



Information UPDATE

Wisconsin Department of Public Instruction/Elizabeth Burmaster, State Superintendent/P.O. Box 7841/ Madison, WI 53707-7841

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TO: District Administrators, CESA Administrators, CCDEB Administrators, Directors of Special Education and Pupil Services, and Other Interested Parties

FROM: Carolyn Stanford Taylor, Assistant State Superintendent
Division for Learning Support: Equity and Advocacy

SUBJECT: Frequently Asked Questions Regarding the Implementation of Deaf/Hard of Hearing Disability Eligibility Criteria

New rules modifying provisions relating to the identification of a child with a disability (Chapter PI 11, Wisconsin Administrative Code) went into effect July 1, 2001. During the first year of implementation, staff from the Department of Public Instruction (DPI) provided training and technical assistance through CESAs, technical colleges, and local district inservice. Additionally, the criteria, powerpoint presentations, and working copies of guidebooks for each category have been posted on the department website at www.dpi.state.wi.us/dpi/dlsea/een/eligintro.html.

During the 2001-02 school year, district staff implemented the new eligibility criteria for students with or suspected of having a hearing impairment. Below are questions that were frequently asked during the school year.

1. When does an audiological evaluation need to be part of the individualized education program (IEP) team evaluation? Is it for the initial evaluation only?

During an initial evaluation or reevaluation, the IEP team must first review existing evaluation data on the child. For initial evaluations, if audiological evaluation data is not available, an audiological evaluation must be conducted. If audiological evaluation data on the child is available, the team must review the data to determine if a new or additional audiological evaluation needs to be conducted. If an educational audiologist is working with the student, the audiologist can provide information about how the student uses their hearing, situations and settings where auditory communication is challenging for the student, services and supports necessary for the student, and the appropriateness of their hearing aids and assistive listening devices. A new audiological evaluation must be done whenever IEP team participants believe more current information is needed.

2. How do you define "a current evaluation by an audiologist?"

If a child is being evaluated for the first time and an audiological evaluation has not been conducted, the evaluation must be conducted. Such an evaluation is considered "current." There are no standard criteria for determining if a child's existing audiological evaluation is "current." That determination is made based on child-specific information. An IEP team may determine a new audiological evaluation is needed because the existing data is too old, appears to be inconsistent with the child's functional hearing, or because more detailed information is needed.

3. Is an evaluation by an educational audiologist sufficient for eligibility determination, or must it be done by an audiologist in a clinical setting?

Comprehensive audiological evaluations require facilities and equipment not usually available in the school setting. While educational audiologists are qualified to conduct such evaluations, not many do. A referral to a properly equipped and staffed clinical facility is usually required. However, educational audiologists can provide important additional evaluation information about the child including his/her auditory communication skills and deficits, listening barriers in the child's learning environment, and the use of and need for assistive technology devices and services.

4. How do we document chronically fluctuating hearing loss?

The most common cause of chronically fluctuating hearing loss among young children is otitis media with effusion (OME). This disease process often persists and recurs in young children and can create a mechanical barrier to sound transmission in the child's ear sufficient to create a hearing loss that fluctuates with the course of the disease. For some children, this hearing loss can have a significant adverse effect on educational performance.

Fluctuating hearing loss may be documented through medical, audiological, school health records, and reports by family and school staff. Often medical records will document the hearing loss, but long periods of medical treatment may occur without repeated hearing testing. During and after periods of medical treatment, public health or school staff may monitor the child's hearing through hearing screening tests. In addition, classroom staff and parents may observe the child's functional hearing in a variety of settings and note periods when the child's behavior is consistent with reduced hearing sensitivity. The documentation of fluctuating hearing loss can occur in all these ways. The IEP team must decide if the documentation is sufficient to determine if the hearing loss is chronically fluctuating and whether the hearing loss significantly adversely affects education performance.

5. Why is unilateral hearing loss significant, and how do we document it?

Unilateral hearing loss can result in significant listening and learning difficulties for some students. Children with unilateral losses are particularly vulnerable in large and/or noisy classrooms, and when teachers are not aware of the hearing loss or how to make accommodations for the child. In optimal listening conditions, students with unilateral hearing loss appear to hear and communicate normally and their language development is often typical of their age peers. However, in degraded listening conditions, such as those often found in large or noisy classrooms, listening and understanding speech can be severely compromised. For some students, a unilateral hearing loss can negatively impact language learning and academic performance.

The IEP team should ensure the hearing loss is documented through audiological evaluation. As part of the special education evaluation process, the IEP team should also collect observational information to determine whether the student is experiencing listening and communication difficulties in a variety of educational settings. Behavior, such as distraction, unresponsiveness, inattentiveness, or frustration should be noted in the evaluation process. After reviewing the formal and functional assessments of the child's hearing, the IEP team must determine whether the hearing loss significantly adversely affects educational performance.

