

# Educational Audiology Handbook

FOURTH  
EDITION



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# Preface



## TRANSITIONS

This fourth edition culminates 23 years of advocating for educational audiology services since the first edition was published in 1997. As we continue to promote these services, Jane and I also recognize that we are no longer currently practicing as educational audiologists. Therefore, this edition begins a transition to include several exceptional chapter authors, ensuring that the *Handbook* continues to provide relevant contemporary content and resources.

Jane's retirement from her role as author/editor is another transition following this fourth edition. Her knowledge of educational audiology and her author and editorial abilities have been critical to the book's success and were treasured throughout the 23 years of our collaboration. The third transition is formalizing our relationship with the Educational Audiology Association (EAA). The *Educational Audiology Handbook* is foremost a resource by and for educational audiologists, and most of our chapter authors are EAA members. In this new collaboration, the *Handbook* will be used as a text for the certificate program in Educational Audiology under development by the EAA. All sales royalties will be directed to EAA to support the certificate program.

### A Reminder About the Unique Role of Educational Audiologists

Educational audiologists have a uniquely special position in the lives of children and youth who need and benefit from hearing-related support and services. Our involvement often begins in early childhood and includes families and caregivers. We follow children into the preschool years where there are many uncertainties and challenges related to assessment, eligibility, and access to appropriate language-rich developmental and educational services. Our guidance moves from family-focused support to teachers and other preschool staff to ensure their understanding of strategies for providing language enrichment, communication access, and the various accommodations and modifications that are necessary for children to continue meeting annual progress benchmarks. This work continues as children transition to kindergarten and extends through high school, culminating in graduation. Throughout these years, educational

audiologists provide assessments and services that promote identity, self-determination, self-advocacy, and access via accommodations including hearing and hearing assistive technology when prescribed. Our advocacy role continues on behalf of *all* children regardless of the language and communication methods they utilize. Our recommendations and support on behalf of these children may create challenges with administrators and other school personnel who may not be aware of nor fully understand that the learning potential of children with hearing-related needs can be severely impacted when full access to their educational program is not provided. Yet, we persevere through these obstacles because we believe in the children, and we believe in our abilities to support each child's potential to achieve their individual goals. As a result, we can relish their accomplishments and enjoy a moment of satisfaction knowing that we played a small role in their successes over the years.

### Ending Note From Jane

It has been an honor to work on this writing project through four editions and to have the opportunity to collaborate with a committed visionary like Cheryl—a professional who has a wealth of knowledge that she does not hesitate to share. I “fell into” my career as an educational audiologist 50 years ago, and the joys and challenges of supporting families and children with hearing needs has enriched my life more than anyone can know. My thanks to all the authors who contributed to this edition.

### Ending Note From Cheryl

I am most grateful that I had the opportunity to learn about life, courage, and resiliency from my sometimes deaf, sometimes hard of hearing daughter, Jennifer. Throughout our individual professional careers, we shared many conversations about supporting students, self-determination, and advocacy. In her position working with college students with disabilities, I witnessed her compassion and encouragement as she guided them through their challenges while pursuing their college educations. She was a bright spirit who saw potential and good in everyone and brought out their best with her presence. Although her life was cut short by cancer, she remains, and will always be, my inspiration and motivation. Cheers to you, Jennifer.

## “Not Enough”

This poem “Not Enough” is written by a deaf adult colleague reflecting on her school experience while growing up. It is an important reminder to honor the communication choices children make and their preferences for how they want to be identified.

Cheryl & Jane  
2024

*NOT ENOUGH...*

*Some will say I have to choose,*

*Because if I don't, I'm bound to lose.*

*“Choose to speak or choose to sign—*

*You can't do both, that's asinine!”*

*“Research says this way is best,*

*So be like us, don't trust the rest!”*

*“If you take that path, you're gonna fail,*

*Be like me and you'll do well!”*

*“Don't be like them, they're not enough,*

*The life they have, it's far too rough!”*

*“If you choose that, you won't fit in,*

*You're bound to lose, you cannot win!”*

*“I am the expert and I know it all;*

*If you question me you've got some gall!”*

*STOP!!!!*

*I'm sick to death of all your words,*

*Your petty war is for the birds!!*

*You don't know me, my tale, my life*

*My joys, my pain, my success, my strife!*

*How can you say what works for me*

*Discount my facts? Just let me be!*

*Your way . . . it works, for some—not all,*

*Still you force your choice, now who's got gall?!?*

*To speak AND sign, that is MY choice*

*My hands, my mouth are BOTH my voice!*

*Don't limit me with your short-sighted views—*

*I don't want to be labeled, in fact, I refuse.*

*I refuse the old adage of it's either/or*

*For I am quite worthy and deserve so much more!!*

—Anita Dowd, 2016



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# Legislative and Policy Essentials

