



Dr. David Geeslin
President
Superintendent/CEO
Indiana School for the Deaf
1200 East 42nd Street
Indianapolis, IN 46205
Voice/Relay: 317-550-4807
VP: 317-550-1983
Email: DGeeslin@isd.k12.in.us

Barbara Raimondo, Esq.
Executive Director
P.O. Box 116
Washington Grove, MD 20880
Voice: 202-999-2204
VP: 202-866-6248
Email: ceasd@ceasd.org
www.ceasd.org

June 14, 2019

Director of the Information Collection Clearance Division
U.S. Department of Education
550 12th Street SW
PCP, Room 9089
Washington, DC 20202-0023

Submitted through www.regulations.gov

Dear Sir or Madam:

Re: Docket ED-2019-ICCD-0050

The Conference of Educational Administrators of Schools and Programs for the Deaf (CEASD) hereby submits comments on this new information collection.¹ CEASD submits recommendations to help the Department “enhance the quality, utility, and clarity of the information to be collected.”²

At the outset CEASD notes that while the data collected will provide information on how IDEA services are provided generally, the surveys are too broad to capture how IDEA is being implemented for students with low-incidence disabilities, such as students who are deaf or hard of hearing. The Department should take steps to ensure that it is conducting data collections in an equitable way so that the experiences of *all* IDEA-served students and their families are being considered when looking at implementation.

CEASD specifically recommends the following.

IDEA Part C State Survey (Appendix A.2)

1. Recommendation: B2: After “a. Adverse childhood experiences (ACES)” insert “b. Deaf/hard of hearing, based on Early Hearing Detection and Intervention (EHDI)”, and re-letter current b. and subsequent listings.

Rationale: The comprehensive child find system mandated by 34 C.F.R. 303.302(c)(ii)(J) requires Part C systems to coordinate with EHDI systems. Today all states and territories participate in EHDI, and more than 6000 babies per year are identified as deaf or hard of

¹ 84 Fed. Reg. 15204-15205 (April 15, 2019).

² *Ibid.*

hearing.³ (Another 12,000 are lost to follow-up.⁴) It is important to ensure that they and their families receive appropriate early intervention services from qualified providers. “After all, early identification is of little importance if it is not combined with quality services that can realize for children and families the potential advantage of significantly earlier diagnosis than had previously been the case.”⁵

2. Recommendation: B7: After “g. Early Head Start” insert “h. Early Hearing Detection and Intervention (EHDI) systems”, and re-letter current h. and subsequent listings.

Rationale: Coordination between EHDI and Part C is critical and mandated by law (see Recommendation 1 above.) Without receiving appropriate early intervention from qualified providers, deaf and hard of hearing infants and toddlers will experience language deprivation and will not achieve significant language, social and academic milestones. It is important to assess the role of EHDI in early intervention service provision.

3. Recommendation: D3: Amend with italicized language:

Examples of emerging health concerns include any of the following conditions and experiences: adverse childhood experiences (ACES), *identification through Early Hearing Detection and Intervention systems as being deaf or hard of hearing*, fetal alcohol spectrum disorders, lead or other heavy metal poisoning, neonatal abstinence syndrome, perinatal substance use, toxic stress due to violence, toxic stress due to poverty, and Zika virus.

Rationale: See the Rationale in 1. and 2. above.

4. Recommendation: K1: In “Special educators with experience/certification for infants and toddlers with low incidence disabilities” disaggregate the various low incidence disabilities to get a better understanding of where the shortages are. It should read:

“Special educators with experience/certification for infants and toddlers with low incidence disabilities

“Special educators with experience/certification for infants and toddlers who are deaf or hard of hearing

“Special educators with experience/certification for infants and toddlers who are blind or visually impaired

“Special educators with experience/certification for infants and toddlers who are deafblind”.

Rationale: It is critical to ensure that infants and toddlers in these categories and their families have access to educators who are specially trained in the field of the child’s disability. A deaf child and her family must receive services from a professional who is trained to address the

³ Centers for Disease Control and Prevention. (2016). 2016 Hearing Screening Summary. <https://www.cdc.gov/ncbddd/hearingloss/2016-data/01-data-summary.html>

⁴ *Ibid.*

⁵ Young, A. & Tattersall, H. Universal Newborn Hearing Screening and Early Identification of Deafness: Parents’ Responses to Knowing Early and Their Expectations of Child Communication Development. *The Journal of Deaf Studies and Deaf Education*, Volume 12, Issue 2, Spring 2007, Pages 209-220, <https://doi.org/10.1093/deafed/enl033>

needs of deaf children. States need to be specific about their needs for personnel to serve these populations.

IDEA Part B 619 State Survey (Appendix A.3)

5. Recommendation: H9: Amend with italicized language as follows:

Low incidence disabilities occur less frequently than other disabilities, and students with low incidence disabilities require highly specialized services, equipment and materials. Students with low incidence disabilities include *students who are deaf or hard of hearing, blind or visually impaired, or deafblind, and* students with significant cognitive and behavioral disabilities.

