the benefit of doubts due to not being sufficiently knowledgeable and/or supportive of the ASL/English bilingual option available at USD. They felt he as superintendent, he should be supportive of all the programs available, and he had said he supports JMS and the bilingual option. However, it was evident that his loyalties and enthusiasm lie with the LSL program.

Ever since, Noyce began his employment, he wasted no time restructuring the USDB programs, especially the portion of the Listening and Spoken Language program in the Parent Infant Program. In an analogy, the deaf leaders were concerned about Noyce running like a football player toward the goal line to achieve his agenda to salvage Dr. Grant B. Bitter's legacy. In order to protect the ASL/English bilingual programs, they felt the urge to be the players to tackle him before reaching the finish line. What Noyce had done that lead deaf leaders to believe he favored the Listening and Spoken Language Program at the expense of ASL/ English Bilingual Program. They felt the PIP program as

a whole needed to be reevaluated to ensure that parents are given unbiased information and are comfortable with their decisions.

Interesting, a portion of Alexander Graham Bell Association's position on ASL reads: "With respect to American Sign Language (ASL), AG Bell acknowledges ASL as a language in and of itself. AG Bell also recognizes ASL's importance in Deaf culture as a unique feature, and a language that many take pride in learning. AG Bell does not believe that ASL should be prohibited or restricted as a choice, nor does AG Bell advocate against learning ASL as part of a child's overall development if that is what the child's parents desire." Dan Mathis, a deaf son of former PTSA president, Carol White Mathis, argued if parents want ASL along with speech, why stop them? How does that conflict with USDB's position that ASL shouldn't be used in hand with LSL training? He won't be surprised Noyce/Day-minded would argue that LSL doesn't necessarily abide everything AGB Association says about ASL (Dan Mathis, personal communication, August 30, 2011).

Did You Know?

Since Steven W. Noyce began his career in the education of the deaf in 1971, he had not bothered to learn any sign language, as a courtesy or to be cordial with those of his program that used ASL. Not all superintendents of schools for the deaf can sign well, but most of them, if not all, knew at least a few signs.

The Parent Infant Program Town Halls

In April and May 2010, Day Mullings, the director of the Parent Infant Program held Town Halls in Ogden, Salt Lake City, and Orem. When she discussed the options during the town halls, it was quite easy to see where her inclinations lay. Markedly more time was given to discussing the LSL program, and even though Day was able to sign, her voice became excited and rose when she discussed the LSL program, but went low

and serious when she discussed the ASL/English option. Hearing parents picked up this difference in tonal inflections subconsciously and were aware influenced by it.

All these examples point out to an overt imbalance in the revamped PIP program that pronouncedly pulls parents towards the LSL program. Deaf advocates felt parents should be able to try various communication methods in their homes, and as they learn more about deafness, they should be able to move towards any and all methods they feel is successful with their child. They can only do that in a supportive PIP environment. A strong parent infant program that is honestly supportive of both options will aid parents in making decisions that are based on their own needs and interests. However, under Day, this type of program was not happening.

When Day was hired, she sounded like a great candidate and we were excited about her ideas. However, the longer she had been Director of PIP, the more the deaf leaders were concerned about her actual work performance. The following examples of the Core Group's perceptions of Day Mullings that actually happened during one or more of the three PIP town halls.

In Ogden, Day asked a parent to leave the meeting after the parent became emotional, and told another parent to stop being so confrontational. The parent who became emotional is also a Deaf individual, and this led to Noyce telling someone on the Advisory Council that if Deaf people "caused trouble" at the SLC meeting, they would be asked to leave. It was an unfair stereotyping of a parent who happened to be Deaf. Moreover, Day's not allowing parents to be emotional and/or confrontational serves to show her inflexibility and rigidity in a program that should be inherently flexible and adaptable to the parents in the program (Jeff Pollock, personal communication, April 23, 2010).

In Salt Lake City, she called Julio Diaz a liar after he clapped his hands loudly in response to a question posted by a father of two deaf children. This was, first of all, not a rational response to some clapping, however loud. Secondly, she repeated her words

twice after Julio yelled back that she was lying too. This is totally unacceptable behavior for a PIP director (This scene happened to be filmed, and there a DVD that shows this scene) (SLC Parent Infant Program Town Hall DVD transcript, May 15, 2010).

In Orem, even though the town halls were publicized through UAD Announce and were therefore public meetings, Day refused to answer questions from concerned people who were not actual parents of a deaf child. She actually told them, “I don’t need to answer your question.” She became very sensitive to any comment or question that disagreed with or questioned her statements, taking them all personally. She interrupted people, especially if they didn’t have a deaf child currently in PIP, and talked loudly over their voices. Again this rudeness and disrespectful behavior is totally inappropriate in a professional (Chrystee C. Davenport & Randi Pippins Welborn, personal communication, May 12, 2010).

During the Orem town hall, Day said more than once that it was better for the future of deaf children if they could speak and listen and if parents wanted their children to as well as the other hearing children, they were NOT to use any sign language with them. This is a fallacy and shows Day’s ignorance, and her bias (Chrystee C. Davenport & Randi Pippins Welborn, personal communication, May 12, 2010).

Also during the Orem town hall, when asked about research, Day responded that that she would only use her research sources, not other people’s sources (Chrystee C. Davenport & Randi Pippins Welborn, personal communication, May 12, 2010).

Even though Day said she is not biased, it was easy to see that she was, in fact, very much predisposed towards the LSL program. The deaf advocates felt Day as a director of PIP; it was her job to ensure that both options are supported and encouraged, and that parents feel free to choose either the ASL/English or LSL program, or both, without feeling cowed by the director herself. They understood that the LSL specialists need to be strongly in favor of the oral program, like the ASL/English specialists need to

be biased towards the ASL/English bilingual approach; however the DIRECTOR needs to be able to champion both options as equally as possible.

“Separate But Equal?”

To reiterate, even though Steven W. Noyce had said he wanted to develop the best bilingual program possible, it was easy to see that he was, in fact, very much predisposed towards the LSL program. Deaf leaders felt as a superintendent, it was his job to ensure that both options were supported and encouraged, and that parents felt free to choose either the ASL/English or LSL program, or both, without feeling intimidated by the superintendent himself. They understood that people in the LSL program would be strongly in favor of the oral program, like the ASL/English people would be biased towards the ASL/English bilingual approach; however the SUPERINTENDENT needs to be able to champion both options as equally as possible.

Additionally, as Superintendent of a state-funded school, with his salary paid from funds generated by Utah taxpayers including deaf Utahans, deaf leaders felt Noyce should be more supportive of the ASL/English bilingual program. However, he failed to insure that funding for the PIP Specialists for the ASL and LSL programs were equal. The LSL program received a greater and disproportionate amount of the limited funds. It was learned from one of the PIP employees that the percentage of money given to the LSL mentors was more than their fair percentage amount. Example: if there are 75% of parents in the LSL mentor program, they should get only 75% of the PIP funding but, in reality, they are getting 95% of the funding. If 12% of parents are in the Deaf Mentor program they should get 12% of the funding but they're not. They're getting only 8% or less of the funding. This was a significant point and provided observable and tractable data.

In fact, Noyce had said that he wanted both LSL and ASL programs at the school to be the best programs in the country. However, his actions showed that he was not in favor of nor does he supported ASL for deaf children. For example, he said at the USDB

Advisory Council that a visit to an ASL/English bilingual program after a visit made to an oral program “is not going to happen.” After objection was made, Noyce eventually allowed visitation at the California School for the Deaf, Fremont, however he didn’t go there himself.

The following are excerpts from different letters that were sent to Dr. Martell Menlove – the excerpts show recognition of Noyce’s ability to give persuasive presentations that cover up his real intent:

*** Jean Thomas, former USDB Interpreting Supervisor/Coordinator - August 20, 2009):** “My concern is this: Mr. Noyce has the ability to discuss in a positive/persuasive manner how he supports options, such as Sign Language. However, his actions show that he is not in favor of nor does he support sign language for deaf children. His philosophy is that of Oral/Aural education.”

*** Bronwyn O’Hara, former USDB parent - June 1, 2010:** “Steve has greater access to you than the concerned parents and Deaf community. He is very persuasive and talks a lot. He’s always labeled his opponents in a conveniently negative way as to isolate them from being heard. This is totally unfair.”

*** Ken and Vea Lynn Jarvis, former USDB parents - June 4, 2010:** “I guess Steve is a nice enough person but I know that in his heart he is oral and always has been and will not support ASL or any other sign language communication as ardently as he will support oral education. As far as I can tell from our experiences with him, he will say what you want to hear and then do whatever is on his personal agenda and to my knowledge that agenda always has been and always will be oral.”

“Separate but equal” programs at USD rarely happened. A number of parents reported that the staff did not inform them of the JMS option and only promoted an LSL approach for pre-school. Instead they were told ASL will limit their child’s potential, which was not supported by the research and data on the subject.

Since 1962, one program became the favored “child” and the other was made to feel inferior to the first. Children were encouraged to try the favored program first, and if inadequate success is seen, they were then funneled to the other. Here is an example from Melissa Miller’s letter posted on the Utah Deaf Education Core Group’s website as follows:

“Jean Massieu School of the Deaf (JMS) seemed to be the only choice we had (after having tried a total communication program and being told that their son probably had a processing disorder and was not learning either sign or speech). It was if we were picking the lesser of two evils. We were scared to death for him... This door we had to open for him seemed so dark and scary... What we did find was a bright, happy, little boy (whose) ASL is far surpassing ours and (whose) vocabulary has grown tremendously. His speech, as well, has become clearer and is growing. He is soaring through school and is further along than his older (hearing) brothers were at his age (info in italics added).”

Even though this happened after PIP for this boy, it reflected the general attitude at USDB about the two programs. It was evident which program was the favored one.

Another example is that USD was a statewide agency, not a private institution. As such, USD should not be practically forcing parents to choose only one option and sticking with it. The National Association of State Directors of Special Education, in their book, ‘Meeting the Needs of Students Who Are Deaf or Hard of Hearing,’ states that “choices about communication are frequently made as part of a process, rather than a one-time phenomenon” (page 6, emphasis added). Parents were being pressurized to choose an option as early as possible and didn’t have the flexibility to ask for something that they thought fits their child (such as a mixture of both types of training for their child).

These examples point out to an overt imbalance in the revamped PIP program that pronouncedly pulls parents towards the LSL program. That concerned the deaf leaders a lot. They felt parents should be able to try various communication methods in their homes, and as they learn more about deafness, they should be able to move towards any and all methods they feel is successful with their child. They can only do that in a supportive PIP environment. A strong parent infant program that is honestly supportive of both options will aid parents in making decisions that are based on their own needs and interests. Under the direction of Day Mullings, this type of program was not happening.

This restriction in choices was an outdated method and reminds the deaf leaders of similar programming at USDB back in the 1960s and 1970s. Given a situation like this, they recognized that Noyce had not shown evidence of neutrality throughout the program. Moreover, he did not seem to have affiliations with any ASL/English Bilingual based organizations and/or programs. According to Dr. J. Freeman King, professor of Utah State University, he questions, "Why can the child not be given the best of both worlds: the opportunity and the ability to use sign language, when appropriate, and the opportunity and the ability to use speech, when appropriate (Freeman, 2009).

Did You Know?

Janus's following quote, "Roman God of Gates and Doors" represents the Deaf community's situation on battling over the same old issues since 1962:

Janus stood at the end of the year waiting to open the gate; He looks back over the year that just passed and shakes his head in distaste. "These humans are strange" he says to himself- "they never do learn their lessons. The same old mistakes year after year-for centuries-the same situation . . ." Patricia Andersen, "Roman God of Gates and Doors"

In the following analogy, Steven W. Noyce as the USDB superintendent had turned his clock back to 1960s repeating the same old mistakes and apparently never learned his lessons.

It'll be a good lesson for everyone to learn from this quote and to figure out a plan.

The Downsizing of Deaf Mentor Services

The Deaf Mentor Program had been in operation since 1993 and had successfully served many families requesting this service. Here is a brief overview of the program, shared here to provide background information for what follows: Deaf mentors were hired and trained to meet with families with Deaf children to teach them ASL and share Deaf Culture. The mentors had to be Deaf and fluent in ASL, and meet with families for one hour a week. Since its inception, the mentors were to work with families who had children ages 0-8, but that quickly changed to include children ages 4-6 as well, as it was

acknowledged that many families often didn't find out their child was deaf until age 2 or so, and then didn't have adequate time to learn ASL and Deaf culture if the services stopped at age 3. Each family was allowed to remain in the program for up to five years. The age 0-3 service had always been the PIP.

When Steven W. Noyce was hired as superintendent in August 2009, the Deaf Mentor program was serving 93 families with children from ages 0-6. There were 14 Deaf mentors who were hard pressed to meet the needs of all these families. The number of families receiving Deaf Mentor services quickly dropped to 24 in early 2010, just a few months after Noyce was hired. A significant reason for this decline was that parents who chose the LSL approach were no longer able to request for both services, LSL training and Deaf Mentors, like they were able to before Noyce came abroad. Parents must choose either Spoken English or ASL.

During Summer 2010, the mentors were asked to also serve families with deaf children from birth to 22, to provide more ASL instruction and assistance to families whose children were moved from the LSL program to the ASL/English track due to inadequate progress in LSL and sometimes because they moved in from another state as well as country

The length of Deaf Mentor service was limited to 3 years per family; however, visits were increased to two hours per week, which enabled families to progress quicker with their acquisition of ASL. (The dynamics of ASL acquisition, naturally, varies with each family: some struggle with learning and understanding ASL while others acquire the language at a good pace.)

Due to this change in age requirements, the number of families the Deaf mentor program was serving during Spring 2011 bounced back to 88, with 17 children under the age of 3 and the remaining between ages 3-22. (The number of families being served often changed weekly, due to transfers in and out of the program.) However, the number of Deaf mentors dropped to 7 within the same time span, many of them leaving because

they could not work with the new PIP director, Day Mullings.

The remaining six part-time Deaf Mentors and one full-time Deaf Mentor were not able to adequately meet the needs of these 88 families, There was a waiting list of 33 families, and the visits had to be reduced to one hour weekly.

On June 30, 2011, due to state budget cuts, the six Deaf Mentors who were Deaf themselves were terminated (1 full-time and 4 part time), effectively reducing the number of Deaf people employed by USDB by seven. Effective July 1, 2011, Emily Tanner, Deaf Mentor Coordinator was demoted to “Lead Deaf Mentor.” The service was limited to children under the age of 3, effectively ceasing services to approximately 71 families.

The current plan was for Emily to take care of the remaining 17 families herself, and the services will be center-based, meaning that parents and their deaf child will be meeting with her at central locations in Ogden, Salt Lake City and Orem instead of her going to their individual homes. Visits with families in Southern Utah will be conducted via videophone with Emily traveling to the area for face-to-face meetings four times a year. Additionally, IEPs that included Deaf Mentor services will be updated and modified to ensure that the service was no longer listed.

When Jeff Pollock, an Advisory Council member expressed his concern about the reduction in services and subsequent elimination of all Deaf Mentor services. Noyce defended himself by saying, “The Advisory Council suggested that all non-IEP related and non-mandatory services be eliminated. Deaf Mentor services are continuing with families on IFSPs in the infant toddler program. Deaf Mentor services will be a building block request for families to learn ASL. Deaf Mentor services were expanded to school-age children’s’ families only last school year, when I became Superintendent “ (Steven W. Noyce, personal communication, July 28, 2011).

Was the downsizing of the Deaf Mentor Program predicted by Jean Thomas, former Interpreting Supervisor/Coordinator at USDB? In a letter that she wrote to Dr.

Martell Menlove as soon as Noyce was hired as USDB Superintendent, she mentioned that ever since the establishment of the Deaf Mentor Program in 1993, “All of Mr. Noyce’s efforts went in to ensuring that this program was not successful” (Jean Thomas, personal communication, August 20, 2009). In a nutshell, that deaf and hard of hearing children in Utah no longer had access to role models in the Utah Deaf community because the Deaf mentor program had been, essentially, shut down.

Cutting the Early Intervention Specialists’ Hours

By the time Steven W. Noyce began his employment, he restructured the early intervention specialists employed in the Parent Infant Program so that all were trained as specialists in either ASL/English Bilingual or Listening and Spoken Language Programs. Previously, only one had a background in LSL. By February 2011, there were twice as many LSL specialists as ASL ones to reflect parental demand (Winters, February 21, 2011, Salt Lake Tribune).

There was three ASL/English Bilingual Specialists and all of them were hearing and fluent in ASL. They worked with the families who select the ASL/English Bilingual option while seven LSL Specialists worked with other families who choose the LSL option.

Besides losing all the Deaf Mentors, on June 30, 2011, Noyce and Day Mullings cut three ASL Early Intervention Specialists’ time due to state budget cuts. The hours of two of the three ASL/English specialists had been reduced (from 100% to 75% for one, from 30% to 25% for another). The hours of the 3rd and last ASL/English specialist were not touched. They still served the same number of children as they were last July 2010. The one whose hours had been reduced from 100% to 75% was Dr. Paula Pittsman, a co-founder of the Deaf Mentor Program. Apparently, she as the most senior staff member in PIP was being penalty for being the most outspoken.

On the LSL side, one LSL specialist moved out of state, and her position was not going to be filled. The program specialist lost her title, and was "just" a specialist now (losing \$1,200 from her salary). The hours of the remaining people hadn't been touched.

Mr. Noyce had disproportionately reduced and eliminated staff, the most recent of which was the reduction and elimination of the Deaf Mentor from the Parents Infant Program for parents who select the ASL approach for their child. The Utah Deaf community felt it was clearly discrimination against the ASL/English children, parents, and staff at USDB.

Closure of a USDB Residential Option

Since 1896, the Utah Schools for the Deaf and the Blind in Ogden served as a residential option by offering the dormitory/cottage facilities for students who lived far from home.

On March 12, 2010, USDB Superintendent Steven W. Noyce reported to teachers and staff that most state schools for the deaf and the blind had traditionally been and most were still, primarily residential schools. In the past, children with sensory disabilities needed to attend these residential schools to access the intense and very special services they require. Children who were deaf or blind had literally grown up in these residential schools. However, with the IDEA requirement of least restrictive environment and the emphasis on serving children in their communities, the state school residential model had lost many adherents. Large school districts and regional programs had tried to provide services for these low-incidence populations; however, many children in districts other than the very largest were left out of these service options. Even children in regional programs or in large districts were often provided with less specialized and less intensive services than were provided by statewide systems (Steven W. Noyce, personal communication, March 12, 2010).

In addition, Noyce mentioned that for decades, the USDB had creatively expanded its services to children throughout the state and as much as was logistically feasible, provided for intense instruction in each child's home and community. USDB, in collaboration with districts and charter schools, had the potential to be the model of service delivery for the country while providing specialized and intense services to children with sensory disabilities. He emphasized that they should be justifiably proud of a model that serves children with sensory disabilities wherever they lived in the state, without necessitating children to be educated away from their family and community (Steven W. Noyce, personal communication, March 12, 2010).

Under the administration of Noyce, superintendent of the Utah Schools for the Deaf and the Blind (USDB), the Accreditation Visiting Team visited the USDB in 2010 to evaluate the services. According to the USDB Accreditation Visiting Team Report (May 10-12), it reports the "historical accounts of the school confirm that living the dormitory/cottage facilities was a very lonely time for many students. The report states that even though the school staff worked hard to create a homelike atmosphere, students felt strongly the loss of their home and family experiences. After a time, the students and families of this state preferred not to receive services in a residential setting. During the years of special education reform in the 1970s, USDB services changed to reflect new national attitudes. With the passage of Public Law 94-142, opportunities for educational services closer to home became a reality for many families" (p. 4).

The USD alumni reported irreverent to the Accreditation Visiting Team Report. They shared in the 1976 and 1984 Alumni Reunion Booklets that most of them who stayed at the USD seemed to be happy, well adjusted and learned how to use time and participated in many activities during the weekend. They also stated that they had fond memories of their school (First Reunion of the Utah School for the Deaf Alumni, 1976; A Century of Memories: Utah School for the Deaf 100th Year Anniversary Alumni Reunion Booklet, 1984). In general historically speaking, the Deaf-World authors support the USD students' positive experience living on school campus. The deaf child who graduated from the residential schools has healthy self-esteem with the help of exposure

of Deaf role models, Deaf staff, older Deaf student and alumni as well on school campus (Lane, Hoffmeister, & Bahan, 1996). Refer to the “*Sociology of Utah School for the Deaf in the Utah Deaf Community*” and “*Origin and Early Beginnings of Utah School for the Deaf*” manuscripts to get a better picture of what the Utah residential school is like.

Throughout the accreditation process, it is possible Noyce, as a former student of the Oral Training Program at the University of Utah during the early 1970s under the guidance of Dr. Grant B. Bitter, influenced the Accreditation Visiting Team into thinking that it is better to mainstream a deaf or hard of hearing student in general education classes than to send him or her to a specialty school for deaf. Apparently, USD failed to consult with the alumni for input before meeting with the accreditation team.

When the Utah Schools for the Deaf and the Blind moved into new facility at 742 Harrison Blvd on April 19, 1993, a series of cottages were built to provide home homes to students who lived on campus. Cottages represented an attempt to make the campus more like home to students who lived there (UAD Bulletin, May 1993). Over the years, the USDB residential program became smaller and smaller as services were offered in a greater variety of locations throughout the state (USDB Accreditation Visiting Team Report, May 10-11, 2010, p. 4). The students who lived in the cottages had additional disabilities while the regular students were mainstreamed. By spring 2010, there were already very few students living in the cottages, but this reflected a lack of priority in ensuring that there was a robust residential program for the state. In fact, there were very few students educated at this campus and the residential placement for 18 students was removed. Most of USDB’s 600+ students were educated in “neighborhood schools.”

As of spring 2010 under the administration of Noyce, residential services were provided for only 28 students during the school week, with each student returning to his/her home on weekends and holidays. As a result of this declining enrollment in the residential program, USDB reconfigured services beginning in the 2010-11 school year to meet the needs of students who required intensive vocational and life skills instruction in order to live independently (USDB Accreditation Visiting Team Report, May 2010). The

Supported Transition Extension Program was formed as a residential program for students ages sixteen through twenty-one that offers comprehensive academic, social, job readiness, college preparation, and life skill instruction designed to prepare students for independent adulthood.

In fact, on the Admission Page of USDB's website, it says, "Not all students who receive services from USDB attend a USDB school. In many cases, USDB and your neighborhood district will collaborate to provide the services that are [needed]." Additionally, in response to the question, "What if I live far away from a USDB campus?" the Admissions page says, "USDB provides services in many school districts throughout Utah by collaborating with local schools..." Deaf leaders felt that Noyce closing of the residential option took away from the continuum of educational placement services, including a residential setting that were supposed to be offered to families as mandated by IDEA 2004, as explained in "*The Evolution of the ASL/English Bilingual Teaching Method*" manuscript.

In addition, an inordinate amount of money had been spent in renovating one of the cottages at the Ogden campus into a "specialty" center mainly for families who choose the Listening and Spoken Language approach. Day Mullings, PIP Director said the center was for families who need a few days to learn how to apply the LSL approach to their children at home, and did not say how families who choose the ASL/English bilingual approach could use the center. The renovation included not only painting the cottage, but also new furniture and materials - during a time of tight budget constraints (The Utah Deaf Education Core Group's Letter, June 11, 2010).

Noyce's interpretation of what constitutes the least restrictive environment (LRE) for deaf children was faulty. His interpretation had a definite negative impact on Jean Massieu School's lack of new enrollment. The Utah Deaf community felt he should support JMS as it is the signing division of the state deaf school.

Due to bad economic conditions, several state schools for the deaf were

threatened by State Government to close the school. The National Association of the Deaf recognized important problems and helped intervene. During the 50th Biennial NAD Conference in Philadelphia, Pennsylvania, NAD voted on two top priorities for 2010-2012 was to protect both Schools for the Deaf and ASL-English Bilingualism on the www.nad.org/about-us/priorities, as follows:

- Priority Code: 2010-PA-PUB-010 2010-2012 Priority: Protect Schools for the Deaf NAD shall work to protect schools for the deaf, such as residential schools of the deaf, deaf day schools, and deaf charter schools, by establishing a task force focused on reaching the deaf community about the risks of deaf schools closing and lobbying to redefine how deaf and hard of hearing students are placed according to priorities set forth in the Individuals with Disabilities Education Act (IDEA).
- Priority Code: 2010-PA-PUB-007 2010-2012 Priority: ASL-English Bilingualism NAD shall make it a top priority to promote the practice and prioritization of American Sign Language-English bilingualism in all NAD and affiliated organization activities, including those that are political, social and educational in nature. NAD shall also work to ensure that parents of children with cochlear implants and other listening assistive technology receive exposure to Deaf Culture and American Sign Language.

Did You Know?

On March 12, 2010 Superintendent Steven W. Noyce reported to USDB teachers and staff, as follows,

Utah Schools for the Deaf and the Blind is unique. While state schools for the deaf and state schools for the blind are closing or in seriously tenuous positions, USDB is thriving. If only for those reasons, USDB is a model for the country. But we can do even better (Steven W. Noyce, personal communication, March 12, 2010).

Did You Know?

On September 9th, 2010, Parent Infant Programs hosted an Open House show casting their newest program options for families at the Ogden USDB Campus. Under Superintendent Steven W. Noyce's administration, during a time of tightening fiscal constraints, a disproportional amount of funds was spent on remodeling a cottage on the USDB campus in Ogden mainly for parents who chose the Listening

Spoken Language program, to the exclusion of other categories of parents. For instance, the cottage was completely refurbished, but did not include ANY of the technological advances that the Utah Deaf community uses such as lights for the doorbell, videophone or vibrating alarm clocks. State monies should be spent to benefit all who were being served by the state school not just some. The students at Jean Massieu School needed a *new playground, but USDB did not have funding available to build one for the children*. Instead a lot of the funding was exhausted in ensuring that a cottage looked good for LSL parents.

A lot of money and effort has gone into a specialty center at the Ogden campus. From what was said at the town halls, families can come and stay at the center for a few days at a time to get training in LSL strategies. However, even though ASL classes will apparently be taught at the center from time to time, there doesn't seem to be a similar program in place for parents who choose the ASL/English option to come and stay for a few days to get training in ASL/English strategies.

The Impact of the USDB Superintendent on HB 296

When the HB 296 that regulated the Utah Schools for the Deaf and the Blind was enacted in 2009, the students who were academically on-level and did not need IEPs can utilize Section 504 for USDB services to receive direct communication and instruction with teachers and peers. The portion on eligibility was able to help raise academic expectations and allowed deaf and hard of hearing students to be educated together on USD/JMS campus as the appropriate educational placement regardless of their educational level. While it will take time to get the students up to those expectations and standards, a new era in Utah Deaf Education has truly begun.

However, Superintendent Steven W. Noyce had not been as fully proactive as possible with this possibility of accepting students with Section 504 plans into USDB, preferring to focus on students on IEPs and encouraging those with Section 504 plans to attend their local schools. This had a negative impact on USDB because students who do not academically need an IEP are not being encouraged to enroll, leaving USDB/JMS with students who are not as academically advanced. This restricts teachers' ability to provide an education that was on par with that at neighboring schools. In another word,

students who were clearly behind academically were encouraged to enroll at JMS, while those that demonstrated fewer delays were often channeled into the LSL program or their local school districts when they were in 3rd grade. JMS usually served the large number of 3rd or 4th grade students who did not succeed in the LSL program.

In August 2010, JMS functioned as a day school for deaf and hard of hearing students/families who choose the ASL/English Bilingual approach for education, served grades preschool through 12 (Jill Radford, personal communication, January 15, 2011). The enrollment of new students at JMS for Fall 2010 was predicted to be 30. However, when school began, the count was mysteriously down to 0. It was eventually discovered that negative information was circulating around USDB regarding the ASL/English bilingual programs available at USD and about sign language in general, causing parents to NOT want to enroll their children at JMS. In one year, JMS had lost 21 students.

As one of the continuum of school alternative placements mandated by IDEA 2004, Jeff Pollock, a new Advisory Council member, who replaced Jodi B. Kinner believed JMS will see success when the school has a full K-12 program with direct instruction for all core requirements & critical mass of deaf students of all ages involved. Students can still take electives in mainstream programs (Jeff Pollock, personal communication, May 5, 2011). Despite the HB 296, it however did not happen.

Jodi B. Kinner, a former member of the USDB Legislative Task Force resigned from the USDB Advisory Council in September 2010. Her resignation was based on her respectful disagreements with Noyce over six areas:

1. The way he structured/operated the PIP and how he set up the rigid options of offering only one of either LSL or ASL to families, turning the clock back to a similar program in the 1960s,
2. The way he prioritized his budget spending,
3. His inappropriate and insensitive behavior towards USDB teachers as well as staff members,
4. His not championing both options (Listening/Spoken Language and American Sign Language) behind closed doors,
5. His interpretation of the least restrictive environment (LRE) and its impact on Jean Massieu School's lack of new enrollment, and lastly,

6. The way he channeled placement procedures, particularly for students who fall under Section 504 under HB 296 (i.e. academics becomes sub-par from the impact of the enrollment at JMS of oral failures with no language/communication skills and students with multiple disabilities in our local ASL/English bilingual programs).

Since her services on both USDB Institutional Council and Advisory Council since 2004, she was able to capitalize on improving the education and services. However, by the time Steve Noyce came onboard, she hit the brick wall and was not able to continue her services under his administration. Thus, she resigned, but she continued to advocate for the deaf education in the State of Utah.

Did You Know?

Due to lack of educational services, sports, extra-curricular activities, and most importantly of all, stimulating peers – critical mass, the following students left the state to attend another state school for the deaf. The following names are in order:

1. Shane Nevins – California School for the Deaf, Fremont – 2007
2. Lance Bahling Mangrum – Oregon School for the Deaf – 2008
3. Blake Immell-Mischo – Model Secondary School for the Deaf – 2008
4. ShaRae Himes – California School for the Deaf, Fremont - 2008
5. Adriane and Abigail Gonzalez – Rochester School for the Deaf - 2008
6. Briella, Tres, & Isabelle Diaz – Kansas School for the Deaf – 2010
7. Jamila Walker – Washington School for the Deaf – 2010
8. Mauri J. Lynn – Kansas School for the Deaf – 2010
9. Zenn Williams – California School for the Deaf, Fremont – 2010
10. Katrina Jensen – Central Institute for the Deaf – 2010
11. Jessica Ziedner – Model Secondary School for the Deaf – 2011
12. Katelynn Rockwell - Arizona School for the Deaf – 2011

Four more JMS students were also transferred outside of the state to attend another state school for the deaf during the year 2010-2011.

A Low Morale at the Utah Schools for the Deaf and the Blind

In August 2009, the Utah State Board of Education, who was unaware of Steven Noyce's reputation/history, made his goal to become the superintendent of USDB a

reality. Jean Thomas, a former USDB Interpreting Supervisor/Coordinator sent her email to Dr. Menlove on August 20, 2009 and told him to be aware that there would be programs other than just the deaf programs that would be affected by Noyce's decisions. The prediction had come true: many teachers and staff members (from the oral, ASL and blind programs) were unhappy with Noyce (Thomas, personal communication, August 20, 2009).

His inappropriate and insensitive responses toward USDB teachers and staff members in addressing their concerns and challenges. More than half of the teachers at USDB (including oral and blind teachers) were unhappy with him and had filed complaints against him through the teacher's union. Noyce's repeated failure to listen to the teachers/staff members' concerns continued.

Michelle Tanner, a member of the Advisory Council (the representative of USDB teachers and President of the USDB Educators Association - USDBEA) reported to the USDB Advisory Council on February 25, 2010 that a lot of teachers (oral, ASL, and blind) were unhappy with Noyce personally and professionally, and that the morale was very low. She explained that they were processing appeals through union procedures and were also seeking assistance from the Advisory Council. Before she could elaborate, however, Leslie Castle, AC member representing the Utah State Board of Education interrupted saying there would be no discussion among the Advisory Council members and that there would be a private meeting with Dr. Menlove. The promised private meeting had yet to happen (USDB Advisory Council Minutes/Meeting recorder minutes, February 25, 2010).

During the Advisory Council meeting on October 27, 2010, Michelle Tanner revisited the teacher issues. After she said, "The morale is very low," Noyce bluntly said, "I think Bill Clinton explained it this way, "It's a recession, stupid." She responded by saying, "That is why we want to do a survey." After a lengthy discussion, the Advisory Council decided to form a subcommittee to work on a survey to be presented to USDB

administration, teachers, staff and parents. The teachers wanted the survey done to show people in authority that the situation has to do with more than just the budget cuts or the recession as Supt Noyce claims but that his negative attitudes and job performance have an impact as well (USDB Advisory Council Minutes/Meeting recorder minutes, October 27, 2010).

In November 2010, the subcommittee established at the previous Advisory Council meeting reported that they met and felt there was “enough information to warrant a survey,” which was proceed in Spring 2011.

On May 3, 2011, Annisa Wardell, a LSL parent, president of the LSL Parent Support Group, and ardent supporter of Noyce, stated in her <http://specialneedskidslosetheirrights.com> website, “I heard that there was a survey as well, and that morale was in all areas was in what I call the Happy distinction, not neutral and not unhappy. Of course there were those who were unhappy and those who were neutral, but the majority was happy. What we didn’t get to hear or have a voice in was what I can only guess was a discussion about Superintendent Noyce (Annisa Wardell, personal communication, May 3, 2011).