Cheryl DeConde Johnson



## CONTENTS

- Legislation and Policies
  - Key Legislation
- Key Initiatives and Events in Deaf Education
  - Inclusion ■ The Deaf Child Bill of Rights ■ Early Hearing Detection and Intervention ■ The National Association of State Directors of Special Education ■ The Council for Exceptional Children, Division for Communication, Language, and Deaf/Hard of Hearing ■ Legislative Initiatives
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  - 1–D 2004 IDEA Key Regulations Handout (Online)



“What you do makes a difference,  
and you have to decide what kind  
of difference you want to make.”

—Jane Goodall



## KEY TERMS

Statutes, regulations, Individuals with Disabilities Education Act (IDEA), Section 504, Americans with Disabilities Act (ADA), effective communication under ADA, accommodations, modifications, equal access, special communication factors, least restrictive environment (LRE)

## KEY POINTS

- A growing number of students with reduced hearing and other auditory deficits are served via a 504 plan rather than the Individuals with Disabilities Education Act (IDEA).
- To staff school audiology services at the American Speech-Language-Hearing Association and Educational Audiology Association recommended level of one audiologist for every 10,000 students, a minimum of 3,000 more audiologists are needed in the schools.
- Major limitations of IDEA are that individual states have a great deal of latitude in their interpretation of the provisions and that the federal government lacks significant consequences in its accountability system.
- All students with reduced hearing or other auditory disorders must be represented on the Individualized Education Program team by a specialist in hearing/deafness. (“specialist” may be defined by each state’s plan but is usually a teacher of deaf and hard of hearing students, an audiologist, or sometimes a speech-language pathologist who can interpret test results and make appropriate recommendations.)
- While many students have more opportunity because of the increased accountability, additional legislation, and other education initiatives of the past decades, recent data from state language acquisition reports indicate that most children at age 3 years are behind their typically developing peers; therefore, there is still much work to do to ensure children are appropriately assessed and receive the services needed to achieve a free and appropriate public education.

Educational audiology represents one of the most challenging yet rewarding practice areas of our profession. The challenge is in reconciling the sheer numbers of children and their diverse needs with sufficient audiology full-time equivalent (FTE) positions, support, equipment, and resources to meet those needs. The reward is the opportunity to make a difference in children’s lives every day.

What are some of the issues facing audiologists in educational settings?

- A large in-school population—about 49,433,000 pre-K through 12th-grade children enrolled in public schools in the United States based on 2021 enrollment data

### **The first definition of educational audiology was proposed by Berg and Fletcher in 1976 as an outcome of the 1965 Babbidge Report:**

*Educational audiology seeks to isolate the parameters of hearing impairment, to identify the deficiencies rising from hearing disabilities, to relate these to the unique characteristics of individuals, and to develop educational programs specifically for hard-of-hearing children. (Berg, 1976, p. 30)*

reported by the National Center for Education Statistics (2023).

- A large out-of-school population including children birth through age 2 years, children attending community-based preschools, and students who are incarcerated or in special facilities. From these populations, children with reduced hearing must be identified, and appropriate services must be provided.
- A growing number of students with reduced hearing and other auditory deficits who are not served through special education. These students are in general education classrooms and often do not have Section 504 plans or other formally identified accommodations.
- Many unserved students who are not found eligible for services under the Individuals with Disabilities Education Act (IDEA) when they transitioned from early intervention and thus are behind when they enter kindergarten.
- School districts that often do not know about students with reduced hearing unless they have Individualized Education Programs (IEPs). Therefore, these students often must “fail” before their hearing status is revealed or connected to their learning problems. The education system is often “failing” these students and leaving them behind.
- An alarming shortage of educational audiologists to provide services to these students. As shown in Table 1–1, the FTE audiology positions continue to underserve students in most states. In 2021, 1,326.37 FTE positions were reported as employed in public school settings in the United States, representing an average ratio of one audiologist for every 37,280 children. To staff school audiology services at the level of one audiologist for every 10,000 students as recommended by the American Speech-Language-Hearing Association (ASHA) and the Educational Audiology Association (EAA), 3,617 more audiologists are needed in the schools.
- General and special education administrators who often have limited, if any, knowledge about language

