

Students who are Deaf and Hard of Hearing

Eligibility for Special Education



Table of Contents

Component One: Determining DHH Disability	3
Audiological	4
Communication Assessment.....	5
Component Two: Determining Educational Need	6
Evaluation Procedures	6
Determining Eligibility for Special Education and Related Services....	7
Otological Examination and Hearing Technology.....	7
Additional Questions Related to DHH Eligibility	8
References	10
Additional Resources.....	10

Copyright © 2026 Texas Education Agency. All Rights Reserved.

Notwithstanding the foregoing, the right to reproduce the copyrighted work is granted to Texas public school districts, Texas charter schools, and Texas education service centers for non-commercial, non-profit educational use within the state of Texas, and to residents of the state of Texas for their own personal, non-commercial, non-profit educational use, and provided further that no dollar amount is charged for such reproduced materials other than to cover the out-of-pocket cost of reproduction and distribution. No other rights, express or implied, are granted hereby.

Students who are Deaf and Hard of Hearing: Eligibility for Special Education



34 Code of Federal Regulations (CFR) §300.8 indicates two components that must be considered when determining if a student has a disability and is eligible for special education and related services:

1. the child has one or more of the disabilities specified in 34 CFR §300.8; AND
2. the disability creates a need for special education and related services.

Component One: Determining DHH Disability

Code of Federal Regulations 34 CFR §300.8(c)(3) and (5)



- **"Deafness"** means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects the child's educational performance"
- **"Hearing impairment"** means an impairment in hearing, whether permanent or fluctuating, that adversely affects the child's educational performance but that is not included under the definition of deafness"

Texas Administrative Code TAC §89.1040(c)(3)



- A student who is deaf or hard of hearing (DHH) "is one who has been determined to meet the criteria for deafness as stated in 34 CFR §300.8(c)(3), or for students who have a hearing impairment as stated in 34 CFR §300.8(c)(5)."

"The evaluation data reviewed by the multidisciplinary team in connection with the determination of a student's eligibility based on being deaf or hard of hearing must include..."

(TAC §89.1040(c)(3)(A))

Audiological



"...an audiological evaluation performed by a licensed audiologist, and a communication assessment completed by the multidisciplinary team. The evaluation data must include a description of the implications of the hearing loss for the student's hearing in a variety of circumstances with or without recommended hearing assistive technology." (TAC §89.1040(c)(3)(A))

"Do not underestimate the impact of compromised hearing ability; minimal, mild, unilateral or single sided deafness conditions can have the same consequences as more significant hearing loss and deafness."

(National Association of State Directors of Special Education [NASDSE 2018])

What hearing level is required to qualify as a student who is DHH?

The Individuals with Disabilities Education Act (IDEA)'s definitions of "deafness" and "hearing impairment" include a hearing impairment or loss, either permanent or fluctuating, that impairs processing of linguistic information through hearing, regardless of amplification, and that "adversely impacts a child's educational performance" (34 CFR 300.8(3)(5)). It is notable that the IDEA does not identify a minimum decibel required for a child to be considered deaf or hard of hearing. The focus is on how any identified hearing level impacts the child's ability to function in an educational setting.

Important to note!

Information from the audiological and a functional listening evaluation as part of the communication assessment will provide data about how the student is using their hearing. This data is more useful than the actual level of hearing. This information is part of the Full and Individual Evaluation (FIE) as well as included in annual updates.

Communication Assessment



"...determination of a student's eligibility based on being deaf or hard of hearing must include an audiological evaluation performed by a licensed audiologist and a communication assessment completed by the multidisciplinary team."

[\(TAC §89.1040\(c\)\(3\)\(A\)\)](#)

"Students who are deaf or hard of hearing must have an education in which their unique communication mode is respected, used, and developed to an appropriate level of proficiency." [\(Texas Education Code §29.303\)](#)

What should be included in the communication assessment?

According to NASDSE areas that should be considered include:

- Auditory status and auditory function
 - » acuity
 - » speech discrimination in quiet, noise, distance, and without visual access
 - » performance and use of personal hearing instruments and hearing assistive technology
 - » auditory skill development
- Spoken language (comprehension and production)
 - » phonology (sounds)
 - » vocabulary/semantics (word meanings) – receptive and expressive
 - » syntax (grammar) – receptive and expressive
 - » morphology (word endings) – receptive and expressive
 - » pragmatics (use of social language)
- American Sign Language vocabulary
 - » fluency – receptive and expressive
 - » phonology
 - » semantics – receptive and expressive
 - » syntax – receptive and expressive
 - » morphology
 - » pragmatics

Important to note!