Establishment of the Utah Deaf Education Core Group

Ever since Steven W. Noyce obtained his employment as the USDB superintendent, his actions and behaviors adversely affected the Utah Deaf community. The deaf leaders feared his impact on USD, particularly the Deaf Mentor Program and ASL/English bilingual programs. Upon Ella Mae Lentz, a co-founder of Deafhood Foundation and well-known deaf education advocate’s recommendation, the “Utah Deaf Education Core Group” was formed during the Deaf Studies Conference at Utah Valley University in April 2010. The most vocal leaders were consisted of Julio Diaz, Minnie Mae Wilding-Diaz, Jeff Pollock, Dan Mathis, Stephanie Mathis, Duane Kinner, and Jodi B. Kinner. Bronwyn O’Hara, a hearing parent of deaf children who had a strong feeling

about Mr. Noyce eventually joined the group to work with the leaders on this cause. The group planning was a spontaneous process.

While observing the growing advocacy group, Jodi B. Kinner looked back remembering Dr. Robert G. Sanderson who was 87 at the time sent via email on May 16, 2007 that while he supported her political activity in the 2007 USDB Utah Code that regulated the USDB, she however cannot count on any direct participation on his part. He and his wife, Mary were trying to enjoy their retirement years. He had finally learned to say "No, thank you," and mean it. Dr. Sanderson was counting only one or two pet projects he had, and said, "It's up to the young and vigorous and enthusiastic deaf people like you to carry on" (Dr. Robert G. Sanderson, personal communication, May 16, 2007). Jodi couldn't help thinking that his quote applied to those leaders who were part of the UDE Core Group. They were picking up the fight for equality of Deaf education where the former leaders, Dr. Sanderson, Dave Mortensen, Lloyd Perkins had left off. The problems facing the young leaders were based on the past.

Utah Deaf Education Core Group Requests for a 360-Degree Evaluation

Between April and June, 2010, the Utah Deaf Education Core Group were extremely concerned about Mr. Noyce's direction he was leading USDB to and wrote several group letters to the State Superintendent, Dr. Larry K. Shumway, Deputy State Superintendent, Dr. Martell Menlove, and State Board/Advisory Council member, Leslie Castle expressing concerns about Mr. Noyce. The main objective of the letters was to ask that a 360-degree evaluation be administered on Mr. Noyce's capabilities and administrative skills, as was performed with a previous superintendent. Various groups of people were also concerned about Mr. Noyce's job performance. This included not only parents and concerned members of the Utah Deaf community, but also included administrators, teachers and staff in the Listening and Spoken Language program and ASL/English bilingual program, the blind division, as well as other parents who were not in the Core Group. As such, the Core Group asked for a 360-degree evaluation to be

done, so that they all could present their own perspectives on Mr. Noyce's work thus far. In addition to the group letters, some members of the "Core" group wrote individual letters as well.

In Dr. Menlove's responses to their letters, he advised them to focus on the overall USDB program rather than just the one person who was leading the program. Alan Wilding, a member of the Deaf community made a valid point as follows:

"We can attack and analyze the system, but it is often the administrator that leads the direction in which the system goes. We cannot just try to change the system while faulty leaders continue to stay in leadership positions. We must find better qualified and more neutral leaders to take over the reins. This does not mean, however, that we should not work around their faulty leadership in the meantime.

I believe that this is a mistake that many in the Deaf education field do--we try to ignore the bad leaders and do things our own way and try to "sneak past" them. This often does not work and then we're left with a worse system than if we had fought the faulty leaders in the first place" (Alan Wilding, personal communication, June 2010).

The Core Group pointed out that they could attack and analyze any system, but it was often the administrator that leads the direction in which the system goes. They could not just try to change the system while faulty leaders continue to stay in leadership positions. They must find better-qualified and more neutral leaders to take over the reins.

A rumor circulated saying that Steve Noyce took Dr. Menlove and others aside and told them not to give credit to the concerns of the Deaf Community because they are "fanatics" and would never be satisfied. The Core Group felt a 360-degree evaluation was so vital because then it will prove that the Deaf community was not the only stakeholder that was upset with Mr. Noyce and his leadership of the school.

The Core Group also felt it was important to remind Dr. Menlove and others that Deaf people have LIVED IT and that their "voice" should be highly valued and not

disregarded. No matter how much experience hearing people get by interacting with deaf people or how many courses they take, that will never equal the experience of living it.

However, there was no action on 360-degree evaluation.

The Efforts of the Utah Deaf Education Core Group

All of the efforts as the Utah Deaf Education Core Group pointed to the preservation of equal options and access to education as well as services for all deaf and hard of hearing children. They were concerned about the inequality in the Deaf Division and its flawed implementation of the Deaf Division at the Utah School for the Deaf that had been too long ignored. They did not have the problem with parental choice of approaches to use with their deaf or hard of hearing child. They agreed that parents should make decision for their children based on complete, unbiased information about all the options, but the problems arose when inadequate information was provided for one approach or the other, or both, and thus a skewed picture arises of potential end results. They believed the parents' decision should be made when each parent or set of parents is **ready** to make the decision, knowing that nothing is etched in stone. The parents follow the child's progresses, strengths, and weaknesses. The educational program can and must be fine-tuned to meet that individual child's unique needs. So the parent truly knows that if a change in methodology is needed, the decision to do that will be fully supported. Unfortunately, that rarely happened.

Another concern the Core Group had was about the problems arose when children were "shielded" from exposure to different communication strategies, especially American Sign Language, which could be just what the child needs. The group observed that the Parent Infant Program still pushed deaf and hard of hearing children into the Listening and Spoken Language program. The Core Group agreed it was best to provide children with a wide variety of communication/linguistic experiences to draw from, for them to then choose for themselves what they need and want. However, it had not happened.

The Utah Deaf Education Core Group felt the inequality issues need to be solved under the administration of Steven W. Noyce. Because USD was a state agency funded by taxpayers, they needed to demonstrate balanced support for both the LSL and ASL programs. They had not received nor seen balanced support for both programs, thus all of their efforts were focused on asserting for equal consideration for the ASL/English bilingual program. The core group wanted to maintain the right for parents to choose the best option for their deaf or hard of hearing children at USD as well as the right for deaf and hard of hearing children to communication and language. For instance, PIP did not offer both options: LSL and ASL that many parents wanted. They wanted not only the intensive training that LSL offers but also wanted to learn ASL. However, this option was not available. Those parents who decided to go with the ASL/English option did get speech training, but it was not as intensive, and some parents did want the intense therapy provided to LSL families in addition to learning ASL. The bottom line was that the parents who want the ASL option weren't getting much support here in Utah. The Core Group was fighting to have a fair and equal treatment of the USD ASL/English Bilingual program by the machinations of USD policies, which would include support for JMS by funneling students into the program.

They felt one of the problems at USD lied with not acknowledging the child's right to be as they were. They wanted to emphasize that the children should be accepted as Deaf as they are. Administrators, like Steven W. Noyce did not seem to acknowledge the children as they are.

The Core Group observed that the right was being violated in the Deaf program and that the educational choices were being taken away from parents, under Noyce's administration of the Deaf Program. They recognized that it was frustrating for parents of Deaf children who tried to choose the best option(s) for their children. The Core Group feared Noyce was taking the deaf program back 50 years to the old and already proven to be unsuccessful philosophy of Deaf Education. That philosophy (very much like apartheid) was separating the LSL and ASL/English programs again. They objected Noyce's approach of segregation and favoring one at the expense of all others. That was a flawed system that should never have existed.

One of their main goals was to restore equality in education in which they hoped to make positive changes by referring USDB to the “The National Agenda: Moving Forward on Achieving Educational Equality for Deaf and Hard of Hearing Students.” The Deaf National Agenda is designed to help solve the philosophical, placement, communication, and service delivery biases for deaf students within the school system.

The Core Group fitted Jacob Dietz’s concerns about Mr. Noyce’s job performance and how he provided choices to families as posted on his BlogSpot as follows:

“I have no confidence in Mr. Noyce has been his inconsistency. He has said from the beginning that he absolutely supports parent choice. I agree 100 % with this idea. I positively believe that the people best able to choose the communication path for their child are the parents. No one knows their child better than they do. Mr. Noyce would say publicly that he agrees with that. He has told me that privately. Normally, I would take him at his word. However, his actions speak louder. He believes in parent choice, as long as they choose one of two paths he has set up. He believes in a "one size fits all" kind of philosophy. Every deaf or hard of hearing child fits completely in one of two categories: LSL or ASL. That's it. There is no in between. Despite what has been said concerning it being the "ASL/English" path, there is no true bilingual option within USDB right now. This is an option that many parents want, but cannot have. My wife spoke with a mother who was frustrated because she chose the ASL path for her child, which has caused problems because she also wants a cochlear implant for her child. She was wanting him to learn both ASL and spoken English. This is not an option within USDB. In fact, Steve Noyce has worked very hard to ensure that the LSL kids are completely separate from the ASL kids. If Mr. Noyce truly believed in Parent Choice, there would be a bilingual option. To make this clear, bilingual is different from TC or SimComm. Bilingual would mean the child would become fluent in two different languages, in this case ASL and spoken English. We need a superintendent who truly believes that each child is different and the services each child receives from USDB should be catered to that individual child's needs, instead of forcing each child down one of two paths. Mr. Noyce does not believe in parent choice, but he says he does. What else has he said, that is not true (Jacob Dietz, personal communication, February 16, 2011)?

Unlike most parents who wanted both options, which was not available ended up picking LSL program. Jacob was in the opposite who selected the ASL option for his two deaf children, which was unusual.

ICED Rejection of 1880 Milan Congress Resolution

While all things going on with the political circumstances that existed at the Utah School for the Deaf, 130 years later after the infamous 1880 Milan Congress, President Bobbie Beth Scoggins of the National Association of the Deaf sent a letter to the 21st International Congress on the Education of the Deaf requesting that they grant official recognition to the use of sign language as a civil, human and linguistic right, particularly in educational settings.

On July 19, 2010, the International Congress on the Education of the Deaf granted NAD's requested and opened its 21st Congress with a historic announcement that it formally rejected the resolutions passed at its 2nd Congress, commonly known as the 1880 Milan Congress, which discouraged the use of sign language in the education of the deaf.

For years, NAD had observed that the original resolutions passed at the 1880 Milan Congress did irreparable damage to deaf individuals, educators, professionals, schools and communities around the world. Established in the same year as the 1880 Milan Congress, the NAD was shaped by deaf leaders who believed in the right of the American Deaf community to use sign language, to congregate on issues important to them, and to have its interests represented at the national level. These beliefs remain true to this day, with American Sign Language as a core value.

Because Deaf and Hard of Hearing community is often denied to access to ASL, the NAD has joined world leaders who believe that an official reversal of opinion by the 21st Congress would be positive step forward in the struggle for the widespread recognition of sign language as a human right, also in line with the U.N. Convention on

Rights of Persons with Disabilities.

NAD President Scoggins expressed her appreciation for their support by commenting, "We are elated to see that, for the first time in 130 years, the ICED has joined us in rejecting the actions of its predecessors and moving forward to improve educational systems for the global Deaf and Hard of Hearing community. We are grateful and proud to see the ICED take this important and very appropriate step towards reconciliation." She also said "The formal rejection of the 1880 resolutions made in Milan by the ICED realizes a dream that we have had for 130 years. Together with the ICED we have taken the first steps towards a beautiful, bilingual future of cooperation and mutual respect."

Lastly, President Scoggins declared that "We trust that the 21st Congress will take action to right the wrongs that were done to our global deaf community, so that we can move together forward in furthering our shared dream of bringing high-quality educational opportunities to all deaf and hard of hearing children" (**NAD website**).

It was a great victory to the Deaf community in Utah after years of dealing with the political clouds hanging over the education of the deaf. If interested, please refer to the "Sociology of Utah School for the Deaf in the Utah Deaf Community" concerning the Milan Conference.

A Formal Partnership Is Established Between Utah State University and the Utah School for the Deaf

A year after the Sound Beginnings, an oral school was formed in Logan, Utah in the Fall of 2007; the 2008 legislature awarded Utah State University an ongoing appropriation for this program to:

1. Work with Utah School for the Deaf and other educational agencies to improve services to young children with hearing loss throughout the state by serving as a model demonstration program, and

2. Provide training and support to teachers and clinicians in educational agencies to improve and expand existing programs that emphasize listening and spoken language for young children with hearing loss.

In July 2010, a formal partnership was established between the USU and the Utah School for the Deaf. As a result, USU now:

- Provides services to all birth to five-years-old children who are deaf or hard of hearing in Northern Utah,
- Provides specialized pediatric audiology services in Northern Utah for all children referred from USD,
- Provides in-service training and graduate training programs to meet the needs of USD, and
- Collaborates with USD to conduct research and program evaluation projects (Sound Beginning PowerPoint, April 28, 2011).

Furthermore, the USU-USD Partnership had created a symbiotic relationship that:

- Provided high quality educational and clinical services to children who are deaf or hard of hearing in Northern Utah at lower cost than USD could do on their own,
- Had strengthened relations between USD and school districts in Northern Utah,
- Made research capability available to collaboratively address issues of mutual interest,
- Provided pre-service and in-service graduate training programs that are tailored to USD needs, and
- Had created a model demonstration site that benefits programs throughout the state (Sound Beginning PowerPoint, April 28, 2011).

At the USDB Advisory Council meeting on April 28, 2011, it was reported that USU planned to add an American Sign Language classroom as soon as children are identified, hopefully in Fall 2011 (Sound Beginning PowerPoint, April 28, 2011). The Utah Deaf Education Core Group was astonished to find how easy it was to form the

USU-USD Partnership. Some of the Core Group members were former members of the Utah Deaf Education and Literacy, Inc for the Jean Massiue School of the Deaf and witnessed USD's unwillingness to work with JMS. UDEAL, particularly Joe Zeidner had to lobby the 2005 State Legislature to push USD to incorporate JMS into USD in order to give families an option as well as to cover a lack of fiscal resources. Compared to the Sound Beginnings, it was pretty much having handed to this school on a silver platter, especially when Mr. Noyce allocated \$444,000 to the Sound Beginnings during the USDB's budget of minus 0, without an equivalent allocation to an ASL/English Bilingual Program.

It was not until July 25, 2015 when USDB Superintendent Joel Coleman and Associate Superintendent Michelle Tanner decided to discontinue funding for Sound Beginnings. Superintendent Coleman said, "We pay a lot more to Sound Beginnings than we spend on the students throughout the rest of the state" (Cannon, The Herald Journal, August 2, 2015).

It caused an uproar from the Sound Beginnings parents, including Dr. Martell Menlove's daughter, Sara Menlove Doutre whose daughter is deaf. For more information about Sara and her daughter, see the "*The History of Interpreting Service in Utah*" manuscript. They asked the Utah State Board of Education to reverse the decision made by USDB and to continue funding to no avail. Doutre, who apparently has connections, went a step further and wanted legislation to make Sound Beginnings its own charter school (Cannon, The Herald Journal, August 2, 2015).

It was the desire of Coleman and Tanner to provide extra funding to meet the needs of USD services and resources. Similar to other USD's Listening and Spoken Language programs in school districts, Coleman and Tanner had established a LSL preschool program in the schools of Cache School District and Logan City School District (Cannon, The Herald Journal, August 2, 2015).

The National Agenda: Moving Forward on Achieving Educational Equity for Deaf and Hard of Hearing Students

A little over a year after the enactment of HB 296 on April 30th, 2009 signed by Governor Jon Huntsman, Jr, Jodi B. Kinner, a member of the USDB Advisory Council (changed from the Institutional Council) and USDB Legislative Task Force observed and realized that HB 296 was not enough to close the achievement gap. The purpose of the HB 296 was to lift the gap to enrollment by allowing students who are at or above grade level attend USDB, but she saw no new positive changes due to philosophical, placement, communication, and service delivery biases under the administration of Superintendent Noyce. She was very concerned about the direction that he was taking the school to meet his Alexander Graham Bell agenda. In addition, she recognized that HB 296, USDB Entrance Policy and Procedure, and Ad-Hoc were too broad and that they did not specifically apply to the deaf.

Jodi thus gave a presentation at the Advisory Council on August 25, 2010 expressing her concerns about this situation. She shared that the National Agenda Steering & Advisory Committees stated:

“We want the National Agenda to significantly improve educational services for deaf and hard of hearing students by providing communication-driven educational programming that meets high academic standards and supports the social and emotional development of learners. Issues that have previously divided us are presented in the National Agenda from the perspective of achieving full access in language-rich environment.” (April 2005).

However, IDEA is primarily a placement-driven policy. This law overlooked key aspects of deaf children’s language and communication needs. She asked that the State of Utah establish the National Agenda’s eight goals to help address the deaf children’s specific needs and close the achievement gap as follows:

- Goal 1:** Early Childhood Education
- Goal 2:** Communication, Language and Literacy
- Goal 3:** Collaborative Partnerships and Transition
- Goal 4:** Assessment and Accountability
- Goal 5:** Programs, Placement and Services
- Goal 6:** Technology
- Goal 7:** Personnel Preparation

Goal 8: Research

Some states have written eight goals and outcomes. Jodi wanted Utah to become one of them too. She clarified that it was not a “one-size fits all” mentality and they can’t judge the child by their outward appearances look (i.e. vanilla). Some children may have a learning disability, attention deficit hyperactive disorder, or hidden cognitive disabilities and can’t progress academically in the respective program. She clarified that every child was different and that the State of Utah need to address each child’s communication, language and educational needs. She then pointed out that IDEA 1997 amendment considers the child’s language and communication needs while IDEA 2004 amendment provides a continuum of placement options.

The National Agenda Steering & Advisory Committees also stated that:

“Communication access is a fundamental human right and every deaf and hard of hearing child must have full access to all educational services” (April 2005)

Some deaf children either swim or sink in a mainstream setting. It was important to allow them to be exposed to whatever aspects of school placements.

Jodi shared that Lawrence Siegel, a Special Education Attorney wrote his book entitled “The Human Right to Language: Communication Access for Deaf Children” and that this book provides examples of the ways in which deaf and hard of hearing children are denied access communication and language in school and to suggest a legal strategy to ensure the right to communication (Siegel, 2008).

Siegel (2008) proposed that the First and Fourteenth Amendments of the Constitution be enforced the right of deaf children being access to language and communication that other American children take for grants – the right to receive and express thought in school as follows:

1st Amendment: “The right to the “free flow of information” – many deaf children are denied this right when schools refuse to provide interpreters, provide unqualified interpreters, place students in communication-deficient environment, or otherwise deny students a fair chance to develop language and learn using primary mode of communication (Siegel, 2005).

14th Amendment: Deaf children have repeatedly been denied this protection when denied access to the programs & communication available to all other children (Siegel, 2005).

Jodi asked that the National Agenda committee be established to work on eight goals and USD becomes a member of the Utah Hands and Voices Chapter, an unbiased organization focused towards communication modes and methods. Hands & Voices slogan is, “What works for your child is what makes the choice right.” USD has been a member of the Alexandra Graham Bell Association for years and it was time to change. Back then, it was what parents wanted. Today, times have changed. It is important to follow the child’s lead (Jodi Becker Kinner, personal communication, August 25, 2010).

Request for a 360-Degree Evaluation On Superintendent Steven W. Noyce

Due to the persistence of the Utah Deaf Education Core Group, the request for a 360-degree evaluation on Superintendent Noyce was discussed at the Advisory Council meeting on August 25, 2010. Dr. Menlove explained that Mr. Noyce was given a two-year contract and that an evaluation should happen in the spring. After some discussion, the Council as a whole determined that a 360-degree Evaluation at this time would be premature. Dr. Menlove also commented that it was the “role of Council to advise the Utah State Board of Education regarding retention of the Superintendent and if they felt a 360-degree evaluation vs. a usual evaluation was appropriate they needed to discuss” (USDB Advisory Council Minutes, August 25, 2010).

Because the Advisory Council had to discuss whether to do a 360-degree evaluation instead of a usual one, it was still undecided at this point whether a 360-degree evaluation would be done as requested by the Core Group.

At the meeting, Dr. Menlove mentioned that he had a one-on-one evaluation with Mr. Noyce. The Utah Deaf Education Core Group considered it void because only Mr. Noyce's side was heard. He also said the 360-degree Evaluation will be discussed again in January of 2011.

Unbiased Orientation Takes Place

After the revamp of the Parent Infant Program, the majority of hearing parents opted for LSL approach, but at the same time, a lot of parents still wanted their child to be exposed to ASL as well. However, Superintendent Noyce and Day Mullings did not allow the flexibility of providing both options to satisfy those parents' request. This process can harm the child's lead to see what works best for him/her. Hands and Voices slogan is, "What works for your child is what makes the choice right." It seemed pretty clear that Mr. Noyce and Day Mullings mismanaged the PIP with the emphasis on LSL families.

For instance, when an orientation committee was formed, Day already had a plan of how the orientation would go, and she did not want two representatives. She wanted one, who was an oral deaf adult. About half the committee did not want this. They felt this would send an immediate message about what the ideal deaf adult would be. Day said at the end of the process that they would not have two, and that was final. Jennifer Howell overrode that decision and was able to get the two representatives approved, instead of just one (Jacob Dietz, personal communication, February 16, 2011).

USD Associate Superintendent Dr. Jennifer Howell, on the other hand, supported giving the families fair information regarding the educational philosophies and their respective communication methodologies. While observing the Parent Infant Program being biased and inappropriate placement decisions under Superintendent Steven W. Noyce and PIP Director, Day Mullings' administration, Dr. Howell formed an orientation

providing a more balanced approach for PIP through two LSL and ASL orientation specialists, which was effective in December 2010.

Historically, parents had not been given a complete picture of the educational methodologies available to their children. Inappropriate placement procedures were often made despite policies having been enacted by Utah State Board of Education in 1970 and 1977 and 1998 USDB Communication Guidelines requiring USD to give parents full options to choose from. For more information about this issue, please see “*Controversies Surrounding Communication/Educational Methods and Educational Placement Regarding Interpretation of “Least Restrictive Environment” in Utah*” manuscript.

History was being repeated as Dr. Howell received complaints from families in the past of not receiving enough information about one language method or another, and then feel they were misled into making a premature or ill-fitting decision for their child. She felt USD should be committed to providing language options for families and demonstrating the process USD uses to share information with families about language development is fair.

Dr. Howell observed that each child and family is different. She argued that no one method is successful for every individual who is deaf or hard of hearing. Families must have a wealth of information in order to determine the best beginning for their child. Families must understand all language and communication options so they are able to respond quickly to the needs of their child once language-specific services have begun. Families also need to understand their role in helping their child acquire language. In addition to these child-specific needs, there is a strong need for USD to provide a consistent and transparent process for language choice. USD is committed to providing parents with balanced (both biased and unbiased) information so they can make an educated decision about language development. The specific process for providing this information is still in development (Jennifer Howell, personal communication, August 2010).

Lawrence Siegel (2000), a Special Education Attorney points out that “arguments supporting one or another should not be used as rationales for a one-dimensional institutional approach to educating deaf and hard of hearing children” (p.3). He also emphasized that the educational system can and must become communication-driven for deaf and hard of hearing children and the IEP process be communication-driven as well. Siegel also states that deaf and hard of hearing children have one thing in common: their universal need for communication.

The purpose behind the unbiased orientation would be to allow families to understand how their children learn and what environment would provide the optimal learning environment for them. It can be done through two LSL and ASL orientation specialists conducting the interview with parents and have a set number of activities in each language with the family before choices are made. Both LSL and ASL should be equally available with adequate information on each program provided to families. Parents of deaf children have the right to decide on a program for them, based on fair information as long as they have access to literacy. Providing improper biased, one-sided information and training is no longer happened (Jennifer Howell, personal communication, August 2010).

USD, as a statewide agency, should be a school of options not a school pushing just the LSL method. It is not “one-size fits all,” but a concept addressing each child’s individual communication, language and educational needs. Every deaf and hard of hearing child is different. Thus, it is USD’s responsibility to promote educational placement choices for parents and children to choose from; this has been neglected for years.

Sharelle Goff (ASL-Deaf) became the first ASL Orientation Specialist and Ann Lovell (Oral deaf) also became the first LSL Specialist. The new changes that are finally taking place in the Parent Infant Program after being recommended by Dr. Jay J. Campbell, Deputy Superintendent of the Utah State Board of Education to establish an orientation in the 1970s that Dr. Grant B. Bitter rejected. It was hoped that in USD’s

effort to educate parents about both language choices this was a step in the right direction.

Did You Know?

Jacob Dietz responded in his BlogSpot concerning an article entitled, “Schools for the Deaf Grapple with Balancing Two Tracks” published on February 21, 2011 from The Salt Lake Tribune, as follows:

I am happy that there is a new orientation program for PIP. My wife sat on the committee which designed this orientation process. I was shocked, however, to read that this was established by Steve Noyce, and that he also was the one who made sure there were two representatives, one ASL and one LSL. I guess it was shocking to me because this was suggested in the committee meetings over and over to ensure the parents would receive unbiased information. However, Day Mullings made sure to mention that Superintendent Noyce would not allow there to be two, it would only be one, and all of her suggestions were LSL- either specialists or deaf adults who were LSL. I remember being frustrated along with my wife because after the committee meetings were over, this was how it was going to be: One orientation specialist, LSL. Then we met with Jennifer Howell, who was at the time the associate superintendent. She informed us that she had finally gotten it approved for two deaf adults, one ASL and one LSL. I fail to see how Steve Noyce set up that program the way it is now, when he wanted it to be one specialist who was LSL (Jacob Dietz, personal communication, February 21, 2011).

“Best Practice” for IEPs and IFSPs

In spite of the establishment of the Parent Infant Program orientation to finally provide an orientation to new parents that supposedly explains both programs equally, the hidden bias still persisted.

Utah Deaf Education Core Group advocated the “Best practices” for IEPs and IFSPs stipulate that they be child-driven; in the first five years of a deaf child’s life, the important thing is deep and meaningful communication, not a method-driven ideology. When Dr. Martell Menlove asked the Core Group two questions: “Are students and parents being provided the information they need to make informed choices?” and “Are IEPs/IFSPs effective?” (Dr. Martell Menlove, personal communication, May 21, 2010). They responded giving two examples to his questions. First example, there had been more than just one story regarding parents who had to fight and insist that their child be placed at an ASL/English bilingual program. In other words, there was a struggle over placement in spite of the parents’ desires and wishes to place their child in a bilingual program. A second example is a situation regarding a family whose 3-year-old child was ready for an IEP. The IEP team suggested that the child be placed in a mainstream setting – even with the child throwing a tantrum during the meeting because she could not communicate with her mother. One member of the IEP team asked the mother if she would like to try sign language with the child. The mother was surprised she could and said yes. This shows that the mother had not been given all the options available beforehand.

Ever since Superintendent Noyce assumed his position, the Utah Deaf community’s heart constantly burns with passion for deaf education to wean off from the traditional methodology of teaching deaf children. Dan Mathis, one of the members of the Core Group, stated, “Getting rid of Noyce was basically like knocking down a wall but the infrastructure remains tact, with only several productive minor changes if any. It had been 40+ years with the system the Utah Deaf community had been dealing with. Struggle always was present in the process leading to desired consequences. For instance, when the former Superintendent Lee Robinson, Linda Rutledge, Tim Smith and the previous superintendents were gone, their predecessors the same old mold was back to fill in the reign. Objections were made when Mr. Noyce was one of the finalists and then selected by the State. Apparently Dr. Martell Menlove was slow to heed to their cries and frustration and had displayed an unwillingness to take a drastic action. So, doesn't this look like a cycle coming to a full circle once again?” (Dan Mathis, personal

communication, November 18, 2010). The employees had taken root, especially from training they had received from both Dr. Bitter's Oral Training Program and Special Education Program taught at the University of Utah.

Did You Know?

A Deaf individual, Kleda B. Quigley of Murray published her letter expressed her concerns about the Utah School for the Deaf's education status on the January 1997 UAD Bulletin as follows:

I am tired of hearing the same old argument about which methods, programs or services are the best to educate deaf children. It has been that way for over 100 years. I think the present two-tracked educational methods of teaching the deaf in Utah ought to be eliminated because it continues to create bad feelings and fuel the controversy over methodology. In fact, Utah is the only state in the U.S. that has this type of educational system and probably is due for reform, streamlining or improvement. The majority of the deaf prefer to see the two-tracked methods of teaching the deaf be combined as one educational program will all various helpful methods and support groups used according to their needs that will help them achieve their goals to enlarge their vocabularies and to acquire good education background as early as possible (Quigley, UAD Bulletin, January 1997).

Dr. Jennifer Howell, USDB Associate Superintendent Resigns

On January 12, 2011, shocking news announced that Dr. Jennifer Howell, Associate Superintendent of the Utah School for the Deaf, accepted a job as the Data and Finance Specialist for the Utah State Office of Education. Her resignation was effective January 28, 2011 and between January 12 and 28, she took some "well-deserved time off" (Steven W. Noyce, personal communication, January 12, 2011).

According to the Utah Code 53A-25b-202 (Authority and duties of the superintendent) stipulated that Mr. Noyce acted as a chief executive officer and that he selected an associate superintendent to administer the Utah School for the Deaf. However, the Utah Deaf Education Core Group had observed on several occasions where Mr. Noyce had overstepped his duties and taken over the administration duties of his

associate superintendent, Jennifer Howell, which probably led her resignation (The Utah Deaf Education Core Group's letter, May 19, 2010). She could not longer follow his way of operating the USDB.

Dr. Howell was one of the most neutral employees USDB has had. She actively ensured that families were given fair information regarding educational philosophies and their respective communication methodologies. For example, when she observed the bias that existed in the PIP program under Mr. Noyce and Ms. Day Mullings' direction, she developed an orientation process through which more balanced information was provided to parents through orientation specialists representing both approaches.

Now that Dr. Howell was no longer an employee at USDB, there was no administrator that was supportive of the ASL/English bilingual program, other than Jill Radford, Program Director of Jean Massieu School and Trena Roueche, Director of the Ogden North Division. The Utah Deaf Education Core Group feared what will/may happen to the USD's Deaf Program, especially JMS and the Deaf Mentor Program.

The Utah Deaf Education Core Group Submits Letters Asking to Freeze the Hiring Process

Soon after Dr. Jennifer Howell, Associate Superintendent resigned, the Utah Deaf Education Core Group was worried about whom Superintendent Noyce will appoint the new associate superintendent. They knew he had agenda and they didn't trust how he will handle the hiring process. The Core Group recognized that Mr. Noyce and Day Mullings, PIP Director were two of a kind and they didn't want this situation to repeat with the associate superintendent.

In addition, with some of the administrators like Dr. Howell, Liz Parker and Leah Voches gone (They probably resigned because of him), most of the administrators did not support ASL/English bilingual education. Jill was left alone and often had to fight the battles to protect JMS. JMS teachers were frustrated by the USDB administration's lack of respect or involvement with the school. Dan Mathis shared that one of the teachers,

Michelle Tanner described the feeling of being a small army against a bigger army. By the looks of Jill, she still looked like a fighter, but also somewhat bruised up (Dan Mathis, personal communication, November 18, 2010).

When the advertisement was sent out, they didn't have a choice due to timing. Impulsively, the Core Group submitted their first letter to members of the Utah State Board of Education and USDB Advisory Council on January 19, 2011 requesting a freeze on the hiring of people into administrative positions at USDB until an evaluation, as well as the survey being proposed on Mr. Noyce's job performance, were administered and collected.

Between January 20 – 24, 2011, some Core Group representatives comprised of Bronwyn O'Hara, Julio Diaz, his wife, Minnie Mae Wilding-Diaz, and Jodi Becker Kinner submitted emails to them basically expressing concerns about Mr. Noyce being in charge of the hiring process. **(APPENDIX)**

A response from the State Board to Minnie Mae Wilding-Diaz' email, it was revealed that the 360-degree Evaluation that the Core Group had requested last year in 2010, was already in process. Furthermore, the decision to hire an Associate Superintendent was on hold until the completion of the evaluation. The Core Group representatives were relieved of the State Board's decisions.

A 360-degree Evaluation on Superintendent Steven W. Noyce

At the USDB Advisory Council meeting on January 27, 2011, the 360-degree Evaluation was discussed and a time line developed. The goal was to develop and distribute the evaluation by March 20, 2011. Then, the Advisory Council will make a recommendation based on the results to the Board of Education who will then meet a decision during one of their April meetings on whether to renew Noyce's contract for another two years.

According to the new USDB Entrance Policy and Procedure 2009, Superintendent Steven W. Noyce's contract was for two years. He began his employment as the Superintendent on August 7, 2009, hired by the Utah State Board of Education. A decision will be made in May 2011 whether his contract should be renewed for another two years or be terminated.

There are several constituent groups that will be asked to respond to the evaluation: the Advisory Council, USDB administration, Blind community, Deaf community, Deaf Blind community, Special Education directors, USOE staff, State Legislators, Parents (of deaf, blind and deaf blind students), Teachers, USDB staff and some people that Noyce wants to include.

In the meantime, the Utah Deaf Education Core Group was being prepared if the Advisory Board recommends that Mr. Noyce's contract not be renewed and the State Board, then we, the Core Group, will ask parents and Utah Deaf community to write letters asking for the termination of Mr. Noyce's two-year contract. There may be a rally.

