

MAR 06 2014

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## SENATE CONCURRENT RESOLUTION

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REQUESTING THE SUPERINTENDENT OF EDUCATION AND THE DIRECTOR OF HEALTH TO FORM A WORKING GROUP TO ASSESS WHETHER CHILDREN IN HAWAII WHO ARE DEAF OR SEVERELY HARD OF HEARING AND WHO CHOOSE THE AURAL/ORAL ROUTE OF COMMUNICATION RECEIVE PROPER TRAINING AND SUPPORT TO LEARN SPOKEN LANGUAGE SKILLS.

1 WHEREAS, while children who are deaf or severely hard of  
2 hearing often live happy lives that are richly enhanced by  
3 learning sign language, they are also restricted from  
4 experiences that hearing would allow them and can be isolated in  
5 areas where few people know sign language; and  
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7 WHEREAS, in Hawaii, according to the Hawaii health data  
8 warehouse and the Hearing Loss Association of America, nearly  
9 nineteen thousand children are born each year and two to three  
10 of every one thousand children are hard of hearing or deaf; and  
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12 WHEREAS, if the Hearing Loss Association of America's  
13 statistics are correct, that means between thirty-eight and  
14 fifty-seven children born in Hawaii each year are deaf or hard  
15 of hearing; and  
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17 WHEREAS, if given access to proper screening under the  
18 universal newborn hearing screening program, these children can  
19 receive hearing aids as young as eight-weeks old or cochlear  
20 implants as young as one-year old; and  
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22 WHEREAS, hearing aids are enough to vastly improve the  
23 quality of life of those who have moderate to middle level  
24 hearing loss; and  
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26 WHEREAS, sometimes people who are considered profoundly  
27 deaf are better candidates for cochlear implants, because the  
28 nerve damage in their ears is too great for them to hear with  
29 the assistance of hearing aids; and  
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1 WHEREAS, for children with such profound deafness, a  
2 cochlear implant has the potential to help them hear and learn  
3 how to speak as if they had no auditory problems at all, if the  
4 implant is given to the child as early as possible and if the  
5 child is given the correct spoken language training; and  
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7 WHEREAS, a cochlear implant does not establish regular  
8 hearing; rather it works by picking up sound in a small  
9 microphone and a speech processor that stimulate the auditory  
10 nerves that lead to the area of the brain that recognizes sound  
11 signals; and  
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13 WHEREAS, as a result, it takes time for people to get used  
14 to the cochlear implant, making spoken language training  
15 essential for the cochlear implant to work to its full  
16 potential; and  
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18 WHEREAS, for those children who are working towards regular  
19 speech and writing skills, it is best if a cochlear implant  
20 surgery takes place in a child as young as possible, in concert  
21 with intensive oral speech therapy taught by trained oral speech  
22 therapists; and  
23

24 WHEREAS, the State is sorely lacking in oral speech  
25 therapists, leaving children with cochlear implants at a loss  
26 for obtaining the proper skills necessary to attain spoken  
27 language skills; and  
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29 WHEREAS, the Rehabilitation Act of 1973 "protects the  
30 rights of individuals with disabilities to access programs and  
31 services that are supported by federal funds"; and  
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33 WHEREAS, since public schools receive federal funding, they  
34 must provide a free education in a "least restrictive  
35 environment to students with physical and mental health  
36 impairments"; and  
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38 WHEREAS, the Individuals with Disabilities Education Act of  
39 1990 (IDEA) ensures that all students receive "free appropriate  
40 public education" no matter what their abilities or challenges  
41 and also requires that "children who qualify under IDEA are  
42 provided with services and accommodations individualized to  
43 their needs . . . at no cost to parents"; and  
44