TEA requires that the communication assessment is embedded in a student's FIE. Any component of the FIE that is impacted by communication should address the results of the communication assessment, and the data should be compiled in a narrative to be included as part of the FIE. For more information, see [Deaf and Hard of Hearing Students: Communication Assessment](#) on the Texas SPED Support website.

Component Two: Determining Educational Need

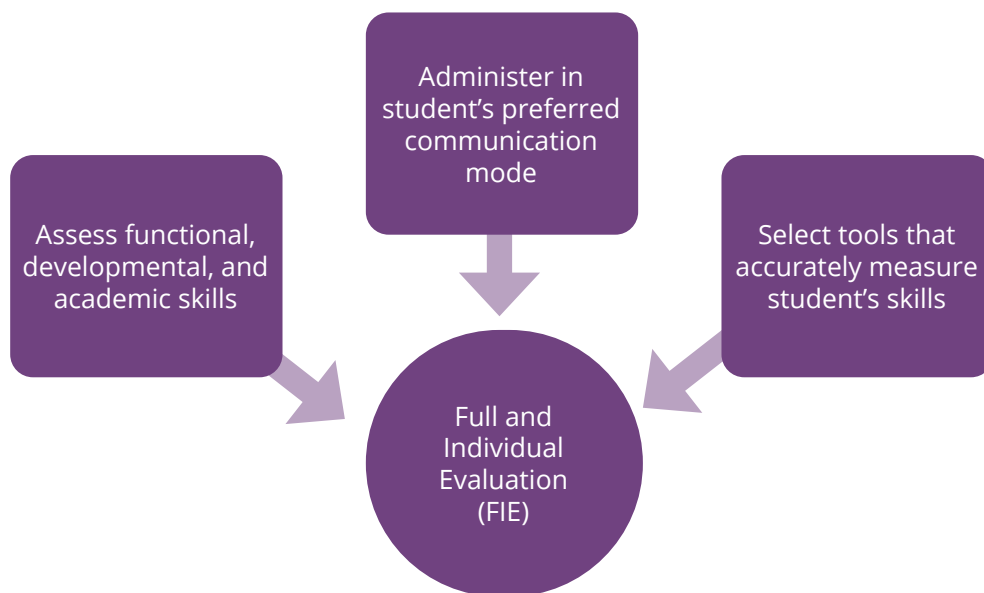


Best Practice: The speech language pathologist (SLP) and the teacher of students who are deaf and hard of hearing (TODHH) should work cooperatively to conduct the communication assessment. The scope of an evaluation for a child who is DHH must be determined by a multidisciplinary team (MDT) that includes a certified TODHH.

Evaluation Procedures



IDEA requires the local education agency (LEA) to fully evaluate students in all areas of the suspected disability, and that “the evaluation is sufficiently comprehensive to identify all of the child’s special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified” ([34 CFR §300.304](#)).



Best Practice: Completing the communication assessment before the other components of the FIE as well as collaborating with the TODHH and the SLP will ensure the MDT is conducting the evaluations in the student’s mode of communication and are using appropriate accommodations.

“A professional conducting an assessment with students who are deaf or hard of hearing must be proficient in the student’s preferred language or communication mode. When such a professional is not available, an interpreter should be enlisted as a last resort. It is the responsibility of the evaluator to ensure that the interpreter is qualified and has experience with educational assessments.” (NASDSE 2018)

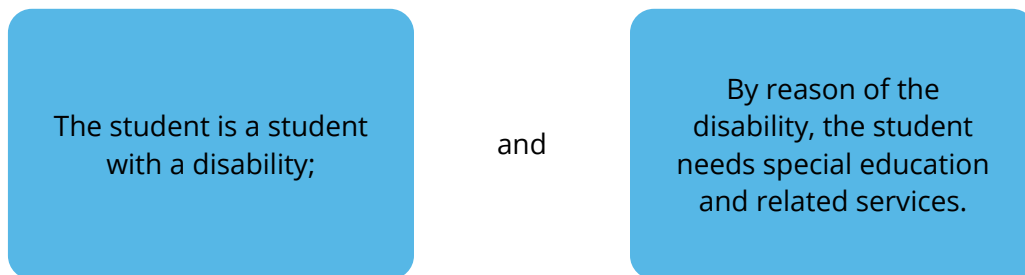
What functional needs should be assessed for students who are DHH?

