SPECIAL EDUCATION
RESOURCES

Comprehensive Special Education Evaluation when Considering Disability-Related Needs in Reading for Students Who Are Deaf and Hard of Hearing

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Introduction

Both the Individuals with Disabilities Education Act (IDEA)(34 CFR § 300.8) and Wisconsin administrative rule (Wis. Admin. Code § PI 11.36) establish parameters for disability category criteria for deaf and hard of hearing and specific learning disability. Based on this criteria, IEP teams cannot identify a student's disability category as both a specific learning disability and deaf and hard of hearing. Specifically, federal regulation states that a child may not be found eligible for special education under the specific learning disability criteria if the child's insufficient progress and inadequate classroom achievement are primarily the result of (i) A visual, hearing, or motor disability; (ii) Mental retardation; (iii) Emotional disturbance; (iv) Cultural factors; (v) Environmental or economic disadvantage; or (vi) Limited English proficiency (34 CFR 300.309(a)(3)).

At the same time, IDEA requires that all special education evaluations are sufficiently comprehensive to identify all of a student's special education and related services needs, whether or not linked to the disability category in which the child has been classified. § 300.304 c. (6). Some students who are deaf and hard of hearing experience learning problems that are not primarily rooted in a sensory disability or outlined in the deaf and hard of hearing disability criteria. This publication centers on those students who have additional disability-related needs, beyond what is required to be assessed to meet criteria for deaf and hard of hearing, and that affect the student's progress in age and grade level curriculum and instruction. The purpose of this document is to provide resources, tips, and examples of practice for Individualized Education Program (IEP) teams conducting comprehensive special education evaluations of students who are, or may be, deaf and hard of hearing and who also experience learning difficulties in the area of reading. The format of this document is as follows:

- discussion of cultural considerations when conducting a comprehensive special education evaluation,
- consideration of vulnerable decision points, accompanied by case study examples and reflection items,
- considerations related to specific learning disabilities.

Typically, learning problems experienced by deaf and hard of hearing students are attributed to hearing loss and limited opportunities for communication. However, sensory differences may not always fully explain a student's academic underachievement. As estimated by the Gallaudet Research Institute, 40% or more of children who are deaf and hard of hearing have one or more additional conditions that affect academic or social functioning (Cannon et al., 2022; Sligar et al., 2013). Many students' additional disabilities are not diagnosed in the preschool or early elementary years. This is especially concerning considering that early interventions for co-occurring conditions may enhance access to language and minimize gaps between the academic achievement of students who are deaf or hard of hearing and typically hearing peers. (Cannon et al., 2022; Sligar et al., 2013).

The Individuals with Disabilities Education Act (IDEA) defines deafness and hearing impairment separately (34 CFR § 300.8). In Wisconsin these definitions are combined under the category of deaf and hard of hearing defined as "a decreased ability to detect sound in one or both ears with or without amplification, whether permanent or chronically fluctuating, which adversely affects a child's educational performance." This includes academic performance, speech perception, speech production, or communication including language acquisition or expression" (Wis. Admin. Code § PI 11.36).

Under the IDEA a child who is deaf and also meets criteria for other disability categories is usually identified with "deaf and hard of hearing" as the reporting disability. IEP teams should consider the possibility that a student's lack of progress with academic skills may be due to

disability-related needs associated with other categories of disability, such as a specific learning disability. This is particularly relevant when the student is not progressing as expected despite receiving adequate instruction and intervention in the academic area(s) of concern along with appropriate supports and services to meet the needs resulting from the sensory impairment (Texas Education Agency, 2022).

Cultural Considerations

Educational definitions, based in clinical perspectives, are not the same as the meaning of deafness as conceptualized by the Deaf Community. Many deaf individuals understand deafness as a cultural identity rather than as a disability. Deaf culture is marked by shared experiences, values, and language. When a team develops educational programming for a student who is a member of the Deaf Community, these unique cultural markers should be considered.

