

DEAF OR HARD OF HEARING

Authorities: 34 CFR Part 300; Texas Education Code; Texas Government Code; 19 TAC Chapter 89

[Additional Resources](#)

DOCUMENT/ PRACTICE	FEDERAL AND STATE REQUIREMENTS	CITATIONS
D	The child must be assessed in all areas of suspected disability.	300.304(c)(4)
P	The local education <u>education</u> agency (LEA) must comply with the EVALUATION PROCEDURES framework.	
P	In Texas, the group of qualified professionals that determines whether the child is a child with a disability and the educational needs of the child is the child's ADMISSION, REVIEW, AND DISMISSAL COMMITTEE .	89.1040(b) 89.1050(a)(5)
P	For the child from birth through two years of age who is deaf or hard of hearing, an individualized family service plan meeting must be held in place of an admission, review, and dismissal committee meeting and the LEA must comply with the AGES 0-5 framework.	89.1050(b)
P	The terms <i>auditory impairment</i> , <i>hearing impairment</i> , and <i>deaf or hard of hearing</i> are all referred to in Texas law and have the same meaning while federal law generally uses the terms <i>deafness</i> and <i>hearing impairment</i> .	300.8(c)(3) 300.8(c)(5) 89.1040(c)(3) TGC 392.002(b-1)
	EVALUATION PROCEDURES	
P	The procedures and materials used for the assessment and placement of the child who is deaf or hard of hearing must be in the child's preferred mode of communication.	TEC 29.310(c)
D	The evaluation data reviewed by the group of qualified professionals in connection with determination of the child's disability based on an auditory impairment <u>being deaf or hard of hearing</u> must include:	89.1040(c)(3)
D	<ul style="list-style-type: none"> An otological examination performed by an otolaryngologist, or by a licensed medical doctor with documentation that an otolaryngologist is not reasonably available; 	89.1040(c)(3)

DOCUMENT/ PRACTICE	FEDERAL AND STATE REQUIREMENTS	CITATIONS
D	<ul style="list-style-type: none"> An audiological evaluation performed by a licensed audiologist; 	89.1040(c)(3)
D	<ul style="list-style-type: none"> A description of the implications of the hearing loss in a variety of circumstances with or without recommended amplification; and 	89.1040(c)(3)
D	<ul style="list-style-type: none"> An assessment of the child's potential for communications through a variety of means, including: <ul style="list-style-type: none"> Oral (spoken) and aural (hearing) means; Fingerspelling; or Sign language. 	TEC 30.083(a)(6)
D	<ul style="list-style-type: none"> Oral (spoken) and aural (hearing) means; 	TEC 30.083(a)(6)
D	<ul style="list-style-type: none"> Fingerspelling; or 	TEC 30.083(a)(6)
D	<ul style="list-style-type: none"> Sign language. 	TEC 30.083(a)(6)
ELIGIBILITY CRITERIA		
D	A child who is deaf or hard of hearing is one who has been determined to meet the criteria for deafness or for hearing impairment.	89.1040(c)(3) 300.8(c)(3) 300.8(c)(5) TGC 392.002(b-1)
D	<i>Deafness</i> means a hearing impairment that is so severe that the child is impaired with processing linguistic information through hearing, with or without amplification, that adversely affects the child's educational performance.	300.8(c)(3)
D	<i>Hearing impairment</i> means an impairment in hearing, whether permanent or fluctuating, that adversely affects the child's educational performance but that is not included under the definition of deafness.	300.8(c)(5)