

The Evolution of Deaf Education in Utah

Part IV

An Evolution of the ASL/English Bilingual Teaching Method in Utah

Written & Compiled by Jodi Becker Kinner

Edited by Bronwyn O'Hara

**Contributing Edited by Valerie G. Kinney and
Minnie Mae Wilding-Diaz**

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Note

After working on the "The Evolution of Deaf Education in Utah" project, I have gained deep respect and appreciation for the Utah Association of the Deaf and their campaigning vigorously, tirelessly for the better education and services of the Deaf. The key people are included in the document so their names can be remembered and honored. My hats off to UAD and the key people!

It is not intentional to make Utah School for the Deaf or particular parties look bad, but to help give a clear picture of what happened historically from the eyes of the Utah Deaf community and their allies, including hearing parents of Deaf children. *The History of Deaf Education in Utah* has never been recorded from a Deaf perspective and it should be a very valued perspective. Additionally, it is intended to highlight Utah Association of the Deaf and Utah Deaf community members' fierce ongoing struggle to protect and preserve sign language and Utah School for the Deaf.

As Robert Heinlein stated, "A generation which ignores history has no past and no future," it is vital for us to be aware of a long history of political controversy over the circumstances surrounding the inequality of Deaf Education that existed in Utah to become better advocate for Deaf children's rights to language and communication.

Acknowledgement

I am highly indebted to a number of people who were integral to the completion of this *Deaf Education in Utah* project. I am grateful to all of them for their support and contribution to make this project happen. First and foremost, I want to thank my husband, Duane and my children, Joshua and Danielle for their endless patience with my obsession throughout this project over the years. This project has been a long time in the making, and would not have been possible without the help of many people.

I would like to show my deep sense of gratitude and appreciation to my father-in-law, Kenneth L. Kinner for sharing the fascinating *Deaf Education History in Utah* with me. Without his encouragement and guidance this project would not have materialized.

I wish to express my gratitude to Dr. Robert G. Sanderson for inspiring me to do my homework to make this project happen. I also gratefully acknowledge the enthusiastic support from David Mortensen and Eleanor McCowan while working on the project. I also wanted to thank my parents, John and Jeanne Becker for being my supporter in completing this project.

While compiling the large amount of historical information, I want to express my deeply appreciation to my colleague, Julie Smith for her assistance to “unstick my stuck” in the writing and thinking process.

Again, while employed in the Disability Resource Center at Salt Lake Community College, I wish to thank my former boss, Rod Romboy for giving me the flexibility to participate in political efforts to address the education quality issues, especially its education gap. None of this would have happened without his support.

Apart from my own efforts, I wanted to extend my sincerest thanks and appreciation to Valerie G. Kinney and Minnie Mae Wilding-Diaz for donating their time revising and editing this document. My heartfelt appreciation goes to my editor, Bronwyn O’Hara’s contribution to editing.

Finally, I wanted to thank Doug Stringham for sharing the version of the manuscript with Dr. Bryan K. Eldredge and making a senior level "special topics" class called "Deaf Education in Utah” possible at Utah Valley University in 2011 and again in 2016. I wanted to thank Dr. Eldredge for teaching this course in order to increase awareness of the Deaf educational system in Utah and to become a better advocate for ASL/English bilingual education.

Jodi Becker Kinner

Total Communication programs in the United States were gaining in popularity during the 1970s because, at the time, educators of the Deaf believed this modality satisfied the visual needs of Deaf children. However, there arose some questions whether the children were acquiring language. Linguists and educators in the United States, Sweden, France, and Denmark began to do research to determine if bilingual education could be applied to the education of Deaf children. As a result of these studies, the consensus among these professionals was that the natural sign language of Deaf communities should be used in educational settings for Deaf children. Furthermore, they explained that more culturally Deaf teachers should be hired. They would become, not only language models, but also positive Deaf-adult role models for the students under their tutelage. Their native use of the language could fill the acquisition gap that their hearing parents or hearing teachers could not fill.

In 1981, a milestone for the Deaf was achieved when Sweden passed a law granting Deaf people the right to a bilingual education. In this situation it was Swedish Sign Language as the primary language of instruction in the schools for Deaf children (Erting et al., 1989). Sweden became the first country to recognize Swedish Sign Language as the first language of Deaf people. It was ten years later, in 1991, when the Danish government followed suit as they mandated Danish Sign Language as the language of instruction for their Deaf students (Timmermans, 2003).

In the United States, the bilingual-bicultural movement was launched in 1989 at The Learning Center for the Deaf, a private school located in Framingham, Massachusetts. This ushered in a wind of change that would begin to slowly spread. In 1990 the Indiana School for the Deaf became the first state school for the Deaf to implement the bilingual program. Other state schools for the Deaf began to follow this trend. This Bi-Bi movement, as it came to be called, came after 30 years of research and documentation on the necessity of using American Sign Language (ASL) in the classroom for Deaf children, as the language of instruction and the vehicle for Deaf children to learn written English (Minnie Mae Wilding-Diaz, personal communication, March 29, 2010). See Appendix A of the Schools Who Use Both ASL and English.

While these exciting changes were taking place in the field of Deaf education in the early 1990's, the Utah School for the Deaf (USD) refused to offer the bilingual route. Their existing programs were categorized as the Oral-Aural program and the Total Communication program. These two programs had been in place for many decades and still did not solve the concerns that the Utah Deaf community had about literacy among Deaf students. The local Deaf community questioned whether the language and communication needs of their students were actually being met through these two mutually exclusive programs. At this time, when parents enrolled their Deaf child (ren) at USD, they had to choose between the two options. There were some who were not satisfied with these choices (Butters, *Deseret News*, July 17, 1995. p. A1). As the research done on American Sign Language was coming to the foreground, there was every indication of its success in academics. Deaf professionals, Utah Deaf community members, and a few parents in the state were asking, "Why couldn't [ASL] be used [in deaf classrooms]?" (Bronwyn O'Hara, personal communication, December 1, 2007).



Bronwyn O'Hara

One of those families was the O'Hara family. In 1992 and 1995, the O'Hara's asked USD to implement a bilingual-bicultural program for their child (Butters, *Deseret News*, July, 17, 1995, p. A1). This was spurred by the fact that Bronwyn O'Hara, the hearing mother, had read research studies and talked with local Deaf community leaders during the years 1987-1995. Through their help she came to understand that both the

Oral-Aural and the Total communication approaches had major linguistic flaws. She didn't want her Deaf children to go through school without language. She shared the literature she gathered on the Bi-Bi approach, the importance of ASL, adult Deaf language models, adult Deaf role models and Deaf peers with the USD administrators. She also founded the Support Group for Deaf Education as a way to share this same information with other parents. As a result of her efforts, she was labeled by Steven W. Noyce, her child's USD program director, as an extremist and a zealot. He actively steered other parents away from her.



Steven Noyce

Steven W. Noyce was the USD program director for every Deaf child in the State of Utah outside of Salt Lake City and Ogden. Noyce said the goal of USD's school programs "was to teach [Deaf students] English, not ASL." He also said, "Schools need to teach English because that is what is going to determine if a deaf person is successful" (Butters, *Deseret News*, July 17, 1995, p. A1). Noyce told Bronwyn that the materials she provided him over the 8 years they lived in Utah had filled 3 very thick file folders. But regardless of research studies showing deaf students had better fluency in English through ASL, Noyce would not budge in his stance against ASL in the classrooms as the language of instruction. O'Hara expressed her disappointment by saying "I am unhappy with the school system and have tried to figure out the right framework to solve this problem." In her view, "the administration has a personal bias against the idea of a visual language. The school is definitely not a 'barrier-free environment'" (Butters, *Deseret News*, July 17, 1995, p. A1). During this time, USDB Superintendent, David

West, admitted the new [Bilingual/Bicultural] approach would fill a void in the school's program; however, he was not ready to implement it (Romboy, *Deseret News*, April 13, 1992, p. B1). Two of the non-negotiable problems at this time were that 1) few current USD teachers knew ASL and 2) USD teachers and administrators were not trained in how to use the bilingual-bicultural approach to educate Deaf children (Romboy, *Deseret News*, April 13, 1992, p. B1).

To help explain the benefit of ASL for Deaf students, a local Deaf professional, Minnie Mae Wilding-Diaz, shared her knowledge with USD via reports presented in person to the Institutional Council, the governing body of USD. Among many points, she explained that Deaf children who learn ASL as their first language have enhanced language skills and learn English better. She stated, "A Deaf child does need exposure to English early in life, but his/her visual needs overwhelm what English can offer" (Butters, *Deseret News*, July 17, 1995, p. A1). Regardless of this influx of information, the USD administration did not make any effort to move toward this fundamental program change.

While the O'Hara family was battling with USD during these early years of the 1990's, a handful of schools for the Deaf in the nation were starting to use the ASL/English bilingual educational approach (Romboy, *Deseret News*, April 13, 1992, p. B1). Like a lot of previous families, the O'Hara's moved to Indiana in 1995 to send their Deaf child to a school that espoused the bilingual-bicultural approach. This 'two-language' approach made more sense to them than the two options Utah offered. Below is a summary Bronwyn O'Hara wrote about her battle with the USD educational system during the 8 years they lived in Utah (1987-1995).

One Family's Story

It was June 1987 when we, the O'Hara family, moved from Idaho to Utah. We had one deaf pre-teen daughter, one hard of hearing son, two hearing children, and a deaf toddler. Educational access to sign language for the two deaf children was not available through the Utah public school system. Turning to the school for the deaf as the logical place to get appropriate services, it was quite a shock to find inadequate services.

For our 2-year-old daughter, I requested a signing Parent-Infant Program (PIP) advisor and was told there were none. Skip Reese, the PIP director at the time, told me that this program, though inadequate at present, was a lot better than it had been 20 years ago, as if that made the inadequacies okay. I called Thomas Clark, who founded the SKI-HI program that provided the basis for the USD PIP program. I wanted him to help me get the services my daughter needed. He counseled me to watch the movie *Persuasion* and apply the principles therein to my deaf toddler's situation. That really was no help.

For my seventh grader, there was no signing classroom nor could I get an interpreter via her Individual Educational Plan (IEP). The answers I received from USD made our family feel that our deaf children would not receive the education they needed.

How could knowing that the current program, bad as it was and better than the supposedly horrible program of twenty years ago, help with our children's educational needs of today? Our deaf children needed these better services now. They couldn't stop growing up in order to wait for educational improvements.

As a result of these insufficient answers, our family went in search of the local Deaf community. We became well acquainted with many of the active deaf leaders in both Provo and Salt Lake City. Thus, began our years of being tutored and mentored in Deaf culture and language by the Deaf community. This continued for the next 8 years. In the Provo-Orem area, the most influential person for us was Minnie Mae Wilding-Diaz. The second most influential person was Julie Gergely Eldredge. Without them, we could never have understood our deaf children's needs or the principles of how language is acquired.

In the meantime, as I interfaced with the Utah Schools for the Deaf and the Blind (USDB), I eagerly shared the educational articles and research studies that I'd received from the Deaf community leaders/professionals. I thought the school would welcome this information. I had the belief that the administration would want to improve their school and increase the options they offered to parents. I attended innumerable USDB Institutional Council meetings, copied and mailed on-going information to my children's program coordinator, Steve Noyce, and used my children's IEP meetings as a forum to discuss these articles with the educators of the deaf and ask for services. For a brief period I convinced Noyce to allow an ASL story time for the Total Communication classroom in Orem once a week. To fund this, I wrote and got a grant from a local Art organization to pay the storytellers, Nannette Hix and Julie Eldredge. However, when the grant came to an end, the

story time was discontinued. Steve told me that USD didn't want to have to pay the storytellers, even though the storytellers could have legitimately been classified as educational specialists. Nor did USD want to apply for another grant so that the ASL story time could continue. I was very disappointed in Steve's lack of support. I felt he didn't see the value in deaf artisans being showcased for their storytelling talent nor see that the children and teachers in the classroom were benefiting from this experience.

In the 8 years we lived in Utah, I wrote innumerable letters to Utah state legislators, members of the Utah State Board of Education, the Utah State Special Education director, Steve Kukic, and USDB's Institutional Council members. I advocated for sign language classes for parents, which was possible through the IEP but was never organized nor offered by the deaf school. At my insistence but right before our family moved out-of-state, USDB did put in a toll-free phone line so parents could call the school without paying long-distance fees. This WATTS line was discontinued after about a year.

After 5 years of striving to work with those in charge of the USD program and seeing that the deaf educational programs remained inadequate, I decided it was time to network with other parents. The more parents asking for the same thing could create a need that the school administrators would have to address. One person could easily be ignored but not a whole group of parents. I created the Support Group for Deaf Education with the intent to help other parents become as informed about the educational needs of their deaf child (ren) as I had become. I set up organized parent meetings, guest speakers, and a monthly newsletter. After the first year and a half of holding meetings, I discontinued the meetings and only mailed out the monthly newsletter. The meetings and newsletters helped parents learn how to tell stories to their children, teach their children manners, understand the inequality of the deaf academic program in Utah, what the term 'bilingual' meant, how a child learns language, how the brain develops, what hearing parents could learn from deaf parents, and some reviews of Utah Special Education law. In order to reach as many parents of deaf children as possible in the state, I wrote an article for publication in the Utah Parent Center newsletter (Utah Parent Center April 1991) explaining the purpose of this parent group. I wanted parents to know of this resource.

The Utah Association of the Deaf (UAD) validated my efforts by sending me to an educational conference in Nebraska and also to a workshop held at the California School for the Deaf-Fremont. The one at CSD-Fremont was put on by Gallaudet University and conducted by Dr. Jay Innes. During the educational overhaul Utah went through in the late 1980's, I was able to bring information from this conference/workshop to

the Utah COED committee during their public forums. This information focused on a deaf child's need for language, deaf peers, deaf adult role-models, and direct access to teachers without the use of interpreters. This was to highlight a deaf child's need for American Sign Language (ASL) in the classroom.

I found that USDB Superintendent David West was sympathetic to my requests for change and for language-based access to education. However, he was unable to overhaul the state school system. He couldn't overcome the entrenched Oral/Aural and Total Communication programs. He didn't stay long in Utah, leaving for a position at the California School for the Deaf-Fremont where ASL was the language of instruction. I felt it was a sad day when we lost Superintendent West. I believe he could have started the process of change and would have been a valuable advocate.

As I gained more understanding about ASL and the need for the deaf school to have competent instructors, during one of my daughter's IEP meetings, I asked Steve Noyce for my daughter's classroom instruction to be via ASL. He told me that there were no teachers to hire. I asked him why didn't the deaf school tell the local universities what kind of teachers to train so USDB could hire them? He explained that the University of Utah only trained teachers in the Oral method. I don't remember what he said about Utah State University. Steve didn't advocate for any changes nor mention how such changes could be brought about.

As the years went by, all of these discussions seemed to fall on 'deaf' hearing ears. Our family began to feel desperate. Our children's prime learning years were being lost in the environment of the Utah State Deaf School where American Sign Language was not the language of instruction. The programs at USD were either Total Communication or Oral/Aural. Those two were not expected to be successful with a deaf child. We felt a sense of urgency that was not shared by our program coordinator, Steve Noyce. Our oldest deaf daughter, Molly, was high school age and the younger one, Ellen, was beginning early elementary school. It was a time of decision for our family.

I made one last attempt to find a solution by consulting with the Legal Center for the Handicapped in Salt Lake City. I wanted to find out how to defend my deaf children's right to language. Hearing parents don't think about whether their children have language in school. In comparison the deaf school children were being deprived of language in both the Oral/Aural program and the Total Communication program. I thought this Center could help me pull together a lawsuit to force USDB to provide my children a language of instruction that was a bonafide language rather than Signing Exact English (S.E.E.), Conceptually Accurate Signed English (C.A.S.E.) or Pidgin Signed English (P.S.E.). American Sign Language

was a true language that was also compatible with their deafness. I reasoned that if hearing school peers have access to their language of spoken/written English in the classroom, why couldn't my children have access to their language of sign in their classroom too? My deaf children's language was American Sign Language, which was not being supplied by the school. In fact, USD was withholding their language from them. In the Total Communication setting, the school was using a variety of non-language signing modalities for instruction. These modalities could not provide educational access and should be judged as inappropriate in achieving any of the educational IEP goals for my deaf children. My reasoning was that it would be through American Sign Language that my children would be able to receive a free and appropriate education (FAPE) that was guaranteed in law.

The lawyer at the Legal Center was sympathetic but he explained they did not and could not get involved with a 'language' issue. That had never been brought up before. Their specific work was focused on workplace discrimination, not with civil rights or educational discrimination in the school setting. At the time, I knew of no other legal resource that would take the school to court over this issue of determining what was an appropriate educational language for deaf school children, specifically my deaf children.

My desperation mounted. In my discussions with Steve Noyce, I came to realize that USD was governed by two basic educational principles. The two principles used as criteria for meeting deaf children's classroom needs were 1) the child had to fail before the school was mandated by law to change that child's program and 2) the course material offered at USD was remedial-based only. With two very bright deaf children to educate, there was no possibility of failing. They would compensate for the language deprivations they encountered in the program. There was nothing else I could use to create a need for change. In desperation, we decided our daughters had to attend a school outside of Utah. The California School for the Deaf-Fremont had the highest academic rating among the Utah Deaf community and was suggested as a good place to send our daughters. This was arranged.

Molly, a high school junior, was back in Utah in a month. Not wanting to strike up frustrating dealings with USDB again, I approached the Special Education director, Tom Hudson, in our local Nebo school district. He refused to provide a sign language interpreter in Molly's classroom. The public school didn't have to provide any special services, if the student wasn't failing. This sounded similar to what the deaf school told me. I was surprised at this but countered his refusal by saying I would send Molly to school without her hearing aid. Then she would need a sign-language interpreter. He said he could take the family to court for

withholding from Molly what she needed for academic success. It struck me as such a double standard! The school could withhold what Molly needed but I couldn't! He implied that he could successfully make the charges of willfully withholding something for Molly's educational needs be upheld in court because we, the parents, had already been giving Molly the use of a hearing aid. I wasn't sure where my legal standing was in the face of that threat. Instead I asked Tom what was the legal age in Utah for taking the GED (General Equivalency Degree) exam. He told me age 17.

Finding that the local community college, Utah Valley Community College, provided sign language interpreters without a fuss, Molly decided to take the GED on her 17th birthday, two months later, and she moved right into the college realm of education.

Ellen remained at the California School for the Deaf-Fremont for her 2nd and 3rd grade years. Looking back, Ellen says this educational opportunity was a 'turning-point' for her. Her 'eyes were opened' to realizing that she was smart and that she had potential. But two years was all we could manage, and Ellen was brought back to USDB for 4th grade. One and a half frustrating years later, it was at this juncture that we decided to look for a school that had a Bilingual-Bicultural philosophy already in place. We couldn't wait for Utah to 'catch up' with the advances in Deaf Education. The Bi-Bi philosophy combined the educational instruction in ASL with the teaching of written English, as well as including options for spoken English. We wanted Ellen to have the education, language models, and peer interactions that she deserved. Just as her hearing peers had public-funded education in their 'native' language, she should too. Based on all the research findings along with the level of success we wanted for our youngest daughter, the school that seemed to meet Ellen's needs best was the Indiana School for the Deaf in Indianapolis, Indiana. The family moved in February 1995 while Ellen was in 5th grade.

Over the intervening years of 1995-2009, there have been some strides of improvement at USD, notably the addition of the Deaf Mentor program as part of the Parent-Infant Program (PIP) and the Jean Massieu School for the Deaf under USDB

Bronwyn O'Hara
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Did You Know?

When Bronwyn O'Hara was called an extremist and a zealot by Steven W. Noyce, she was not alone. One parent commented, "There has been a concerted effort on the part of many of the USDB administrative staff to keep parents from networking, keep parents fighting with each other, and keep parents ignorant of the truths about current findings about Deaf Education" (UAD Bulletin, February 1996, p. 12).

A Regional Bilingual/Bicultural Conference

Spurred on by the continued failure and limited achievement of Deaf students at USD as well as those Deaf students in mainstreamed school placements, Shirley H. Platt, a Deaf Mentor in USD's Parent-

Infant Program (PIP), chaired a two-day regional Bilingual/Bicultural Conference on April 25-26, 1997 at the Eccles Conference Center in Ogden, Utah. This was under the supervision of Dr. Petra M. Horn-Marsh, director of the USD Deaf Mentor program. This conference was for Utah parents of Deaf children, Deaf adults, teachers, and administrators. Shirley spearheaded the conference because, not only was she concerned about the number of Utah Deaf children deprived of their



Shirley H. Platt

natural language, but she was also concerned about the Parent Infant Program's lack of improvement and total insensitivity to the input from the Deaf Mentors. To top off her frustration, she recognized paternalistic and patronizing attitudes from the USD teachers and administrators, most of whom were hearing. She was horrified by their ignorance. If a person wanted to effect change, she decided, that person had to do it herself; so, she did

(Shirley Hortie Platt, personal communication, November 7, 2008).

Approximately 400 persons attended, many from out-of-state. Distinguished presenters, Dr. Lawrence “Larry” Fleischer, Department Chair, Deaf Studies, California State University-Northridge, discussed Deaf identity; Dr. Martina J. “MJ” Bienvenu,



Dr. Petra M. Horn-Marsh

director of the Language and Culture Center, Gaithersburg, Maryland, discussed Deaf culture; Dr. Marlon “Lon” Kuntze, University of California, Berkeley, discussed language; and Dr. Joseph “Jay” Innes, Gallaudet University, discussed Deaf Education. The Indiana School for the Deaf sent Diane Hazel Jones, David Geeslin, and Rebecca Pardee to share the process their school went through to establish their bilingual-bicultural program.