At the same time, educational decision making teams cannot safely make assumptions about the level of connection that a student has to the Deaf Community or about the student's preferred mode of communication. The onset of hearing loss varies, and individuals experience hearing loss along a continuum from mild to profound. Additionally, most children who are deaf or hard of hearing are born to parents who have not sustained hearing loss and who are not familiar with Deaf culture. Furthermore, communication modes vary among individuals who experience hearing loss. Some students use American Sign Language (ASL) while others use Conceptually Accurate Signed English (CASE). Others do not use sign language at all. Some students may use a combination of skills for receptive and expressive communication (e.g., may prefer listening and using an interpreter peripherally to fill in information, may prefer using interpreter alone for receptive communication, or may prefer oral expressive communication). The varied experiences of deaf and hard of hearing individuals have implications for how educational decision making teams approach IEP processes, including evaluation for special education services.

IEP teams must consider both the physical condition to be evaluated as a result of the student's hearing status (deaf or hard of hearing), as well as the cultural identity of the student, the student's family and community as part of the comprehensive special education evaluation process (34 CFR § 300.304). Students who are deaf and hard of hearing may have disability-related needs not solely due to hearing loss. The assumption that all effects of a student's disability and the associated disability-related needs result from the student's hearing loss is rooted in ableism embedded in structures and processes, which may lead the team to biased decision making throughout the special education evaluation process. Valid and reliable data collected via a comprehensive special education evaluation assists the IEP team with determining whether a student's learning difficulties are caused by other factors such as language deprivation or a specific learning disability. This, in turn, provides valuable information for engaging in root cause analysis to inform IEP development.

Because IEP teams are required to consider the physical condition of hearing loss and have an obligation to the student to consider the student's culture, this guidance document combines the application of the comprehensive special education evaluation framework with the Wisconsin Department of Public Instruction's (DPI) "Addressing Bias in the Comprehensive Special Education Evaluation Process" resource. The guidelines and examples of practice are addressed via consideration of vulnerable decision points (VDP) that occur during a comprehensive special education evaluation.

Vulnerable decision points are moments in the problem-solving process where bias is more likely to manifest and have an adverse impact on individual and IEP team decision making. The special education eligibility determination process has several vulnerable decision points because educator bias might influence how a student's academic and functional performance is assessed and judged when conducting special education evaluations. For this reason, it is important that educators understand when they are more likely to make assessment and evaluation decisions based on bias and use high-impact strategies to reduce that bias in order to make more accurate eligibility decisions (Newell, 2020).

More information about VDP is available on the Wisconsin DPI webpage Using Vulnerable Decision Points to Address Bias in the Evaluation Process and in the Culturally Responsive Problem Solving Guide.

Understanding vulnerable decision points and the strategies to address the influence of bias during the evaluation process are important first steps in ensuring culturally responsive evaluations. Implementing those anti-bias strategies, however, can be a challenge because of the many external factors and variables that influence the process. For that reason, this resource provides concrete examples of how the strategies can be applied at each vulnerable decision point. Any individual comprehensive special education evaluation is complex and will have its own contextual factors. Because this resource is intended to assist teams in conducting special education evaluations that consider the intersection of cultural factors and disability, it is important to note that these examples are by no means exhaustive. Instead, they are intended to be illustrative in order to provide teams with a tool for discussion, reflection, and practice in applying the strategies to address bias.

The Comprehensive Special Education Evaluation Process

Wisconsin school districts focus on providing inclusive learning environments for all students. Each student with a disability has a right to both general education and specially designed instruction based on that student's unique disability-related needs. Special education programming should focus on need rather than on a category of disability. Asking educationally relevant questions (Margolis, 2018) about the student's academic and functional skills can help teams determine what assessments to conduct during a special education evaluation that will provide useful information for IEP development and implementation.

During the comprehensive special education evaluation process each individual student is evaluated as a "whole learner" who may have abilities and needs that do not match those stereotypically assigned to a specific disability category. In contrast, label-based evaluations focus on disability categories. Focusing on disability category labels rather than on the abilities and needs of the individual can lead to biased decision making and can result in misidentification or inadequately developed IEPs.

During the process of determining eligibility for special education, students are subject to several vulnerable decision points (i.e. moments in the problem solving process where bias can unduly influence decision making). The use of high impact strategies to reduce bias can ensure IEP teams make more accurate decisions about special education eligibility. Awareness of four key vulnerable decision points during comprehensive special education evaluation can reduce the negative impact of bias in the decision making process (Wisconsin DPI, n.d.).