The Threat of USDB Closure

During a board meeting on February 5, 2011, the Utah State Board of Education discussed a list of possible cuts in the state school board budget in order to save \$20 million. The shocking news yet to be announced that the 15 members of the State Board voted, 12 for and 3 against, to support the idea of closing Utah School for the Deaf and the Blind. This, however, was just an idea, part of a brainstorming session on where to cut monies IF the USBE had to make cuts. If further cuts were necessary, they voted to then consider eliminating the USDB. That would mean local school districts would have to provide services to deaf, blind, and deaf-blind students.

The February 2007 Position Paper of the Conference of Educational Administrators of Schools and Programs for the Deaf (CEASD) emphasizes the importance of providing a full continuum of alternative educational placements as required by IDEA, including

special schools (known as deaf schools) for deaf and hard of hearing students. CEASD finds that recent trend in our nation to remove special schools from the continuum to be unacceptable and potentially harmful to the child's human development and clearly counter to the spirit of IDEA. **(APPENDIX)**

USDB Advisory Council Holds an Emergency Meeting

After the State Board meeting, the USDB Advisory Council held an emergency meeting on February 7, 2011. There were public comments from parents, staff, former administrators, and some others to plead for the USDB to be kept open. Dr. Martell Menlove, who serves as liaison between the Utah State Board of Education and USDB and the USDB Advisory Council, spoke to the Advisory Council about the actual events of last week's USBE meeting.

The Utah Deaf Education Core Group discovered three reasons why the USDE proposed to close the USDB and they were:

1. State School Board budget cut,
2. USDB Superintendent Steve Noyce and
3. Utah Deaf community.

According to the sources who were close to the Utah State Board of Education, the main reason that the School Board voted to close the USDB because they were trying to send a message to the Governor's Office and State Legislature that there was nothing left to cut! Education was down to its bare bones already, and if you want more cuts, then fine, let's cut the one thing that will get the most attention: Utah schools for deaf and blind kids. Unfortunately, this backfired, and the USBE ended up looking like the bad guys (Jacob Dietz, personal communication, February 16, 2011).

Superintendent Noyce himself alluded to one of the reasons why USBE was willing to cut the funding to USDB. He mentioned in the meeting with the Advisory Council that in the few times he had appeared in front of the State Board of Education, he did a poor

job educating them on what services USDB provides (Jacob Dietz, personal communication, February 16, 2011). Mr. Noyce commented that he missed the USBE meeting because USDB was not on the agenda, so he saw no reason to attend. As a result, a vote was taken where the door was opened for the end of USDB (Jacob Dietz, personal communication, February 8, 2011). Mr. Noyce told the Advisory Council and the audience that in the three times he has spoken publicly to the USBE, he apparently failed to clarify the critical services that USDB provides to students in Utah. He apologized for this.

The Utah Deaf community was another reason the State Board discussed closing the USDB. Two Advisory Council members, Leslie Castle (also a Board member) and Heather Frost (a parent of an oral son) said that there had been many “nasty” and “mean” emails sent to the State Board and Advisory Council, mostly from “pro-ASL” Deaf people. Jeff Pollock, one of the deaf representatives of the Advisory Council (replacing Jodi Becker Kinner), made a long comment at that point, covering many issues that were raised but concluding that, apparently, the Utah Deaf community was not being appropriately served by USDB and that the people e-mailing are speaking out of frustration because their educational needs were not being met. He added that the Deaf adults who had been through the system were the ones the Advisory Council should be listening to but they were being ignored.

At this meeting, it was also reported by numerous sources that part of what caused the vote by USBE was all the infighting going on within USD (Jacob Dietz, personal communication, February 16, 2011). The sources pointed out that the whole situation was the Deaf Community's fault, because they sent the letters, and all they did was complain. The story also said that Utah State Board of Education recently received numerous emails concerning the current Superintendent Noyce at USDB. Furthermore, according to sources who have neither seen nor read said emails, they said they were very nasty emails, and very rude. According to sources who had spoken to a majority of the School Board members, the School Board was fed up with USDB, and didn't want to deal with them (Jacob Dietz, personal communication, February 8, 2011). According to Miss Kat's

Deaf Journey, the oral advocate commented that Deaf community has been continuously fighting against the superintendent, claiming he is biased and saying that USDB is broken, so the Board finally agreed! They said that if USDB is so bad, let's just close it down and be done! You can finally have what you want! (Melissa Jensen, personal communication, February 12, 2011).

The Utah Deaf Education Core Group was dumfounded to discovered that their letters were one of the reasons the USBE discussed to close the USDB. In fact, only Core Group's letters and four individuals, Bronwyn O'Hara, Minnie Mae Wilding-Diaz, Julio Diaz and Jodi B. Kinner's letters were sent asking to freeze the hiring process. Since their letters had been viewed as "nasty and mean," they believed it was a cultural difference that was causing the different perceptions. They knew that when they wrote their letters, they tried to be as "nice" and professional as possible, but it was well-known that they were more likely to be more straightforward with their thoughts and feelings that was the general American public. It was very possible that the USBE was not used to such openness, especially when the State Board had basically been dealing with one person, the Superintendent for years. Apparently, they had made it 'messy' for them to go about 'business as usual'. They may not like the intrusion and do not want to handle the inclusion that we are demanding, worrying that it might lead to bad publicity.

One of the comments made in the Advisory Council concerning the Utah Deaf community was that they needed to know the proper channels to file complaints (Jacob Dietz, personal communication, February 8, 2011). The Utah Deaf Community should probably have gone through proper channels to voice their concerns about USDB by communicating in order with Advisory Council, State Board of Education, Legislative Coalition of People with Disabilities, and Legislators. However, when they had tried to do so in the past, they got no results.

At the same time, the Core Group felt input from the Deaf community was valuable. In 1894, Henry C. White summed it up well when he said about faulting school administrators for their failure to consult directly with deaf adults: "What of the deaf

themselves? Have they no say in a matter which means intellectual life and death to them?" (Buchanan, p. 28).

117 years later in 2011, the Utah Deaf community still had the problem of educational administrators not listening to Deaf adults, even when they were also parents. Yes, Deaf education is "life and death" to them. They grew up in a system that was, and still was in many areas, broken and inadequate and oppressive. No wonder they were "upset."

Closing Utah Schools for the Deaf and Blind 'unlikely,' lawmaker says

A Public Education Appropriations Subcommittee hearing was held on February 8, 2011 at the Capitol to discuss the USDB budget. Members of the Utah Deaf community and parents of deaf children were present and wanted the subcommittee to know that the USDB provides services that school districts cannot. Superintendent Noyce made a plea for keeping the facility operating rather than forcing the students into regular classes. After the meeting, Senator Lyle Hillyard, R-Logan, said, "The committee has not cut any funds to the Utah Schools for the Deaf and the Blind and probably won't."

The Utah Deaf Education Core Group was relieved to learn that the legislators will not close USDB. However, they were disappointed with how the USBE handled the situation. According to other sources who were close to USBE, the main reason that the School Board voted the way they did was because they were trying to send a message to the state legislature and governor's office: there is nothing left to cut! Education is down to its bare bones already, and if you want more cuts, then fine, let's cut the one thing that will get the most attention: Schools for deaf and blind kids. Unfortunately, this backfired, and the USBE ended up looking like the bad guys (Jacob Dietz, personal communication, February 16, 2011).

In this meeting, Dr. Schumway, State Superintendent of Public Instruction

deferred to a finance expert from USBE when asked about the possible cuts. He said that the reason why USBE saw this cut, as a possibility was that most of the services provided by USDB were in fact provided by the school districts anyway, so there was no real need for a separate entity. Mr. Noyce informed the sub-committee that this was not true, that most of the services were provided by USDB through the school districts, but not by the school districts (Jacob Dietz, personal communication, February 16, 2011).

State board member Dave Thomas said, "The state board does not want to, in any way, compromise services to the deaf and blind community." He also said, "The question is, what's the best way to provide those services?" Steven W. Noyce, said the "school, which serves about 2,000 students statewide, is effective. He said the school works with children from an early age and mainstreams many students back into their local districts. The school provides services to the majority of its students within their local districts, (Schencker, February 8, 2011).

Did You Know?

Shortly before the Public Education Appropriations Subcommittee meeting started on February 8, 2011, unsure of what they would do with USDB, three deaf parents, Julio Diaz, Stephanie Mathis, and Jodi B. Kinner sent an email entitled, "Seeing USDB's Budget in a New Light" to the Public Education Appropriations Subcommittee, State Board, and Advisory Council. Instead of closing the USDB, this email basically suggested reducing the Outreach Services by centralizing them into two campuses in Ogden and Salt Lake City to save the cost. Those who wish to remain in a public school can use services from their local school district, like all other states do. However, the state of Utah was not ready to accept their "Seeing USDB's Budget in a New Light" letter and spoke against it. Dr. Robert G. Sanderson is probably right after all. He dreamed in July 1992 that, "A high quality day school with proper grading K-12 in a central division location in each of the major cities, SLC, Ogden, and Provo—in which children who are deaf may interact freely with their peer." He, however said in his dream that some may think his dream is more like a nightmare. How true is that! **(APPENDIX)**

Utah State Board of Education Takes the Proposal off the Table

The Utah Schools for the Deaf and the Blind will not close after all. The USBE took the proposal off the table and voted to form a sub-committee to study the USDB's function, finances and responsibilities. A report on the findings was due June 2011 (Schencker, February 12, 2011).

Sources close to the USBE confirmed that what was shared by Noyce in the sub-committee meeting was news to the Board of Education. They had no idea how USDB operated or what services they provided. By Noyce's own admission, he had done a poor job informing them of this (Jacob Dietz, personal communication, February 16, 2011). He did not know how to work with the State Board of Education. In the 18 months or so that he had been in his position, the communication between the State Board of Education and the Utah Schools for the Deaf and the Blind had broken down so much, that the State Board has no idea what is happening at USDB (Jacob Dietz, personal communication, February 16, 2011).

The Utah Deaf Education Core Group simply wanted USDB to change, not close. They felt Mr. Noyce didn't want the State Board to know the USD's internal ethical and integrity issues/problems and their impact on parents and students. They had the national-level resources and guidelines available to provide to USD if they would listen. They fully supported Dr. Robert G. Sanderson's Dream published in the UAD Bulletin, July 1992. Together, we can make it happen only if school administrators LISTEN and CONSULT with deaf adults.

On February 10, 2011, the Advisory Council also formed a subcommittee that wanted to respond to USBE's decision to close USDB. Jeff Pollock an USDB Advisory Council representative was on the subcommittee. As per Jeff, Michelle Tanner, a member of the Advisory Council (the representative of USDB teachers and President of the USDB Educators Association - USDBEA) talked about numerous reports that have been

done over the years that just get shelved without any action (Jeff Pollock, personal communication, February 7, 2011).

Jeff asked that the Deaf National Agenda to be put back on the agenda for an upcoming meeting. With Dr. Jennifer Howell gone, he asked that they refocus on getting a committee working on this. Additionally, he stated that if the Deaf National Agenda is wholly adopted by the school, many of the issues the Deaf students & parents were concerned about may be resolved. Heather Frost asked if the Deaf National Agenda is an "ASL-only" approach & he replied no, it sees the whole child & each child individually, supports ASL AND spoken language, not "either/or" as the system is set up now. Jeff then looked right at Mr. Noyce when he stated that the USD has reverted back to an ineffective "Y" system, oral OR sign, from 30-40 years ago & is not providing both ASL & LSL for those parents that want both. Mr. Noyce had no response to that (Jeff Pollock, personal communication, February 7, 2011).

The Utah Deaf Education Core Group was happy with Jeff's pursuit in establishing the Deaf National Agenda seeking improvement in the USD's educational services as well as school districts.

Thanks to Jeff for pushing to make the Deaf National Agenda Committee happen. This committee was formed on May 25, 2011 and Christine Timothy, Education Specialist from the Utah State Office of Education became the chair of that committee. The ASL/English bilingual advocates, Dr. Jess Freeman King, Dr. Bryan Eldredge, Dr. Debbie Golos Schmitz, Curtis Radford (Deaf), Jill Radford (Deaf), James Smith (Deaf), Janelle Milano (Deaf), Aimee Breinholt, Ben Platt (Deaf) and Jodi B. Kinner (Deaf) were appointed to join the committee. However, it fell through in 2013 due to lack of support from the particular people who served on the committee.

Utah Schools for the Deaf and Blind in State of Crisis

As soon as Dr. Jennifer Howell resigned, Bronwyn O'Hara, a hearing parent of three deaf children published her article for the Salt Lake Tribune newspaper on February

12, 2011 as follows:

The Utah Schools for the Deaf and Blind (USDB) are in a state of crisis. As parents of deaf children and deaf individuals we are very concerned about the present state of USDB. We believe our fears are well-founded.

The associate superintendent overseeing the deaf department of USDB recently resigned; she was one of just two or three administrators of the school who openly supported the American Sign Language and English bilingual program. Most of the remaining administrators, including most notably Superintendent Steve Noyce, seem to be ardent supporters of the other option: the oral/aural program.

The morale of teachers of the deaf appears to be at an all time low due to a perceived fear of punitive measures should they voice disagreement with the superintendent's favored educational options.

Because Noyce's entire deaf education training has been in the oral/aural fields, to the exclusion of American Sign Language and deaf culture classes, we feel he brings too much bias into his job as superintendent of the Utah Schools of the Deaf and Blind.

We believe that any superintendent, including this one, should champion all divisions of the school equally. This has not appeared to happen in the 18 months he's held the job. To the contrary, it appears he has been hard at work, fortifying divisions within USDB which believe deaf children should be taught to only read lips and be oral. He does this by wielding budget, staff, and student placement. The prevailing thought among the deaf community is that Noyce doesn't understand the deaf signing segment of the student population well enough to advocate adequately for them.

There is a growing number of parents, staff, and deaf community members who are watching what's happening at the deaf school with disbelief and alarm, anxiety and concern.

With the associate superintendent no longer employed by USDB, the school will be hard-pressed to find a comparable advocate for the

ASL/English bilingual programs. The political environment at USDB appears to be oppressive to any faculty, staff or parents with differing views than those of the superintendent.

There is a need to support ASL/English bilingual programs in the state of Utah. Studies have shown that ASL is conducive to communication and learning, and offers the deaf child an excellent avenue for developing educationally, socially and emotionally, as well as providing invaluable opportunities for developing an identity.

In fact, ASL is the most easily acquired language for the child who is deaf, because the deaf child is primarily a visual learner.

The programs within USDB that do offer instruction and interaction in ASL effectively utilize pedagogical techniques in the deaf child's most accessible language.

To empower deaf students to participate in the hearing world and to assure literacy in English, the English language is taught as a second language with speech therapy in English available to students whose parents wish them to learn spoken English as a valuable tool.

The purely oral/aural method, as seemingly advocated by the superintendent of USDB, is often fraught with debilitating frustration for students, parents and teachers because of it not being completely accessible as a language for the child who is deaf.

In our opinion, the deaf who communicate in their native language, ASL, should have the right to be instructed and led by those who understand their needs and are willing to advocate for their interests.

Bronwyn O'Hara was a parent and deaf educational advocate. Other signatories are Dennis O'Hara, Julio Diaz, Minnie Mae Wilding-Diaz, Dan Mathis, Stephanie Mathis, Jodi Kinner and Duane Kinner, all parents of USDB children and deaf-education advocates.

Campaigns of Educating the Public with Auto-Responder and Website

In February 2011, the Utah Deaf Education Core Group launched their auto-responder and website and began to campaign of educating the public with these advanced technology approaches. They did a letter writing campaign by collecting letters from parents who had direct experience with Steven W. Noyce and/or biased experience through Utah School for the Deaf and/or Parent Infant Program. **(Appendix letters)**

While Superintendent Noyce had access to people in authority as well as parents, the Utah Deaf Education Core Group had nowhere to contact them and no one had listened to them. Their auto-responder and website were utilized to educate the community about the USDB news. A famous quote, “Knowledge is power,” they wanted to share the information with parents and the ASL community to better advocate for themselves with resources.

Stephanie Mathis, one of the Core Group representatives developed a list of purpose on the website to provide advocacy, information and space as follows:

ADVOCACY: Provide support to parents of Deaf children to get the best education possible.

INFORMATION: Share with the community information about current research and issues in Deaf Education in Utah.

SPACE: Give the community a place to share ideas, thoughts and feelings about Deaf Education in Utah.

However, Mr. Noyce continued to defend his views no matter what others said and he was twisting things to fit his point of view. He had been sending some very polarizing emails to the staff against the ASL/English bilingual philosophy. Mr. Noyce was using direct quotes from the website and then adding his slant to it in the emails he was sending out to the USDB staff. He was twisting the information to his perspective and using it to cause problems. In addition, he was using it to alienate the ASL/English bilingual people from everyone else at USDB

Mr. Noyce wasn't painting a very flattering picture of the Deaf Community.

Because of his emails, several people had approached the JMS staff asking why the Deaf Community was trying to destroy the school.

The Core Group decided not to send an email or Mr. Noyce will likely to twist it to his perspective. Instead, they posted a message on the website on February 12, 2011 as follows:

PLEASE READ: The Utah Deaf Education Core Group would like to emphasize to the readers of this website that we are "pro-choice" which means we support the right parents have to make whatever educational choice they feel is best for their Deaf and Hard of Hearing children. We are not trying to discriminate against any members of the Deaf community including parents of Deaf children, the Hard of Hearing individuals and those who wear cochlear implants. We welcome all members of the Deaf Community and hope that we all work together towards equal access to quality education. Our major concern is to promote fair and unbiased presentations on both of the options offered at USD (Listening and Spoken Language and ASL/English bilingual programs). We are also concerned about the mandate that parents have to choose just one program, instead of being able to choose both if desired. This website is one of the ways we have chosen to bring this information to light: the unfair bias of one program over another that has existed, and exists, at USD.

The Utah Deaf Education group consists of deaf and hearing parents as well as deaf individuals who work and thrive in the hearing world because of our ability to converse in BOTH English and ASL. It is our strong desire that all deaf and hard of hearing children and their families have the CHOICE of learning ASL in addition to spoken language (together, not either/or).

We are aware that Steven Noyce is sending emails to his staff with quotes from our website. To get accurate information on what we really mean by our comments, please direct questions to utahdeafeducation@gmail.com. We will respond as soon as possible.

Did You Know?

Soon after the Utah Deaf Education Core Group posted Jacob Dietz' first letter on the website, Vea Lynn Jarvis, a hearing parent of three deaf children sent an email to the UDE Core Group, as follows:

Never thought I would be writing this after 35 years involvement with the deaf community. I have to agree with Jacob Dietz. 30 years ago we had similar experiences when we dealt with Steve Noyce. I was heartsick when I heard that he was the new superintendent of USD. In my opinion, the educational experience for Utah deaf children just took a backward leap of 30 years. Everything I hear from my connections of 35 years in the Deaf community supports my feelings. I have 6 deaf children in my family, 3 of my own and 3 who married in. They are highly functional children who have been brought up in a total communication environment, no thanks to Steve.

I hope parents of deaf children in Utah will band together to support the needs of their children over the agenda of a man who has always in my experience, chosen oralism over ASL or any other method. We need someone in Utah that will bring us forward not catapult us back to what didn't work then and won't work now! Ask the deaf what they want in their lives. What a novel idea! (Vea Lynn Jarvis, personal communication, February 22, 2011).

The Utah Deaf Education Core Group Declined to Meet with Mr. Noyce

On February 16, 2011, USDB Superintendent Steve Noyce asked for a meeting with representatives of the Deaf Education Core Group in attempt to clear up the issues. The core group felt a meeting would probably not be productive. They thanked Mr. Noyce for the offer of a meeting, but because of the upcoming evaluations and a long history of having ASL/English bilingual issues trivialized, they felt it would not be appropriate to meet with him at this point.

Did You Know?

The Utah Deaf Education Core Group was astonished to find that the Deaf Digest ran the information about their declination to meet with USDB Superintendent Steven W. Noyce on the DeafDigest edition, the America's Unique Deaf Stories in March 2011.

See what Deaf Digest posted below --

Deaf Apocalypse of the Week:

“Are issues so far apart that two opposing groups cannot compromise and reach agreement? We have this possibility of NFL strike & owners' lockout. We have this disagreement between the Wisconsin governor and the Democratic legislators.

And now this, the Utah group refusing to sit down with the superintendent of Utah Schools for the Deaf and Blind!”

The Core Group wondered how the Deaf Digest got that bit of news in the first place. They felt the Deaf Digest did not understand why they were not meeting with Mr. Noyce and should interview representative from the group. Instead of defending themselves or doing the ‘damage control,’ the Core Group simply let them keep on speculating.

Steven W. Noyce’s Response

On February 20, 2011, Steve Noyce responded to the Utah Deaf Education Core Group and cc’ed USDB staff and Advisory Council, including Dr. Martell Menlove regarding their “PLEASE READ” note on their website.

Mr. Noyce’s following response:

USDB staff, Advisory Council and Utah Deaf Education Core Group:

I am pleased that the Utah Deaf Education Core Group is promoting language and communication mode choice for parents of children who are deaf or hard of hearing in Utah. Everything that I have initiated and promoted as superintendent has been done to support parent and family choice.

The development and staffing of a Parent Infant Program that employs specialists in American Sign Language/English BiBi and Listening and Spoken Language is meant to give support for strong program options that truly give families viable choices.

My direction to Associate Superintendent Howell and Director Day Mullings to create an orientation process that gives families comprehensive access to information to make an informed choice is meant to give parents a reasonable opportunity to make a choice. I wish we

could guarantee that people will not share bias with families. We have been trying that for decades. Because that has failed, we created a process that requires that a strong advocate and example of ASL/English be paired with a strong advocate and example of LSL. Director Mullings developed, with a community team, a process that gives families abundant opportunity to make a choice that is best for each individual family. Associate Superintendent Howell gave input and I approved the plan. There is no time limitation on families; they are encouraged, however, to make a language choice as early as possible so that the language can be implemented to give the child the best opportunity to establish a first language.

USDB has gone to considerable effort and expense over the past several years to provide professional development to ASL/English teachers. Nearly all ASL/English teachers will have completed the two year training cycle this year. They are well-versed in the components of Signacy, Numeracy and Oracy. The Oracy component of ASL/English is the “listening and speech” component of ASL/English. For this reason, families who want “both” signing and speech are encouraged to place their children in the ASL/English program.

Listening and Spoken Language is a life choice, just as LSL/English. Use of sign language is contrary to an LSL approach just as use of English Sign Systems is contrary to an ASL/English approach. The Principles of Auditory Verbal therapy, <http://nc.agbell.org/NetCommunity/page.aspx?pid=359>, and the Principles of Auditory Verbal Education, <http://nc.agbell.org/NetCommunity/page.aspx?pid=356>, identify the components of an LSL approach. This by no means that advocates of LSL don’t respect or value ASL as a language or as a viable approach for children who are deaf.

If we are to truly value and respect the choices that families make we need to dialogue and open lines of communication. I have requested that the administrative staff of USD meet with the leadership of the Deaf Education Core. They have declined to meet with USD and specifically with me. I hope they reconsider.
Sincerely,

Steve Noyce, Superintendent
Utah Schools for the Deaf and the Blind
742 Harrison Blvd.
Ogden, Utah 84404

The Utah Deaf Education Core Group then responded to Mr. Noyce’s particular

email as follows:

February 24, 2011

Mr. Noyce,

Thank you for recognizing that we are supportive of family and parental choice at USDB. In our attempt to respond to your letter of February 20, 2011, we developed the document that follows. It explains why, despite procedures and policies that have been put in place to support parental choices, we feel that more needs to be done to reduce the promoting of one program to the detriment of the other.

We understand and respect the desire of families who choose LSL to retain the “life choice” of not using sign language; however, there are families who would like to receive intensive speech training, yet want their children to receive exposure to ASL. Conversely, there are families who choose to focus on ASL acquisition for their children, yet want their children exposed to formal oral training at a young age (during PIP). We hope this document answers your questions and helps in understanding our perspective.

(Let us also explain briefly to those copied on this letter, who may not be aware of the reason behind our declining to meet with you and your administrative staff; it was because of the upcoming evaluations and a long history of having ASL/English bilingual issues trivialized. We felt that it wasn't appropriate to meet at this point.)

[We also need to clarify that the three components of the ASL/English bilingual approach are Signacy, Literacy and Oracy (not Numeracy as listed in your letter).]

Sincerely,

Utah Deaf Education Core Group

WAYS THE TWO PROGRAMS AT USD ARE NOT BEING GIVEN EQUAL CONSIDERATION

EXAMPLE ONE: Requiring PIP parents to choose ONLY one of the two options offered at USDB

Under the current system, parents can now only choose one option: either the Listening and Spoken Language (LSL) or the American Sign

Language (ASL/English) approach. They are no longer able to choose to receive both speech services and ASL tutoring like they have in the past.

What about parents who want to have their child to receive training in both communication methods, in whatever combination they desire? Where is their choice?

EXAMPLE TWO: Not allowing formal speech services for PIP parents who choose the ASL option or ASL services for parents who choose the LSL option

The ASL/English option provided by PIP does not include formal speech, lipreading and listening training. We understand that ASL/English specialists working for PIP can work on oracy skills during home visits, but that the families cannot use the clinical speech services offered to LSL families. Speech therapy has been, in fact, taken away from families who were already enjoying the service, who had chosen the ASL/English bilingual option.

It is true that parents who choose the LSL option are similarly not allowed to have a Deaf mentor to teach them ASL. We feel this is a violation of the basic human right to communication and assert that this choice should be available to all parents. In any case, for most hearing parents and people reading this, it does not sound as outrageous and unfair to not to have ASL tutoring as it would be to have formal speech services denied or taken away as has happened.

In this way, parents are receiving subtle messages that if they want their child to receive formal speech training from trained speech therapists, they should enroll them in the LSL program. Otherwise they would lose the therapists that were already working with their children and obtain speech services from ASL/English specialists that may not be as highly trained to provide this type of service.

EXAMPLE THREE: Using *Pathways* as the orientation DVD for new PIP parents

Pathways is the name of the thirty-minute DVD that is being used as part of the orientation offered by PIP. The film explains five approaches for communicating with a deaf child: AVT, ASL/English Bilingual Education, Auditory-Oral, Cued Speech, and Sim-Com. The film also emphasizes that pathways develop in the brain through auditory input but does not state that language also develops through visual input. Another critical piece of information is not shared: that young deaf brains process ASL in the

language center just as young hearing brains process spoken language.

During the five minutes of discussion on ASL samples of ASL users included a child who has Deaf parents, a high school student who is not as academically advanced as could be, and a two-year-old, recently-implanted girl who has just started to learn ASL. Of the samples, only the little two-year-old girl represents a possible reality for hearing parents viewing the DVD. The high school student, moreover, does not show the actual vitality and academic success that numerous students who go through ASL/English bilingual programs do have.

In a nutshell, ASL/English bilingualism as a language choice is not accurately represented. The overall tone of the ASL portion of the DVD is that ASL is not a viable approach. Hearing parents are sensitive to subtle inferences like these. The imprecise information regarding the ASL/English bilingual approach can very well convince parents that LSL is the way to go.

In this way, LSL is being promoted at the detriment of the ASL/English bilingual option.

EXAMPLE FOUR: The renovation of a cottage on the Ogden campus for the sole use of LSL families

A significant expense was made towards the complete renovation of a cottage on the Ogden campus into a state-of-the-art facility for LSL families. Families who choose the ASL/English bilingual option are not even allowed to use services provided at this building.

The last time one of us visited the cottage, there were no signs of the advances in technology that have been developed for and by Deaf people, such as flashing doorbells and alarm clocks or the videophone. This omission of important components of Deaf/hard of hearing lives seems to indicate a disregard and lack of respect for visual cues and technology that are available for Deaf/hard of hearing individuals.

This is an example of expense and planning spent on one program (LSL) over the other (ASL/English).

EXAMPLE FIVE: The spreading of negative information about the ASL/English Bilingual programs available at USDB and about sign language in general

There has been a history at USD of resistance towards sign language in

general. Now that the ASL/English bilingual approach is available to parents under USD, this resistance is also seen towards this program as well. Following are three examples showing this resistance among current USD staff. More examples can be seen in letters posted by parents at www.utahdeafeducation.com.

In the third letter posted on our website, a parent explains that when she decided to choose the sign language option, the USDB Pre-School representative expressed her opinion that the mother was “a horrible mother for allowing [her] children access to sign language.”

In two other examples referenced below, the parents discuss Jean Massieu School, the largest ASL/English bilingual program under the auspices of USDB. However, we are aware that the same is happening for the other ASL/English bilingual programs at USD.

The mother of an eleven-year-old revealed to her ASL instructor at a local community college that, when the total communication program at USD merged with JMS during the fall of 2010, she decided to mainstream her child at a local school rather than enroll her at JMS. She explained that the main reason she did so was that she had received a lot of negative information about JMS from teachers, staff and administrators at USD. She told the teacher that she “believed them.” It is very natural for parents to listen to those in authority.

In our final example, let us summarize an excerpt from the fifth letter on our website; in this letter a couple discusses trying to place their normal, high-functioning daughter at JMS. During the IEP re-evaluation, the IEP team expressed their opinion that (and we quote), “the only reason a child should go to JMS is if there are other issues that makes the child unable to hear or if they are low function.” The parents mention Mr. Noyce as having been “very strongly opposed” to the desired placement. When the parents declined the IEP recommendation to not place the girl at JMS, (again we quote) “Mr. Noyce made us sign [a paper] that if her education declined, they were not responsible [and] reminded us over and over again that the only children that belonged in JMS were those [who] were falling behind.” The parents add that due to the education she received at JMS, the girl is now on the honor roll in a mainstreamed classroom.

These examples are probably just the tip of the iceberg in how the administration and staff at USD are unfairly influencing parents away from signing, in general, and from the ASL/English Bilingual programs, in particular.

As a state agency funded by taxpayers, Utah School for the Deaf needs to ensure that parents do, in fact, receive unbiased information on the two

programs. For this to happen, it is imperative that USD staff and administration genuinely feel that the two options are equally feasible and that it is truly the parents' choice.

There was no response from Mr. Noyce or other people with authorities after the submission of this letter.

Utah School for the Deaf Grapples With Balancing Two Tracks

On February 21, 2011, the Salt Lake Tribune published an article entitled, "Schools for the Deaf Grapple with Balancing Two Tracks." It stated that Superintendent Steven W. Noyce of the Utah Schools for the Deaf and the Blind (USDB) hoped the Dual Track Program will empower parents and become a model nationally for other state schools for the deaf (Winters, Salt Lake Tribune, February 21, 2011). The two 'tracks' are American Sign Language/English bilingual and Listening-and-Spoken Language. Rather than empowering parents, we see this as the oral/aural advocates desiring to whittle down the ASL/English bilingual program and push more deaf and hard of hearing children into the LSL program. The current list of state schools who had their ASL/English Bilingual programs endangered are the South Dakota School for the Deaf, Delaware School for the Deaf, and the Indiana School for the Deaf.

For instance, Timothy Chevalier, a former ASL/English Bilingual Specialist at the South Dakota School for the Deaf shared that in 2005 South Dakota School for the Deaf (SDSD) administrators visited and consulted with USDB administrators to study their Dual Track Program. Soon afterward they initiated a copy of its model at the school. The reality of the two track program as implemented at SDSD was to segregate the Listening and Spoken Language students and American Sign Language/English Bilingual students. In the LSL Division, students, many who had cochlear implants, were not allowed to interact with students from the ASL/English Bilingual Program at any time. This included recess and lunchtime. This would make sure the LSL students did not learn any sign language.

This segregation took a new twist as the SDSD administration contracted with a local public school to admit their LSL students. The idea was that these deaf and hard of hearing students should integrate with public school children so they could learn better how to hear and speak. The intense push to get as many students into the LSL program resulted in their ASL/English Bilingual Division quickly shrinking. The division saw a reduction in numbers due to the policy that encouraged new students who used sign language to stay with their local school districts rather than come to the South Dakota School for the Deaf. In this manner, the South Dakota School for the Deaf became an Outreach Services facility, similar to the format of USD's Outreach Services.

In 2007, the South Dakota families who supported ASL battled the new system to no avail and eventually moved out-of-state to enroll their deaf children at other state schools for the deaf. By the year 2009, the state deaf school existed in name only since all services were no longer at the school. The school had become merely administrative rather than a viable teaching institute (Timothy Chevalier, personal communication, June 6, 2011).

The National Association of the Deaf (NAD) provided legal expertise and support for the lawyers who filed the lawsuit that kept that school open. They continued to monitor the appeal that was before the South Dakota 8th Circuit Court of Appeals (Rosenblum, 2011).

Let's check out what's happening at another school for the deaf.