Participants watched “I Love You, But,” a movie directed by Dr. Fleischer. Dr. Petra M. Horn-Marsh was emcee for a small performance, “An Evening of Signed History of Utah Deaf community” (UAD Bulletin, June 1997; Shirley Hortie Platt, personal communication, November 7, 2008).

The conference seemed to open the possibility of helping hearing people shift their paradigm towards the intrinsic value of Deaf people.

Did You Know?

In January 1992, USDB Superintendent David West, with his five school program coordinators, traveled to visit the California School for the Deaf-Fremont, California School for the Deaf-Riverside, a school program at Belmont, California, and the Idaho State School for the Deaf in Gooding, Idaho. The purpose was to observe their bilingual programs (see UAD Bulletin, February 1992 for complete article).

The Creation of a Bilingual/Bicultural Committee

At the UAD's biennial convention, June 1997, the Bilingual/Bicultural (Bi-Bi) Committee was formed under the leadership of Shirley's husband, Dennis Platt, a new elected UAD president. David Samuelson, UAD member, made a motion for the Association to form a Bi-Bi committee with Minnie Mae Wilding-Diaz as chair (David Samuelson, personal communication, July 26, 2016). She is a third-generation Deaf woman, wife of a Deaf man, and mother of three Deaf children. In addition, she was well qualified professionally. This was the first time a motion was accompanied by a request for a specific person as chair.

Minnie Mae noted that was an unusual move. Most of the time in UAD history, once a committee is established, it is up to the UAD president to choose who would be the chair. She shared that, "Dennis Platt commented to me at least twice that it was the first time he had his hands "tied" as to who would chair as the general membership voted that it would be me!"

(Minnie Mae Wilding-Diaz, personal communication, July 18, 2016).



Minnie Mae Wilding-Diaz

The committee was commissioned to explore the possibility of implementing a bilingual approach at USD and discuss options for educating Deaf students. None of them could have predicted that this decision would turn into a Deaf day school. The original goal of the committee was to look into the feasibility of adding a Bi-Bi option to Utah's

Deaf Education array (Minnie Mae Wilding Diaz, personal communication, June 30, 2011).

Throughout its campaign, this UAD committee used the term “Bi-Bi” intentionally. They wanted to emphasize, not only the dual languages required for the ultimate education of Deaf children, but also the need of incorporating the culture of Deaf people into Deaf children’s education (Minnie Mae Wilding-Diaz, personal communication, March 29, 2010).

October 1997 was the first meeting of the Bi-Bi Committee and Minnie Mae Wilding-Diaz was elected chair. There were approximately twenty-five people initially attending. Over the next couple of meetings, the attendee numbers dwindled. The demographics of the attendees changed from mostly Deaf to a mixture of Deaf and

hearing (Minnie Mae Wilding-Diaz, personal communication, March 29, 2010).



Dr. Lee Robinson, USDB Superintendent

After working for several months trying to find a suitable education program to suggest to the state of Utah, the two leaders of the committee, Minnie Mae and Jeff Allen, a hearing parent with a Deaf daughter, met with Dr. Lee Robinson, USDB Superintendent and Joseph DiLorenzo, Assistant Superintendent. This happened on March 30, 1998. The purpose

of the meeting was to discuss the possibility of USD adding a Bi-Bi educational option. It seemed an idea whose time had come to Utah. There was the Federal Bilingual Education Act of 1988 which included Deaf students for the first time, under the protection of the legal definition regarding native language and limited English proficiency. There was the Utah Senate Bill 42 passed in 1994 which recognized ASL as a language. Both the

federal and the state laws seemed to support the request of the UAD Bi-Bi Committee. However, school administrators were not interested in nor were they ready to include or develop a Bi-Bi educational option at the Utah Schools for the Deaf and the Blind. They were not ready to incorporate ASL into their curriculum (Utah State Legislature, 1994; Zapien, 1998). To paraphrase the advice Minnie Mae and Jeff received from the administrators: "No thanks. Good luck!" (Minnie Mae Wilding-Diaz, personal communication, March 29, 2010). In contrast, the Utah Deaf community, parents of Deaf children, and friends of the Deaf gave the committee enormous support (UAD Bulletin, May 1988).

Founding of the Jean Massieu School of the Deaf

The Bi-Bi Committee had been meeting regularly every two weeks. More and more hearing parents were showing up. They wanted to become involved because they wanted the best possible quality-education for their Deaf children. The Utah Deaf community agreed. The Deaf children were the future leaders of the UAD. The main goal of the committee was to seek out or establish a program or school that would use the "Bi'Bi" approach in teaching Deaf children (Mortensen, *UAD Bulletin*, June 1998; Wilding-Diaz, *UAD Bulletin*, June 1999).

As the committee worked, the Utah State Legislature simultaneously developed a charter school bill. This bill caught the attention of the Bi-Bi Committee. They decided to focus their energies on getting the bill passed. This law would allow charter schools to be formed within the state. The Utah Charter Schools Act was passed at the end of the 1998 Legislative session (Utah Charter Schools Act, 1998; Wilding-Diaz, *UAD Bulletin*, June 1999).

The Bi-Bi Committee took the next step and contacted Governor Mike Leavitt's Office and the State Board of Education for an application to set up a charter school for the Deaf (UAD Bulletin, May 1998). The timing of this action could not have been more propitious. In June 1998, the Bi-Bi Committee immediately proceeded to write a charter-

school proposal for approval by the Utah State Board of Education. The main thrust of this new charter school can be found in its mission statement, summarized as “an educational entity that incorporates ASL as the language of communication and instruction” (Utah Charter Schools Application 1998-1999, July 17, 1998).

On July 29, 1998, a monumental step was realized for Deaf children when the Utah State Board of Education approved the proposal. The Bi-Bi Committee’s proposal was the second one granted, with the Tuacahan High School for the Performing Arts being the first. The Board of Education was planning on ratifying proposals from six more schools by November of that same year (UAD Bulletin, September 1998).

The Bi-Bi Committee proceeded with planning a school of their own. They wanted to open its doors in the Fall of 1999 (UAD Bulletin, September 1998). In an unprecedented move, the Bi-Bi Committee presented the Utah Deaf community with three names to vote on for the name of the school: Alice Cogswell School, George Veditz School, and Jean Massieu School. Each of the names had significant meaning in Deaf history.



Jeff Allen

The new charter school was named Jean Massieu School of the Deaf (JMS) in honor of Jean Massieu, a French Deaf teacher. His personal history is quite illustrious. Princes, philosophers, and even the pope traveled to see and to question him. He was the teacher and mentor for Laurent Clerc, the Deaf man who came to America with Thomas H. Gallaudet. Clerc helped Thomas establish the first Deaf school in United States, the American School for the Deaf, in Hartford, Connecticut, in 1817. Jean Massieu was bilingual as evidenced by his authoring an English-French dictionary, published in 1808

(Loida R. Canlas, Laurent Clerc National Deaf Education Center). Clerc was not the only successful student of Massieu's. Many of Massieu's former pupils went on to direct schools for Deaf children in other countries (UAD Bulletin, June 1998).

All charter schools formed under the Utah Charter Schools Act were required to be not-for-profit organizations. The committee solved this problem by evolving itself into a non-profit organization known as Utah Deaf Education and Literacy, Inc (UDEAL) in 1998. The first goal of UDEAL was to establish, operate, and govern the new charter school. The second goal was to raise funds for the school (UAD Bulletin, September 1998; Minnie Mae Wilding-Diaz, personal communication, March 29, 2010).

Utah Deaf Education and Literacy, Inc Board Founded

On August 19, 1998, the Bi-Bi Committee met and selected seven people to serve on the Utah Deaf Education and Literacy, Inc (UDEAL) Board. They would function under Minnie Mae Wilding-Diaz and Jeff Allen, the co-administrators for the school. The seven people were:

Marla Broetz*
Pattie Dawson
Stephen Ehrlich*
Brad Houck* □ □
Billy & Heather* Kendrick
Sarah Peterson
Jim & Tracie Wintch (UAD Bulletin, September 1998).

* Indicates Deaf individual

JMS's Mission and Vision Statements

UDEAL acknowledged the research that had consistently shown Deaf children of Deaf parents have better English and academic achievements compared to Deaf children of hearing parents. With that backing, UDEAL created JMS's mission and vision statements to finally put the focus where it belonged, which was for a "Deaf-Centered"

education. UDEAL's goal was to provide classrooms designed to make the most of the strengths and visual needs of Deaf and hard of hearing students. True to the ASL/English bilingual philosophy, ASL was used as the primary language of instruction and general communication. English was taught as a second language through its visual forms: reading and writing. ASL and written English were both respected and provided with equal access in the classroom (Minnie Mae Wilding-Diaz, personal communication, March 29, 2010). It's a theory that the communication approach used at JMS brought 'full circle' the two-language (bilingual) approach that was used at schools for Deaf children during the 19th century. Go to Appendix B for more information about the Mission & Vision Statements of Jean Massieu School of the Deaf.

“It Takes a Village to Raise a Child”

During this same time frame, other Utah Deaf individuals were interested in what was happening with Deaf education. In the May 1998 issue of the UAD Bulletin, Kristi Mortensen wrote Part 1 in a series subtitled “The Deaf's Desires”. In looking over Utah's



Kristi Mortensen

general Deaf Education weaknesses, she wanted to convince the [Utah] Deaf community that they should become involved. As an emphasis of the community importance, she quoted First Lady Hillary Clinton's use of the famous African Proverb, “It takes a village to raise a child”. The ‘village’ is the Deaf community working alongside hearing parents of Deaf children. Kristi envisioned ending the controversial educational issues with the result of improved quality of education for Utah Deaf children. In her view, the Deaf community owed this support to Utah's

future Deaf community leaders. Hence, it was their responsibility to set aside their

differences and work with hearing parents who have a genuine desire that their Deaf children get an education equal to the quality that hearing children receive. Many parents agreed that they needed the Deaf community's insights and support in the raising of their Deaf children (Mortensen, *UAD Bulletin*, May 1998).

In part two of the series, Kristi looked at the school environment. She explained the importance of Deaf adult role models for Deaf students. This can easily be accomplished by including members of the Deaf community as volunteers in the classrooms. They could visit the school or help with a specific activity. Seeing these community role models would be a priceless educational experience for the children. Kristi encouraged community members to volunteer at the school as often as possible (Mortensen, *UAD Bulletin*, June 1998).

As a child in middle school in the 1970's, Kristi remembered the Deaf community fighting hard to establish the Total Communication Program at USD. She reminded Bulletin readers that Utah was the only state that funded a two-track system – Oral/Aural and Total Communication. Kristi highlighted that times were changing with new technology and the recognition of American Sign Language and Deaf culture. In her opinion, all of these must become a part of the education program for Utah Deaf children (Mortensen, *UAD Bulletin*, May 1998). As more studies are done on the linguistics of ASL, more professionals conclude that the Deaf community can bring the language and culture into the classroom. As a result, the Deaf students do much better academically and socially. She ends with a challenge. "Why don't we stand up and sign strongly, 'Let us be a part of your school curriculum' (Mortensen, *UAD Bulletin*, June 1998)?"

To drive home the point, Kristi asked the Deaf community to take up the cause and fight the battle together for the right of Deaf children to have a quality education. A quality education gives a child independence and success in this fast-changing world (Mortensen, *UAD Bulletin*, May 1998).

In Part 3, her final segment, Kristi brought up the importance of high expectations

for Deaf children, i.e. expectations to reach for in order to create great leaders. When the Deaf community, parents, and teachers have the same goals and desires of a barrier-free environment everywhere, the Deaf children develop a sense of confidence. She stated, “.... [the children] will become contributing members of society and influence the next generation of Deaf children. The benefits will be passed on from generation to generation” (Mortensen, *UAD Bulletin*, August 1998).

Jean Massieu School Opens Its Doors

Now that the charter school had received approval, the work began in setting it up and making it a reality. The effort was massive. The Bi-Bi Committee had to find a location, find more money, choose a curriculum, hire teachers, buy supplies, etc. (*UAD Bulletin*, September 1998). The UDEAL Board took on fundraising, programs, Individualized Education Plan (IEP) meeting preparations, transportation issues, building/site resolution, and technology concerns.

After months of preparation, on August 29, 1999, the Jean Massieu Charter School of the Deaf (JMS) opened its doors to 21 students from preschool through third grade. Adding a grade each year, JMS has grown to encompass Pre-K through 9th grade. It provides full language access in ASL and English (Minnie Mae Wilding-Diaz, personal communication, March 29, 2010).

Golden Hand Award

UAD worked closely with its Bi-Bi Committee until Utah Deaf Education and Literacy, Inc. (UDEAL) was formed to manage the new charter school. Because UAD and UDEAL were two separate non-profit organizations, UDEAL had to separate itself from UAD. UDEAL continued to send representatives to UAD meetings, informing them about JMS. This provided the way to keep the Utah Deaf community connected to the progress and needs of the new charter Deaf school (Minnie Mae Wilding-Diaz, personal

communication, March 29, 2010).

Minnie Mae Wilding-Diaz and Jeff Allen were co-administrators at JMS. Minnie Mae was the in-house person working with teachers, curriculum, and personnel issues while Jeff interfaced with the Utah State Office of Education charter school committee and other educators and legislators as needed. Minnie Mae and Jeff never received any pay for their hours of work.

To acknowledge Minnie Mae's and Jeff's talents and hours of hard work, UAD awarded them both its prestigious Golden Hand Award at the Open House at Jean Massieu School on October 20, 1999. This is UAD's highest honor which recognizes the substantial contributions of individual(s) or organization(s) to the betterment of Utah's Deaf community (UAD Bulletin, November 1999).

Support for the Jean Massieu School

The Utah Deaf community rallied to support JMS by donating money to buy school supplies, such as crayons, pencils, scissors, and erasers. JMS could not have survived in those early years without the local Deaf community (UDEAL, UAD Bulletin, August 1999). Greg Born, son of Jeff and Vicky Born and grandson of Jim and Peggy Harper, collected a whole trailer full of supplies and equipment for the school for his Eagle Scout project (UAD Bulletin, September 1999).

The support from the Utah Deaf community was invaluable. Deaf people helped with moving classroom materials. They served as Deaf role models in the classroom. Volunteers did janitorial work, raked leaves, tutored students, etc. (Wilding, *UAD Bulletin*, April 2001).

The UDEAL Board ran JMS. This board was composed of parents. Almost half of the parents were Deaf. The others were hearing parents who didn't know much about



Jerry Wilding

Deaf Culture or American Sign Language.

The principal, Jerry Wilding, thought the parents did the best they knew how.

However, he also found room for improvement. Jerry thought the board could use a Deaf person who was familiar with the various methods of educating the Deaf. In his opinion this person would give balance to the board and help those who were new to Deaf Education issues. Jerry noticed the tremendous tangible support from the local Deaf community, but he wished to recruit some “new blood” on the board. He also wanted JMS to become more attractive to mainstreamed Deaf kids and become a viable

educational option for these students and their families (Wilding, *UAD Bulletin*, May 2001).

Did You Know?

On October 22, 2002, JMS had its very first PTA meeting... Having a PTA was essential to strengthening the school and its programs (Horn, *UAD Bulletin*, November 2002).

School Mascot

In March 2003 the JMS student body decided it was time to choose a Mascot for the school. There was a discussion about picking a bee or a yellow jacket bee. The students learned in class that when a bee stings, its barbed stinger falls out and causes its own death. When a yellow jacket bee stings, it's smooth stinger can be used over and

over again to sting its victim. The students felt the yellow jacket bee represented their own sense of determination to continue against all odds, never giving up. Also, scientists don't know how yellow jacket bees can fly.

Their bodies are heavy and large. Just like these amazing bees, Deaf people have defied professionals in showing they can do many things, regardless of not being able to hear. For these reasons, the students wanted the feisty Yellow Jacket as their school mascot.



The mascot was drawn by Doug Stringham, senior designer/art director at Stephen Hales Creative, Inc. of Provo, Utah.

Doug is a hearing man who, as an interpreter, has many ties to the Utah Deaf community. He donated his time and talent to create this design. The design spells out 'JMS' with the body in the "J" shape and its hands forming the "M" and "S" (Leanna Turnman, personal communication, 2009; Minnie Mae Wilding-Diaz, personal communication, March 29, 2010).

Having a mascot and school colors were vital in building school spirit. The plan for JMS to expand to include a middle and high school, having a mascot and team colors would be needed for the athletic department and the subsequent competitions against area schools (Horn, *UAD Bulletin*, November 2002)

UAD President's Message

UAD president (2003), Ron Nelson, expressed his wish that the Deaf children who go into mainstreamed programs would have more exposure to the Utah Deaf community. There are a lot of Utah Deaf students in this category. Many of them meet the members of the Deaf community for the first time after their high school graduation. Ron felt this 'community education' should have begun when they were very young. During this post-high school contact or 'informal education', they learn Deaf manners;

what behaviors are appropriate and inappropriate; gain a self-identity; and develop their skills in sports, leadership, or politics. He said many times these mainstreamed graduates



Ron Nelson

sought out the Deaf organization(s) because they were hungry for social interaction. However, he emphasized, this was not the plight for JMS students. Their story has a happier ending. In the short amount of time that JMS had been serving Deaf children, Ron could see the benefit for the children. Because of the positive interactions seen at JMS, he said he wanted the charter school program to run for a very long time.

USDB Superintendent Lee Robinson expressed a desire to see JMS test results. He said if they were better than USD's, then he would seriously look at the JMS program and see what features could be introduced into the USD program to make it more effective for Deaf students (Nelson, *UAD Bulletin*, October 2003).

JMS scholastic results were available January 2004. JMS met state and federal performance standards in language arts and math. JMS also met the academic achievement goals under 'No Child Left Behind' (UAD Bulletin, January 2004). Was that enough to satisfy Supt. Robinson?

UDEAL Struggles To Operate JMS

Jean Massieu School operated independently as a Bi-Bi charter school for the Deaf for six years, from 1998 to 2004. During these years the Deaf administrators directing JMS were David G. "Jerry" Wilding, Dr. Petra M. Horn-Marsh, and Benjamin Lee.

Freewill donations were not enough to keep the school going. The school survived primarily from funds received from the state. This state money was calculated on the number of students enrolled at the school. Even then, the allotment was not enough. Most charter schools had at least 20 students per teacher. This brought in enough state-supported monies to cover teachers' salaries/benefits and the cost of running the school. At JMS, however, most classrooms had 6-8 students. The monies from the state barely covered the teachers' salaries and benefits. This created a hiring problem since many teachers were afraid to apply for the job openings. They were afraid the school would shut down. Compounding the problem was the below-average benefit packages offered. This also didn't attract qualified teachers.

To make things worse, the administration and board had to volunteer a lot of their time to handle transportation routes, attend IEP meetings, order books, supplies and materials, interview and hire staff, and attend state mandated meetings on yearly assessments, etc. This was in addition to their regular full-time jobs. The effort of keeping the school open became quite a physical and emotional drain for them.

Enrollment needed to increase. The JMS Charter School for the Deaf represented an educational option for Deaf children that was new for Utah. This Bi-Bi option was later renamed the ASL/English Bilingual option. Parents needed to be informed about this educational choice but USDB would not make this information available to parents of Deaf children that USDB served. The Parent Infant Program (PIP) professionals and other USDB staff did not consider JMS a viable option for families seeking information about educational choices in Utah. What they were telling parents was that JMS was for students who had low educational abilities and/or who were falling behind academically.

Enclosed are two letters and both are written by parents to other parents of Deaf children. One was written in 2009. Two years later, another parent found the same USD bias against JMS, even though JMS had already been incorporated into the USDB system.

Parent Letter One:

Dear Parents,

August 20, 2009

We have a daughter who was born with LVA (Large Vestibular Aqueduct); this condition could cause a gradual or sudden loss of hearing. We knew that our daughter may be able to hear with hearing aids now, but there could be the possibility that she could wake up one day with no hearing. We taught her American Sign Language from birth and continued throughout her toddler years. She has had such a wonderful childhood. She was never frustrated when she could not hear us...she was able to communicate through sign-language. As she entered pre-school, we knew that her main language was sign-language. We explored all over looking for a program that could offer her what she needed. There was nothing. The only option was a small school that housed 30+ children in a duplex smaller than our home. We knew that we did not want our daughters' education in this situation. Our other options were the oral program or the Total Communication program at USDB. The TC program did not appeal to us because it was not a solid communication mode. Both were being delivered in a manner that was impossible to learn each language fluently.

We ended up choosing the oral program because there was a teacher that was deaf and that knew sign. We figured if nothing else it was a good time for our daughter to work on her speech. She continued for 3 years in this program. We asked as she entered kindergarten for her to have an interpreter. They told us that it was against the program rules. Her hearing started to decline, and we knew that the only option would be to move her into JMS. JMS had finally moved to a nicer location in a real school. Part of the process in moving her was to re-evaluate her IEP. There was not one person in favor of this move [to JMS]. They expressed the opinion that 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. My daughter was neither. We merely wanted our child to perfect a fluency in sign-language so that if she did choose to ever be mainstreamed, she would be able to fully utilize an interpreter. Steve Noyce was very strongly opposed to this. He requested that a hearing be held. 12 people from the Granite District & USDB were in attendance; all voted that our daughter should not be placed in JMS. We declined to take their recommendation. Mr. Noyce made us sign a [form] that if her education declined, [USDB] was not responsible. He reminded us over and over again that the only children that belonged in JMS were those who were

falling behind.

Our daughter stayed for 2 years. She accomplished exactly what we wanted her to accomplish. She is now mainstreamed with an interpreter. She is on the honor roll. She learns at very high levels and never misses a beat. If we had taken the advice of Steve Noyce, I do not believe that she would be as successful as she is in her academics.

