

Differences between Early Intervention and School

Early Intervention	Special Education
Birth-3 rd Birthday	3+ years of age
Sliding Fee Schedule	FREE Appropriate Public Education (FAPE)
Individualized Family Service Plan (IFSP)	Individualized Education Program (IEP)
Family-Centered	Child-Centered
Natural Environment	School Environment
Services by Baby Watch	Services through School District

Communication and the Law

What does Federal law, including the Individuals with Disabilities Education Act (**IDEA**), Title II of the Americans with Disabilities Act of 1990 (**ADA**) (Title II), and Section 504 of the Rehabilitation Act of 1973 (**Section 504**) promise to students with hearing or communication challenges?

Individuals with Disabilities Education Act (IDEA)

- ▶ Requires schools to offer a free, appropriate public education (FAPE)
- ▶ Provides access to special education and related services, depending on the individualized needs of the student
- ▶ Communication needs are a necessary and important part of FAPE

Title II of the Americans with Disabilities Act of 1990 (ADA)

- ▶ Civil rights law that outlaws discrimination against people with disabilities in all public and private places open to the general public
- ▶ Explains the public programs, services, and activities that protect people with disabilities

Section 504 of the Rehabilitation Act of 1973 (Section 504)

- ▶ Civil rights law that prohibits discrimination on the basis of disability
- ▶ Applies to public elementary and secondary schools, among other entities

Definition of Disability

- ▶ A physical or mental impairment that substantially limits a major life activity
- ▶ A record of such impairment
- ▶ Being regarded as having such an impairment

Protection for Students with Disabilities

- ▶ Federal law prohibits disability discrimination by recipients of federal financial assistance, including all public, charter, and magnet schools
- ▶ Students do not need to be eligible under IDEA in order to qualify for support
- ▶ Students with disabilities must have an equal opportunity to participate in all public school activities
- ▶ Students with disabilities are entitled to a free, appropriate public education (FAPE)

Communication

- ▶ Public schools must ensure that communication with students with hearing, vision, or speech disabilities is as effective as communication with students without disabilities
- ▶ They must provide appropriate “auxiliary aids and services” (AA&S) where necessary

Examples of AA&S

- ▶ Qualified Interpreters
- ▶ Note Takers
- ▶ Real-Time Computer-Aided Transcription Services (CART)
- ▶ Assistive Listening Systems
- ▶ Accessible Electronic and Information Technology
- ▶ Open and Closed Captioning

Examples of AA&S

- ▶ Word or Letter Boards
- ▶ Writing Materials
- ▶ Spelling to Communicate
- ▶ Taped Texts
- ▶ Computer or Tablet
- ▶ Portable Device that Writes and/or Produces Speech
- ▶ Telecommunication Services

Primary Consideration

- ▶ Federal law requires the school to give “primary consideration” to AA&S requests made by the student or appropriate family member
- ▶ Student or family member must be given the opportunity to request specific AA&S
- ▶ School must honor the choice of the student or family member **unless** the school can prove that an alternative AA&S provides communication that is as effective as that provided to students without disabilities

AA&S Must be Individualized

- ▶ Each student's needs must be addressed individually
- ▶ Nature, length, and complexity of communication should be addressed
- ▶ All school-related communication must be considered
- ▶ Evolving communication needs must be considered

Accessible Formats, Timely Manner, and Privacy

- ▶ AA&S must be provided in a format that is accessible to the individual
- ▶ AA&S must be provided within a reasonable time, even if special education determination is still being made
- ▶ AA&S must be administered in a way that ensures student privacy

Fundamental Alteration of Service or Undue Burden

- ▶ Schools can determine that a particular AA&S would result in a fundamental alteration in the nature of a service, program, or activity, or would create an undue financial or administrative burden
- ▶ If determination is made, LEA must provide a written statement including reasoning
- ▶ LEA must provide alternate AA&S that gives student access to communication

Dispute Resolution

- ▶ Students and parents are entitled to dispute resolution options if they disagree with the school
 - ▶ IDEA: Utah Parent Center, facilitation, mediation, state complaint, due process hearing
 - ▶ Section 504: Utah Parent Center, grievance with district, suit with the Office of Civil Rights (OCR), or civil action

Frequently Asked Questions

- ▶ When is a school required to provide aids and services to non-students:
 - ▶ Schools are obligated to provide effective communication to all individuals who seek to participate in or benefit from a school district's services, programs, or activities, such as: student registration, parent-teacher conferences, meetings, ceremonies, performances, open houses, or field trips

FAQs Continued

- ▶ Can the school require someone to provide their own interpreter?
 - ▶ No, with two exceptions. First, in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available (this is the only situation where they can rely on a minor child). Second, when the individual specifically requests an accompanying adult to interpret and if the accompanying adult voluntarily agrees.

FAQs Continued

- ▶ Do you have to be eligible under IDEA to receive services under Title II?
 - ▶ No
- ▶ How do services differ under IDEA and Title II?
 - ▶ They are similar; however, IDEA requires access to specialized instruction, and Title II requires “primary consideration”
- ▶ Can public schools charge for AA&S?
 - ▶ No

IDEA Definition of Assistive Technology

“Any item, piece of equipment or product system, whether **acquired commercially off the shelf, modified or customized**, used to increase, maintain, or improve the functional capabilities of a child with a disability.”

