

# Optimizing Outcomes for Students who are Deaf or Hard of Hearing; Educational Service Guidelines, NASDSE 2018: Chapter 5 Goals, Services and Placement

Discussion Guide for MN School District Implementation Teams, 2019-2020

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## **NASDSE 2018, page 29: Key Points for Discussion**

- *Goals, services and placement must be based on assessment of academic and functional data.*
- *A communication plan is one way of meeting IDEA's requirement to consider the child's language and communication needs.*
- *The Expanded Core Curriculum for students who are deaf or hard of hearing can help IEP teams develop education plans.*
- *Educational placement must be in a setting where the student's language and communication needs are met.*
- *Given effective educational planning, students who are deaf or hard of hearing, including those who are deaf with additional disabilities, can attain high levels of achievement.*
- When developing IEP goals, IEP teams must consider several "special factors" (34 C.F.R. § 300.324(a)(2)). For a child who is deaf or hard of hearing, the IEP team must consider the communication needs of the child.

## **Federal Laws and Policies:**

- Schools must ensure that all children eligible for IDEA are provided a Free Appropriate Public Education (FAPE). FAPE means special education and related services that: are provided in conformity with a properly developed individualized education program (IEP) (34 C.F.R. § 300.101).
- As part of FAPE, schools also must provide support services for the student to be able to access and participate in nonacademic and extracurricular activities such as counseling, athletics, transportation, health programs, recreational activities and special interest groups or clubs in the manner necessary to afford students an equal opportunity for participation (34 C.F.R. § 300.107).
- Setting appropriate academic and functional goals for the student, determining and providing appropriate specially designed instruction and related services, and placing the student in the appropriate education setting are necessary to ensure that the student receives FAPE.

- from NASDSE 2018, page 34:
  - “There is often confusion and misunderstanding about the educational placement of students who are deaf or hard of hearing. The concept of educational inclusion, that is, placing every child in a local neighborhood school, is often promoted as a way of achieving equity for students with disabilities. However, that inclusion model may not be the most appropriate for some students with disabilities, including students who are deaf or hard of hearing.
  - Placement is an individualized decision that is based on the goals and services necessary to meet the student’s academic and functional needs. IDEA does not require that every child be placed in his/her local neighborhood school classroom. Placement decisions must be made by “individualized inquiry, not a ‘one size fits all’ approach.” The placement options outlined in IDEA must be available to the extent necessary to implement the child’s IEP (71 Fed. Reg. 46587). The U.S. Department of Education has made clear:
    - *Any setting that does not meet the communication and related needs of a child who is deaf does not allow for the provision of FAPE and cannot be the LRE for that child. Just as the IDEA requires placement in the regular education setting when it is appropriate for the unique needs of a child who is deaf, it also requires placement outside the regular education setting when the child’s needs cannot be met in that setting.* (Deaf Students Education Services Policy Guidance 57 Fed. Reg. 49274, Office of Special Education Programs, Letter to Bosso, August 23, 2010, Letter to Stern, September 30, 2011).
- The setting also must provide for supplementary services, as needed, such as a resource room or itinerant instruction if the child is placed in a regular class (34 C.F.R. § 300.115).
- A common interpretation of LRE for a deaf or hard of hearing student is a *language rich environment*. “To provide this, an appropriate educational placement in the LRE for a deaf or hard of hearing child is one that:
  - ensures full development of language for the child;
  - enhances the child’s cognitive, social, and emotional development;
  - is based on the language abilities of the child;
  - offers direct language and communication access to teachers and other professionals;
  - has a sufficient number of age-appropriate and level-appropriate peers who share the child’s language and communication preferences;
  - takes into consideration the child’s hearing level and abilities;

- is staffed by certified and qualified personnel trained to work with children who are deaf or hard of hearing;
- provides access to the general education curriculum with modifications in pedagogy to account for the child’s unique language, learning, and communication needs;
- provides full access to all curricular and extra-curricular offerings customarily found in educational settings;
- has an adequate number of role models who are deaf or hard of hearing, including adults;
- provides full access to support services;
- has the support of informed parents; and
- is equipped with appropriate communication and learning technologies.” (National Association of the Deaf, 2002).”