VDP 1: Forming IEP Team Communication Norms

"Forming communication norms refers to establishing rules and procedures for how IEP team participants will communicate with each other in an honest, open and respectful manner. Three high-impact strategies are recommended to help guide IEP teams in establishing communication norms" (Wisconsin DPI, n.d.):

- engage in critical self-reflection,
- establish shared agreements for communication, and
- engage parent, family, and student voice.

Vulnerable Decision Point 1 In Action

The following details were documented as part of the review of existing data as part of a 3 year reevaluation of a third grade student:

- Jay was born with severe congenital hearing loss. Both parents are hearing. One has basic sign language skills (e.g., single words and short phrases). The other parent is learning to sign. Parents reported during the most recent evaluation having considered cochlear implants for Jay as an infant, but ultimately decided against the procedure.

- Jay uses mostly oral language to communicate and will use sign language as a supplement or to clarify what has been said. Jay uses a sign language interpreter to support receptive language. Jay has been working to improve expressive and receptive language skills to share ideas, socialize with others, and participate in a variety of academic tasks. The team agreed this may be due to Jay still building American Sign Language skills and not feeling confident. Jay's parents report that Jay becomes very excited when seeing others use sign language in public.

- IEP services for Jay include specially designed instruction from an itinerant teacher of the Deaf and Hard of Hearing 1 to 2 times weekly, audiology services, speech-language therapy and an educational interpreter.

Key Considerations:

- Consider the background knowledge that individual IEP team members have regarding Deaf culture and how that could influence interactions with the student and parents during the evaluation or IEP meeting.
- Individual team members should reflect on what biases and assumptions they might have regarding the relationship between the student's academic functioning and the student's hearing status.
- Consider how the team will ensure all team members are able to communicate and collaborate effectively with all other team members during the evaluation process.
- Consider how the availability of all IEP team members, (e.g., educational interpreters, audiologists, speech-language pathologist, teacher of the deaf and hard of hearing) fits with the requirement to schedule meetings "at a mutually agreeable time and place" within required evaluation timelines.
- Consider how to ensure the student's meaningful engagement in the evaluation process, including IEP team meetings.
- Consider strategies and specific actions the team can take to ensure that when the student is present (for interviews, IEP meetings or other interactions) that the communication includes the student.
- Interpreters should be trained and knowledgeable about the special education evaluation process. IEP team members and interpreters should review signs and information that need to be conveyed during the evaluation process, such as specialized language related to IEPs or disability category determinations, or complex vocabulary that may be used in standardized assessments or interviews.

Discussion and Reflection:

Given the information previously described about Jay as well as the key considerations described above, discuss the following questions related to forming IEP Team Communication Norms:

- How can Jay's IEP team engage in critical self-reflection both as a team and as individual team members?
- What factors should Jay's IEP team consider when establishing shared agreements for communication?
- How might educators on Jay's IEP team engage parent, family, and student voice?

VDP 2: Identifying Potential Areas of Need During Referral and Review of Existing Data

A well formulated assessment plan, developed by a multidisciplinary team, can ensure that critical information is not overlooked when conducting a comprehensive special education evaluation. The plan should be designed with careful consideration of the following:

1. components of the assessment,
2. the assessment tools,
3. examiner qualifications, and
4. critical indicators to be highlighted during data analysis (Cannon et al., 2022).

Two types of bias may manifest at this point in the special education evaluation, confirmation bias and attribution bias. Confirmation bias describes the inclination to agree with the initial hypothesis even when those findings are not well supported by evidence. Attribution bias involves incorrectly attributing events and behaviors to personal characteristics. "Special education IEP team participants can take some practical steps to reduce confirmation bias and attribution bias when they manifest during the special education evaluation process" (Wisconsin DPI, n.d.). The following suggestions are made related to this Vulnerable Decision Point:

- reframe the purpose of evaluation, and
- obtain multiple perspectives on educational experience (not just on concerns described in the referral).

