

OUR MISSION:

To advance access to the gift of hearing provided by cochlear implantation through research, advocacy and awareness.



April 28, 2020

The Honorable Betsy DeVos
Secretary of Education
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202-7100

Dear Secretary DeVos:

The American Cochlear Implant (ACI Alliance) writes to thank you for the recent decision to not grant further waivers of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 (Rehabilitation Act). By maintaining the current protections for people with disabilities the right to a free and appropriate public education (FAPE), millions of students will be able to continue to learn during this current situation. We also are pleased to see the waiver requiring that Part C services be continued until an evaluation for Part B can be accomplished.

The ACI Alliance is a non-profit 501(c)3 organization whose mission is to advance access to cochlear implantation and other implantable prosthetic hearing implants through research, advocacy and awareness. The membership not only includes the clinicians who provide the cochlear implant (CI) intervention (e.g., ENT surgeons, audiologists, speech-language pathologists, other professionals on implant teams including psychologists), but also, deaf educators, adult cochlear implant recipients and parents of children with cochlear implants.

ACI Alliance is pleased the Secretary upheld all tenets and requirements of IDEA and Section 504. Students with hearing loss are already struggling in these times to continue their education. Waiving components of the student's Individualized Education Plan (IEP) could have had devastating consequences for a population adjusting to complex accessibility issues associated with online learning, content that is typically not captioned and may be difficult to comprehend. Even people with typical hearing complain of their inability to fully follow conversations on various Internet meeting methods such as Zoom or Skype. Some IEP provisions for students

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include assistive technology; pre-teaching of new curricular vocabular, themes, and concepts; regular support from a teacher of the deaf; captioning; or an ASL Interpreter (if the child uses sign language).

As you know, there was no need to waive IDEA provisions because of school closures as the law itself provides flexibility to address student needs. Parents and their child's school district should work together under existing provisions of the law that could include developing a document to amend or modify the child's current IEP to address the current COVID-19 situation and changes in the educational framework. The most important thing is for the parent and school team to work together to make decisions in the best interest of the child.

Many states are now holding virtual IEP Team meetings, virtual mediations, and virtual due process hearings. For children who are deaf or hard of hearing, services provided under an IEP can be accomplished using online methods. This includes speech and language therapy, aural habilitation, and other developmental approaches that have been proven effective in various medical research studies.

We also thank you for granting the waiver that requires Part C services continue for children who reach age three until such time that they are able to transition to services provided under Part B. It is vital that services continue for recently implanted children as they are learning how to interpret sound and utilize speech. Any gaps would result in further delays. Young children with cochlear implants who are covered by both Part B and Part C of IDEA are catching up to their typical hearing peers with intensive language exposure and parental involvement with guidance from specially trained educators of deaf children and speech-language pathologists. It is critical that we support these children and continue to contribute to their progress in reaching their academic potential.

By design, IDEA offers flexibility to states, school districts, communities, and families. We thank you for recognizing this and continuing to protect federal education laws and disability rights for all our children.

Sincerely,



Donna L. Sorokin MA
Executive Director
American Cochlear Implant Alliance

cc: Nate Bailey, Chief of Staff
Kenneth Marcus, Assistant Secretary for Civil Rights
Mark Schultz, Acting Assistant Secretary, OSERS
Mary-Louise Dirrigl, Director, Office of Policy and Planning, OSERS
Laurie VanderPloeg, Director, OSEP