

Deaf and Hard of Hearing Students: Considering Least Restrictive Environment when Determining Placement



**Texas Sensory
Support
Network**

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Deaf and Hard of Hearing Students: Considering Least Restrictive Environment (LRE) when Determining Placement

Placement Frequently Asked Question



How do we decide whether a student who is deaf or hard of hearing (DHH) should attend the regional day school program for the deaf (RDSPD) site campus or their home campus?

"The decision as to what placement will provide [a free and appropriate public education] FAPE for an individual deaf child — which includes a determination as to the [least restrictive environment] LRE in which appropriate services can be made available to the child — must be made only after a full and complete [individualized education program] IEP has been developed that addresses the full range of the child's needs" (U.S. Department of Education, 1992).

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We have a lot of information to consider before we can answer that question!

Before making placement decisions, the ARD committee must determine the student's present levels of academic achievement and functional performance (PLAAFP), annual goals – including academic and functional, as well as the supports and services necessary to achieve those goals. Only when the IEP is determined can a decision be made about the intensity of the service delivery and the setting in which the student will receive instruction.

The Admission, Review, and Dismissal (ARD) Committee Meeting



An IEP that is written for a student who is DHH should include considerations for the student's access to language, mode of communication at home and at school, language development and fluency abilities, communication partners, school placement, and other environmental impacts on language and communication needs.

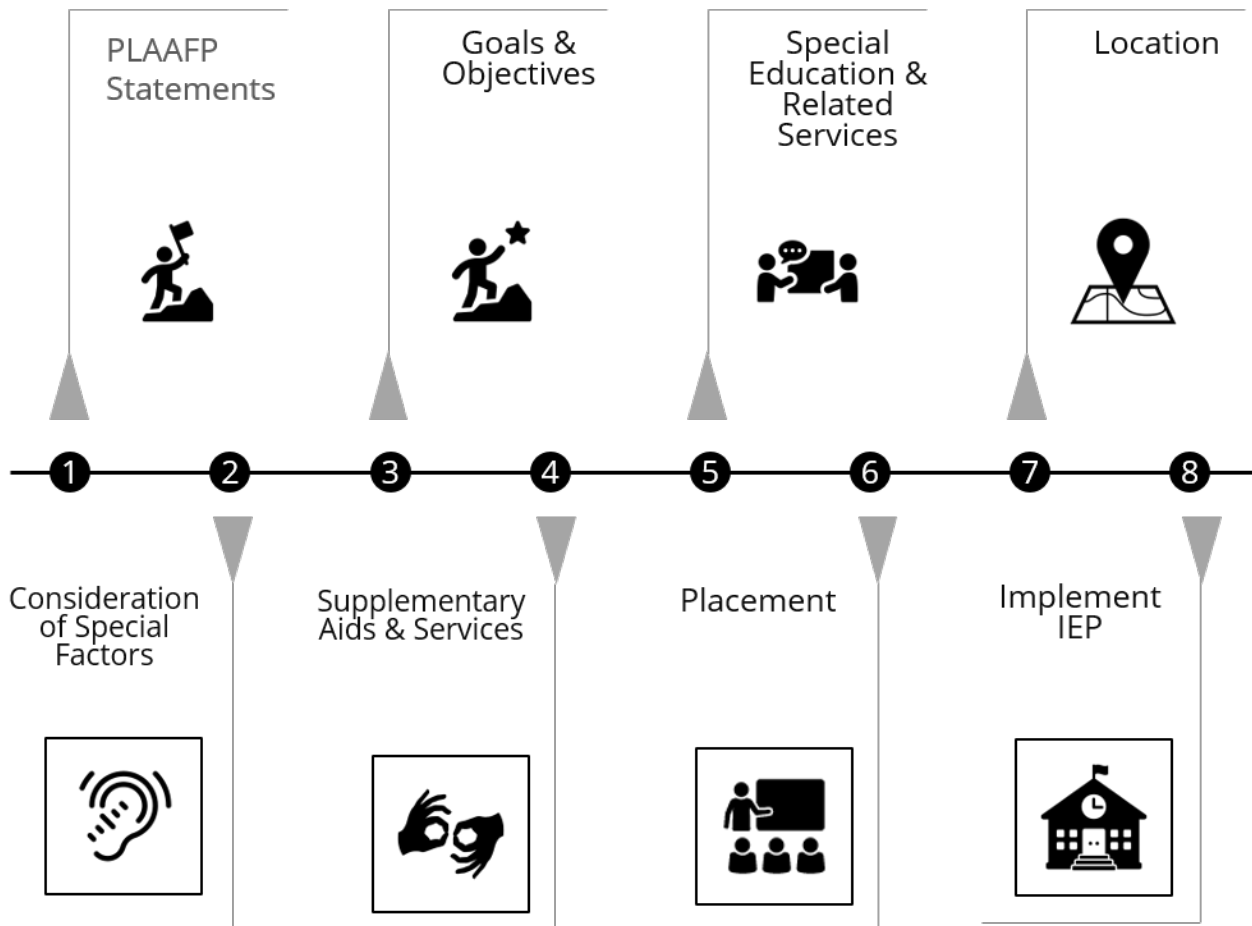
"The key components for an appropriate and effective IEP is the integration of language and communication impact statements into the academic standards and the instructional delivery system. Members of the IEP team must consider the need for language- and communication-focused IEP goals as well as the significance of compromised or lack of auditory access to communication. These considerations need to be infused in the development of the IEP when considering needs, goals and accommodations to ensure appropriate placement and provision of services" (Commission of Deaf, DeafBlind and Hard of Hearing Minnesotans 2015).