In addition to assessing the functional skills evaluated for all students with suspected disability, the evaluation should also address functional skills that are specific to students who are DHH. Examples of these functional skills include:

- audiology
- career education
- communication
- family education
- functional skills for educational success
- self-determination and advocacy
- social-emotional skills
- technology

Determining Eligibility for Special Education and Related Services

Upon completion of the FIE, the ARD committee must determine whether:



The MDT makes recommendations about eligibility in the FIE. Only the ARD committee has authority to make eligibility decisions.

Otological Examination and Hearing Technology



An otological examination is recommended for all children who are DHH to assess the health and structure of the ears and identify conditions such as chronic ear infections or other otological concerns. For children who will be using personal hearing technology, such as hearing aids or cochlear implants, an otological evaluation is also necessary to obtain medical clearance for device use.

Additional Questions Related to DHH Eligibility

Is the audiological report required to be on the form for eligibility, or can we use a medical report instead?

According to [19 TAC §89.1040\(c\)\(3\)\(A\)](#), an audiological report is required in determining whether the child is a child who is DHH.

- The requirement does not indicate that results must be on a specific form.
- Required components that must be present:
 - » audiologist's signature, credentials, and date
 - » description of the implications of the hearing loss for the student's hearing, in a variety of circumstances, with or without recommended hearing assistive technology

Important to note!

Audiologists often share the "Familiar Sounds Audiogram" with the child's hearing levels plotted to help families understand the sounds the child can and cannot hear. While an audiologist is not a required member of a student's ARD committee, the Familiar Sounds Audiogram alone is not sufficient documentation to determine eligibility.

If a student qualified as DHH because of ear infections that are now cleared up, do we dismiss the student from special education?

The Office of Special Education Programs (OSEP) provides guidance through the [Policy Letter to Blodgett](#) (2014) stating that if the student's medical reports indicate that a conductive loss has been corrected, it is still imperative that the FIE address whether the need for special education and related services remains. Correction of the conductive loss does not automatically mean that language and academic needs have been resolved.

"The child's language needs and whether he qualifies under the 'Speech or language impairment' category would be important considerations when evaluating that child's continued eligibility for services."

The audiologist is recommending an Auditory Brainstem Response (ABR) test, and the family is asking the school system to pay for it. Is the school system required to do so because it is a medical evaluation?

To determine whether a student is DHH, [TAC 89.1040\(c\)\(3\)\(A\)](#) requires an audiological evaluation. An ABR may be required to obtain the audiological information. The LEA is responsible for obtaining the ABR if it is needed to determine whether the student is a student with a disability. LEAs are required to ensure that students are “assessed in all areas of suspected disability, including if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities” ([34 CFR 300.0304\(c\)\(4\)](#)).

Is the audiological evaluation required annually or every three years?

An audiological evaluation is required during the initial evaluation to determine the presence of a hearing disability. After eligibility has been established, an annual or triennial audiological evaluation is not automatically required unless there have been changes in the student’s auditory performance that may affect the student’s IEP. Instead, the ARD committee is responsible for determining whether the student’s disability continues to adversely affect the student’s educational performance and whether the student continues to require special education and related services.

References

“The Expanded Core Curriculum for Students Who Are Deaf or Hard of Hearing.” Iowa Department of Education. April 2019. <https://educate.iowa.gov/media/6522/download?inline>

National Association of State Directors of Special Education (NASDSE). 2018. Optimizing Outcomes for Students who are Deaf or Hard of Hearing: Educational Service Guidelines [PDF]. Alexandria: Author. Retrieved from: bit.ly/dhhoutcomes

Office of Special Education Programs (OSEP). 2014. “Policy Letter: November 12, 2014 To Tracy Blodgett - Individuals with Disabilities Education Act”. Individuals with Disabilities Education Act. <https://sites.ed.gov/idea/idea-files/policy-letter-november-12-2014-to-tracy-blodgett/>

“Technical Assistance: Individualized Education Program (IEP) Development.” Texas SPED Support. TEA, December 2023. <https://spedsupport.tea.texas.gov/sites/default/files/2024-01/technical-assistance-individualized-education-iep-development.pdf>

Additional Resources

[Individuals with Disabilities Education Act](#)

[Legal Framework](#)

[19 Texas Administrative Code §89.1040. Eligibility Criteria](#)

[Texas Education Code §29.303 Unique Communication](#)