

(Approved by the Board of Directors of the Educational Audiology Association June 2020)

A recent trend in court decisions, and Department of Education and Department of Justice guidance reminds us that school systems increasingly are being held accountable under IDEA, ADA, and Section 504 for their obligations to assess students in all areas of suspected disability. A comprehensive assessment is needed in order to obtain a complete picture of a child's needs and to plan for appropriate accommodations and interventions to address identified needs [20 U.S.C. §1414(b)(3)(B)]. Furthermore, "In the case of a child who is deaf or hard of hearing, the IEP team must consider special factors, i.e., the child's language and communication needs, opportunities for direct communication with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs and whether the child needs assistive technology devices and services" [id. §1414(d)(3)(B)(iv-v) and 34 C.F.R. §300.324(a)(2)(iv-v)]. To be eligible for special education and related services, a child must have "an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance" [34 USC §300.8(c)(5)]. In light of the court decisions that found districts had NOT met the IDEA requirements in determining the student's needs, the following advocacy statement is offered as a resource for educational audiologists to share with school personnel and parents to facilitate more complete assessment and planning for students with varying hearing levels in compliance with state and federal law.

The advent of early hearing detection and intervention services, coupled with technology advancements in hearing aids and implantable hearing devices (e.g., cochlear implants, bone anchored hearing systems) has contributed to a significant increase in the number of deaf and hard of hearing children entering mainstream educational settings. Most children with reduced hearing are currently included in classrooms with typical hearing peers. Federal education laws require IEP and 504 teams to ensure these children have access to language, instruction and curricula that are equal to their hearing peers. In addition, teams must address the social and emotional well-being of all children (U.S. Department of Justice/U.S. Department of Education, 2014). Unfortunately, most teachers and specialists who serve children in regular education classrooms settings have little knowledge or experience with reduced hearing and the challenges this status presents for learning. Most teaching professionals underestimate the impact of reduced hearing conditions and overestimate the benefits of hearing aids and cochlear implants. They often incorrectly assume that a child who speaks well, also hears well. The very natural and instinctive ways in which hearing people communicate are often a mismatch to the unique auditory and visual needs of deaf and hard of hearing children who struggle to access information sufficiently to be able to process and respond appropriately. Current pedagogical trends such as collaborative classrooms and socratic seminars create fast-paced multi-talker environments that make participation very difficult despite state-of-the-art hearing technologies. Online classrooms often have more reading content requiring greater reliance on literacy skills.

Several states require the use of a communication plan or worksheet to address special factors as part of the IEP process for students classified as deaf or hard of hearing. Although the format of the plan may vary by state, use of the communication plan format guides the discussion of special factors in small steps to assist the educational team's deliberation concerning all aspects of receptive and expressive language, communication mode(s) used or needed, academic level and full range of needs and how children have access to peers and adults using those modes (see text box). This discussion should occur routinely at the beginning of each team meeting and should guide the development of each student's IEP. Although not required, a Communication Plan is also recommended for IFSPs and 504 Plans in order to address the critical role communication plays in the development of every child. Use of a communication plan allows consideration of changing needs and the availability of new technologies and other accommodations as students progress through multiple educational levels and environments. Collaborative classrooms, remote instruction settings, online programs, hallways, cafeterias, gymnasiums, playgrounds and auditoriums are all challenging and sometimes unfriendly listening and communication environments. Equitable access to communication and barrier-free environments can be achieved with the right combinations of adaptive strategies, accommodations/modifications to teaching styles, the addition of remote microphone hearing assistive technologies and/or supplemental visual technologies. More detailed information about topics and ideas to address in the team discussion and development of a communication plan is included in the Strategies and Next Steps section that follows.

¹ *SP v. E. Whittier City School District*, <https://law.justia.com/cases/federal/appellate-courts/ca9/16-56549/16-56549-2018-06-01.html>

² *Phyllene v. Huntsville City Board of Education*, <https://www.govinfo.gov/content/pkg/USCOURTS-ca11-15-10123/pdf/USCOURTS-ca11-15-10123-0.pdf>

³ U.S. Department of Justice, U.S. Department of Education. (2014). Dear Colleague Letter on Effective Communication. Retrieved from <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-effective-communication-201411.pdf>

The educational audiologist is an essential member of the education team who can facilitate the Communication Plan discussion. The educational audiologist

- has an intimate understanding of various hearing levels and the synergistic impact of classroom acoustics and other environmental barriers on communication and learning;
- can demonstrate and explain the ever-changing and often hidden struggles of children with reduced hearing; and
- recognizes difficult listening situations and can ask the right questions of the child and/or parent to identify gaps in access as well as feelings of isolation, inadequacy, anger and depression that often impact children struggling to hear like their peers.

Meaningful dialogue among all members of the team can result in innovative solutions to these invisible barriers to effective communication. Self-advocacy skills, coping strategies and use of remote microphone hearing assistive technology also require guidance and training from the educational audiologist.

Use of a Communication Plan can foster shared responsibility in the development of relevant strategies to address the individual challenges and needs of each student with hearing difficulties (Luft and Amiruzzaman, 2018). The use of a Communication Plan can also serve as documentation that school system personnel have increased awareness and involvement in addressing each student's specific instructional access and communication needs. Finally, the discussion, development and use of individualized Communication Plans will provide support in achieving improved educational performance and outcomes for each student with reduced hearing.