Mr. Noyce is strongly against bi-bi education. Allowing him to be placed in this position [of USDB Supt] will affect the overall success of deaf children in receiving full access to education. You will be doing a disservice to all deaf children throughout the state.

Anonymous,
Salt Lake City, Utah

NOTE: This same letter was submitted to Dr. Martell Menlove, Ass't Supt of the Utah State Dept of Education, on August 20, 2009, soon after Steven W. Noyce was hired as the USDB Superintendent.

Parent Letter Two:

Dear Parents,

February 20, 2011

My name is Melissa Miller, but more importantly, I am a mommy of a 5 years old little boy named Cache. Cache has severe-to-profound bilateral hearing loss and currently uses hearing aids. His hearing loss is due to a rare heart condition called Jervell and Lange-Nielsen syndrome, a form of Long QT syndrome. He is our only deaf child of four and the only deaf person in our family. As you may be aware, there are many options when choosing an education for your deaf child. I would like to share our story with you and how our, once, very unsure future has turned into such a wonderful experience for us.

When Cache was first born, we were told he may be deaf as he never passed his newborn hearing screening. At the time, this seemed circumstantial compared to what we were going through with his heart problems. As time went on, many heart surgeries, and many misdiagnoses later, Cache finally had an official hearing loss diagnosis. Cache was placed with hearing aids at the age of 2.5. After the long journey we had just been through, we thought this would be the easy part.

When Cache turned 3 years old, it was time to choose which language direction he was going to head in. Cache, coming from an all-hearing family, it was a pretty simple choice for us. He was to be in the

Total Communication (TC) class. We figured this would be the best placement because we had already started to sign with him but we were told that eventually he would form speech. As time would have it, speech never came to Cache as easy as we would have liked. We had spent many hours and lots of money on speech therapy and it seemed as though language was not simple for him. His American Sign Language (ASL) was even behind. We eventually dreaded going to his Individual Education Plan (IEP) meetings because we knew that we were not going to hear what we wanted to hear. There were many things concerning us but, most importantly, [we wondered] why he was not speaking when it was clear he could hear fine with his hearing aids. Many teachers believed Cache had a processing disorder and that was the reason he was not learning language in any form. By the end of his last year in pre-school, [at] age 4, he was communicating as a 2 year old both in ASL and speech.

When Cache was ready to enter Kindergarten, we had to choose which language path we would take again, as there was no longer a TC program offered. I have to admit, we were a little sober[ed] by the choice we knew we had to make. There was no way he could attend an all-hearing school. Jean Massieu School of the Deaf (JMS) seemed to be the only choice we had. It was as if we were picking the lesser of two evils. We were scared to death for him. We were so unsure of the future and what life would be like for Cache. We wondered how he would ever understand anyone in the school since he was so dependent on both ASL and speech clues. This door we had to open for him seemed so dark and scary and yet, here we were pushing him through it.

We came to find very quickly that the dark and scary door we pushed him through was only dark and scary for us. What we did find was a bright, happy, little boy who was with people just like him. People he could connect with and be himself with. As of today, Cache's ASL is far surpassing ours and his 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 brothers were at his age. He has learned more in the short 5+ months he has attended JMS than he did the first few years of his education. I can tell you Cache is the happiest little boy and loves going to school every day. He is surrounded by wonderful teachers and amazing kids. He is accepted and loved for just what he is, deaf. He has peers with whom he can communicate.... JMS is, by far, one of the greatest schools we have ever encountered. I wish sometimes I knew then what I know now. I wish someone would have told me that my deaf son belongs in a deaf school with deaf children and that this school would be the best placement and education for him.

I would like to wish anyone luck who is on their path to find the best placement for their deaf child. I know my son and our lives have

benefited greatly from JMS, as I hope yours will too.

Thank you,
Melissa Miller

The Merger Agreement Between the Utah School for the Deaf and the Jean Massieu Charter School of the Deaf

Under this kind of economic strain, the UDEAL board honestly could not keep going. The rationale behind a merger included the idea that USDB would be more willing to promote the ASL/English bilingual option if it were actually a part of their state school. In the opinion of the founders of JMS, this would make the school and its philosophy more available to Deaf children and their families throughout the state. It was also thought that a merger would ensure quality special services at JMS, more financial stability, and better salaries/benefits for JMS employees (Stimpson, *UAD Bulletin*, March 2005).

It was time to approach the legislature. Due to a need for fiscal resources and a desire to inform parents about the bilingual option, it was decided to ask for a merger with USDB. Joe

Zeidner, an attorney, father of a Deaf child, and UDEAL board member, lobbied the 2004 state legislature to push for USD to formally incorporate the Jean Massieu Charter School program into its educational options. Linda Rutledge, USDB superintendent at the time, was very supportive of this merger.



Joe Zeidner

From Joe's efforts, the Utah State Legislature approved 'intent language' saying that the Utah State Board of Education would consider the possibility of merging JMS with USDB (Harrington, Memorandum, 2005). After

approximately one year of continuing negotiations, a steering committee developed documents that consisted of a Letter of Intent and Terms of Agreement. These documents would govern the merger of the two organizations (Intent of the Legislature, 2007). The Terms of Agreement outlined the guiding principles and commitments that would ensure a successful merger. The agreement focused on issues related to philosophy and instruction, program, assets and finances, the Jean Massieu School Advisory Council, policies and procedures, human resources, transportation, the facility, and organizational structure. As agreed upon, JMS would be a separate school within USD and would answer directly to the USD superintendent (General Exhibit No. 9634.” Intent of the Legislature, April 5, 2007; Jean Massieu and Utah Schools for the Deaf and the Blind: Terms of Agreements, 2005). See Appendices A-E regarding the Letter of Intent and Terms of Agreement:

04/05/2004

It is the intent of the Legislature that substantial effort be made by the State Superintendent and the State School Board to combine the services of USDB and the Jean Massieu Charter School for the Deaf. This shall include instruction in American Sign Language as well as bi-lingual and bi-cultural education which will receive administrative support. Representatives from the Jean Massieu school shall be integrated in a meaningful way into the U.S.D.B. Institutional Council. The State Superintendent shall report to the Education Interim Committee in September 2004 regarding the progress of this intent. If necessary the Education Interim Committee may make recommendations regarding continued funding of the Jean Massieu school until integration is complete (General Exhibit No. 9634.” Intent of the Legislature, April 5, 2007; Jean Massieu and Utah Schools for the Deaf and the Blind: Terms of Agreements, 2005).

The Letter of Intent and Terms of Agreements were reviewed and approved by USDB’s Institutional Council, Utah Deaf Education and Literacy (UDEAL), and the State Board of Education (USBE). The Utah State Board of Education represented by Dr. Patti Harrington, State Superintendent of Public Instruction, approved the action and the official documents were signed at JMS on June 3, 2005 by Kim Burningham, Utah State

Board of Education Chair, Linda Rutledge, USDB Superintendent (2004-2007), and Craig Radford, UDEAL Chairman (Stimpson, *UAD Bulletin*, July 2005). The members of the UDEAL board who witnessed the merger signatures were Chris Palaia (Deaf), Laurel Stimpson (Deaf), Sean Williford, Joe Ziedner, LaDawn Rinlinsbaker, Jeff Allen, Minnie Mae Wilding-Diaz (Deaf), and Jodi B. Kinner (Deaf).

This merger took place under the JMS administration of Mike Holland, a veteran



Craig Radford & USDB Supt. Linda Rutledge

Deaf teacher of the Colorado School for the Deaf and Blind. This merger provided a viable option for parents who wished to choose the ASL/English Bilingual Education approach for their Deaf or hard of hearing children. There were now three programs

available at the Utah School for the Deaf: The Oral/Aural program, the Total Communication program, and the ASL/English Bilingual program.



Craig Radford, UDEAL Chair, Kim Burningham, Utah State Board of Education Chair and Linda Rutledge, USDB Superintendent signed the Letter of Intent and Terms of Agreement between JMS and USDB. Karl Wilson, USDB supervisor stood behind conducting the merger.

Shortly after the merger, the Utah Deaf Education and Literacy (UDEAL) board and the newly formed USDB Advisory Council (formerly the USDB Institutional Council) encountered conflicts over boundary disagreements between the two groups. In trying to resolve these problems, a year later in May 2006, there was a meeting between the two groups, administrators from USDB, and Carol Lear, an attorney with the Utah State Office of Education. Carol was asked to participate in order to clarify the positions of each group. She stated that all parts of the Terms of Agreement were legally non-binding. This meant that USDB was not required to comply with the terms if they didn't agree with them. This was quite a surprise. The UDEAL had attempted to maintain JMS' uniqueness but, as this meeting made clear, the continuation of their Bi-Bi philosophy wasn't guaranteed. Their desire to have the school maintain the original mission and vision seemed in jeopardy. It would take vigilant monitoring to see if the bilingual program would be maintained.

The Utah Deaf community, who had supported the JMS Charter School so strongly, were disappointed over the continued struggles with USDB as the state school was clearly not promoting or respecting the ASL/English bilingual philosophy. It seemed parents throughout the state were not being informed of this third educational option at the state school. As a result of these difficulties, the idea of going back to a charter school had been discussed among the Utah Deaf community. However, the local Deaf community knew that such a return would not be realistic. "Going back" was not an option.

Did You Know?

Joe Ziedner was a former member of the Institutional Council (IC) for the Utah Schools for the Deaf and the Blind. His position in 1997 had helped him to, not only understand his daughter, Jessica, but also understand the big picture in the school system. He said two Deaf IC members, Dr. Robert G. Sanderson and Dennis Platt, had influenced him greatly and helped him understand the Deaf world and the contrasts regarding hearing and Deaf views in the education of Deaf children (Mortensen, *UAD Bulletin*, July 1997).

Bias Becomes Blatant

As explained in “Controversies Surrounding Communication/Educational Methods and Educational Placement Regarding the Interpretation of “Least Restrictive Environment,” there was bias toward the oral, one-sided option at Utah School for the Deaf in the 1960s. Fast forward to the 2000s, there had been feelings among the Utah Deaf community and the JMS Charter School staff that USD was biased against their new acquisition. The uncertainty gave way to certainty when Melissa Jensen, a hearing parent, shared her experiences. In 2006 she met with USD staff to discuss the educational placement options for her three-year-old daughter. She was slightly aware of JMS.



**Linda Rutledge, USDB
Superintendent**

However, at the placement meeting, she was presented with only two options: The Oral/Aural Program or Total Communication Program. It was about this time that the Oral/Aural program was renamed the Listening and Spoken Language (LSL) program; a new name for the same non-signing philosophy.

At an initial meeting like this, all of the educational placement options are supposed to be laid out for the parents and IEP team to consider. Melissa remembered there was absolutely no information given about the ASL/English

Bilingual program, USD’s third option. More surprisingly, when Melissa actually brought up JMS, she was pointedly told something like, "No, you don't want [your daughter] to go there! Don't you want her sent to TC? It has everything you could want." What was worse, the USD staff lied to this mother who was in serious need of solid information so she could make an informed decision. She was erroneously told that it was against JMS policy and philosophy to provide speech services for the students there and that children with cochlear implants were not allowed to attend. These statements were not true.

Melissa was then diverted away from any signing program by the USD staff. They told her that her daughter could succeed in an oral classroom and should start out there. If her daughter didn't succeed there, then USD would consider moving her into a signing classroom. Melissa asked if the teacher in the LSL classroom would understand the signs her daughter already used. She was told that everybody at USD could understand a little sign but the teachers/staff in the LSL Program would never sign back to her. The staff continued to reassure Melissa that, within a short time, her daughter would stop signing altogether, as if that were a comfort.

The USD IEP staff also told Melissa that if her daughter didn't learn to talk by the time, she was 3 or 4 years old, she would never be able to learn to speak. This was another lie (Melissa Jensen, 2007, personal communication, name used with permission).

This experience occurred in 2006, soon after JMS became part of the USD educational placement options. Looking in from the outside, it appeared that USD had absorbed JMS in order to phase the school out since they were not presenting correct information about the educational options available there.

To whom it may concern,

October 29, 2009

My name is Melissa Jensen. I am the mother of a 6-year-old, deaf daughter who is in first grade. My daughter, Katrina, was identified as having a progressive hearing loss when she was 18 months old. Our family was served by PIP and the Deaf Mentor program from her identification until she aged out at 3 years old.

At the time of her transition, Katrina had a bilateral moderately-severe hearing loss. ASL was her primary language, but as hearing parents, we also wanted Katrina to become a spoken-language user. In preparation for choosing her preschool, we had our "pre-transition" meeting with our PIP advisor and a USD staff member. When we told the staff member that we were signing with our daughter, she told us that we would want to place our daughter in the TC program at USD. She never mentioned JMS nor told us that there was another option. Luckily, our PIP advisor had a deaf daughter who attended JMS. She told us that there was another option for our daughter. When we brought JMS up to the USD staff member, she

was EXTREMELY negative. She told us several untruths about JMS. She told us that Katrina may not be allowed at JMS because she wore hearing aids. She told us that Katrina was not “deaf enough” to go to JMS because she was “only” moderately severe hard of hearing. She also told us that JMS did not provide speech therapy. None of these things were true.

After visiting all the preschool options, we decided that JMS was the least restrictive environment for Katrina, and we held the placement meeting. The same USD staff member was in attendance at that meeting. She took all of Katrina’s paperwork, and crossed out the word “Deaf” which we had written and changed it to “hard of hearing”. I found that slightly offensive, because we embrace the Deaf community as part of our daughter’s life, and I saw that...implying that Katrina should be labeled as “hard-of-hearing” [was] somehow “better” than being “deaf”.

At the same meeting, the staff member saw Katrina’s audiogram for the first time. She was very surprised at how well aided she was. She burst out saying “She can HEAR! She could SUCCEED!” It was very clear that what the staff member meant was “She can hear. She can become oral and THAT is what success is.”



Melissa Jensen & her daughter, Katrina

In my family’s experience, USD is extremely biased and biased toward oralism. We were never told about JMS as an option; we were actually told lies about the program. We were lucky enough to have a PIP advisor who gave us all the information and who was a fluent ASL user. But if we hadn’t [received this information], I don’t know where my daughter would be today. Our decisions were not respected by USD staff and, more than once, it was clear that USD believed that success was measured by the ability to speak.

I hope that changes are in store for USD so that parents can get ALL the information [about their programs]. I believe in parental choice but I believe it should be a fully informed choice. I believe that parents should be given fair and accurate information about language choices, methodology, and outcomes for those choices.

Sincerely,

Melissa Jensen

NOTE: This letter was submitted to Dr. Martell Menlove on October 29, 2009, two months after Steven W. Noyce was hired as the USDB Superintendent.

This was one story, representative of the fact that parents were not being given the complete picture of educational methodologies available for their children. Melissa's story also shows the extreme bias of USD personnel regarding the listening and spoken language method. This bias ignored or was unaware of the linguistically rich environment available at JMS. A visual language, such as American Sign Language, is especially suited to a Deaf or hard of hearing child's barrier of taking in language via their ears. Why the bias? Looking back, it could be a matter of historical practice, the programs that were in use at USD at the time, and the mindset regarding the potential for Deaf children.

1. In 1970 and 1977 the Utah State Board of Education (USBE) mandated a policy. See Appendix C of the 1970 and 1977 Policies for more information.
2. On March 18, 1998, the USDB Institutional Council approved the new Communication Guidelines. Go to Appendix D of the USDB Communication Guidelines for more details. Major additions were:
 - a). The Deaf Mentor program was available to families with Deaf/hard of hearing children from birth to age six.
 - b). In developing each child's Individual Education Plan (IEP), the IEP team shall consider the following: 1) child's language and communication needs; 2) opportunities for direct communications with peers and professional personnel in the child's language and communication; 3) academic level; and 4) full range of needs, including opportunities for direct instruction in the child's language and communication mode.
 - c). The assessment of a Deaf/hard of hearing student's sign language/communication abilities will be done by an individual who is proficient in

sign language and will document the student's expressive and receptive communication mode. In order to qualify for assessor, the evaluator has to pass a sign language proficiency test developed by the National Institute of the Deaf (NTID), and

d). Specific USD employees were to pass this same proficiency test, mentioned above, at a level equal to the requirements of their job. Training would be available to help them achieve the necessary proficiency level (Rose, UAD Bulletin, May 1998).

These communication policy changes sounded really good. However, taken sequentially, JMS was not part of the USD system at the time the new policy was approved. Was it possible the professionals at the Utah School for the Deaf, who were not supportive of sign language, were not including JMS, on purpose, and justifying it because the merger came after 2005? This reasoning seemed ironic since JMS merged with USD in order to become the school's signing option.

In reality, many parents learned about JMS from other than USD professionals. It was hoped that the merger would give parents more real choices. However, what was surfacing was the same cycle of bias which kept parents from considering any signing placement, whether it be the old Total Communication/Simultaneous Communication program or the new American Sign Language/English Bilingual program. If parents asked, "Are there any real choices at USD as a result of the New Communication Policy and the JMS/USD merger?" the answer would be no.

As a direct result of the apparent communication bias against American Sign Language and the little-known attempt of USD to not tell parents about all of the educational placement options for their Deaf/hard of hearing child (ren), the Utah chapter of Hands and Voices, a national organization was formed. Mindi Allen, the wife of Jeff Allen, JMS co-founder, spearheaded this effort in 2007. The Utah Hands and Voices Chapter was affiliated with the nationwide non-profit organization of the same name. The group is dedicated to supporting families and their children who are Deaf or hard of hearing, as well as the professionals who serve them. Hands and Voices is a parent-

driven, parent/professional collaborative group that is unbiased towards communication modes and methods. Its slogan is, “What works for your child is what makes the choice right.”

The Merger of the Total Communication Program with the Bilingual Program

In the spring of 2008, the American Sign Language/English Bilingual Program offered at JMS merged with the Total Communication program of USD at the elementary school level only. This merger was brought about by the assertiveness of the Total Communication teachers.

Historically the USD Total Communication (TC) Program used the teaching methods of a) SimCom, b) Signed English, and c) CASE (PSE) for instruction in the classroom.

- a) SimCom stands for ‘Simultaneous Communication’. It’s also sometimes called ‘Sign Supported Speech’ or SSS. This is a method of instruction where the teacher talks and signs at the same time. The idea is that the Deaf child will hear the spoken English and use the signs as a support to understand what is being said.
- b) Signed English is known as ‘S.E.E.’ or ‘Signing Exact English.’ This attempt at an exact representation of the English language in a sign-modality is also known as “Manually Coded English.” Many hand shapes were invented for English morphemes that do not exist in American Sign Language.
- c) C.A.S.E. stands for ‘Conceptually Accurate Signed English’. P.S.E. stands for ‘Pidgin Signed English.’ The last two methods are essentially the same thing. They take ASL signs and hand shapes and put them into English grammatical structure/word-order.

None of these modalities are ‘language’ and the brain cannot process them as a language. Here is where the rub comes because Deaf children were having difficulty

understanding what their teachers were signing.

Over the course of many long years, the teachers of the Total Communication program had known how ineffective SimCom and Signed English were in the classroom. Because the children needed it, they had evolved more of a bilingual approach in their classrooms, without being mandated by the USD administration. It was an easy transition for the teachers to adapt to the bilingual format since most of them had been trained at Utah State University where a bilingual/bicultural educational approach was emphasized in their Deaf Education courses.

In the view of the Total Communication teachers, the merger with JMS solved several problems. They could now officially apply the ASL/English bilingual approach in their classrooms. The combined numbers of children could provide at least one class of students at each grade level. The growth in language acquisition would be enhanced with a student peer group. Both students and teachers would benefit from the change.



Jill Radford

The merger also provided a reliable location for the signing students and teachers. Keeping the signing kids in separate schools (TC and JMS) put an undue strain on teachers in both programs. Separated, many grade levels were combined to have enough children in a class. The TC teachers advocated very strongly that this was the year to merge with JMS as this school was to be given a new location. Jill Radford (Deaf) was hired as the new principal and she was a highly qualified Deaf woman.

Following the merger, the teachers noticed the children seemed happier. Michelle Tanner, a former TC teacher who became a teacher at JMS, loved watching the larger group of students playing at recess. The teachers knew that larger peer groups provide on-going peer interactions which are critical for the educational success of students who are Deaf or hard of hearing. Michelle noticed that several of the former TC students were becoming more self-confident about their Deaf identities. JMS was also able to provide after-school activities because the number of students were now at a critical mass.

Michelle loved having more teachers with which to work. Brainstorming sessions for lesson ideas were now more productive. The TC teachers gained confidence as they learned greater teaching skills in the bilingual setting. They enjoyed having a group with which to identify and teacher advocacy became easier and more productive. This was important to Michelle because she was the teacher who represented the USDB teachers on the USDB Institutional Council (Michelle Tanner, personal communication, July 8, 2011).



Michelle Tanner

The merger of the TC program and JMS was proving itself a successful venture for teachers and students alike. Students were thriving in a language-rich environment where language was accessible throughout the whole school. Deaf culture was as valued as their language. This was a significant improvement which pushed Deaf Education forward in the state of Utah (Jill Radford, personal communication, June 22, 2009).

Jean Massieu School Lends Professionalism to the Utah School for the Deaf

After JMS joined USDB in 2005, the school was finally able to apply for and

receive teacher training in bilingual tenets. This raised the professional standing of the Utah School for the Deaf's signing program, giving USD greater credibility in the nation.

Ever since it opened its doors in 1999, JMS had sought this training from the Center for ASL/English Bilingual Education Research (CEABER). It had been unable to qualify until now. Now that JMS was a part of USDB, the training could finally become a reality. In 2007 the long wait was over. Teachers from the Ogden North Division and Skyline High School in Salt Lake City joined in CEABER training sessions that year.

