

# Aspects of Eligibility for Children who are Deaf or Hard of Hearing under IDEA Part B Section 619 Preschool: A Survey Report

National Center for Hearing Assessment and Management

Two primary programs under the Individuals with Disabilities Education Act (2004) drive services for young children who are deaf or hard of hearing (D/HH):

- Part C, The Program for Infants and Toddlers with Disabilities is a federal grant program that assists states in operating a comprehensive statewide program of early intervention services for infants and toddlers with disabilities, ages birth through age 2 years, and their families.
- Part B, specifically Section 619, is a federal law that requires public schools to serve children ages 3 to 5 years if they meet the state-determined definition of a child with a disability.
- Federal guidelines provide states with general criteria/guidelines for establishing eligibility for Part B Section 619 under the federal categories of Deafness 300.8(c)(3) and/or Hearing Impairment 300.8(c)(5). These general definitions, which do not specify hearing level, further require demonstration of an adverse effect on educational performance. This gives states wide variability in establishing the guidelines for their individual state.

Federal law specifies differing criteria and regulations for Part C and Part B Section 619 eligibility. These differences are often compounded by individual state regulations and definitions of disability. Children who are D/HH, who have been served under a state's Part C program, may or may not qualify for their State's Part B Section 619 services. Additionally, the implementation of these programs within a state often occurs within different departments. As a result, families of children who are D/HH and EHDI system partners may be confused about whether a particular child qualifies for Part B Section 619 services.

## Part B Section 619 Eligibility Guidelines Survey

- Purpose: to obtain information on states' guidelines for determining eligibility for IDEA Part B Section 619 programs for children who are deaf or hard of hearing.
- Respondents: The survey was sent to all state and territory IDEA Part B Section 619 coordinators as well as the Department of Defense and the Bureau of Indian Education. Respondents included 32 states and 2 territories. There was only one respondent per state. Percentages reported here are based on the total of all respondents unless otherwise indicated.
- The survey consisted of 18 questions pertaining to the way in which the state determines eligibility for children who are D/HH for the state's IDEA Part B Section 619 programs. A qualitative analysis of the survey data showed wide variability in the ways in which states define hearing loss and determine eligibility for preschool programs for children who are deaf or hard of hearing. The most consistent state responses are summarized below in relation to the survey topics.



## Documentation of Hearing Loss

- 94% of the states reporting indicate that they do not require a bilateral hearing loss for Part B eligibility.
- Many states (62%) do have a defined level of hearing loss. Of states reporting a defined level of hearing loss, the level, based on a three-frequency pure tone average, ranged from 20 – 35 with 25dB being the average.
- States with the most comprehensive and/or detailed guidelines included definitions related to additional types of hearing loss including high frequency, unilateral, transient, and/or adjacent frequency losses.

## Developmental Delay

- 94% of the states reporting indicate that they have developmental delay as a Part B eligibility category for children three – five years.
- The majority of these states (74%) do not use the same developmental delay definition as used in their Part C program.

## Required and/or Recommended Assessments

- 76% required an audiological assessment.
- 50% of states required a review of the Part C evaluation and assessment.
- In the survey, questions pertaining to language/speech assessments were listed by category i.e., norm referenced, general language, pragmatic assessment, vocabulary, etc. For the required assessment question, approximately 25% of respondents checked at least one of the categories.
- In response to the question pertaining to any additionally recommended (non-required) assessments, 70% (23) of states reporting indicated that there are no other state-recommended assessments.

## Assessment of language when native language is American Sign Language (ASL) or another native sign language

- The majority of responding states indicated that they did not have written assessment guidelines that addressed ASL or any native sign language (64%).
- Even when states responded in the affirmative, written comments on guidelines often addressed the more general communication needs and/or bill of rights for children who are D/HH rather than offering specific guidelines pertaining to assessment.
- Only three state responses specifically addressed an overview of what or how ASL/manual communication was to be assessed.

## Assessment of language using different language modalities

- 75% of states indicated that they did not have written guidelines addressing language assessment using different language modalities, including spoken language, sign-supported speech using a manually coded sign system, or cued speech.



## Data Used for the Eligibility Determination Process

- 88% reported that hearing level was the most frequently reported eligibility determiner.
- IEP team member input was the next highest factor (79%).
- Reports from Part C (73%) and norm referenced assessment scores (67%) were also checked frequently.
- All states checked multiple determiners with the majority of states (19) checking four to five.

## Process for Determining Adverse Effect of Hearing Loss

- 78% of states indicated that the determination of adverse effect of hearing loss decision was made at the local level.
- 59% of the decisions were made at the individual IEP team level.
- 19% of states reported using local education agency-determined criteria.

## Conclusions and Recommendations

This survey, based on 34 responses from states and territories, indicates that most states have commonly established written guidelines for the way in which hearing level is defined for eligibility purposes. However, far fewer states have guidelines for the determination of adverse effect(s) on educational performance due to a child's hearing loss. In fact, this decision is typically made at the local level.

Based on these findings, it is important that families, early intervention providers, and EHDI partners are aware of their state's Part B Section 619 eligibility standards. This awareness will ensure that relevant existing audiological and early intervention information is provided to the Part B eligibility team.

To learn about Part C and Part B eligibility guidelines in a specific state, go to resources provided by the Early Childhood Technical Assistance (ECTA) Center:

[http://ectacenter.org/~pdfs/topics/earlyid/partc\\_elig\\_table.pdf](http://ectacenter.org/~pdfs/topics/earlyid/partc_elig_table.pdf)

<http://ectacenter.org/sec619/sec619data.asp>

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