1 WHEREAS, for children who are seriously hard of hearing or  
2 deaf, some of the accommodations that the State is required to  
3 provide under these laws are: access to least restrictive  
4 environments, including carpeted rooms and tiles on the ceiling  
5 to absorb sound; and individual education programs to establish  
6 a specific course of action for these children's education; and  
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8 WHEREAS, some of the children who are hard of hearing or  
9 deaf in Hawaii may not be receiving adequate educational  
10 opportunities that are legally afforded to them, including all  
11 of the accommodations necessary to establish least restrictive  
12 environments and all of the tools necessary to meet the  
13 requirements of the children's individual education programs;  
14 and  
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16 WHEREAS, for rural areas of the State where access to oral  
17 speech therapists are difficult, telehealth services can serve  
18 to link families with therapists working out of the State or on  
19 other islands; and  
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21 WHEREAS, the Patient Protection and Affordable Care Act has  
22 included habilitation services in its list of benefits that are  
23 required to be provided by all health care plans run by State  
24 and federal health insurance exchanges; and  
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26 WHEREAS, telehealth services for children with hearing  
27 disabilities should be covered by the Patient Protection  
28 Affordable Care Act's habilitation service benefits; and  
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30 WHEREAS, another aspect of educating children in Hawaii who  
31 are deaf or hard of hearing that can be confusing and  
32 frustrating is the transition that takes place from the  
33 Department of Health, which addresses the needs of these  
34 children from birth to the age of three years, to the Department  
35 of Education after the age of three years; and  
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37 WHEREAS, the transition of children from the Department of  
38 Health to the Department of Education can lead to some of the  
39 children falling through the cracks as their issues and concerns  
40 are not adequately tracked from one department to the next; now,  
41 therefore,  
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1 BE IT RESOLVED by the Senate of the Twenty-seventh  
2 Legislature of the State of Hawaii, Regular Session of 2014, the  
3 House of Representatives concurring, that the Superintendent of  
4 Education and the Director of Health are requested to convene a  
5 working group to assess whether children in Hawaii who are deaf  
6 or severely hard of hearing and who choose the aural/oral route  
7 of communication receive proper training and support to learn  
8 spoken language skills; and  
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10 BE IT FURTHER RESOLVED that the working group is requested  
11 to assess whether a gap in education and health care exists for  
12 children who are deaf or severely hard of hearing such that they  
13 do not adequately receive the guidance of therapists who are  
14 trained in the field of oral speech therapy and that these  
15 children are given the accommodations required for their  
16 schooling according to the Rehabilitation Act of 1973, IDEA, and  
17 the Patient Protection and Affordable Care Act; and  
18

19 BE IT FURTHER RESOLVED that the working group is  
20 specifically requested to review the following:  
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- 22 (1) The transition from the Department of Health to the  
23 Department of Education to determine whether one  
24 department should follow the progress of each child  
25 for a longer period of time or whether there is a more  
26 productive method to facilitate the transition between  
27 the two departments;  
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- 29 (2) The methodology for the responsible department to  
30 recruit properly trained teachers, including the  
31 posting of the job listings, salary requirements, and  
32 the recruiting entity;  
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- 34 (3) The possibility of hiring an experienced oral speech  
35 therapy teacher to fill the gap in training while the  
36 hiring is underway for permanent oral therapy  
37 teachers; and  
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- 39 (4) The possibility of covering the insurance cost of  
40 families who choose to use telehealth services to  
41 receive oral speech therapy sessions; and  
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## S.C.R. NO. 76

1 BE IT FURTHER RESOLVED that the Superintendent of Education  
2 and the Director of Health are requested to appoint to the  
3 working group representatives from the Developmental  
4 Disabilities Division of the Department of Health, the  
5 Department of Education, and other stakeholders involved in  
6 ensuring that children in Hawaii who are deaf or severely hard  
7 of hearing receive the proper training and access to the correct  
8 tools to succeed in achieving the goals laid out in their  
9 individual education programs; and

10  
11 BE IT FURTHER RESOLVED that the working group is requested  
12 to submit a report of its findings and recommendations,  
13 including any proposed legislation, to the Legislature not later  
14 than twenty days prior to the convening of the Regular Session  
15 of 2015; and

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17 BE IT FURTHER RESOLVED that certified copies of this  
18 Concurrent Resolution be transmitted to the Superintendent of  
19 Education and the Director of Health.  
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22

OFFERED BY: 