On September 10, 2010, Delaware's governor, Jack Markell, signed into law The Delaware Hard of hearing Children's Bill of Rights (House Bill 283). They joined Colorado, Texas, and California in passing this kind of law (<http://www.christina.k12.de.us/DSPDHH/DHHBillofRights.htm>)

The Delaware School for the Deaf (DSD) was an ASL/English bilingual school. In 2010 an advocacy group called "CHOICES Delaware" was established. Their

stated purpose, found in their mission statement, was to push for change in public policy towards educational choices for children who are deaf and hard of hearing. They stated “that Delaware’s system for educating and promoting the language development of children with hearing loss does not meet the needs of families who want their children to be able to speak and hear” (<http://choices-delaware.org/wp-content/uploads/2010/05/Position-Paper-Part-1.pdf>). In reality, what this group was pushing for is speech and audition therapy services for deaf and hard of hearing children. They continued to state that this was the best therapy for these children who have hearing parents. They did concede that the ASL educational services with English as a second language (bilingual) was okay for deaf and hard of hearing children of deaf parents but felt the speech and audition services were being overlooked and denied to all the hearing families. The DSD administration stood strong for the ASL/English bilingual program, which frustrated the CHOICES Group. The group desired to get more supporters from outside Delaware to come and push for change. When the group found out about Utah and the changes Mr. Noyce had been making to expand the LSL program, they decided to use Utah as an educational model. To that end they invited Mr. Noyce to their May 14, 2011 Conference on Deaf Education. He was a keynote speaker; his subject was the Dual Track Program, which is being resisted by parents, professionals, and the Deaf community here in Utah. (<http://choices-delaware.org/delaware-initiatives/update-2011-managing-listening-language-educational-outcomes-for-todays-children-with-hearing-loss>; Jacob Dietz, personal communication, April 21, 2011; D.T. personal communication, April 26, 2011).

On May 17, 2011, almost the same day as the CHOICES conference, Indiana Governor, Mitch Daniels, appointed two new members to the board that oversees the Indiana School for the Deaf (ISD). ISD was a foremost leader-school in the nation for Bilingual education for deaf and hard of hearing children. The tragedy there was that the two new board members were not affiliated at all with the bilingual education. They were affiliated with the Listening and Spoken Language philosophy. The irony was that these two new members were parents whose deaf children did not attend ISD, the school they were appointed to oversee. Only one deaf person was serving on the board with five hearing people (6News, May 17, 2011). These new appointments had sparked vocal

outrage among many parents who believed this was a tactic to do away with ASL at the school and taken the school back to oralism. Many parents were confused and concerned over what possible changes would take place regarding the school's academic instruction (6News, May 19, 2011).

Marvin T. Miller, a deaf parent of deaf children and president of the Indiana Association of the Deaf, asked for equal representation on the ISD School Board. However, Governor Daniels would not change the appointments, which refusal led to a rally on June 7, 2011 called by parents and Deaf community along with Indiana Association of the Deaf and Parent Teacher Counselor Organization (Marvin Miller, personal communication, July 15, 2011).

At the rally, CEO of the National Association of the Deaf, Howard Rosenblum stated, "By sending [the new board members'] children to other schools, what role do they have for the Indiana School for the Deaf? We believe they are not in support of preserving the goals....of the school" (6News, June 7, 2011). For a while, the ISD school board battled a long-standing debate about assimilating deaf people into the hearing society. Some believed deaf children should use sign language and attend special schools where they can be around other deaf children. Others think students were better off being mainstreamed with hearing children in traditional schools, especially since the advent of cochlear implants (6News, June 7, 2011). Since the governor will not budge, even after the rally, the Utah Deaf Education Core Group suspected that these two Indiana LSL board members will probably want to copy the USD's two track model. Since 2009, when Mr. Noyce became superintendent of USDB, the changes he's made to USD had developed it into one of the premier state run oral programs in the nation (Jacob Dietz, personal communication, April 21, 2011).

As mentioned earlier, the Dual Track Program was initiated at USD in 1962. As deaf adults who were students during that era saw what was taking place at the school under Mr. Noyce's direction, an intense protest was triggered among them and among the Utah Deaf community. 1962 to 2011 makes it one year shy of 50 years for this problem

to continue plaguing our school. It was disheartening to see Mr. Noyce taking resources away from the ASL/English Bilingual program little by little as the LSL program grew.

Mr. Noyce's most noticeable changes at the Utah School for the Deaf were in the Parent Infant Program (PIP). This program serves deaf and hard of hearing children from birth to 3 years and their parents. It was customary to allow the parents to wait until their child entered preschool before focusing heavily on either the signing or the speaking routes. The Superintendent's change was to push the parents into a decision during the PIP years. "He encouraged parents to choose either ASL/English or LSL as early as possible instead of when choosing a preschool because [those early years were] a critical period for language development." (Winters, Salt Lake Tribune, February 21, 2011).

"Many advocates for bilingual education fear that Mr. Noyce, whose experience as an educator is in listening and spoken language (LSL) favors the oral program at the expense of a traditional deaf education in American Sign Language (ASL) --more readily accessible to visual learners--unites the deaf community and fosters a deaf identity, advocates say" (Winters, Salt Lake Tribune, February 21, 2011). Launched in the spring of 2010, the Utah Deaf Education Core Group, a group of concerned parents and members of the Utah Deaf community acknowledged that Mr. Noyce had always said he supported the choice of the family, but in actions, he had taken choices away from them. For instance, now, when PIP parents choose ASL, Mr. Noyce takes away speech services. When PIP parents choose LSL, Mr. Noyce takes away signing services. They discovered that a lot of parents wanted both options: LSL and ASL.

It was surprising to read this information in the Tribune article: "Noyce said ASL teachers in the infant program--like those in the preschool and K-12--are trained to teach "oracy", along with sign language and English literacy. Oracy includes listening, speaking, and reading lips."(Winters, Salt Lake Tribune, February 21, 2011). Little did parents know that oracy was part of the ASL/English Bilingual program. No one at the school had made that clear. Parent thought they had to pick one or the other and many hearing parents were persuaded to choose the LSL program by USD staff in order to have

their child receive speech services.

Mr. Noyce stated, "I don't have any problem with people being an advocate for American Sign Language. I wish those who advocate for ASL wouldn't have a problem with those who advocate for listening-and-spoken language. My role is to support very strongly both programs equally" (Winters, Salt Lake Tribune, February 21, 2011). Eight deaf education advocates endorsed an opinion piece written by Bronwyn O'Hara. They were Minnie Mae and Julio Diaz, Dan, Stephanie Mathis, and Jodi and Duane Kinner, and Dennis O'Hara. The piece, titled "The Utah Schools for the Deaf and Blind Are in a State of Crisis" was published February 14, 2011 in The Salt Lake Tribune. Contrary to what Supt. Noyce believes about himself, the shared opinion was that, "Noyce doesn't understand the deaf signing segment of the student population well enough to advocate adequately for them" (Opinion Editorial, Salt Lake Tribune, February 14, 2011 and Winters, Salt Lake Tribune, February 21, 2011).

Jacob Dietz, a hearing father of two deaf children, also had a reaction to the same statement by Mr. Noyce. In his February 21, 2011 blog Jacob wrote:

"[The Salt Lake Tribune article] has some interesting comments from Steve Noyce in it. He says: "I don't have any problem with people being an advocate for American Sign Language" and "I wish those who advocate for ASL wouldn't have a problem with those who advocate for listening-and-spoken language. My role is to support very strongly both programs equally." First of all, I think this statement clearly shows that he considers himself someone who is advocating for the LSL path. The last part is true, that his role is to support both equally, but clearly, since he wishes those who advocate for ASL did not have such a problem with those who advocate LSL (Steve Noyce), he does not strongly support both. This is all I have been asking for from the beginning, is someone who is more moderate [than] our [current] superintendent. He or she should not have strong feelings one-way or the other, but instead should truly support the choices for parents. Steve Noyce also says that he hopes that the two tracks will empower parents, but in reality they take that power away from parents. I can't speak for everyone, but I sure felt empowered as I was told by USDB after we chose ASL that we would no longer receive the auditory and speech therapy Eliza needed. I felt even more empowered as I heard from USDB employees that because we had

chosen ASL for our daughter, she would not be considered a candidate for a cochlear implant. You're right, Noyce, this two-track system is very empowering. What was the most empowering was how I sent emails to Noyce and Day Mullings [Director of PIP], and got no responses. Made me feel like king of the world. Let's be honest, if you are choosing LSL, the new two-track system is very empowering, but if you want a bilingual-bicultural approach, the new system is anything but empowering. I support any plan where all parents are truly empowered" (Jacob Dietz, personal communication, February 21, 2010).

"Over the past decade, listening-and-spoken language education had become an increasingly popular choice due to the growth of cochlear implants and digital hearing aids to recover or amplify hearing....Mr. Noyce said, 'Cochlear implants changed everything. Kids can identify sounds 20 feet away. Some of these kids can hear whispers. I think it's miraculous what technology has done'" (Winters, Salt Lake Tribune, February 21, 2011). However, the Utah Deaf Education Core Group observed that Mr. Noyce's faulty crediting of this technology with 'restoring hearing'. Dr. J. Freeman King, Utah State University Deaf Education professor, clarified that technology can be a useful tool, but it did not necessarily assure the expectation Mr. Noyce espoused (2009) King clarified that a child with cochlear implant(s) or hearing aid(s), at best, is still hard of hearing, not hearing. There is also a restriction as to when and where technological devices can be conveniently and safely used. Everyone begins to believe that a child (or person) with a cochlear implant or hearing aid is hearing normally and should be treated as such. This can create problems for the child, for the family, for the teacher, and for society, in general. The reality is the technology does not do away with the hearing loss. Dr. King pointed out that the use of sign language is a viable solution to these problems. Sign language can be utilized before audiological equipment can be properly fitted and/or programmed for children. He explained that children are able to develop sign language early, especially when the need for communication is immediate while spoken language quickly becomes inadequate due to difficulties with the technology, poor acoustics in the environment, or other extenuating factors (UAD PowerPoint, p. 3 – 4).

As Mr. Noyce restructured the PIP staff, now all specialists were trained either in ASL skills or LSL skills. Previously, only one had a background in LSL. As of

February 2011, seventy-four percent of parents currently in the program had chosen LSL. Fifteen percent had chosen ASL, and the remainders were undecided. There were 170 infants and toddlers enrolled. Twice as many LSL specialists as ASL ones were trained. This was done to reflect parental demand for speech and auditory services. (Winters, Salt Lake Tribune, February 21, 2011).

The statistic in the Salt Lake Tribune article surprised Jacob Dietz. Expressing himself in his BlogSpot, Dietz stated, “The stats in the article were interesting....74% of infants in PIP are in the LSL path and 15 % are in the ASL path, while 10% are undecided. I would love to talk to some of these parents that have chosen the oral path, just to find out what they would have chosen if there had been a true bilingual/bicultural path available. I am not questioning the validity of their choice, but I wonder how many of them chose oral because they were told if they chose ASL they would not receive any [speech] services. Like all parents of children who are deaf or hard of hearing, I yearn to communicate with my child.... It would be hard if someone told me that if I chose the ASL path, I would not be able to communicate [vocally] with my child; that they would never learn to speak or listen; I would be cut off from them. If I was told this, and was told that the only way they could get any of these services was to pick the LSL path, and I only had three months to choose, I would have picked the LSL path [too] (Jacob Dietz, personal communication, February 21, 2011).

However, advocates for the ASL/English Bilingual Program would prefer infants and toddlers be given more time to test their skills at both signing and speaking so parents can make a choice that reflects the child’s aptitude as a visual or auditory learner. For instance, Jill Radford, principal of the Jean Massieu School-USDB who is deaf, asked reporter, Rosemary Winters, a question via e-mail, 'How do parents know which language the child needs?' I promote choice, but I believe strongly that it needs to be the child’s choice. Often parents will pick what is most convenient for them and their family [which tends to be LSL] because the child needs to be able to communicate with them” (Winters, Salt Lake Tribune, February 21, 2011).

Before the Parent Infant Program was divided into two tracks, parents could choose services a la carte, seeking the help of both speech therapists and deaf mentors (educators who teach family members how to sign) said Jacob Dietz, a hearing parent of a 2- and a 4-year-old with hearing loss. Then the Parent Infant Program was divided into two tracks after Noyce became superintendent in 2009. Jacob observed that now at USDB [parents] either choose cookie-cutter one or cookie-cutter two. "It's not individualized at all." (Winters, Salt Lake Tribune, February 21, 2011). Jacob expressed the fact that, with the school stressing the importance of choosing early, in essence, it leaves few options for parents, especially if those parents want their infants and toddlers to become well-versed in both ASL and speech. By talking with parents like Jacob, the Utah Deaf Education Core Group discovered that, when PIP parents chose ASL after learning about both options through the orientation process, USDB took their speech services away. It sounded like a punishment for 'choosing wrong', given the favoring of LSL under Noyce. Jacob's situation was a perfect example.

Noyce also dismissed claims that his spending habits favored the listening- and-spoken-language (LSL) students. He said LSL students' education was less expensive per child. From infancy to graduation, on average, it costs \$121,000 for an LSL education while it takes \$288,000 to provide an ASL/English Bilingual education. Much of that monetary difference was due to the focus of the LSL program on returning students to mainstream public school classrooms as soon as their listening and speaking skills were at grade level. Plus, USD relied on free classroom space in existing public schools to teach LSL students (Winters, Salt Lake Tribune, February 21, 2011). Parent-advocate, Bronwyn O'Hara, believed that Noyce was comparing apples to oranges in his numbers; that is, comparing two different kinds of students. First, he did not acknowledge that LSL students were generally mainstreamed to their local school district by third or fourth grade. This is not "infancy to graduation" costs for them since the deaf school doesn't incur expenses while these students are in public schooling. O'Hara also felt LSL costs should include equipment expenses that the LSL student depends upon, such as cochlear implants, FM systems, and possibly hearing aides, to name a few. She argued that taxpayers might subsidize some of these expenses under state medical insurance and that

should be included as part of their total program cost. In this way the taxpayers might be paying at both ends for the LSL program since USD is also a public, taxpayer-funded school. She suspected that Noyce might be feeling defensive as parents and Deaf community began to notice his unequal spending habits, which favored the LSL program. Could he justify renovating an Ogden campus building exclusively for the use of LSL families when money was tight? Was this cost added to Noyce's figures for total LSL program costs? This building, for LSL families to stay a few days to learn speech techniques with their child, was not opened to ASL families for the same purpose of staying a few days to learn sign techniques with their child. Other USD budget cuts were inflicted on the Bilingual program such as cutting out sports, which are not cut for the LSL students who have that available through their mainstreamed schools. In general, these costs have not been fairly compared and Mr. Noyce has used the newspapers to make the public think the Bilingual program is currently getting too much of the USD budget money. This was an unfair and unsupportive portrayal of the Bilingual program by the Superintendent of USDB (Bronwyn O'Hara, personal communication, February 22, 2011).

The Utah Deaf Education Core group felt this February 2011 newspaper article written by Rosemary Winters portrayed Superintendent Noyce as a victim who was misunderstood. But the Core Group felt that Mr. Noyce cannot overcome his past training as an oral educator for the deaf. As a group they feel that many parents would have chosen ASL/English bilingual option if PIP would tell them that speech services could be included. There was a deep-seated distrust that Mr. Noyce did not want the Bilingual program to grow and that was probably the reason he took away the speech services: in order to steer families into the commitment of the LSL program.

The Core Group continued to disagree with the Utah School for the Deaf offering a Dual Track Program. This is the same controversy that was created in 1962 when the Utah State Board of Education approved the two-track educational system for the deaf on June 14, 1962 (Ogden Standard-Examiner, June 14, 1962). The two communication and educational methodologies were oral and simultaneous communication-total

communication. In 1962 the new policy was called the “Y” system. In it, all deaf and hard of hearing children had to start in the oral program at the age of 3 years. If the children failed to thrive in the oral/aural environment, then they were transferred to the simultaneous communication program where a type of signing-and-speaking modality was used. This decision regarding the failure of the student usually came when the child was around 10-12 years old. Their language and communication skills were woefully behind that of a hearing child of the same age. When this system did not work out, the "Dual Track Program with Choices" replaced the “Y” system in 1971, hopefully providing options for parents.

The way Noyce had re-structure the PIP, seeming to push parents towards the LSL option, reminded the Utah Deaf Education Core Group of that outdated and ineffective “Y” system of the 60's. The restrictions he had placed on educational services that was occurring now in 2009-2011 was a manipulation of children. It had created problems for parents and the Utah Deaf community as well.

In 2011 the methodologies in use at the Utah School for the Deaf were LSL methods and the ASL/English bilingual program, but, in reality, it was the same struggle of the 1960's and 1970's all over again: Either teach the deaf children to speak and hear or give them their language and culture and allow them to become truly educated. Noyce was proud of the fact that USD was the only state school that offered either a pure oral program or a bilingual program, but the fact was that most other state schools had relied on research to help them shape their current programs. Research in Bilingualism and Language Learning showed that listening and speech skills did not deliver an education.

The Core Group believes that oral deaf schools across the nation were private schools. As to whether USD, as a state-funded school, should offer both programs was probably a bad move for this school, since the public neighborhood schools could pick up those deaf and hard of hearing students who wanted the purely oral therapies. But, since both options were available at USD, both options should be given equal weight. This can be done by using the guidelines found in “The National Agenda: Moving Forward on

Achieving Educational Equality for Deaf and Hard of Hearing Students.” This is a paper written in April 2005. This National Agenda was designed to help solve the very philosophical, placement, communication, and service delivery biases that can occur within school systems.

In conclusion, the Core Group felt that Mr. Noyce, as a former student of the Oral Training Program under Dr. Grant B. Bitter, was a huge stumbling block towards USD being able to develop the bilingual program further into the next decade and/or century. They wanted to ensure that whoever replaces him didn't take USD as far backward as Mr. Noyce had already done.

Did You Know?

Marvin T. Miller, a deaf journalist and LDS convert was Roy and Darlene (Stewart) Cochran's son, Don's best friend and roommate at the Model Secondary School for the Deaf in Washington, D.C. In 2004, Marvin chased his dream to build his "signing town" known as Laurent in South Dakota – a similar concept to Martha's Vineyard. This town was to be named after Laurent Clerc and the purpose of the town was to design for deaf, hard of hearing and other American Sign Language users. It was originally planned that the first residents would start moving into town in 2008, however it did not work out as planned when faced opposition from AGBell and local residents. AGBell argued that persons with "disabilities" should integrate into society rather than form an enclave. Also, a number of local residents had expressed concerns about the viability, economic aspects of the project, and its impact on the area. The failure of building the Laurent town and defunct of the South Dakota School for the Deaf, he relocated to Indiana for better education for his four deaf children (Laurent, South Dakota, Wikipedia Encyclopedia). Marvin still held his dream to build his own "signing town" someday.

360-Degree Evaluation on USDB Superintendent Steven W. Noyce

Everything quieted down until the USDB Advisory Council meeting was held on March 31, 2011 where it was reported that the 360-degree Evaluation on USDB Superintendent Steven Noyce was completed. The survey was sent to 233 people. 147

responded, for a 63% response rate. The Advisory Council made a decision based on data as well as comments and recommended to the Utah State Board of Education on April 28, 2011. The State Board planned to make a final decision on first Friday, May 5, 2011 (Jeff Pollock, personal communication, April 1, 2011).

However, it was discovered at the Utah State Board of Education meeting on April 1, 2011, one of the USBE members asked Dave Rodemack, 360-degree evaluation administrator what some codes next to each person's name meant. The codes were "S," "H," and "M." Dave responded that they represented who provided the names. In this case, they represented Steve Noyce, Heather Frost, and Michelle Tanner (USBE Minutes/Meeting recorder minutes, April 1, 2011).

During the March Advisory Council meeting, Dr. Martell Menlove reported that 38 of 44 teachers responded to the survey. The Advisory Council only approved 20 teachers. Michelle felt that she was very fair in picking 20 teachers from various departments so as to not slant the responses one way or another and she was astonished by the unapproved addition of 24 teachers. Michelle called Dave to find out where the extra 24 teachers came from. He sent her the list of 44 teachers' names.

During the USBE meeting, Dave reported that there was another category of respondents: "other stakeholders." These people didn't fit into any of the categories they created for the survey but they had asked to participate. One of the USBE board members asked why there were so many names from Utah State University, but not from other universities. Dave responded that it was because of USDB's affiliation with USU's Sound Beginnings program (USBE Minutes/Meeting recorder minutes, April 1, 2011). The Sound Beginnings got \$440,000 from USDB and they didn't want to see Mr. Noyce go.

Jeff Pollock, an Advisory Council member recognized a conflict where the Advisory Council's approval of the evaluation respondent categories during executive

session whereas the USBE discussed this during an open and public meeting (Jeff Pollock, personal communication, April 16, 2011).

The Pressure from a Group of ASL/English Bilingual Advocates

Thursday, April 28, 2011 was the day when the USDB Advisory Council makes a decision on Superintendent Steven Noyce's contract based on the 360-degree Evaluation. A group of ASL/English bilingual teachers, parents, and members of the Deaf community attended the meeting. They made their presence known to push the council members not to recommend the State Board of Education renewing Mr. Noyce's contract. The decision was made during the executive meeting. Due to personnel protection, the result of the council's decision was unknown.

After the Advisory Council meeting, Anissa Wardell posted her letter on her specialneedskidslosetheirrights.com website, as follows:

Dear Advisory Council,

I am interested to hear what talks and decisions went on behind closed doors last Thursday, the public meeting notes do not share that information. As a parent of two hard of hearing/deaf children, I feel that the board is **Grossly** under represented for the LSL/Oral side. Having said that, I am making a recommendation to USOE as well as USBE to add more representation. The fact that the A.C. is less than ten people (that vote) and most of them do not represent the needs of my children is **very concerning**. The Advisory Council's true motives are highly questionable and seem politically motivated.

Its also my opinion and the opinion of many LSL parents that our voices are not being heard when it comes to matters concerning USDB in regards to Superintendent Noyce (the 360 Review), Transportation, Furlough Days etc. LSL parents represent 79% of USDB yet the vocal 21% (the fat kids) are those who are influencing all the decisions. As parents, we all want the best for our children and it seems that because many of us have been happy with the changes made in the last two years and haven't said anything that the vocal 21% (who are unhappy just in case you didn't know) are getting everything they want. The 21% get their own brand new school, own bus for field trips etc, new playground

and just about anything they want.

There are just over 700 children in the outreach program, there are children in Sound Beginnings, USDB North, Central and South and all these parents will be contacted to hear what they have not been a part of, to hear that less than 1/4 of the schools population is determining what happens to the rest of us. I have been vocal for my children and for the children in surrounding areas when it came to transportation a few years ago, I did not sit by idly waiting for things to happen. I will not sit idly by this time either. Many of the LSL parents have been contacted about recent issues, and we will be contacting them once again to stand and fight for what our children are in need of, and that is leadership and services.

I have gone to Senators and Legislators and all Utah media outlets in the past. I am prepared to do the same now. I highly suggest that the A.C. open up for more public comment...in fact most parents do not know that this council even exists, I highly suggest that all students that are affected by this council have a letter sent home to inform parents of what this groups purpose is and what issues you currently have on the table. Allow us to ALL share with you, not just the vocal few.

Thank you!

Anissa Wardell (Anissa Wardell, personal communication, May 2, 2011).

Annissa's majority versus minority comment is similar to Margaret Heinrich's article posted on the Deseret News on June 16, 1970. In her article, she stated that a small minority of parents in Salt Lake City were not in agreement with a majority of parents who supported oral and hope that the Governor's Advisory Council and the State Advisory Committee for the Handicapped will recognize the predominantly large majority of parents who desired the present approach in the education of their children (Heinrich, Deseret News, June 16, 1970). Despite the majority of parents who supported Mr. Noyce, a small of group of ASL/English bilingual advocates continued to make noise.

The Utah Schools for the Deaf and the Blind Impose Furloughs to Recover Losses

In December 2009, the Utah State Board of Education finalized the USDB Entrance Policy and Procedure for the Utah Schools for the Deaf and the Blind.

In the State Rule, it required the large school districts to cover 3 percent or more of the state's public education enrollment to pay for a portion of the services their students receive from USDB. Those services may include mobility specialists and interpreters among others. The services smaller school districts receive are funded through money allocated directly to USDB from the Legislature (Farmer, Salt Lake Tribune, April 19, 2011).

During the spring of 2010 Superintendent Steven W. Noyce made a mistake with the new board rule regarding the "3 percent rule" when he told the school districts not to worry about paying the 3% funds for utilizing USDB services to deaf/blind/deaf-blind students in their school districts. Miscommunications were taking a toll on the USDB, which was trying to recoup funds late in the school year by furloughing three days on April 29, May 6, and May 20 (Farmer, Salt Lake Tribune, April 19, 2011). Additionally, the shortfall occurred because the rule was adapted in the middle of the year. While the rule had been discussed for months, by the time it was implemented district budgets had already been set and when USDB sent out invoices for services, some districts hadn't set aside money to cover their bill (Farmer, Salt Lake Tribune, April 19, 2011). Some school districts disputed what they owed (Rolly, Salt Lake Tribune, June 7, 2011).

In this rule if districts serve 3 percent of student population in Utah they may contract with USDB for services to be provided. Key word there was "may." Many districts were opting not to contract or to reduce the amount of services the students get from USDB. Since a majority of the student population (90%) was outreach, the reduction in services was resulting in huge reduction in forces (RIF) of teachers. Mr. Noyce had to go through huge RIF of teachers. Ever since Mr. Noyce obtained his

employment as superintendent, he had created more financial woes for USDB and the balance of its budget was negative zero. To cope with the shortfall, the USDB imposed a hiring freeze and had cut spending to "zero," in addition to shutting down for three days.

The furlough days were enacted after coordination and collaboration with State Superintendent of Public Instruction, Larry Shumway and based on the recommendation from Dr. Menlove. The granting of the furlough was under the authority of Superintendent Shumway (Steven Noyce, personal communication, July 28, 2011). Mr. Noyce said, "USDB shares the responsibility for the funding shortfall with a handful of school districts as well as the State Office of Education" (Farmer, Salt Lake Tribune, April 19, 2011). Both Dr. Shumway and Dr. Menlove approved furlough without seeking advice from the USDB Advisory Council.

During the Public Education Appropriations Subcommittee hearing on February 8, 2011, it was reported that the school districts owed USDB \$600,000. When the USDB's shortfall was discovered, the plan was to reduce the state funding by another \$600,000 and give that to the USDB. It was thought to be in the Education Appropriations bill, but it wasn't. School officials say when it didn't show up there, they figured it would be in the final appropriations bill, but it wasn't there either (Rolly, Salt Lake Tribune, June 7, 2011). When the school districts did not pay what they owed USDB, the \$600,000 was taken out of the USDB's budget at the end of the 2011 legislative session on March 10.

Representative Karen Morgan, D-Cottonwood Heights, who helped fund a playground for Jean Massiue School and also a member of both the Education Appropriations Subcommittee and the Executive Appropriations committee, was one of the Democrats who weren't always kept in the loop, and she was surprised to learn after the fact that the \$600,000 was not there. Nobody else could fully explain its disappearance either (Rolly, Salt Lake Tribune, June 7, 2011).

Because of this, there will be a budget deficit of more than \$1,000,000 by the end of this fiscal year on June 30 if nothing was done. The State Office of Education and the USDB thought they had a deal with the Legislature to make up a \$600,000 budget shortfall so they wouldn't have to lay off or furlough teachers. When the dust settled at the end of the legislative session, the money disappeared (Rolly, Salt Lake Tribune, June 7, 2011).

The Legislative/Finance Subcommittee reported to the Advisory Council during the meeting on March 31, 2011 that USDB had some bad debt from last year pertaining to services provided to the districts that have not been paid. School districts were supposed to pay 3% of the USDB. USDB was expecting this money to be paid by the Legislature but it was not.

At that meeting, Michael Sears, USDB Financial Director, had no choice but recommended that staff and faculty, from the Superintendent down, take three furlough days to ensure there was money to continue operating through June 30. The furlough days shut down all USDB campuses in order to cover a portion of a \$600,000 shortfall that accrued during the 2009-2010 school year. USDB employees who served in district schools also took off. The Utah State Office of Education had to make up the rest of the deficit (Farmer, Salt Lake Tribune, April 19, 2011).

Several Advisory Council members expressed concern that this could have been avoided if better oversight was done. There were also questions about where money was spent that could have been avoided, such as oral education known as Sound Beginnings. Mr. Noyce funded \$440,000 for the Sounds Beginnings in the Logan area. The comments made by some on the Advisory Council seemed to imply that USU should cover those costs, not USDB (Jeff Pollock, personal communication, April 1, 2011). Apparently, Mr. Noyce did not deny the accusation or making the donation.

Because of the shortfall, the 600 teachers had to take three furlough days, USDB students had to stay home (Rolly, Salt Lake Tribune, June 7, 2011). Some parents were

not happy about the furloughs, which eliminated transportation or interpreter services to assist their deaf and blind children keep up with their classmates in school districts. The furloughs impacted the needed services since their children had been issued Individualized Education Programs (Farmer, Salt Lake Tribune, April 19, 2011).

In the email, Flavia Fleischer, a daughter of a well known deaf leader, Dr. Lawrence Fleischer and deaf parent of deaf daughter, Ryssa wrote that her daughter's IEP requires that she is provided with an American Sign Language interpreter for her classes at Mountain View High School. "It was not acceptable that Ryssa's hearing peers could continue to attend school and get full access to education while Ryssa had to suffer because of USDB's decision to have a furlough." Flavia contacted USDB and an interpreter had been provided for her daughter, but she worried more parents won't be able to make arrangements. Flavia also wrote, "It is inappropriate for USDB to believe that it is OK to excuse ... any Deaf/Hard of hearing child for three days as that will not give (them) access to the educational services mandated by (their) IEP" (Farmer, Salt Lake Tribune, April 19, 2011).

Mr. Noyce said, "It's not an enviable position" and there's no way to put a good spin on it" (Farmer, Salt Lake Tribune, April 19, 2011). The Utah Deaf Education Core Group recognized that what this comes down to was all staff and faculty members were being punished with no pay for three days due to USDB's fiscal mismanagement. They felt it was wrong to be debt and allow the children to suffer.

Jacob Dietz's Letter to the USDB Advisory Council

When the Utah Deaf Education Core Group had spoken up concerning Mr. Noyce's job performance as superintendent, he alienated more people, including the Utah Deaf community, and had aroused more in-fighting with bringing up the Listening and Spoken Language and American Sign Language/English bilingual problems, than any other superintendents so far. Jacob Dietz did a good job of packaging it in one concise

letter about his activity to the USDB Advisory Council and it was a good rebuttal. He had identified many of the problems that Noyce had caused delineated in his letter, including the biases and the fiscal irresponsibility under his administration.

Dear Members of the Advisory Council, April
21, 2011

I would like to take some time as a concerned parent to discuss what Steve Noyce has accomplished over the last year and a half as our Superintendent. I hope this letter finds its way to you at this critical time as you are reviewing his recent 360 surveys.

In the time that Steve Noyce has been Superintendent at USDB, he has developed our school into one of the premier state run oral programs in the nation. This can be evidenced by the fact that he has been invited to numerous events throughout the country to talk about the LSL program in our state. I believe he has one more to Delaware where he will be the keynote speaker on this subject. There is no doubt that the oral program has flourished under Steve Noyce. He has spared no expense here, by building a new therapy center in Ogden for the LSL pip kids and parents to come to, as well as bringing some top professionals in the oral field, like Day Mullings, who is the director of the deaf PIP. She also has been recognized as one of the best in her field.

But what about the blind kids? To Steve Noyce's own admission, the blind kids remain in deplorable conditions in some of their classrooms. He points out that it could very well be a fire hazard to have all of their needed walkers and other mobility equipment in the halls of their little portable class room. If their conditions are so bad, why is it that the LSL kids are getting some new center in Ogden where they and their parents can come and see what life is like for them, but we have done nothing to improve things for the blind kids?

As Steve Noyce continues to promote himself and his model LSL program throughout the country, how are things going at home? Since Steve Noyce has been Superintendent, relations between USDB and the Deaf community have never been worse. When asked about

this, Steve seems to have the attitude that he doesn't really care what they think, and that his community is out to get him. He dismisses their concerns as it being none of their business because they don't have kids in the program. This wrong. There are many in the Deaf community who do have kids in USDB. In addition to that, those I have had contact with in the Deaf community are concerned because they don't want this generation to have the same struggles as they did. They understand that a quality education is the key to a successful and bright future for any child. They fight for all deaf children, because they see them as their future. It is their business, yet Steve Noyce continues to try to distance himself from them.

Since Steve Noyce has been our Superintendent, we have seen outside attacks on USDB, the most recent being the vote by the State Board of Education to possibly close down USDB. This was fought by the community, and the notion was taken off the table, but I wonder, under what other Superintendants has this option been presented? Under what other Superintendants, has it ever happened that they have voted to close the school?

Since Steve Noyce has been Superintendent, USDB has had to face a major budget shortfall. Over half a million dollars. This has affected staffing and budgets throughout the program. This was a result of a rule the State Board passed in 2009, that went retroactive and charged some districts for services provided by USDB, and then by USDB not being able to collect those funds, thus creating the shortfall. If this rule was nonexistent before that time, and the school districts were not planning on being billed for their services, then why did Steve Noyce include this in the budget to begin with?

Now, not only is USDB short staffed as a result, but our kids will now suffer, almost all of them will miss three days of school because of the furloughs. Not to mention how this will affect the teachers and other staff at USDB. I wonder if we had not planned on this money coming in because it never had before, would we have ended up with a surplus, that could have been used to help with new facilities for the blind kids?

