U.S. Department of Justice
Civil Rights Division

U.S. Department of Education
Office for Civil Rights

Office of Special Education and Rehabilitative Services

Meeting the Communication Needs of Students with Hearing, Vision, or Speech Disabilities

What do Federal laws require of a public school to meet the communication needs of students with hearing, vision, or speech disabilities?

- Under the Individuals with Disabilities Education Act (IDEA), schools must provide a student with a disability a free appropriate public education (FAPE) designed to provide meaningful educational benefit through an Individualized Education Program (IEP).
- Under Title II of the Americans with Disabilities Act, schools must, without charge, ensure that communication with students with disabilities is as effective as communication with students without disabilities, giving primary consideration to students and parents in determining which auxiliary aids and services are necessary to provide such effective communication.

Will the aids and services required be the same under both Federal laws?

- It depends on the individual needs of the particular student.
- Sometimes the special education and related services provided to a student as part of FAPE under the IDEA will also meet the Title II requirements. In other instances, in order to meet the Title II requirements, a school might have to provide a student with aids or services that are not required by FAPE.
- Some services related to communication, like teaching a child to read Braille or understand sign language, are not required by Title II's effective communication requirement but may be required by FAPE.

Does the school have to give a student the aid or service the parents request?

- Under Title II, the school must provide the aid or service requested unless the school can prove that a different auxiliary aid or service is as effective in meeting the student's communication needs (in which case the school must provide that alternative), or the school can prove that the aid or service would result in a fundamental alteration or in undue financial and administrative burdens (in which case the school must take other steps to ensure that the student can participate).
- Schools are not required to provide aids or services greater than what is needed to ensure effective communication, or to comply with requests about details of the aid or service (such as particular brands or models) that are not relevant to its effectiveness.

What types of aids or services could be required for students?

- There are no categorical rules. A school must assess the needs of each individual.
- For a student who is deaf, deaf-blind, or hard of hearing, some examples are: exchange of written materials, interpreters, note takers, real-time computer-aided transcription services (for example, CART), assistive listening systems, accessible electronic and information technology, and open and closed captioning.
- For a student who is blind, deaf-blind, or has low vision, some examples are: qualified readers, taped texts, audio recordings, Braille materials and refreshable Braille displays, accessible e-book readers, screen reader software, magnification software, optical readers, secondary auditory programs (SAP), and large print materials.
- For a student with a speech disability, some examples are: a word or letter board, writing materials, spelling to communicate, a qualified sign language interpreter, a portable device that writes and/or produces speech, and telecommunications services.

Where can I get more information about the rights of students with hearing, vision, or speech disabilities?

- The U.S. Department of Education's Office for Civil Rights (OCR) and Office of Special Education and Rehabilitative Services, along with the U.S. Department of Justice (DOJ), have issued a Dear Colleague Letter and a Frequently Asked Questions document explaining what federal law requires of schools to meet the communication needs of students with hearing, vision, or speech disabilities.

What can a parent do if the school won't give a child what the parent thinks is needed?

- Arrange to meet with the IEP or 504 team or the school's Title II or 504 Coordinator.
- Consider using the school district's published disability grievance procedures.
- Under the IDEA, a parent challenging the provision of FAPE may request mediation, may file a complaint with the State educational agency, or may request an impartial administrative hearing by filing a due process complaint.
- Under Title II, a parent may choose to file a lawsuit in court. Parents of an IDEA-eligible student generally must exhaust the administrative hearing procedures of the IDEA, which means obtaining a final decision under the IDEA's impartial due process hearing procedures, before filing a lawsuit seeking a remedy that is also available under the IDEA.
- OCR and DOJ both investigate complaints of disability discrimination at schools.
    - To learn how to file a complaint with OCR, call 800-421-3481 (TDD: 800-877-8339), email ocr@ed.gov, or go to www.ed.gov/ocr/complaintintro.html.
    - To learn how to file a complaint with DOJ, call 800-514-0301 (TTY: 800-514-0383), email ADA.complaint@usdoj.gov, or go to www.ada.gov/fact_on_complaint.htm.