

ACCOUNTABILITY MATTERS!

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INTRODUCTION

Let's talk about
accountability.

Standards Quality
Rules Ethics
Independent
Regulations
Verification
Compliance
Consistency Objective
Efficiency
Auditing
Requirements



PEREZ V STURGIS

A Wake-Up Call

Johnson, D.C. (Sept 1, 2023). Perez v. Sturgis: A Wake Up Call on Complying with IDEA. *ASHA Leader* Sept/Oct 2023, pp14-16.

BACKGROUND- MIGUEL PEREZ

- 9 yr old deaf student from Mexico
- Assigned an aide who did not know ASL; aide self-taught sign via a book and used invented sign with student to facilitate communication
- Other services are unknown
- Miguel received As & Bs throughout school
- At graduation, parents told Miguel would get a certificate of completion rather than diploma
- Parents filed complaint with state for denial of FAPE under IDEA
 - Provision of interpreters insufficient
 - Miguel's true educational performance was not provided to parents
- Settlement: Sturgis Schools provided post-secondary compensatory services at Michigan School for the Deaf, sign language instruction
- Parents filed OCR complaint under ADA for loss of earnings due to lack of services that denied him access to instruction

Mr. Perez's lawyer summed up the situation by saying that for twelve years the Sturgis Public Schools...

NEGLECTED MIGUEL, DENIED HIM AN EDUCATION, AND LIED TO HIS PARENTS ABOUT THE PROGRESS HE WAS ALLEGEDLY MAKING IN SCHOOL...THIS SHAMEFUL CONDUCT PERMANENTLY STUNTED MIGUEL'S ABILITY TO COMMUNICATE WITH THE OUTSIDE WORLD.

LEGAL QUESTION/STATUS

Do parents have to exhaust all administrative efforts to resolve the problem under IDEA before filing a complaint under ADA?

Circuit Court ruled “yes”; case then heard by Supreme Court in January 2023

Supreme Court issued its ruling on March 31, 2023, saying “no” because the “relief Perez was seeking is not something IDEA can provide”

Case remanded back to the Circuit Court

EDUCATIONAL QUESTIONS

- Who was on his educational team?
- Was there a Teacher of the Deaf involved in his assessment, IEP development, and delivery of specially designed instruction?
- Why was a licensed/certified educational interpreter not involved?

Practice Standards

- Essential to have appropriately licensed providers in all areas of assessment and service delivery
- Typical team = TOD, educational audiologist, SLP, educational interpreter

EDUCATIONAL QUESTIONS

- How were IEP goals designed and progress reported?
- Who was monitoring his progress? What were his growth trajectories in language, reading, and math from year to year?
- Did he have access to DHH peers?
- Did he participate in state assessments?
- Was the School for the Deaf considered as a placement option?
- Were his parents provided a Spanish interpreter for IEP meetings?
- Were his parents offered services for parent counseling and training?

PRACTICES TO PREVENT A SIMILAR SITUATION

- 1. Follow basic standards of practice with appropriate considerations for students who are deaf or hard of hearing (NASDSE, 2018).**
 - Comprehensive evaluation by individuals with expertise relative to the student's situation
 - ELL students may require assessment in more than one language
 - Determine level of performance compared to age and grade level peers
 - Determine academic, developmental, and functional needs
 - Address IDEA "special factors" with discussion and impact for IEP goals
 - Educational team recommends placement, develops IEP goals and determines accommodations
 - provide an interpreter for parents so that they can participate
 - Accountability: Quarterly progress reports, annual reviews and triennial evaluations; participation in state assessments reported to parents and school
 - Modify services based on needs and progress towards goals

PRACTICES TO PREVENT A SIMILAR SITUATION

2. Assign traditional grades (i.e., A-B-C) only when they are based on actual grade level standards
3. Seek support - Utilize available guidance and resources for unusual or challenging situations
4. Keep parents informed
5. Offer parent counseling and training as a related service (34 C.F.R. § 300.34(c)(8)).

CHILDREN WITH LIMITED LANGUAGE PROFICIENCY

- Building language skills is a priority
- Direct instruction from a teacher of the deaf to modify curriculum while providing language instruction
- ASL specialist to teach ASL to student and parents
- A certified Deaf interpreter to facilitate language development and communication skills
- Language Emersion - placement at a School for the Deaf or other program with same age deaf peers



ACCOUNTABILITY CONSIDERATIONS

1. REVIEW YOUR PROGRAMS AND SERVICES

- Students with primary DHH disability receiving special education services should be about 1% of the total special education population
 - Comprehensive student assessment to determining eligibility and IEP services for eligible students (see NASDSE Guidelines, Chapt 4)
 - IEP eligibility – are all DHH students identified with HI/Deaf as primary disability?
- Services for DHH students include:
 - A continuum of school environment settings based on student needs
 - “Special Considerations” as part of the IEP development
 - Fully accessible educational program
 - Access to peers who are DHH
 - Specially designed instruction including areas within the expanded core curriculum. What services are provided? Who is providing SDI? Where is SDI provided? How many hrs/week is SDI provided?
 - Participation in district and state assessments
- Understand criteria and follow requirements for 504 Plans and services

IDEA ASSESSMENT

IDEA requires the school to fully evaluate children in all areas of suspected disability.