Since Steve Noyce has been the Superintendent, we have seen numerous staff changes at USDB. Many people have

been laid off. This does have more to do with the current economic situation than with Steve Noyce. However, there have also been numerous members of USDB staff who have left, or who are contemplating leaving because of Steve Noyce. I believe this shows a solid track record of not working well with those who do not agree with him. I think it shows a lack of leadership and management skills.

In short, since Steve Noyce has been Superintendent at USDB, I, as a parent, have only seen a track record of mismanagement and blunders. Other than the booming success of the LSL program, I do not see vast improvements anywhere else. Yes, JMS is in a new school, but that process was already started and finalized before Steve Noyce came in. The relations with the school board have worsened to the point that they almost closed us down, relations with the Deaf community have worsened to the point that either side cannot talk with the other. There have been numerous and large budget and money issues. This does not look to me like quality work.

Thank you for your time in reading this letter.

Sincerely

Jacob Dietz (Jacob Dietz, personal communication, April 25, 2011).

A Vigil To Get USDB Superintendent Ousted

On May 5, 2011 was the day when the Utah State Board of Education was supposed to decide the status of Steven W. Noyce's two-year contract. A group of parents from Jean Massieu School of the Deaf and members of the Utah Deaf community held a vigil to draw attention for equality in Deaf education at the Utah School for the Deaf and call for the ouster of Steven W. Noyce, Utah Schools for the Deaf and the Blind superintendent outside of the Utah State Board of Education meeting on May 5, 2011 (Winters, Salt Lake Tribune, May 5, 2011).

Mr. Noyce took the post in August 2009 with the expectation of at least a two-year term. The board recently conducted a 360-degree evaluation of his job performance

by both employees and parents, at the prodding of some deaf-education advocates (Winters, Salt Lake Tribune, May 5, 2011).

The vigil highlighted ongoing tension at the Utah School for the Deaf between its two programs: American Sign Language, which teaches English as a second language; and listening-and-spoken language, which relies on new technologies to help deaf children listen and speak without signing (Winters, Salt Lake Tribune, May 5, 2011).

ASL/English bilingual supporters flocked in number to make their presence known to the State Board pushed for Steven's removal. They worried he favors the LSL program. Meanwhile, the history repeated its cycle when parents in the LSL program e-mailed a petition with 395 signatures supporting him to the state education board (Winters, Salt Lake Tribune, May 5, 2011).

On May 4th, Anissa Wardell posted a petition developed by the LSL community on her specialneedskidslosetheirrights.com website, as follows:

**To the Utah State Board of Education
& Utah Office of Education: A Petition**

We the parents and supporters of LSL (Listening & Spoken Language), are aware of the fact that the Utah Deaf Education Core Group is planning to stage a protest at the Utah State Office of Education, Thursday, May 5, 2011 beginning at 2:30 and the press has been invited. The intent of the vigil according to their announcement is to share with the State Board of Education their strong belief that the state of Utah "... is not keeping up with current 'best practices' in teaching deaf children" and that many parents, as well as, deaf education professionals are unhappy with Utah's current programs.

As parents & supporters of LSL children, promote the use of the latest hearing technologies and the development of spoken language as the deaf child's primary means of communication. However, recognizing that no one communication methodology works for all deaf children, the LSL Parent Support Group strongly supports parent choice. We believe that selection of the communication

system used by a family is a personal one based on both the desires of parents and needs of the child. It should be noted that approximately 95% of children with hearing loss are born to hearing and speaking families.

The Utah Deaf Education Core group advocates the use of American Sign Language (ASL) for all deaf children regardless of severity of hearing loss, and the development of English Bilingualism.

The majority of deaf children in Utah are educated in programs provided by Utah Schools for the Deaf and Blind (USDB). USDB provides a dual tract system, supporting both American Sign Language (ASL) and Listening and Spoken Language (LSL) programs. According to USDB's Annual Report to the Legislative Interim Committee November 2010, 79% of all students served by USD are using Listening and Spoken Language, 14% of all students served by USD are using ASL. Clearly, the ASL group is in the minority.

USDB Superintendent Steve Noyce's stated goal is to provide exemplary, research based, 'best practice' programs for both ASL and LSL students. The Deaf Core Group's major contention is that Superintendent Noyce, because of his educational background, is biased in favor of Listening and Spoken Language (LSL), and thereby, incapable of providing best practice programs for ASL.

We believe Steve Noyce works tirelessly in his efforts to reach his stated goal and provides equal support to both programs. We believe that the Deaf Community, represented by the UDEC will never be happy with USDB's educational programs, unless all deaf children use ASL. We, as parents and supporters of LSL have chosen for our children to be part of the mainstream community. We do NOT want our rights as parents to choose a Listening and Spoken Language option for our children and the rights of our children to speak for themselves diminished or eliminated by this militant group.

Anissa Wardell

LSL Parent Support Group

As a community we offer our support to our superintendent and ask that our voices be heard on this matter (Annisia Wardell, personal communication, May 4, 2011).

After the board meeting, Trenton March, a member of the Utah Deaf community and Jodi B. Kinner went inside the room where the meeting was held and met Dr. Menlove. As they were walking toward him, she noticed several board members shaking their heads with disgust. Some deaf people, who went inside the room, noted that the board members frowned at them and shook their heads with disapproval. It was later learned that the board members didn't appreciate the vigil and it probably hurt the Utah Deaf Education Core Group's mission to end Noyce's contract.

At the board meeting, Trenton and Jodi asked Dr. Menlove about the results of the board's decision. He basically said the board made no decision regarding Noyce's contract. Apparently, their indecision attempted to quiet the people who attended the vigil or they would probably strike right there outside of the education office if the decision were to keep Noyce.

The Core Group observed that Noyce was an adept talker, similar to Dr. Grant B. Bitter and played the victim card to get sympathy votes. Again, similar to the advantage Tony Christopolus had as an USD Coordinator, Steven had the ears of the parents with all addresses and etc... this was the same approach that Tony Christopolus used in the 60's and 70's to bias parents and stir up the hearts of parents to doubt those who really know the importance of strong natural language communication skills (Jean Thomas, personal communication, March 1, 2011). All those years, Mr. Noyce had learned their tactics and incorporated similar approaching to fight against the ASL/English bilingual education.

The Core Group still felt the superintendent should treat ALL programs equality in USDB. They only asked for equality in Deaf education and it was not about which program was better. They recognized that oral program worked for some and ASL program works for some and Blind works for some --- every child has individual needs.

Jennifer Jackson, whose ninth-grade son, Bryce attended JMS with a hot pink sign

that read "Permanent furlough for Steve Noyce," alluding to three furlough days Steve announced recently to plug a \$600,000 shortfall in the Utah Schools for the Deaf and Blind budget (Winters, Salt Lake Tribune, May 5, 2011). She also said Bryce has "flourished" in his 11 years at JMS but now "He's scared to death that he is not going to have a school" (Winters, Salt Lake Tribune, May 5, 2011).

Jennifer feared Noyce was steering parents away from the ASL program and eventually will shut down JMS due to dwindling enrollment. More than 70 percent of parents had been choosing LSL for their children, who often had cochlear implants. Noyce said, he has supported the school and noted that he grew enrollment at JMS during the 2010-2011 when he added high school grades, a change that parents had sought for years (Winters, Salt Lake Tribune, May 5, 2011). While enrollment grew, Noyce added high school, there had not been a growth in enrollment since then (Jill Radford, personal communication, July 8, 2011).

Additionally, Noyce stated "Their [protestors] purpose is to demonstrate that ASL should be part of the program for every child with a hearing loss. He also said, "I can't support that and it needs to be an option for every family. But I don't think every family should have to choose that as their only option." (Winters, Salt Lake Tribune, May 5, 2011).

The Board however made no decision regarding Mr. Noyce's contract. Anissa Wardell considered it as a victory when she posted a message on her specialneedskidslosetheirrights.com website on May 5th, as follows:

A Temporary Win For LSL Parents In Utah

USBE did not say anything about USDB in their Actions today (after their Executive session which is behind closed doors). **This is good news.** We stopped USBE and made them think about their decision for Superintendent Steve Noyce which ultimately affects our children. Also the future of the LSL program. With 395 signatures for the

petition and letters of support. We showed how powerful we are when we come together. We are not only fighting for our children, but for the deaf kid who comes into our program 5 years from now. Mark at USOE says he would call this a Victory for LSL families! I TOTALLY Agree!

We will be putting together our next actions to ensure our voices are heard as LSL families, and we will email that to you. We are not out of the woods yet, but we have some time to really share with USBE that we care about our school and how it is run! If you have a letter of support for Superintendent Noyce or for the LSL program we will continue collecting them as well as anyone who may not have signed the petition we will add those names as well.

Thank you for all your help and support! We couldn't have done this without you!

Anissa Wardell (Anissa Wardell, personal communication, May 5, 2011).

After Jacob Dietz attended the vigil event, one person, possibly a LSL advocate posted an upsetting message to his blog. Jacob assumed this person thought it was meant for the Utah Deaf Education Core Group. Among other things, this person was upset with the Core Group's interference with the State Board. He stated,

“The very group that is supposed to be offering support for the next generation of ASL/Deaf and Hard of Hearing children is making that the language options will be gone in the state of Utah. Shame on the Deaf Community/ASL advocates. You should find other ways to make changes in the deaf language options. Making the Utah Office of Education tired of listening is not the way to make changes. It is the way to get all language options taken away from our children. I hope it goes down in history that the Deaf Community itself, ruined the future of deaf children in the state of Utah. You need to wake up and really look at what you are doing. I am sure that this letter will not be posted on your site, because I know of parents that have tried to post positive letter about their services from USDB and you have not posted them.”

Jacob responded saying,

“When you mention that they should have found another way to address their concerns, what way were you thinking? They wrote to the officials that have been elected or appointed to make decisions regarding their concerns, which had to do with what is happening at USDB. They wrote letters to these officials. This is similar to writing to a member of congress when one is displeased with a law. They were following proper procedure when they did it, and beyond that, in this country, it is their right to do so. If they are concerned with an issue, then they should contact that governing body. That is what they did. I think it would be very un-American to think that they should not have done this. It was their right to do it, and I applaud anyone who would have the guts to write their leaders and let them know what they think” (Jacob Dietz, personal communication, May 10, 2011).

The Utah Deaf Education Core Group and the Utah Deaf community felt Rosemary Winters, a reporter didn't do a very good job on her newspaper article. She portrayed Noyce in such a wonderful, caring light and missed including the valuable information about the deaf experience in her article. Noyce was once again playing the victim card and was easy to manipulate through the media.

Did You Know?

Jean Massieu School of the Deaf lost 21 students to state schools for the deaf and mainstreamed settings during the year of 2010-2011.

According to JMS principal, Jill Radford's data of students who exited JMS program, here are the numbers:

- Total number of students who “left” during 2010-2011 = 21
- Total number of students who “exited” the school (includes graduating seniors, and placement changes for 2011-2012 school year) = 33
- Total number of students who graduated in 2010 – 2011 school year = 5

- Total number of students who left state to attend another school for the deaf = 8
- Total number of students who left and are currently or will be mainstreamed in district settings = 15
- Total number of students who left and are enrolled in program under USD = 3
- Total number of unknown placements that left JMS = 2

The reason for the claim that Noyce expanded JMS' enrollment was the addition of the high school. In 2009 – 2010 school year JMS had a total of 75 student's grades pre-k – 9. When the high school was added to JMS, the enrollment grew to 96, grades pre-k - 12. The growth was 21 high school students. For the coming school year, the number was looking to be 91, grades pre-k - 12. No growth (Jill Radford, personal communication, July 8, 2011).

In fact, JMS had lost a lot of bright students into a mainstream program or to another state school for the deaf. The cycle was repeating itself again. As a result, the Utah Code (HB 296) was deemed "no good." As a matter of fact, transferring the students to mainstream programs was not helping JMS, and USD was winning, for they supported the concept of integration and frowned upon JMS.

Utah Deaf Education Core Group's Response to the Comments Section of the Salt Lake Tribune Article

When the Salt Lake Tribune article entitled, "Parents rally to get boss of schools for deaf, blind ousted" was posted on the Internet on May 5, 2011, there was a long debate among the Listening and Spoken Language and ASL/English Bilingual advocates through the 142 comments section. As mentioned earlier, when Steven W. Noyce manipulated his words by saying the ASL protestors' purpose was to demonstrate that ASL should be part of the program for every child with a hearing loss and he cannot support that, it stirred up anger among the LSL parents. They were riled up against the Utah Deaf Education Core Group.

LSL parents defended and sided with Noyce's efforts as USDB Superintendent. They felt threatened that the Utah Deaf community would try to take away the right of LSL option. The Core Group was being blamed for making the "battle" an ASL vs. LSL thing. Additionally, the LSL parents defended Mr. Noyce for getting the USDB into debt. They blamed the 3% districts, USDB Financial Director, and State Board because the 3% rule was put into place before Noyce obtained the job.

While reading the comments section, the Utah Deaf Education Core Group could almost hear Noyce attempted to slander the Utah Deaf community behind closed doors by saying that the Core Group wants deaf students and families to have no choice. As evidence from the newspaper article dated May 5, 2011, he kept saying that the Utah Deaf community wants to force every deaf or hard of hearing child to use sign. Nowhere on Core Group's website or on blogs written by ASL parents and members did they ask for the removal of the LSL program nor did they call LSL parents names. The Core Group was aware that they did make Mr. Noyce look bad, but they didn't call him names. On LSL blogs, they called the Core Group names. Although there is no evidence, there was at least one confirmed meeting between Mr. Noyce and a group of LSL parents right before a USBE meeting on May 5th. The Core Group suspected he was "feeding" the LSL parents with inaccurate perceptions, making it look like the Core Group wanted the LSL option to be removed, as frequent objected by the LSL parents in the comments section. In fact, most of the members came from a hearing family and graduated from a public school. Some of them grew up ASL and some of them did not. Many of them happened to be parents of deaf children. Because they lived in the deaf educational system; they felt they had the constitutional right to right to speak up for the equality in deaf education in Utah.

The only real problem was that Mr. Noyce did not give full choices to families to choose and share the funding fairly to ALL programs in USDB. ASL and LSL were destroying each other. The Core Group argued that Mr. Noyce's role as superintendent was supposed to equally fund and champion BOTH educational approaches and allow parents and families the responsibility of deciding their child's educational modality without any bias or favoritism. They comprehended that the majority of parents opted

the LSL option and the money was spent where the largest group of participants was, but they knew his motive behind favoring one at the expense of all others.

Out of 142 comments, one of the comments by the name of Michelle4LSL who pretty much summed up the debate between the ASL and LSL proponents. In a similar parallel, D'On Reese, a parent of an oral deaf son felt threatened by Utah Association of the Deaf for trying to get rid of oralsim and asked them to stop in 1963. Michelle4LSL too asked the ASL supporters to stop as follows:

“To All The ASL or ASL/E

What you all don't seem to get, is that the Utah School Board of Education is FED UP WITH YOU!! They are so tired of your constant complaining. Before Total Communication or TC was taken away, you had battles for other things, it really doesn't matter what is done in your behalf...they give you stuff to shut you up! But you just keep coming back with your hands and mouths open... someone, I don't know who...coined the term Fat Kids for your group....for the very simple reason that no matter how much you are given, you are NEVER satisfied!

Because of all the tirades and rallies and exhaustive amount of tantrums the ASL (not all of you...) community has put the school board through, they have been discussing for months any possible actions they can take to get rid of you as well as the other groups like the blind and LSL. They are so tired of it all that they will do just about anything to pawn us all of on someone else.

In pawning us all off, they will effectively take the rights and services of all the children away. They wrongly assume that our students can get interpreters, speech therapists, (any and all of the Related Services), etc through the school districts who will have to pick up the slack. First off, the school districts are not equipped to help us...none of us, like we need. Second, for those parents who are ill informed or who are shy and don't have the strength to stand up for their child's rights...they will be left in the dust.

Many of us LSL parents are getting involved and are upset with the ASL group because you are endangering our

children's future whether you believe it or not. You can say that the school board cannot do those things, but if you personally talk to members of the board and they are honest with you, they will tell you. The other reason we are involved is because we now understand how much you are all getting, and how little the rest of the kids are getting.

We are not fighting just for our kids...we are fighting for the blind kids. Other than a select few, we have not seen parents from the blind come forth to really fight (for whatever reason that may be...we are not picking on them here, we want to do what we can to help).

We feel that we should all be able to get along...the meanness comes out when your group is essentially screwing the rest of us over because you cannot get enough. We don't believe in your way of teaching, and that is our right...our decision, leave it alone. We have left you alone to do what you want in teaching, don't try to take our rights away.

If you really need or want something, try going back to being a charter school or try asking in a different manner...quit being bullies!" Michelle4LSL

Similar to what Dr. Robert G. Sanderson, former UAD president responded to D'On Reese's letter, the Core Group likewise responded to Michelle4LSL's comment for further clarifications on their intention regarding Mr. Noyce, which had quickly ended the debate between these two parties.

"In response to some of the comments that have been posted in the responses to the article published in the Salt Lake Tribune on Thursday, May 5, 2011 (<http://www.sltrib.com/sltrib/news/51761405-78/noyce-parents-program-deaf.html.csp>), we wish to let our readers know the following:

We are NOT fighting to get LSL removed from the Deaf division of USDB. We respect parents' right to choose LSL if they feel that it would work for their children. This is NOT an ASL versus LSL battle. We have never said that our goal was to have USD be an ASL-only school. We only ask for fair, unbiased options for all families and students,

and for families to be able to choose both options if they so desire.

Let it be known that in 2007, elementary teachers in the Central Deaf Division of USDB who taught in the Total Communication program* asked to be merged with JMS. Later, in 2009, when Steven W. Noyce revamped Parent Infant Program, he removed what was called the Total Communication option (which included both sign and speech) and restructured the program so that it offers either LSL or ASL, which upset many parents who wanted both options. Mr. Noyce also announced the phasing out of the USDB Total Communication program at Churchill. The Deaf community had no part of this change.

The Total Communication program utilized signing and speaking simultaneously and was ineffective for a number of reasons, one of which is that ASL and English are two distinct languages. Advocates of ASL/English bilingualism support the utilization of both ASL and written/spoken English in the instruction of deaf and hard of hearing children, with the understanding that one or the other language is used as appropriate and not simultaneously. A thorough explanation of this, however, is beyond the scope of this report.

Our first concern is for parents who WANT to learn ASL in addition to obtaining the intensive speech therapy that's provided to LSL parents and their children. We understand that parents who choose the ASL/English bilingual approach do receive oracy training, but that for some parents, oracy is not enough. Parents who want LSL training should be allowed to learn ASL as well if they want it. Along these lines, let it be understood that we support the concept of ASL/English AND LSL, rather than ASL/English OR LSL (AND, not OR). As discussed above, PIP has been restructured so that parents can only choose one option or the other. We feel there should be a way parents can choose both.

Our second concern is the apparent favoritism of one program over the other, particularly in the Deaf division. In one example, speech therapists have been TAKEN AWAY from parents who had already had speech therapists from USDB working with their children, but who then chose the ASL/English path. Another example is the lack of a

playgroup for ASL/English children. In fact, ASL/English parents who were attending the LSL playgroup were asked to stop attending. A final example is the allocation of \$440,000 to the Sound Beginnings, an oral program in Logan, without an equivalent allocation to an ASL/English program.

It has been said that the ASL/English program in SLC is receiving funds that other programs aren't and the playground has been listed as an example. The fact is that funds for the playground have come from the PTA and, to many people's surprise, the legislature - brought up by an interested senator. USDB has NOT allocated ANY funds towards the playground. Furthermore, the playground has been designed to accommodate ALL disabilities, including those with visual impairments. It has ALSO been designed to be safe for children with cochlear implants. All deaf/hard of hearing, blind, and deaf-blind children are welcome to play on this playground once it is set up.

Likewise, the building that's occupied by students in the ASL/English bilingual program in SLC was obtained after years of struggle. There are 100 students in this program, and rooms/teachers are needed for these 100 students. Parents and teachers of LSL students tend to want their children to be housed in local public schools so that the kids are exposed to other hearing children, which is their right. Parents of ASL/English students want them to be educated together. Can we have the building for that?

As a side note, while it is true that the ASL/English program was expanded with high school classes, a predicted enrollment of 30 additional students to the elementary and middle school classes for Fall 2010 mysteriously ended up being zero. It was eventually discovered that negative information was circulating around USDB regarding the ASL/English bilingual programs available at USD and about sign language in general, causing parents to NOT want to enroll their children at JMS.

Furthermore, there is actually a policy that there would never be any separate "hard money" funding for special education charter schools in Utah. Mr. Noyce and a few others lobbied for this policy and it made the future possibility of JMS to be a charter school again impossible.

This legislation made permanent, the placement of JMS under the direction of USDB.

Our final concern is the termination of the two-year contract for Steven W. Noyce, USDB Superintendent, due to his 1. Favoring one program over the other programs, 2. Unwillingness to offer parents the option of choosing BOTH LSL and ASL/English bilingualism, 3. Unbalanced funding of USD programs, and 4. Bungling of the school's fiscal-management.

Parents who want the ASL option aren't getting much support here in Utah, particularly not from Mr. Noyce. We need a superintendent who provides fair, unbiased options to all families and students.

Finally and importantly, we, ASL parents and community have the constitutional right to voice our concerns to the Utah State Board of Education and it is their job to listen to us. We feel that it is important for them to hear our concerns in order to make effective decisions for USDB.

In addition, all of the information included in our website can be verified by minutes from various meetings held by the Advisory Council and other organizations. All of the letters from parents were written by real parents who actually went through the experiences that are recorded in the letters. The information is real, not lies like one of the comments to the article states.

FYI, we as a group have declined to meet with Mr. Noyce face to face regarding these issues as we feel that such a meeting would probably not be productive because of a long history of his trivializing ASL/English bilingual issues.

Utah State Board of Education Forms a Task Force

The Utah State Board of Education established a task force specifically to look at the role and administrative structure of USDB after it ditched a budget-cutting proposal to close USDB, which would have shifted the responsibility for deaf and blind education to Utah's school districts and charter schools (Winters, Salt Lake Tribune, May 26, 2011).

The Utah State Board of Education Task Force was held on June 26 at the Division of Services for the Blind and Visually Impaired to listen to concerns as well as input from parents and community at large (Winters, Salt Lake Tribune, May 26, 2011). The Task Force consisted of two legislative representatives, Jennifer M. Seelig and Stephen G. Handy and four board members, Dixie L. Allen, Leslie B. Castle, Joel Coleman, and Tami W. Pyfer, and two Utah State Office of Education staff members, Deputy Superintendent Martell Menlove, Associate Superintendent Todd Hauber. They seek input on the following questions:

1. Is the role of USDB to provide direct services to students with sensory impairments or to provide support for others who in turn provide direct services?
 - a. Which of these services is most important to students in Utah?
 - b. What should the relationship be between USDB and school districts and charter schools?
 - c. Are students best served in USDB classrooms or district and charter classrooms with USDB support?

2. USDB is a "quasi-governmental agency" with ultimate responsibility and accountability to the Utah State Board of Education.
 - a. Who should ultimately be responsible for USDB students?
 - b. Who is responsible for USDB concerns and is there a better process for resolving USDB concerns?
 - c. Where should the "buck stop" for USDB?

3. Is the current administrative structure of USDB meeting the needs of USDB students and employees?
 - a. Is there a more efficient administrative structure?
 - b. Is there a more effective administrative structure?
 - c. What do you believe is the best administrative structure for USDB?

At a three-hour public hearing, parents and teachers of deaf and blind students in Utah had the same message for the State Board of Education: Keep the Utah Schools for

the Deaf and the Blind. But many would like to see more self-governance at the state-run schools (Winters, Salt Lake Tribune, May 26, 2011).

75 people were there; about 80 percent of the Listening and Spoken Language (LSL) advocates, including Dr. Karl White from the Sounds Beginning, Cheryl Winston from the University of Utah, and parents were present. Additionally, USDB retirees, Dr. Lee Robinson, former USDB Superintendent and John Schmidt, former Director of the Central Division and oral advocate were in attendance.

The most popular question was, "Is the role of USDB to provide direct services to students with sensory impairments or to provide support for others who in turn provide direct services?" The supporters of USDB spoke in favor of the services provided both in stand-alone schools and inside mainstream classrooms, such as sign-language interpreters for deaf students (Winters, Salt Lake Tribune, May 26, 2011).

However, most of the LSL supporters were all basically praising the wonderful outreach services being provided by USDB for deaf and hard of hearing students in school districts and that USD services providers, such as speech therapist be continued to provide in mainstreamed settings due to USD's expertise. Many LSL parents asked that the services remain the same. Dr. Robinson shared from his experience as a former superintendent that it will be impossible to change its USD system. He even showed a Task Force a box with piles of thick folders showing no improvement.

Additionally, there had been many comments that USD was a model nationally for Deaf Education. Jeff Pollock, a USDB Advisory Council member stated that USD was NOT a model nationally for ASL/English Bilingual Education. He clarified that if we were discussing the Listening and Spoken Language philosophy, then yes, that may be so. However, there was a lack of support for the ASL/English Bilingual program housed at Jean Massieu School, regardless of what Superintendent Noyce said. Jeff encouraged the Task Force to investigate this further by independently interviewing JMS personnel. The Deaf community valued this school and the option it provided but when concerns were raised about improving JMS services, facilities, etc, the Utah Deaf

community was perceived as "fanatics" and "never satisfied." He said the goal should be continuous improvement of all programs (Jeff Pollock, personal communication, June 1, 2011).

Like many other supporters, Jeff also asked that the schools be divided into two entities: the School for the Blind and the School for the Deaf and stated that it may be valid to investigate its potential new structure. He stated that Deaf, Blind, and Deaf-Blind individuals who had been through the system and were now adults know what worked for them and what didn't work. Separating the schools was a valid option to be considered in contrast to the current superintendency structure (Jeff Pollock, personal communication, June 1, 2011).

The second most popular question was, "Is the current administrative structure of USDB meeting the needs of USDB students and employees?" Many teachers, including Michelle Tanner, Ellen O'Hara and Lynell Smith asked that the state board hand over its governing authority of the deaf & blind schools to the USDB Advisory Council and urged to give deaf, blind schools more autonomy. Michelle, president of the USDB Teacher Association and member of the USDB Advisory Council stated, "The state board has a full plate and teachers recommend that USDB have [its own] governing board" (Winters, Salt Lake Tribune, May 26, 2011).

On behalf of the Utah Deaf Education Core Group, Jodi B. Kinner, a former member of the USDB Advisory Council and USDB Legislative Task Force recommended the top heavy administrative duties at USDB be lessened and more focus be given to the teachers and students. More governance responsibilities and authority should be given to the lower tiers, including the Advisory Council and program directors. For instance, some issues the Advisory Council should be considering were already decided by Superintendent Noyce or other administrators before they learned of them. Many of the Advisory Council members were questioning precisely what their roles were in light of this lack of any real decision-making authority (Jeff Pollock, personal communication, June 1, 2011). Additionally, the current situation of having the Utah State Board of Education responsible for the education of students with sensory

disabilities was not working well because of their very limited understanding of deaf, blind and deaf/blind education and of USDB, in general.

As outlined in the HB 296 that regulates USDB, the structure of superintendent with associate superintendents, with the superintendent acting like a CEO and focusing mainly on finances, funding, and legislative issues but staying out of curriculum and day-to-day decisions could work out well. While the superintendent needs to have the right experience and understanding of various approaches that work for children with unique sensory needs, s/he would allow each associate superintendent to be responsible for their school of sensory specialty without undue interference.

In the last 22 months since Steven Noyce, USDB Superintendent was hired; this structure has not been implemented as intended.

Jodi recommended that the Associate Superintendent over the Deaf Division and the Director of the Deaf Parent Infant Program have backgrounds in Deaf Education with knowledge of Special Education law, rather than a background in just Special Education as there is a huge difference between Deaf Education and Special Education.

She also recommended that these persons be able to sign and communicate directly with USD students and deaf faculty and parents. Furthermore, we need people in these two positions to be able to WORK with both programs, LSL and ASL/English, helping the two programs collaborate on projects and/or services.

Needless to say, the Associate Superintendent for Deaf Education and Director of the Deaf Parent Infant Program should be expected to comply with the goals being established in the newly formed committee, being chaired by Christine Timothy, for Utah's version of "The National Agenda: Moving Forward on Achieving Educational Equality for Deaf and Hard of Hearing Students" (Must be State Rule, not a guideline). For instance, in 2009, Idaho Schools for the Deaf and the Blind underwent a similar analysis by a Task Force. The Task Force recommendation was to set up a new governing

board, a Board of Directors which would oversee the school, removing ISDB from the Idaho State Board of Education's purview. A law was passed to make the change, while allowing for a transition period. The responsibility for day-to-day operations had been given over to the new Board of Directors. As part of that responsibility, the board members were charged with interfacing with school districts across the entire state to ensure the delivery of services to targeted students. They also operated the residential school's program.

Lastly, Jodi recommended that the superintendent and the two associate superintendents be equal in authority and report directly to the newly created USDB board of directors. In her letter on behalf of the Utah Deaf Education Core Group, they recommend that the top heavy administrative duties at USDB be lessened and more focus be given to the teachers and students. More governance responsibilities and authority should be given to the lower tiers, including the Advisory Council and program directors. The program directors should not have to go to numerous meetings, causing them to be unable to remain in their respective offices/schools/programs in order to observe and work with their teachers and students. They agreed with the "Educational Paradigm Shift" written by a USDB teacher. They believed that USD needs a serious paradigm shift in their perspective of Deaf Education.

As a "minority" group, JMS President, Crystal Hess and Vice President, Melissa Miller, one JMS parent, Mary Hash and her son shared their positive experiences at JMS in front of the Task Force.

In conclusion, the task force will look at the organization of USDB to see if improvements can be made and they plan to report to the state board on August 5, 2011.

Did You Know?

After the Utah State Board of Education Task Force meeting on May 26, 2011, John Schmidt, a former Director of the USDB Salt Lake Division and oral advocate criticized Jeff Pollock's comment as

unprofessional in front of the USDB Advisory Council.

Did You Know?

Joel Coleman, who joined the Utah State Board of Education in November 2010, he is a brother-in-law of Rachel Coleman from the famous video entitled, "Signing Time."

A FAQ By Utah Deaf Education Core Group

The Utah Deaf Education Core Group had an ongoing dispute with the way things were being taught at the Utah Schools for the Deaf and Blind. The Core Group was asked by a member of the Utah State Board of Education for the research to support the Total Communication-type approach that is not currently offered by USDB. One of his chief concerns was the mindset that ASL inhibits speech development and hearing skills for those with implants. He said he did not believe that, but he needed some good research for support. The Core Group developed a FAQ so that the Total Communication issues could be better understood.

A FAQ was developed and published on the bulletin, and the Utah Deaf Education Core Group had given Barry Strassler, a DeafDigest Editor permission to have it re-posted on the DeafDigest Blue website on May 29, 2011 as follows:

Q: Why educate deaf and hard of hearing students through an ASL/English bilingual model?

A: Research has consistently shown that Deaf children of Deaf parents have greater English and academic achievements compared to deaf children of hearing parents. At home, they live in a literacy-rich environment that is fully accessible through ASL. This type of environment provides an advantage to early language and academic acquisition.

In many cases, however, deaf and hard of hearing children (who are usually born to hearing parents who don't know much about Deaf people) go through their early years with

minimal exposure to any form of language. The English language is quite difficult to grasp if one does not have the necessary exposure or the ability to hear it and be engulfed in the language. This diminished exposure to English creates a huge gap that needs to be filled. Research has shown that ASL can bridge that gap by assisting students to learn the English language; with this research support, ASL/English bilingual programs around the country recognize both ASL and English as languages of equal importance.

Because Deaf and hard of hearing students are primarily visual learners, ASL/English bilingual programs use the natural, clear and visually accessible ASL as the primary language of instruction and interaction for their students. Written English is presented as a second language and is heavily emphasized. State core curriculums are fully adapted to fit the visual abilities and needs of deaf/hard of hearing children. In the classroom, for instance, ASL is used to teach and explain English and, likewise, English is used to teach and explain ASL. With facilitation, students who understand a concept in one language can transfer that same knowledge to a second language. This is known as a bilingual teaching approach, and it can promote higher levels of language as well as literacy development.

Q: What are the steps for mastering English via ASL at ASL/English bilingual classrooms?

A: As diagramed in the example below, Dr. Laurene Simmons of Gallaudet University explains how children need to first develop “social ASL,” which means being able to use ASL to discuss daily personal and social issues. Upon formation of this language base, teachers then help expand the ability into “academic ASL,” which means ASL is used to discuss academic subjects. At about the same time, “social English” is developed, which means using and understanding English for daily personal and social needs. Finally, “academic English” develops, which means students understand English enough to use it to discuss academic subjects, meaning they now can read and write about an academic topic.

The diagram looks like this:

Social ASL -> Academic ASL ->Social English ->
Academic English

In ASL/English bilingual classrooms, ASL is recognized as a fully accessible way for Deaf and hard of hearing children to learn language, especially during the formative years while the brain is developing linguistic competence.

The importance of English in students' educational careers and in our society at large is also recognized and there is a commitment to providing strong metalinguistic awareness in reading and writing, based on prior linguistic awareness.

Q: What is “Total Communication?”

