Dear Karen,

Most students with hearing loss have some useable residual hearing. Their hearing devices are often their lifeline to education and social connections with others.

This Update will focus on the following:

- What are new trends in amplification?
- What are the laws related to schools and hearing devices?
- What about other access technology?
- Where can you go for quick information?

WHAT’S NEW?

Have you seen our product videos? Cara King, Customer Service Associate for SSCHL and teacher of the deaf/hard of hearing has been producing two product videos per month. See them all on the Supporting Success YouTube Channel or find them on the product description pages. See videos describing:

Building Skills for Success in the Fast-Paced Classroom
Steps to Assessment
HELP for Auditory Processing
Developmental Test of Auditory Perception
C.O.A.C.H
Advocacy in Action
Look Whos Listening Game
Social-Emotional Assessment/Evaluation Measure
Happily Ever After: Using Storybooks in Preschool

Also see the 3-minute Functional Listening Evaluation YouTube video! Subscribe to our YouTube channel so you won’t miss any of the upcoming videos!

TEACHER TOOLS

We now have an amazing 1125 Teacher Tools members. Join the learning now! All members can access 100% of information posted since August. The Maximizing Acceptance section of Teacher Tools explores the many factors that can affect the development of a child with hearing loss and how they feel about themselves in comparison to peers. Monthly articles
address what you can do at different ages to develop resilience, self-concept, and confidence so that students will be less likely to reject their amplification. What a challenge!

**SSCHL CONFERENCE**

We are so excited that the Conference is now just a month away! There is still time to register and registration rates are very reasonable for all of the instruction and networking time provided. Come and learn more about becoming a Zebra Expert! See the revised Conference schedule to view the packed days of learning! Be sure to plan time to enjoy the theme parks too! Galleria Hotel next door still has room and great rates!

**TOPIC: ACCESS TECHNOLOGY & BEYOND**

**What are new trends in amplification?**

The term 'paradigm shift' is now being used to describe the changes in amplification. The biggest changes in amplification relate to extensive research and development in the area of how to facilitate better understanding of speech in noise. Instead of limiting the acoustic information provided when noise is introduced, researchers have identified the benefits of preserving the relevant aspects of speech while reducing the noise in complex listening environments. This advanced processing can now be done with enough speed and accuracy to provide the brain with more natural and useful acoustic information. This digital noise reduction has been found to improve the rate of word learning in children and better recall of words. These advances should improve speech understanding in noise, decrease listening effort and improve recall for conversations that occur in noisy/reverberent environments. If your students have hearing aids 4 or more years old, they may truly be missing out on much better auditory access! (Resource)

Even with these advances, the best hearing aids still cannot restore normal hearing. To 'level the playing field' in typically noisy classrooms, personal Hearing Assistance Technology (FM/DM systems) is still necessary to allow communication to be as effective as possible. Yet HAT devices are only beneficial based on who is wearing the microphone (or in the case of the Roger Pen, who the microphone is pointed at). Improved
hearing aid technology, HAT and appropriate classroom acoustics need to work together to provide our students who are hard of hearing with perception that is as equivalent to peers as currently possible.

What are the laws related to hearing devices in school?

**Equal Access:** The [Americans with Disabilities Act](https://www.ada.gov) requires that schools ensure that children with hearing loss have communication as effective as peers, so that they have the opportunity to gain the same benefit or to reach the same level of achievement as that provided to others. This has been described extensively in prior Updates. You are strongly encouraged to read the case example in the [FAQ document](https://www.ada.gov), page 24. Whether FM/DM and/or captioning - technology is the first option usually considered to improve auditory access.

**Functional Devices Required:** IDEA Sec. 300.113. (a) Each public agency must ensure that hearing aids worn in school by children with hearing impairments, including deafness, are functioning properly. (b) (1) Each public agency must ensure that the external components of surgically implanted medical devices are functioning properly. This language was strengthened by a June 2015 court case that now makes it necessary to document 1) daily access to FM/DM equipment if required on an IEP, and 2) daily record of use/no use. How are you documenting? Does each of your students with hearing devices have a record of monitoring and use?