This training has gone by several names: the STAR school project, the Center for ASL/English Bilingual Education Research (CEABER), or ASL/English Bilingual Professional Development (AEBPD). The purpose of this group was to establish a nationwide professional teacher development program, promoting and validating the use of American Sign Language with written and, when appropriate, spoken English in Deaf classrooms. This training involved teachers meeting weekly for seminars where research was shared about best practices in Deaf classrooms utilizing ASL/English in a bilingual setting (Jill Radford, personal communication, June 22, 2009). The classes for AEBPD started during the fall of 2007 and two JMS teachers, Jill Radford and Michelle Tanner went to Gallaudet University to become mentors for the AEBPD courses they would give to other teachers. They acted as mentor teachers for applying practices taught in the classroom (Jill Radford, personal communication, June 30, 2014).

Prior to the TC/JMS merger in 2008, teachers in the Total Communication program had been asking the USD administration for permission to use the bilingual approach in their classrooms and had experienced a great deal of resistance from them. When JMS was added to USD's educational programs, the AEBPD training mentioned above was slated only for JMS teachers. The value of this training was so important to Michelle Tanner, a TC teacher at the time, that she decided to transfer to JMS in order to be eligible to go.

Two other teachers, Aimee Brienholt and Jenny Alvey from the TC program at

Wright Elementary School fought the USD administration so they could also participate. During the 2007-08 school year, they were granted to join JMS teachers for the training. At the training, the similarities of the TC program and JMS Bilingual program became more evident and the significance of "critical mass" for students was a necessity for student success. Finally, being able to combine the TC and the Bilingual teachers for the same training was the start of a phenomenal change to the Deaf education program in the state of Utah (Jill Radford, personal communication, June 22, 2009). Aimee and Jenny were part of the first group of participants that Jill and Michelle taught and they completed their training in spring of 2009 (Jill Radford, personal communication, June 30, 2014).

The AEBPD training clearly demonstrated the need for ASL as the primary language for children who are Deaf or hard of hearing. Presentations to that effect were made at the 2009 Deaf Summit Conference in Utah and the teachers were eager for more information in relation to the AEBPD training. Jill and Michelle presented the AEBPD training at the conference where it had a mixture of invested stakeholders such as parents, teachers, related service providers and administrators. The feedback was positive (Jill Radford, personal communication, June 30, 2014).

This training provided the catalyst for sending two more teachers, Victoira (Vicky) Pitcher and Melissa Leitheiser from Kenneth Burdett School of the Deaf to Gallaudet University the next summer of 2009. They became mentors for the Deaf Education teachers in the Ogden area (Jill Radford, personal communication, June 30, 2014). These examples show how specific professionals (teachers) who worked daily with the Deaf and hard of hearing children seriously sought this training. They wanted to improve the delivery of education for these Utah students (Jill Radford, personal communication, June 22, 2009).

In the two short years JMS had been under USD, it had made a huge impact on the State School for the Deaf. To quickly summarize: the ASL/English bilingual program at JMS provided CEABER/AEBPD teacher training, re-established the USD athletic

program, merged the Total Communication program with the bilingual program for greater academic success, increased the critical mass of the signing Deaf student peer group, obtained a permanent school building in the Salt Lake area, provided a student body government for students, and lastly, supervised the Deaf USD Programs at Churchill Middle School and Skyline High School under the administration of Jill Radford, JMS principal. That was a lot to accomplish. JMS became a beacon of hope and showed what Deaf Education for Utah's Deaf and hard of hearing children could look like.

Would It Really Work?

Though the Utah Deaf community knew JMS financially needed USD, the actual merger was feared by the Utah Deaf community and the JMS staff. They knew,



Dr. Robert G. Sanderson

historically, that the signing program at the school was always presented to parents as the 'program of last resort.' There was a general fear among the Utah Deaf community that USD put the charter school under its administration only to eliminate its bilingual teaching method. Would the bilingual program be presented to parents as the viable and Deaf-appropriate program it was? Would JMS suffer the same reputation slaughtering that the Total Communication program went through during parent meetings and IEP meetings? USD administrators had the reputation of

treating the signing program as 'the only place left' to put a Deaf child when the child was unsuccessful in the oral/aural (speaking and listening) program.

This fear was real. In 2002, prior to the JMS/USD merger, UAD president, Ron Nelson, and UAD members, Dr. Robert G. Sanderson, Dennis Platt, and Kristi Mortensen

met with USDB Superintendent Lee Robinson and Steve Noyce, program coordinator for Utah's central division. These brave members of the Utah Deaf community wanted to go over their very real concerns regarding the way the signing program (TC at the time) was treated. They brought up the topic of how the State School operated with a general oral/aural bias. They wanted to get out into the open their awareness of a general lack of respect for the signing classroom environment among the USD administration.

Supt. Robinson expressed his desire for the oral program and the total communication program to be balanced. Additionally, he stated that the Parent Advisors of the Parent Infant Program should make sure to share the different educational options at USD with parents, including all possible information, leaving nothing out or showing any kind of bias (Mortensen, *UAD Bulletin*, October 2002). This echoed Dr. Campbell's desire years ago.

Lawrence Siegel, a Special Education attorney who is hearing, captured the same sentiment best. He emphasized the importance of providing full disclosure to parents regarding hearing loss and about listening and visual communication options. This would include explaining the difference between receiving language and effectively using or being proficient with

language. With full disclosure, parents could begin to comprehend the language-learning task set before their child. Parents could make better informed decisions, seeing the reality of the situation their Deaf child faced. They could then request a program that would provide the language tools their child needed. It would be a great day if every parent could have this full disclosure.



Dennis Platt

Despite what Superintendent Robinson told the representatives of the Utah Deaf community that day in 2002, no discernable progress was seen towards program equality

in 2009. Oral/Aural classroom placements were still being presented to parents as the preferred place to start with their Deaf child. The signing program continued to be passed over or placed at the bottom of the options list as undesirable. More and more parents were frustrated with the inappropriate placement decisions occurring at their child's IEP meetings. Was this action prompted by the deep-rooted bias of some USD administrative personnel in favor of mainstreamed or an oral/aural educational setting? According to Utah Code, this change-of-placement action without parental consent was illegal.

Three years later, there was a marked difference in the attitude of the USD's Superintendent at the time of the merger. Supt. Linda Rutledge clarified that JMS' ASL/English bilingual education was a valuable component of the overall educational programs that USD offered (Jeff Pollock, personal communication, May 3, 2006). By this, she hoped to overcome the state school's traditional course towards the oral/aural programs and hoped to set the stage for continued administrative support for the signing programs.

Early Detection of Deafness in Newborns

Dr. Karl White, a PhD professor of psychology at Utah State University in Logan, Utah, had never had any involvement in Deaf Education. However, he became interested in the early detection of hearing loss in newborns. During 1988-1993, Dr. White conducted clinical trials for newborn hearing screenings. His interest led him to create the National Center for Hearing Assessment and Management (NCHAM) in 1990. His research caught the attention of the National Institute of Health (NIH). As a result, in 1993 the NIH formally announced that all newborns should be screened for hearing loss. This screening program had greatly improved the early detection of deafness in children across the United States (The National Center for Hearing Assessment and Management, Wikipedia). Dr. White



Dr. Karl White
Emma Eccles Jones College of
Education and Human
Services, October 18, 2012

became a busy consultant for hospitals and medical agencies in other states who wanted to make newborn hearing screenings available to the public.

While consulting throughout the nation, he began noticing that Deaf/hard of hearing babies and toddlers, who received a cochlear implant very early in life and entered an early-intervention and/or preschool program that focused on listening and spoken skills, achieved the ability to function in a classroom without a hearing aid about the time they turned seven years old (Lambert, *The Ogden Standard-Examiner*, 2007, 4A). Based on these observations, it seemed that Dr. White concluded all babies with hearing loss could be surgically implanted with cochlear implants. If they were enrolled in a listening and spoken language infant/toddler program, then they would never need to learn sign language and would never need to attend the state deaf school. He moved forward with his conclusions and two years after JMS merged with USDB, a preschool program targeting Deaf babies and toddlers with cochlear implants (CIs) debuted at Utah State University (USU) on May 3, 2007. It was the brainchild of Dr. White called Sound Beginnings.

The Oral Deaf Education Meeting And the Creation of ‘Sound Beginnings’

To debut the new program, an Oral Deaf Education meeting was held at Utah State University on May 3, 2007.

Dr. Todd Houston, Program Director of the Sound Beginnings told the packed audience about a grant called “Sound Beginnings of Cache Valley.” The \$3 million initiative behind the program would have what is called an auditory-oral focus, which means the program would focus on developing spoken language and listening skills. Superintendent Linda Rutledge of Utah Schools for the Deaf and the Blind was present with other USDB representatives.

Dr. Houston and Dr. Beth Foley, USU's Dean of the College of Education, showed their introductory DVD. It showed parents, teachers, administrative staff, and a team of specialists, as "partners in a...supportive system" to make these children "successfully orally educated" in such an "normal, ordinary, independent, happy environment", gaining a "great sense of independence" in the "mainstreamed" school settings.

Superintendent Rutledge briefly mentioned that USDB provided Oral Deaf Education as one of the three options offered at the state school.

Jean Sachar Moog, director of The Moog Center for Deaf Education in St. Louis, Missouri, was one of the presenters at this meeting (Jean Moog was Jodi B. Kinner's former principal at Central Institute for the Deaf in St. Louis, Missouri). She stressed that having a strong relationship with the Oral Deaf Education community would make it possible for this program to successfully provide a "near native" Oral environment for Deaf and hard of hearing students at all times. Because she was aware of economic hardships that prevented many parents from moving to St. Louis, she proudly explained that she'd established Moog Training Centers using her Curriculum, known as "Moog Curriculum," in six other states and one in South America. Ms. Moog expressed her excitement over seeing her school's oral/aural philosophy expand nationally and internationally.



Jean Sachar Moog
Audiology Online website

A couple showed off their young Deaf daughter's oral skills by having her sing the song, "Itsy Bitsy Spider". The young girl had a cochlear implant.

A panel discussion was next on the meeting's agenda. Parents of children with cochlear implants and professionals were on the panel. A moderator relayed questions from the audience to the panel. The questions were written on 4x6 cards.

The four frequently asked questions concerned how the Sound Beginnings program would be run. In summary: The Sound Beginnings program was now accepting children who were Deaf and hard of hearing between the ages of birth--5 yrs. Subsidies from the federal government were received for serving this target population. The program was scheduled to begin September 2007. Children, birth-2 years old, were to have a family visit once a week. Children, 2-3 years old, would have a weekly playgroup. Children, 3-5 years old would be enrolled in the program all day. The first three years were free for these students. The program's administrators hadn't worked out the financial funding for the 4-5-year-old group, which comprised the last two years of the program. The ultimate aim would be for the local public school to become the educational setting for the children when the children hit kindergarten age. The program's goal would be to increase family involvement as much as possible and to work with parents as partners with a team of specialists, including USU students in the fields of audiology, speech pathology, and speech therapy as part of their university training. Houston said the program would respect and recognize the family's choice of communication methods; however, the classroom staff would only respond to the children "orally". Though Dr. Houston didn't say it, he implied that the children's signing would be ignored by the staff. The program planned to use what they called a 'diagnostic-based' educational approach. This method would allow the program to demonstrate the usage of measured assessment tools to make the children "orally successfully educated" on a daily basis.

A Deaf parent of a Deaf child in that age-range asked how he could use Sound Beginnings to educate his Deaf child when he signed to his child. A professional on the panel said that "if needed, they will provide interpreters" to meet the child's communicative needs. That stunned the parent because of the non-signing program philosophy that had just been explained.

A hearing parent on the panel lamented that it was too late to have her own daughter implanted. Her daughter was 3 ½ years old and, in this parent's opinion, she should have been implanted at age of 2 ½ years. Her advice to other parents was to have their child implanted as early as possible so the Deaf child could acquire better verbal and auditory language skills.

Another hearing parent on the panel stressed the need to build a strong parental "non hearing-impaired" community just like the "Moog System in St Louis." Dr. Cynthia Plue, a Deaf representative of the Utah Deaf community in attendance, did not understand what this parent meant by his comment. She tried to ask for clarification, but the Q&A moderator wouldn't take any impromptu questions. It seemed there was a bias or discriminatory attitude being expressed from this parent against Deaf people. That was offensive to all Deaf individuals and expressing such an attitude of discrimination was probably illegal as well.

The questions Dr. Plue did submit on the 4x6 cards were very significant:

- "Where are the successful Deaf adults with CIs and how are they contributing to this program?" They should be visible as successful 'role models' for parents and Deaf babies to show this program works.
- "What are these Deaf [CI] adults doing for a living?"
- "Will this program allow ample opportunity for the Deaf babies and toddlers to be educated bilingually in ASL and



Dr. Cynthia Plue

English?"

The moderator did not use any of Dr. Plue's questions during the panel discussion. "It was very frustrating [to have my questions ignored], but very smart [of the Sound Beginnings' presenters] to have "controlled" [the meeting to support their] oral-based education!" Dr. Plue said (Dr. Cynthia Plue, personal communication, May 1, 2009).

Sound Beginnings' Impact on Utah Deaf Education

To fund his brainchild, Dr. White solicited a \$3 million grant from the Oberkötter Foundation. This is the largest private foundation in America that focuses their support on the aural-oral education of children who are Deaf or hard of hearing. Because of this generous funding, this early childhood educational program was tuition-free for Deaf children, birth-5 years old (Lambert, *The Ogden Standard-Examiner*, 2007, 1A; Kristi Mortensen, personal communication, June 26, 2009). The children in the program had access to specialists in early childhood deaf education, pediatric audiology, and speech-language pathology. The goal of the program was to make it possible for these Deaf children to succeed alongside hearing peers, without the need for sign language. The Sound Beginnings program relied on cochlear implants being surgically implanted in these profoundly Deaf or severely hard of hearing babies/toddlers (Lambert, *The Ogden Standard-Examiner*, 2007, 1A).

While Dr. White admitted that cochlear implants do not allow the children to hear, in the biological sense of the word, he decided his program would not encourage the children to sign for fear the signing would become a crutch and reduce the children's chances of mastering spoken English. This was Karl White's thinking: thinking that was not supported by linguistics research; thinking that was not checked out with experts in the fields of language acquisition; thinking that did not consult with the professors of the Deaf Education Department in his own university; thinking done without reading any research in the growing field of bilingual linguistics. When criticisms began, Dr. White

clarified that children in the program who already used sign language wouldn't be told to stop (Lambert, *The Ogden Standard-Examiner*, 2007, 1A). What he didn't say was that the child would eventually stop signing in such an environment where there was no sign exchange.

Dr. White moved ahead with his early intervention program. If only he had checked first. Bilingual research shows that a child who has mastered his first language will use it as a foundation to learn a second language. In applying this to Deaf and hard of hearing children, their first language is American Sign Language with English as their second language. He could have also found ample evidence that showed sign language promotes and improves speech development (Graney, 1997).

Without any background in Deaf Education and without any credentials to recommend him to participate in Deaf Education, Dr. Karl White effectively created gross ramifications for Utah's Deaf Education. Did he consider the consequences of his actions? Money talks and, sadly, he made a lot of money for himself and USU with continuing grants from the Oberkötter Foundation.

Dr. White was asked to initiate a training program at the university for speech-language pathologists and audiologists with a focus of cochlear implant technology and auditory-verbal therapy techniques. USU chipped in a percentage of financial backing to cover the full-time teaching positions created for the new training program (Kristi Mortensen, personal communication, June 26, 2009). All these resources derived from the promotion of a non-signing preschool course for little Deaf children. All this expenditure from lulling parents into placing their children in his Sound Beginnings program by promising that their children will be taught to hear and speak.

The Utah Deaf community was aghast at the flaws in Dr. Karl White's thinking. To say sign language was a crutch was an insult. To see deafness as something to 'fix' was to deny the Deaf identity and culture. These babies, toddlers, and children are not hearing children who don't happen to hear. They are Deaf.... culturally, sociologically,

and linguistically. Dr. White's philosophy did much to discount the Deaf as a people with a language. Remembering Dr. White's background in psychology, he seemed to be blatantly ignorant of the psychology of being Deaf. The Utah Deaf community, with all their experience and expertise, was being unceremoniously shoved out of the picture.

Did Dr. White even consider the effect his program would have on the Deaf/hard of hearing children who were in it or the effect on their families? Was he teaching the parents a form of discrimination against deafness? Was he rejecting the diversity of these children? Was his goal to create a homogenous society where everyone was the same? Did this program look at the whole child? Everything about the aim of the Sound Beginnings program was offensive to the Utah Deaf community.

Conflict Arises

There was another program on the USU campus affected by Dr. White's activity. Dr. Paula Pittman, director of the USU-based SKI-HI Institute, expressed great frustration. SKI-HI, a program that also served Deaf and hard of hearing babies/toddlers and their families with the use of sign language in the home, needed to fill full-time personnel positions. When she saw the Sound Beginnings program get at least three full-time positions from the university, the question became: was USU only responding to the influx of money from the Oberkotter Foundation or from the needs of its programs? (Kristi Mortensen, personal communication, June 26, 2009).



Dr. Paula Pittman

Dr. J. Freeman King, chair of the Deaf Education Department at USU, strongly opposed Sound Beginnings on linguistic grounds. In 1991 Dr. King came from Lamar University in Louisiana to Utah State University. From that moment, he began shaping the Deaf Education program to become solidly based on American Sign Language as the language of instruction for Deaf children. This philosophy, sweeping the nation, promoted learning English in the form of competency in reading and writing (Lambert,

The Ogden Standard-Examiner, 2007, 1A).

Speech was an acceptable skill to develop, if there was an interest on the part of the child or parents, but it was not to be the all-consuming focus as in the oral/aural programs at the expense of academic learning.



Dr. J. Freeman King

Dr. King emphasized, "Speech should not be the end product of the education of a Deaf child. It can be a valuable tool, but the most important [end product] is access to language." He continued, "This can be achieved through the use of American Sign

Language, whereby we are playing to the child's strength, which is vision, and not to their weakness, which is the inability to hear" (Lambert, *The Ogden Standard-Examiner*, 2007, 1A).

The Utah Deaf community appreciated professionals like Dr. Paula Pittman and Dr. J. Freeman King. What upset the Deaf adults were the misconceptions disseminated in the rhetoric from professionals like Dr. Karl White and Dr. Todd Houston. The remarks regarding listening and spoken language for Deaf babies was without the backing of research data and was misleading for hearing parents. These misconceptions continue to be the major objection of the Utah Association of the Deaf. Deaf adults are not unequivocally opposed to cochlear implants. But the misconceptions claiming that cochlear implants can fix, or cure deafness as publicized by the Sound Beginning

professionals, and others like them, is what upset Utah Deaf leaders and the Utah Deaf community members (Lambert, *The Ogden Standard-Examiner*, 2007, 4A). Hearing parents will buy into that misconception because of their own naivety and are later surprised to find that their Deaf or hard of hearing baby is still deaf.

Dr. Todd Houston, a former director of the national Alexander Graham Bell (AGB) Association, was chosen to become Sound Beginnings' new director. He stated, "Our goal is to transition [Deaf children] into their public school as soon as possible, but make sure they can be successful in a public-school environment. I think....most [Deaf] children today could be successful with a spoken language approach" (Lambert, *The Ogden Standard-Examiner*, 2007, 1A). "I think?" There is no time granted for guessing. There is no 'learning curve' to get it right. The crucial early years of language learning should not be lost while using this erroneous route.

Dr. Beth Foley, USU's Dean of the College of Education, sanctioned the Sound Beginnings program. She didn't see it as replacing the USU Deaf Education Dept's teacher-training signing program. She defended the addition by saying, "We already have a strong sign-language program. Now we are expanding the options we have out there for parents" (KSL.com, April 28, 2007). Houston added, "Parents can, and should, be able to choose how they want to communicate with their children..... Many parents are now choosing to get their children cochlear implants and these children need intensive follow-up training and services to take full advantage of this technology" (KSL.com, April 28, 2007). What Foley and Houston do not realize or understand is the unalterable fact that Deaf and hard of hearing babies and toddlers need a language that is fully accessible. No one can know exactly what is being heard through a hearing aid. A cochlear implant is nothing more than a hearing aid embedded in the cochlea of the inner ear. It's understandable that hearing parents would like to verbally communicate with their Deaf or hard of hearing baby. 90% of Deaf babies are born to hearing parents. But it's not a simple matter of these parents making a decision. Deciding doesn't make it happen. Because a cochlear implant does not remove deafness, the reality is that sign language is still the most appropriate accommodation to make for a Deaf child. These children's eyes

are primed for visual language. Their ears are not primed for spoken language. Parents need to be told these facts and helped through the process of acceptance.

As Sound Beginnings was starting up (2007-2008), parents had varied experiences with it. Taunya Paxton decided cochlear implants were right for her Deaf son. Her family adopted a focus almost entirely on spoken English. She said, "We would do sign language and he would...talk..." (Lambert, *The Ogden Standard-Examiner*, 2007, 1A & 4A) Jennifer Tingey, parent of two Deaf children, decided against the Sound Beginnings program. The presentation she attended upset her because she felt the presenter glossed over the program's potential negatives. Tingey decided on a total communication program for her children. She stated, "They're getting speech and sign language so, when they're older, they....can choose whichever they would like." Tingey pointed out that the Sound Beginnings program doesn't use ASL in the classroom. "I can see their point of view of not using ASL...if parents want [their child] to be hearing, but if that child doesn't have the cochlear implant in, how can you communicate with that child, because when the child's swimming or in the bathtub, they have to take the implant out" (Lambert, *The Ogden Standard-Examiner*, 2007, 1A).