Vulnerable Decision Point 2 in Action

The following is a summary of the information and data reviewed and discussed during the Review of Existing Data:

- **IEP team**: IEP team members and others participating in review of existing data: parents, 3rd grade teacher, special education teacher, teacher of deaf and hard of hearing, audiologist, speech-language pathologist, school principal, reading specialist.
- **Academics**: Jay is meeting grade level expectations in math. Jay enjoys social studies, science, and art, and understands important concepts and demonstrates grade level skills when provided with the appropriate accommodations listed in the IEP during instruction in these areas. Jay has been receiving specially designed instruction in reading since 4K using an evidence based early literacy curriculum. Jay's IEP determined that AIMSweb universal reading screening would not yield valid results. Diagnostic assessment results have consistently indicated Jay has difficulty with word recognition and spelling since 1st grade.
- **Cognitive Learning**: Jay was administered a standardized non-verbal cognitive assessment during the last comprehensive evaluation and obtained a standard score of 103, well within the average range. Parent and teacher rating scale data indicated some concerns in the executive functioning skills of working memory and inhibition. Rating scales resulted in average scores in the areas of attention, planning, organization and cognitive flexibility.

- **Communication**: Jay is still building fluency in use of American Sign Language. Jay demonstrates stronger receptive than expressive sign language skills. With an interpreter, Jay appears more willing to attempt using American Sign Language phrases and language structure, but with others is more likely to use single word signs. Classroom observations indicate that for access to instruction, Jay generally attends to the teacher, visual cues, and peer behaviors, then will turn toward the interpreter for clarification.
- **Independence and Self-Determination**: Previous rating scales indicate Jay has age-appropriate adaptive skills in most areas. The areas of self-advocacy, safety and navigating community settings were all rated by parent, teacher and self in the below average range during the previous evaluation.
- **Physical and Health**: Other than profound hearing loss, Jay has no other significant physical or health concerns.
- **Social and Emotional Learning**: Jay at times demonstrates frustration by acting out physically when interacting with hearing peers. During unstructured times, such as lunch or recess, Jay is often observed not interacting with peers and engaging in activities alone. In the classroom, Jay has difficulty working independently on assigned tasks and does not raise their hand to ask for help.

Key Considerations:

- When planning the evaluation, consider which roles or positions might provide valuable input to the IEP team for determining the additional assessments needed for the current evaluation.
- The team must collect enough information to identify all of the student's disability-related needs and corresponding root causes.

Discussion and Reflection:

Discuss the following strategies to interrupt bias for the team when identifying potential areas of need during referral and review of existing data:

- How can the team reframe the purpose of evaluation beyond simply determining whether Jay meets criteria as a student who is deaf or hard of hearing?
- How will the team obtain multiple perspectives on Jay's educational experience (not just on concerns described in the referral or notice of reevaluation)?
- What input could the teacher for deaf and hard of hearing provide about appropriate support for Jay as well as about aspects of Jay's educational performance that may or may not be related to hearing loss?

VDP 3: Collecting Additional Information

IEP team members must be able to identify and interrupt attribution bias and confirmation bias when they occur. Confirmation bias influences how team members interpret findings. When faced with evidence that contradicts the initial hypothesis, team members may try to minimize or spin the evidence to maintain support for the initial hypothesis. An example of confirmation bias would be assuming that a student demonstrates poor academic performance solely because of hearing loss without sufficient evidence to confirm that hypothesis. Attribution bias manifests when behaviors and events are attributed to an individual's personal characteristics without sufficient investigation of other possible root causes. Students who are deaf and hard of hearing may be subject to both of these kinds of bias during the special education evaluation process.

Attribution bias in the evaluation process often manifests in three main ways. IEP teams may attribute certain characteristics, skill deficits or weaknesses, or disability-related needs to things that are untrue, unfounded or unalterable. For a student who may be deaf or hard of hearing, IEP team members conducting assessments may assume that a student is unable to attain high levels of academic achievement due to:

- hearing loss (untrue),
- attribute all of the student's learning struggles to the student's hearing status (unfounded), or
- that a student will continue to struggle academically due to early language deprivation (unalterable).

It is both unproductive and harmful for an IEP team to conduct assessments focused on these or any untrue, unfounded or unalterable attributions. Instead, the IEP team should ensure a comprehensive special education evaluation by collecting data beyond the scope of the written referral or notice of reevaluation using the ICEL (Instruction, Curriculum, Environment, Learner) Framework (Newell, 2020).