**Schools CAN Purchase Hearing Aids:** A [1993 OSEP Policy Letter](https://www2.ed.gov) reversed its earlier judgment about "personal devices." It makes two points: first, schools must evaluate students who have or are suspected of having hearing and/or vision impairments. This is both a general obligation under the IDEA, 34 C.F.R.. " 300.530 et seq., and it is a specific obligation under the definition of assistive technology services. 34 C.F.R. ' 300.6(a). Second, if those evaluations identify needs for devices that fall within the definition of assistive technology devices, then the school districts must provide them. Although it is natural for schools to not want to purchase 'personal devices' for students, the reality is that some families do not have the financial means to do so, or do not feel that their child needs to use hearing aids at home. Any family can say 'no' to hearing aids at school. If they do want their child to use hearing aids at school and the devices are necessary for instructional access and for the student to receive FAPE, then the school is in a position to pay for the hearing aids.

**Paying for Repairs:** The definition of AT services includes repairing, maintaining and replacing AT devices. 20 U.S.C. § 1401(2); 34 C.F.R. § 300.6(c). Therefore, if an AT device is damaged during the course of its use, the school should be responsible for any repairs. Accordingly, the U.S. Department of Education has stated that if parents agree to use family-owned AT (like personal hearing aids) to fulfill the IEP, the school is responsible for maintenance and repair if a device was
damaged on the school bus or at school. The Department of Education reasoned that if the school did not use the family-owned device, it would be responsible for providing and maintaining a needed device itself. OSEP Policy Letter to Anonymous, 21 IDELR 1057 (8/9/94). *(Read more)*

**What about other access technology?**

Since hearing devices do not restore normal hearing, children who are hard of hearing will always be at an auditory disadvantage and likely will not be afforded full access to classroom communication. As technology options improve, we can expect that automated captioning will become an accommodation that is more routinely sought for students in secondary school. This also applies to students who are Deaf and receive interpreter or transliterator services as captioning in addition to the language accommodations can provide more complete access to classroom communication. With automated captioning like **Interact-AS** steadily improving in accuracy, the financial burden of captioning is less of an impediment to school's agreeing to try this accommodation. With 34% of the school day comprised of peer-to-peer learning *(Feilner, Rich & Jones, 2016)*, we must think beyond access to teacher instruction only.

**Where can you go for quick information?**

The Supporting Success website! See the More Information on Access Technology and Beyond, below. Did you know that SSCHL has great information on cochlear implant and FM/DM equipment? Come to SSCHL to quickly find information and how to contact: Oticon, Phonak, Siemens, Advanced Bionics, Cochlear, and MED-EL!

**PRODUCTS: BOOKS TO HELP YOUR STUDENTS AND YOU! D/HH TEACHING ON A SHELF!**

- **Handbook of acoustic accessibility**
- **Promoting Language & Literacy in Children who are Deaf or Hard of Hearing**
- **Advocacy in Action: Self-Advocacy Curriculum**
- **Building Skills for Independence in the Mainstream**
- **Steps to Assessment: Guide to Identifying Educational Needs for D/HH**
- **Building Skills for Success in the Fast-Paced Classroom**
• **Steps to Success REVISED**: Scope & Sequence of Skills for D/HH Students
• **Facilitating the Transition of Students who are Deaf or Hard of Hearing**
• **COACH** - Self-Advocacy & Transition Skills for Secondary Students who are D/HH

MORE INFORMATION ON
ACCESS TECHNOLOGY & BEYOND

See the following SSCHL webpages for more information:

• [Amplification Section](#) of SSCHL - Rich Information!
• Schools Purchasing Hearing Aids for Students
• Connecting Hearing Devices to Computers or iPads
• Student Materials for Learning About Hearing Loss and Hearing Aids
• Questions Families Often Ask About Their Child with Hearing Loss
• Personal FM vs Sound Field FM - includes supportive research for most effective technology solutions.

**Device webpages:** The main section pages have good general information on the technology. Product-specific manufacturer pages have been written specifically for educators and what resources they make available that are most pertinent.

- **Hearing Aids**
- **Cochlear Implants**: Advanced Bionics, Cochlear, MED-EL
- **FM/DM Technology**: Oticon, Phonak, Signia
- **Bluetooth Streaming**: Oticon, Phonak, Signia
- **Bone-Anchored Solutions**: Oticon Ponto

Go to the **Bimonthly Update Goodies page** and download these resources. You only have a short time before they are gone!