Important to note!

When these considerations are not a primary focus of the document, the power behind the IEP is not fully realized, and appropriate services are not provided. The problem has been that weak direction within an IEP has led to weak services for students with disabilities.

IEP Process when Determining Placement for DHH Students



The IEP process to follow when determining placement consists of six steps: PLAAFPs, special factors, goals and objectives, supplementary aids and services, special education and related services, and placement/location. Placement and location are separated in this document because there are additional conversations when students are deaf or hard of hearing. Implementation is added as a reminder to implement the IEP as written.

Assessment and the IEP



Important to note!

The ARD committee makes decisions based on data, such as evaluations, progress monitoring, and curriculum-based measurements. Parents need to provide their data, too.

Step One: PLAAFPs



An initial full and individual evaluation (FIE) will provide much of the PLAAFP information in an initial ARD committee meeting. Annual ARD meetings will use data from IEP progress monitoring, criterion-based assessment, and curriculum-based information to provide PLAAFP statements. The needs identified in the PLAAFP will be prioritized to those that can be addressed within one year and form the basis for the annual goals. Baseline data is needed in order to progress monitor the annual goals. The PLAAFP must include information about the impact of the student's disability on accessing the general curriculum.

For students who are DHH, specific data must be presented regarding the impact of the students' degree of hearing on language and communication and their present levels of academic and social language.

We cannot determine placement yet!

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Step Two: Consideration of Special Factors/DHH Supplement



The Individuals with Disabilities Education Act (IDEA) requires the consideration of special factors when developing the IEP for students who are DHH. In Texas, these special factors are often referred to as the DHH Supplement (formerly known as the Auditory Impairment (AI) Supplement). IDEA identifies these special factors for DHH students that must be discussed:

- language and communication needs
- opportunities for direct* communications with peers and professional personnel in the child’s language and communication mode
- academic level
- full range of needs, including opportunities for direct* instruction in the child’s language and communication mode ([34 Code of Federal Regulations \(CFR\) §300.324\(a\)\(2\)](#)).

*Direct language/ communication/ instruction occurs person-to-person, not through an additional source (e.g., educational interpreter or captioner).




