

An Audiologist's Guide to Navigating the World of Free Appropriate Public Education

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Educational Audiology in Indiana

- Full-time Educational Audiologists are a rarity in Indiana
- Many districts rely on Teachers of the Deaf (TODs) to serve their Deaf/Hard of Hearing (DHH) students' daily needs
 - TODs are also scarce in the state
 - Audiologists may be contracted as needed
 - Schools rely heavily on outside records to base decisions
 - The child's audiologist may need to advocate for services
 - In order to effectively advocate for a child, audiologists must have a good working knowledge of the educational system

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Educational Law: IDEA and Article 7

- Individuals with Disabilities Education Act (IDEA)
 - Federal legislation guaranteeing children with disabilities equal opportunities for education through the public school system
 - Four Parts of IDEA
 - Part A: General provision
 - Part B: Assistance for education
 - Part C: Provisions for birth to three years of age
 - Part D: Federal support programs
 - Covers children up to age 21 (senior year)
- 511 IAC Article 7
 - Indiana's interpretation of IDEA
 - Each state has their own set of special education rules

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Six Concepts of IDEA

- Free Appropriate Public Education (FAPE)
- Appropriate Educational Evaluation
- Parent and Teacher Participation
- Individualized Education Program/Plan (IEP)
- Least Restrictive Environment (LRE)
- Notice of Procedural Safeguards

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FAPE

- Educational services provided at no additional cost to the family
 - Tailored to meet the student's individual needs
 - Regular fees still apply (club/extracurricular fees, textbook rental, etc.)
- Only guaranteed under public education
 - Private schools do not have to comply, unless state legislation states otherwise
 - Charter schools are public
 - They are choice schools and enrollment is not guaranteed
 - They still have to comply if a student meets criteria
 - This includes online charter schools

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Appropriate Educational Evaluation

- School-initiated evaluations
 - School can review existing data and discuss concerns at any time
 - Parents are notified and permission is requested if an evaluation is deemed necessary
- Parent requested evaluations
 - Request for an evaluation must be made to licensed personnel
 - Either verbal or written, but written and dated is recommended
 - The school must respond within 10 school days with a written notice and copy of procedural safeguards
 - Consent to evaluate should include:
 - Information regarding the timeline, evaluation process, eligibility categories being considered, and how to obtain a copy of the evaluation prior to the case conference (legally must be available 5 days prior to the case conference)
 - Resources for parents if they need help understanding educational law
 - Denial to evaluate should include:
 - Justification of why an evaluation was denied, with information/data to support
 - Includes information on how the parent can contest the decision
 - Resources for parents if they need help understanding educational law

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Eligibility Categories

- Autism Spectrum Disorder (ASD)
- Blind or Low Vision (BLV)
- Cognitive Disability (CD)
- Deaf or Hard of Hearing (DHH)
- Deaf-Blind (DB)
- Developmental Delay (DD)
- Emotional Disability (ED)
- Language or Speech Impairment (L/SI)
- Multiple Disabilities (MD)
- Other Health Impairment (OHI)
- Orthopedic Impairment (OI)
- Specific Learning Disability (SLD)
- Traumatic Brain Injury (TBI)

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DHH Eligibility Criteria per Article 7

“Deaf or hard of hearing”, which may be referred to as a hearing impairment, means the following:

- (1) A disability that, with or without amplification, adversely affects the student’s:
 - (A) ability to use hearing for developing language and learning;
 - (B) educational performance; and
 - (C) developmental progress.
- (2) The hearing loss may be:
 - (A) permanent or fluctuating;
 - (B) mild to profound; or
 - (C) unilateral or bilateral.
- (3) Students who are deaf or hard of hearing may use:
 - (A) spoken language;
 - (B) sign language; or
 - (C) a combination of spoken language and signed systems.

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DHH Evaluation Criteria per Article 7

- (1) An assessment of the following:
 - (A) Current academic achievement
 - (B) Functional skills or adaptive behavior across various environments from multiple sources
 - (C) Communication conducted in the:
 - (i) language or system utilized for the student’s instruction; or
 - (ii) student’s preferred mode of communication;
- (2) A social and developmental history that may include, but is not limited to, the following:
 - (A) Communication skills
 - (B) Social interaction skills
 - (C) Motor skills
 - (D) Responses to sensory experiences
 - (E) Relevant family and environmental information
- (3) A written report from an educational or clinical audiologist, otologist, or otolaryngologist with information regarding the:
 - (A) etiology of the hearing loss; and
 - (B) student’s potential requirement for amplification, if appropriate
- (4) Any other assessments and information, collected prior to referral or during the educational evaluation, necessary to:
 - (A) determine eligibility for special education and related services; and
 - (B) inform the student’s CCC of the student’s special education and related services needs

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Appropriate Educational Evaluation

- The school’s Multidisciplinary Team (M-Team) and any other appropriate professionals will conduct the necessary evaluations once parent permission is obtained
 - Parents are considered team members in that they provide information and resources as needed
 - Outside professionals may be contacted with parent permission
- Evaluations have a legal timeline of 50 school days
 - The timeline begins on the day parent permission is obtained
 - A case conference to review the evaluation and make decisions regarding special education eligibility and services must occur before the end of the timeline
 - Determination of eligibility is a case conference committee decision
 - Parents have the right to invite anyone they want to attend the conference