**New to our Updates?** Go to the Goodies page to see all of the past Updates issues for this school year.

• Coupon for 20% off of Ear Gear hearing retention accessories
• **Amplification Monitoring Consent Form** (informs parents of data-gathering requirements)
WEBCASTS

Making the Case: Legal Interpretations to Remember FREE

Register NOW and watch this 37-minute webcast for free. You must complete your view by March 1, 2017.
Registration code = ProBono
Receive a 0.5 CEU Certificate.
Once you register go here to view your webcast. Login using your email address and the temporary password temp4u.

ADVOCACY NOTES

What will be the outcome? On January 11th, the US Supreme Court heard oral argument in the case of Endrew F. v. Douglas Co. Sch. Dist. The question presented to the Supreme Court is whether the "educational benefit" provided by a school district must be "merely more than de minimis" or "meaningful" to satisfy the requirements for a free appropriate public education (FAPE). Since the Court first described this requirement in Rowley over thirty years ago, federal courts of appeals have become divided over the level of educational benefit the Act demands. Some courts hold that an IEP satisfies the Act if it provides a child with a just-above-trivial educational benefit, while others hold that the Act requires a heightened educational benefit. We are most interested what the decision of the US Supreme Court will be and how it may affect programming for students with hearing loss, especially in light of the trend to close center-based programs and the strong influence of the inclusion movement. Early commentary following the oral argument indicated that the justices were dissatisfied with school districts satisfying IDEA with an educational program that provides a benefit that is minimal, or trivial. It was less clear what standard (if any) the justices may substitute. We will continue following this issue and report the findings in a future Update (see more here and here).

Federal Civil Rights and Education
The following information makes it clear that every student with hearing loss is eligible for protections under Section 504, whether the hearing loss impacts learning or not.

"Rather than considering only how an impairment affects a student's ability to learn, school staff must also consider how the impairment affects any major life activity of the student and, if necessary, assess what is needed to ensure that students have..."
Participation for children with hearing loss - almost any degree or type of hearing loss - is challenging during class discussions and group learning activities which have been found to comprise 34% of the school day. With this in mind, it is inappropriate to assume that a child with hearing loss will "be okay" without accommodations or supports needed to ensure full participation and equal access to educational activities.

**ED Releases Guidance on Civil Rights of Students with Disabilities**

The U.S. Department of Education (ED) has released three new sets of guidance today to assist the public in understanding how it interprets and enforces federal civil rights laws that protect the rights of students with disabilities. These guidance documents clarify the rights of students with disabilities and the responsibilities of educational institutions to ensure that all students have the opportunity to learn, which also includes the schools' obligation to identify, evaluate, and serve students with disabilities. The audience for this information spans the full school community—educators, parents, and students.

The guidance documents released includes:

1. **A parent and educator resource guide** [PDF] to Section 504 in Public Elementary and Secondary Schools, issued by ED's Office for Civil Rights (OCR), which provides a broad overview of Section 504 of the Rehabilitation Act of 1973 (Section 504). The guidance, among other things, describes the school districts' nondiscrimination responsibilities, including obligations to provide educational services to students with disabilities, and outlines the steps parents can take to ensure that their children secure all of the services they are entitled to receive.

2. **A Dear Colleague Letter** [PDF] that includes links to question and answer documents on the rights of students with disabilities in public charter schools, jointly issued by OCR and the Office of Special Education and Rehabilitative Services (OSERS), which will inform educators, parents, students, and other stakeholders to help them to better understand the rights of students with disabilities in public charter schools under Section 504 and IDEA.

**Background**

The guidance documents were designed to support states, local education agencies, and charter school personnel to understand its responsibilities under the Individuals with Disabilities Education Act (IDEA) and Section 504. OCR's mission is to ensure equal access to education and to promote educational excellence throughout the nation through the vigorous enforcement of civil rights. The mission of OSERS is to improve
early childhood, educational, and employment outcomes and to raise the expectations for all people with disabilities, their families, their communities, and the nation. OSERS is responsible for administering IDEA.

Source: ASHA information release on 1/12/17

NOTE: The information presented is not legal advice, is not to be acted on as such, may not be current and is subject to change without notice.