Bought off the Shelf



Modified



Customized



AT Continuum



No Tech	Low Tech	Mid Tech	High Tech
Simple Modifications	Less Sophisticated	Relatively Complex	Very Advanced
No Electronics	Affordable Tools	Electronic Devices	Computers and Tablets

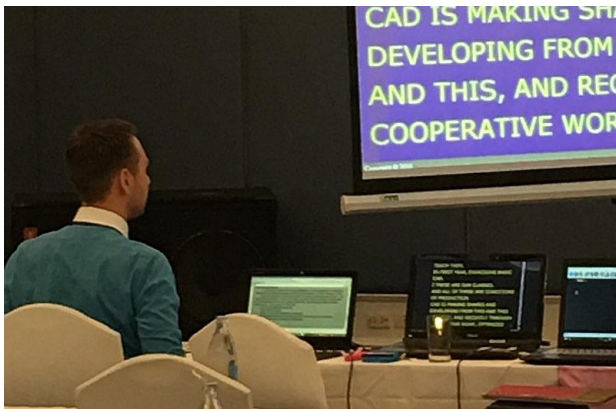
No Tech



Low Tech



Mid Tech



High Tech



Assistive Technology Evaluations for IEPs

- ▶ IEPs are required to address all needs of a student, regardless of classification
- ▶ Student or parent may request an evaluation to see if assistive technology is required
- ▶ School must arrange for the evaluation or state the reason for refusal in writing
- ▶ Parents may use dispute resolution options if they disagree with school's determination

Educational Placements

- ▶ Residential Schools
- ▶ Day Schools
 - ▶ Listening and Spoken Language (LSL)
 - ▶ American Sign Language (ASL)
 - ▶ Total Communication Programs
- ▶ Mainstreaming (Public School)
 - ▶ Regular Classroom
 - ▶ Regular Classroom with additional support services
 - ▶ Resource Room
 - ▶ Self-Contained Classroom

Educational Supports

- ▶ Auxiliary Aids and Services
- ▶ Assistive Technology
- ▶ Communication Accommodations
- ▶ Physical Environment Accommodations
- ▶ Instructional Accommodations
- ▶ Curricular Modifications
- ▶ Evaluation Modifications
- ▶ Other Considerations

Communication Accommodations

- ▶ Specialized seating arrangements
- ▶ Obtain student's attention prior to speaking
- ▶ Reduce auditory distractions (background noise)
- ▶ Reduce visual distractions
- ▶ Enhance speech reading conditions (avoid hands in front of face, mustaches well-trimmed, no gum chewing)
- ▶ Present information in simple structured, sequential manner
- ▶ Clearly enunciate speech
- ▶ Repeat or rephrase information when necessary

Physical Environment Accommodations

- ▶ Noise reduction (carpet & other sound absorption materials)
- ▶ Specialized lighting
- ▶ Room design modifications
- ▶ Flashing fire alarm

Instructional Accommodations

- ▶ Speech-to-text translation captioning (i.e., computer on desk)
- ▶ Captioning or scripts for announcements, television, videos, or movies
- ▶ Educational interpreter (ASL, signed English, cued speech, oral)
- ▶ Buddy system for notes, extra explanations/directions
- ▶ Down time / break from listening
- ▶ Extra time to complete assignments
- ▶ Step-by-step directions
- ▶ Use of visual supplements (projected materials, whiteboard, charts, vocabulary lists, lecture outlines)

Curricular Modifications

- ▶ Modify reading assignments (shorten length, adapt or eliminate phonics assignments)
- ▶ Modify written assignments (shorten length, adjust evaluation criteria)
- ▶ Pre-tutor vocabulary
- ▶ Provide supplemental materials to reinforce concepts
- ▶ Provide extra practice
- ▶ Alternative curriculum

Evaluation Modifications

- ▶ Reduce quantity of tests or test items
- ▶ Use alternative tests
- ▶ Provide reading assistance with tests
- ▶ Allow extra time

Other Considerations

- ▶ Supplemental instruction
 - ▶ Ex: speech, language, pragmatic skills, auditory, speech reading skills
- ▶ Counseling
- ▶ Sign language instruction
- ▶ Transition / Vocational services
- ▶ Family support
- ▶ Deaf/Hard of Hearing role models
- ▶ Recreational/Social opportunities
- ▶ Financial assistance
- ▶ Monitor progress periodically by a specialist in Deaf/Hard of Hearing

Questions?

Resources

- ▶ C.D. Johnson & J. Seaton, Educational Audiology Handbook, 2nd Edition (2012), Cengage-Delmar Learning
- ▶ <https://www.signingsavvy.com/blog/81/Education+Options+for+Children+that+are+Deaf+or+Hard+of+Hearing>
- ▶ <http://www.handsandvoices.org>
- ▶ https://www.handsandvoices.org/pdf/IEP_Checklist.pdf
- ▶ <http://www.raisingandeducatingdeafchildren.org/2017/01/05/educational-settings-for-students-who-are-deaf-or-hard-of-hearing/>
- ▶ <https://www2.ed.gov/about/offices/list/ocr/docs/auxaids.html>
- ▶ https://www.ada.gov/doe_doj_eff_comm/doe_doj_eff_comm_faqs.htm
- ▶ <https://www.ctdinstitute.org/>
- ▶ <http://www.parentcenterhub.org/>
- ▶ <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/doe-doj-eff-comm-faqs.pdf>