



Division for  
Communicative  
Disabilities and  
Deafness

# TEACHERS OF STUDENTS WHO ARE DEAF OR HARD OF HEARING:

## A CRITICAL RESOURCE NEEDED FOR LEGAL COMPLIANCE

On Behalf of the Board of Directors of the Division for Communicative Disabilities and Deafness

*Becca Jackson, Ph.D., Anna Paulson, M. Ed., Suzanne Raschke, M.A.*

“SUCCESSFUL TEACHERS TEND TO HAVE BOTH TRAINING IN THE SUBJECT MATTER  
BEING TAUGHT AND KNOWLEDGE ABOUT THE LEARNING STYLES AND PATTERNS OF  
STUDENTS WHO ARE DEAF OR HARD OF HEARING”  
(SPENCER & MARSCHARK, 2010, P. 151).

## Position Statement

It is the position of the Council for Exceptional Children (CEC) Division for Communicative Disabilities and Deafness (DCDD) that, for students who are deaf or hard of hearing (DHH), credentialed teachers of students who are DHH (TODHH) are critical to the provision of appropriate evaluation, educational programming and planning, and student-centered instruction. They are essential to students' achievement of their academic, linguistic, and social-emotional potential. As a part of the educational team, qualified TODHH enable schools to meet the requirements of the Individuals with Disabilities Education Act (IDEA, 2006) and the Americans with Disabilities Act (ADA, as amended by the ADA Amendments Act, 2009), while also securing positive outcomes for students.

Although there is a high level of variation in service delivery across education settings, the specialized instruction and support from TODHH remain the preferred model to meet the specific language, communication, academic, and social needs of students who are DHH. DCDD recognizes TODHH as the expert educational team member and service provider qualified to promote and provide these services. DCDD recommends that all Local Education Agencies (LEAs) ensure the services of credentialed TODHH, in order to appropriately meet the needs of students who are DHH, as required by IDEA and ADA.

## Rationale

The field of the education of students who are deaf or hard of hearing has undergone significant shifts in recent decades, including increases in indirect service provision and the percentage of students receiving instruction in inclusive settings. In addition, nationwide teacher shortages (U.S. Department of Education, 2016) have affected the availability of skilled educators. The current context raises the question of who is being asked to provide services to students who are DHH. Evidence from the field indicates that these changes have resulted in an underutilization of the expertise of TODHH. According to a 2017 survey about the role of itinerant TODHH, 51% of respondents felt that “IEP teams usually underestimate the level of student needs, thereby specifying DHH services that are not as intense/frequent as are needed by most/many of my students” (Anderson, 2017, p.5). Thus, it is imperative to address the importance of using a credentialed TODHH to meet the unique needs of students who are DHH.

Because deafness is a low incidence disability, there is not widespread understanding of its educational implications, even among special educators. This lack of knowledge and skills in our education system contributes to the already substantial barriers to deaf students in receiving appropriate educational services. (U.S. Department of Education, 1992, p. 2)

The purpose of this position paper is to support the requirement for qualified TODHH in all aspects of educational programming and planning for students who are DHH. IDEA defines qualified personnel as “personnel who have met State approved or recognized certification, licensing, registration, or other comparable requirements that apply to the areas in which the individuals [provide services]” (34 C.F.R. § 303.31). Qualified TODHH have the experience, knowledge, and skills to “design an educational program that will help the student be involved in, and progress in, the general curriculum” (U.S. Department of Education, 2000, p.1). The inclusion of such a professional is necessary to meet the Every Student Succeeds Act (ESSA) requirement that States ensure equitable access to excellent educators (ESSA, Title II, Part A).

CEC expects at a minimum that entry-level special educators possess a bachelor’s degree from an accredited institution, have mastered appropriate core academic subject matter content, and can demonstrate that they have mastered the knowledge and skills in the CEC Common Core and an appropriate Area of Specialization. (Council for Exceptional Children, 2004, p.3)

## Teachers of Students who are Deaf or Hard of Hearing

Hearing [status] has a significant impact on a child’s language development and communication abilities, including social language skills. Students with varying [hearing levels] frequently require specialized and direct instruction to develop functional pragmatic as well as academic language and communication skills. (Commission on Deaf, Deaf-Blind, and Hard of Hearing Minnesotans, 2015, p.4)

According to *Critical Needs of Students Who Are Deaf or Hard of Hearing: A Public Input Summary*, the need for qualified direct service providers as well as issues related to curriculum, instruction, and assessment are some of the barriers that prevent students who are DHH from

achieving their academic, linguistic, and social–emotional potential (Szymanski, Lutz, Shahan, & Gala, 2013). As the field of special education has evolved to a more inclusive approach to meeting the needs of students, TODHH often find themselves in the position of explaining why their specific qualifications are critical to achieving positive outcomes for students who are DHH.

Teachers of students who are DHH have been prepared to meet the unique individual needs of, and provide specialized instruction for, students with varying hearing levels by earning a specialized degree, meeting state requirements, and becoming a credentialed TODHH. CEC and the Council on Education of the Deaf (CED) offer standards and accreditation for programs preparing TODHH. CEC is the recognized leader for the professional standards used in special education teacher preparation programs. DCDD assists CEC in the revision of the DHH Specialty Sets, which are recognized as an essential resource for informing teacher preparation programs and accrediting organizations.

