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**HB 2757: Assessments & American Sign Language**  
**Senate Education Committee**  
**Cindy Hunt, Oregon Dept. of Education**  
**May 14, 2013**

Good afternoon Chair Hass and members of the Senate Education Committee. For the record, I am Cindy Hunt speaking on behalf of the Oregon Education Department. I am here today to provide information about HB 2757. HB 2757 requires an exemption from educational services offered to all students based on the disability of a student. This required exemption may violate federal law and if so would jeopardize federal funds.

## **Background**

For students who are deaf, learning to read is often a significant challenge for several reasons. They cannot hear the words, their parents don't sign, or because of a lack of services. For example, when a student who is deaf enters the Oregon School for the Deaf, they are typically four grade levels behind their hearing peers for reading.

The Department supports the use of sign language during appropriate assessment subject areas and has recently approved "Signed Interpretation of Assessments" for the subject areas of mathematics, science, social science, and writing as an accommodation available to students with an identified need. Pursuant to the Department's actions, signing will be available for those subject areas across the state beginning with the 2013-14 school year. The signing accommodation is not available for the subject area of reading because ASL and English are two separate languages with different vocabulary and grammar (the way the sentences of a language are constructed). Some research states that individuals who learned ASL as their primary language are English language learners due to the significant differences between the two languages. In addition, ASL is not a gestural form of English. The statewide assessment for reading is measuring the level of proficiency of English reading. If the signing accommodation was allowed for reading, it would be considered a modification because it would alter the construct of what is being measured by the assessment and make the results invalid.

School districts use the assessments to determine whether students are meeting standards and whether they are on track to graduate. One of the challenges that students who are deaf sometimes face with taking assessments is related to access. For the subject areas of mathematics, science, social science, and writing, school districts want to measure content proficiency, not reading ability. The signing accommodation addresses the issue of accessibility for these subject areas.

This summer the Department will be distributing guidelines and information to school districts about Signing Interpretation of Assessments to ensure that this is fully implemented in the 2013-14 school year.

The current accommodations for statewide assessments are based on the recommendations of the Oregon Accommodations Panel which includes members from universities, school districts, individuals with disabilities, parent of an individual with disabilities and Department staff. This panel initiated the current recommendations for the signing accommodation and concluded that students who are deaf should be held to the same standards in reading as their peers and therefore, didn't recommend this accommodation for reading.

## Legislation

While the Department of Education is generally supportive of the intent of HB 2757 and recognize the challenges that students who are deaf face when learning to read, we are concerned about the effects of the bill.

### Section 1:

House Bill 2757 requires the Department of Education to the extent practicable to administer the statewide assessment system to students whose primary language to American Sign Language. If ASL is not available, the Department is to develop an alternative to the statewide assessment system. The Department currently administers the statewide assessment system to all students as required by state and federal law so this provision of the bill would have no effect.

### Section 2:

HB 2757 provides that students whose primary mode of communication is American Sign Language are exempt from requirements related to assessments of content standards if assessments cannot be administered using American Sign Language. There are two requirements related to assessment of content standards. The first is that students must take the statewide assessment unless the student's parent requests an exemption. The second is that students use the statewide assessments or local assessments to demonstrate that they meet Essential Skill requirements to receive an Oregon diploma.

Currently, the statewide assessment in reading is not administered using American Sign Language. This means that students whose primary mode of communication is American Sign Language would be exempt from taking the statewide assessment in reading. Students would still be required to meet the Essential Skill of reading to receive an Oregon diploma because local assessment options do provide accommodations for students whose primary language is ASL.

Federal law does not allow states to exempt students based on disability from educational services offered to other students. The statewide assessment in reading is an educational service offered to all students and therefore exempting students from the statewide assessment based on their disability may violate the federal Individuals with Disabilities Education Act (IDEA). **If Oregon is found to be in violation of IDEA, \$244 million for the 2013-15 biennium would be in jeopardy. In addition to the loss of IDEA funds, HB 2757 may also result in the loss of all federal funds which would place \$1.2 billion in jeopardy for the 2013-15 biennium.**