



Feta Fernsler
President

December 31, 2023

Open Letter to ACLU of Delaware-

Keith Roberson
Vice President

Mary Richmond
Secretary

Gordon Bergan
Treasurer

Board Members

Karen Miller
Grace Walker
New Castle County

Judy McGuigan
George Delinois
Kent County

Suz Dennis
Joey Delusant
Sussex County

The Delaware Association of the Deaf is profoundly disturbed and disappointed by the decision of the Delaware ACLU to file a complaint to the U.S. Department of Education Office of Civil Rights, accusing the State of Delaware Department of Education of denial of programming/services, using a justification basis that includes false statements, erroneous and outdated information, misrepresentations of current practices, and is rooted in ideological bias against a range of other programming and service options provided by the State.

Reviewing current research findings and practices in Delaware and nationwide, there is no agreed upon "gold standard," a baseless and ideologically driven claim made in your complaint. In fact, countless studies on brain development and language in infants, including Deaf infants, recommend immediate and intensive immersion in a fully accessible natural language, including ASL a natural visual language, as being critical. Listening and Spoken Language (LSL) is not a language, it's one of a plethora of methods used by some oral-only practitioners who continue to ignore the documented benefits and role of visual language, American Sign Language (ASL)/English bilingualism, which doesn't discriminate against either visual or auditory languages and uses various methods to develop both according to the child's individual needs and language preferences.

In regard to the statement that there have been "over referrals" to attend the Delaware School for the Deaf (DSD). The Individualized Education Plan (IEP) team, including parents and local education agencies (LEAs) for each student, determines the appropriate placement and services based on each student's unique needs, including language and communication. An examination of Federal policies related to the Individuals with Disabilities Education Act (IDEA), including pertinent policy research and academic documentation, indicates that schools for the deaf may serve as the least restrictive environment (LRE) for a deaf/hard of hearing (D/HH) student. Schools for the deaf like DSD provide deaf and hard of hearing students with full, direct, and unimpeded access to language, communication and learning commensurate with what their hearing peers experience daily in their local public schools.

Providing direct and unimpeded communication and bilingual language opportunities at DSD also includes addressing their speech and language therapy needs through a variety of means, in accordance with their assessments and IEPs/Individualized Family Service Plans (IFSPs). As previously stated, IFSPs and IEPs are a team effort and recommendations on placements, programming and services are an outcome of that process.

https://www.infanthearing.org/ehdi-ebook/2020_ebook/18%20Chapter18EarlyIntervention2020.pdf

“Learning two languages [that is, American Sign Language (ASL) and English] is advantageous for deaf and hard of hearing children” (Baker, 2011). Research has shown that sign language does not harm speech development. In fact, it helps with speech development. No language means no speech.

http://www.jcih.org/JCIH_2019_Executive_Summary.pdf

Comparison of peer matched groups, choosing cochlear implantation and speech training with cochlear implantation, speech training and sign language use, findings showed the group with signing performed better in all areas, (language, speech, emotional and cognitive development) by far. <https://publications.aap.org/pediatrics/article-abstract/136/1/170/29040/Should-All-Deaf-Children-Learn-Sign-Language?redirectedFrom=fulltext>

We request that your organization immediately withdraw this complaint.

DAD Board

References

Conference of Educational Administrators of Schools and Programs for the Deaf (CEASD), The Full Continuum of Educational Placements for All Students who are Deaf or Hard of Hearing, <https://www.ceasd.org/continuum-position-statement>

Conference of Educational Administrators of Schools and Programs for the Deaf (CEASD), Early Intervention Programs Position Statement, <https://www.ceasd.org/wp-content/uploads/2019/11/Early-Intervention-Position-Statement.pdf>

Visual Language and Visual Learning Science of Learning Center. (2011, January). Advantages of Early Visual Language (Research Brief No. 2). Washington, DC: Sharon Baker, <https://vl2.gallaudet.edu/research-briefs/256>

Resources

American Academy of Pediatric (AAP), Hearing assessment update offers 7 recommendations, expands medical home guidance, Aug. 2023, <https://publications.aap.org/aapnews/news/25437/Hearing-assessment-update-offers-7-recommendations?autologincheck=redirected>

Boston University (BU), Getting the Word in by Elizabeth Dougherty, March 6, 2017, <https://www.bu.edu/articles/2017/asl-language-acquisition>

Campbell, E., & Bergelson, E. (2022). Journal of Speech, Language, and Hearing Research

Ching, T. Y., & Leigh, G. (2020). Hearing, balance and communication

Culbertson, S. R., Dillon, M. T., Richter, M. E., Brown, K. D., Anderson, M. R., Hancock, S. L., & Park, L. R. (2022). Journal of Speech, Language, and Hearing Research

DOE Office for Civil Rights Deaf Students Education Services [OCR-000012], <https://www2.ed.gov/about/offices/list/ocr/docs/hq9806.html>

Effects of Linguisticism and Audism on the Developing Deaf Person, Peter Hauser, TEDxGallaudet, <https://www.youtube.com/watch?v=73zUW76OOxg> (Video)

Hall WC, Levin LL, Anderson ML. Language deprivation syndrome: a possible neurodevelopmental disorder with sociocultural origins.