Currently, teachers graduating from specialized and accredited programs for the education of students who are DHH and who receive appropriate state licensing are qualified to be employed as classroom teachers, itinerant teachers, or consultants, and can provide direct and indirect educational services. Depending on individual state requirements, many of these TODHH can support children and youth who are DHH with services from birth to postsecondary age. TODHH can help provide specialized instruction in areas of academic need as well as in the expanded core curricular areas including communication, self-advocacy, technology, and social–emotional skills.

These teachers have also been prepared to support families of children who are DHH as they make decisions during critical early intervention and language development windows. They are qualified to coordinate the implementation of technology and the provision of related services. In addition, TODHH have the knowledge and resources needed to provide guidance for successful transition to postsecondary life.

Teachers of students who are DHH know that variation in hearing status impacts language acquisition and creates barriers limiting equal access to the general education curriculum and extracurricular activities, resulting in unique communication, language, academic, and social–emotional needs. TODHH assist local education agencies in understanding these learning challenges, as well as the instruction, modifications, accommodations, and other supports necessary to provide an appropriate education program. Therefore, TODHH are necessary participants in all IDEA-related programming and planning for students who are DHH (e.g., multidisciplinary evaluation team (MET), individualized education program (IEP), individualized family services plan (IFSP), and transition planning teams).

## Legal Guidance

The services of credentialed TODHH are essential to ensure the educational programming and planning for students who are DHH are in compliance with current legal requirements. Legislative mandates such as IDEA, Section 504 of the Rehabilitation Act, Title II of ADA, and ESSA, provide guidance to ensure students who are DHH have the same access to the general education curriculum as their peers.

Special Factor IV of IDEA emphasizes the importance of language and communication:

Consider the communication needs of the child, and in the case of the child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications 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. (34 C. F. R. § 300.324[2][iv])

In 1992, in response to concerns from the Commission on Education of the Deaf, the U.S. Department of Education released a guidance document, *Deaf Students Education Services*. The document delineated the educational and social needs of students who are DHH, and emphasized the need for careful consideration of the needs of the individual, specifically "meeting the unique communication and related needs of a student who is deaf is a fundamental part of providing a free appropriate public education (FAPE) to the child" (U.S. Department of Education, 1992, para. 12).

The Supreme Court of the United States recently provided an updated definition of IDEA's requirement that LEAs provide a reasonable education program, stating that IEPs must be reasonably calculated to enable a child to make progress that is "appropriate in light of the child's circumstances". Services must be "appropriately ambitious" considering the circumstances, just as advancement from grade to grade is appropriately ambitious for most children in the regular classroom. The goals may differ, but every child should have the chance to meet "challenging objectives" (*Endrew F v Douglas County School District*, 2017).

ADA Title II states that access for individuals with disabilities should be "equal to their non-disabled peers" (28 C. F. R. § 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 § C.F.R. 35.130 [b][1][iii]).

## The Role of TODHH

In order to fulfill the requirements of these regulations, the expertise of TODHH is required to appropriately assess, plan, and implement IEPs for students who are DHH. According to the National Association of State Directors of Special Education (NASDSE), a TODHH "assesses, diagnoses, evaluates, plans, and implements the educational program for students who are deaf or hard of hearing in collaboration with other educational professionals, the parents, and, when appropriate, the student" (NASDSE, 2006, p.78). From the evaluation process to the implementation of programs and services, TODHH are vital to students' advancement toward educational goals.

Given their in-depth knowledge of the types of services from which a student who is DHH may benefit, TODHH are able to collaborate with professionals included on the IEP/IFSP team and to provide field-specific expertise. TODHH should be involved in initial and ongoing evaluations to determine special education services and accommodations needed to access instruction and standardized testing. "Any professional evaluating ... deaf or hard of hearing students should be knowledgeable of the language, literacy and communication characteristics unique to this population of students" (NASDSE, 2006, p.79). Because many parts of the IEP are related to communication, TODHH can best ensure that the child's language, communication, and

educational needs are addressed thoroughly. Therefore, TODHH must have a fundamental role in developing IEP or IFSP goals specific to the needs of students who are DHH, in both academic and nonacademic areas (e.g., social–emotional skills, self-advocacy, transition, functional listening, access to instruction). Finally, the specialized training-required for TODHH to become licensed or certified makes them the DCDD-recommended resource for direct service provision to students, as supported by Marschark and Hauser’s observation that “Teachers of the deaf have a wealth of knowledge about how deaf and hard-of-hearing children learn and how to teach them” (2011, p. 127).

## Summary

Credentialed TODHH are critical to:

- Providing appropriate evaluation
- Effective educational programming and planning
- Providing student-centered instruction in academic, linguistic, and social-emotional content
- Meeting the requirements of IDEA and ADA
- Securing positive outcomes for students and schools
- Providing specialized instruction and support to meet the specific language, communication, academic and social needs of students who are DHH

DCDD recommends that all Local Education Agencies ensure the services of credentialed TODHH, in order to appropriately meet the needs of students who are DHH, as required by IDEA and ADA.

**Approved by the Board of Directors of DCDD on May 22, 2017**

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