So, as Sound Beginnings made its debut, there was a quick look back at the progression of the Utah teacher-training programs over the years:

- **Pre-1985**--UAD advocated for a Deaf Education college teacher's training program in a postsecondary institution in Utah that emphasized sign language.
- **1985**-- a new Deaf Education program at Utah State University (USU) was established with an emphasis in Total Communication expertise, using a pairing of sign language and speech.
- Prospective teachers for the Deaf could enroll at USU for a Deaf Education degree or enroll in the University of Utah (UOU)'s Special Education program with a teaching endorsement for the

Deaf/hard of hearing. UOU's program emphasized the Oral/Aural (non-signing) approach.

- **1991**-- the USU Deaf Education degree's Total Communication program was re-structured into an American Sign Language/English bilingual program under Dr. J. Freeman King. By this time there was research data to support ASL as the visual language that Deaf children needed.
- **Early 1990's**--A Multi-University Consortium agreement was established between the University of Utah, Utah State University, and Brigham Young University (BYU) to offer classes in education and general undergraduate credits that would be recognized and accepted by the others when the prospective teacher of the Deaf needed to transfer to their actual Deaf Education program of choice.
- **As of 2013**-- this Multi-University Consortium is still available at UOU but no longer includes BYU (website for University of Utah, College of Education) Currently (2013), course work for UOU's Special Education degree requires American Sign Language classes for each prospective graduate.

Looking at the impact Sound Beginnings was making on the Deaf Education programs; it was tearing a hole in the progress that had been made and was reducing the gains that had been made in getting an accessible language to Utah's Deaf babies.

Public Comments Are Heard

While the Sound Beginnings of Cache Valley was in the process of being established at Utah State University, a number of articles were published in the local Logan newspaper expressing concerns and perspectives regarding the preschool program.

(Letters to the Editor were printed in the Editorial section of the Herald Journal Newspaper of Logan, Utah in May 2007. Some have specific dates via the Herald Journal website and archival search: www.hjnews.com/archives/

-----Deaf Ed Article Needs Clarification-----

To the editor:

This letter is in response to the article that appeared in the Saturday, April 28, 2007, edition of The Herald Journal titled, BUSU starting new Deaf ed program for kids under 5.C It is evident from statements made in the article, that certain misunderstandings need to be addressed. The Deaf Education Program at Utah State University is not a signing program, or a sign language training program; rather it is a nationally known teacher training program that places a primary emphasis on the use of American Sign Language as the language most accessible for the Deaf child with which English as a second language is paralleled. Also, the statement made in the article that the teacher of the Deaf should know some sign language is akin to saying that the teacher of English should know some English.

The Deaf Education Program at Utah State University has a national reputation in the field of Deaf education. The program is well known not only for training teachers who are skilled in the use of American Sign Language (ASL), but who are also skilled in teaching methodology and good teaching practices, and, is one of the few programs in the nation that has been granted three areas of certification by the Council on Education of the Deaf: Early Childhood, Elementary Education, and Secondary Education.

The Deaf Education Program embraces the bilingual/bicultural approach in educating the Deaf child, an educational approach that embodies the use of two languages, American Sign Language (ASL) and English, and an understanding of and respect for two cultures, the hearing culture and the Deaf culture. Goals of the bilingual/bicultural approach include: 1) using ASL to increase the knowledge of content information; 2) developing transfer strategies from ASL to English in order to gain information; and, 3) developing a strong metalinguistic awareness of English and how it is used in different settings and situations. The idea is that literacy in English can be achieved by first providing the Deaf child opportunities to acquire a visual language (ASL), and then bridging from this language to the written form of English. The bilingual/bicultural approach does not exclude the learning of speech and listening skills as valuable tools. It is not exclusionary; rather it is inclusive by nature.

J. Freeman King
Director, Deaf Education

Utah State University
(Herald Journal Logan, Utah May 15, 2007)

----Sign language wrongly ignored----

To the Editor:

I am one of those “Deaf parents” who stood up and commented concerning sign language not being used in the Sound Beginnings of Cache Valley. I understand that they are offering alternative services for those children with hearing loss such as my son, but as you look around, there is no other choice in Cache Valley except the Sound Beginnings, which is not right.

I am one of those two million Deaf Americans who look at deafness without shame. We look at ourselves as an ethnic group rather than a group with disability or a group that needs their hearing to be fixed, which is how Sound Beginnings looks at us. We are rich in culture, folklore, history, heritage, and language.

We are similar to African-Americans and other ethnic groups in the United States that, unfortunately, have gone through persecution and discrimination, except that ours have not been as violent as others. Such persecution and discrimination is easily seen at the meeting with Sound Beginnings of Cache Valley as they underestimate sign language and in fact ban them from using it in their classroom. That is an action of genocide. By focusing on speech only they rob us of our culture, heritage and easily accessible language, ASL. American Sign Language (ASL) was proven by William Stokoe to be a true and natural language in 1979. It is not inferior to any spoken language but is made to look so by programs such as Sound Beginnings.

I wonder if I should walk in a classroom with hearing children who wanted to learn sign language as is found among parents of infants and/or toddlers. If I follow Sound Beginning of Cache Valley, I would simply ban them from using their native language, English, and begin to teach them sign language with the assistance of technology such as robotic parts installed in their hands in order to get them to make the right sign. How would you feel? That’s exactly what we feel; we do not need technology to fix our ears.

I have never spoken one word in my lifetime but am able to maintain above a 3.5 GPA at USU. What is wrong with sign language? What is wrong being Deaf? Nothing; as for someone seeking for “normal” status such as parents with Deaf children, may I ask, what is normal? Is a left-

handed person normal in contrast to a right-handed? Are person's skin colors normal such as olive, peach, brown, etc.? Is a person normal with or without eyeglasses or eye contacts? What is normal anyway?

James Smith
Logan
(Herald Journal Logan, Utah May 2, 2007)

Expand Options for Deaf Children

To the Editor:

A cochlear implant is not simply a "magnetic pad and thin cables" connected to the auditory nerve. It is an electronic device implanted beneath the skin during an invasive surgery. The magnetic pad and thin cable are the visible part. Cochlear implants do not restore normal hearing. They simulate sounds. Children with cochlear implants will never have normal hearing.

This information is clearly explained by cochlear implant companies. A child born Deaf will always be Deaf even if they use hearing aids or have a cochlear implant. The fact is, if they do hear some sound (through assistive technology) it is not what we, as hearing people, are used to hearing.

This, however, does not impede the Deaf child. I am a mother of a Deaf child. He is 9 months old and can say the words, "more," "please," and "milk." He uses his hands to say these words. I understand him and give him what he needs. When my child is ready for preschool, he will have over 300 signs. However, there is no preschool classroom in Cache Valley where my child will be able to go and have someone understand him and be able to respond in his own language (American Sign Language) to teach him the same things other children are learning. We can choose to send him to a special education classroom taught by someone with limited sign skills or send him to the new program, Sound Beginnings, that USU is starting fall 2007. Although many of the staff of this new program may know "some sign," it will not be used in the program to enhance my son's learning. When he signs, his teachers would not understand him, would not be able to respond back and build on the language he is giving them.

The Communicative Disorders and Deaf Education department has said that with this program they are expanding the existing program they have and offering more options for parents of Deaf children. I see no option for my son. There is no classroom where he can go and learn to speak as well as learn emergent literacy skills, social skills, and basic knowledge of the

world around him through a language that is easily accessible to him. Why not provide a Bilingual/Bicultural approach where deafness is accepted, not shunned?

Where a child is allowed an accessible language (ASL) as well as taught to read, write and speak English. If allowed, Deaf children will excel in both ASL and English, growing up to be fully active adults contributing to society in a truly unique and wonderful way. Deaf children in Cache Valley need this opportunity.

Lynell Smith
Logan
(Herald Journal Logan, Utah May 6, 2007)

Lies Spoken About Deafness

To the Editor:

Outright lies were spoken at the meeting about an oral education program for Deaf kids less than five years old, called Sound Beginnings of Cache Valley, which was held last Friday, April 27th at USU.

The first lie is all Deaf children all over the United States speak well. My speech was awful until adulthood despite my speech training I got from infancy through 8th grade. Many more Deaf have far worse speech than I do.

The second lie is all Deaf children are happily mainstreamed at public schools and have normal relationships with hearing pupils. I notice the movie, shown at the Sound Beginnings of Cache Valley meeting, omits Deaf children in middle and high school years. I had fun playing with neighborhood children daily until I was eleven, when they switched from playing kid games to mostly chatting. They excluded me from chats due to my poor lip-reading skills. One day we walked around our block, smelling flowers. While I was bending down and smelling them, they all ran off. I just walked home and became best friends with books from then on.

The third lie is once children learn to speak; they stop signing. I attended an intensive oral school from three years old to fourteen years old. At reunions every five years, all 250 or so of us but three alumni students use ASL despite their good speech!

The fourth lie is that Cochlear Implants are helpful. If that is the case then why there are so many Deaf people get rid of theirs when they reach adulthood?

The fifth lie is that Savannah and the other two children shown on the video and in person who show up at the meeting all started with American Sign Language (ASL) and then progressed to good speech. What about those who didn't start with ASL? It took me SIX months to learn how to pronounce my first word, "ball." What a waste of time! In contrast Deaf children exposed to ASL usually have a vocabulary in ASL equal to a hearing children's spoken vocabulary. Those who know ASL learned to speak faster because receptive language skills precede expressive skills, and ASL is visual and easier to understand than oral speech that is largely invisible to the Deaf.

The sixth lie is oral children are successful in the hearing world. Then why did Utah School for the Deaf and Blind, who supports oral/auditory approach more than other approaches, often fails to produce college-bound students for so long? Oral education still limits students' access to communication in the classrooms. I was the only Deaf in my school from 9th grade through college and got generally 2.7 GPA in high school but mostly 2.0 GPA at college. After I learned ASL at age of 20 years old and attended graduate school with interpreter services, I got 4.0 GPA, thanks to my enhanced access to communication.

Susan Stokes

Logan

(Herald Journal Logan, Utah May 12, 2007)

Sound or Unsound Beginnings: An Option is Not an Option Without Options

Dr. J. Freeman King sent this letter to representatives of
JMS (Jean Massieu School),
HCWEC (Henry C. White Educational Council), and many others at
USDB (Utah Schools for the Deaf and Blind)

The recently established oral-aural preschool program for Deaf children at Utah State University (Sound Beginnings) came into being due to an extremely generous donation of over 3 million dollars from the Oberkötter Foundation, a national foundation that is exclusionary in its focus—only supporting programs whose emphases are the development of speech and listening skills. The use of American Sign Language is not permitted by faculty or students involved in such a program. Even though much rhetoric has been spent on attempting to convince all involved that the evolution of this program is for the sake of "options for parents of Deaf children," the question begs to be asked, What are the other options? There are none.

The Deaf Education Program at Utah State University has many obvious concerns regarding the oral-aural preschool (Sound Beginnings) and the manner in which it has been conceived, the contrived gestation period, and finally its birth. Discrete meetings, discussions, and conversations occurred the past year as a means of garnering support for the Oberkötter Proposal. The Deaf Education faculty at USU was not privy to any of these meetings, discussions, or conversations. Originally, the proposal was only for an oral-aural preschool but has metamorphosed to include an oral-aural teacher endorsement program, and will more than likely morph even further to become an oral-aural teacher preparation track.

The current Deaf Education Program at Utah State University not only considers the views of the victims of exclusively oral-aural programs, but also embraces those views and works to prepare teachers who will not continue the tradition of mediocrity that plagues programs for Deaf children. The Deaf Education Program at Utah State University prides itself in preparing teachers who provide Deaf children with the very best in terms of linguistic development in American Sign Language and English, and can provide those children with skills and opportunities that will allow them to have choices as they grow up, choices to communicate in American Sign Language or English.

Too often, Deaf children grow up regretting the education they suffered during their childhood. Often professionals in the field and pseudo-Deaf educators (psychologists, audiologists, and speech-language pathologists) do not consider the experiences of these Deaf children after they are grown (Why is it that the vast majority of oral-aural educated Deaf adults choose American Sign Language as their preferred language of communication and linguistic access when they are allowed to make the choice for themselves?) We cannot ignore the fact that many Deaf children, even those who do not have severe-to-profound hearing losses, eventually align themselves with the Deaf community, and experience regrets that they did not have the choice or opportunity to have access to a visual language and a different, more positive view of deafness. Why can we not give them the skills to have the best of both worlds right from the beginning?

In succumbing to the “gift” of millions of dollars from the Oberkötter Foundation, the decision has been made to run roughshod over a nationally-acclaimed program for training teachers of Deaf children; to provide a myopic preschool program in the name of parent options; and to initiate a well-funded propaganda campaign in support of the oral-aural preschool and the oral-aural only endorsement/certification track in the Department of Communicative Disorders and Deaf Education. It is dismaying how easily money can be the moving force that causes one to

capitulate principles, distort statistical findings, limit parental choice as to educational options, and trample cultural and linguistic respect for a community of American citizens.

J. Freeman King, Director
Deaf Education
Utah State University
Logan, Utah 84322-1000

Sound Beginnings Just An Option

To the editor:

In Fall 2007, Utah State University will begin operating an early childhood educational program for deaf children that will be called Sound Beginning of Cache Valley. This tuition-free program for children up to six years of age will take advantage of recent developments in technology and educational techniques to help children with hearing loss maximize their cognitive, social, developmental, and daily living skills, including listening and talking. Recent letters to the editor from James B. Smith and Lynell Smith have emphasized the importance of providing educational and communication options to families in Cache Valley who have children with hearing loss. We agree with them completely. In fact, this is why we will be starting the Sound Beginnings program in the fall. Of course, this is just one option and we hope to work with people like the Smiths to further expand the options available here in Cache Valley. We recognize, respect, and appreciate that many deaf people consider themselves to be part of a cultural group that is rich in culture, history, and language, and do not think of themselves as a group of people with a disability that needs their hearing to be fixed.

It is not the intent of the Sound Beginnings program to dismiss the value of Deaf culture or the rich history of the deaf. The goal of Sound Beginnings is to assist families who want a spoken language option to help their child take advantage of his or her hearing ability to develop listening, speech, and language skills. Most hearing parents who have deaf children want to maximize their child's ability to use and understand spoken language. The Sound Beginnings program will help families to achieve this goal. While sign language will not be used by the teacher or therapists in the Sound Beginnings program, we are not opposed to sign language or Deaf culture and will not ban the use of sign language in our classrooms. If children use signs, those signs will be responded to and honored, but the teacher or therapist will respond back with speech to encourage listening and speech development. We look forward to continuing to work with people in Cache Valley to provide a broader range of educational options

for children with hearing loss.

Karl R. White
Logan
(Herald Journal Logan, Utah May 16, 2007)

----What is an option? ----

(This article was sent to the editor of Herald Journal Logan on May 21, 2007 with a response from the editor on 22nd stating they couldn't publish James Smith's letter due to policy of one letter per month per person and containing 450 words or less. Thus, James' article was given to the author for publishing).

To the Editor:

In spite of the recent letter by Karl White stating that Sound Beginnings of Cache Valley is just an option and that their goal is "to assist families who want a spoken language rather than dismiss the value of Deaf culture or the rich history of the Deaf," the Deaf community is not satisfied.

Despite Karl White commented: "We recognize, respect, and appreciate" Deaf individual's culture, language and values. Yet if something is respected and recognized, wouldn't it be taught in the classroom? Will Deaf children, our next generation, be taught about us? Will they be exposed to Deaf adults who could be role models to them? Who will help them to see they can be successful, even if they choose a different language from the hearing majority? Will they learn their accessible language, ASL? Apparently, the answer to these questions is 'no.' Quite often, these Deaf children would feel their deafness is something they need to be ashamed of and have to work their butt off to hide from everyone, while we have alternative ways to succeed without being ashamed. We have people in our community involved with engineering, computer science, medical services, transportation services and so many other occupations. We strongly believe that we can do anything except hear. Sound Beginnings focuses too much on our weaknesses: listening and speaking, while ignoring so many abilities we have to contribute to society.

At this time, Sound Beginnings is the only [preschool] option available to Deaf children in Cache Valley. How can parents truly choose to use a spoken language option when there is no other option with which to compare it? Parents can't go to a classroom here in the valley that uses American Sign Language and see what instruction in this kind of class would provide.

The Deaf community is working on finding ways to provide another option for Deaf children. We truly hope that Karl White and the other staff of Sound Beginnings will be true to their word; that they will work with us to get another option. Then once that option is available, they will work with parents who want both sign language and auditory training for their children and allow that to happen. Parents need to be given an unbiased choice; to be able to see all approaches in action, and then make an educated decision. Most parents are choosing to give their child both ASL and auditory, truly allowing the child to choose for themselves what works for them. Why shouldn't they?

James B. Smith, Logan

To provide details on the context of the situation, James Smith, a Deaf father of Deaf children as well as a student of Utah State University and Susan Stokes, a member of the Utah Deaf community who resided in Logan, Utah, went to Henry C. White



James Smith

Educational Council (HCWEC) to seek support from larger Deaf community in this struggle at their meeting on May 11, 2007. James and Susan were however told by them, “We are spreading too thin, and we can’t support you as it is irrelevant to our mission.” James and Susan warned them that the issue in Logan seems distant, but it is relevant to HCWEC mission and purpose. They argued that the issue beginning at USU would become a statewide and eventually nationwide issue, thus the Deaf Education was at stakes.

James and Susan petitioned this argument to HCWEC without success and they left the meeting disappointed. They then led their own campaign in Logan through small Utah Deaf community there without success. They ended up giving up on the struggle and focus on different approach to challenge the system. All this chaos prompted James to start what was a seven-year research on the Deaf Education system in Utah and joined The Utah Deaf Education Core Group in 2010 (More information is found in Part V: In Danger: Deaf Education in Utah). These two committees eventually dissolved, and James

eventually joined the UAD Education Committee and later became chairperson for this committee in 2013. When he was chairperson of this committee, he proposed a seven-year worth research, data, statistics and innovations of potential solutions to consider as a plan of action for the committee to pursue. It was rejected. James understood that his notes above might not be “counted,” as they lack primary sources or evidence, but was simply how it happened from his perspective. He noted that those who worked closely as part of USU’s Bilingual-Bicultural Deaf Education program did so many things behind the scenes in this fight. They were James’ teachers, mentors and advisors on his journey dealing with his Deaf children’s education, Deaf education system in Utah even while meeting with resistance from the Utah Deaf community (James Smith, personal communication, August 19, 2014).

After all, James was right about his concerns regarding Dr. White’s powerful nationwide influence on Deaf babies and its impact on state schools for the Deaf across the country. Members of HCWEC were slow to wake up to the fact of Dr. White’s influence until much later.

Up to this date, concerned leaders and advocates of the Utah Deaf community as well as parents of Deaf children are seeing Dr. Karl White as a modern Dr. Grant B. Bitter, a Utahn like him, whose professional and ecclesiastical influence contributed to the oralism-manualism education controversy for Deaf children in Utah between the 1960’s and 1980’s. Even though a small portion of the national Deaf community knew about Dr. Bitter’s endeavors at that time, now on a larger scale they’re paying close attention to Dr. White’s work, that has scholarly, financially, politically and legislatively made an impact on early intervention strategies for Deaf infants nationally and globally mainly through the National Center for Hearing Assessment and Management (NCHAM) which he founded. As James predicted, Dr. White is constantly under watch and taking heat from the Deaf community regarding his involvement with Early Hearing Detection and Intervention (EHDI) programs all over. Although he may not be anti-sign language, his long-time effort is strongly geared toward auditory & speech training. He is presently an endowed chair in Early Childhood Education at Utah

State University (Utah State University: Utah State Today, January 6, 2013) in addition to his role as a staff member of Utah State University's Sound Beginnings program (Sound Beginnings: Utah State University website). Along with his resume he also serves on councils/committees having a clinical mission. Hence, his philosophy of pedagogy for Deaf children appears to be exclusive as he does not establish a mutual partnership with the Utah Deaf community, or rather, he refuses to wholeheartedly invest in their input as they are the ones that actually have the real-life linguistic and cultural experience in all aspects growing up Deaf.

Did You know?

The Henry C. White Educational Council (HCWEC) was formed in 2006 and this council consisted of Deaf individuals, Jeff Pollock, Dan Mathis, Stephanie Mathis, Cynthia Plue, Trenton Marsh, Julio Diaz and Jodi B. Kinner. Within a year, it was closed due to lack of time and other commitments. It was difficult to start the organization from scratch. Hence, some of the members joined the Utah Association of the Deaf board to support the association's mission and purpose. Other members joined the UAD Education Committee to support the education causes of their choices. Some of them joined the USDB Institutional Council and Utah Deaf Education Core Group.

Utah Code 53A-25-104: The Culprit

Since the 1960s and 1970s, the handful of Deaf students with multiple disabilities at the Utah Schools for the Deaf and the Blind incrementally increased in numbers at the residential campus in Ogden while more and more Deaf students without multiple disabilities were being mainstreamed. Often this mainstreaming took the form of self-contained deaf classrooms at the local public schools, managed by USD. However, those Deaf students who were academically above or at grade-level took a different route. They were enrolled in full inclusion programs in their local neighborhood school districts. The Utah Association for the Deaf and the Ogden-Salt Lake City Deaf communities continued to express their dissatisfaction with the quality of education at the Utah School for the Deaf at their own meetings and at the Institutional Council meetings held at the Deaf school (Bronwyn O'Hara, personal communication, August 27, 2009).

Because Deaf student educational placements had always been handled this way at USD, the Utah Deaf community had assumed that the school's philosophy regarding mainstreaming in conjunction with the prevalent oral/aural teaching methods had controlled the mainstreamed placement decisions. The true nature of the status of Deaf Education came to light during an IEP (Individualize Educational Plan) meeting that parent, Bronwyn O'Hara, had with her daughter, Ellen's, Program Director, Steve Noyce.