6. What are the criteria for determining when a child's hearing loss "significantly" adversely affects educational performance?

There are no criteria or discrepancy measures for determining when the effect of a child's hearing loss on the elements of educational performance included in the eligibility criteria is "significant." That decision is made by an IEP team which includes individuals knowledgeable about the psycho-educational consequences of childhood hearing loss. The IEP team should determine the impact of the student's hearing loss on each of the areas included in the eligibility criteria: academic performance, speech perception/production, or language and communication. When a significant adverse affect is found in any area of educational performance, the child meets the eligibility criteria. The application of the eligibility criteria to each child is only the first part of the IEP team's task. If a child meets the eligibility criteria for hearing impairment, the team must then decide whether the child needs special education because of the hearing loss and its impact on the student's educational performance. Eligibility as a child with a hearing impairment is not automatic eligibility for special education services.

7. Why is it important to assess the child's functional hearing in a variety of settings?

Language learning and development occurs everywhere, all the time. For students with residual hearing, it is important for the IEP team to functionally assess the child's hearing throughout their school day in all their school settings including classrooms, hallways, physical education, etc. Using this information, the IEP team is better able to address the student's communication needs and needed accommodations in all school settings.

8. If a student is passing all their classes, can the child still meet the eligibility criteria for hearing impairment?

Yes. If the IEP team determines the child's hearing loss adversely affects their educational performance, the child meets the criteria as a child with a hearing impairment. Educational performance includes academic performance, speech perception and production, and language and communication skills. An adverse effect of the hearing loss on any of these performance areas qualifies a child as a child with a hearing impairment.

An IEP team may determine a child's hearing loss adversely affects his academic performance even if the child is passing all classes. Many students with hearing loss pass their classes despite the adverse effect of the hearing loss on their academic performance and support from education staff. An IEP team may determine such a child meets the eligibility criteria for hearing impairment. However, eligibility is not an entitlement to special education services. Only an IEP team can decide if the hearing impairment requires special education services.

Early identification and evaluation of childhood hearing impairment is critical to providing the school support services necessary to ensure a reasonable opportunity for school success. The identification of the hearing impairment through the special education evaluation process acknowledges the adverse impact of the hearing loss on the child's education performance. When the IEP team determines such a child does not need special education, the LEA should ensure needed support services and modifications in the regular education program are provided. The IEP team should identify such services and modifications and share this information with the building principal and general education teachers of the child.

9. Should the IEP team consider modifications to the classroom that may be necessary when considering the need for special education?

Yes. In determining need for special education for a child with a hearing impairment, the IEP team must consider what modifications can be made in the child's regular education program to meet the child's identified needs. For many children with a hearing impairment, the acoustics of the learning environment are a major barrier to auditory learning. If provided early for a newly identified child with a hearing impairment, acoustical room modifications and/or the provision of assistive technology can greatly enhance a child's likelihood for success in regular education. The educational audiologist can provide information concerning a student's listening environment and make recommendations for room modifications and/or assistive listening devices for the child.

10. Suppose a student has intelligible speech but does not have hearing sufficient to understand speech in most situations. Could an IEP team still find the child to be eligible as a child with a hearing impairment when the criteria say "...adversely affects speech perception *and* production...."?

Yes. Educational performance includes speech perception and production, as well as communication and language skills. Many children with a mild-to-moderate hearing loss have normal speech production but significantly-impaired speech perception. An adverse effect on speech perception is also an adverse effect on communication skills. The same may be true for children with a unilateral hearing loss. Speech perception will vary in different acoustical environments. This may influence the child's educational performance in some settings.

11. What is the responsibility of the team when a student with a hearing disability is doing well in school and staff or parents believe the child no longer needs special education?

Staff or parents should request a reevaluation for the child to determine whether the child continues to need special education. When deciding whether the child continues to need special education, the IEP team should review the student's performance and the level of special education services, related services, supplementary aids and services, and program modifications and supports being provided. If the IEP team believes the student will continue to be successful educationally without the special education services and supports and modifications to the regular education program, the team should conclude the child no longer needs special education.

12. Once a child has met the eligibility criteria for hearing impairment, can the child ever be found to be not eligible?

Yes. When an IEP team determines during the evaluation process that a child's hearing loss no longer significantly adversely affects his/her educational performance including academic performance, speech perception and production, or language and communication skills, the child no longer meets the criteria as a child with a hearing impairment.

Questions concerning this bulletin should be addressed to Carol Schweitzer, at carol.schweitzer@dpi.state.wi.us. An eligibility criteria guide for deaf/hard of hearing can be located at: www.dpi.state.wi.us/dpi/dlsea/een/pdf/dhhguide.pdf

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This information update can also be accessed through the Internet:

<http://www.dpi.state.wi.us/dpi/dlsea/een/bulindex.html>