Important to note!

These factors are critical to helping students who are DHH succeed academically and functionally. They should be considered throughout the entire IEP process.

Questions to consider

To consider these language and communication special factors, the ARD committee should ask:

- What is the student’s primary language and mode of communication?
- What communicative needs and opportunities does the student have?
- Can the student comprehend what is said in school?
- Does the student have the skills and strategies, such as self-advocacy and social skills, necessary to meet those communicative needs and take advantage of communication opportunities?
 - Can the student fulfill their need to communicate in different settings, including effectively participating in social situations and learning when in noisy environments?
 - Does the student communicate appropriately and effectively to be a full participant in class, and if not, why not?
 - How would the deficit in communication be described?

We cannot determine placement yet!	wait 
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Step Three: Measurable Annual Goals



PLAAPs will identify gaps that exist between grade-level content standards and the student’s present level of academic and functional skills. These needs are then targeted in the annual goals. For a student who is DHH, consideration must be given to goals related to areas specific to their disability. These goals could be related to their use of hearing assistive technology, self-advocacy, communication repair, or other DHH-related skills identified as a need in the PLAAPs.



Do I need to write a goal for a student who is receiving indirect services from the teacher of students who are deaf or hard of hearing (TODHH)?

Short Answer -

- There does not have to be a separate goal specifically written for the TODHH (unless DHH is the only disability service – more info below).
- The TODHH does need to be written in as an implementor of the goal, along with the team members who are implementing the goal (e.g., general education teacher, special education teacher).

Considerations -

- Special education services are provided to students who have a need for specially designed instruction because of their disability. If a student does not need a goal, does the student need specially designed instruction? If there is not a goal, what is the TODHH consulting about?
- If DHH is a student's only disability, regardless of whether the TODHH is providing direct or indirect services, there must be a goal written and implemented by the TODHH and General Education teacher collaboratively.
 - Consider the needs identified in the PLAAFP and use that information to determine the goal.
 - Just because a student does not have academic goals does not mean there may not be a need for a functional goal. Make sure the FIE includes evaluation of skills such as self-advocacy, knowledge of hearing loss, managing equipment, etc.
 - If the student only needs access to equipment and someone to monitor its use, that is NOT specially designed instruction. That can be provided through a 504 plan.
- If a student has disabilities in addition to DHH, there will be goals for each area in which the student is receiving specially designed instruction.
 - If a TODHH is providing consult services, they are consulting on something related to the specially designed instruction the student is receiving.
 - There do NOT need to be separate goals for each professional working with a student.

We still cannot determine placement yet!

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Step Four: Supplementary Aids and Services



“Supplementary aids and services means aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate...” ([34 CFR §300.42](#))

Supplementary aids and services:

Accommodations	Modifications
Change HOW the content is presented to the student:	Change WHAT the student is expected to learn:
by lessening the effect of a student’s disability without lowering academic expectations.	by making adaptations to the curriculum or to how a student’s progress is measured.
<ul style="list-style-type: none"> • presentation (e.g., interpreter, captioning, large print, questions read) • response (e.g., dictate responses, type responses) • timing/scheduling (e.g., extended time, frequent breaks) • setting (e.g., study carrel, small group, seating close to board) 	<ul style="list-style-type: none"> • same activity as other students, but expectations and materials are individualized • reduce complexity of learning materials • grade using an adapted rubric or scale • focus on selected grade-level skills rather than all grade-level skills
Direct services and supports	Training
To the student based on a continuum of services from least restrictive to most restrictive, which may include but are not limited to:	For parents and staff who work with the student, some examples of which may include but are not limited to:
<ul style="list-style-type: none"> • inclusion support from teacher or paraprofessional • one-on-one paraprofessional 	<ul style="list-style-type: none"> • in-home training • disability-specific professional development • mentoring or coaching on specific techniques

We cannot determine placement yet!

