

## Advocacy Notes



**TOPIC: I've asked the school to check a student's hearing aids and FM/RM system daily and they refuse.**

### Documenting Daily Amplification Use is Legally REQUIRED in the U.S.

Per 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.

A court case from June 2015 has raised the bar for what educators who specialize in DHH must know and do. In this case, the school district team had included use of an FM system on a student's IEP. The educational audiologist fitted and verified the FM for the specific student's use and trained the teacher in its use. The FM system was then made available to the student. The court found the school district negligent in providing FAPE because there was no record that the FM/HAT devices was provided to the student daily. [Read more](#). This finding strengthens the need for daily hearing aid monitoring and data collection.

The special considerations portion of IDEA specific to students with hearing loss requires that the IEP team must... *iv) Consider the communication needs of the child, and in the case of the child who is deaf or hard of hearing, consider the language and communication needs, opportunities for direct communication with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode, and (v) Consider whether the child requires assistive communication devices and services.* 34 CFR 303.324(2). Typically, students who with amplification systems must use them as part of receiving a free and appropriate public education (FAPE). Without amplification, students who are hard of hearing will not have an equal or appropriate opportunity for direct communication with peers or professional personnel. Thus the requirement that assistive devices be considered as a part of FAPE.

Access is so important that the IDEA statute (20 USC 1400(c)(5)(H)) specifies "supporting the development **and use of technology**, including assistive technology devices and assistive technology services, to **maximize** accessibility for children with disabilities."

We know that not all families want their child to gain the attention needed to perform hearing device monitoring. We also know that in the US, there needs to be documentation that the student's hearing devices are functioning properly. Thus, we truly need to inform families of these requirements. An example of *Amplification Monitoring Consent Form* has been included in the [Hearing Aids](#) and [FM/DM](#) pages of the Supporting Success website.

Since hearing devices can malfunction at any time, to truly ensure that they are functioning properly we ultimately need to teach the student how to be responsible for their own hearing aid monitoring. See [Building Skills for Independence](#) and [Advocacy in Action](#) for instructional materials to strengthen hearing device independence skills for students.