

## Advocacy Notes



**Question from the field: We are a small school district and only offer an ASL interpreter for students with hearing loss, but more and more students are now using spoken language. Are there interpreting services or supports that we need to offer these students who do not use ASL?**

Depending on a student's mode of communication, there are various options available for providing access in the educational setting. For the students who are receiving access to spoken language earlier and have better hearing technology, ASL is often not their primary language.

There are language options and communication strategies available for families whose children have hearing loss<sup>1</sup>. Families may decide to use any of or a combination of the following:

- **Spoken Language** - developing the use of spoken language in the primary language of the family and/or education system using the mouth and vocal cords
- **American Sign Language (ASL)** - a complete language system that uses signs with the hands combined with facial expression and body posture. ASL includes visual attention, eye contact and fingerspelling.
- **Manually Coded English (MCE)** - the use of signs that represent English words. Many of the signs are borrowed from ASL, but use the word order, grammar, and sentence structure of English.
- **Cued Speech** - a system of hand signals to help the listener with hearing loss identify the differences in speech sounds that are difficult to discriminate through listening.
- **Conceptually Accurate Signed English (CASE)/Pidgin Sign English (PSE)** - a mix of ASL signs used in English word order.
- **Simultaneous Communication** - used in order to speak out loud while signing using CASE or PSE.
- **Bilingual-Bicultural (Bi-Bi)** - typically the use of ASL as the student's first language and primary mode of communication while learning to read and write in English.



**Supports** – There are various strategies that support effective communication for students with hearing loss who use spoken language. Resources can be found on the [Accommodations for Students with Hearing Loss](#) webpage. The need for captioning, notetaking, captioned media, and other supports like preteaching/review of vocabulary also must be considered to 'equal the playing field' for students who are constantly missing information during classroom communication due to hearing loss.

**IDEA** - The IDEA requires that public school districts provide for a free, appropriate public education (FAPE) in the least restrictive environment (LRE). In the IEP meeting, the team must consider and document the students mode of communication in the IEP. This should not be assumed to be ASL if the student uses spoken language or an alternative mode of visual communication to access their education. Some students will need sign language interpreters who use ASL, Cued Speech, or SEE while other students who do not use visual modes of communication may require transcription services. (28 C.F.R. 35.104)

**ADA** - Under the Americans with Disabilities Act (ADA) and Section 504 programs which receive federal financial assistance need to "provide accommodations, such as qualified interpreters, real-time Captioning (also called CART), assistive listening devices, or other auxiliary aids, to people with disabilities when necessary to ensure effective communication." (Section 504, 29 U.S.C. 794) Therefore, depending on the child's language and mode of communication the district will need to ensure that the student is able to access not only instruction in all of their classes, but also all activities associated with the school experience to which their typically developing, typically hearing peers have access. The school district must provide whatever interpreting service is included in the IEP or 504 Plan for all school-related activities including assemblies, school-related field trips, extracurricular programs, teacher conferences, social and cultural activities, and summer school or hobby classes.



In the IEP document the need for access services would be included in the Special Factors section under considerations if the student is Deaf/Hard of Hearing. Many IEP teams will also include the interpreting service in the Low Incidence section, the Accommodations section, the service grid, and also in the discussion notes of the IEP and in the offer of FAPE.

Because special education and IEPs are based on a failure model, some teams struggle to find the justification for including interpreting services. This is when the family and team need to consider the regulations of the ADA in addition to the IDEA and focus on the need to provide equal access in the educational setting. The Office of Civil Rights has ruled that public school systems must give equal access to extracurricular programs. "School systems should routinely publicize the method that deaf and hard of hearing persons can use the request necessary services such as qualified interpreters, real-time captioning (also called CART), or assistive listening devices."<sup>2</sup>

In my own experience I have seen all of the following successfully provided for students:

- For an 8th grade student, the school district allowed the student to take his Roger DM system on the Spring Break trip to Washington DC.
- I had a 16-year-old student who regularly participated in her own IEP meetings, so the school provided both her FM system and CART services during the IEP meetings.
- I have had multiple preschool students whose schools were inserviced so that they understood the role and benefit of the ASL interpreter and/or FM systems. They consistently provided these supports during field trips and walks through the neighborhood outside of the classroom.
- Finally, I had an 18-year-old student with a cochlear implant who uses spoken language. Her school provided 2 note-takers to travel with her on a school trip from California to Hawaii so that she could access the lectures held on hikes and on top of volcanoes.

## References

1. Early Intervention: Communication and Language Services for Families of Deaf and Hard-of-Hearing Children; [https://www.cdc.gov/ncbddd/hearingloss/freematerials/Communication\\_Brochure.pdf](https://www.cdc.gov/ncbddd/hearingloss/freematerials/Communication_Brochure.pdf)
2. National Association of the Deaf; <https://www.nad.org/.../education/...education/section-504-and-ada-obligations-of-public-schools>