

**Testimony of Chriz Dally, Chair of the Kansas Commission for the Deaf and
Hard of Hearing before the House Education Committee on Bill SB 230
March 11, 2020**

Dear Chair Huebert and Members of the House Education Committee,

Thank you for your time today in receiving us and listening to our testimonies. My name is Chriz Dally and I am the Chair of the Kansas Commission for the Deaf and Hard of Hearing (KCDHH). I am honored to have been a member of this Commission, since 2014, putting me in a position of doing what I love best; serving and advocating on the needs and issues of the Deaf and Hard of Hearing community. KCDHH is a 17-member commission (12 appointed by the Governor and 5 ex officio positions) charged with direction of KCDHH's policies and management.

As you listen and read the various testimonies and letters before you today in response to SB 230 and learned a bit more about what KCDHH does, you will hopefully see the important role that KCDHH plays in the lives of Kansans who are:

- Deaf,
- Hard-of-Hearing,
- Late-Deafened,
- Deaf-Blind, or
- Hearing (those who can hear) including but not limited to
 - Parents with D/HH children
 - Sign Language Interpreters
 - Professionals working with or for D/HH people
 - Employers or employees who hire/work with D/HH people
 - Nonverbal (due to speech impairments or brain processing disorders)

The top four subgroups above (which I abbreviate as D/HH) represent individuals of all ages from birth to senior citizens, cutting across all demographics, and who are participants in various work, educational or social settings that exists within our cities, towns and rural areas. They vary in their needs, conditions, preferences, or abilities, some having special needs and/or challenges in their lives. They range in being fluent in a language(s) to having significant language delays. They also range in their preference in how they communicate or access information, such as using sign language, captioning or hearing aids. KCDHH, does indeed, serve a broad and diverse D/HH community within mainstream society where all these lives intersect. Please keep these people in mind as you listen and read all our testimonies as we ask for your support.

As a place of expertise, KCDHH functions as an advocacy and coordinating agency to best serve D/HH people, by working to advocate for and facilitate equal and equitable access to a variety of comprehensive services that are publically available or in need of being developed. To do this, KCDHH diligently follows obligations that

have been outlined in our Kansas statutes since the 1980's and 1990's. While there have been areas of accomplishments in the work that KCDHH does, there have also been areas of obstacles that the Commission was not able to resolve. These obstacles are why I am here today with our bill. Your support will help us resolve obstacles in two important ways. One, it will update statutes in need of being updated as Robert Cooper, our Executive Director, has largely described and these updates will help us better meet the diverse needs of D/HH people. Two, it will clarify a few areas where there are conflicts or differing interpretations on who has authority in meeting these obligations which I further explain below.

These conflicts and differing interpretations are between KDCHH and the department whom KCDHH is administratively housed under: Department for Children & Families (DCF). In addition, these conflicts and differing interpretations have caused confusions by state employees or state agencies on whom to initiate contact when in need of assistance on a D/HH issue. There is sometimes the impression made that DCF, not KCDHH, had the authority to dictate how obligations to the statutes are met, whereas, in our view, the statutes designate KCDHH having this authority. This has been detrimental when we were not able to address or affect change in improving the lives of D/HH Kansans when effective communication access was not achieved or missed opportunities to share important information. Hence, this bill and requested amendments will make important clarifications so that KCDHH can better function at it's possible fullest in meeting the statute mandates.

To be clear, before the Commission came to the conclusion of a need for a legislative bill, there were attempts to resolve these obstacles with DCF. Since 2014, the Commission outlined what the problems were, especially when directives within our motions were shelved or DCF prevented our Executive Director from acting on certain motions, big ones such as establishing an interpreter registry through regulation or small ones such as creating a KCDHH Facebook page or making updates to our website which is a crucial avenue in sharing information and resources to the public. The Commission invited the DCF representative to attend our Commission meetings so we could discuss possible resolutions. When this approach did not prevail, members of the Commission started requesting private meetings with DCF leadership several times between the years of 2016 to 2019, in the hopes to find resolutions. In these private meetings, the Commission found that we had to take time to educate about KCDHH and about the people we served. After the initial education, we then discussed our views on interpretation of the statutes and attempted to resolve differences by coming up with a new Memorandum of Understanding (MOU), which had not been updated since 2000. Unfortunately, we had not been able to come to an agreement on a few details due to our conflict in interpreting authority in the statutes.

Thus, we agreed to submit a letter to the Attorney General (AG) in July 2018, which outlined four specific questions and requested an Opinion to clarify KCDHH's authority. Before February 10th of this year, there had not been a response to our

request, even when we met with staff within the AG, along with Senator Julia Lynn, in October 2018, to explain why we were in need of an Opinion. Consequently, with no Opinion and MOU agreement in sight, the Commission finally came to the conclusion in early 2019 that it was time to resolve this matter legislatively, hence Senator Lynn's support in sponsoring our bill and our presence before you today.

After our hearing with the Senate Education Committee on January 28th, we were surprised to finally receive an opinion from the Attorney General on February 10th. The opinion is favorable to KCDHH, where they importantly noted and agreed that KCDHH is an agency, and not a program of DCF even though we still have to work with DCF on budgeting and purchasing matters. There was a piece of the AG's Opinion that concerned us that our current statutes were not exactly clear about the role of agencies or courts in the procurement of interpreters, so we made a request in a recent amendment, that passed the Senate floor, to clarify that agencies do have to follow what is outlined in other state or federal laws, and not just KCDHH's statutes.

SB 230 in its' current form, including the amendments made on the Senate-side, will do much to resolve many of the obstacles outlined, and we now ask you for your support to pass the SB 230 which will put KCDHH in a better position to address critical concerns and initiatives as outlined in our informative and comprehensive 2019 KCDHH Annual Report. This report was recently shared with the Governor's office and with all legislators, electronically, in February.

Again, thank you for your time and consideration.

Respectfully,

Chriz Dally, Chair
Kansas Commission for the Deaf and Hard of Hearing