This happened in the Fall of 1994. At the meeting she brought up the idea of forming a day school for Deaf students where the Deaf children could be together, enjoying a common language and culture. It would be a place where hearing parents could learn from Deaf adults and would be a place where Deaf adults were valued. Bronwyn wanted this for all Deaf children/families. For this purpose, she founded the Support Group for Deaf Education. Her idea was to share information about deafness and Deaf Education with other parents of Deaf children. She had three Deaf children of her own and knew how important it was to receive accurate information to form good decisions. That day at the IEP meeting Steve Noyce explained that a deaf day school could not and would not ever happen because the Utah Schools for the Deaf and the Blind was under the Special Education Dept. He said if we wanted a day school, there must be a change in the Utah Code that regulated USDB (O'Hara, *UAD Bulletin*, January 1995).

This realization supplied by Steve Noyce added to a piece of information she'd received a few years earlier during a phone conversation with Steve Kukic, the State Director of Special Education at the time. He told her that all Deaf children started out under his Department of Special Education, not under regular education. Because of that, there were specific rules to be followed as codified by Utah law.

What started the discussion at that fateful 1994 IEP meeting was a request that Bronwyn made at the IEP meeting. She asked that Ellen have direct access to teachers and student peers without having an interpreter as a go-between. She explained to Noyce

that Ellen needed adults who were deaf to be behavior and language models. Further, Ellen needed peers who were close to her own skills in communication and language. That was when Noyce reported that the law did not allow grade-level or above grade-level Deaf students to be educated in an USDB classroom. He explained that because of the designation of Special Education for all Deaf students, Ellen's educational placement could only take the remedial route if she stayed at USDB. Bronwyn was stunned. She asked where the intelligent Deaf students went. He answered with one word: 'Mainstreamed' (Bronwyn O'Hara, personal communication, August 27, 2009).

Not to be thwarted and trying to find a way around the current law to achieve the same thing, Bronwyn asked Noyce to create an IEP for Ellen with a gifted student's goals so she could get an education on or above grade-level at USDB. The rationale was related to how some states were putting their gifted students under the Special Education umbrella so they could fund their gifted programs easier. Bronwyn felt her daughter's education couldn't wait for the law to change. However, Noyce just shook his head and said it wouldn't happen in Utah. He repeated that the law would have to be changed in order for the situation to change (Bronwyn O'Hara, personal communication, August 27, 2009).

After this illuminating IEP meeting, Bronwyn wrote on this topic to alert the Utah Deaf community of this situation. They had a right to know what was holding up the progress of better Deaf Education in Utah. She sent her article to the UAD Bulletin so they could plan how to change the law (Bronwyn O'Hara, personal communication, August 27, 2009). Her Letter to the Editor was printed in the January 1995 issue. It follows in its entirety.

Dear Editor,

Right now, the law says that **THE UTAH SCHOOLS FOR THE DEAF AND THE BLIND IS UNDER SPECIAL EDUCATION. BECAUSE OF THAT RESTRICTION, THE ONLY DEAF CHILDREN WHO QUALIFY FOR ATTENDING USDB ARE THOSE WHO WOULD QUALIFY FOR SPECIAL**

EDUCATION...

Does the Deaf community understand what this means?? This means that the deaf children who attend USDB must have delays in some area and need remedial help. This means the intelligent deaf children, on grade level or above, CAN NOT attend USDB. If they do attend USDB, they either are mainstreamed as much as possible or receive a remedial education with the rest of the remedial students ('Remedial' means "a special course to help students overcome deficiencies").

The only way for deaf children to be educated together and for the possibility for a Day school is to CHANGE THE LAW. We need the Deaf community's political clout to accomplish this. Please help! You accomplished so much last legislative session. You need to do it again.

Sincerely,

Bronwyn O'Hara, Parent
(O'Hara, *UAD Bulletin*, January 1995, p. 3).

While battling with USD, Bronwyn developed a friendship with Minnie Mae Wilding-Diaz, a third-generation Deaf woman. Minnie Mae helped educate her regarding Deaf Education issues. From 1987 to 1995 when the O'Hara's were in Utah, Minnie Mae gave her many academic journal articles regarding



Bronwyn O'Hara & her daughter, Ellen O'Hara

language learning, storytelling in sign language, and Deaf Education. Each article was conscientiously copied and given to Steve Noyce so, as USD Outreach Program Director,

he could be 'on the cutting edge' of current Deaf educational philosophy and strategies. Bronwyn hoped that he would incorporate those teaching strategies into what is called “best practices” in Deaf Education circles. Steve had those materials for many years, claiming they filled three very full file folders (Bronwyn O’Hara, personal communication, August 27, 2009). See Appendix E of Bronwyn O’Hara’s list of articles that she collected for Noyce from 1987 to 1995.

Minnie Mae explained to Bronwyn that Deaf children need Deaf adult role models and Deaf peers. She helped her understand that Deaf children were held back by delays in acquiring language, not by their mental IQs. Minnie Mae’s personal view that teachers of the Deaf do not need a Special Education endorsement on their teaching certificate in order to teach Deaf children influenced Bronwyn as well. It made sense. Why would Deaf students need special (remedial) education when these students were just like any other student who needed regular educational curricula, the kind that any hearing child would receive (Bronwyn O’Hara, personal communication, August 27, 2009)

At about the same time, Bronwyn was grateful for other avenues presented so she could learn more about Deaf Education. The Utah Association for the Deaf chose to send her with a group of Deaf individuals to two Deaf Education conferences, representing UAD: one was held at the California School for the Deaf in Fremont, California and the other one was held in Omaha, Nebraska. When she appeared before the UAD Board to share what she’d learned, she was surprised they didn't want an actual presentation. Instead the Board took her written report and she never heard anything more from them. If that report was to be used for formulating a 'battle plan', Bronwyn didn’t know about it. It’s possible the UAD Board remembered the 1992 USDB Institutional Council meeting where it went on record saying that the Council would endorse “that students need to be mainstreamed to the maximum when possible” in spite of IC Committee member and Deaf adult representative, Dr. Robert G. Sanderson’s opposition to that endorsement (Sanderson, UAD Bulletin, March 1992). Maybe the UAD knew there was more preparation needed before tackling this issue (Bronwyn O’Hara, personal

communication, August 27, 2009).

Over the course of the eight years that Bronwyn and her family were in Utah, she felt there were so many USDB educational policies that were never discussed with or explained to parents. Further, she felt that every single piece of information she found out was dug out through her own reading and phone calling and by asking questions at her children's IEP meetings. It was interesting to see the reaction of the USDB's staff when Bronwyn wanted answers. They didn't seem to be used to explaining these details. Either they had never been questioned by parents before or they had taken on a mythical role of being 'all-knowing' in the parents' eyes. All levels of administrators were surprised by Bronwyn's desire for more detail. She kept asking questions that no one had ever asked before (Bronwyn O'Hara, personal communication, August 27, 2009)

For example, after her children were in the USD system the first year or two, it happened that Bronwyn didn't sign one of the annual IEPs. She believed the allowance the law gave parents to not sign the document when there was a disagreement with the plan. In an attempt to get her signature, Steve Noyce urgently told her that compliance officers would be coming to the school to inspect all of their paperwork and the school would get into big trouble if all the forms weren't filled out correctly. Thinking that the compliance officers would help her make sure the program was good for her daughter, she signed. She figured their role was to review the decisions made and make sure the plan was implemented. However, she found out, a year afterwards, the truth about compliance officers. She asked Steve why the compliance officers didn't look over her daughter's IEP and see that goals weren't being achieved and that the program wasn't working for her child. Why didn't they assure the quality of the programs the children were in? Noyce simply answered that all the compliance officers were supposed to look for were the signatures on the forms in all the right places. They were not checking the quality of the program nor were they evaluating any part of the IEP goals as appropriate or inappropriate for the students (Bronwyn O'Hara, personal communication, August 27, 2009).

To Bronwyn, that was another 'knock-in-the-head' epiphany. She felt the earlier 'urgency to sign' was a ploy he had devised to manipulate her into signing. This would allow Noyce to get the formalities done for which he was responsible. Technically he had told her the truth but the real implications came out after much time had passed. He had also complained to the other USD Program Directors, John Schmidt and Maura Harris, telling them how he had to put up with Bronwyn's resistance to signing the document when she disagreed with aspects of her daughter's IEP. Her right to sign or not sign was her civil right guaranteed by Utah Code, yet he portrayed it to other administrative professionals as a burden and a hassle, making Bronwyn look bad (Bronwyn O'Hara, personal communication, August 27, 2009)

Bronwyn began to think that Noyce was following Superintendent Lee Robinson's example. Before her family moved out of Utah to Indiana, Supt. Robinson had told her, "I won't lie to you, Bronwyn, but I won't necessarily tell you everything."

Interestingly how similar this sentiment was in echoing what Skip Reese, Director of Parent Infant Program, had told her when the O'Hara's first moved to Utah in 1987. Skip said that she would answer every question a parent had. In Bronwyn's experience as a parent in Utah, the problem was that the parents had to come up with the questions. There were so many things they didn't even know to ask. So there was no responsibility on the part of USD to answer or explain anything.

On another occasion Bronwyn complained about the lack of signing PIP advisors for her 2 year-old daughter. The PIP advisors were trained to give oral/aural parent advice only. Bronwyn said those services did not meet the language needs of her baby. Skip didn't bat an eye. She justified her program, as-is, by saying, "Oh, it's a lot better than it used to be." and didn't even raise the idea that it needed to be improved (Bronwyn O'Hara, personal communication, August 27, 2009).

It was time to peel away the cloak of "omniscience" from USDB. Their programs looked great but didn't have desirable outcomes. Administrators didn't have answers to

legitimate questions. The professionals didn't use the information they had been given or used so little of it that there was no real improvement in their programs for Deaf students. They were not on the cutting edge of educational philosophies and strategies in Deaf Education. Their traditional oral/aural approach to teaching the Deaf had to be knocked off its pedestal (Bronwyn O'Hara, personal communication, August 27, 2009).

Just as the TV show "The People's Court" (1981-1993) with Judge Wapner demythed how legal proceedings were carried out and helped the general public not be intimidated by going to court or being taken to court, Bronwyn shared the concept of 'demything' USD (Wikipedia: The People's Court). As this TV show took the mystery out of the courtroom experience so people could understand the process and prepare themselves



Jodi Becker Kinner

better in the event of a legal situation, Bronwyn wanted to help other parents of Deaf children not be intimidated by the school's team of professionals and the IEP process. She used her parent support group, Support Group for Deaf Education, to accomplish this goal. She held parent meetings, invited guest speakers, created a monthly newsletter, and wrote letters to the editor to the UAD Bulletin and the Utah Parent Center newsletter.

When it became clear that it was the current law that was the barrier, the O'Hara's decided to move out of Utah. Bronwyn didn't want her Deaf child(ren) mainstreamed and cut

off educationally and socially from Deaf adults and peers. Ellen had an interpreter in 4th grade at the Scera Park Elementary School where she was mainstreamed for part of the day who was absolutely horrible. There was no recourse within the USDB system to get a better one. Situations like this compromised her child's education and arose over and over. The reality was that these educational years could not be recaptured once they had

been mismanaged. The family decided it was time to find a school that had the right philosophy in place. The O'Hara's moved to Indianapolis, Indiana in 1995 where Ellen attended the Indiana School for the Deaf. They had a Bilingual-Bicultural philosophy as the backbone of their academic program (Bronwyn O'Hara, personal communication, August 27, 2009)

Twelve years later in 2007, it was another parent's turn to learn the system. Jodi B. Kinner was a Deaf parent of Deaf children. She didn't know of Bronwyn's parental struggles with USDB, having moved to Utah from Washington, D.C. in 2000. Jodi was fortunate to become a member of USDB's Institutional Council. Bronwyn tried for a seat on that council but couldn't attain it. When Jodi was chosen, she represented the Utah Deaf community, not a parent.

At the time, Jodi met the challenges of the Utah Code and USD. Her two Deaf children, Joshua and Danielle attended the Jean Massieu School under the wing of Utah Schools for the Deaf and the Blind. As will be remembered, the Jean Massieu Charter School of the Deaf began as a public Charter day school where American Sign Language was used as the language of instruction. In 2005 it merged with USD and became USD's signing option for Deaf and hard of hearing students (Jean Massieu and Utah Schools for the Deaf and the Blind Terms of Agreements, 2005).

When Joshua turned 3 in 2004, he was easily enrolled at JMS because, at the time, it was an independent charter school. There was none of the fuss that is associated with a Deaf child having to go through the local school district for service recognition. However, after the 2005 merger, JMS became a part of USD and was now required to comply with Special Education and IDEA regulations. These regulations required that families be referred to their local school district before an initial placement at USDB was made. This became clear with the family's decision to place their daughter at JMS. In 2006 Danielle had just turned 3. Jodi had to go through lengthy procedures mandated by IDEA which included evaluation tests for Danielle.

During the initial IEP meeting, Danielle was reported as being academically 6 months behind her hearing peers. This made her eligible for the educational services at JMS. Jodi became curious whether Danielle would qualify to attend JMS if she were at grade level academically. The IEP professionals said no, she would not. As Jodi pursued asking more questions, she received vague answers. As was the case with most parents before her, she let the questions drop. There was no way she could get to the bottom of the USDB system in that one IEP meeting. But a year later, in 2007, it all surfaced again when Joshua's annual evaluation report arrived. The results of his academic tests was a score of 84. Jodi learned at the IEP meeting that Joshua was one point away from being mainstreamed. Jodi was alarmed to find out, that for decades, any student who scored 85 or higher were "kicked out" of the USDB. This applied to Deaf, blind, and Deaf-blind students. The high-scoring students were transferred into a mainstreamed classroom setting.

Jodi had the credentials for doing her own evaluating of the situation. She graduated from Gallaudet University with a degree in Social Work, with an emphasis in education, educational law, and educational policy. What she learned about the Utah Code that regulated USDB blew her away. Utah Code 53A-25-104 states, in part, that hearing-impaired children need to be found eligible for special education services before an Individualized Education Plan (IEP) could be written and the deaf child educated at USD [Code 53A-25-104(2) (a) and (b)]. Yet, Utah Code 25A-25-103 declared, in its definition of the Utah School for the Deaf, that USD can educate all of the deaf and hearing-impaired children in the state. Jodi felt these two laws contradicted each other (Utah State Legislature: Utah Code 53A-25-104 & Utah Code 25A-25-103).

It became clear to Jodi that the law forced USD to view its deaf and hard of hearing students under the Special Education umbrella. An IEP was a necessary element in Special Education. It was a legal instrument that allowed the state core educational curriculum to be modified from accepted state academic standards. Since USDB fell under Special Education, educational services at the state school were only to be given to those with special needs and delays. Having academic delays would qualify these

students for the development of an IEP. The fact that a potential student would have to qualify for special education meant that, not only would each child have to have a hearing loss, but he or she would also have to have some sort of academic delay in order to attend USD. If a Deaf student was on or above grade-level, that Deaf child would be deemed ineligible and could not attend any of the USD classrooms.

This is what Bronwyn found out so many years before but was rearing its ugly head again. A Deaf or hard of hearing child who was on grade level was removed from the state school environment that provided adult Deaf role models and Deaf peers. This created a problem for the child in the educational, linguistic, and social realm. The USD student would be transferred into a hearing mainstream program where access to the various facets of education for the Deaf student would be severely limited.

Minnie Mae Wilding-Diaz, mentioned earlier as Bronwyn's Deaf adult mentor, was aware of the laws, but the fact of their contradiction did not hit home for her until 2007. Like Jodi, she found out how the law would be applied at her own daughter, Briella's IEP meeting. The IEP team told her that her daughter would not be eligible for services at the Jean Massieu School because of Briella's high academic performance. This was a shock to think that her daughter could not continue her education at JMS. To repeat, JMS traded its independent status of accepting any and all Deaf/hard of hearing children throughout the state for being regulated by the State Dept of Special Education and its rules when it merged with USDB (Minnie Mae Wilding-Diaz, personal communication, August 11, 2009).

Jodi was extremely upset by this law which had the ability to negatively affect her children's education and every other Deaf child's education. She wasn't willing to let this happen. She presented her research and resultant facts concerning the Utah Code 53A-25-104 & Utah Code 25A-25-103 to the Institutional Council on May 23, 2007 (Institutional Council Minutes, May 23, 2007). Her presentation clearly showed these two laws were in conflict. As part of her demonstration, she used her own children's situations as examples of the laws' inconsistencies and the negative impact on their education. To

conclude, Jodi asked the Institutional Council to support an effort to get Code 53A-25-104 amended to fit the current national Deaf Education trends and to lift the restrictions here in Utah. The law should be amended to make it clear that USD is able to serve both delayed and non-delayed Deaf or hearing-impaired students as allowed in Utah Code 25A-25-103. Students with academic delays could still have their educational needs met by including in their IEPs the special services they would require. Those students who were on or above grade level could utilize federal law Section 504 to provide for their educational services. Section 504 provides for appropriate educational accommodations. Using the federal laws in this way, USD would be able to provide services to any Deaf or hard of hearing student in the state who attended their programs (Jodi B. Kinner, personal communication, April 14, 2007).

Finally, Utah Code 53A-25-104 was identified as the reason behind USD losing more and more of their students to mainstreaming. In addition to that, Jodi surmised that this particular law was probably the Number 1 reason behind the poor quality of education that generally existed for Deaf and hard of hearing students across the state. Over the years, the consequences of this law have been dire. The resultant trend of many of the academically advanced students being mainstreamed or moving out-of-state had been a high price to pay for little improvement in educational delivery and strategies (Kinner, *UAD Bulletin*, April 2008). This Utah Code would have prevented the school from progressing along the current educational trends. As an interesting aside, the fact that this Code interfered with USD's ability to serve the Deaf and hard of hearing student population was in direct contradiction to the reauthorized Individuals with Disabilities Act of 1997 (Jodi B. Kinner, personal communication, April 14, 2007). Seaver (2006) stated, "When IDEA was re-authorized in 1997, it included, for the first time, specific language that acknowledged the need for special considerations when the student was Deaf or hard of hearing." In addition, when IDEA was re-authorized in 2004, the full continuum of alternative placements was required in order to meet the Deaf child's communication needs, linguistic needs, and social, personal and cultural needs (CEASD's Position Paper on the Full Continuum of Educational Placements for All Students who are Deaf or Hard of Hearing, 2007).

And what about the role that teachers played in this aspect? The group of teachers who had been trained in Special Education were frankly frustrated. These teachers were taught to view their students as disabled and delayed in some way. They would use their specialized training to design modifications to the curriculum. This, they were taught, would meet the educational needs of their Deaf or hard of hearing students. Even though these teachers encouraged their students to do their best, it was so common for the teachers to have very low scholastic expectations of their students. The frustration entered when these highly trained special education teachers were presented with students who were Deaf/hard of hearing but not delayed. The teachers had not been prepared in knowing how to deal with Deaf/hard of hearing students who were on grade level.

In contrast, teachers who were trained in Deaf Education courses that emphasize American Sign Language as the language of instruction see their Deaf/hard of hearing students as regular students who happen to be Deaf. These children may have some academic delays, but it might be due, for example, to a lack of communication in the home. These teachers design their curriculum courses more along the lines of the regular education requirements and encourage their students to strive for academic excellence. Higher teacher expectations generally bring a higher level of student achievement. Dr. Robert G. Sanderson shared his perspective that special needs children should not be mixed in with a classroom of normal Deaf children (Sanderson, *The Ogden Standard-Examiner*, May 13, 2001).

It is obvious that there can be great benefit to pairing up Deaf and hard of hearing students with teachers who have pure Deaf Education degrees rather than with teachers who have Special Education degrees or Special Education degrees with Deaf endorsements. The teachers' perspectives of their students' abilities affect the way the students are taught (Jodi B. Kinner, personal communication, April 14, 2007; Bronwyn O'Hara, personal communication, August 27, 2009).

And consider this: teachers who were trained and certified in Deaf Education were not able to maximize their own teaching potential because of the loss of academically-advanced students to local school districts. Instead, there were too many students with multiple disabilities mixed into USD classrooms. Often teachers became full-time caregivers with the non-deaf disability determining the educational direction for the child. Often teachers had to give one-on-one attention to one student which resulted in holding back the progression of all other students. This problem occurred again and again, even with the addition in the classroom of a full-time teacher's aide (Sanderson, *The Ogden Standard-Examiner*, May 13, 2001).

What was even more disconcerting was to discover that many of the academically appropriate Deaf and hard of hearing students still received an inadequate education after being transferred into the local school's mainstreamed program. The quality of education was compromised because the delivery of information was impeded. For the students who transferred from the Oral/Aural USD program, there were difficulties in getting the proper equipment and maintaining it. The regular education teachers and staff needed to be taught how to handle the paraphernalia that accompanied the Deaf or hard of hearing oral student. The equipment was not the only obstacle to overcome. Teaching of all the parameters of lip-reading behaviors with its corollary low-noise rules was also required for student success. This not only applied to the specific classroom where the Deaf or hard of hearing child was but extended throughout the total local school environment. Teaching these deliberate changes in behavior took time and were also a source of frustration to the student and the local hearing school attendees/professionals.

The plight of the signing Deaf and hard-or-hearing students in the mainstreamed setting took an equally difficult twist. While there was not the need to change the acoustics in the room or assembly areas in the local schools, there was a terrible lack of qualified educational interpreters. Without this necessary access to the teacher, peers, and educational data, the Deaf and hard of hearing students were unable to tap into the mainstreamed education that was being provided. Because of this interpreter lack, their classroom was not able to provide access through a visual language or visual teaching

methods.