A: Very briefly, Total Communication is a philosophy that was a very important development in the history of Deaf education in America during the late 1960's and early 1970's. The original idea was to include a variety of methods to communicate in the classroom, including ASL, written and spoken English, gestures, fingerspelling, drawing pictures, etc. The adoption of “Total Communication” at many schools restored the use of ASL in classrooms for the first time since the early 1900's.

However, in actual practice, this philosophy has evolved to mean teachers use spoken English and signs at the same time. This mode of communication is more appropriately labeled “Simultaneous Communication.”

Research has shown that Simultaneous Communication is not effective for language acquisition, for a number of reasons, one of which is that ASL and English are two separate and distinct languages. A thorough explanation is, however, beyond the scope of this document.

Q: How is Simultaneous Communication different from the approach used at ASL/English bilingual programs?

A: Instead of attempting to speak English and signing ASL at the same time (which is like trying to speak Chinese and write English at the same time), teachers and students in ASL/English bilingual programs keep the two languages separate. ASL is used in its natural format: signing, and English is used in its visual format: reading and writing. Clear and totally accessible models of both languages are

thus provided. Spoken English is also taught and used as appropriate.

Q: What is Conceptually Accurate Signed English (C.A.S.E.)?

A: CASE is defined as a system in which signs derived from ASL are organized in English word order and simultaneously vocalized, which is a difficult task at best.

Q: What is difference between CASE and ASL?

A: Linguistic research has as shown that ASL is structurally quite different from English and is a fully developed, autonomous, natural language with distinct grammar, syntax and art forms. It is a natural and accessible language for Deaf and hard of hearing students and it is recognized as a foreign language in many states, alongside other languages such as Spanish, German, and French.

CASE, on the other hand, is not a language of its own, but rather, is a code for manualizing English. The word order, structure, affixes, and other linguistic information for CASE adheres to English grammar, not a grammar of its own.

Q: Why is Simultaneous Communication not used at ASL/English bilingual programs?

A: As aforementioned, signed ASL and spoken English are two very different languages. Research has shown that using Simultaneous Communication (often referred to as “TC,” “Total Communication,” or “Simcom”) compromises both modes of communication: signing and speaking. Mistakes are made in either the sign or speech production, or both. In other words, people who try to sign and speak at the same time, using signs in the English word order often drop signs while voicing, ending up with a jumble of signs that don’t have a clear connection to each other. Or they drop voiced words to create a jumble of voiced words that, again, don’t show a full connection with each other.

Teachers and staff in ASL/English bilingual programs believe that it is imperative that the best model possible of

both ASL and English be provided, and this is achieved by using them in their respective forms, separately.

Q: What about students who use cochlear implants?

A: Students with cochlear implants are most welcome at ASL/English bilingual programs. They have visual abilities and needs much like other Deaf and hard of hearing students, and a bilingual education works well for them too. For more information, the website article entitled “National Association of the Deaf Position Statement: Cochlear Implants” can be viewed at:
<http://clicks.aweber.com/y/ct/?l=7oYPk&m=Jw.5ZgHjq8njdw&b=Ou6vzVwl2FsXzrQSqXrSjwcochlear-implants>

Q: Do students at ASL/English bilingual programs receive speech services?

A: Yes! Based on student assessments and/or parental request, speech (spoken English) instruction is provided in individual and/or group sessions. Emphasis is on meaningful conversational English skills and development of communication strategies.

If you would like to read more about the role of speech in ASL/ English bilingual programs, the Clerc Center covers the topic in more detail in the article entitled “Where Does Speech Fit In? Spoken English in a Bilingual Context” found on the Gallaudet University Laurent Clerc National Deaf Education Center website:
<http://clicks.aweber.com/y/ct/?l=7oYPk&m=Jw.5ZgHjq8njdw&b=NrbI.AshpnlK9FOAb27AJA>

Q: Does speech lead to literacy?

A: No. It is a common misconception that speech leads to literacy. In fact, speaking and reading are two separate skills, including for hearing people. For instance, according to the National Center for Education Statistics, from the National Adult Literacy Survey, it is reported that 40 to 44 million native English speaking adults (people who use speech on a daily basis) are functionally illiterate – having level 1 literacy skills (on a scale of 5).
<http://clicks.aweber.com/y/ct/?l=7oYPk&m=Jw.5ZgHjq8njdw&b=ZuwvPRpuo44PDDbQOPfa5A>

At ASL/English bilingual programs, the spoken part of English, which is a very important component of the English language, is taught as a skill, rather than as a tool for language acquisition. It is when students already have a linguistic base in ASL and written English that they benefit the most from speech classes.

To reiterate, knowing how to speak does not lead to the ability to read, but knowing how to read does lead to improved speech abilities.

Q: What are the three main areas of linguistic focus in an ASL/English bilingual program?

A: The three main areas are:

Signacy – the ability of students to use and understand signed language (namely, ASL).

Literacy – the ability to read and write (English).

Oracy – the name given to students’ ability to listen, lipread and speak (English). It also includes students’ ability to mouth words, if they can’t voice well enough to be understood.

Q: Does hearing loss cause language impairment?

A: No. Barring mental deficiency, most Deaf and hard of hearing students have the same intellectual potential and normal language learning capacities as do most hearing children. However, their achievement in education does often fall below that of hearing students with comparable backgrounds due to the lack of proper linguistic exposure.

In other words, it is the lack of a fully accessible linguistic environment that impairs the Deaf child’s academic progress rather than the hearing loss itself.

Q: When do ASL/English bilingual programs begin instruction in English?

A: From the very first day! Even though teachers and staff in ASL/English bilingual programs believe that ASL should be the language from which Deaf and hard of hearing children build linguistic skills, English is utilized

throughout each child's education, beginning with preschool.

Both ASL and English are recognized as languages of equal importance. Fluency in reading and writing is emphasized with ASL as the medium of instruction and communication.

Teachers monitor students' development and proficiency in both languages. Through this process, students increase literacy skills in both ASL and English.

Q: Should ASL be the language of last resort for children?

A: No. Studies show that it is critical for all children, whether deaf or not, to be exposed to linguistic input as early as possible. ASL is a complete language that is also completely visual, thus it is totally accessible to children who have a hearing loss. Spoken English, on the other hand, is visually accessible about 30% of the time.

Additionally, the research done by language expert Dr. Jim Cummins shows all school children must master two types of communication skills in order to achieve optimum educational goals: Basic Interpersonal Communication Skills (BICS) and Cognitive Academic Language Proficiency (CALP). BICS include social and conversational communication skills that are attained through daily interaction with family and peers. CALP, on the other hand, is the development of abilities to use language to discuss academic topics, including thought processes such as comparison and contrast, and synthesizing, for example. CALP is more easily and adequately developed if BICS is already achieved.

Since a large majority of Deaf and hard of hearing students lack full exposure to sign language in their early, developmental years, their BICS is likely to be inadequately developed. Upon entry into preschool or kindergarten, this inadequate BICS will likely impede their ability to fully participate in academic dialogue in the classroom. Hence, their ability to acquire CALP is delayed. This is shown with the lowered reading abilities and general performance scores that are often reported for Deaf and hard-or-hearing children.

ASL/English bilingual programs strongly emphasize the importance of strengthening the BICS of Deaf and hard of hearing students in both ASL and English in order for them to then be able to fully progress in their development of CALP which is fundamental to their academic success.

Utah Deaf Education Core Group

Crystal Hess, JMS PTA's Response to Dr. Menlove, Deputy State Superintendent

Shortly before the Utah State Board of Education meeting on June 3, 2011, Crystal Hess, JMS PTA President gave Dr. Martell Menlove, Deputy State Superintendent a hard copy of her letter and petition with 1,215 signatures asking for termination of Mr. Noyce's two-year contract.

Petition For Equality in Deaf Education

Education is simply the soul of a society as it passes from one generation to another. ~ Gilbert K. Chesterton

Petition Summary and Background:

Oral? Auditory-Verbal? Manual? TC? SEE? Bi-Bi? Cued Speech? After over 350 years of organized Deaf education, there is still no one way to teach every child. Every child hearing, deaf, blind, deaf and blind is born with limitless potential. Funding one program above all others creates bias. Limiting the resources of these programs limits the resources of parents. Crippling our ability to make informed decisions and limiting the potential of our children.

The recent debt of 440,000 dollars as evidence brought concerns about Mr. Noyce's tendency of favoring one program at the expense of all other programs. One of the state superintendent's roles is to provide an equitable distribution of funds. We feel Mr. Noyce has corrupted this role due to his favoritism.

This is NOT an ASL vs. LSL battle. The parents who want the ASL option aren't getting much support here in Utah, particularly not from Mr. Noyce.

We need a superintendent who would provide fair, unbiased options to all families and students.

Thanks for your support by signing this petition.

Action Petition For:

As tax payers and citizens who are concerned for Utah Schools for the Deaf and the Blind, which is a state agency paid for by Utah taxpayers, we urge the Utah State Board of Education to act now NOT to renew Steven W. Noyce, Utah Schools for the Deaf and the Blind Superintendent's two-year contract due to his:

Dr. Menlove asked Crystal five valid questions for further clarification of her intentions. Crystal and Melissa Miller, JMS PTA Vice President responded to his five questions covering all the aspects of their concerns about inequality in deaf education in Utah as follows:

Dr. Menlove,

May 5, 2011

I have collaborated with Utah Deaf Education Core Group and other parents of deaf children to provide you the following answers. If there is anything further I can do to clarify our petition, please let me know. I'm exceedingly grateful for your response, inquiry and interest.

1. I am unable to ascertain who the individuals who have signed the petitions are. Are these the parents of students who are deaf? Are they students who are deaf.

The petition was signed by parents, current & former USDB/JMS students, and members of the ASL community at large. We have also taken this opportunity to speak on these issues as well as issues regarding deaf education in general, with the hearing community. Our petition was discussed at school activities, PTA meetings and other community events.

2. It is clear that the petitions speak to the renewal/non-renewal of Supt. Noyce's contract. Thanks for that feedback. What is not clear is the apparent allegation that ASL is not treated fairly. Can you help me better understand this?

Thank you again for the opportunity to provide you more detail with regards to the allegation of inequality. First I would like to share my own experience and struggle incorporating asl into my son's education. Although my experience seemed like a struggle at the time, in comparison to the experience of every other hearing parent I've spoken to, I consider myself lucky. Following my account, Melissa Miller, our 2011-2012 PTA Vice President, has shared her own experience and comments. The struggle parents are having in asking for ASL is obvious evidence that ASL is not being treated "fairly," that it is being considered something subpar to the LSL path. Lastly, Utah Deaf Education Core Group has supplied hard facts and data in support of the same.

It is my understanding that the PIP Program has recently been reorganized and the early intervention experience is now quite different from what mine was. Although there are published orientation documents indicating that parents are provided a plethora of experience and information on both ASL/English and LSL, through my involvement in the PTA and with the LDS Deaf Branch I've learned this is not the case or practice. I was taken on tours of preschools and exposed first hand to ASL and LSL. I was invited to the AG Bell Conference, participated in Hands and Voices all while observing our PIP Advisor teach my son both ASL and English. Nicky picked up ASL first. I was so desperate for words, I wanted so badly to communicate with my son. However, my decision was based on more than desperation. First, that it would obviously be easier for me to learn ASL than it would be for him to learn English, and second, English can be acquired later.

Shortly after making the decision I sat in my first IEP meeting. Prior to enrolling Nicky into Preschool, I had to sit before a committee and hope they agreed with my decision. I felt three feet tall as women who had never sat with Nicky, never seen his tears of frustration or his smile, they've never seen the light in his eyes with his "I love you" hands, they had never heard his giggle, they "knew" him from a collaboration of words on paper. All but one of these women would pity me. These women were sure they knew

what was best for my son. Their implication was that I would be disabling my son by putting him in the ASL/English program.

I've never met a parent afforded the same unbiased information I was exposed to. Most stories mirror the IEP Committee experience I had, filled with judgment, fear and insecurity. Every parent I've spoken to had been informed that ASL would limit their child's potential. Few parent's knew about the Bi-Bi program offered at JMS. One parent told me she avoided JMS after being informed that her child would be ostracized for having hearing aids or an implant. I've never met a parent who had the same ASL/oral PIP experience. They had to make an uninformed decision before receiving services.

From the moment you are told your child is deaf, you are surrounded by medical professionals, audiologists, ENT, rheumatologist and geneticists, all dedicated to "Fixing" or "Normalizing" your child.

Learning ASL appears an archaic option when compared to digitized hearing aides, cochlear implants and aggressive speech therapy. Everyday, I fail to find words to express the gratitude I have for the language we share with Nicky. That is until, I had a teacher share his word for it;"treasure".

Is ASL superior to English? Where my son, and many deaf children, are unable to speak clearly and comfortably, ASL is absolutely priceless. Is Spanish more valuable than French? It's all language. It's the ability to communicate needs, wants, thoughts, ideas, feelings and emotions. Why, in a time inundated with children's shows, language immersion programs, books, classes and computer programs all provided, purchased and utilized with the intent of obtaining the admirable and profitable skill of being bilingual, does ASL/LSL need to be a clear cut choice for deaf children? Steven Noyce states, without validity, education or experience that; the "Use of sign language is contrary to an LSL approach just as use of English Sign Systems is contrary to an ASL/English approach."

Melissa Miller's Experience

"When I was first introduced to deaf education, my PIP Advisor told me nothing about JMS, only the LSL preschool. At that time, there was nothing more we wanted than for my son to be "normal". It was not until we moved and received a new PIP Advisor that I was introduced to the ASL community. It was then that we learned

about the Total Communication class, as well as ALL the other preschool programs available through USDB. The Total communication (TC) program, was a two year program that would afford our son the opportunity to learn both ASL and spoken language. After two years, we would decide on a more permanent education plan. The TC program seemed to be such a great option as we wanted my son to be bi-lingual. I can't imagine what parent would not want that for their child. What I came to find is that teachers, staff and students didn't actually use ASL all day. They used spoken language and only if the child appeared to be struggling would they use a sign. Their main focus was to get these kids to speak, rather than to provide them with the basic fundamentals of preschool. The main reason we did not consider JMS as an option was that we were told that should we enroll him in JMS, he would not receive "speech services". (This is false) We were also told that "even if the teacher could hear, they refuse to use their voice". (This is also false, if the teacher is hearing and they can see benefit to voicing, they will use it as a second option when possible.) Because our ultimate goal was for our son to be bilingual, and JMS appeared to be exclusively ASL, JMS seemed to not be the best fit. As his second year of preschool approached we were told that my son was not paying attention in class, or developing language. They had diagnosed him with a "learning processing disorder". The IEP committee determined that all we could do was enroll him in JMS. My son's test results indicated that he had the same number of signs as he did spoken language. JMS was represented as a second rate school for kids who had learning disabilities or failed to meet their spoken language educational standards. Being upset I refused to consider JMS and told them they were wrong and a learning processing disorder could not be properly diagnosed until he had reached a much older age. With a spoken language vocabulary insufficient to enroll him in the LSL program, and a limited ASL vocabulary, we had run out of options. After the dark and frightening representation we had been given of JMS, we were pleasantly surprised that sending him to JMS turned out to be the best decision we made through this whole journey!

It turned out, my son does not have a learning processing disorder, he simply needed his native language, ASL. It also turned out that when you pair a sign with speech, rather than speech with sign, my son's vocabulary, both ASL and spoken grew exponentially. Now he soars academically, far surpassing his peers. Instead of the primary focus being developing spoken language, my son has had a real education. I do feel that speech services are limited at JMS, but not as a result of language bias as the LSL programs would

have you believe. Speech services are limited because JMS' resources are limited. My son is denied additional speech services because we choose ASL as his main language. He has a full potential for spoken language yet he is punished because ASL is his first language. He is denied it, not because the school refuses to give it to him, but because the school does not have the funds or means to provide it and it is Mr. Noyce's intent that these kids should be provided only ASL because we picked that forbidden path.

Having answered your questions in this regard, I would ask the board to consider the following questions... Why not give these kids every opportunity available to them? If the potential is there, why are they not able to get the services necessary to nurture that potential? Why is Mr. Noyce dictating how my son is educated when he has never met him, sat in his class, or read his IEP and test scores? Why did the LSL program represent JMS to be a second rate school for kids with disabilities. If JMS had the means to offer more than 20 minutes per week, per student of speech services, how many parents would opt to enroll their children? Would this school have more students if they were given the just credibility they deserve?

Here is another example for you that the LSL program is "advertised" and the ASL is not. (please see attached link) http://www.youtube.com/watch?feature=player_embedded&v=VbhDtZICsxU

Where is the ASL's video? Also please note, they did not even consider taking the time to include closed captioning in a video intended to provide information Educating the Deaf.

3. Although the petition clearly states "This is not an ASL vs. LSL battle", multiple signers of the petitions indicate that ASL is superior, best, greater than, etc. LSL. Again, can you help me understand this? Are any of the signatures from individual or families of individuals who have chosen an LSL program?

We, as the 2011-2012 JMS PTA have no control over the signatures' comments. We understand that they have the right to express their feelings and thoughts from their experiences as well as their perspectives. Many of them are unhappy with the Utah School for the Deaf's system and are aware of Mr. Noyce's history and reputation. They wanted to sign it.

The petition does focus on ending Mr. Noyce's two-year contract. The reason we clarified that this is not ASL vs. LSL is because we are aware that Mr. Noyce has provided untrue information about us, the ASL community.

We did not ask the LSL families for signatures. Since this petition basically requests for removal of Mr. Noyce, they already sent in their own petition last month.

While we did not approach the LSL Community regarding our petition, we have reached out to them under the reality of our circumstance, which is; LSL or ASL, USDB is our school. It is not the school of the deaf using spoken language, or the school of the deaf using ASL, it is the same. In doing so, we learned that the LSL community has been clearly miss-informed by LSL program administrators and staff as well as Mr. Noyce of our intent in rallying support. I would like to refer you to Ms. Wardell's blog. Ms. Wardell is the president of the LSL Parent Support Group. The JMS PTA has tried time and again to reiterate that we do not intend to take anything away from the LSL program. We never have. We simply want equality in funding, support and information. It is this ignorance on the behalf of the LSL program that implies an ASL/LSL battle. (Please see attached links)

<http://specialneedskidslosetheirrights.com/children-rights/i-find-myself-fighting-for-my-childs-rights-once-again/>

<http://specialneedskidslosetheirrights.com/children-rights/a-temporary-win-for-lsl-parents-in-utah/>

4. Your letter indicates that the petitions are “clearly indicating where that equality is lacking” and “is sufficient proof of the effect of neglect, misappropriation and bias.” Again, can you help me understand? Is more money per student being spent on ASL or LSL programs? Are ASL students being denied services LSL students are receiving? Are ASL teachers more qualified than LSL teachers? Are ASL IEPs being implemented differently than LSL IEPs? The facilities for ASL students of a different quality than the facilities for LSL students?

We have listed the following examples of Mr. Noyce's neglect, misappropriation and bias:

- Failed to provide funding for the JMS playground while Mr. Noyce managed to fund \$440,000 for Sounds Beginning when the

budget of USDB is minus 0. Additionally, LSL students have a playground at their public school.

- Failure to fund sports that allow social skills, physical activity and interaction, like their peers have in their public schools. (LSL students have the opportunity to participate in sports in their public school.)
 - Failed to provide equal options for parents as many of them are unaware of JMS' option and are pushed into the LSL program/mainstream setting.
 - Failed to provide equal amount of training for both Parent Infant Program LSL and ASL Specialists; more training and funding have been spent on the LSL program.
 - Mr. Noyce has taken away speech services or ASL services (Deaf Mentor, for instance) from those Parent Infant Program parents who pick ASL option and vice versa for parents who pick LSL option.
 - Plans to halt speech services for JMS students after 3rd grade. (It was later clarified that Mr. Noyce does not plan to cut the Speech and Language Pathologist (SLP) services at 3rd grade as stated in this letter to Dr. Menlove. This was not decided. The SLP services were determined based on individual needs. USD/JMS did have to look at the service plan that is in place to make sure it is appropriate for our students' needs).
 - Offers JMS as an alternative placement for oral failures after 3rd grade. Education thus becomes subpar because now JMS has to deal with students who are now struggling with their education as a result of having been placed in and pushed through the LSL program without proper early and routine assessment.
5. It is my opinion that services for all USDB students could be improved if the current energy expended in sustaining the ASL vs. LSL friction were channeled to programs for students. Do you have any suggestions as to how this might be accomplished?

The problem is, like we said earlier, not an ASL vs. LSL battle. The problem is the inequality in the support from the superintendent for the two programs. It is the frustration parents who choose the ASL option feel when their choices are belittled, discouraged and/or ignored. It is our observation that the frustration and negative energy would be resolved with neutral,

appropriate leadership that focuses on educational equality and language access for deaf children. We agree with the Utah Deaf Education Core Group that parents who want the ASL option aren't getting much support here in Utah, particularly not from Mr. Noyce. We need a superintendent who provides fair, unbiased options to all families and students. This is not happening with the administration of Mr. Noyce.

We like what Dr. Robert G. Sanderson's dream (1992) posted at utahdeafeducation.com states, "That each child will be carefully evaluated by unbiased professionals who have the best interests of the child at heart, rather than their personal philosophies." We don't feel that Mr. Noyce has that quality in him. Additionally, it is our fear, that because morale is so low, which is a result of Mr. Noyce's administration, that some of the ASL/English bilingual teachers may quit if he remains as superintendent.

We have noticed that since Mr. Noyce became superintendent, many families have moved out of the state where their children who get better education, co-curricular activities, and peers.

The year I planned to enroll my son in JMS, parents were rallying legislators and representatives for a permanent school building. Success!!! Grateful for a building in poor economic times, we began fund raising for a playground. We went to great lengths to make clear that we were not complaining about the absence of a playground on our campus. We realize the harsh reality of budget cuts all of Utah Schools face and we had a beautiful, refurbished and permanent building for the first time in ten years. Our attempts were in vain as again, false information spread rapidly and we appeared ungrateful and dissatisfied.

After two years, our small student body raised \$55,000. A feat deemed impossible by many! A proper playground costs upwards of three times that, but Senator Morgan lobbied in the last legislative session for funds to build a playground at USDB's Salt Lake Campus, JMS. USDB received a \$100,000 allotment from the State School Building Fund. We will finally have our playground! Before we could celebrate, we were at risks of losing our school all together. I've been fighting for equality for our school from before day one.

I was among those parents and family members gathered outside of USOE on May 5th. After more than three hours, we were informed that a decision had not been reached and would not be reached in the near future. One woman who had been involved with this

school for much longer than I, said, with despair, that Mr. Noyce's renewal was imminent. Defeat and exhaustion lead me to sleepless nights of crying. My knee jerk reaction was for my family to leave Utah, for my husband to transfer to Oregon. I will not put my son in a classroom that views him as disabled and I will not let him grow up in a school that has been labeled as the “un-teachable” school. The school where my child is deemed less for having failed to obtain the necessary fluency required for oral education. There is no doubt in my mind that Mr. Noyce views JMS in any other manner.

My faith and gratitude is and has been in our teachers, who, despite the threat of closure and retention of Steve Noyce, have continued to put everything into their students. I've seen these teachers working until 10 pm preparing and organizing. Despite unpleasant newspaper articles, rumors and low moral, they are family. The teacher's and students at JMS are the family that 80% of these kids don't have. 90% of Deaf children have hearing parents, 80% of those parents will not learn sign language. It makes me physically ill that they as teachers are so underappreciated, and they as a family are at serious risk of unfavorable re-organization or closure.

This battle is of immeasurable importance, not just for my son, or Ms. Miller's son, but for all of Utah's present and future deaf children. This battle is not an ASL/LSL Battle. It is a battle for resources, support and the means to provide more than an “adequate” education for our children.

Thank you again, for everything!

Crystal Hess

Dr. Menlove responded as follows:

I hope you understand that there are various viewpoints on almost all situations. I appreciate and applaud the passion of parents concerning the education of their children.

I am committed to providing the very best education possible for children in Utah. I am also committed to parental involvement in the education of their children and the rights of parents to make informed choices. Although I may not always agree, I respect the process. I also encourage and support parents in their rights as parents and their rights as parents of students with disabilities. If parents feel their students are

being treated unfairly, I always encourage them to exercise their due process rights.

I support JMS. I am not aware of any serious conversations among decision makers that indicate the closure of JMS. I have heard those comments and continually dispel them as I am now. That is simply not part of any plan that I am aware of. I have also never heard Steve Noyce say anything that is not positive and praising of the programs offered at JMS.

I invite you and others with your energy and passion to join me in providing quality programs to all.

Martell Menlove

The Utah Deaf Education Core Group firmly believed that Noyce supported JMS as a preservation alternative method for those students who did not succeed in the Listening and Spoken Language education.

The Status of USDB Superintendent Steven W. Noyce's Contract

Following the Utah State Board of Education meeting on June 6th and the agenda did not confirm that Mr. Noyce's contract would be reviewed at that time. It was Crystal Hess' sincere hope that the information she and Melissa Miller compiled was still of value in the boards deliberation regarding JMS, USDB and Mr. Noyce's contract.

However, as per Dr. Martell Menlove on June 6, 2011, the Utah State Board of Education has not made a decision on the status of Supt. Noyce's future employment with USDB. He anticipates that this will happen in one of the next meetings of the Board but cannot assure us of when that might happen. Crystal Hess' petition has been shared with some of the decision makers and will be considered as decisions are made. However, the decisions will be made based on multiple data points and input and feedback from various sources. Dr. Menlove was hopeful the decision will be made using data, common sense, and an honest consideration what is best for the future of USDB. It will not be made based on who has the most signatures on a petition, who sends the most emails to

State Board members, or who has the greatest representation at the meeting when the decision is made.

In another word, Dr. Menlove wanted parents and the Utah Deaf community to stop, as media, letters, and petition will not help influence the state board's decision on Mr. Noyce's contract. It was frustrating because the Utah Deaf Education Core Group kept on getting messages from people like those on the Board and from Dr. Menlove and etc., to back off but why should they? The Core Group doubted they would say the same to other minority groups of people if they were African American, for example, or Gay/Lesbian. They felt they were getting the message because they were deaf and "need to be good examples" of their community.

The Utah State Board of Education was slow to make a decision regarding Superintendent Noyce, as they were waiting for the Task Force to finish its work. The Utah Deaf Education Core Group felt the Task Force's job should have nothing to do with Mr. Noyce, as it was a separate issue, but USBE may view differently.

Bronwyn O'Hara Submits Her Letters to People With Authorities

Because of the Task Force's ongoing work, USDB Superintendent Noyce's contract had changed from two-year contract to month-to-month contract. While the Task Force was studying the role and administrative structure of USDB, Bronwyn O'Hara submitted her letter on July 7, 2011 asking people with authorities, including the Task Force to include a list of examples where Steven W. Noyce had not done his job as superintendent of the Utah Schools for the Deaf and the Blind in their study. The signatures represented their respective organizations, which are of, by and for the Deaf community and were signed to endorse Bronwyn's letter. She wrote:

Dear USBOE members and USDB Advisory Council, July 7, 2011

As you work in your committees for USDB this summer, I would like you to include in your studies this list of examples where Mr. Steve Noyce has not done his job as Superintendent of the Utah Schools for the Deaf and

Blind. These facts have flowed into your hands in the past two years, showing beyond a shadow of a doubt that Mr. Noyce has not followed Utah Code. Examples are not limited to these presented here, however read these below:

Utah Code 53A-25b-202. Supt. acts as a chief executive officer and selects an assoc. supt for the deaf and blind schools:

- Mr. Noyce has failed to recruit and secure an Associate Superintendent for the Blind. By his own admission the conditions in the blind school are deplorable. ('A Plea to The Advisory Council' dated 4/21/2011 at <http://moderndayheroes-dietzfam06.blogspot.com>)
- During Aug 2009-Dec 2010 Mr. Noyce interfered with the Associate Superintendent of the Deaf in doing her job. As a result, that person resigned January 2011 and has not been replaced.
- Rather than attend to his responsibility in recruiting candidates for the two open Associate Superintendent positions, Mr. Noyce is running the school himself.
- He became overly involved with revamping the Parent-Deaf Infant Program when curriculum duties are clearly the Associate Superintendent's, not the Superintendent's. (Town Hall Mtgs with Day Mullings, Parent-Infant program Director, May 2010)
- Mr. Noyce has spent too much time in the past 24 months focusing on doing the Listening & Spoken Language part of the Associate Supt.'s job.

Utah Code 53A-25b-202. Supt. demonstrates knowledge of school management and the instruction of deaf persons:

- Mr. Noyce does not advocate for nor represent the needs of the American Sign Language/English Bilingual segment of the deaf school and has failed to communicate their needs to the State Board of Education and the legislature.
- Mr. Noyce is not taking time to learn about the American Sign Language/English Bilingual program's philosophy, goals, and outcomes. There is little demonstrated understanding in Mr. Noyce regarding bilingual education as it applies to deaf students.
- Although Mr. Noyce has worked in Deaf Education for 40 years, he has not learned to sign nor can he understand sign language. This impedes him from directly interacting with students, teachers, and/or parents who are deaf or hard of hearing. In this he has failed this segment of student, staff, and parents the state school serves. This lack says a lot about where Mr. Noyce's priorities are and who are left out.

Utah Code 53A-25b-201. The Supt. must have demonstrated success in the administration of education programs:

A superintendent is supposed to secure funds for the programs of his school. He has failed at this.

- Between Aug 2009 and May 2010 Mr. Noyce spent state school money to excessively remodel a building on the Ogden campus said to be for the exclusive use of only one program's parents of deaf infants/toddlers, not for use by all families served by the school.
- Mr. Noyce's performance at the 2011 legislative session was not successful. He expected the legislature to make up monies owed USDB in 2010 from local school districts. This didn't happen and the school was projected to run out of money before June 30, 2011.
- Mar 2011: the decision was made to use furlough days in order to continue operating until the end of June 2011. This led to children not receiving an education on those days and teachers and staff not getting paid.
- Mr. Noyce contributed state money (\$440,000) from the coffers of the school to a non-USDB speech program at Utah State University (March 2011 Advisory Council notes).
- Mr. Noyce denied providing a playground for the Jean Massieu School which houses the USDB Bilingual program.
- Mr. Noyce stepped over the Associate Supt and changed the Parent-Infant Program for deaf and hard of hearing infants/toddlers. Parents are now denied service choices that were working well for children and families prior to Aug 2009 when Mr. Noyce was hired.
- Mr. Noyce's policy of requiring parents to decide a purely oral/aural (LSL) program or a signing program (ASL/E Bilingual) as soon as possible is causing mistakes in child/student placement decisions. In an April 13, 2010 blog entry, Jacob Dietz says "I think it is wrong to force parents to choose one or the other path when the child is only 45 days old. Why? How can a parent know which way would best benefit their children at only 45 days? They can't." (see <http://moderndayheroes-dietzfam06.blogspot.com>) These parental decisions can be rushed and, many times, are based on misinformation. While Mr. Noyce verbally states that he supports both programs, the fact remains that the LSL (oral) program is presented by USDB staff as promising parents their child(ren) will hear and speak while the signing program is presented for speaking and hearing failures. This misinformation results in inaccurate placement of some children or the withholding of vital services to other children that deserve them, i.e. speech training for ASL/E students and ASL or ASL instructions for LSL students.
- Parents are guided by USDB personnel to place their children in the LSL program with the assurance they can add signing later. (personal phone conversation with Anissa Wardell, 2/23/2011). However, if later the parents want to move their children into the Bilingual program, Mr. Noyce has explained the school doesn't legally have to change the child's program until he/she fails at the Speech and Hearing goals. (see "Letter from

Anonymous Terp” at website www.utahdeafeducation.com) Typically when the child does fail, he/she is usually in 3rd-to-5th grade and is grossly behind in language acquisition. This creates the false idea that signing and JMS are only for those who are linguistically behind. This misrepresents to parents and educators outside of deaf education the successful aspects of educating the deaf using a bilingual approach. This, furthermore, causes the other students at the ASL/English Bilingual program to have to be educated with students who have failed in the LSL program and are at a lower linguistic and academic level. JMS's intrinsic value is not in being a convenient program for the LSL program failures. **(APPENDIX)**

Utah Code 53A-25b-201. The superintendent demonstrates skills in organizational management

- The promotional video that was made at USDB about the Listening & Spoken Language program was put on the You-Tube website by an LSL parent who was a new AC member (April 2011). To my knowledge, this was not taken off of the site. When asked about the Bilingual promotional video, Mr. Noyce answered that the one the school was making for the American Sign Language/English bilingual program was not done yet. He did not mention asking the parent to remove the posting from You-Tube, out of respect for high feelings among bilingual parents of favoritism bordering on discrimination. It's currently unclear if the ASL/E Bilingual video has been put up on You-Tube, like the other one. This is preferential treatment towards one program rather than equality for both.
- Mr. Noyce has taken time off from his own job duties at USDB in order to fly to various deaf schools in the country to promote only one program that is under his auspices. This is unfair. A superintendent is not to show bias or favoritism as it might affect his decision-making abilities.
- During the last year, Mr. Noyce has taken employee positions, specialists, and student enrollment from the Bilingual program to put into the LSL program. This has created a crippled program, because of lowered critical mass, for the Bilingual students.
- During the March 2011 Advisory Council meeting, Mr. Noyce verbally berated the Teachers' Union representative in front of the AC, and continued his bullying, disrespectful demeanor even after the meeting was adjourned and in spite of being told by council members he should not interact with his staff that way.