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Step Five: Special Education and Related Services

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Special education “means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability” ([34 CFR §300.39](#)).

Specially designed instruction “means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction

- [\(i\)](#) To address the unique needs of the child that result from the child’s disability; and
- [\(ii\)](#) To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children” ([34 CFR §300.39 \(b\) \(3\)](#)).

Instructional Services

<p>Indirect services are not provided directly to a child. (Also called consult)</p>	<p>Direct instruction and services are those provided directly to a child.</p>
<p>A special education teacher or related service professional provides these services to others who are working directly with a child.</p>	<p>Direct instruction and services are provided to help a child meet the goals and objectives on the child’s IEP</p>
<ul style="list-style-type: none"> • Consultation • Collaboration • Managing hearing assistive technology • Monitoring* 	<ul style="list-style-type: none"> • “Push-in” to general education • “Pull-out” of general education • Separate class • Separate school

**Monitoring student progress in and of itself does not constitute a special education service. If DHH is the student’s only disability classification, and if the teacher of students who are deaf or hard of hearing (TODHH) is only monitoring student progress or equipment usage, the IEP team needs to discuss whether the student requires specially designed instruction or should be considered for 504 instead ([Student Attendance Accounting Handbook 2020](#)).*



If the TODHH is providing indirect services, what could the goal look like in the IEP?

Here is an example:

The student's PLAAFP has identified math as an area that requires specially designed instruction. There will be a goal written for math. The ARD committee has determined the following services are necessary for the student to accomplish the goal:

- The general education teacher is providing the primary math instruction.
- The special education teacher is providing direct services by preteaching or reteaching the math concepts.
- The TODHH is providing consult services to the special education and general education teachers on language concepts that may be challenging because of the student's level of hearing, as well as how to facilitate the student asking for clarification or the student reminding them to use the transmitter.
 - There may be an objective added to the goal about the student asking for clarification or reminding the teacher to use the transmitter.
- The general education teacher, special education teacher, and TODHH are all included in the IEP as implementors of the math goal.

Best Practice

Best practice is to provide indirect or consult services for all DHH students, even if they are receiving direct instruction from a TODHH. TODHHs providing pull-out services must ensure that they are supporting the instruction that is happening by the student's teacher(s). TODHHs who are providing direct instruction in core content should be collaborating with the grade level general education teachers to ensure they are providing instruction in grade level Texas Essential Knowledge and Skills (TEKS).



Important to Note!

Services provided by the TODHH on the IEP are always instructional, regardless of whether they are direct services or indirect services!

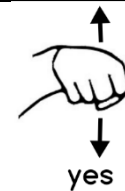
Related Services

“Related services means... supportive services as are required to assist a child with a disability to benefit from special education” ([34 CFR §300.34](#)). Related services are documented in the IEP and must include a location, frequency, and duration.

Two related services that are frequently associated with deaf education are interpreting and audiological services.

- **Interpreting services** include oral transliteration services, language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print, and TypeWell.
- **Audiology services** include assessment, diagnosis, counseling, auditory training, and selecting and fitting personal hearing technology and hearing assistive technology devices.

NOW we can talk about placement –
THEN location!



Step Six: Placement



Placement or instructional arrangement is the setting that the IEP and services can best be implemented. It is an individualized determination based on the goals and services necessary to meet the student’s academic, functional, communication, and related needs. A continuum of placement options must be reviewed, with general education as the first placement to be considered.

Continuum of Placement Options for DHH Students



Core instruction: General Education Teacher	Core instruction: TODHH
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General Education	
Looks Like	<ul style="list-style-type: none"> General education teacher provides core instruction TODHH collaborates with general education teacher and provides consult services
Guiding Question	Can appropriate educational services be delivered entirely in the general education classroom if necessary supplemental aids and services are in place?
IEP team identifies...	necessary supplemental aids and services.