While all of these students were generally placed in their neighborhood schools near their homes, most of the time there were no other Deaf or hard of hearing students with which to associate. Combine that situation with the difficulty the hearing school children experienced in making friends with students who couldn't hear or who heard imperfectly. This created an overwhelming feeling of isolation for these transferred children. There were occasions when these students would be placed in self-contained classrooms with other Deaf and hard of hearing students as a way to achieve the critical-mass numbers for good social/academic groupings. Even though, in these situations, the students all had a hearing loss, there were still frequent incidents of frustration and segregation. This was caused by inappropriately grouping the children together in an attempt to mesh vastly different language abilities, academic skills, and age levels. In general, the mainstreaming was creating more problems than benefits (Jodi B. Kinner, personal communication, April 14, 2007).

However, these mainstreamed Deaf and hard of hearing students were in a Catch-22. If they wanted to transfer back into a USD classroom/program, there would be no academic peers with which to learn. This happened because the Utah Code said students at- or above-grade level would have to be transferred out of USD. This cycle created a nauseating downward spiral of frustration for all involved (Jodi Becker Kinner, personal communication, April 14, 2007; Minnie Mae Wilding-Diaz, personal communication, 2007).

Utah Code 53A-25-104 impacted the three programs in existence at USD as well as the mainstreamed setting: The Oral or LSL, the Total Communication, and the ASL/English Bilingual. With its emphasis on special education, Code 53A-25-104 actually added a barrier to promoting quality education at USDB/JMS. This barrier made USDB focus on placement choices only. Because of this focus, there could be no effective communication and language-driven educational goals developed for the students. With this law mandating remedial education, it was impossible to improve the

quality of Deaf Education, either at the state school or at the school district level. This law didn't allow for a way to address the language or communication needs of the Deaf/heard-of-hearing student population (Siegel, 2007; Jodi B. Kinner, personal communication, April 14, 2007).

The Total Communication program was also negatively affected by this law. The students in that program had their achievement goals waylaid because of the difficulty in being educated in an environment with academic peers. There seemed to be a tendency for the USD staff to encourage parents of Deaf and hard of hearing children who had multiple disabilities to enroll in the USD Total Communication program (Jodi Becker Kinner, personal communication, April 14, 2007) It's not that these children should not be educated, but difficulties arose when there were varying academic levels, making it hard for the teachers to teach to each child's potential. The remedial nature of the law prevented upward movement.

As for this law's impact on JMS, its ASL/English bilingual program's curriculum was designed for Deaf and hard of hearing students with normal to high cognitive and academic abilities. The teachers who taught at JMS had Masters in Deaf Education degrees. According to the JMS' Mission Statement, the teachers were committed to providing high quality education with direct communication/instruction and total immersion in language (JMS Mission Statement, 1999). However, because of this law and being under the USDB umbrella, JMS was now not allowed to serve students who didn't qualify for special education. The school was slowly losing students as a direct result. The scholastic expectations were starting to deteriorate. Because of this situation, a few families had transferred their children to local school districts while others had transferred out-of-state where their children could expect to receive a better education among a greater number of Deaf peers. The cycle that had its hold on the USD Oral and Total Communication programs was starting to encroach itself onto the JMS program (Jodi B. Kinner, personal communication, April 14, 2007).

There was speculation that Dr. Grant B. Bitter, an ardent advocate for oral and mainstream education, played a big role in creating the Utah Code 53A-25-104 in the late 1970s (Bitter, 1977, p. 6). The federal government had passed Public Law 94-142 on November 29, 1975. The goal of PL 94-142 was to see special needs children mainstreamed into regular public schools. It seemed clear that the language in this Utah Code was purposefully designed to push mainstreaming of Deaf and hard of hearing students along.

Here is an example of Dr. Bitter's possible involvement. On the occasion of August 19, 1977, Dr. Grant B. Bitter reported to the Utah State Board of Education. He shared what the Michigan State Board of Education had done in their response to Public Law 94-142. They set up a Study Committee. Their committee evaluated the educational programs at the Michigan School for the Deaf and Michigan School for the Blind and came up with these major recommendations:



Dr. Grant B. Bitter
The Utah Eagle, October 1962

1. Establish an Admissions and Discharge Committee to determine the eligibility and needs of children to enter MSD and MSB.
2. Phase out academic programming for normal Deaf children to programs for hearing impaired and visually impaired at the local level.
3. Serve primarily multiply-handicapped Deaf at MSD and multiply-handicapped blind students at MSB.
4. Develop outreach services to aid local programs to serve Deaf children and blind children (Bitter, August 19, 1977, p. 6).

Note how Michigan shifted away from serving the academically appropriate Deaf and blind students and became a multi-handicapped deaf and blind facility. Apparently, Dr. Bitter liked the recommendations from the Michigan Study Committee because he was able to successfully change the role of the Utah School for the Deaf to mirror what the Michigan state schools had done. Whereas the prior law, Utah Code 25A-25-103 had allowed the school to serve all deaf and hearing-impaired students of the state, Utah Code 53A-25-104 was created to eliminate serving deaf students who were grade-appropriate.

Parents of Deaf children and the Utah Deaf community were dumbfounded when they learned the impact of Utah Code 53A-25-104 had on who could attend USDB. They were in an uproar and spoke strongly against it. Utah Deaf Education and Literacy, Inc. (UDEAL), the non-profit group who had run JMS as a charter school and had advocated the USDB/JMS merger, was unaware of this eligibility requirement that only applied to USDB but not to pre-merger JMS. This law negatively affected all of the Deaf and hard of hearing students, limiting their access to education.

Not only were there flaws in the law, USD and the local Utah school districts didn't realize that the updated Federal Law, IDEA, superseded Utah Code 53A-25-104. Both were still complying with the older code, i.e. the Utah law. As a consequence of their not being current with the guidelines of the re-authorized IDEA, there was not adequate consideration given at the IEP meetings to the language and communication needs of the Deaf/hard of hearing students.

Critical mass at most of USD's programs and classrooms was lacking; its need to an educational program not being well understood. Most of USD's students continued to be mainstreamed without regard to the negative impact on them. LRE was not viewed as a 'Language Rich Environment.' Instead the least restrictive environment for deaf and hard of hearing students placed in the public mainstreamed 'hearing' schools intended to show compliance with PL 94-142. The mainstreamed placement was never challenged as the most restrictive environment for these students (Seaver & DesGeorges, *Hands &*

Voices PowerPoint, 2007).

All these developments hurt USD's ability to provide quality education, full language and communication accessibility, and critical mass numbers for the growing group of Deaf and hard of hearing students in the state.

Utah Schools for the Deaf and the Blind Legislative Workgroup

During the administration of Superintendent Linda Rutledge, Joseph and Melanie



Kenneth W. Sumsion
KenForSenate14 website

Minor, parents of a non-verbal hearing boy with Down's Syndrome attempted to enroll him into JMS. Their son communicated with American Sign Language but was not deaf. In the end, he was disqualified because he did not have a sensory impairment of deafness. In the family's attempt to get their son into JMS, they met with their local legislator, Kenneth W. Sumsion trying to change the existing eligibility requirements of USD. They wanted him to sponsor an amendment to the law regulating who could get into the state school.

The Deaf and blind representatives who served on the Institutional Council were united in speaking against this kind of inclusion. USDB needed to maintain its focus on the original intent of the school. They urged USDB to clarify its role by only serving Deaf/hard of hearing, blind/visually impaired, and Deaf-blind students. There was enough for the school to tackle in raising the academic expectations in those programs. Accepting disabled students who had no sensory impairments would only water-down or distract from that effort.

House Bill 296 came out in May 2009 to clarify USDB's function and role. It stated that USDB would not allow students without sensory impairments to be educated at any of its state school's facilities (Utah Code 53A-25-104). There was no reason to justify broadening the scope of USDB to include services to students with disabilities who were not blind/visually impaired, Deaf/hard of hearing, or Deaf-blind.

On August 17, 2007, the Utah State Office of Education formed the USDB Legislative Workgroup made up of stakeholders and legislators. They had meetings almost every month from its inception until June 1, 2008. Dennis Platt and Jodi B. Kinner, the two Deaf representatives on the Institutional Council, served in this workgroup. They represented the interests and objectives of the state school.

The purpose of the workgroup was to update the Utah Code that regulated the USDB. The original goal was to introduce the final draft of their recommendations to the Legislative session in January 2008. However, it was felt that extra time was needed for the Utah State Office of Education to study and consider other state models. The Utah Schools for the Deaf and the Blind (USDB), the USDB Institutional Council, and the USDB Legislative Workgroup would all work together to come up with suggestions. It was agreed to postpone their Utah Code recommendations to the legislature until January 2009.

The following is a list of the areas the workgroup addressed:

1. The administrative structure of USDB
2. USDB student eligibility and admission
3. The role of Utah State Board of Education
4. The role of USDB Institutional Council
5. The relationship between USDB and Local School Districts
6. Services provided by USDB
7. The funding mechanism for USDB.

Student eligibility, administrative structure, and placement options were the primary concerns among the workgroup participants and proved to be hot discussion topics as well.

Utah State Board of Education

A month after the organization of the USDB Legislative Workgroup, Dr. Patti Harrington, State Superintendent of Public Instruction, received correspondence from 30 parents and community members regarding the work of the USDB Legislative Workgroup. These letters were received from September 18, 2007 until October 2, 2007



Karl White
Utah Public Education website

(See Appendix F of Utah State Board of Education USDB Legislative Workgroup Report 10-5-2007). Interestingly, two letters came from individuals representing the blind/visually impaired concerns while 28 letters came from individuals representing the Deaf/hard of hearing concerns (Utah State Board of Education: USDB Legislative Workgroup Report, October 5, 2007).

Karl Wilson was given the assignment to supervise the Utah Schools of the Deaf and Blind because he was the Director of the Title 1 Department at the Utah State Office of Education. By way of background: 'Title 1' was a federal program designed to provide financial assistance to states and school districts to meet the needs of educationally at-risk students. The educational goal of Title 1 was to provide extra instructional services which would support students as identified as failing or at-most-risk of failing the state performance tests (State of Washington: Office of Superintendent of Public Instruction).



Dr. Patti Harrington
Photo courtesy of UoU Alumni
Association, April 2009

It was on October 5th, 2007, that Wilson updated the Utah State Board of Education (USBE) regarding the 2 ½ months of work done by the USDB Legislative Workgroup. He reminded the board that questions regarding statutory language were raised at the 2007 Legislative session. By way of background, a general Utah legislative session is held once a year for 45 days after the fourth Monday in January. That would mean that the 2007 Legislative session was held 8 months prior to this meeting. Because of those questions which were raised regarding the statutory language, the Legislative Workgroup was formed. At the time, it was agreed that the Utah Code needed to be updated to match the current federal special education rules (Memorandum, October 5, 2007).



Dan Mathis

There were also four Deaf individuals in attendance at that state education board meeting to hear the USDB Legislative Workgroup report. They were:

- Dan Mathis, a grandson of USD Alumni, Jack and Vida White,
- Jeff Pollock, Coordinator of Deaf Services/Advisor,
- Julio Diaz, the husband of JMS co-founder, Minnie Mae Wilding-Diaz, and
- Jodi B. Kinner, a Deaf representative on the USDB Institutional Council.

Dan stated that he was not impressed with the Deaf Education programs in Utah. He had seen better programs throughout the United States for Deaf children. He agreed that the services needed to be improved and he supported the proposed changes to the code. He felt that legislative changes were needed so as to allow USDB to give parents better options and services to these children who are Deaf, blind, and Deaf-blind. Jeff added, “We can’t stop [with] changing the law. There [are] systematic problems

throughout USD that affect Deaf Education in Utah. Deaf students [are] not being prepared for college” (Utah State Board of Education minutes, October 5, 2007).



Jeff Pollock

A large number of parents of Deaf children and members of the American Sign Language community were in support of amending the Utah Code to make it possible for students who were at-or above-grade level to attend USDB. That would mean not all students at USDB would have an IEP. It was clear that the correspondence received by the State Superintendent had a positive impact on the State Board of Education. Ultimately the concern expressed in those letters caught the legislators’ attention via the State Superintendent (Utah State Board of Education: USDB Legislative Workgroup Report, October 5, 2007).

Concerned Legislators Help Out

It was at the beginning of the next legislative session, specifically on February 6, 2008, that a group of concerned legislators sent a letter to the Utah State Board of Education regarding the eligibility of students to be served by the Utah Schools for the Deaf and the Blind (See Appendix G of the Utah State Legislature Letter). Representative Jennifer Seelig was one of the legislators who spoke against the law that limited which Deaf, blind, or Deaf-blind students could attend USDB.

Before the month was out, on February 28, 2008, the USDB Institutional Council members voted unanimously to allow Deaf, blind and Deaf-blind students who had achieved grade level standards to remain at USDB (Utah State Legislature Letter, February 6, 2008; Kinner, Institutional Council Minutes, February 28, 2008; UAD

Bulletin, April 2008).

With the backing of the Institutional Council, Dr. Patti Harrington, State Superintendent, responded to the Utah State Legislature's letter concerning USDB on March 7, 2008, during the Utah State Board of Education meeting (Memorandum, March 7, 2008) She requested of the legislature that the Utah State Board of Education be permitted to allow students who had achieved at- or above-grade level in scholastic performance to continue to be served by USDB/JMS. The USDB Legislative Workgroup was charged with developing the legal language for a permanent solution to Utah Code 53A-25-104 for the 2009 legislative session. The legislature granted this request (Kinner, *UAD Bulletin*, April 2008).

Recommendations from the Utah Schools for the Deaf and the Blind Legislative Workgroup

After months of meetings, Karl Wilson was finally able to bring the USDB's Legislative Workgroup's recommendation to the Utah State Board of Education's monthly meeting on June 13, 2008. The Workgroup had done a good job, finishing up on May 28, 2008. They were disbanded on June 1, 2008.

The recommendations agreed upon were to widen the criteria for those students who were Deaf, blind, or Deaf-blind to be eligible for USDB services. Students qualifying for Special Education would have eligibility and placement decisions made through the IEP process. Students in need of accommodations under Section 504 of the Rehabilitation Act of 1973 would have eligibility and placement decisions made through the 504 Plan process. Though there were disagreements over the future organization of



Jennifer Seelig
Utah Democratic Party website

USDB, the group generally supported most of the issues that came to the discussion table.

This was a major change in thinking about the educational needs of those students who were Deaf, blind, or Deaf-blind who were achieving at-or above-grade level. Now it was possible to remain in a placement with USDB, if it was determined that it was in the best interest of the student (Utah State Board of Education USDB Legislative Workgroup Update, June 13, 2008).

After the USBE board meeting in June, Karl Wilson held seven public input meetings. Parents of Deaf children and the Utah Deaf community met at the Sanderson Community Center of the Deaf and Hard of Hearing to give input on July 31, 2008.

Jodi B. Kinner was part of a subgroup of the USDB Legislative Workgroup that met on August 8, 2008, to go over the specific points of the legislative workgroup's recommendations. The subgroup spent a great deal of effort going through each item. They wanted to agree on what to support and what to oppose. In the end there was no consensus among the subgroup.

Wilson also surveyed the Institutional Council members to determine if they were in support of or opposition to specific points in the recommendations. When that was done, he met with Dr. Patti Harrington, State Superintendent to give her that input. Then on September 12, 2008, Wilson met with the State Board of Education to present the recommendations that would be taken to the legislature during the 2009 legislative session. The key recommendations were:

1. Future administrative structure of USDB,
2. Eligibility and admissions to USDB,
3. Funding of USDB, and
4. Relationships between USDB and local education agencies (Memorandum, September 12, 2008).

A New Facility for Utah Schools for the Deaf and the Blind in the Salt Lake Area

Jodi B. Kinner was interviewed by the Deseret News, The Salt Lake Tribune, and SignNews to summarize the State Deaf School's difficulties in requesting funds from the legislature for a permanent school building. Jodi was the mother of two Deaf children, Joshua and Danielle who attended the Jean Massieu School.

Every year for 10 straight years, the Utah State Legislature had turned down the Utah Schools for the Deaf and the Blind requests for a permanent school building in the Salt Lake area. It was hard not to speculate that maybe USDB wasn't ranked high enough on the state building priority list. Or maybe Deaf and hard of hearing students had become marginalized. Could it be that their hearing loss made them less worthy than regular education students who had buildings and equipment and green space and mascots and identity? Deaf students wanted what the hearing students had. It was

possible that the State of Utah considered, since most of the Deaf students were mainstreamed into their local school districts, that USDB just needed an administrative office building to handle its function. Maybe the legislators didn't realize that USDB and JMS actually served real students on real school campuses.



Triplets Abby, Ben and Colin Poole try to catch the eye of legislators at the Capitol
Keith Johnson, Deseret News, July 9, 2008

There was another issue that was to come to light as problematic. USDB was legally written up as a state agency. This has created many problems since USDB functions as an educational organization yet has limitations in doing its job because of its status as a state agency. While many other states also classify their state Deaf schools as agencies, here in Utah there are some very real pitfalls that go with this designation. As an agency, USDB was not only at greater risk for budget cuts but it was not recognized as an academic institution in its own right. Therefore, it was not recognized that USDB would have need of school buildings with appropriate classrooms, gym, playgrounds, and other necessary physical spaces.

Utah was unique in doing the opposite of what most other state schools for the Deaf around the country did. Most other state schools tended to be centers of education for the majority of Deaf and hard of hearing students within their state, mainstreaming relatively few students. In contrast, Utah's Deaf school was legislated to push the Deaf students out into the public school setting as soon as possible. That is, until the 2009 legislative session (Sanderson, *UAD Bulletin*, April 2001; Sanderson, *The Ogden Standard-Examiner*, May 13, 2001).



Joshua and Danielle Kinner at Capitol rally for better school facility for Deaf students in Utah
KSL.com, July 8, 2008

What created the difference in how Utah handled their Deaf students with the way other states handled them? It was either the state's interpretation or USDB's interpretation of the Federal law, IDEA (Individuals with Disabilities Education Act). Public Law 94-142 led many of the state administrators to assume that the Least Restrictive Environment (LRE) for these students would be the mainstreamed public

school. This perspective fed into the oral/aural teaching methodology that dominated the USD's programs. When USD did remain the educational provider for the Deaf children who were not outright mainstreamed into the public schools, they maintained self-contained classrooms within neighborhood schools. This enabled their students to mainstream into certain regular education classes part of the day. Thereby, in the administrators' view, fulfilling the federal mandate to put these students into the least restrictive environment. These were the Deaf and hard of hearing students who were not on grade-level and could not be released from their Special Education IEPs.

With the incorporation of the ASL/English Bilingual program founded at the JMS Charter School, USD's image suddenly changed. It was the goal of JMS to provide a school building for classes from pre-kindergarten through high school. JMS also wanted to include a student athletic program. This was similar to what other state schools for the Deaf provided their students. But the question remained 'How to do it under the current USD system?' One way to overcome the drawbacks of USD legally being a state agency was to revisit the day school concept. Keeping in mind the idea that the Utah School for the Deaf was primarily a statewide school serving any and all Deaf and hard of hearing students; it followed that the school entity would be on a school campus. Now that the Jean Massieu School of the Deaf was a part of USD, here was a channel that could be used to provide a day school program for the children. USDB had to promote and convince the State Board of Education and the legislature that, for the first time, there was a physical need for a permanent building for the growing student population at JMS.

The federal law, IDEA, (originally passed in 1997 and reauthorized in 2004) also mandated a continuum of equal and appropriate educational placement options for Deaf and hard of hearing children. This included special schools of which Deaf and blind schools were a part. Making sure there was a continuum was a big challenge for the state and quite a spin-off from the previous perspective of mainstreaming the grade-appropriate students. But JMS provided options of a language-driven placement from which parents could choose. Utah rose to the challenge and bought the property for the JMS school on 1655 East 3300 South in the Mill Creek area of Salt Lake City. Next,

Utah needed to rethink their statewide residential school where students from further parts of the state could receive an equal education as their hearing peers in the regular public schools.



Lawrence M. Siegel
Research at Gallaudet, Spring 2005

Almost a decade earlier, in 2000, Lawrence M. Siegel, a Special Education attorney who took an interest in Deaf children, pointed out that the role of special schools was important. He emphasized that an equal placement option, by which he meant the Deaf residential and/or day schools run by the Deaf residential schools, should be designated by the state's educational agency, The State Office of Education, as that state's "treasure resource". As such, the state residential and day schools should be provided adequate funding to ensure that each school district has direct access to them. Additionally, special schools would make available expertise in explaining the communication/language development of Deaf children, the importance of communication-proficient staff and student size for critical mass, as well as serve to model an educationally comprehensive and communication-rich academic environment (Siegel, 2000).

Because of Utah's previously strict interpretation of the LRE for Deaf students and their eventual placement in USD programs that were housed in many neighborhood schools, a crisis of 'space' arose as the public-school student populations increased. This meant that the mainstreamed deaf programs had to give up its space and find new locations. In the eyes of the Utah Deaf community, the Deaf students were thus treated as "second class citizens."

This situation was frustrating as Utah's Deaf and hard of hearing students were constantly relocated from facility to facility, in some cases, every year. Other students had been attending class in facilities with insufficient space, in run-down crumbling buildings, or in aging portables. The building where JMS was first housed often had problems: the heat or air conditioning often went out, plumbing was malfunctioning, the roof leaked, and the carpet was unsafe. Add to this the fact that the playground had no grass and was totally inadequate for providing a play area. This problem of insufficient space and impermanence was very unsettling for the children. Their educational progress was affected. What child can pay attention to the teacher when they're so cold they're wearing a coat and gloves in school? Instead of being bounced around, these children deserved a safe, stable learning environment in a building they could identify as their own. This is what their hearing peers took for granted. It was clear the State of Utah needed to provide these students with a permanent facility (Fulton, *The Salt Lake Tribune*, July 2008; Firkins, *SignNews*, September 2008).

