

## Mythbusters

The purpose of the Mythbusters is to address misinformation about the LEAD-K bill. The goal of LEAD-K is to ensure a foundation for English literacy among deaf and hard of hearing children whether they use one or both languages, American Sign Language and English for K-readiness.

MYTH	FACT
<p>The LEAD-K bill is a mandate for American Sign Language</p>	<p>The LEAD-K bill does <i>not</i> require American Sign Language.</p> <p>The bill provides for language milestone information &amp; assessments for kids who use <i>one or both</i> of the languages of American Sign Language (ASL) and English. For purposes of the bill, “English” includes spoken English, written English, or English with the use of visual supplements</p>
MYTH	FACT
<p>I want my deaf child to learn how to listen and speak, and to "assimilate" into hearing society, without using sign</p>	<p>The LEAD-K bill does not and will not interfere with a family’s decision to have their deaf child learn to listen and speak. Again, the assessments are conducted in <i>one or both</i> languages, American Sign Language and English. Language is the family’s decision.</p>
MYTH	FACT
<p>The advisory board takes away the autonomy of the IFSP and IEP teams that are charged with providing individualized plans for each child</p>	<p>The advisory board is a short term entity made up of volunteers whose role is to identify existing resources already developed to be made available for use by families, local education agencies, and the IFSP team or IEP team. Once that identification is done, the advisory board is done. The advisory board will not and cannot replace the critical function the IFSP or IEP team.</p>

<b>MYTH</b>	<b>FACT</b>
<p>The advisory board does not include the parents/caregivers as essential members of this process.</p>	<p>The bill’s advisory board includes parents/caregivers as essential members of the process.</p>
<b>MYTH</b>	<b>FACT</b>
<p>A family who has a deaf or hard of hearing child is forced to participate in the assessment.</p>	<p><i>Any</i> assessment must be conducted in compliance with federal law which requires both parental notification and consent, so it is a family choice to participate or not. 34 CFR §303.321; 34 CFR §303.405.</p>
<b>MYTH</b>	<b>FACT</b>
<p>LEAD-K places additional responsibilities on educators</p>	<p>Educators doing assessments <i>is not a new or additional responsibility</i> for them. They are already required to do assessments.</p> <p>The LEAD-K bill simply requires utilizing one with language milestones.</p> <p>Note: Federal law defines an assessment as the ongoing procedures used by qualified personnel (educators) to <i>determine the individual child's present level of performance and early intervention or educational needs.</i> 34 CFR §303.321(a)(2).</p>
<b>MYTH</b>	<b>FACT</b>
<p>The data collection does not protect the privacy and confidentiality of the children and the families involved</p>	<p>Privacy and confidentiality will be protected &amp; preserved. Any data collection and any implementation of this bill must be consistent with federal law regarding the privacy of pupil information and be consistent with federal law regarding the education of children with disabilities.</p>

<b>MYTH</b>	<b>FACT</b>
<p>The assessment must be appropriate for an individual child, not selected from a list created by a workgroup.</p>	<p>Existing assessment materials, as required by federal law, <i>must be appropriate to assess the specific areas of developmental need</i> and are used for the specific purposes for which they were designed. 34 CFR §303.322</p> <p>The bill requires language development inclusion but will not prevent the IFSP team or the IEP team from utilizing any assessments the team sees fit to best serve the individual child.</p>
<b>MYTH</b>	<b>FACT</b>
<p>The proposed law does not address the rights of non-English speaking children, children who are not eligible for special education, or children with unique needs.</p>	<p>Any assessment is administered in compliance with federal law requiring the assessment to be conducted in a nondiscriminatory manner, in the native language of the child or family, and by qualified personnel. 34 CFR §303.322.</p>
<b>MYTH</b>	<b>FACT</b>
<p>Requiring assessments of children with disabilities and not requiring them of other children is discriminatory and a civil rights violation.</p>	<p>Any assessment provided must comply with federal law that such assessments are <i>selected to accurately reflect the child’s developmental level</i>. 34 CFR §303.322</p> <p>Again, with respect to the above, any assessment must be administered in compliance with federal law requiring the assessment to be conducted in a nondiscriminatory manner, in the native language of the child or family, and by qualified personnel. 34 CFR §303.322.</p> <p>The LEAD-K bill simply requires a language assessment to be included as part of IFSP and IEP assessments.</p>

<b>MYTH</b>	<b>FACT</b>
<p>Some children who are deaf or hard of hearing are not in the special education system, but yet this law would require them to be assessed.</p>	<p>Any assessment must be conducted in compliance with federal law which requires both parental notification and consent, so a family as they see fit, can either chose to or <i>not to</i> participate. 34 CFR §303.321</p>
<b>MYTH</b>	<b>FACT</b>
<p>Federal law already requires an assessment. State law can't "require" an assessment.</p>	<p>State law cannot require less than federal law requirements, but state law can provide <i>more protection</i> than what federal law provides.</p> <p>IDEA leaves room for the state to interpret the federal rules and pass their own laws. Thus, a state law providing for language inclusion is not in conflict with federal law in any manner.</p>
<b>MYTH</b>	<b>FACT</b>
<p>An assessment must be deemed to be appropriate for that individual child, and not be restricted to just language.</p>	<p>While LEAD-K requires <i>inclusion</i> of a language development assessment, it does not restrict other assessment domains.</p> <p>As required by federal law, assessment materials must be appropriate <i>to assess the specific areas of developmental need</i> and used for the specific purposes for which they were designed. 34 CFR §303.322</p>

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