



AMERICAN CIVIL LIBERTIES UNION

Michigan

## House Committee on Families, Children, and Seniors

House Bill 5777

Position: Support

March 8, 2022

The American Civil Liberties Union of Michigan supports House Bill 5777. We view this as a key piece of legislation to stop what amounts to severe neglect of deaf children, leaving them with a more challenging pathway to become active members of our communities and our democracy.

### Background

“The single greatest risk faced by Deaf people is inadequate exposure to a usable first language.”<sup>1</sup> Because 96% of deaf children are born into hearing families,<sup>2</sup> their parents struggle to provide them with full access to language.<sup>3</sup> As a consequence, far too many deaf children miss the critical window in the years before kindergarten to acquire language – whether a spoken language, a signed language, or both. Without the resources and opportunities to access language, deaf children develop language deprivation syndrome – a phenomenon with detrimental, and long-lasting effects on the child’s cognitive and emotional development.<sup>4</sup>

Impaired access to language and communication in the first years of life have long-lasting consequences.<sup>5</sup> Among those are adverse impacts on educational attainment. Deaf students in Michigan graduate from high school and college at lower rates,<sup>6</sup> and are among the many youth with disabilities who are disproportionately funneled into the criminal legal system.<sup>7</sup>

Despite early intervention approaches and advances in hearing technology, the current body of research shows that deaf children continue to fail to meet age-based language milestones.<sup>8</sup> House Bill 5777 helps remedy that ongoing failure and works towards the critical goal of aiding parents of deaf children in tracking their child’s language development from 0 – 5 years. If a child is not reaching developmental milestones toward English literacy, this legislation ensures

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<sup>1</sup> Gulati, S. (Apr. 2, 2014). Language Deprivation Syndrome. [https://www.youtube.com/watch?v=8yy\\_K6VtHJw](https://www.youtube.com/watch?v=8yy_K6VtHJw).

<sup>2</sup> Mitchell, R. E. (2005). How Many Deaf People Are There in the United States? Estimates From the Survey of Income and Program Participation. *J. Deaf Studies & Deaf Ed.*, 11(1), 112–19.

<sup>3</sup> Humphries, T., et al. (2012). Language Acquisition for Deaf Children: Reducing the Harms of Zero Tolerance to the Use of Alternative Approaches. *Harm Reduction J.*, 9, 16.

<sup>4</sup> See Glickman, N. S., & Hall, W. C. (Eds.). (2018). *Language deprivation and deaf mental health*. New York, NY: Routledge.

<sup>5</sup> See, e.g., Hall, W. C., Levin, L. L., & Anderson, M. L. (2017). Language deprivation syndrome: A possible neurodevelopmental disorder with sociocultural origins. *Social Psychiatry and Psychiatric Epidemiology*, 52(6), 761–776.

<sup>6</sup> Garberoglio, C.L., et al. (2018). State Rankings of Postsecondary Achievement for Deaf People: 2012-2016.

Washington, D.C.: U.S. Dep’t of Ed., Office of Special Ed. Programs, Nat’l Deaf Center on Postsecondary Outcomes.

<sup>7</sup> U.S. Dep’t of Ed., Office for Civ. Rts. (2021). Civil Rights Data Collection: 2017-18 State and National Estimations.

<sup>8</sup> See Caselli, N., Pyers, J., & Lieberman, A.H., (2021). Deaf Children of Hearing Parents Have Age-Level Vocabulary Growth When Exposed to American Sign Language by 6 Months of Age. *J. Pediatrics*, 232, 229–236, nn. 11-20 (collecting studies).

that there can be medical and educational intervention. This bill's creation of a volunteer advisory committee served by language development experts in English and ASL to recommend developmental milestones is a much-needed step. The committee will provide parents the opportunity to ensure that their deaf child's language is appropriately developing towards English literacy. Current language monitoring has been insufficient and needs improvement.

The bill does not dictate what language a child will develop. It empowers parents with fairly-balanced information about the languages and communication modes available to their deaf children. American Sign Language has historically been discouraged in Early Intervention programming,<sup>9</sup> despite numerous studies showing that access to ASL does not inhibit—and even supports—English acquisition.<sup>10</sup> Eighteen states have recognized this imbalance in access to language resources, passed similar bills, and are better engaging parents and their children in the key goal of language acquisition.

### **Michigan Deaf Constituents**

Michigan is home to roughly 733,000 deaf and hard of hearing people—largely a product of this state's historical roots within the automotive industry (thousands of deaf workers were recruited to work in the factories of the Big Three in the 1950s and '60s).<sup>11</sup> The Legislature has recognized the ongoing needs of its deaf constituents through the creation of a Division on Deaf, DeafBlind and Hard of Hearing within the Michigan Department of Civil Rights.<sup>12</sup> Despite current resources, deaf Michiganders continue to be underemployed compared to their peers who can hear, as only 48.3% of deaf adults are employed—compared to 71% of their peers.<sup>13</sup> Given that the vast majority of jobs depend on workers being able to communicate in English, it is of paramount importance that deaf people have access to language as soon as possible after birth.

The ACLU strongly supports this bill. In the ACLU's representation of many deaf adults who have been drawn into the criminal legal system across the country, we have seen the detrimental effects of our clients' childhood language deprivation. We view this bill as a fundamental stepping stone to preventing additional harms to this marginalized community, and to enable the next generation of deaf children to become full, participating members of our democracy.

We urge the Committee to advance this legislation, and are happy to discuss further. Thank you.

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<sup>9</sup> Clark, M.D. et al. (2020). Early Intervention Protocols: Proposing a Default Bimodal Bilingual Approach for Deaf Children. *Maternal and Child Health Journal*, 24, 1339–1344, 1340.

<sup>10</sup> *Id.* at 1343 (collecting studies); Hoffmeister, R. et al. (2022). Deaf Children's ASL Vocabulary and ASL Syntax Knowledge Supports English Knowledge, *J. Deaf Studies and Deaf Ed.*, 27(1), 37–47.

<sup>11</sup> Michigan Department of Civil Rights. (2019). A Census and Needs Assessment for Michigan's Deaf, DeafBlind, and Hard of Hearing Communities. Report. <https://bit.ly/3KpPEE1>.

<sup>12</sup> MCL § 408.203.

<sup>13</sup> *Supra* note 7.