Kushalnagar, P., Hannay, H. J., & Hernandez, A. E. (2010). Journal of deaf studies and deaf education

Hecht, J. L. (2020). Responsibility in the current epidemic of language deprivation (1990-present). Maternal and Child Health Journal.

- Henner, J., Caldwell-Harris, C. L., Novogrodsky, R., & Hoffmeister, R. (2016). American Sign Language syntax and analogical reasoning skills are influenced by early acquisition and age of entry to signing schools for the deaf. *Frontiers in Psychology*, 7.
- Hrastinski, I., & Wilbur, R. B. (2016). *Journal of Deaf Studies and Deaf Education*
- Language First <https://language1st.org>
- National Association of the Deaf (NAD) Position Statement on Schools for the Deaf, <https://www.nad.org/about-us/position-statements/position-statement-on-schools-for-the-deaf>
- National Association of the Deaf (NAD) Educational Placements, <https://www.nad.org/resources/education/k-12-education/educational-placements>
- National Association of the Deaf (NAD) Section 504 and ADA Obligations of Public Schools, <https://www.nad.org/resources/education/k-12-education/section-504-and-ada-obligations-of-public-schools>
- Pontecorvo, E., Higgins, M., Mora, J., Lieberman, A. M., Pyers, J., & Caselli, N. K. (2023). *Journal of Speech, Language, and Hearing Research*
- Psychiatry Psychiatr Epidemiol. 2017 Jun;52(6):761-776. doi: 10.1007/s00127-017-1351-7. Epub 2017 Feb 16. PMID: 28204923; PMCID: PMC5469702. (Published through National Institute of Health (NIH), Feb. 2017.
- Pyers, J. E., & Senghas, A. (2009). *Psychological science*
- Pyers, J. E., Shusterman, A., Senghas, A., Spelke, E. S., & Emmorey, K. (2010). *Proceedings of the National Academy of Sciences*
- Texas Education Agency (TEA) Annual Statewide Report on Language Acquisition for Students who are Deaf or Hard of Hearing and Deafblind 0-8 Years of Age, Aug. 2022, <https://tea.texas.gov/about-tea/government-relations-and-legal/government-relations/annual-statewide-language-acquisition-report-for-hoh-and-db-students-2022.pdf>
- Wilkinson, E. & Morford, J. P. (2020). How bilingualism contributes to healthy development in deaf children: A public health perspective. *Maternal and Child Health Journal*, 24(11), 1330-1338.
- Additional Resources**
- Caselli N, Pyers J, Lieberman AM. Deaf Children of Hearing Parents Have Age-Level Vocabulary Growth When Exposed to American Sign Language by 6 Months of Age. *J Pediatr*. 2021 May;232:229-236. doi: 10.1016/j.jpeds.2021.01.029. Epub 2021 Jan 19. PMID: 33482219; PMCID: PMC8085057.

Dettman, S., Choo, D., Au, A., Luu, A., & Dowell, R. (2021). Journal of Speech, Language, and Hearing Research

Wie, O. B., von Koss Torkildsen, J., Schaubert, S., Busch, T., & Litovsky, R. (2020). Ear and hearing

When children have delayed access to language, they are at risk for permanent cognitive and socioemotional damage.

Courtin, C. (2000). Journal of Deaf Studies and Deaf Education

Goodwin, C., Carrigan, E., Walker, K., & Coppola, M. (2022). Child Development

Langdon, C., Kurz, C., & Coppola, M. (2023). Perspectives on Early Childhood Psychology and Education

Mayberry, R. I., Hatrak, M., Ilbasaran, D., Cheng, Q., Huang, Y., & Hall, M. L. (2023). Developmental Science

Emmorey, K. (2010). Proceedings of the National Academy of Sciences

Santos, S., & Cordes, S. (2022). Psychological Review

Pontecorvo E, Higgins M, Mora J, Lieberman AM, Pyers J, Caselli NK. Learning a Sign Language Does Not Hinder Acquisition of a Spoken Language. J Speech Lang Hear Res. 2023 Apr 12;66(4):1291-1308. doi: 10.1044/2022_JSLHR-22-00505. Epub 2023 Mar 27. PMID: 36972338; PMCID: PMC10187967.

Daan Hermans, Harry Knoors, Ellen Ormel, Ludo Verhoeven, The Relationship Between the Reading and Signing Skills of Deaf Children in Bilingual Education Programs, *The Journal of Deaf Studies and Deaf Education*, Volume 13, Issue 4, Fall 2008, Pages 518–530, <https://doi.org/10.1093/deafed/enn009>

Caselli, N., Pyers, J., & Lieberman, A. M. (2021). The Journal of Pediatrics

Berger, L., Pyers, J., Lieberman, A., & Caselli, N. (2023). Language Acquisition

Pontecorvo, E., Higgins, M., Mora, J., Lieberman, A. M., Pyers, J., & Caselli, N. K. (2023). Journal of Speech, Language, and Hearing Research

Kushalnagar, P., Hannay, H. J., & Hernandez, A. E. (2010). Journal of deaf studies and deaf education

Hrastinski, I., & Wilbur, R. B. (2016). Journal of Deaf Studies and Deaf Education

Scott, J. A., & Hoffmeister, R. J. (2016). The Journal of Deaf Studies and Deaf Education

www.delawaredeaf.org