**TABLE I-1** Number of Full-Time Equivalent Audiologists Employed by States and Audiologist-to-Student Ratios During the 1991–1992, 2006–2007, 2016–2017, and 2021 School Years

State	1991–1992 FTE Audiologists <sup>a</sup>	2006–2007 FTE Audiologists <sup>b</sup>	2016–2017 FTE Audiologists <sup>c</sup>	2016–2017 Audiologist-to-Student Ratio	2021 FTE Audiologists <sup>d</sup>
Alabama	8	21	10.66	1:69,034	17
Alaska	4	3	5.9	1:22,525	7.5
Arizona	16	63	47.83	1:23,561	52.81
Arkansas	4	4	2.85	1:172,737	1.61
California	51	198	124.41	1:50,440	190.39
Colorado	31	54	58.8	1:15,480	62.76
Connecticut	15	No data	No data		No data
Delaware	2	13	12	1:11,433	0
DC	4	3	2	1:43,150	3.6
Florida	47	60	54.5	1:51,719	62.9
Georgia	39	26	36.4	1:48,755	43.8
Hawaii	3	1	1	1:188,500	0.1
Idaho	10	4	3.62	1:80,967	2.02
Illinois	48	36	31.64	1:64,434	30.93
Indiana	14	15	21.6	1:48,153	15.7
Iowa	58	50	42.51	1:12,000	39.83
Kansas	19	22	23.12	1:21,648	26.28
Kentucky	4	7	5	1:139,200	6.2
Louisiana	15	22	20	1:36,184	28.17
Maine	11	24	9.86	1:18,124	2.36
Maryland	25	29	32.1	1:27,763	30
Massachusetts		7	5.86	1:162,270	7.63
Michigan	20	14	21.66	1:69,474	27.52
Minnesota	26	52	37.32	1:23,395	40.09
Mississippi	9	1	4.87	1:100,103	4.33
Missouri	13	16	11.6	1:78,931	11.5
Montana	4	4	2.83	1:51,767	3.03
Nebraska	3	7	3.22	1:98,851	7.15
Nevada	3	6	7.52	1:62,633	7.06
New Hampshire	1	3	0.91	1:197,473	4.03
New Jersey	44	51	35.2	1:39,347	13.75
New Mexico	21	35	18.11	1:18,758	15.55

(Continues)

TABLE 1-1 (Continued)

State	1991–1992 FTE Audiologists <sup>a</sup>	2006–2007 FTE Audiologists <sup>b</sup>	2016–2017 FTE Audiologists <sup>c</sup>	2016–2017 Audiologist-to-Student Ratio	2021 FTE Audiologists <sup>d</sup>
New York	21	105	118.46	1:23,231	127.19
North Carolina	32	77	73.41	1:21,409	62.46
North Dakota	3	4	2	1:56,300	1
Ohio	26	93	39.47	1:43,276	49.72
Oklahoma	4	5	6	1:116,200	5
Oregon	64	16	14.05	1:43,324	11.38
Pennsylvania	25	40	76.32	1:22,543	28.17
Rhode Island	2	0	1	1:140,700	1
South Carolina	17	13	15.75	1:49,041	16.1
South Dakota	3	4	0.82	1:165,366	1
Tennessee	32	22	24.35	1:41,035	23.3
Texas	21	40	63.5	1:84,740	86.75
Utah	22	26	26.68	1:24,561	24.25
Vermont	2	5	1.86	1:45,860	4.31
Virginia	127	66	45.7	1:28,330	35.61
Washington	0	28	29.53	1:37,071	41.36
West Virginia	5	8	7.2	1:38,736	8.3
Wisconsin	12	19	24.35	1:35,639	27.53
Wyoming	8	5	3.25	1:29,662	5.14
BIA	1	12	4.2		1.2
Total Auds	999	1,439	1,272.8		1,326.37
Audiologist to Student Ratio <sup>e</sup>	1:42,173	1:34,271	1:39.733		1:37,280

Note. FTE = full-time equivalent.