Things came to a head in June of 2008. A few days were left for the Jean Massieu School to be in their leased location in South Jordan. A move was imminent and imperative. The Utah Department of Facilities and Construction Management, the Utah State Office of Education, the Governor's Office, and Utah's fiscal analyst had a meeting to make some decisions. There was very little time to go over options. During the meeting, State Superintendent Patti Harrington asked USDB Interim Superintendent, Timothy W. Smith, if he could use the USDB Conner Street location for the JMS students. Supt. Smith had been put into the USDB position in 2007. Related Services and Deaf Central Staff were occupying that building but it was suggested these two departments be moved to a business building. Supt. Smith agreed.

That June, the Jean Massieu School moved into USDB's old administrative offices in Salt Lake City. It was the old Grandview Elementary School, another run-down 55-year-old building. The plan was to keep JMS there until the lease expired at the end of 2009.

10 Talking Points for the Demonstration

Parents and advocates for Utah's Deaf students could no longer tolerate the poor educational conditions their children and teachers were made to tolerate. They wanted state lawmakers to show an interest in the problem and do something about it. It had been ignored long enough. A rally was planned at the Capitol. The goal was to secure funding for a permanent school building within Salt Lake County.

To prepare for the rally, which was set for July 8, 2008, Deaf parent, Jodi B. Kinner along with two hearing parents, Gwyneth Kenner and Amy Porter Poole, developed 10 "Talking Points" to clarify what issues were to be brought out. They distributed flyers at the Capitol which catalogued USDB's historical difficulties in requesting state funding for a permanent building.



Gwyneth Kenner

1. USDB is both a state agency and a statewide school serving approximately 2000 students throughout Utah. Approximately 400 are served in self-contained classrooms by teachers of the Deaf and blind.
2. For 10 years, the Utah legislature has turned down requests from USDB for permanent buildings.
3. During the 2007 legislative session, USDB was offered a used five-story office building that the state had and \$500,000 for renovations instead of approving their request. The legislature assured USDB it was this old building or nothing.

4. USDB made a good effort to make use of this older building mentioned in #3 but it soon became clear that renovations for the first floor alone, to bring it up-to-code, would cost 1.4 million. In addition, the law forbade a school to exceed more than three stories. When this was brought to the State Office of Education's attention, the funds were taken away and no other plan was discussed.
5. The building which housed USDB's newly expanded ASL/English Bilingual students was due to be demolished this year (2008) leaving the school with nowhere to house their 72-day school students in grades pre-k through 9th grade.
6. Next, USDB was offered a school building in the Salt Lake City school district. However, because it was riddled with asbestos and out-of-code, it would require over \$1.5 million to renovate in order to make it useable. Plus, USDB would need another \$660,000 per year to lease the same building. To help out, the legislature provided a grand-total of \$264,000, from the one-time lease monies fund. USDB would have to make up the rest through cuts in direct services to students.
7. The meetings and negotiations held by USOE, Legislators, and Governor's Office to discuss the buildings needed by USDB often took place without inviting the state school's administrators.
8. At the eleventh hour, the State of Utah gave the Deaf and blind school one more office building inappropriate for student use. There was not enough time before the start of school to renovate a satisfactory amount of classroom space. There was a total of 45 days left to accomplish this impossible task. The petitioners couldn't see how the Connor Street building was a viable choice. There wasn't enough room; the blind preschool was there, along with staff offices. The building was run down and only had a year's lease left. What would be done for these children when the Connor Street lease expired in Spring 2009?
9. We, parents, feel our children have been marginalized, that is, relegated to an unimportant and powerless position. Their overall educational needs have not been met, equal to their hearing peers. They deserve to have a school of which to be proud, with its attendant buildings, equipment, mascot, school spirit, and identity.
10. We are here to raise public awareness and to raise the awareness of those who are our public servants. We ask the leaders of the State of Utah to please roll up your sleeves and truly serve the Utah children who are Deaf, hard of hearing, blind, visually impaired and Deaf/blind.

Please support permanent facilities in Salt Lake County and Utah County for the Utah Schools for the Deaf and the Blind! (See Appendix H to get an idea of what the “10 Talking Points for the Demonstration” flyer looks like).

July 8th Rally on Capitol Hill

On July 8, 2008, approximately 100 people were in attendance at the Capitol for the scheduled rally. Dozens of protesters picketed the capital steps (Gonzales, *KSL.com*,



Bryce Jackson holds a sign during a rally at the Capitol for better school facility for Deaf students in Utah
Keith Johnson, *Deseret News*, July 9, 2008

July 8, 2008; Fulton, *The Salt Lake Tribune*, July 8, 2008; Ziegler, *KSL.com*, July 8, 2008). Parents and students held signs reading “No Child Left Behind, unless you are Deaf and Blind,” and “Crumbling Classrooms ARE NOT Acceptable,” and “School Building Now!”

Representative Christine Johnson talked with the rally participants. She was quoted in the news as saying that her fellow-lawmakers had ignored the problem long enough. She hoped that this year would be different. She hoped so. Parents, teachers, and advocates were more vocal and more visible because of local TV and radio coverage. Rep. Johnson felt their vocal presence would make it harder to deny their legitimate request (Gonzalez, *KSL.com*, July 8, 2008).



Christine Johnson, a member of Utah House of Representative
Source: Wikipedia

12-year-old JMS student, Maggie Flavin, was interviewed by a news reporter. She said, "It's just unfair. We need a new school for our students. That way we can communicate with each other. If I was the only deaf student among hearing students, I wouldn't have anyone to talk to. I would be isolated. I wouldn't be able to learn and communicate" (Ziegler, *KSL.com*, July 8, 2008).

Jennifer Jackson, hearing mother of 12-year-old JMS student, also participated in the interview. She said, "The alternative, [which is] mainstreaming the students, is not a satisfactory option." She emphasized that, "They [JMS students] gain a sense of strength



Jon M. Huntsman, Jr., Utah Governor.Source: Wikipedia

[by] being together, as the deaf student body. Mainstreaming [would cause] my son [to] go downhill fast..... He takes a sense of pride – he is deaf and proud of it – and he wants to be with his deaf peers" (Ziegler, *KSL.com*, July 8, 2008).

The goal of the rally was to influence legislators to move USDB to the top of their list when prioritizing funding for construction projects during the 2009 legislative session. The

construction of a stand-alone school would serve 350-450 Deaf students throughout the Salt Lake Valley. The parents and advocates wanted to turn repeated failures into a success for the kids (Gonzalez, *KSL.com*, July 8, 2008).

After the rally, Jodi B. Kinner along with other [hearing] parents had the opportunity to meet with Governor Jon M. Huntsman, Jr. The meeting included two of his cabinet members as well as a representative from the Utah Department of Facilities and Construction Management (DFCM). This Department was responsible for finding buildings to use for governmental agencies. As Jodi entered the Governor's office, she was startled to see American inventor, Thomas Alva Edison's original light bulbs there.

She wondered if these politicians realized Edison was Deaf. During the meeting, the Governor shared plans that were still in the works. The future looked encouraging with the Governor's tacit support of a permanent school building.

Utah Schools for the Deaf and the Blind Won Funding Support

About a month and a half after the Rally on Capitol Hill, Dr. Patti Harrington, State Superintendent of Public Instruction wrote a letter, dated August 19, 2008, to Ron Bigelow. Ron was a member of the Utah House of Representatives and served on the Education committee. Supt. Harrington suggested USDB be handled as any other state agency when there was a need for a building. Those requests were handled through the Department of Facilities and Construction Management (DFCM). There was a ranking process in place, but Supt Harrington explained that the needs of USDB's students were of such a nature as to be considered in a specialized category (Utah State Office of Education, 2008). This got the ball rolling for the necessary approval.



**Timothy W. Smith, USDB Interim
Superintendent**

To continue the momentum, USDB Supt. Timothy W. Smith made a presentation to the State Board of Education (USBE) on September 13, 2008. He asked the board's help, to which they responded in a unanimous vote, to publicly support Superintendent Smith's proposal in asking lawmakers for state funding for a permanent building. Top leadership in the legislature had also given DFCM their support in the proposal as well (Fulton, *The Salt Lake Tribune*, September 13, 2008).

It was hoped to purchase and retrofit the Libby Edwards Elementary School at 1655 East 3300 South in the Granite School District as the permanent site for the Jean Massieu School students, making it ready for classes in the Fall of 2009.

As a state agency, USDB cannot put forth a bond issue in a general election and collect revenue to run their school like public school districts do. USDB must go to lawmakers every year to explain its needs and request money (Fulton, *The Salt Lake Tribune*, September 13, 2008). During the 2008 legislative session, Superintendent Smith requested \$14.9 million from state lawmakers for a school in Salt Lake County. To everyone's surprise, the request was turned down. He said, "If the Legislature refuses what we're proposing, to be honest, I don't know what we're going to do.... Circumstance[s] will worsen" (Fulton, *The Salt Lake Tribune*, September 13, 2008).

Unbeknownst to USDB and parents, the Department of Facilities Construction & Management had planned a political move to get more 'gainsmanship.' This tactic resulted in the state school's building request being turned into the #1 ranking spot and Governor Huntsman signed its approval in Senate Bill 201. This was done on March 23, 2009. The bill provided the issuance of bonds so the state could buy the Libby Edwards Elementary School building.

Ribbon Cutting Ceremony

The crowning moment came in January of 2010 when the staff and students of the Jean Massieu School of the Deaf, along with a few other USDB programs, moved into the building located at 1655 East 3300 South in Salt Lake City. They finally had a home to call their own, after 10 years of frustrated, repeatedly denied requests.

The ribbon-cutting ceremony took place on March 15, 2010. USDB Superintendent Steven W. Noyce and JMS Principal Jill Radford gave their speeches across the main entrance of the school building. Then Superintendent Noyce cut the ribbon, while declaring the building open for school. All the JMS teachers and students

were present. Three Deaf adults were also present: Valerie G. Kinney (UAD member), Minnie-Mae Wilding-Diaz (parent), and Jodi Becker Kinner (USDB Advisory Council member and parent). Assistant Superintendent, Jennifer Howell, acted as hostess for the visiting dignitaries, taking them on a tour of the school.

Different Locations of the Jean Massieu School of the Deaf

- Bella Vista Elementary School 2131 East 7000 South, Salt Lake City – August – November 1999
- Riverton at 1530 West 12600 South, Unit 3 and 4 – November 1999 – 2002
- Riverton City Library 12750 South Redwood Road, Riverton – 2002 – 2004
- Salt Lake Arts Academy 209 E. 500 South, Salt Lake City – 2004 – 2005
- USDB/JMS 1350 West 10400 South, South Jordan – 2005 – 2008
- USDB Extension Conner Street 2870 Connor Street Salt Lake City, UT 84109 – 2008 – 2010
- Libby Edwards Elementary 1655 E. 3300 South Salt Lake City, Utah 84106 - 2010- present



Steven Noyce, superintendent of the Utah Schools for the Deaf and the Blind, left and David G. Buxton, director of the Utah Department of Administrative Services, use giant scissors to cut the ribbon
Scott G. Winterton, Deseret News, March 16, 2010

House Bill 296 Passes

Another major hurdle was overcome during the 2009 Legislative session. House Bill 296 was being discussed in the House of Representatives Education Committee. If it became law, it would allow any Deaf or hard of hearing student to continue their

education at the Utah Schools for the Deaf and Blind, regardless of their educational level.

As part of their discussion, the House Education Committee heard from Jodi B. Kinner on February 17, 2009. The proposed bill passed unanimously out of the House Education Committee and on to the floor of the House of Representatives. It also found support in the State Senate. The final voting tallied as passing 68-0 in the House of Representatives on February 18th and 27-0 in the Senate on March 18th. The crowning moment came on March 25, 2009, when Utah Governor Jon Huntsman, Jr. signed HB 296 into law.

On April 30, 2009, Governor Jon Huntsman, Jr. held a ceremonial signing of HB 296 in the Gold Room of the Capitol building for the press. Representatives Kenneth Sumsion and Jennifer Seelig were there as well as Deaf adults, Craig Radford, Leslie Gertsch, and her husband, Dero Gertsch; parents, Joe and Debbie Zeidner and their daughter Jessi, and Joseph and Melanie Minor and their Down's Syndrome son; USD professionals, Jill Radford, Michelle Tanner and Melanie Austin; Advisory Council, Jodi B. Kinner and Von Hortin; Legislative Advocate, Jan Ferre; State Superintendent Larry Shumway, Utah State Office of Education; and D. Gregg Buxton, State Dept of Facilities and Construction Management.

With this major legal break-through, money and effort could now be channeled into getting all the Deaf and hard of hearing students at USD on their appropriate grade-level. It was acknowledged by the teachers at JMS and USD that it would take time to get the students up to those standards. That was OK. The very fact that now it was possible marked the beginning of a new era in Utah Deaf Education history.

The change centered around language-driven educational options. The school could now focus on providing students full access to core curriculum. This would shift placement decisions away from restricted placements or nonproductive placements such as mainstreaming into the neighborhood schools.

This new law complied with the updated Federal IDEA law by calling upon Section 504 for those students on grade-level who needed accommodations or by writing up IEPs for those students who were not on grade-level and needed modifications.

The 28 letters from parents and the American Sign Language community to Dr. Patti Harrington, State Superintendent of Public Instruction, was instrumental in turning the course of Deaf Education. Dan Mathis and Jeff Pollock, as Deaf advocates, also explained the needs of students to the Utah State Board of Education. Their reputation among the State Board members and courage in speaking up about this important issue exposed the unfairness of the old law. It was gratifying to see the legislators understand and create a law that truly lifted the cap on Deaf and hard of hearing students who wanted



Legislators, Utah State Office of Education, USDB Institutional Council members and staff, parents and JMS students are gathering at Utah State Capitol to witness Utah Governor Jon M. Huntsman sign a House Bill 296 into law on April 30, 2009

to remain at USD where their language and social needs could be met. As quoted below, the legislature honored the request supported by the USDB Institutional Council and USDB Legislative Workgroup.

"Code 53A-25-104 needs to be amended to fit current Deaf Education trends and to lift the restrictions. USDB should serve both delayed and non-delayed students as stated in 25A-25-103. This can be done by having IEPs written for those with a delay and utilizing Section 504 for services provided to students who are on level. This indicates that the students still need accommodations in the form of direct communication and instruction. This way, USDB can provide services to any Deaf or hard of hearing student (Kinner, personal communication, April 14, 2007)."

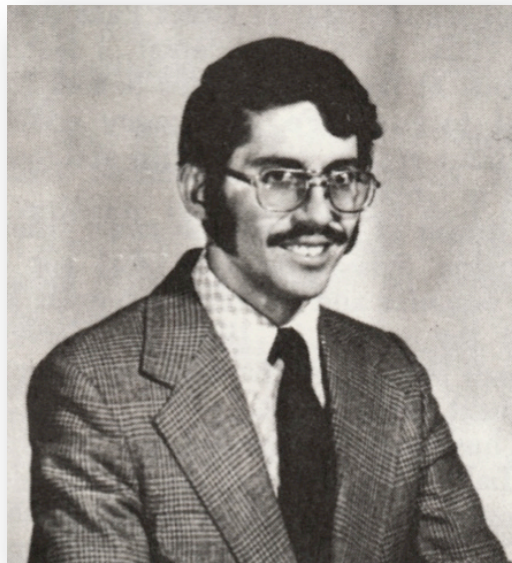
A Common Misconception of Mainstreaming

As wonderful as the new law and the new campus were, it became quickly apparent that not only local school districts but also USDB itself still misinterpreted the federal-mandated IDEA. It continued to be a common misconception that the Individuals with Disabilities Education Act required mainstreaming. In reality, IDEA doesn't even use the terms "mainstreaming" or "full inclusion." What IDEA required was that every educational state agency and school district provide a "continuum of educational placement options" from a regular classroom to a special day class to a special school to institutional and hospital placements (34 C.F.R. 300.551; 20 U.S.C. 1412 (a) (5)). These can be translated into these placement option examples: State Residential Schools for the Deaf, Day Schools for the Deaf, Mainstream Classrooms including Self-Contained Classrooms, Private Schools, Resource Rooms, Inclusion Models, Itinerant Teacher Services, and Charter Schools (Meeting Educational Needs of Underserved Students (MENUS) Manual, 2002; NASDSE Educational Services Guidelines, 2006).

The February 2007 Position Paper of the Conference of Educational Administrators of Schools and Programs for the Deaf (CEASD) emphasized the importance of providing a full continuum of alternative educational placements as

required by IDEA, including special schools (i.e. Deaf schools) for Deaf and hard of hearing students. CEASD found that the recent trend in our nation to remove special schools from the continuum to be unacceptable and potentially harmful to the child's human development. They believed the trend to be clearly counter to the spirit of IDEA.

According to Dr. Stephen C. Baldwin, a former curriculum coordinator of the Total Communication Division for both Utah School for the Deaf and the extension program in three different cities shared his view that the Commission on Education of the Deaf ruled, in 1988, that the “least restrictive environment” (LRE) needed to be clarified by the federal government, particularly by the Department of Education. LRE continued to be the hottest issue ever to face the profession of education of the Deaf. Both the mainstreamed public school and the residential school for the Deaf considered the other to be the “most restrictive environment” for their Deaf and hard of hearing students (Baldwin, 1990, p. 15-16).



Dr. Stephen C. Baldwin
UAD Bulletin, December 1974

Often when people hear the term “Least Restrictive Environment,” they think it means putting the Deaf or hard of hearing student into an environment where there are students without disabilities (Meeting Educational Needs of Underserved Students (Meeting Educational Needs of Underserved Students (MENUS) Manual, 2002). However, in the language of the 2004 Reauthorization of IDEA, LRE could also mean “Language- Rich Environment” (DesGeorge, Johnson, & Brown, 2004). The February 2007 Position Paper of CEASD accepted this definition.

Along with other organizations, CEASD recognized that access to communication should drive educational decision-making throughout the IEP process for Deaf and hard of hearing students. This would include placement decisions. CEASD further states that schools for the deaf are specifically designed for educating children with a hearing loss. For many students, including those who are on grade level, these schools are the appropriate placement. In many instances, the school for the deaf would be the least restrictive environment where the child could achieve successful educational outcomes.

In the 1990's the Institutional Council of USDB went on record to say their understanding of the federal law would accomplish "that [USDB] students need[ed] to be mainstreamed to the maximum when possible" (Sanderson, *UAD Bulletin*, March 1992, p. 3). Dr. Robert Sanderson, a Deaf representative of the Institutional Council wrote an article in which he stated that mainstreaming is not the answer for all Deaf children. CEASD says the same thing when it mentions that a "least restrictive environment" is not an automatic concept. LRE does not automatically mean mainstreaming. Each child's individual communication, language and educational needs must be assessed and matched (Sanderson, *UAD Bulletin*, March 1992).

Siegel (2000) supports CEASD's comment by stating, ".... The issue before the American educational system is the need for a communication-rich environment for all its students, not the more narrowly drawn and confining notion of generic placement. The issue is not what communication mode is best, but that all communication needs must be addressed" (p. 4). Another important factor to keep in mind when considering communication-driven placement is critical mass. This means there are at least eight to fifteen students in the same age group at similar cognitive/academic abilities. Siegel (2000) states, "because a critical mass of age, cognitive, and language peers is fundamental to an effective educational system, the number of Deaf and hard of hearing students and their geographic and age distribution have a fundamental impact on program quality and availability" (p. 15).

To sum up, USDB has come a long way in improving the quality of education for

Deaf and hard of hearing students. It is hoped that HB 296 can help remove barriers of limited placement choices as well as language and communication access. In addition, it is our hope that this law will help improve USD's ability to provide quality education, full language and communication accessibility, and achieve a critical mass for the continued success and growth of the Deaf and hard of hearing students in the state of Utah.

Last but not least, there is David Reynolds, a retired Deaf teacher and board member of the National Association of the Deaf. As a political activist he has been an advocate of ASL's inclusion in Deaf Education as well as an advocate for bilingualism, justice, and human rights for the deaf in education. Back in the 1990's he was co-chair of the Bilingual-Bicultural committee which spearheaded the successful transition to the Bilingual/Bicultural Educational Program at the Indiana School for the Deaf (Geeslin, 2007; UAD Conference Program Book, 2015). David has continued his efforts to explain the Bilingual/Bicultural Deaf Education Philosophy so other schools for the Deaf can transition to implementing the tenets of such a program.



David O. Reynolds

Reynolds was the keynote speaker at the 2015 Utah Association of the Deaf Conference held in October in Provo, Utah. His presentation was entitled "The Importance and Need of ASL/English Bilingual Deaf Education." He and his NAD committee had been writing a book which will outline how such a change in Deaf Education could be brought about. This book was called "NAD Principles and Guidelines on How's and What's Involved in the ASL/English Deaf Education Programs and Deaf

Education: Training Programs: Talking Points/Lists of What's & How's.” Reynolds presented a preview of this guidebook at the UAD October Conference. The purpose of these guidelines is to show how to advocate for and maintain the local ASL/English Deaf Education Program(s). It can inspire and empower the communities and leaders who follow this guide. This guidebook was printed after the 2016 Biennial NAD Conference in Phoenix, Arizona in early July (Geeslin, 2007; UAD Conference Program Book, 2015).

As the Utah Deaf community continues to champion the ASL/English Deaf Education at USD's Jean Massieu School of the Deaf in Salt Lake City, Utah and USD's Kenneth C. Burdett School for the Deaf in Ogden, Utah, they could benefit from following the ideas in Reynold's NAD committee's guidebook to move the ASL/English bilingual process forward.

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