Although Wisconsin's criteria for deaf and hard of hearing do not require standardized assessments to determine the impact on educational performance, IEP teams should still consider whether standardized assessments are necessary to assist with the identification of disability-related needs and to inform educational programming. It is important that standardized assessments are conducted in a way that leads to valid, reliable, useful results. IEP teams should attend to the following considerations during evaluation of students who are deaf and hard of hearing.

- The IEP team for a student who may be deaf and hard of hearing must include a teacher of the deaf and hard of hearing when determining eligibility (PI 11.36(4)).

- If standardized assessments are deemed necessary, the development of educationally relevant questions (Margolis, 2018) about the student's academic and functional skills aids in assessment selection.
- The IEP team should ensure that standardized assessments are conducted in a way that is reliable and valid.

If the IEP team does decide to conduct standardized assessments, evaluators must be aware of factors that may impact assessment equity for the students they serve. Individuals who are deaf and hard of hearing experience specific issues related to various dimensions of educational assessment. For example:

- Some assessment tools may not allow for standardized administration or provide valid results for the deaf and hard of hearing population.
- Most assessment instruments have a large language component, therefore test administrators must be trained to utilize those instruments with deaf and hard of hearing individuals in a way that ensures equity in the assessment process.
- Test administrators should carefully consider how communication between the test administrator and student will be facilitated, and the possible impact that could have on test results (Cannon et al., 2022; Peerenboom, Hollenberger, and Gettelman, n.d.; Sligar et al., 2013).

When planning the special education evaluation, IEP teams can take measures to work around these challenges. Sligar et al. (2013) suggest the following. To address issues related to norm referenced tests, teams can consider types of assessments that do not include barriers caused by the use of spoken language. For example, non-verbal measures of cognition may provide useful information since these skills and abilities should be distributed similarly in the deaf and hard of hearing population and the general population. To address issues related to test administration and communication, "test administrators need a working knowledge of issues that contextualize assessment results" (Sligar et al., 2013). IEP teams and evaluators should also be familiar with the student's preferred communication modality and match the assessment presentation to that preference.

When planning to assess deaf and hard of hearing students as part of a comprehensive special education evaluation, IEP teams should consider the child's type of hearing loss, the hearing status of the child's parents, the child's and family's access to and use of assistive technology, and the preferred communication modalities. Ideally, test administrators would have skills for communicating in American Sign Language (ASL) and be familiar with commonly used communication systems other than ASL. However, this is often not the case, and the services of an interpreter are necessary to facilitate communication (Cannon et al., 2022). Therefore, consideration must be given to how to work with interpreters prior to test administration. Interpreters should be properly certified and familiar with tests and testing. One way to accomplish this is for local educational agencies to encourage interpreters to take courses or

offer on the job training (Sligar et al., 2013). Interpreters must have the ability to adapt to the test takers preferred mode of communication. Additionally, the test administrator should explain the assessment process so that the interpreter does not accidentally do something that would invalidate the test results.

The RIOT-ICEL Matrix can assist IEP teams to ensure the assessments investigate multiple domains related to a learner's academic and functional performance rather than conducting assessments that simply determine if the student meets disability category criteria or that confirm what IEP team members already believe about the student. This problem-solving framework can guide the review of existing data with a focus on the whole student. Based on the information provided during the referral and review of existing data, the RIOT-ICEL Matrix below includes potential assessment activities and educationally and developmentally relevant questions that the IEP team may ask when determining assessments and during the evaluation.