Rationale: IDEA’s definition of “low incidence disabilities” is:

“(A) a visual or hearing impairment, or simultaneous visual and hearing impairments;
“(B) a significant cognitive impairment; or
“(C) any impairment for which a small number of personnel with highly specialized skills and knowledge are needed in order for children with that impairment to receive early intervention services or a free appropriate public education.”⁶

The definition used in this draft survey is vague and uncertain. The survey will not solicit valid answers through vague and uncertain definitions.

6. Recommendation: N3: Recommend the following, with the strikethrough.

“Supporting ~~alternative~~ programming for children with disabilities enrolled in State-operated or State-supported schools”

Rationale: Students are placed in these schools based on their Individualized Education Programs. These schools offer the programming that is appropriate for the child. IDEA does not use the term “alternative” when referring to State-operated or State-supported schools. It refers to “. . . services for children with disabilities in correctional facilities, children enrolled in State-operated or State-supported schools, and children with disabilities in charter schools.”⁷ The use of the term “alternative” adds a negative component, one that that does not exist in the law.

7. Recommendation: N4: “o. Supporting ~~alternative~~ programming for children with disabilities enrolled in State-operated or State-supported schools”

Rationale: Rationale: Students are placed in these schools based on their Individualized Education Programs. These schools offer the programming that is appropriate for the child. IDEA does not use the term “alternative” when referring to State-operated or State-supported schools. It refers to “. . . services for children with disabilities in correctional facilities, children enrolled in State-operated or State-supported schools, and children with disabilities in charter schools.”⁸ The use of the term “alternative” adds a negative component, one that does not exist in the law.

⁶ IDEA Sec. 662(c)(3)

⁷ IDEA Sec. 611(e)(2)(c)(ix)

⁸ IDEA Sec. 611(e)(2)(c)(ix)

IDEA Part B 611 State Survey (Appendix A.4.)

8. Recommendation: H3: Amend with the following italicized language:

Low incidence disabilities occur less frequently than other disabilities, and students with low incidence disabilities require highly specialized services, equipment and materials. Students with low incidence disabilities include *students who are deaf or hard of hearing, blind or visually impaired, or deafblind, and* students with significant cognitive and behavioral disabilities.

Rationale: IDEA's definition of "low incidence disabilities" is:

"(A) a visual or hearing impairment, or simultaneous visual and hearing impairments;

"(B) a significant cognitive impairment; or

"(C) any impairment for which a small number of personnel with highly specialized skills and knowledge are needed in order for children with that impairment to receive early intervention services or a free appropriate public education."⁹

The definition used in this draft survey is vague and uncertain. The survey will not solicit valid answers through vague and uncertain definitions.

9. Recommendation: N3: Recommend the following, with the strikethrough.

"Supporting ~~alternative~~ programming for children with disabilities enrolled in State-operated or State-supported schools"

Rationale: Students are placed in these schools based on their Individualized Education Programs. These schools offer the programming that is appropriate for the child. IDEA does not use the term "alternative" when referring to State-operated or State-supported schools. It refers to ". . . services for children with disabilities in correctional facilities, children enrolled in State-operated or State-supported schools, and children with disabilities in charter schools."¹⁰ The use of the term "alternative" adds a negative component, one that does not exist in the law.

10. Recommendation: N4: Recommend the following, with the strikethrough.

"o. Supporting ~~alternative~~ programming for children with disabilities enrolled in State-operated or State-supported schools"

Rationale: Students are placed in these schools based on their Individualized Education Programs. These schools offer the programming that is appropriate for the child. IDEA does not use the term "alternative" when referring to State-operated or State-supported schools. It refers to ". . . services for children with disabilities in correctional facilities, children enrolled in State-operated or State-supported schools, and children with disabilities in charter schools."¹¹ The use of the term "alternative" adds a negative component, one that does not exist in the law.

⁹ IDEA Sec. 662(c)(3)

¹⁰ IDEA Sec. 611(e)(2)(c)(ix))

¹¹ IDEA Sec. 611(e)(2)(c)(ix))

IDEA Part B 619 District Survey (Appendix A.5)

11. Recommendation: K2: Add “Certification in a sensory disability”.

Rationale: It is critical to ensure that children age 3-5 with a sensory disability have access to educators who are specially trained in the field of the child’s disability. A deaf child and her family must receive services from a professional who is trained to address the needs of deaf children. States need to be specific about their needs for personnel to serve these populations.

IDEA Part B 611 District Survey (Appendix A.6)

12. Recommendation: D8: Insert “g. Using the ‘special factors’ provisions of IDEA pertaining to behavior, limited English proficiency, Braille instruction, language and communication, and assistive technology”,¹² re-letter current g. and subsequent sections.

Rationale: The study is right to determine whether parents are learning about the topics in this section. This section includes a “special factor,” behavioral interventions. Special factors other than behavioral interventions are included in IDEA, and districts should state whether they provide materials, workshops, groups, etc. on these other special factors as well. IDEA gives equal weight to each of these special factors, and so should this survey. All are significant. The addition of these factors to this question should not result in additional burdens on the respondent, yet it is important to know whether districts are providing information on these topics so that parents may better support their child.