<sup>a</sup> U.S. Department of Education. (1994b). *Sixteenth Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act*, p. A-212.

<sup>b</sup> <http://www.ideadata.org>, Table C-1 (Estimated Resident Population Ages 6–17 years, 2008) and Table 3-5 (Audiologists Employed to Serve Children and Students ages 3–21 Under IDEA, Part B, Fall 2006).

<sup>c</sup> U.S. Department of Education. 40th Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act. Exhibit 45: Number of full-time (FTE) personnel to provide related services for children and students ages 3–21 served under IDEA, Part B (state audiology FTE provided by Office of Special Education Programs to author May 7, 2019).

<sup>d</sup> U.S. Department of Education, IDEA Section 618 data, <https://www2.ed.gov/programs/osepidea/618-data/static-tables/index.html>

<sup>e</sup> Based on pre-K to 12th-grade enrollment, National Center for Educational Statistics ([www.nces.ed.gov](http://www.nces.ed.gov)).

and communication access needs, including listening, American Sign Language (ASL) and other sign and visual communication accommodations, and understanding of a language-rich environment.

- Limited financial resources to provide necessary hearing assistive technology and services for each child with hearing and listening needs.

- Inadequate time to conduct the range of audiology services as stipulated in state and federal regulations (IDEA, 2004), including ensuring consistent and effective communication access (ADA, 2008).
- A federal law that is interpreted by each state, resulting in services and programs that differ significantly across state lines. These services also may vary within



states, depending on the individual school district's understanding, commitment, and willingness to provide audiology services.

- Adaptation of a traditionally clinical model of audiology to one that is functional, meaningful, and responsive to children and youth within the educational environment.

## LEGISLATION AND POLICIES

Key events, policies, and legislation that have impacted audiology and the education of deaf and hard of hearing children are summarized in Table 1–2.<sup>1</sup> A basic understanding of the legislative process is necessary to utilize pertinent laws appropriately to ensure the rights of all persons with disabilities. Statutes and their accompanying regulations passed by the federal government usually result in state legislation to ensure that state laws align with federal policy. Although legislation should define public policy, ensuring that individual rights are protected, services are provided, and a level of quality is maintained, it does not guarantee that sufficient funds are provided or that compliance is adequately enforced. Advocacy groups have played a major role in the interpretation and monitoring of legislative actions. The area of special education, having some of the most active, productive, and influential public and professional advocacy groups in the United States, is an example of how public policy can be influenced by groups heralding a common cause.

### Key Legislation

The primary education law that delineates U.S. public school requirements is titled the Elementary and Secondary Education Act, first passed in 1965. This law has been reauthorized under different names; for example, “No Child Left Behind” (NCLB) in 2001, followed by the “Every Student Succeeds Act” in 2015. NCLB was the first time that specific provisions were made for the inclusion of children with disabilities in the state performance and accountability systems in states.

Among the various laws passed affecting special education, three are the most significant:

- Section 504 of the Rehabilitation Act of 1973;
- the Individuals with Disabilities Education Act (reauthorized and amended numerous times since its inception in 1975 as PL 94-142); and
- the Americans with Disabilities Act (ADA), passed in 1990, and its amendments.

With time the lines between these laws and their regulations have blurred. However, together they should provide

<sup>1</sup>Historical events beginning in the 1960s were chronicled in early editions of this text.

## Understanding Statutes and Regulations

**Statutes** are laws passed by Congress (at the federal level) and state and local legislatures. These laws are often termed *acts* and, at the federal level, are numbered according to the Congress within which they are passed (e.g., PL 94-142 was the 142nd public law enacted by the 94th Congress). These acts are periodically reauthorized, often with amendments and name changes. At the federal level, the acts are first published in the Statutes at Large, after which they are organized by subject in the United States Code (U.S.C.). The U.S.C. has 50 subject classifications called *titles* in which the laws are further indexed and assigned section numbers. Title 20 is the section for education. Example: The IDEA is published in the U.S.C. as 20 U.S.C. § 1400, et seq., meaning that it is in Title 20 of the U.S.C. beginning with Section 1400 (“et seq.” is a Latin abbreviation and legal term indicating the writer is citing a page and the pages that follow).