This means:

- using “a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information from the parent” (34 C.F.R. § 300.304(a)(1));
- using “technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors” (34 C.F.R. § 300.304(a)(3)); and
- administering the assessment “in the child’s native language or other mode of communication and in the form most likely to yield accurate information” (34 C.F.R. § 300.304(c)(ii)).

VT DHH STUDENT DATA*: # AND % SERVED UNDER IDEA

SOURCES: (IDEA 618, 2021); VT DHHDB EDUCATION SERVICES PROGRAM AND UVM CARES

Students Identified and Served via IEP**	VT- AOE/OSEP (2021-22)	VT DH- Programs (2022-23)
School-Age: 5-21 yrs	61 (.4%)	220 (1.5%)

* Based on primary disability

**Eligibility means the student requires specially designed instruction

<https://data.ed.gov/dataset/idea-section-618-data-products-state-level-data-files>

DHH STUDENT PLACEMENT (IDEA 618 DATA, 2021) N=61 (K-12)

Educational Environment	VT-AOE	National
80% or more in gen ed classroom	47 (79%)	64.5%
40-79% in gen ed classroom	10 (16.4%)	13.3%
< 40% in gen ed classroom	1 (1.6%)	10.2%
Separate School	3%	12%

<https://data.ed.gov/dataset/idea-section-618-data-products-state-level-data-files>

2. REVIEW YOUR STATEWIDE SERVICE OPTIONS FOR DHH STUDENTS

- UVMHC DHHDB Educational Services Program – Consultation, technical assistance, direct instruction, **audiology/hearing assistive technology services**, speech-language evaluations, **ASL Bilingual sign instruction**, summer services
- UVM CARES - **Consultation, technical assistance**, psychoeducational evaluations, bilingual counseling and mentoring, virtual peer group
- Local school district programs – no information available

VT DHH STUDENT SERVICES (2022-23)

Services	DHHDB Ed Services (78 students)	UVM CARES (321 students)	Total*
IEP	74	146	220
504	4	147	151
IEP Direct Instruction - TOD	28	1	29
Other IEP services	46		
1-4 hrs/yr		273 (IEP/504)	
4-10 hrs/yr		33 (IEP/504)	
>10 hrs/yr		15 (IEP/504)	
No services/no plan		49	

* There is an unknown additional number of students served by their local school districts

DHHDB EDUCATIONAL SERVICES PROGRAM

IEP Services:

- All students: Direct instruction and consultation from a TOD
- Educational Audiology
- SLP Services
- Sign instruction
- Communication Facilitation
- Summer services
- Combination of services for some students

3. REVIEW STUDENT OUTCOMES

GOAL: 1 year's growth in 1 year

Data Sources:

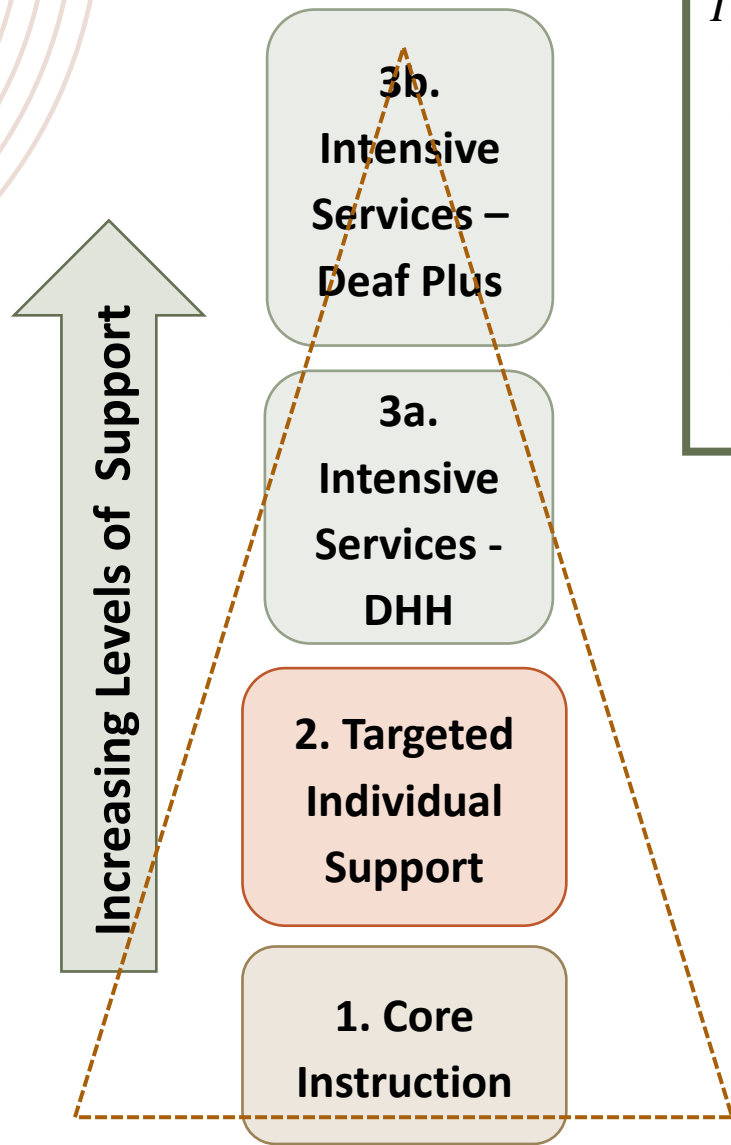
- NH Statewide Assessment System results – must be disaggregated by disability to be useful
 - Monitor trends over time
- Local district assessments
- IEP assessment, progress monitoring
- 504 Students