Push-in Services in General Education

Looks Like	<ul style="list-style-type: none"> • General education teacher provides core instruction • TODHH provides differentiation, resources, strategies, and support in the general education setting • TODHH collaborates with general education teacher and provides consult services
Guiding Question	Can appropriate educational services be delivered entirely in the general education classroom if a TODHH provides in-class support?
IEP team identifies...	needed support by the TODHH in general education classroom, as well as any needed supplemental aids and services.

Pull-out Services

Looks Like	<ul style="list-style-type: none"> • General education teacher provides core instruction • TODHH provides 1-on-1 or small group instruction to re-teach concepts or provide intensive instruction • TODHH collaborates with general education teacher and provides consult services
Guiding Question	Can appropriate educational services be delivered primarily in the general education setting with some support in the deaf education classroom?
IEP team identifies...	instruction that requires the deaf education setting as well as any needed supplemental aids and services and modified curricula.

Instruction in Deaf Education

Looks Like	<ul style="list-style-type: none"> • TODHH provides core instruction provided in a separate placement setting • TODHH follows grade level TEKS <p>TODHH collaborates with general education teacher and provides consult services</p>
Guiding Question	Can appropriate educational services be delivered entirely in a deaf education setting?
IEP team identifies...	instruction that requires the deaf education setting and will foster movement into the general education classroom, and any needed supplemental aids and services and modified curricula.



Important to note!

Access to communication is a key factor when considering LRE. Per law the IEP team should consider the student's right to direct communication. Direct communication occurs person-to-person, not through an additional source (e.g., educational interpreter or captioner). Additional skills are required to use an interpreter effectively, such as recognizing that the role of the interpreter is different from the role of the teacher, and the ability to attend to both the interpreter and the teacher.

"Placement decisions must be based on the child's IEP. Thus, the consideration of LRE as part of the placement decision must always be in the context of the LRE in which appropriate services can be provided. Any setting which does not meet the communication and related needs of a child who is deaf, and therefore does not allow for the provision of FAPE, cannot be considered the LRE for that child"
(U.S. Department of Education 1992).



If a student does not use sign language, why would we consider placement in a deaf education self-contained setting?

"The LEA must ensure that the child who is deaf or hard of hearing has an education in which the child's unique communication mode is respected, used, and developed to an appropriate level of proficiency" ([TEC § 29.303](#)).

Some students who are DHH require intense instruction from a TODHH to develop language skills that are commensurate with their hearing peers. The ARD committee may determine that a deaf education self-contained setting is the appropriate placement to implement the IEP.

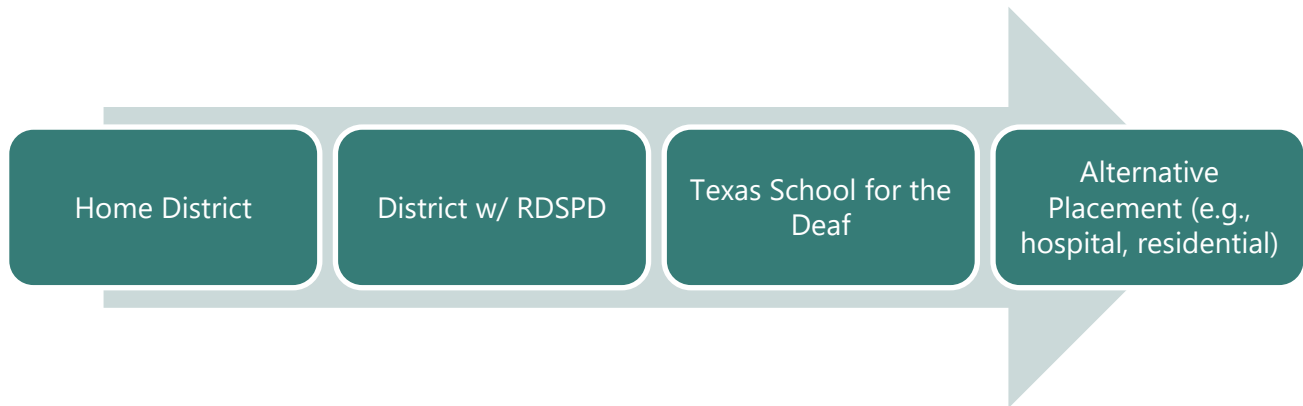
The American with Disabilities Act (ADA) Title II states that access for individuals with disabilities should be equal to their non-disabled peers. [28 CFR §35.160 \(a\)\(1\)](#) This provision requires that educational settings must "afford an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others" ([28 CFR §35.130 \(b\)\(1\)\(iii\)](#)).