**Regulations** clarify and explain the U.S.C. The responsible agency (e.g., the Department of Education) must publish the proposed regulations in the *Federal Register* to solicit comment from the public. Following revision, the final regulations are then published in the Code of Federal Regulations (C.F.R.). IDEA is published in Volume 34, Part 300 of the Code of Federal Regulations, referred to as 34 C.F.R. § 300. There are numerous sections and subsections. Within the final published regulations, commentary is included that responds to the proposed regulation comments. This commentary explains the rationale for terms, definitions, and requirements of the final rules and is helpful when interpreting various components of the regulations.

comprehensive protection to all children whether or not they are identified as disabled under the special education statutes. Appendix 1–A summarizes the key features of each law. Specific components that differentiate these laws include the following.

Title II of ADA and Section 504 are both civil rights laws; Section 504 prohibits discrimination in entities that received federal financial assistance, while ADA prohibits discrimination in any state or local government entity regardless of federal financial assistance. A Section 504 plan directly applies to a student's services and accommodations, while the ADA requires equal access for all individuals within these entities who may be experiencing difficulties

**TABLE 1–2** Key Policies and Events Impacting the Education of Children Who Are Deaf and Hard of Hearing in the United States From the 1960s to Present

	Legislation: Non-Special Education	Legislation/Policy: Special Education	Events, Reports, and Publications
1960s			Joint Committee on Audiology and Education of the Deaf (1965) The Babbidge Report (1965)
1970s	Section 504 of the Rehabilitation Act of 1973	PL 93-380, the Education of the Handicapped Amendments of 1974 PL 94-142, Education for all Handicapped Children Act (1975)	
1980s	PL 100-553 established the National Institute on Deafness and Other Communication Disorders at the National Institutes of Health (1988)	PL 99-457, Education of the Handicapped Act Amendments (EHA) of 1986	National Commission on Excellence in Education: <i>A Nation at Risk</i> (1983) Commission on Education of the Deaf: <i>Toward Equality: Education of the Deaf</i> (1988)
1990s	PL 101-336, Americans with Disabilities Act (1990) PL 103-227, Educate America Act, 1994 (Goals 2000)	PL 101-476, Individuals with Disabilities Education Act (IDEA) (1990) PL 105-17, Individuals with Disabilities Education Act (IDEA) (1997)	U.S. Department of Education Notice of Policy Guidance (October 1992) Council of Organizational Representatives' proposal for a Deaf Child Bill of Rights (1992) National Association of State Directors of Special Education (NASDSE): <i>Deaf and Hard of Hearing Students: Education Service Guidelines</i> (1994) The National Deaf Education Project (1998)
2000–2009	PL 107-110, No Child Left Behind (NCLB) (2001) PL 110-325, Americans with Disabilities Act Amendments Act (2008)	PL 108-446, Individuals with Disabilities Education Improvement Act (2004)	The National Agenda (2005) National State Leaders Summit (2005–2011) National Association of State Directors of Special Education (NASDSE): <i>Meeting the Needs of Students Who Are Deaf or Hard of Hearing: Education Service Guidelines</i> , 2nd ed. (2006)
2010–2020	Every Student Succeeds Act 2015	U.S. Department of Justice, U.S. Department of Education (2014). Dear Colleague Letter on Effective Communication	Pepnet 2 Building State Capacity Summit Series (2011–2016) National Association of State Directors of Special Education (NASDSE): <i>Optimizing Outcomes for Students Who Are Deaf or Hard of Hearing: Education Service Guidelines</i> , 3rd ed. (2018)
2020–2025			Language Acquisition and Accountability Legislation (e.g., LEAD-K) has passed in 20 states

connected to broader definitions of disabilities, including students who qualify for services under IDEA.

IDEA eligibility requires the existence of a disability (as identified in the IDEA, Part B regulations<sup>2</sup>) that adversely affects educational performance necessitating special education and related services. It is the need for specialized instruction that distinguishes IDEA from the services provided under Section 504. Section 504's broader definition

also includes persons with disabilities<sup>3</sup> not mentioned in IDEA or state education policies. Furthermore, mitigating measures, that is how well a child performs with a hearing aid or cochlear implant or when a sign language interpreter is provided, cannot be used to mitigate disability determination. Appendix 1–C summarizes basic elements of each of these pertinent laws.