CARES PROGRAM ASSESSMENT RESULTS - 2022-23

- Academic Performance (N=146): 42-44% of students are 2 or more years behind; 21-22% are > 3 yrs behind
- Language Skills (N=212): 41% are 2 or more years delayed; 20% are >3 yrs delayed
- Only 1 student is receiving direct instruction
- Only 15 students are receiving > 10 hrs of consultation

Table 1

	Academic Performance			Language Skills	
	Reading	Writing	Math	Expressive	Receptive
At or above grade level	49	48	52	94	97
Within 1 year of grade level	35	34	32	32	29
2 years below grade level	8	10	9	21	22
3 years below grade level	22	22	21	22	21
> 3 years below grade level	30	32	30	43	43



DHH Tiered Model of Services

Tier 3. Intensive Individualized Services

- **Performance more than 2 years delayed**
- Individualized academic instruction required for foundation skills and scaffolding
- Access accommodations
- Expanded core curriculum
- Transition planning includes life-skills
- Services usually provided by TOD or in conjunction with a specialist in the student's disability

Tier 2. Targeted-Individualized Services

- **Performance within 1-2 years of grade level**
- Individualize instruction supports the general education curriculum (e.g., pre-post teaching & scaffolding)
- May include some expanded core curricula areas
- Special instruction and services, usually by TOD with push-in model
- Access accommodations

Tier 1. Sustaining Performance

- **Performing at or above grade level**
- Focus on access accommodations and supports
- IEP or 504
- Consultation/monitoring from TOD, educational audiologist, or SLP

ACCOUNTABILITY MODEL

Data is essential to make decisions about programming and services

Individual Student Evaluation-IEP Goals

Instruction & Accommodations

Progress Monitoring (qrtrly)

Instructional adjustments if needed

Annual Evaluation

General Student Assessments

District: Curriculum & Instruction

State: State Standards-Based

Is the input resulting in the desired outcomes?

4. REVIEW AVAILABILITY OF QUALIFIED PROFESSIONALS

Licensed in professional areas:

Teachers of the Deaf/HH

Educational Audiologists (OSEP: 5.11 FTE)

Educational Interpreters (OSEP: 9.7 FTE)

Speech-Language Pathologists

Challenges:

- Staff shortages
- Scope of practice creep

Resources:

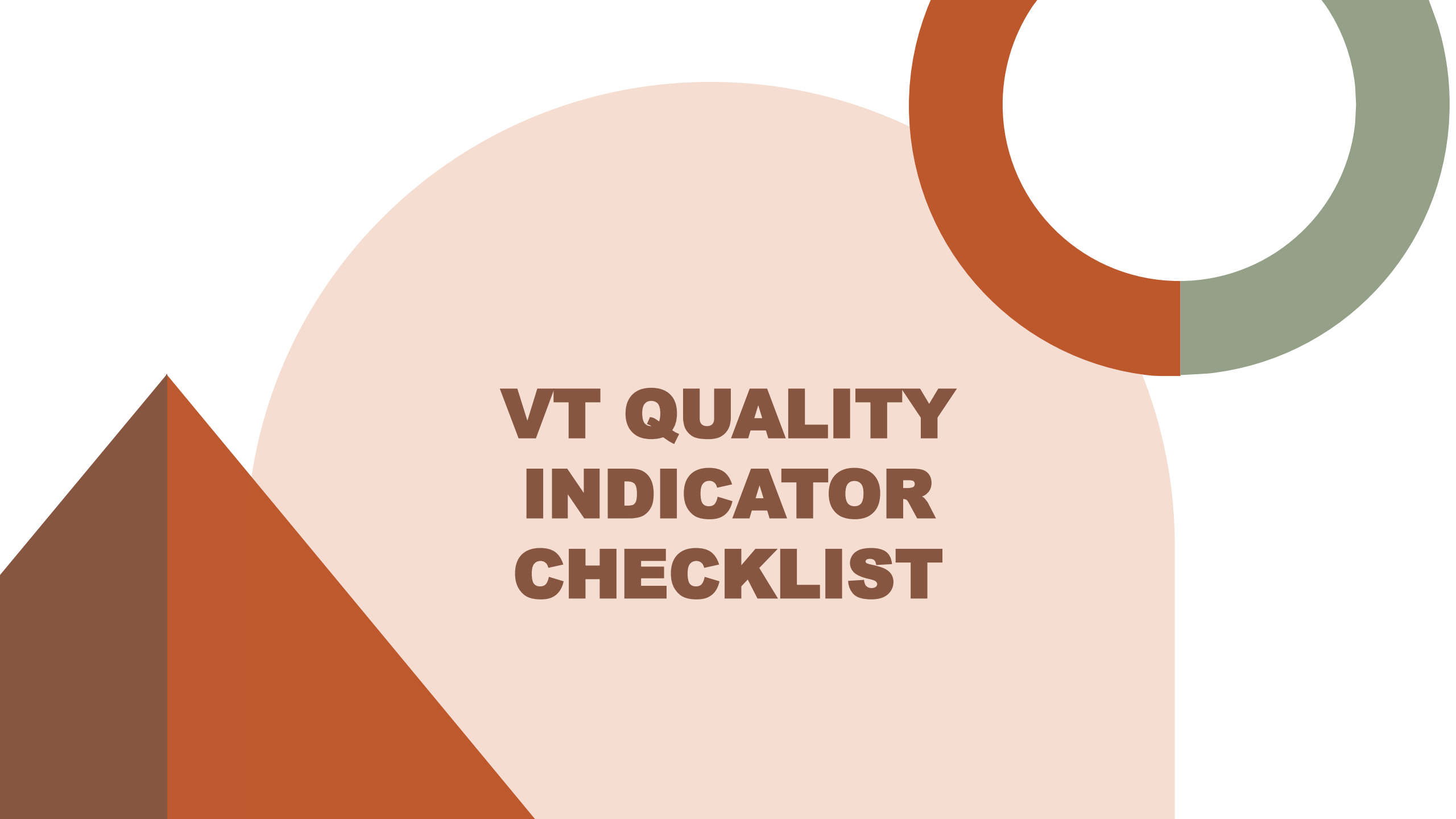
NASDSE Guidelines , Chap 8 contains a complete list of professionals that serve DHH students

VT Quality Indicator Tool provides definitions of various providers:

https://dail.vermont.gov/sites/dail/files/documents/Vermont%20Quality%20Indicator%20TOOL%20for%20D_DB_HH%20%2807%2016%202023%29.pdf

SUMMARY

- An accountability system is critical
 - Appropriate assessment, appropriate services by qualified personnel, full access via accommodations, progress monitoring, comparison to age-peers
- Data is essential to make decisions about programming and services
- Follow established standards of practice for DHH services
- Monitor student progress – trajectories are important
- Analyze programs and services for gaps – is our model providing the desired student outcomes
- Modify services to get the intended results
- Collaboration and team approach can maximize resources



VT QUALITY INDICATOR CHECKLIST



Deaf, Hard of Hearing, Deaf/Blind Advisory Council
School Age Subcommittee

Vermont Quality Indicator CHECKLIST to Assess Deaf, Hard of Hearing, Deaf/Blind Services

This CHECKLIST is a companion document to the Vermont Quality Indicator Tool for Deaf, Hard of Hearing, or Deaf/Blind (D/HH/DB) Services which establishes the level of service and support expected of programs/providers working with Vermont students who are D/HH/DB. These indicators are based in large part on the work of National Association of State Directors of Special Education (NASDSE) Guidelines (Optimizing Outcomes for Students Who are Deaf or Hard of Hearing 3rd ed., Sept 2018) in addition to stakeholder input as well as the NASDSE Guidelines for Deafblindness (2008) and conversations (email/Zoom) with national experts.

The scope and purpose of the Quality Indicators Tool and Checklist is to fulfill the legislative mandate under Vermont Statutes (33 V.S.A. § 1602) to assess the services, resources, and opportunities available to children in the State who are D/HH/DB. The Checklist and Tool ensure that Vermont children who are D/HH/DB receive high quality services.

