

Detrimental Proposed Changes to the DHH Eligibility Rule

The Florida Academy of Audiology opposes the proposed changes to the DHH eligibility rule as it is currently written. The proposed rule change claims to broaden eligibility; however, it does the opposite. Specifically, the definitions for “deaf” and “hard of hearing” added to Section 1 and the lack of standardization for the assessments would reduce the number of students who would qualify for DHH services.

Regarding the definitions for “deaf” and “hard of hearing”:

- The “hard of hearing” definition is narrower than IDEA’s definition and would disproportionately affect and exclude children with later onset hearing loss, progressive hearing loss, and unilateral hearing loss. After a child has developed speech and language, they would no longer qualify even if their hearing loss is affecting their educational progress in other ways.
- The definition of “deaf” has been subtly changed to add the words “so severe” and to require that it impacts the processing of linguistic information “through hearing” with or without amplification. While this does reflect the definition in IDEA, it is narrower than the existing definition in Florida. This definition is outdated based on current knowledge of the impacts of hearing loss on the brain. Some have used this definition to argue that children with cochlear implants are no longer deaf. Florida does not need to return to an outdated and more restrictive definition relying only on receptive auditory impacts.
- Separating deaf and hard of hearing also serves as a vehicle to cut access to auditory-oral programs and funding.

If you plan to move forward with changing the rule, we highly recommend that the proposed definitions be eliminated and replaced with one definition for “deaf or hard of hearing”. Florida Statute 1002.391 already has these two terms defined together: *“Deaf or hard of hearing” means aided or unaided hearing loss that affects the processing of linguistic information and adversely affects performance in the educational environment.*” We would be in favor of using this definition to replace (a) and (b) in Section 1.

Regarding the lack of standardization for the assessments:

- A functional listening assessment is not an assessment of the environment rather it is an assessment of listening, more specifically it is an assessment to determine how listening in the educational environment is impacted by noise, distance, and visual input. Please consider changing the description listed to be more accurate.
- The functional listening assessment methodology is not specified and can range from something informal such as the evaluator asking, “can you hear me?” with their mouth covered and at a distance to something formal/standardized with set volumes/distance/stimuli/etc.. Not requiring this to be completed in a standardized way leaves the measure open to bias and missed needs.
- Data gathered from a functional listening assessment is valuable in determining accommodations that could potentially assist the student; however, using it to determine eligibility could unintentionally prevent a student who needs services from becoming eligible for those services since there is more than one way to do this assessment and the scores could vary day to day and classroom to classroom even using a standardized version of this assessment.
- The communication and language assessment also does not have a requirement that it be a comprehensive or standardized assessment. Broad assessments are known to

miss critical areas of development for children who are deaf and developing listening and spoken language.

The audiologists of Florida want every child who has a hearing loss to have an opportunity to receive any needed educational services and supports. The current proposal would limit the number of students who would be eligible to receive those needed services and supports. The proposed changes to the rule need to be rewritten to eliminate bias and more accurately reflect the complex needs of children with hearing loss.