Americans with Disabilities Act (ADA)-Individuals with Disabilities Education Act (IDEA)

Under Federal Law, children with disabilities are to be educated the same number of days, etc as children without disabilities.

- Under Mr. Noyce, as Supt of USDB, this was not done. Three furlough days were taken in March, April, and May 2011 to manage the fiscal

overspending that had been done since Aug 2009. The missed days are a violation of this provision of the ADA-IDEA law.

There have been numerous letters received by the State Board of Education and the Advisory Council sharing their experiences with Mr. Noyce and his manipulations of educational programs for deaf children. Parents who have written are, but not limited to, the following : Jodi Kinner, Julio and Minnie Mae Wilding Diaz, Dan and Stephanie Mathis, Jacob Dietz, Melissa Miller, Amy English, Melissa Jensen, Vealynn Jarvis, Suzanne Morrison, Bronwyn O'Hara, Jennifer Jackson, Bill Barber, and one anonymous. Students who have written are, but not limited to, the following: Nina Taggart and Shyanne VanZyverden (First runner-up Miss Deaf Utah 2011). Professionals who have written are, but not limited to, the following: Jean Thomas and an anonymous interpreter. Getting letters from these people is a significant message with which to pay attention. Many of these letters were received prior to hiring Mr. Noyce, warning as to the inappropriateness of hiring him for the superintendent job. These letters also represent many unwritten letters which haven't been written for various reasons.

In addition, in August 2009, you received letters of concern over hiring Mr. Noyce from two local deaf organizations. The Utah Association of the Deaf Board: Ron Nelson, Pres., Lorin Melander, VP, Jen Byrnes, Secty, Val Kinney, Treas. along with Board members: Donna Melander, Abel Martinez, Stephen Ehrlich, Mistie Owens, and Rob Kerr; and The Beehive Chapter of the Gallaudet University Alumni Association : Lorin Melander, Pres, Minnie Mae Wilding-Diaz,VP, Bart Kern, Secty, and Christopher Palaia, Treas.

The letters referred to here should be in your correspondence (email or mail) but can also be reviewed on the Internet at www.utahdeafeducation.com.

Lastly, in May 2011, you received a petition from the JMS PTA with 1,215 signatures petitioning the Utah State Board of Education not to renew Mr. Noyce's contract that was coming due on June 30, 2011. These are very large responses from parents, students, professionals, and people in the community. These are very significant numbers and speaks loudly about concerns that have arisen regarding Supt. Steve Noyce's job performance.

A superintendent is supposed to build a rapport with the student body, parents, and community. Mr. Noyce has failed at this. He might be popular with the supporters of the oral/aural (LSL) deaf segment of the School for the Deaf, but this is only a part of the populations with whom he needs to

have a working relationship. As parent, Jacob Dietz, expressed in his on-line blog, in an open letter to the USDB Advisory Council on April 21, 2011:

“Since Steve Noyce has been Superintendent, relations between USDB and the Deaf community have never been worse. When asked about this, Steve seems to have the attitude that he doesn't really care what they think, and that this community is out to get him. He dismisses their concerns as it being none of their business because they don't have kids in the program. This is wrong. There are many in the Deaf community who do have kids in USDB. In addition to that, those I have had contact with in the Deaf community are concerned because they don't want this generation to have the same struggles as they did. They understand that a quality education is the key to a successful and bright future for any child. They fight for all deaf children, because they see them as their future. It is their business, yet Steve Noyce continues to try to distance himself from them.”
(<http://moderndayheroes-dietzfam06.blogspot.com>)

There has been very low morale among the teachers for the deaf and blind in all divisions. At one point during the past 24 months, there had been discussions among the teachers to circulate a “Vote of No Confidence” in Mr. Noyce as superintendent. There has also been talk of many teachers walking out if Mr. Noyce's contract is renewed. On occasion he had been overheard/overseen interacting in an unprofessional and bullying manner with subordinates who do not agree with him. The fact that the teachers' union has made complaints about him sends a powerful message to each of you that Mr. Noyce is failing at this part of his job duties.

Mr. Noyce is one of two superintendents to have had a 360-job review and survey requested and done. There was an attempt by Mr. Noyce and his proponents to stack the respondents unfairly in his favor to skew the answers. The results of these two questionnaires should weigh heavily in deciding whether to deny him a contract renewal.

Mr. Noyce is a member of nationally recognized oral/aural organizations and has taken an active role in some. However, he is not part of any professional or nationally recognized organization(s) that is/are affiliated with American Sign Language or a Bilingual program approach. We feel this lack of involvement among cutting-edge, state-of-the-art information impedes Mr. Noyce from understanding every facet of his school population and staff, as a good superintendent should. Mr. Noyce is insulating himself from further knowledge in regards to the Bilingual program at USDB which makes it very difficult, if not impossible, for him to make well-balanced decisions for that program.

We are gravely concerned about the inequality in the Deaf Division and its

flawed implementation of programs. We cannot ignore it any longer. As far as these facts presented, Mr. Noyce has failed in performing his job as USDB superintendent in accordance with Utah Codes cited.

As Mr. Noyce's contract has expired as of Jun 30, 2011, we are asking that his contract not be renewed and a new superintendent search begin as soon as possible.

Respectfully submitted,

Bronwyn O'Hara
parent of deaf children and deaf education advocate

Contents of letter endorsed by:
Philippe Montalette, Pres.
Utah Association of the Deaf

Crystal Hess, Pres.
Jean Massieu School of USDB PTA

Jodi Kinner
Utah Deaf Education Core Group

Stephanie Mathis, Treas.
Beehive Chapter of the Gallaudet Alumni Association

CC: Utah Senator Karen Morgan
USBOE Task Force (M. Menlove, L. Castle, T. Pfer, J. Coleman, J. Seelig, T. Hauber) Governor's webpage:
http://www.governor.utah.gov/goca/form_comment.html

Mr. Noyce's contract was supposed to expire on June 30, a day before the fiscal year on July 1. However, he was "granted" to remain as superintendent a little longer where his decision making on the Deaf Mentor Program was impacted. Apparently, he was close to achieving success at the finish line.

Did You Know?

On July 10, 2011, Barry Strassler, Editor posted a note on the DeafDigest Gold website, as follows:

Deaf Miscellaneous stuff:

Ever since Gallaudet has had its first deaf president, the 51 percent deaf/hard of hearing majority rule has kicked in with many deaf governing groups. Apparently, not at Utah Schools for the Deaf and the Blind. Despite efforts over the years, participation by the deaf has been minimal. This issue kicked up again this week on Utah deaf blogs.

Dr. Martell Menlove Receives A Letter From An Attorney

Out of frustration with the Utah State Board of Education's slow decision making process on Superintendent Noyce's contract and with the ASL/English bilingual students as well as Deaf Mentor families being underserved under his administration, Crystal Hess on behalf of Jean Massieu School parents requested her attorney, James I. Watts to write a letter to Dr. Martell Menlove asking not to renew Mr. Noyce's contract. Granted, Mr. Watts submitted his letter to Dr. Menlove and cc'ed the State Board on July 11, 2011, as follows. Although Ms. Watts' letter has unchecked grammar and typos, the intent and content of the letter was clear. The ASL/English bilingual parents hope his letter will assist the Task Force in the decision making process. If not, Mr. Watts was prepared to take the parents' case to Court and fight for their children's equality rights before a judge.

July 11, 2011
Martell Menlove
Utah State Office of Education
250 E. 500 S.
Salt Lake City, UT. 84114

Dr. Menlove,

I have been retained by a number of parents of deaf children who are currently receiving educational services at the Jean Massieu School for the Deaf (JMS).

They contacted me to discuss their concerns that their children may not be receiving the type of educational services mandated by the Individuals With Disability Act (IWDA) codified at U.S.C 20-33 § 1400 et seq. As I am sure you are aware that act is the successor to the Education for all Handicapped Children Act of 1973 (Public Law 94-142) which was an effort by the federal government to address the educational needs of millions of children with disabilities whose needs were being ignored or not fully met for a variety of reasons, chief among them a perception that “they were uneducatable and untrainable”, language found in *Mills v. Board of Education D.C.* 348 F Supp. 866 (DC 1972) one of the cases that gave rise to the passage of the act.

In passing IWDA the US Congress made the following specific finding,

“Disability is a natural part of the human experience and no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, **full participation**, independent living, and economic self sufficiency for individuals with disabilities.” U.S.C 22-33 § 1400 (1)

The Congress, in 1997, amended the act making the following finding of fact.

“However the implementation of this chapter has been impeded by low expectations and an insufficient focus on applying replicable research on proven methods of teaching and learning for children with disabilities.” U.S.C. 20-33 § 1400 (4)

The two prime cases which gave rise to the passage of the 1975 Act were *Pennsylvania Association for Retarded Citizens v. Pennsylvania*, 343 F. Supp. 279 (Pa. 1972) and *Metz v. Washington D.C. Board of Education* 348 F. Supp 866 (D.C. 1972) the courts hearing the cases struck down the statutes of Pennsylvania and a school district policy in the District of Columbia having found them in violation of the 14th Amendment of the U.S. Constitution which guarantees that all US citizens receive equal protection under the law. The courts have further held that the equal protection clause, which mandates that “No state shall make or enforce any law which shall abridge the privilege or immunities of the

citizens of the United States” applies to both procedural and statutory provisions. Therefore any policy of a state agency or division which has the effect of denying a class of persons equal protection would be in violation of the 14th Amendment.

There is no dispute that Utah’s deaf children are recognized as a beneficiary and a class of person intended to benefit from the provisions of the (IDEA) a fact acknowledged by the Utah State Department of Education and the Utah State School for the Deaf and Blind in its policy statement “The recognition of individual potential.” The School Policy is in keeping with the statement of Dr. Robert G. Sanderson made in 1992 posted at utahdeafeducation.com “That each child will be carefully evaluated by unbiased professionals who have the best interest of the children at heart rather than their personal philosophies.”

With this as a background, the families that I represent have grave concerns that their children are being denied the type of education that will enable them to meet the goals of the IDEA of obtaining “equal opportunity and full participation” in a large part due to the personal policies of Steven Noyce, Superintendent of Utah Schools for the Deaf and Blind, which promotes and emphasizes a Listening and Spoken Language (LSL) approach to a child’s education over an American Sign Language (ASL)/English Bilingual approach as taught at the states only ASL facility the Jean Massieu School (JMS).

Mr. Noyce’s policies are designed to dissuade parents from selecting an ASL approach to the education of their children at the time they are participating in the Parent Infant Program (PIP).

A number of parents report that the staff tells them nothing of the JMS and only promotes and LSL approach at pre-school. They are told ASL will limit their child potential which is certainly not supported by the research and data on the subject.

It is this same type of bias the U.S District Court for the District of Columbia found was codified in the District of Columbia’s school policies which were struck down as a violation of the children’s equal protection rights.

It is Mr. Noyce’s approach to use LSL as the expected educational tool and then, only when the child fails to meet performance standards usually following third grade, move them to JMS and the ASL program. These children having never been given the opportunity or encouraged to initially enroll in the ASL program might have avoided the discouragement of failing to perform in the public setting of LSL. It has

the additional consequence, intended or not, of altering JMS' on grade level scores.

The Superintendent has failed to insure that training funding for the Parent Infant Program Specialists for the ASL and LSL programs are equal; the LSL program receives a greater and disproportionate amount of the limited funds.

Mr. Noyce has disproportionately reduced and eliminated staff and teaching position between the two educational approaches such as the elimination of the Deaf Mentor from the Parents Infant Program for parents who select ASL as the educational approach.

It appears from the information, I have been provided and in my discussion with my clients, that Mr. Noyce has, by his actions, created a sub class within a class of protected persons; that of deaf children choosing an ASL approach to speech and education.

Mr. Noyce's approach is akin to the separate but equal argument rejected by the US Supreme Court in *Brown v. Board of Education* 349 U.S. 294, 75 S. Ct. 753, 99 L.Ed. 1083 (1955) and in litany of cases that have followed.

His policies which discourage the ASL approach in favor of the LSL is analogous to the cases which have addressed the equal protection clause as it effects "groups identified by ethnic, national origin, or linguistic characteristics." *United States v. Uvalde*. While that case dealt with English versus non English speaking persons the court none the less found that "language based classification might be the same as "national origin" classification for purpose of equal protection analysis. "A policy that discriminates against one linguistic approach ASL against another LSL I suggest is a policy similar to the English speaking versus non English speaking person."

Last month you received a Petition, signed by 1215 members of the deaf community and parents of deaf children, requesting that you not renew Mr. Noyce's contract which is to expire the end of this month. My clients again encourage you to review the information contained herein and consider it in your deliberation's as to whether to renew his contract. It is their hope that at the conclusion of those deliberation's you will recognize the needs of their children who are being underserved and choose not to renew the contract.

Very Truly Yours,

James I. Watts

CC: Client

CC: Board of Education Members

For nearly two years, the ASL/English Bilingual advocates still would not give up and they kept banging at the door to get people in authority's attention. Yet, nothing good had happened.

Utah Schools for the Deaf and the Blind Task Force Issues Recommendations

Following the 2011 general session of the Utah Legislature, Utah State Board of Education leadership formed a task force to study the need and role of the Utah Schools for the Deaf and the Blind. The task force, comprised of Deputy Superintendent Martell Menlove, Associate Superintendent Todd Hauber, Rep. Stephen G. Handy, Rep. Jennifer M. Seelig, and Board Members Dixie L. Allen, Leslie B. Castle, Joel Coleman, and Tami W. Pyfer, held a series of meetings on the issue including a public hearing (Utah State Board of Education Meeting Summary, August 5, 2011).

The Utah State Board of Education meeting was held on August 5, 2011 where the task force issued nine recommendations to the Board based on those hearings and information. **(APPENDIX)** The Board also completed its review of USDB Superintendent Steven Noyce and moved him from a contract status to an at-will status (Utah State Board of Education Meeting Summary, August 5, 2011). Jeff Pollock, Julio Diaz, Jodi B. Kinner, Bryce Jackson (JMS sophomore), Michelle Tanner (JMS Teacher), Tiff Dodge (JMS teacher), Amie Breinholt (JMS teacher), Jenny Avery (JMS teacher), Crystal Hess (JMS PTA President), Melissa Miller (JMS PTA Vice-President), and Philippe Montalette (UAD President) were present at the meeting.

At the meeting, one additional point regarding this report was that the USBE may consider establishing three Associate Superintendent positions. One over the School for the Blind, one over the Listening and Spoken Language Program in the School for the

Deaf, and one over the ASL/English Bilingual Program in the School for the Deaf. This was a similar proposal that Dr. Jay J. Campbell, Deputy State Superintendent presented at the State Board meeting back on April 14, 1977.

During the meeting, Dr. Menlove presented the report to the State Board of Education, but the board did not take any action on the recommendations. The USBE began to work immediately to implement the changes recommended by the Task Force. Some changes may happen quickly while others will require changes to Utah law. These changes may or may not happen depending on the will and intent of our Legislators.

The USBE accepted Trena Roueche' as the new Associate Superintendent of the School for the Deaf and Carolyn Lassater as the new Associate Superintendent for the School for the Blind. Additionally, the USBE changed Superintendent Noyce's employment status from a contract employee to an at-will employee. His office had moved from the Ogden campus to the Utah State Office of Education and was to report to the State Board of Education. Michael Sears, the USDB Finance Officer was to report directly to Todd Hauber, the Associate Superintendent for Business and Operations. State officials can keep a closer eye on USDB decisions and how funds were spent.

Mr. Noyce said, "Such a move would give him greater access to the people in a position to help the USDB." Dr. Menlove who headed the state's investigative task force explained that, "Normal public school districts have their own school boards, but the USDB answers directly to the Utah State Board of Education and "There was a recognition that there's a significant amount of state funding that goes to the USDB, and a recognition that the program is unique in that the state Board of Education has direct responsibility for the Utah Schools for the Deaf and the Blind (Valkenburg, Standard-Examiner, August 8, 2011).

According to Valkenburg (August 8, 2011), the USDB had schools in Ogden and Salt Lake City, but most other school districts only had designated classrooms to serve groups of deaf and/or blind students, or had traveling teachers, interpreters or aides who divided their services among many individual students. Because of this, Dr. Menlove

said, "There's a need for recognition that the USDB provides services statewide and that resources must be used effectively and collaboratively with local districts." He hoped by having office in Utah State Office of Education will help improve some of those relationships statewide and get better at coordinating services (Valkenburg, Standard-Examiner, August 8, 2011).

The Core Group believed the Task Force's recommendations were good and will lead to positive changes within USDB and the Advisory Council. However, they were concerned about the recommendation # 7ii. Jeff Pollock checked with Joel Coleman, a member of Utah State Board of Education, about this issue for clarification. Joel said their intention was not to exclude Deaf or Blind people from the Council. It was to ensure that they seek out and choose wisely individuals with expertise in Deaf and Blind education. This was in contrast to the current rules, where, for example, a parent of a Deaf-Blind child could sit on the Council but this parent may not necessarily be an expert in Deaf-Blind Education. How could this person effectively advise USDB and the USBE on Deaf-Blind Education issues? The same can be true for appointing just ANY Deaf or Blind person on the Council. The bottom line was that this particular recommendation did not require that Advisory Council members be hearing or sighted. It only recommended that they have significant knowledge of education laws, rules, in their particular field of expertise (Deaf Ed, sensory disabilities, etc). This COULD result in a Council with all hearing and sighted members (Jeff Pollock, personal communication, August 10, 2011). Dan Mathis said, "One thing for sure is to be vocally concerned on who are to be on the Advisory Council if they decide to change people. No one will ever understand what it's like to be Deaf or Blind until that person experience it him/herself all his/her life. For too long and too often we have had so-called experts and specialists claiming they know stuff than us but end up doing more harm. This is not to dismiss the fact we benefit from having strong hearing allies; we just gotta have our voice heard and respected all the time" (Dan Mathis, personal communication, August 6, 2011).

The Utah Deaf Education Core Group appreciated and applauded the work of the Advisory Council, the Task Force and the Utah State Board of Education. They recognized the potential for change and improvement from the Task Force's

recommendations and USBE's employment decisions. The Core Group was committed to continue to collaborate and make improvements as well as continue to push for positive changes that will lead to greater educational achievement and lifelong outcomes for Deaf children throughout state. One thing is for sure, without the Utah Deaf Education Core Group, these recommendations and employment changes would not have happened.

When the Utah State Board of Education had made a decision to retain Steven Noyce, members of the Utah Deaf Education Core Group patted each other's back, recollected themselves and collaborated with Utah Association for the Deaf and JMS PTA to press forward in a new direction by serving as a watch-dog group.

Board Moves Steven W. Noyce's Month-to-Month Contract to At-Will Status

The Utah Deaf Education Core Group was not exactly thrilled about Steven Noyce being remained at the helm of the USDB.

In regards to Core Group's concern about changing Steven W. Noyce from a contract employee, to a month-to-month employee, to an at-will employee, Jeff Pollock, who had M.Ed. in Educational Leadership and Policy was aware of no legislation that prevents this. He sent an inquiry to the Utah Labor Commission, asking if there is a specific law or regulation on this. From an administrative standpoint this certainly seemed to be an acceptable way to change one's employment status.

According to Jeff, what this change did was eliminate the State's liability if they break Noyce's contract. For example, if he continues as a month-to-month contract employee and signs a contract for the month of September, but is fired or dismissed on September 2, the State would have to pay him for the entire month of September. By changing him to an at-will employee, the State could now dismiss him for any reason and not have to pay him for the rest of the month, as they would if he were a contract employee. In fact, they could keep him indefinitely too (Jeff Pollock, personal communication, August 10, 2011). Dan Mathis said, "Perhaps this isn't exactly what we

hoped for, but if we can have some faith that the recommendations would at least keep Steven Noyce at bay and give the middle and lower administration levels more power to work on educational programs, then that's probably what we need to do right now. Of course, we keep our watch on what happens where our children's education is concerned (Dan Mathis, personal communication, August 6, 2011).

As soon as it was announced that Mr. Noyce remained as superintendent, Crystal Hess, JMS PTA President sent an email to Dr. Menlove and said, "I fear that what it means to Utah's Deaf children is continued bias and inequality. Moreover, I am deeply terrified that USDB will lose its most valuable resources as teachers, staff and parents wary of this battle and leave." Additionally, she asked for a greater reasoning, "What do we need to do to ensure our children are provided for and educated with equality despite their language differences?" (Crystal Hess, personal communication, August 5, 2011). Three days later on August 8th, Dr. Menlove responded saying, "As previously stated, all allegations of bias and inequality will be investigated. However, employment action and funding allocation decisions cannot be taken based on rumors, unsubstantiated claims, and hearsay reports." He encouraged all parents of students receiving services from USDB to actively participate in the development of IEPs for their children and then assure that the IEPs are implemented with fidelity. If not, he also encouraged her to exercise her parental rights. Efforts to continually compare different individual students with each other, or groups of students with different needs with each other are often nonproductive (Dr. Martell Menlove, personal communication, August 8, 2011).

Dr. Menlove said the Board was made aware of Crystal's efforts and the petitions she submitted. It was also made aware of the efforts by those who petitioned the Board to continue Supt. Noyce's contract (Dr. Martell Menlove, personal communication, August 8, 2011). Thus, Mr. Noyce's continued reign as Superintendent.

Minnie Mae Wilding-Diaz questioned, as follows: "What can we do to help Dr. Menlove and the Board realize that much (if not all) of what we have sent in are NOT "rumors, unsubstantiated claims, and hearsay reports," but are our own actual

experiences with Mr. Noyce? That's something that seems to come up again and again..." (Minnie Mae Wilding-Diaz, August 10, 2011).

In Danger: Deaf Education in Utah and Its Impact on ASL/English Bilingual Program

Under the influence of the strong oral tradition in Utah, the Utah Deaf community worked hard to build and establish the Deaf Mentor Program in 1993, Jean Massieu School of the Deaf in 1999, Academic Bowl in 2004, Athletics Program at the Utah School for the Deaf in 2006, CEABER/AEBPD training in 2007.

Since Steven W. Noyce became superintendent of the Utah Schools for the Deaf and the Blind on August 7, 2009, the ASL/English bilingual programs located at JMS and North Division were being slowly deteriorating. In two years, the enrollment at JMS and the services offered at the Deaf Mentor Program had been reduced. They were hanging on to the ASL/English bilingual programs by a thread. Little by little Mr. Noyce was taking resources that were available from the kids who used ASL. Meanwhile, more parents had chosen the Listening and Spoken Language approach for their deaf children hence the program was growing. As a result, the ASL/English bilingual programs were in serious trouble. The continuum of services and school placement options became limited to the families. While the Utah Deaf Education Core Group was aware that parent choice was based on the biased information from Parent Infant Program, Mr. Noyce had always stated he was for "parent choice."

A few months after Noyce was hired as superintendent, the number of families received the Deaf Mentor services quickly dropped in early 2010. A significant reason for this decline was that parents who chose the LSL approach were no longer able to request for both services, LSL training and Deaf Mentors, like they were able to before Noyce came abroad. What happened was that that it became sole language choice. Parents must choose either Spoken English or ASL. The ASL/English bilingual philosophy was to give both with ASL as the primary mode of communication. However, this was not being allowed in the PIP program or presentation to families.

Under the administration of Noyce, the Academic Bowl Academic Competition for deaf and hard of hearing USD high school students was cut in 2011 due to state budget cut. Historically, Gallaudet University established the Academic Bowl for deaf and hard of hearing high school students in 1997, with the goal of promoting academic competition among high school teams. As part of the Utah Academic Bowl Team, the students grew academically and socially. Additionally, their self-esteem had improved and their motivation to aim for a higher education standard had increased. The Deaf community recognized the benefit of the Academic Bowl and did not want to see it dismissed in Utah while the other high schools across the nation held their academic bowl in high regard. Thus, the responsibility of administrating the Academic Bowl was given to the Utah Association for the Deaf, with the goal of promoting academic and social opportunities that the students may not have in a mainstreamed setting; ideals that the whole system/agency that wasn't seeing value in the extracurricular activities for students.

JMS was struggling to find external funding and support to continue the athletic program for the coming school year because no funding is set-aside in the current budget for athletics. This started with former Superintendent Tim Smith. The Athletic program was placed on the chopping block during his administration. It has not been discussed at all since the administration turned the athletics over to JMS. When Noyce became superintendent of the school, the Athletics Program continued struggling to survive with lack of support from the administration and was eventually cut to due state budget cut in 2011. USD had its Athletics Program since the early 1900s. Later, the USD basketball players participated in the Western State Basketball Classics to compete with state schools for the deaf's teams until the early 1980s. Due to the growth of mainstreaming, the Athletics Program was closed in 1987. Deaf youth were slipped into a Dark Age as the Deaf community called it for two decades. It was not until the USD/JMS merger in 2005 when the Athletics Program returned back in 2006 under the administration of Superintendent Linda Rutledge. It was joyous for everyone and it was like a Golden Age. Coaches volunteered. Mainstreamed students were able to join the team and practice and

play games at the Sanderson Community Center of the Deaf. More mainstreamed students practiced and played games at the Sanderson Community Center of Deaf and Hard of Hearing, an architect's sketch developed by the Utah Deaf community in 1980s to build a new full size basketball court gym with bleachers. Refer to "*The Athletic Programs at the Utah School for the Deaf*" and "*The History of Robert G. Sanderson Community Center of the Deaf and Hard of Hearing*" manuscripts for more information. This was an important spot for the Utah Deaf community as sports had always been important to the community. In fact, the national Deaf community as a whole enjoyed sports longer and more "widespread" throughout the community than in many other communities. Luckily, USD as a continued member of the Utah High School Athletic Association was able to join the Western State Basketball Classics (WSBC) in 2007. Since then, the USD players went to the Western State Basketball Classics where several superintendents (most of them were hearing) attended to support their teams, except Mr. Noyce. Due to a political pressure, he only went to one WSBC game hosted by USD at the Sanderson Community Center in January 2011. With lack of funding, administration support, volunteered coaches, and students' participation, the Athletics Program may not last very long. Even though athletics were not part of a school's "true" curricula, our students deserve the same experiences their hearing peers do. Students learn so much through sports, including discipline, sportsmanship, and physical control.

Prior to the USD/JMS merger, UDEAL board members recognized the importance of the Center for ASL/English Bilingual Education and Research (CEABER) and ASL/English Bilingual Professional Development (AEBPD) trainings, they however were not able to fund these trainings. Two years after the merge in 2007 the ASL/English bilingual teachers were finally able to participant in the CEABER/AEBPD training. Two teachers were selected to attend an intensive training program at Gallaudet University. USDB Curriculum Specialist Jennifer Howell and Michelle Tanner submitted a proposal for the funding for this training to be allocated to the teachers who practice the ASL/English Bilingual philosophy, which was approved. Teachers selected had to have a minimum of 5 years experience in the classroom. One hearing and one deaf. Preferred level of education was master's degree. Teachers attended seminars for 2 levels of the

training. Each level equates to 1 semester worth of work and materials. There are a total of 4 levels. Hence, the training was 2 summers of training for mentors and 2 years of training for teachers. Jill Radford and Michelle were trained that summer of 2007. The following fall, the CEABER/AEBPD training was implemented the professional development. CEABER was established in 1997 to provide guidance and technical assistance in the implementation of ASL/English bilingual professional development in schools and programs across the nation while AEBPD was a curriculum program based on research, which furthered the education of teachers in the field of deaf education. Since then, JMS, including Skyline High School and North Division staff were trained through CEABER and AEBPD trainings. ASL staff in the Parent Infant Program had been required to attend LSL training sessions. All other ASL/English bilingual staff had not been required. There was an attempt to train all of administrations for deaf programs about the ASL/English Bilingual Philosophy. However, after Dr. Howell later Associate Superintendent resigned, this training was dropped under the administration of Mr. Noyce.

In Jean Thomas's letter to Dr. Menlove, on August 20, 2009, she listed her hope would be this:

1. JMS would become independent from any decisions that Mr. Noyce would provide.
2. That the Deaf Mentor program would be under the direction of a culturally minded deaf person who is fully proficient in American Sign Language and that this position receive full funding.
3. The position of Sign Language Specialist would be reinstated and fully funded in its entirety (Deaf North Division had this position, but the Director had to give up a teaching position to keep this position).
4. Mr. Steve Noyce would not have the ability to make any decision regarding any sign language program.
5. That strict oversight rules would reach into all activities of the newly appointed Superintendent of USDB, and experts from the blind, deaf blind, and deaf communities, and educators be called on to assist in decision making for USDB,

in addition to those currently serving on the Institutional Council, i.e., Freeman King and other experts.

6. That USOE and USBE would reconsider their decision to appoint Mr. Noyce to this position, and select someone else that would be less controversial and would not use parents to accomplish a hidden agenda (Jean Thomas, personal communication, August 20, 2009).

Unfortunately, with the absence of an associate superintendent who was supposed to be the charge of the Deaf Division as well as the Parent Infant Program, including Deaf Mentor Program, Mr. Noyce as CEO had the authority to make biased decisions over the ASL/English Bilingual Programs at USD.

Last, but not the least, the Utah Deaf Education Core Group also observed that Mr. Noyce had alienated the Utah Deaf community, had taken options away from parents, and had mismanaged the USDB's funding. He also ignored the Blind students' needs and prompted unfairly the LSL program, to the detriment to the ASL/English Bilingual program. JMS was being misrepresented by USD to parents and portrayed as not allowing or having speech services. The Core Group felt Mr. Noyce as superintendent of a state, tax funded school should be promoting all the programs under his jurisdiction whether he completely agrees with them or not. With all the problems faced by Mr. Noyce, the view of JMS as a "beacon" of USD quickly diminished in two years.

For two years from 2009 to 2011, the Core Group tried as hard as they could to tackle Mr. Noyce before reaching the goal line. Despite the noise they continued to make, no one would listen. With the advantage of the state budget cuts, Mr. Noyce had succeeded as a "football player" running toward the goal line achieving his agenda by promoting the LSL services and mainstreaming opportunities. In the end, he successfully salvaged Dr. Grant B. Bitter's legacy. With the impact of cochlear implants and mainstreaming movement as well as the inequality of deaf education in Utah, the future ASL/English Bilingual education was in danger.

Jill Radford, JMS Principal, Has Resigned

When the Legislative Education Interim Committee requested that Superintendent Noyce give a presentation at their September 21 meeting, he made a damaging report, as per statute 53A-25b-304(2):

- a. Number of students served;
- b. Services provided;
- c. Student participation in state assessments;
- d. Academic achievement of students; and
- e. The impact on enrollment at the Utah Schools for the Deaf and the Blind resulting from statutory changes regarding eligibility.

Among other statute items, Mr. Noyce reported, as follows:

Academic Achievement of USD and USB

- Most academic students who are blind or visually impaired and most deaf or hard of hearing students who are using LSL are mainstreamed before the 3rd grade. Statewide testing begins at 3rd grade therefore a majority of USDB students have already exited to mainstream settings.
- Most students mainstreaming are functioning at or near grade level and are comparable to their non-disabled peers.
- Students who remain in USD self-contained classes are performing below grade level in reading and language.
- Remaining LSL students and students in Deaf North (KBS) are performing relatively evenly in language and reading. Students at JMS are performing poorer than other DHH students in USD.
- In light of most LSL students mainstreaming, it is expected that ASL/Eng students would outperform the remaining LSL students. That has not occurred (Steven Noyce, personal communication, August 25, 2011).

In the wake of Mr. Noyce's report, Jill Radford, JMS principal resigned abruptly in front of the USDB Advisory Council on August 25, 2011. After two years of managing constant battles with Mr. Noyce, this report was the last straw. In front of everyone, she expressed her concerns about his misleading report and bravely told Mr. Noyce directly

that, “I can't fight you anymore! Which is why I have already submitted my letter of resignation to Associate Superintendent Trena Roueche.”

On top of the resignation of Dr. Jennifer Howell, the former associate superintendent and the resignation of Jill Radford marked yet another devastating blow to JMS, Utah School for the Deaf, and to the Utah Deaf community as a whole. One person by the name of Purpleterp made a comment in the Salt Lake Tribune (August 26, 2011) newspaper article that, “It was just one more example of dedicated individuals finally succumbing to the unrelenting paternalistic majority of hearing individuals who do not value or understand the importance of ASL among the [Utah] Deaf community” (Purpleterp, personal communication, August 26, 2011).

Jill’s parting blasts were the aimed at Superintendent Noyce by deaf education advocates who say he has favored USDB’s listening-and-spoken-language (LSL) program at the expense of the American Sign Language (ASL) program. She didn’t like how he targeted JMS. Mr. Noyce, who was starting his third year as superintendent, insists the programs had been supported equally (Winters, Salt Lake Tribune, August 26, 2011). Noyce said, “The listening-and-spoken language program has become increasingly popular in recent years as technology for digital hearing aids and cochlear implants has improved. About 70 percent of parents choose the LSL track for their deaf and hard of hearing students before they enter preschool. Students learn to listen and speak and most are able to return to their neighborhood schools by third grade” (Winters, Salt Lake Tribune, August 26, 2011). He also said few students are moved from the LSL to ASL program, but it does happen (Winters, Salt Lake Tribune, August 26, 2011). Little did he realize that a large number of 3rd graders with no language skills were usually enrolled at JMS after failing the LSL program?