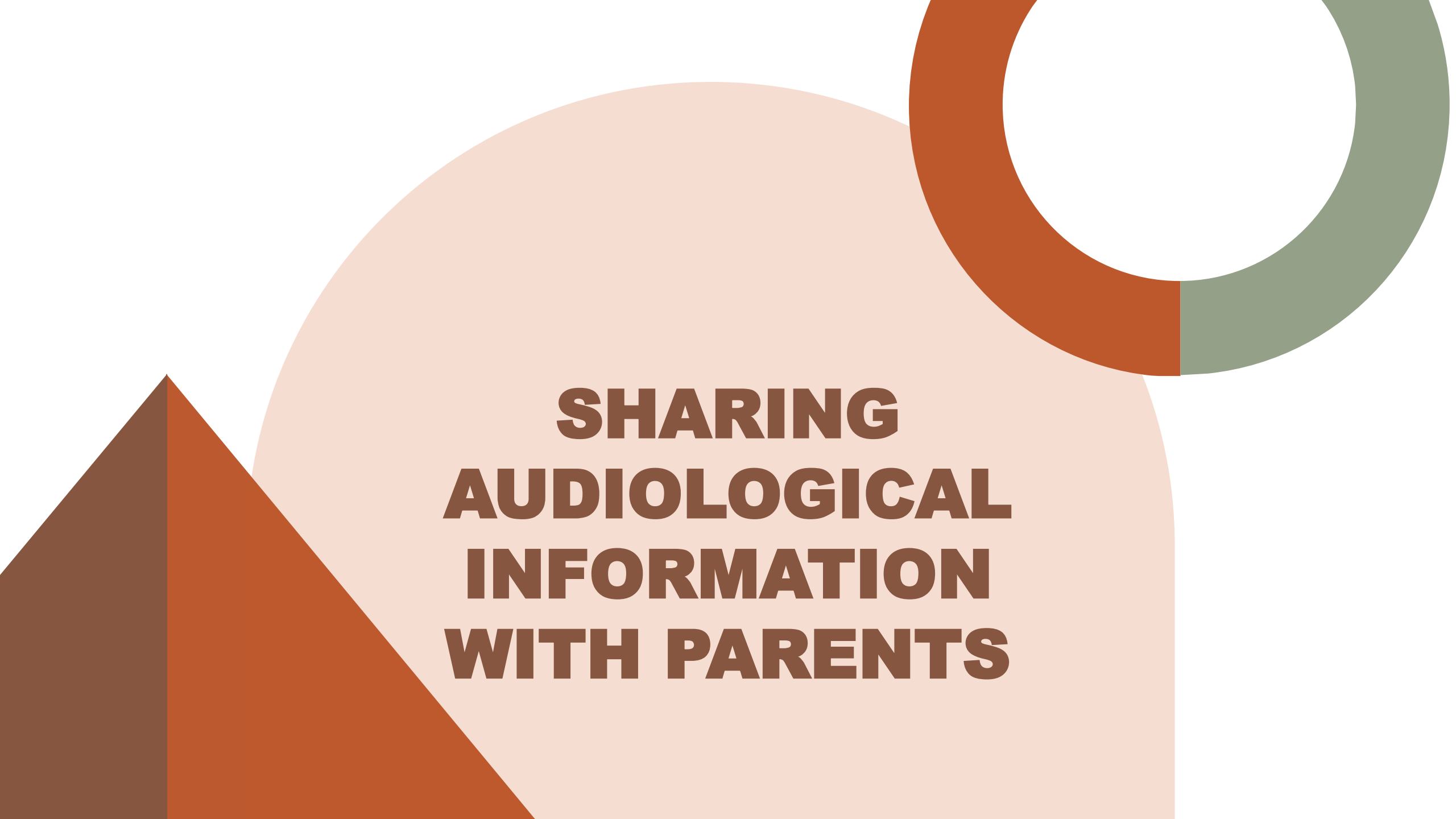
Essential Element/Vermont Statute Powers and Duties	Program, Provider or Family advocates for:	Documented Yes/No
1. Unique needs of student <u>is</u> considered (VSA C.1.8)	inclusion of qualified providers in the student's educational team meetings and their services that support the unique language, communication and needs of the student (i.e., VT state licensed Teacher of the Deaf/Hard of Hearing (TODHH), audiologist, SLP with expertise in working with DHHDB students or DB specialist)	
	A safety plan for the student has been determined.	
2. Expectations, Educational Programming, and Future Employment (VSA C.1.B)	All members of student's team receive professional development regarding the needs of the student (e.g., in-service to review the impact of hearing loss, accommodations, strategies, hearing assistive technology, sign language instruction, AAC)	
	Student opportunities for specialized instruction unique to deafness or hearing difference (Expanded Core Curriculum-Auditory and listening skill development, hearing assistive technology, self-determination and self-advocacy, deaf studies or transition skills)	
3. Families as Critical Partners (VSA C.1.C)	Parent(s)' involvement in all levels of planning and decision making for their child(ren) (including transition).	
	The necessary parent training and counseling services that are necessary to implement the child's plan.	

	Specialized activities or programs are shared with the family. (Meetings with other parents who have children who are DHHDB, social events specific to families of children who are DHHDB, transition trainings/workshops)	
4. Language and Communication needs are considered and accommodated in the student's learning environment (VSA C.1.A)	Comprehensive assessment of student's language at each transition to identify gaps.	
	Student opportunities for direct communication and/or instruction with peers and professional personnel	
	Assessment of classroom acoustics and the consideration of hearing assistive technology (HAT)	
	A continuum of placement opportunities to those students whose needs cannot be met in their local school district to ensure the Least Restrictive Environment (LRE)	
5. Student receives individualized specially designed instruction that incorporates evidence-based practices	Decisions that are guided by recent research and evidence-based practices.	
	A monitoring plan that ensures the student's hearing aids, cochlear implants and/or hearing assistive technology function properly (including validation procedures such as Functional Listening Evaluation) and HAT devices reflect recent technological advancements that enhance their functionality for students.	
6. Educational Progress, Accountability and Oversight (VSA C.1.F)	Educational plans that are based on student need rather than available services.	
	The student's disability category is documented as deaf, hard of hearing or deafblind on their educational plan	
7. Access to Peers and Adults who are DHHDB (VSA C.1.B)	Access for the student to peers and personnel with the same language and communication mode.	
8. Qualified Providers (VSA C.1.A)	Inclusion of DHHDB providers who are appropriately licensed/certified and trained, who meet minimal qualifications and who also receive ongoing professional development.	