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Parent and Teacher Participation

- Teachers and special education team members are expected to participate
 - Teacher of Record (TOR) with the appropriate license must be present
 - Public Agency Representative (PAR) must also be present; typically the principal or the principal’s designee
 - Gen-ed teacher should be present for at least part of the meeting
 - Additional team members as appropriate
- Parents are also considered equal team members
 - They are allowed to have advocates for support
 - They can waive their right to attend and/or participate
- Students can participate
 - Invited to attend once they are older, but not mandatory
 - Once 18 years old, students can legally fill the parental role

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IEP

- If a child is determined to be eligible for special education services, an IEP is created for that child
- IEPs outline:
 - The child’s current levels
 - Measurable goals
 - Services and accommodations
 - LRE/placement
 - Transition plan starting at 8th grade or 14 years of age
- Annual case conferences are required by law to review and update the IEP
 - Parents can request a case conference at any time to revise the IEP
 - Every three years, the team needs to discuss whether an updated evaluation is necessary
 - Parents have the right to request a full re-evaluation at any time

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Least Restrictive Environment (LRE)

- Children with disabilities should be educated with typical peers as much as possible
 - If a more restrictive placement is needed for the child to succeed, that is the most appropriate option
 - The student's needs, goals, and services dictate placement
- LRE is measured and categorized according to how much time the child spends in special education vs. general education

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LRE Categories

- 50: General Education Classroom (80% or more of the day)
- 51: Resource Room (Gen-ed 40%-79% of the day)
- 52: Separate Class (Gen-ed less than 40% of the day)
- 53: Separate Day School Facility
- 54: Residential Facility
- 55: Correctional Facility
- 56: Parentally Placed in Private School
- 57: Homebound/Hospital

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LRE Categories (Preschool)

- 26: Regular childhood program at least 10 hours/week with most services received there
- 27: Regular childhood program at least 10 hours/week with most services received elsewhere
- 28: Regular childhood program less than 10 hours/week with most services received there
- 29: Regular childhood program less than 10 hours/week with most services received elsewhere
- 33: Separate Class
- 34: Separate School
- 35: Residential Facility
- 36: Service provider location or some other location not in another category
- 37: Home
- 38: Child is parentally placed in a private preschool (tied to elementary school)

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Notice of Procedural Safeguards

- IDEA outlines very specific procedures that must be followed in order to protect the rights of the students and their families
- Parents should be offered a written copy of these rights by the school
- Parental rights include:
 - Access to educational records
 - Parent participation
 - Prior written notice before any changes in the IEP are made
 - Understandable language
 - Informed consent
 - "Stay Put" rights
 - Mediation
 - Due-process
 - Civil lawsuits

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Educational Law: ADA

- Americans with Disabilities Act of 1990 (ADA)
 - Broad federal civil rights legislation that prohibits discrimination against persons with disabilities
 - Section 504: guarantees provisions to those with disabilities who are participating in a program that receives federal funding
 - This includes most post-secondary places of education
 - This can also include extracurriculars connected with school programs
 - Students can have a 504 Plan created to address necessary accommodations in the educational setting

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IEP vs. 504 Plan

IEP	504
Guarantees SUCCESS	Guarantees ACCESS
Both a disability and resulting educational impact must be present to qualify	A disability that affects the child's access to the curriculum or learning environment must be present to qualify
Outlines goals and includes progress monitoring	No goals or progress monitoring are mandated
Outlines educational services, accommodations, and related services	Outlines accommodations and modifications
Operates on an evaluation timeline	No set timeline; can be implemented immediately
Annual meetings required to review current levels and needs	No annual review mandated; student/family may be responsible for bringing up necessary changes
Often will involve modification of curriculum in order to meet a student's academic need	Teachers are not required to modify course content
Ends at completion of 12 th grade	Can transfer to post-secondary education and the workplace
Special Education funded	* Building funded

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“What do you wish you knew or did differently?”

- Be more careful about how HAT is recommended. Schools legally do not have to provide the best technology on the market or appeal to vanity.
- Consider a student’s need for HAT when recommending hearing aids. A slightly smaller hearing aid may no longer be appealing if the student has to wear an extra device at school.
- Don’t overlook functionally relevant speech perception testing.
- Share programming and speech mapping information with the school, especially if they have an educational audiologist.
- I thought I was being a strong advocate by making demands from the school. I really was burning a bridge with important team members.
- Always get a two-way release!

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Resources

- Indiana Department of Education’s website:
<https://www.doe.in.gov/specialed/laws-rules-and-interpretations>
- Wrightslaw: <https://www.wrightslaw.com/>
- Center for Deaf and Hard of Hearing Education (CDHHE):
<https://www.in.gov/isdh/25883.htm>
- Karen Anderson’s website:
<https://www.successforkidswithhearingloss.com>
- Your local school!

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