Step Seven: Location



Once the entire IEP has been developed and the placement has been determined, the location that services will be provided is determined. The appropriate location for these services is dependent on the student's IEP and where it can best be implemented.

Continuum of Locations for DHH Students



Regional Day School Program for the Deaf

"In accordance with the [Texas Education Code \(TEC\), §§30.081-30.087](#), local school districts shall have access to regional day school programs for the deaf operated by school districts at sites previously established by the State Board of Education (SBOE). Any student who has a hearing impairment which severely impairs processing linguistic information through hearing, even with recommended amplification, and which adversely affects educational performance shall be eligible **for consideration** for the Regional Day School Program for the Deaf, **subject to the admission, review, and dismissal (ARD) committee recommendations**" ([19 TAC §89.1080](#))



So how DO we decide whether a student who is DHH should attend the RDSPD site campus or their home campus/district?

There is not a black or white answer to this question, and it is not one that can be answered by looking at a student's IQ, audiogram, grades, or sign skills. The ARD committee needs to use all of the data discussed – PLAAFPs, special factors, goals, supplementary aids and services, special education and related services, and the continuum of placement options – before determining whether the student's IEP can best be implemented on the home campus or RDSPD site campus.

If the student's IEP is created based on whether the student is being served on the home campus with itinerant services or the RDSPD site campus, then the ARD committee needs to reconsider how the IEP is being developed.

Step Eight: Implementing the IEP



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Implementing the IEP is not part of the ARD process, but there are some considerations that the ARD committee needs to keep in mind so that the IEP can be implemented.

- The IEP is the “instruction manual” that provides the educational team with the information about what specially designed instruction a student requires to be able to make progress in grade level instruction.
- The ARD committee cannot assume the educational team working with the student will have background knowledge that may not be documented in the IEP; therefore, the IEP must be written so that an educational team who does not know the student can implement it.

References

ADA: Americans With Disabilities Act of 1990. Public Law 101-336. § 1. 108th Congress, 2nd session (July 26, 1990).

Commission of Deaf, DeafBlind, and Hard of Hearing Minnesotans. 2015. *Language and communication - Focused IEPs for learners who are deaf or hard of hearing: A discussion guide*. St. Paul, MN: Author. Retrieved from https://mn.gov/deaf-commission/assets/Language-and-Communication-Focused-IEPs-for-Learners-Who-Are-Deaf-or-Hard-of-Hearing-Discussion-Guide_tcm1063-154134.pdf

National Association of State Directors of Special Education (NASDSE), 2018. *Optimizing Outcomes for Students who are Deaf or Hard of Hearing: Educational Service Guidelines* [PDF]. Alexandria, VA: Author. Retrieved from: bit.ly/dhhoutcomes

U. S. Department of Education, Office of Civil Rights. 1992. "Deaf students education services". Washington, DC: Author. Retrieved from <http://www2.ed.gov/about/offices/list/ocr/docs/hq9806.html>

Additional Resources

[Individuals with Disabilities Education Act](#)

[Legal Framework](#)

[19 Texas Administrative Code §89.1080. Regional Day School Program for the Deaf](#)

[Texas Education Code \(TEC\) §§30.081-30.087. Regional Day Schools for the Deaf](#)