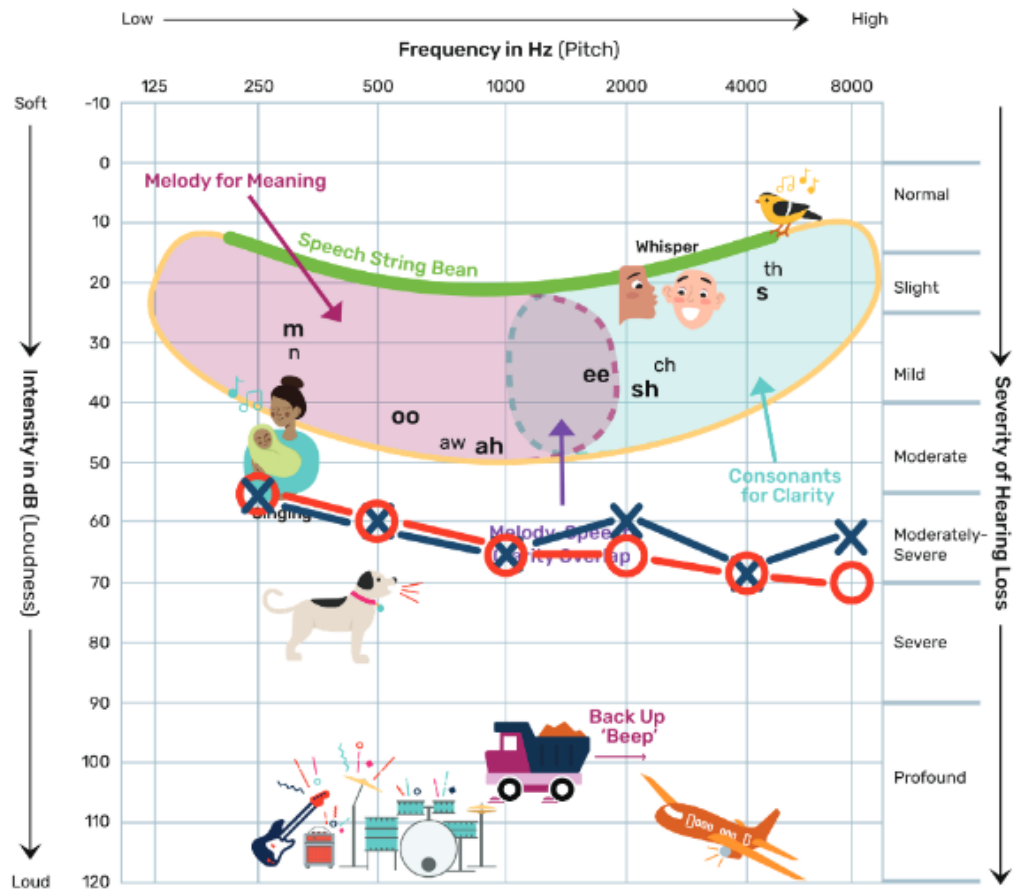
Comments:

NASDSE TRAINING LEARNINGS

- Enthusiasm for training
- Most requested follow-up topics:
 - S.E.T.T. Framework
 - Deeper dive into each chapter
 - IEP goals
 - How to implementing new strategies and/or NASDSE Guidelines in a school district
 - How to create effective LRE (language rich environment)
 - Service delivery tools
 - 504 versus IEP