Strategies and Next Steps for Educational Audiologists

1. Find out if your state has a communication plan. If so, does your school district or local education agency use it? When?
2. If a Communication Plan is not used, discuss the purpose and rationale with your local multidisciplinary team including sample communication plans from other states/systems. Rationale and samples should also be discussed with parents and students. Suggest families review a communication plan from Hands and Voices (see Resources) and discuss use of plan in preparation for IEP meetings.
3. Maintain current information on technologies for auditory and visual classroom and remote instructional accommodations.
4. Prepare family and other team members for changing communication and technology needs that may occur as students progress through grade levels and teaching environments.
5. Potential topics and questions for discussion and development of a communication plan are included in the Appendix. The discussion for each child will depend on the individual characteristics of the child coupled with the child's educational placement and instructional learning environment.

References

- Americans With Disabilities Act Amendments of 2008 (ADAAA),
42 U.S.C. §12131 et seq. 28 C.F.R. Part 35.
- Hands & Voices* (2001). Communication Plan. http://www.handsandvoices.org/pdf/communication_plan.pdf. Accessed 05/02/2020.
- IDEA Individuals With Disabilities Education Act Amendments of 2004.
20 U.S.C. §1400 et seq. 34 C.F.R. Part 300.324(a)(2)(iv-v).
- Luft, P. and Amiruzzaman, S. (2018). Examining states' responses to the IDEA special factors requirements for DHH students. *Journal of Disability Policy Studies*, 29(1), 32-42.
- Section 504 of the Rehabilitation Act, as amended. 29 U.S.C. §794. 34 C.F.R. Part 104.

APPENDIX

Suggested Topics and Questions for Discussion when Developing a Communication Plan

1. Student's Primary Communication Mode (Access to Effective Communication)

- Receptive/Expressive Communication must be discussed separately
- Assess the learning environment (in the classroom, distance learning); access needs based on instructional design for each class
- Discuss use of assistive technologies (or non-use) in a variety of in-school and remote learning environments. How will each student have access to incidental learning?
- How can the team foster access and success in social (unstructured) situations?
- Encourage identification and discussion of difficult communication situations (e.g., background noise, poor lighting, distance listening, hallways, cafeteria, assemblies, playground, gym, teachers/staff who are non-native users of English, soft-spoken teachers, lack of visual access to speaker's face, group/interactive learning situations, before/after care programs, on-line classes where teacher is sharing his/her screen and opportunities for speechreading are minimized or absent and speech may be distorted, use of masks by adults and peers).
- Consider use of captioning technologies when speech access is adversely affected
- Discuss "split visual attention" demands of speechreading, reading text and looking at course materials presented simultaneously during instruction.

2. Availability of Peers/Adults with varying levels of hearing (Identity and Social/Emotional Development)

- Access to peers and adults who are deaf or hard of hearing and use the same or similar mode(s) of expressive and receptive communication provide critical experiences for students. Even though they may be difficult to provide, especially for mainstream students, options should be presented and explored.
- Options for peer and adult access include summer camps, leadership programs, online chat groups, video and/or live mentoring, organizations such as Hands and Voices, Alexander Graham Bell Association, and neighboring schools and/or district programs.

3. Continuum of Educational Placements and Options

- Parents and students have the legal right to know about, and explore, all available program options without bias from the IEP team, regardless of hearing level, or use or non-use of hearing technologies. Discussion of program options may create opportunities for school districts to add or change current programs, add alternative or additional assistive technologies, add different or more specialized staff, seek out of district placements, or create novel combinations of programming.

4. Staff Knowledge and Proficiency

- Identify team members who have expertise/experience with students who are deaf or hard of hearing. Does the team have an educational audiologist, teacher of the deaf/hard of hearing and/or speech language pathologist with the necessary experience to guide, support and facilitate student progress?
- Remote learning adds different challenges for both students and teachers. Is there support and expertise for real time transcription (captioning) of instruction and discussion? Is the student a proficient and fast reader capable of integrating rapid text into the lesson? Does the student have sufficient meta-linguistic skills to read through captioning mistakes and substitute correct words?
- Teacher use of high quality headsets and adjustable boom microphones during remote instruction for most accurate speech transmission
- Student learning is directly tied to the integrity of the interpreted message. If there is an educational interpreter, is the person appropriately qualified and certified? Are there training opportunities for the interpreter to gain vocabulary knowledge in content areas and communication and technology training for remote learning situations? How is visual access to both the teacher and the interpreter maximized during remote learning?
- Does the student have disabilities in addition to reduced hearing? Do any team members have expertise in these disability areas? How can the team integrate support for these disabilities with the student's hearing challenges? Who is checking the student's technology on a daily basis? How is technology function, access, and use being documented? Are team members coaching parents regarding technology verification and use during online learning? What documentation is the team using for use/non-use of personal and assistive technology decisions at home?
- Do substitute teacher plans include information on using remote microphone hearing assistive technologies with simple troubleshooting guides? Do substitute plans outline access strategies and supports like captioning, note-taking, speechreading needs?

- Are all relevant school personnel aware of the child's hearing status and how to optimize communication in their respective settings? This includes cafeteria staff, bus drivers, related arts teachers, school nurses and counselors, playground supervisors.

5. Communication Access for Non-Academic/Extra-Curricular Activities

- Many children with reduced hearing cannot understand the PA announcements. How is this information being conveyed in a timely and equitable manner?
- School arrival, dismissal and change of class are noisy and dynamic environments. How is communication enabled or optimized? The cafeteria and hallways can be hostile listening environments for students with reduced hearing. What are the alternatives or solutions for lunch time and other unstructured periods of the school day?
- Is the student interested in participating in school sports and extracurricular clubs? What accommodations are permissible under state athletic rulings? Does the coach/club advisor have any experience working with students with reduced hearing? Who can assist with facilitating equitable access and engagement?
- What supports and accommodations are in place for field trips? Is remote microphone hearing assistive technology appropriate and available? Is alternative/special placement an option?
- How are school crisis plans and fire drills being addressed? Have procedures been explained and practiced with checks for understanding? How is communication access being addressed during these chaotic times?