### **MN State Laws and Policies:**

- IDEA requires schools to provide specially designed instruction and specialized instructional support (i.e., related services) to meet the unique needs of a child served through IDEA. Specially designed instruction is the core of special education. The unique needs of every child, including those who are deaf or hard of hearing, are not limited to academic areas, as illustrated with the Expanded Core Curriculum. Unique needs may also include specific interventions to respond to social, health, emotional, physical and vocational needs. The specially designed instruction addresses academic, behavioral and/or functional needs, including a student’s language levels and hearing levels and acquisition, retention, expression and/or application of knowledge and skills in general education. Specialized designed instruction is customized and individual. 34 C.F.R. § 300 .320(a)(4)
- [MN Admin Rule 3525.0755; Extended School Year Services](https://www.revisor.mn.gov/rules/3525.0755/); Subp. 3.Determination of ESY entitlement. (<https://www.revisor.mn.gov/rules/3525.0755/>)
  - “At least annually, the IEP team must determine a pupil is in need of ESY services if the pupil meets the conditions of item A, B, or C.
    - A. there will be significant regression of a skill or acquired knowledge from the pupil's level of performance on an annual goal that requires more than the length of the break in instruction to recoup unless the IEP team determines a shorter time for recoupment is more appropriate;
    - B. services are necessary for the pupil to attain and maintain self-sufficiency because of the critical nature of the skill addressed by an annual goal, the pupil's age and level of development, and the timeliness for teaching the skill; or

- C. the IEP team otherwise determines, given the pupil's unique needs, that ESY services are necessary to ensure the pupil receives a free appropriate public education.”

### **Evidence-Based/Experienced-Based Information:**

A “SMART” IEP contains goals that are specific, measurable, achievable, relevant and time bound. (NASDSE 2018, Page 30).

- **Specific:** The goal targets an area of academic achievement and/or functional performance and includes a clear description of the knowledge and skills that will be learned.
- **Measurable:** The goal is stated in a way that the student’s progress can be measured using standardized tests, curriculum-based measurements or observations.
- **Achievable:** The goal is appropriately challenging, yet reasonably calculated, to enable the student to make progress in the general education curriculum in light of the student’s circumstances.
- **Relevant:** The goal is based on the unique needs of the student and is designed to enable the student to be involved and make progress in the general education curriculum that is appropriate for his or her age.
- **Time-bound:** The goal is something the student can achieve within one year, with special education and related services, and can be monitored and reported on throughout the year.

### **Resources:**

[Academic Progress Monitoring Tools Chart](https://charts.intensiveintervention.org/chart/progress-monitoring), National Center on Intensive intervention (https://charts.intensiveintervention.org/chart/progress-monitoring)

[The Expanded Core Curriculum for students who are Deaf or Hard of Hearing](https://wvde.state.wv.us/osp/ECC-DHHJanuary2013.pdf), Iowa Department of Education, 2013 (https://wvde.state.wv.us/osp/ECC-DHHJanuary2013.pdf)

[Language and Communication Focused IEP Discussion Guide, 2016](https://mn.gov/deaf-commission/advocacy-issues/education/iep-discussion-guide/), MN Commission of the Deaf, Deafblind and Hard of Hearing (https://mn.gov/deaf-commission/advocacy-issues/education/iep-discussion-guide/)

Lenihan, Susan, PhD. Editor; [Preparing to Teach, Committing to Learn: An Introduction to Educating Children Who Are Deaf/ Hard of Hearing; An Introduction to Educating Children Who Are Deaf/ Hard of Hearing \(2017 - 2019\)](https://www.infanthearing.org/ebook-educating-children-dhh/), National Center for Hearing Assessment and Management (NCHAM) e-Book. (https://www.infanthearing.org/ebook-educating-children-dhh/)

**Discussion Questions/Reference to Chapter 9:**

1. As required by IDEA, do all IEP teams address each of the *Special Factors* (34 C.F.R. § 300.324(a)(2)) as they develop IEPs for students who are Deaf or Hard of Hearing, especially each student's unique language and communication needs? (Page 80; A, B, C)
2. Have we identified the unique learning needs of each student who Deaf or Hard of Hearing?
3. Is our district writing SMART Goals for DHH Students? (Page 94; F)
4. Are we providing specially designed instruction? How are we measuring this? (Page 89: A, Specially-designed Instruction questions)
5. Have you considered the full range of possible placements in determining the appropriate educational placement for individual DHH students? (Page 88 J, Pages 92 – 93, LRE Section questions)
6. Is the student in need of, and eligible, for ESY services? How is that being determined? (Page 81; D)