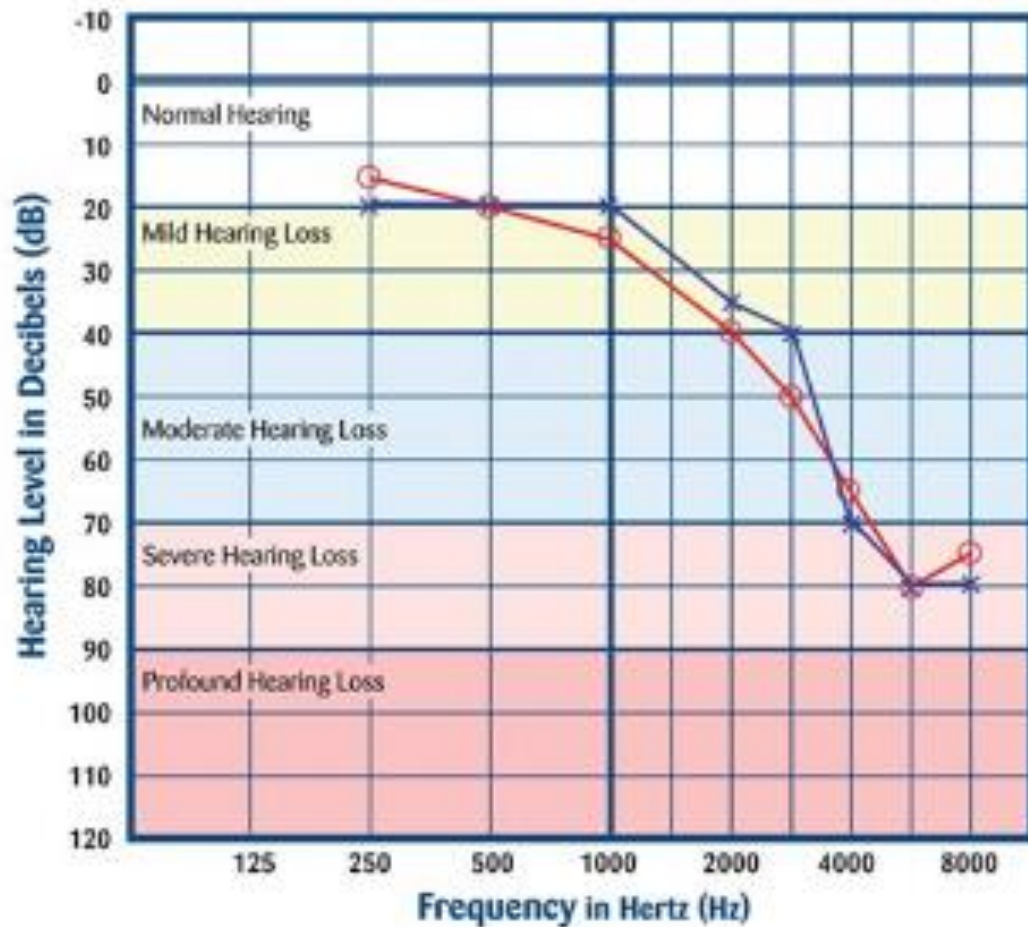
**SHARING
AUDIOLOGICAL
INFORMATION
WITH PARENTS**



Familiar Sounds Audiogram
<https://www.hearingfirst.org/hearing-evaluation-and-technology/evaluation-and-diagnosis>

AUDIOGRAM

Left Ear × Right Ear ○



DESCRIPTIONS OF HL SEVERITY DIFFERENTIALLY INFLUENCE PARENTAL CONCERN ABOUT THE IMPACT OF CHILDHOOD HL (SAPP ET AL, 2022)

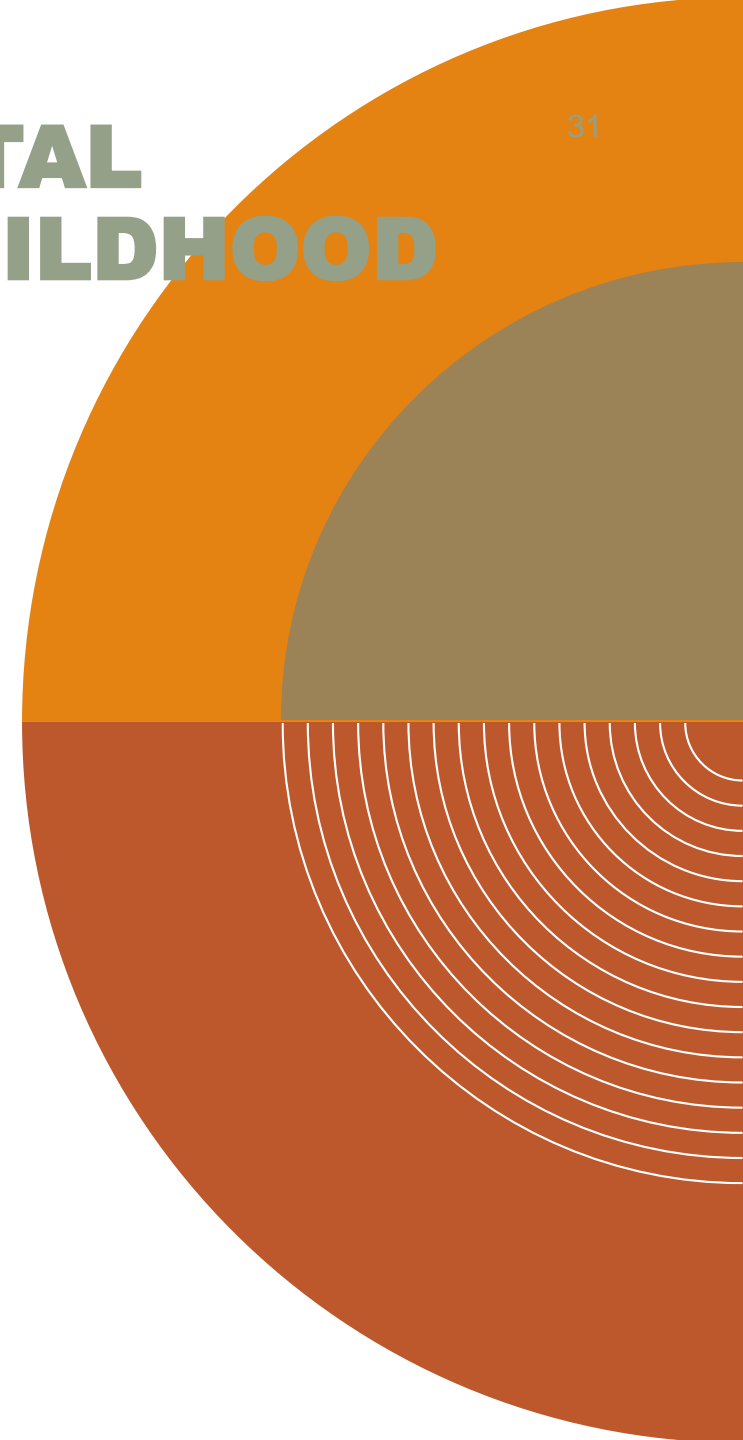
Compares Classification-based, Audibility-based & HL Simulation-based methods of describing the audiogram for slight, mild, and moderate hearing loss levels

