

**Testimony of Chriz Dally, Chair of the Kansas Commission for the Deaf and
Hard of Hearing before the Senate Education Committee on Bill SB 230
January 28, 2020**

Dear Senator Baumgardner and Members of the Senate 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.

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, as I do, 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 currently 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 harmful 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 this 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 that, we 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 were not able to come to an agreement on a few details due to our conflict in interpreting authority in the statutes. 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. To date, there has been no 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.

While SB 230 in its' current form will resolve many of these obstacles, we have since noticed just a few areas that we missed on since the bill was written and introduced last year. We would like your consideration for the addition of 5 specific amendments, as outlined below, and we would be happy to work with anyone to propose these changes. These amendments have to do with 3 areas in need of updates, and 2 other areas in need of clarification to ensure clearer interpretations of authority.

Under the 75-5391 statute:

- 1) Update an obligation under (5) to "provide public education in best practices in language acquisition development in deaf and hard of hearing children, aural rehabilitations options if desired, and eradication of ignorance and discrimination towards deaf and heard of hearing people in schools and employment." The current obligation as written is extremely outdated.
- 2) Update (9) by adding the word "and Legislature" under "Serve as an advisory board to the governor and legislature..." then strike out these words "to the governor" after the words "recommend priorities".
- 3) Clarify (b) in two ways by editing the first sentence by replacing the words "under the direction and supervision of" with the word "by" which is an area we believe is causing strong disagreement of authority and if it can be re-written as "...budgeting, purchasing and related management functions of the KCDHH shall be administered by DCF", it will become more clearer that those are only areas that DCF has authority. And, then adding another sentence following this first sentence as edited above, something to the effect of "The KCDHH shall be positioned within DCF with a direct line to the Deputy Secretary or above" which will help DCF leadership be more aware of and better support the role that KCDHH plays in working with DCF and across all other state agencies by advocating, coordinating, and/or advising on the best ways to serve D/HH people.

Under the 75-5393 statute:

- 4) Clarify by adding a clause within (c) or after (c) that spells out that the Commission shall have oversight in supervision and evaluation of the Executive Director on duties as defined in 75-5393 and related statues. This will help clarify that DCF's only role in supervision and evaluation is in the budgeting, purchasing, and related management functions such as human resources policy and areas requiring concurrence in legal and commutations.
- 5) Update by adding within (a) to state "... receive an annual salary recommended by the commission and one that is comparative with the salaries of executive directors of other commissions." Currently, the salary of KCDHH's Executive Director is one of the lowest as compared to other Executive Directors of other state commissions within Kansas, despite the considerable amount of work that our KCDHH Executive Director is obligated to perform.

Again, thank you for your time and consideration. Your support will put KCDHH in a better position to address critical concerns and initiatives as outlined in our informative and comprehensive 2019 KCDHH Annual Report (recently shared with the Governor's office and, electronically, with all legislators).

Respectfully,

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