There were many factors that caused low academic achievements among JMS students that Mr. Noyce failed to include in his report. Similar to Simultaneous Communication and Total Communication programs in the past, the ASL/English Bilingual program was used as designated for “oral failures” as well as for students with additional disabilities. Additionally, a lot of Hispanic students from Spanish-Speaking

families were admitted at JMS due to the concept of bilingual education. Understandably so, these factors contributed to their language delays. As for the LSL students, Jill was worried that parents are choosing the LSL program regardless of their children's abilities. Students who do not learn to listen and speak as readily as their parents had hoped are then sent to the ASL program as a fallback (Winters, Salt Lake Tribune, August 26, 2011).

In Jill's resignation letter, she wrote that, "Under the current educational structure, 'failed' students are given a second track through which to learn, but years of development are lost in the process." As a result of these lost years, these improperly served students of Schools of the Deaf are forced into a game of continuous 'catch-up.' The culture of 'failure' is thusly perpetuated" (Winters, Salt Lake Tribune, August 26, 2011). Since the Dual Program was implemented at USD in 1962, Jill clearly illustrated her concern with a nearly 50-Year cycle that existed today with no improvement.

Jill was not alone in this situation. JMS parents and members of the Utah Deaf community were appalled with Noyce's report too. The report did not show the entire truth behind as to why the JMS' academic achievement scores were low, as explained earlier. It was believed that he twisted the statistics around to suit his purposes and possibly wanting to cancel both JMS and KBS (Kenneth Burdett School of the Deaf in Ogden). Mr. Noyce said, "It really shouldn't be a reflection on the teachers or JMS. We need to find out why the scores are lower and know what we can do to fix that." "The measure of success for all of our students is how well they can read and write and use math. Our role as educators, frankly, is to teach them to read and write. Whether they speak or use sign language is not the important part" (Winters, Salt Lake Tribune, August 26, 2011). The Utah Deaf Education Core Group did not believe a word Noyce said. They suspected that they, including JMS PTA were punished by corrupt statistics for standing up against inequality.

After the Advisory Council meeting, Jill submitted her powerful, inspiration resignation letter, as follows:

August 25, 2011

To Whom It May Concern:

To be a leader, one must have courage, passion, and vision. It is beyond doubt that USDB's current superintendent has courage; he fears nothing and no one. It is also true that he is possessed of the passion and vision to promote the listening and spoken language skills for Deaf and hard of hearing children (and I use the capital 'D' here to emphasize the specific and separate cultural and linguistic community of Deaf, hard of hearing, and hearing individuals). Yes, he fulfills the three necessary attributes of the leader – but in this case, he does so under only one specific methodology. Unfortunately, he has been chosen the leader of a school with the vision of a dual track. His leadership is therefore ineffective in its current application. Without dedicated support for ALL programs, schools, and classes, the office of the superintendent will continue to fall short of its responsibilities.

Through my years of service to my position, it has become increasingly evident to me that the problem goes much deeper than this office. Quite simply, the system in Utah is broken beyond repair. As long as the current climate remains status quo, the battle will be ongoing for Deaf and hard of hearing students hoping to be educated in their natural language. The attacks on Schools of the Deaf will continue unabated. The students of these schools will forever shoulder the blame for a desperately flawed system – a system that allows students who have “failed” the LSL or mainstreaming approach to be given the opportunity to learn using American Sign Language as their means of communication. Under the current educational structure, “failed” students are given a second track through which to learn, but years of development are lost in the process. As a result of these lost years, these improperly served students of Schools of the Deaf are forced into a game of continuous “catch up.” The culture of “failure” is thusly perpetuated.

It has become evident to me that I can no longer serve an office that continues to blame these “failures” on the student rather than the system itself. Further, I can no longer in good conscience serve a system that views the Deaf community as an enemy to be silenced at all costs. And I can no longer be a part of an office that does not value the individuals most dedicated to improving the life experience of others like themselves.

In my years of service, JMS has become a part of my soul. It devastates me to have to write this letter. I have tried to put my feelings behind me and do what I think is right from within my current position. But at the time of this writing, I have found clarity. As long as I remain in this post, I am hindered in my ability to fight for the ensured success of all students

served in the Utah education system. If I hope to exact real and measurable change, I simply cannot continue to work for a superintendent who so blatantly demoralizes the efforts, dedication, and passion of the faculty and staff at JMS. And so with a heavy heart, I submit this letter of resignation. I anticipate my last day two weeks from today and request administrative leave until that date.

While this is a letter of resignation, it is not a concession. I will continue to fight as a Deaf adult for the rights and needs of Deaf and hard of hearing children all across this great state. I will not rest until students such as these have access to a visual language (ASL), literacy skills, and oracy skills.

Sincerely,

Jill Radford, Ed.S.

Regardless of Jill's "unprofessional" resignation, she was applauded for standing up for deaf children's rights to education and she was considered a hero. However, on the contrary, the State board member, Leslie Castle, who also served on the USDB Advisory Council said she was "disheartened" by the timing and manner of Jill's resignation. She also said, "It did not serve the students of JMS, and it was all done with a finger pointed at Steve Noyce, who was guilty of none of those things. I found that to be unprofessional, at best." Additionally, Leslie stated, "The board has made the decision that, right now, he is going to serve as superintendent of USDB," said state board member Leslie Castle, who also serves on the USDB Advisory Council. "This controversy that Steve Noyce has been dealing with has been going on for years. It did not start with Steve Noyce and it will not end with Steve Noyce, whenever Steve Noyce leaves" (Winters, Salt Lake Tribune, August 26, 2011). Alan Wilding, a member of the Deaf community said, "It was disappointing that Leslie Castle said this. She has had a chance to talk with many people who had given her plenty of evidence, personal accounts, and information on Mr. Noyce's mishandling of USDB; especially USDB funds. Leslie probably knew that Noyce had done many things wrong and it was unfair for her to criticize Jill for her decision" (Alan Wilding, personal communication, August 26, 2011). The Core Group was also unhappy with Leslie's comment. It may appear to the general public that the timing of the resignation was bad, but they knew the real reason behind it. It did reveal

the mentality however and the 'victim' picture they knew Mr. Noyce was painting for the Board. The Core Group didn't understand why Leslie would say something like this. Eventually, it was discovered that Mr. Noyce was constantly saying good things, positive things, about JMS and they can't figure out why the Core Group continued to have a problem with him (they saw him as supporting JMS.) It was an analogy of an abusive husband to describe Mr. Noyce's dealings with JMS and the Board. With Mr. Noyce's being "two-faces," the Board did not know 'the beatings' that went on behind closed doors!

Jacob Dietz, a father of two deaf children in preschool at JMS was sad to see Jill go. He and his wife were considering a move to Washington State, California or Colorado, where they believed state schools are more supportive of education in ASL. He said, "It's one less advocate that we have in the education system fighting for our kids," he said of Radford. "I also understand she's been fighting an uphill battle for the last couple of years and it's hard to do that" (Winters, Salt Lake Tribune, August 26, 2011). Giving an example like this, Jodi B. Kinner feared more JMS parents planned to pull their children out of JMS. Via Facebook, she asked them not to pull their children out of the school or it could create more harm than good. Besides, this was probably what USD would have wanted. She also asked them not to let USD win. She encouraged them stand together and united!

JMS parents and the Utah Deaf community were also sad to see Jill leave. They had never seen Jill as someone who dictated work without becoming personally involved. In fact, she had been consistently involved in every aspect of JMS from the top down. JMS had been her whole life, to the detriment of her own health and personal well-being. After her resignation, she was committed to continue to fight as a deaf adult for the rights and needs of deaf and hard of hearing children in the State of Utah.

Brittany Watterson, a former USD student said an excellent analogy of Mr. Noyce on her Facebook profile that, "When there is a will, there is a way. Noyce is a good example. He is very passionate about his flawed beliefs and even after many battles we have taken out on him, he is still standing strong" (Brittany Watterson, personal

communication, August 26, 2011). While Mr. Noyce stood strong, her analogy applied perfectly to the UDE Core Group's constant battling and struggling with him.

Did You Know?

On August 23, 2011, the ASL/English Bilingual program at the Ogden Campus was named in honor of Kenneth C. Burdett who had a long history connected to the Utah School for the Deaf.

As per Trena Roueche', a new Associate Superintendent of the USD's suggestion, and after much discussion with faculty, staff and students they made the decision that their North Division program must have a name. They feel it would help students establish a connection to the Deaf culture and community. This will, in turn, help them gain a stronger identity as a Deaf person.

During the naming process, three names that had been chosen to vote upon and they were: Kenneth C. Burdett, Henry C. White and Elizabeth Wood. These names were chosen with input from past and present administrators, parents, and students of USD. Each of these individuals was chosen because of the impact that they have had on the education of Deaf students in Utah. As a result, Kenneth C. Burdett won with the most votes. His son, Ron Burdett joined the celebration during the announcement of a new name at the "Back to School Night."

On September 29, 2011, the USD held a Plaque Hanging Ceremony in honor of Kenneth C. Burdett. Ronald, his wife, Joyanne and his sister, JoAnn gave a speech, sharing their heartfelt memories of their father. The plaque along with a portrait of Kenneth are now hanging in the hall at the Kenneth C. Burdett School of the Deaf. His name will long be remembered. See a "*Biography of Kenneth C. Burdett*" manuscript for more information about him.

Two Deaf Leaders Meet With Dr. Martell Menlove

Shortly after Jill's resignation, she met with Dr. Martell Menlove on September 7, 2011, where he assured her that he wanted the Utah Deaf community's voice to be heard. He said he respects several people who were part of the community. His concern was that the Utah Deaf Education Core Group's actions silenced their "voice". Dr. Menlove mentioned the vigil at USOE on May 5, 2011 and mentioned receiving threatening phone calls where people would not identify themselves (The Core Group

was unaware of the threatening phone calls and were not responsible for it). Jill clarified to him that when the Core Group was not heard the natural reaction was to be seen. In the past two years, the Utah Deaf community had taken numerous venues to let the board know they were displeased with what was happening. When the response from the board was “no action”, the Core Group felt it was time to be seen since they were not being heard.

In response to her question about why the superintendents’ performance was being set aside, Jill did not receive a direct answer. Instead, the question Dr. Menlove posed to her was, "If not him, who? The Deaf community will never be appeased unless it is someone from the Deaf community appointed to that position.” Jill told him that was not true. If someone were appointed who was more a CEO and represented all of the programs there would be more working together instead of against each other.

Jill mentioned some changes she thought needed to be made, as follows:

1. Parent Infant Program - giving child opportunity to learn both ASL and Spoken English right from the start and then following the child’s lead.
2. Annual report needs to be given by the Associate Superintendent Trena Roueche.
3. She posed the question of what happens to the LSL students after they are mainstreamed. What happens to those students when they get to the third grade and are expected to read to learn instead of learning to read?

Overall, Jill felt the meeting was favorable and promising. She left feeling the Core Group had an ally in Dr. Menlove if they use their resources appropriately and professionally. Jill asked Dr. Menlove to help the Core Group, including Jill to know how to make a partnership between the community and the board. They both agreed it would take educating both sides. Dr. Menlove asked to keep in touch and mentioned that he planned to keep his door open to all of concerned community members and wanted to work with them.

After the meeting, Jill advised the Core Group to use the relationship with Dr. Menlove but it has to be done the right way or they will "silence" ourselves again (Jill Radford, personal communication, September 7, 2011).

Two weeks later on September 23, 2011 Jeff Pollock, a Deaf representative of the USDB Advisory Council met with Dr. Menlove regarding the Core Group's approach with Utah State Board of Education (Many of his points made with Jill were made with Jeff) Dr. Menlove stated that the Utah Deaf Community's vigil at the State Board meeting on May 5, 2011 did not have a positive effect on the Board. The Board members commented that the Utah Deaf Community was protesting BEFORE the Board even made a decision. This was their view of the situation. Additionally, Dr. Menlove stated that, after this meeting, someone called him through the relay service & threatened to sue (the identity of that person is unknown). The majority of the Board looked at the Utah Deaf community as if they'll never be satisfied. Jeff advised the Utah Deaf community to ensure that their approach and comments to any legislative or decision-making body are respectful and presented in a way that people in authority will listen. Jeff was aware that people in authority hadn't listened thus far, but he said Dr. Menlove took time to meet with Jill, with Jeff, and also with Dr. King Freeman and Curtis Radford recently.

During the meeting, Jeff informed Dr. Menlove that Utah Association for the Deaf had an Education Committee and recommended him meet with Dan Mathis, the new chair. Together, they can provide the USOE & USBE with evidence that all deaf children can be effectively educated using ASL & English bilingual education if we eliminate the 'Y' system or "either/or" approach and bring parents together instead of separating them.

Jeff explained to Dr. Menlove about JMS and how it was established out of dissatisfaction with USDB. Jeff expressed his concern that JMS appeared becoming the "dumping ground" for student with multi-disabilities, for which it wasn't intended. He clarified that deaf children with multi-disabilities had the same need to learn ASL, will need other services under the special education umbrella, and they had a place at JMS. Jeff elaborated those Deaf children who were just deaf need to be viewed as a language minority needing education in their language, not as needing Special Education.

Jeff shared a story about one of Dan's ASL students, a mother of a child with cochlear implants. The child was initially in Listening Spoken Language program but

since she wasn't improving with her spoken language, she was labeled as having behavioral issues. The child transferred to JMS and was (or is?) thriving; even her spoken language was improving. The mom was thrilled. Jeff pointed to him was that ASL enhanced spoken language abilities for children and having ALL deaf kids learn ASL will be beneficial to their overall education. Thus, there is no need to continue with the 'Y' approach. Dr. Menlove said he heard the opposite from other parents. Jeff challenged him to find empirical proof of that.

Jeff then showed Dr. Menlove the student academic records that he had gathered, emphasizing how mainstream kids were performing way below their hearing peers and yet, they were being graduated on time. They weren't prepared for college, can't get a job, and end up relying on SSDI and welfare. Dr. Menlove seemed interested in this.

Then, they talked about money. Jeff asked if he knew what the \$440,000 that was given to Sound Beginnings was used for. He said that Steven Noyce told him it would be used for two classrooms in Logan that would normally cost \$600,000, saving USDB \$200,000. Jeff said that USDB could save a lot of money if they eliminate the 'Y' approach, ensuring all deaf and hard of hearing students learn ASL.

Overall, Jeff felt it was a good meeting. He observed that Dr. Menlove and the USBE had a lot to learn and the Deaf community had an obligation to educate them in order to improve the system. Jeff observed that the Core Group website, the vigil, negative comments, and threats weren't working. While the Core Group was in the process of merging with the UAD Education Committee, Jeff advised that the future UAD Education Committee to be a watchdog group and to provide USBE with data on the number of former USDB students on SSDI as well as those employed or going to college would also be worthwhile. He also said people in authority need to hear some JMS success stories and asked that the community be part of the solution! Jeff felt data was a good way to get the UAD Education Committee off to a good start (Jeff Pollock, personal communication, September 23, 2011).

Dan Mathis Appoints New Chair of the UAD Education Committee

In order to continue and expand the Utah Deaf Education Core Group's passion and work, the group merged with the Utah Association for the Deaf (UAD), bringing back UAD's Education Committee into full operation on October 1, 2011.

Dan Mathis has been chosen to chair the committee, which will be a collaboration of individuals and constituents dedicated to promoting academic and social success for Utah's deaf and hard of hearing children. With UAD's representation and leadership the committee will pursue the Utah Deaf community's endless goal for deaf and hard of hearing children to receive best possible opportunities in their education. The Core Group appreciates the community's support in their endeavors to improve deaf education in Utah.

Dan's vision is to witness the growth of this effort and collective partnership between communities, organizations and groups to help current and future deaf and hard of hearing children and their families in this state. There is an urgent need for a united VOICE. A famous saying beautifully wraps this up: "It takes a village to raise a child" (Dan Mathis, personal communication, October 2, 2011).

Parents of Deaf Children Must Navigate Sounds, Signs and Choices Early

On October 7, 2011, Molly Farmer, a Deseret News reporter, published an article entitled, "Parents of Deaf Children Must Navigate Sounds, Signs and Choices Early",

highlighting the experiences of one hearing family, Phil and Shelli Rosbach from Kaysville, Utah.

In this article, Day Mullings, director of the USDB deaf Parent Infant Program (PIP), explained that the Parent Infant Program has had its share of controversy, with recently some members of the Utah Deaf community saying parents were being unfairly influenced to enroll their deaf or hard or hearing infant/toddler into the Listening and Spoken Language PIP program. She said, "We were getting lots of feedback that parents weren't getting the information that they needed...." She insisted that, last December [2010], the PIP had worked to address any gaps in information to parents by setting up a new orientation program where specialists would be the first point of contact for all families that receive word their baby is deaf (Farmer, Deseret News, October 7, 2011).

Ann Lovell and Sharelle Goff (deaf and parent of 4 deaf children) are two such PIP Orientation specialists. They "champion[ed] the very different language philosophies and made sure that they were present at every in-home family appointment..... Together, they met with every new referral to explain their options....They agreed that the family is the boss of the decision-making process (Farmer, Deseret News, October 7, 2011). This new parent orientation plan seemed to be more fair as it provided more students moving from the PIP into the ASL/English Bilingual program housed at the Jean Massieu School under USDB. There were sixteen preschoolers at JMS during the 2010-2011 school year. This was probably the largest enrollment they've had.

The Rosbachs experienced pressure from families and experts both within and without the schools on what is the "right" way to teach a deaf child, something that made the decision-making process even more difficult. Phil said, "During that process, a lot of people tell you if you do implants, you should not sign" (Farmer, Deseret News, October 7, 2011). In their frustration, the Rosbachs turned to a parent-driven organization called Hands and Voices for the support they needed.

Phil and Shelli Rosbach finally chose the ASL/English bilingual option for their son, Colton, who was 28 months old, even though they elected to have cochlear implants. They went through quite a process to decide what their family would need to learn in order to communicate with their son, especially when he didn't have his hearing aides or implants on. Shelli was concerned that the USDB ASL-English bilingual specialist only came to their home about twice a month to teach the family sign language. She felt that wasn't often enough if her family was to acquire adequate signing skills. The Rosbach's also had to go elsewhere for Colton's speech therapy (Farmer, Deseret News, October 7, 2011). This has been one disappointment from the current deaf PIP program. In 2009-2010 USDB made the decision to separate the infants-toddlers-children who were in the signing program from those in the listening-and-spoken language program. This didn't make sense since the bilingual program has an oral (listening and speech) component. Why couldn't the Rosbach's tap into both of these components of the bilingual program through the school for the deaf?

“Ms. Mullings stated that USDB had opted not to teach LSL and ASL simultaneously because research shows it isn't effective.” (Farmer, Deseret News, October 7, 2011). The question is: What research? In a Letter to the Editor written by Bronwyn O'Hara, she wanted to know to what research was Ms. Mullings referring. (Letter sent October 15, 2011 but not printed in the Deseret News).

Isn't it ironic that Ms. Mullings had come out against supporting a true bilingual approach to educating deaf infants/toddlers much like Dr. Grant Bitter did in 1977? The occasion was at the conclusion of a two-year study done on teaching methods in use at USD. Dr. Jay Campbell, who conducted the study at the request of the Utah Department of Education during the years 1975-1977, recommended procedures be established for parent orientation and student placement because of parents' ignorance of USD programs availability. He wanted a pamphlet provided that explained the two programs and their different communication methodologies. It was emphasized that this brochure would be updated periodically with summaries of the empirical research (Campbell, 1977). However, Dr. Bitter objected to the plan of educating parents because he thought using speech and sign at the same time was a philosophy not a method of teaching (Dr. Grant

B. Bitter, personal communication, February 4, 1985). For some reason, Dr. Bitter's objections were supported by the State Board of Education and Dr. Campbell's plan of informing parents collapsed. While it's an improvement to inform and educate the parents about USD's programs, it was disturbing that school administrators still misunderstand the connections between American Sign Language and Spoken English.

In the intervening 40 years the Utah Deaf community had learned a lot more about bilingual education. Bronwyn pointed out that American Sign Language and Spoken English could be compatible in the same way any bilingual languages in the classroom are compatible. She said, "We've learned a lot from the Spanish-speakers who have come to our country as education has accommodated their children. English as a Second Language (ESL) has worked. The deaf and hard of hearing children can be viewed as English-Second Language learners. The principles that govern bilingual speakers can work" (Bronwyn O'Hara, personal communication, October 10, 2011).

The current USDB superintendent, Steven Noyce, told Molly Farmer that he felt claims that he favored the Listening and Spoken Language program in PIP are unfounded. His view was that "all programs have taken hits amidst recent economic turmoil. He said the schools have faced challenges and cut backs that he and his staff are trying to work through. 'We have some needs that are really unmet.... We don't have the personnel always that we want.....'" (Farmer, Deseret News, October 7, 2011).

Dan Mathis, the newly appointed chair of the Utah Association of the Deaf's Education Committee, thought that the Deseret News article brought up one huge truth, which has not been addressed by the state deaf school or the State Board of Education: there are lots of parents like Colton's who want to have every possible method of communicating with their children. This means being able to learn both signing as well as listening and speech methods. Mathis said the UAD Education Committee can take on questioning the USD's administration's claims that they're doing the right thing and that they are short-funded and short-staffed. However, rather than a combative approach, he preferred that the committee focus on working with the USD administration and

parents to ultimately provide what is most important for the deaf and hard of hearing infants-thru-teens citizens: setting up a means of providing a true and decent appropriate education for them in our state (Dan Mathis, personal communication, October 11, 2011).

Utah State Board of Education Outs USDB Superintendent Steven W. Noyce

After the Utah State Board of Education decided to renew Steve W. Noyce's contract as superintendent for the Utah Schools for the Deaf and the Blind, the Utah Deaf Education Core Group ran out of options and remained quiet for two years. Moreover, the JMS's Parent Teacher Association was discouraged from participating in any politics. Many deaf advocates were left hurt and betrayed from Noyce's deception and Utah State Board of Education's antics.

During the Utah State Board of Education meeting on January 10, 2013, they voted unanimously, in open session, not to renew Noyce's appointment. Debra Roberts, state school board chairwoman, declined to report why the board has decided not to renew Noyce's appointment, citing privacy concerns. She added that there was no wrongdoing and the board has been discussing the issue for months (Schencker, Salt Lake Tribune, January 10, 2013). Noyce was surprised by the news. He said, "There's been long-standing controversies at the school. I don't imagine that's the reason, though, because, frankly, for the last 18 months things have been very, very quiet" (Schencker, Salt Lake Tribune, January 10, 2013).

During the interview on that day, Noyce denied that he favored one approach over another. He said, "The school created an orientation video for families and sends two adults, one from each pathway, to visit families to make sure they understand their options. I think we've gone to incredible lengths to make sure families are given enough information to make informed choices" (Schencker, Salt Lake Tribune, January 10, 2013). Roberts observed that, "It's a very challenging assignment of being a leader at USDB. It's very challenging to meet the needs of the kids there." The author begs to differ. If we have both National Agenda and Deaf Child's Bill of Right in place, it would

help improve all aspects of inequality in the Deaf Division and its flawed implementation of the Deaf Division at the Utah School for the Deaf. During the public interview for the USDB superintendent position in 2013, one of the candidates, Larry S. Taub, deaf, former executive director of the Pennsylvania School for the Deaf and superintendent of the Governor Baxter School for the Deaf, basically noted the importance of utilizing and complying with the national agenda (Utah Public Education, May 22, 2013). That being said, this is the whole purpose of the National Agenda and Deaf Child's Bill of Rights. Yet, he was not hired for the job. Little did the state board, that conducted the interview, comprehend the concept of the national agenda that could benefit the Utah School for the Deaf?

The author can't help but wondering what is the better approach. Should we become more submissive or proactive with the political process? Imagine what would happen if the Utah Association for the Deaf leaders back in 1960s-70s and the Utah Deaf Education Core Group did not speak up or guard American Sign Language as well as state school for the deaf? Would that be possible that ASL would have been completely extinguished if we remain submissive? Would ASL/English Bilingual education be impacted? Would Jean Massieu School of the Deaf and/or Kenneth C. Burdett School of the Deaf ever exist? Would the oral education movement have swept throughout the state of Utah?

National and Local Impact of Utah Oral Leaders

For years, the Utah Deaf community has battled with three Utah Oral leaders, Dr. Grant B. Bitter, Dr. Karl R. White and Steven W. Noyce.

Since the Utah School for the Deaf (USD) provides Dual Track Program: Listening and Spoken Language (LSL) (replaced oral) and ASL/English Bilingual, Utah is viewed as a beacon to the LSL community. Utah LSL advocates, especially Steven W. Noyce, former Utah Schools for the Deaf and the Blind Superintendent, are using USD as a model nationally (Steven W. Noyce, personal communication, March 12, 2010;

Winters, The Salt Lake Tribune, February 21, 2011). South Dakota School for the Deaf is probably the first state school to initiate the USD Dual Track model at their school, in 2005 (Timothy Chevalier, personal communication, June 6, 2011).

Led by Theresa Bulger, the proponent of the Oral Only Option Schools Group (OOOS), a new grassroots organization influenced by the Alexander Graham Bell Association, are attempting to replicate the USD Dual Track model and its outreach services. They have been lobbying various states to promote the LSL option. They have succeeded in Florida, Delaware, Washington State, Pennsylvania and North Carolina. The Utah adherent of the LSL program, Dr. Karl R. White, spoke to the California Legislature, encouraging it to pass AD 2072. They tried in California in 2010 and the AD 2072 bill was vetoed by Governor Arnold Schwarzenegger due to immense pressure from the California Deaf community.

Some states are attempting to implement the LSL option in state schools for the deaf or legislating LSL by including oral school option as a choice across the country. Their mission has succeeded in Indiana (during the protest, Indiana Governor Mitch Daniels contacted Noyce regarding the outreach services at USD). In Delaware, (Steven Noyce was the keynote speaker at the Conference on Deaf Education and the topic was Dual Track Program) also succeeded in 2011. Deaf education in those states was impacted. Dr. White also spoke to the Indiana Legislature, encouraging them to pass HB 1367, and this bill passed despite the protest of the Indiana Deaf community.

As for Utah, oral and mainstreaming movements have impacted our deaf education since 1962 and the leader was Dr. Grant B. Bitter. He was in 'power' for 25 years from 1962 to 1987. With his effort in 1962, a new policy at the USD embraced the Dual Division (Oral Division and Simultaneous Communication Division). High school students were unhappy with the Dual Division and held a strike in 1962 and again in 1969 on the USD-Ogden campus. No one listened.

At the Utah State Board of Education meeting on April 14, 1977, Dr. Jay J.

Campbell, a Deputy Superintendent of the Utah State Office of Education and an ally of the Utah Deaf community, recommended that the "two track system" be continued in completely separate programs in order to solve the internal/external issues, reduce the competition, as well as relieve the tension between these two programs. He also asked that each program have its own dean, supervisor, principal, teachers and students emphasis (Campbell, 1977). However, Dr. Bitter and 300 parents spoke against his study as well as recommendations (Cummins, The Salt Lake Tribune, April 15, 1977; Peters, The Deseret News, April 15, 1977; The Ogden Standard-Examiner, April 15, 1977). As a result, Dr. Campbell's plan collapsed. His two years of comprehensive study with recommendations of improving education through fair evaluation and placement procedures was buried and forgotten (Dr. Jay J. Campbell, personal communication, July 1, 2007). The trend at USD of establishing inappropriate placement procedures continued partly due to unshared information.

Among one of the few top oral leaders, Dr. Bitter strongly espoused hard-core oralism. He had an impact; he attacked residential school and the popular use of sign language (Baldwin, 1990). It was difficult for the Utah Association of the Deaf to battle with Dr. Bitter because he had the influence of parents and leverage to increase his power to promote oralism in deaf education. He retired in 1987 after the Teacher Preparation Program in the Department of Special Education at the University of Utah was closed in 1986 (Bitter, A Summary Report for Tenure, March 15, 1985). Dr. Bitter passed away in 2000.

When Steven W. Noyce became superintendent of the USDB in 2009, the Utah Deaf community feared that he would try and carry on Dr. Bitter's legacy. Noyce was no stranger to Utah. The Utah Deaf community was aware that he was a former student of the Oral Training Program at the University of Utah during the early 1970s, under the guidance of Dr. Bitter. Recommended by Ella Mae Lentz, a co-founder of Deafhood Foundation and well-known deaf education advocate, the Utah Deaf Education Core Group was formed and their mission was to end his contract. Noyce was superintendent for four years.

Dr. Karl R. White, a Professor of Psychology at Utah State University, founder of Sound Beginnings and founding director of the National Center for Hearing Assessment and Management (NCHAM) at Utah State University, aims to use Early Hearing Detection and Intervention (EHDI) programs in the United States and internationally as a way to build an international database of causes of hearing loss and increase genetic services by training of medical professionals (Clark and Riker, 2010). Under his NCHAM direction, his promotion in Listening and Spoken Language and cochlear implants could have a direct impact on the availability of sign language learning as well as state schools for the deaf nationally and internationally.

For more information about how Utah impacts other states, see [Appendix](#) that was submitted to those organizations offering Utah Deaf community services through collaboration with the National Association of the Deaf at the national level.

In order to protect and preserve ASL/English Bilingual education and state schools for the deaf, the National Association of the Deaf, American Society for Deaf Children, Deafhood Foundation, and Deaf Bilingual Coalition are keeping a close eye on Dr. White.

Dr. Robert G. Sanderson's Dream

With a long history of political controversy over the circumstances surrounding the inequality of Deaf Education that existed in Utah, especially since 1962, the parents and Utah Deaf community will not settle for anything less in assuring that Dr. Robert G. Sanderson's dream becomes a reality! The Utah Deaf community has only advocated for equal, unbiased information to be passed on to parents. The Utah School for the Deaf has a long way to go to improve its quality of services and education to serve deaf and hard of hearing children. For years, the deaf and hard of hearing students were continually

subdivided by teaching methods, communication methodology, programs, educational philosophies, and LRE issues.

MY DREAM

“This is my dream and only mine. I’ll share it with you, even through some of you may think it’s more like a nightmare.

I dream:

That every deaf child in Utah will get an education as good as if not better than that provided to normally hearing children in the public schools;

That every deaf child will be encouraged and helped to develop his or her own identity as a person who is deaf, and who is not ashamed of deafness;

That each child will be carefully evaluated by unbiased professionals who have the best interests of the child at heart, rather than their personal philosophies.

I dream:

That there will be high quality options for parents who wish only the best for their children who are deaf, such as:

- A top-quality comprehensive residential school for deaf children who live far from urban schools;
- A high quality day school with proper grading K-12 in a central division location in each of the major cities, SLC, Ogden, and Provo—in which children who are deaf may interact freely with their peers;
- Schools in which communication philosophies fit the child, and not the child to the philosophies.

I dream:

That these quality schools will have:

- Administrators who know how to motivate and get the best out of their teachers;
- Top-quality professional teachers who not only understand the subjects they teach, but deafness as well, and who will earn salaries commensurate with the special skills they have;
- That all graduates of the Utah School for the Deaf will score in the top 20% of all high school graduates statewide, and will qualify for higher education if they so desire.

I dream:

That there will be a program to get parents involved with adults who are deaf, to learn that we are anxious to help and to share our real life knowledge of what living with deafness is like.

And yes, I dream that we can all work together to make it happen!

(Sanderson, UAD Bulletin, July 1992).”

It is Dr. Robert G. Sanderson’s dream that we can all work together to make it happen. In light of everything happening in the deaf educational system in Utah, Dan Mathis, a grandson of USD Alumni, Jack and Vida White, hoped the publication on the history of Utah's Deaf Education will make a huge impact on the young generation who will one day influence the social structure in their world today and help shift the paradigm in order to keep improving the quality of life, especially in education for deaf children. As not to repeat the "bad" history...no more Utah's "Bitter begat Noyce" cycle (Dan Mathis, personal communication August 8, 2011).

As of 2016, Joel Coleman, a former member of Utah State Board of Education, is the Superintendent of the Utah Schools for the Deaf and the Blind. Michelle Tanner, a long time teacher and deaf education advocate, has been promoted to become an Associate Superintendent and Aimee Breinholt, also a long time teacher, has become a director of Jean Massiue School of the Deaf. Mike Hillstrom, a long time teacher and a former Athletic Program Director of the Utah School for the Deaf, was appointed as the new director of the ASL/English Bilingual Program at Kenneth Burdett School in Ogden.

He was also in charge of the Listening and Spoken Language program in that area. As for the Parent Infant Program, Dr. Paula Pittsman, a co-founder of Deaf Mentor Program, is now the Director of this program. For more than 50 years, the Utah School for the Deaf finally has the right administrators to provide an equal deaf educational system.

Utah has a long way to go and yet, a short time to develop the national agenda to achieve educational equity for deaf and hard of hearing students as well as to achieve Dr. Robert G. Sanderson's dream. When the national agenda is established, Utah may be one step closer to getting the Deaf Child's Bill of Right and deaf child's language acquisition assessment bill (California's SB 210 bill) passed. Please refer to "*Final Thoughts on Deaf Education in Utah*" manuscript for guidance on what needs to accomplish. We can have greater impact if we collaborate successfully as partners on achieving equality of deaf education for all deaf and hard of hearing children in Utah.

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