Which description strategy results in the greatest level of parent concern?

- Simulation-based – most concern for all levels of HL, classification- least concern

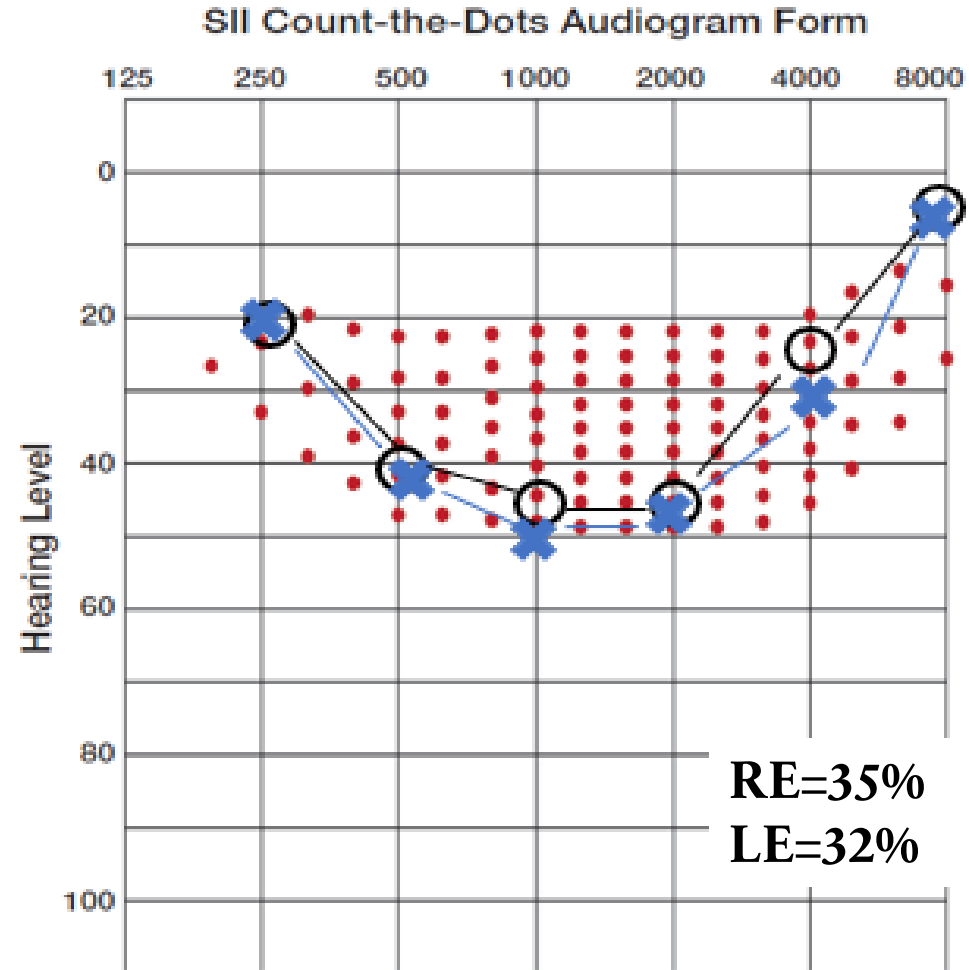
At mild hearing loss level, which description strategy produced the greatest perceived need for intervention?

- Classification-based skewed to less intense interventions (e.g., no intervention or preferential seating)
- Simulation and auditory-based skewed to more intense interventions (e.g., cochlear implants, ASL)



SPEECH INTELLIGIBILITY INDEX (SII)(SPEECHMAP DSL) COUNT THE DOT AUDIOGRAM (KILLION & MUELLER, 2010)

- These tools indicate/estimate the percentage of audible normal conversational speech available to each ear at 3 feet in quiet
- McCreery et al 2020, suggested that children with an SII equal to or less than 80% should be considered candidates for personal amplification



SUMMARY

Most everything we do as professionals has an element of accountability towards achieving the desired outcomes of deaf and hard of hearing students.