	Review	Interview	Observe	Test
Instruction	What do we know about classroom instruction and how the student is responding to the instruction?	What strategies are used to ensure student is able to access and engage in classroom instruction?	How and when is the student able to access instruction via the student's preferred communication modality?	What progress monitoring tools will we use to measure response to instruction in the academic area(s) of concern?
Curriculum	What do we know about the curriculum and how the student is responding to the curriculum?	In what academic areas is the student having the most success?	Are there components of the curriculum in which the student is not actively engaging? If so, are there any barriers to access that can be observed that are potentially due to barriers caused by the curriculum (accessibility, cultural relevance, etc.)?	What is the student's performance on classwide or grade level assessments in comparison to peers? What about in comparison to other students with hearing loss?
Environment	What do we know about the learning environment, and is it conducive to this student's learning?	What is the student's sensory experience during instruction and work time in the classroom?	Are there any observable barriers to access and engagement in the classroom environment (not enough visual cues, too many visual distractions, visual barriers to instruction and modeling from teacher, background noises, inconsistent or incorrect use of assistive technology, etc.)	What accommodations, supports and assistive technology have been, and could be, tried (tested) to determine effectiveness in improving access and engagement in various learning environments?
Learner	What do we know about the student (e.g., academic skills, social and emotional needs, mental health) and how do these factors relate to learning? What do we know about the student's health history as it relates to hearing and relationship to academic performance?	Conduct a comprehensive, culturally responsive interview. Before beginning, consider how communication will be facilitated and rapport will be built.	How does the student's social, emotional, and behavioral functioning compare to grade level expectations? (If the IEP team will consider the SLD criteria, two observations must be conducted, one during general education instruction AND one during intervention)? Utilize tools such as the Minnesota Compensatory Skills Checklist for Students with Hearing Loss to frame observation.	What is the student's level of performance with auditory, language, and communication skills?*

This table was adapted from:

- Addressing Bias in a Comprehensive Special Education Evaluation, Wisconsin DPI, n.d.
- The RIOT/ICEL Matrix: Organizing Data to Answer Questions About Student Academic Performance & Behavior

For more information review Comprehensive Special Education Evaluations for Students who are Deaf or Hard of Hearing

Vulnerable Decision Point 3 in Action

Reread the case study information included with vulnerable decision points 1 and 2, and decide what additional information the team will need to gather.

Key considerations:

- If the individual conducting the observation does not know American Sign Language and the student uses an interpreter, the observer should use an interpreter to complete the observation. It is not safe to assume that a student's signing is age appropriate or relevant. A trained interpreter can provide the observer with information about how much the student's interpreter is breaking down language and concepts.

- Teachers of the deaf and hard of hearing can provide insight into a child's language level and how that affects access and participation in the general education environment and curriculum.

- Teachers of the deaf and hard of hearing and educational audiologists can provide insight into preferential seating that provides the best auditory and visual access for the child.

Discussion and Reflection:

Using RIOT-ICEL as a framework, what other educationally relevant questions and assessments might the team consider when conducting the evaluation for Jay?

VDP 4: Interpreting Data and Information

Comprehensive special education evaluation does two things; it determines whether the child meets impairment criteria, and it provides information to develop the IEP. While it may be relatively easy to determine that a student meets deaf and hard of hearing criteria based on a decreased ability to detect sound that adversely affects the student's educational performance, IEP teams may have to engage in closer analysis of the student's academic and functional performance to discern the information needed for development of an IEP that meets all of the students disability-related needs. Interpretation of data and information presents a vulnerable decision point for the IEP team.

When interpreting data, IEP teams are vulnerable to the effects of attribution bias. At this point in the special education evaluation process, four manifestations of bias can occur:

- relying on stereotypes and prejudice and ignoring data,

- weighting data from school-based professionals more than parents or guardians and students,
- taking a deficit-based view of the data, and
- not seeking convergence across multiple sources of data

To help meet the goal of considering all of the data in a way that verifies the problem and confirms the hypothesis, the IEP team can use the strategy of asking questions such as:

- Did we equally consider all the data? If not, what data did we not fully consider and why?
- Did the data tell us what the student can do as well as student strengths? If not, go back and review the data or gather additional data.
- Did the data converge to confirm the problem?
- Did the data converge to confirm why the problem is occurring?
- Did the data tell us what the student's disability-related needs are so that we can develop IEP goals and align college and career ready IEP services? (Using Vulnerable Decision Points to Address Bias in the Evaluation Process)

These questions and considerations can be helpful when evaluating deaf and hard of hearing students with disability-related needs that are not directly related to hearing loss or who may also have other disabilities, such as a specific learning disability. Understanding if disabilities are co-occurring can help the educational team select appropriate interventions and develop an IEP that meets all of the student's disability-related needs. Furthermore, when a student is not found to have an additional disability category, the student may still receive academic interventions and supports appropriate needs. The student's disability-related needs , not the disability category, drive the IEP services.

