



February 2015

SPECIAL EDUCATION FIELD ADVISORY

From: James P. DeLorenzo

Subject: Federal Guidance on Effective Communication for Students with Hearing, Vision, or Speech Disabilities in Public Elementary and Secondary Schools.

This is to inform you that on November 12, 2014, the U.S. Department of Education's Office of Special Education and Rehabilitative Services and Office for Civil Rights, together with the U.S. Department of Justice's Civil Rights Division, issued joint guidance concerning effective communication for public elementary and secondary students with hearing, vision, or speech disabilities. The guidance includes a [letter to educators](#) (available in [Spanish](#)), "[Frequently Asked Questions on Effective Communication for Students with Hearing, Vision, or Speech Disabilities in Public Elementary and Secondary Schools](#)" (FAQs), and a [fact sheet](#) on the guidance for parents (available in [Spanish](#)). The guidance is intended to help schools understand and comply with federal legal requirements on meeting the communications needs of students with disabilities. The FAQs explain the responsibility of public schools to ensure that communication with students with hearing, vision, or speech disabilities is as effective as communication with all other students.

Three federal laws, the Individuals with Disabilities Education Act (IDEA), Title II of the Americans with Disabilities Act of 1990 (ADA) (Title II), and Section 504 of the Rehabilitation Act of 1973 (Section 504), address the obligations of public schools to meet the communication needs of students with disabilities, but do so in different ways. Public schools must comply with all three laws to ensure that students with hearing, vision, or speech disabilities have the opportunity to fully participate at school. However, compliance with IDEA can satisfy Section 504's requirement to provide a free appropriate public education to a student with a disability for the majority of students covered by the FAQs and, in general, a violation of Section 504 is a violation of Title II. Therefore, the focus of the FAQs is on the IDEA and the specific Title II regulatory requirements for effective communication. Schools need to be knowledgeable about the requirements of both of these federal laws in order to meet the communication needs of students with disabilities.

To ensure dissemination to appropriate individuals within a school district, I ask Superintendents to please share this memorandum with individuals such as Directors of Special Education, School Psychologists, Committee on Special Education and Committee on Preschool Special Education Chairpersons, Guidance Counselors and Directors of Pupil Personnel, and Parent Teacher Associations. Thank you for your attention to this important matter.