13. Recommendation: H7a. Amend as follows:

i. Provision of special education supports within ~~more restrictive~~ *specialized* settings (e.g., separate classes, separate schools, or other locations)

Rationale: The term “more restrictive” is negative. Further, the term does not appear in IDEA, and should not be used here. Students are placed in specialized settings so that their unique needs can be met, as required by IDEA. Every placement on the continuum has value for some students. The Department and its tools, such as this survey, should promote appropriate settings for all students, as the law requires.

¹²(B) CONSIDERATION OF SPECIAL FACTORS.—The IEP Team shall

(i) in the case of a child whose behavior impedes the child’s learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior;

(ii) in the case of a child with limited English proficiency, consider the language needs of the child as such needs relate to the child’s IEP;

(iii) in the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child’s reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child’s future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;

(iv) consider the communication needs of the child, and in the case of a 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; and

(v) consider whether the child needs assistive technology devices and services. (IDEA Section 614(d)(3))

14. Recommendation: H7b. Amend as follows:

- i. Provision of special education supports in ~~more restrictive~~ *specialized* settings (e.g., separate classes, separate schools, or other locations)

Rationale: The term “more restrictive” is negative. Further, the term does not appear in IDEA, and should not be used here. Students are placed in specialized settings so that their unique needs can be met, as required by IDEA. Every placement on the continuum has value for some students. The Department and its tools, such as this survey, should promote appropriate settings for all students, as the law requires.

15. Recommendation: H7c. Amend as follows:

- i. Provision of special education supports in ~~more restrictive~~ *specialized* settings (e.g., separate classes, separate schools, or other locations)

Rationale: The term “more restrictive” is negative. Further, the term does not appear in IDEA, and should not be used here. Students are placed in specialized settings so that their unique needs can be met, as required by IDEA. Every placement on the continuum has value for some students. The Department and its tools, such as this survey, should promote appropriate settings for all students, as the law requires.

16. Recommendation: H8: Amend as follows:

- i. Placements in ~~more restrictive~~ *specialized* settings (e.g., separate classes, separate schools, or other locations)

Rationale: The term “more restrictive” is negative. Further, the term does not appear in IDEA, and should not be used here. Students are placed in specialized settings so that their unique needs can be met, as required by IDEA. Every placement on the continuum has value for some students. The Department and its tools, such as this survey, should promote appropriate settings for all students, as the law requires.

IDEA Part B School Survey (Appendix A.7)

17. Recommendation: D4: Amend as follows:

Low incidence disabilities occur less frequently than other disabilities, and school-age children with low incidence disabilities require highly specialized services, equipment and materials. Students with low incidence disabilities include *students who are deaf or hard of hearing, blind or visually impaired, or deafblind*, and students with significant cognitive and behavioral disabilities.

Rationale: IDEA’s definition of “low incidence disabilities” is:

- “(A) a visual or hearing impairment, or simultaneous visual and hearing impairments;
- “(B) a significant cognitive impairment; or
- “(C) any impairment for which a small number of personnel with highly specialized skills and

knowledge are needed in order for children with that impairment to receive early intervention services or a free appropriate public education.”¹³

18. Recommendation: E11: Add “Teacher from a specialty area, such as a teacher of the deaf.”

Rationale: It is critical to ensure that deaf and hard of hearing students have access to educators who are specially trained in deafness. States need to be specific about their needs for personnel to serve this population.

17. Recommendation: E13: Delete this question or ensure that an appropriate number of representatives of specialized settings are surveyed.

Rationale: The responder from the school being surveyed likely does not know the credentials of professionals teaching the core subject areas in another school.

18. Recommendation: E14: This question needs to be clarified. Is it asking whether the curriculum itself is adapted, or whether the delivery of the curriculum is adapted? For students receiving special education, the delivery of the curriculum *should* be adapted – that is what specially designed instruction is. However, the question currently is unclear.

19. Recommendation: H2: Amend as follows:

Early childhood special educators with experience/certification for students with low incidence disabilities, *e.g., those with sensory disabilities*

Rationale: It is critical to ensure that children age 3-5 with a sensory disability have access to educators who are specially trained in the field of the child’s disability. A deaf child and her family must receive services from a professional who is trained to address the needs of deaf children. States need to be specific about their needs for personnel to serve these populations.

20. Recommendation: H.4. Thank you for including “Sensory impairments (hearing/vision) “

Rationale: It is critical to ensure that students with a sensory disability have access to educators who are specially trained in the field of the child’s disability. A deaf child and her family must receive services from a professional who is trained to address the needs of deaf children. States need to be specific about their needs for personnel to serve these populations.

Thank you for the opportunity to comment.

Respectfully submitted,



Barbara Raimondo

¹³ IDEA Sec. 662(c)(3)