<sup>2</sup>34 C.F.R. § 300.5.

<sup>3</sup>Individuals with physical or mental impairments that substantially limit one or more major life activities or record of such impairment or regarded as having such impairment.



## Specially Designed Instruction

Specially designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction

- I. To address the unique needs of the child that result from the child's disability; and
- II. To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children. (34 C.F.R. § 300.39(b)(3))

- Regarding IDEA, Section 504 regulations state: “A free appropriate public education is the provision of regular education or special education and related services that . . . are designed to meet individual educational needs of persons with disabilities as adequately as the needs of persons without disabilities are met.”<sup>4</sup> Therefore, the obligation to provide appropriate education may extend beyond the traditional special education programs.
- Because a school district is obligated to provide services (evaluations, general education, reasonable accommodations, related services, and related aids) regardless of eligibility for special education under IDEA, the school district may be bound to use general education funds to provide related services and/or aids for a child with disabilities.
- Simply because a child with a disability under IDEA receives a free and appropriate education (FAPE) through a school district's special education program does not necessarily mean that the situation is in compliance with Section 504 or ADA. IDEA provides a program designed to meet the unique needs of a child and related services to assist the child to benefit from special education,<sup>5</sup> while ADA provides the right to effective communication access “equal to” nondisabled peers, a higher standard than is required under IDEA.

### *Section 504 of the Rehabilitation Act of 1973*

This act is commonly referred to as the civil rights legislation for people with disabilities because it was the first law that specifically protected the rights of persons with disabilities by prohibiting recipients of federal funds from discriminating against “otherwise qualified individuals” (34 C.F.R.

§ 104). The provisions of this law are almost identical to the nondiscriminatory provisions related to race in Title VI of the Civil Rights Act of 1964 and to gender in Title IX of the Education Amendments of 1972.

Section 504 prohibits entities that receive federal financial assistance from discriminating based on disability, ensuring that students with disabilities are provided an equal opportunity to access and participate in or benefit from the aid, benefits, services, and opportunities provided to others in federally assisted programs. This act defines a disability as “any person who (1) has a physical or mental impairment that substantially limits a major life activity; (2) has a record of such an impairment; or (3) is regarded as having such an impairment.”<sup>6</sup>

The impact of Section 504 for students with disabilities continues to grow as more students receive support services under this law. Data from the departments of education in Colorado, Washington, Iowa, and Minnesota reveal patterns of service provision for students who are deaf or hard of hearing (Table 1–3). While specific numbers of students with disabilities on 504 plans in New Hampshire are not available, the number of deaf or hard of hearing students with IEPs decreased by 50% from 2000 to 2022. Administrators explained this decline as more students are receiving support through a 504 plan. Students whose disabilities do not meet IDEA eligibility criteria but who do require communication access or other assistance benefit from Section 504 plans. Comprehensive assessment is required prior to eligibility determination to ensure that students would not benefit from “specialized instruction” (i.e., the distinguishing feature between services under IDEA and Section 504). As previously stated, The ADA Amendments Act of 2008 expanded the interpretation of disability to align definitions between ADA and Section 504. In addition to the broadened definition of “major life activities” (see text box), Section 504 eligibility determination must be made without the effects of mitigating measures. These measures include hearing aids, medications, and other learned behavioral adaptations such as tutoring. Therefore, a child who wears hearing aids to access classroom communications, who receives private tutoring to maintain A and B grades or receives extensive homework help is still eligible as a student with a disability under Section 504.

Two groups for which this law has significant implications are children with minimal, mild, and unilateral hearing loss; single-sided deafness; and auditory processing difficulties. For these groups, acoustic accessibility is an invisible barrier to their hearing, listening, and/or understanding of auditory information. These students typically are overlooked unless knowledgeable audiologists, teachers, parents, or other individuals represent their needs in schools. Amplification systems and other classroom and communication

<sup>4</sup>34 C.F.R. § 104.33(b)(1).

<sup>5</sup>34 C.F.R. § 300.39 and 300.34.

<sup>6</sup>29 U.S.C. § 705(9)(B), (20)(B).