Vulnerable Decision Point 4 In Action

The following are excerpts from a sample case study for the evaluation report and IEP team discussion while reviewing evaluation data:

- **Academics**: Based on standardized achievement testing, a review of records and teacher input, Jay continues to meet grade level expectations in math, social studies, science, and art when provided with the appropriate accommodations listed in the IEP. Jay's written expression is within the average range despite demonstrating below average skills in basic writing, especially spelling. Jay was below average in basic reading skills. Reading Fluency was not assessed using standardized measures, but appears to be significantly lower than hearing peers.
- **Cognitive Learning**: Parent and teacher rating scale data continue to show concerns in the executive functioning skills of working memory and inhibition. Rating scales resulted in average scores in the areas of attention, planning, organization and cognitive flexibility.
- **Communication**: Jay uses a combination of spoken language and sign for expressive and receptive communication. Jay is currently building American Sign Language

(ASL)receptive and expressive language skills. Recent measures indicate that Jay's sign knowledge and use is more than three years delayed for chronological age.

- **Independence and Self-Determination**: Jay continues to demonstrate age appropriate adaptive skills in most areas. Based on rating scale responses from parents, Jay significantly improved in the areas of safety and navigating community settings. Teacher responses in these areas still indicated Jay demonstrating below average safety and community navigation skills. Teacher ratings on self-advocacy were in the average range, while Jay's ratings and parent ratings were below average in this area.
- **Physical and Health**: Other than the profound hearing loss, Jay continues to appear to be in good physical health.
- **Social and Emotional Learning**: Jay appears to act out physically when frustrated during interactions with hearing peers. Observation data indicates physical acting out (slamming, throwing or tipping over objects, stomping feet, yelling/swearing). Jay was observed eating lunch alone during 7 of 10 observations. When observed during recess, Jay spent the majority of the time drawing in a spiral notebook on a bench near the playground. In the classroom, Jay has required prompts to begin working on assigned independent tasks 4 of 10 observations and was not observed raising their hand during 30 minutes of observed independent work times.

Discussion and Reflection:

Based on the information provided above, how could the following questions inform and influence the discussion and decisions made by the IEP team:

- Did we equally consider all the data? If not, what data did we not fully consider and why?
- Did the data tell us what the student can do, as well as student strengths? If not, go back and review the data or gather additional data.
- Did the data converge to confirm the problem?
- Did the data converge to confirm why the problem is occurring?
- Did the data tell us what the student's disability-related needs are so that we can develop IEP goals and align college and career ready IEP services? (Using Vulnerable Decision Points to Address Bias in the Evaluation Process)

Considerations Related to Specific Learning Disability Criteria

There is a common misconception that a sensory impairment, such as deafness, cannot occur at the same time with areas of needs associated with a specific learning disability. This misconception may be due to interpretation of two pieces of guidance related to disability categories. First, the exclusionary factors listed in the IDEA's specific learning disability definition include "learning problems that are primarily the result of visual, hearing, or motor disabilities …" (IDEA, 2004). Additionally, many educational settings allow for the identification of only one primary disability category (Cannon et al., 2022) as is the case with Wisconsin's disability reporting criteria which require the submission of one reporting disability category for data collection. When designating the reporting disability, the IEP team should consider which disability category most adversely affects educational performance. Misunderstandings of these

legal provisions may lead IEP teams to not give adequate consideration to data that could be useful for determining a student's disability-related needs and developing the IEP.

If a student who is deaf or hard of hearing demonstrates difficulty acquiring or developing reading skills it is not always entirely due to a sensory disability. In fact, specific learning disability prevalence is estimated at slightly over 7% of the U.S., deaf and hard of hearing population (Cannon et al., 2022). When evaluating a student who may qualify for special education under the disability categories of deaf and hard of hearing and specific learning disability the IEP team should give special attention to discerning the root causes of the students disability-related needs to aid in the selection of appropriate interventions. Regardless of the reported disability category, a student's unique and individual disability-related needs form the core for developing an IEP that includes effective specially designed instruction to allow the student to access, engage, and make progress in age or grade level curriculum, instruction, environments, and activities.

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