

Deaf or Hard of Hearing

(1) Early Intervention (birth through two in accordance with OAR 581-015-2700(10)); "Deaf or hard of hearing" means an impairment in hearing, whether permanent or fluctuating, that is so severe that the infant or toddler is impaired in processing linguistic information through hearing, with or without amplification, currently affecting or has the potential to significantly affect an infant or toddler's developmental progress. The infant or toddler's hearing level does not need to be presently affecting their development for the infant or toddler to be eligible for Early Intervention services.

(2) Early Intervention: If an infant or toddler is suspected of being deaf or hard of hearing, a comprehensive evaluation must be conducted, including the following:

- (a) An audiological assessment given by an audiologist licensed under ORS chapter 681 or by the appropriate authority in another state;
- (b) For conductive hearing loss, a medical examination indicating the hearing loss identified by an audiologist licensed under ORS chapter 681 or by the appropriate authority in another state and determined to be untreatable by:
 - (A) A physician licensed under ORS chapter 677 or by the appropriate authority in another state;
 - (B) A nurse practitioner licensed under ORS 678.375 to 678.390 or by the appropriate authority in another state;
 - (C) A physician assistant licensed under ORS 677.505 to 677.525 or by the appropriate authority in another state; or
 - (D) A naturopathic physician licensed under ORS chapter 685 or by the appropriate authority in another state;
- (c) For sensorineural hearing loss, documentation indicating the hearing loss identified by an audiologist licensed by an appropriate state authority under ORS chapter 681 or by the appropriate authority in another state is determined to be sensorineural; and
- (d) Any additional evaluations or assessments necessary to identify the infant or toddler's needs.

(3) Early Intervention: To be eligible as an infant or toddler who is deaf or hard of hearing, the infant or toddler must meet the following criteria

- (a) The infant or toddler must have hearing thresholds in at least one ear of 25 dBHL or greater at two or more consecutive frequencies at 500 Hz, 1000 Hz, 2000 Hz, 4000 Hz, 6000 Hz and 8000 Hz; or
- (b) The hearing loss is due to auditory neuropathy spectrum disorder (ANS) or aural microtia/atresia, as determined by:
 - (A) An audiological assessment given by an audiologist licensed under ORS chapter 681 or by the appropriate authority in another state;
 - (B) A physician licensed under ORS chapter 677 or by the appropriate authority in another state;
 - (C) A nurse practitioner licensed under ORS 678.375 to 678.390 or by the appropriate authority in another state;
 - (D) A physician assistant licensed under ORS 677.505 to 677.525 or by the appropriate authority in another state; or
 - (E) A naturopathic physician licensed under ORS chapter 685 or by the appropriate authority in another state.

(4) Early Intervention: For an infant or toddler to be eligible for Early Intervention services as an infant or toddler who is deaf or hard of hearing, the eligibility team must determine that:

- (a) The infant or toddler is deaf or hard of hearing as defined in this rule; and
- (b) The infant or toddler is eligible for Early Intervention services in accordance with OAR 581-015-2780.

(5) Early Childhood Special Education (age 3 through 5) and School Age (age 5 through 21); "Deaf or hard of hearing" means an impairment in hearing, whether permanent or fluctuating, that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's developmental progress (age 3 through 5) or educational performance (age 5 through 21).

(6) Early Childhood Special Education and School Age: If a child is suspected of being deaf or hard of hearing, a comprehensive evaluation must be conducted, including the following:

- (a) An audiological assessment given by an audiologist licensed under ORS chapter 681 or by the appropriate authority in another state;
- (b) For conductive hearing loss, a medical examination indicating the hearing loss identified by an audiologist licensed under ORS chapter 681 or by the appropriate authority in another state and determined to be untreatable by:
 - (A) A physician licensed under ORS chapter 677 or by the appropriate authority in another state;
 - (B) A nurse practitioner licensed under ORS 678.375 to 678.390 or by the appropriate authority in another state;
 - (C) A physician assistant licensed under ORS 677.505 to 677.525 or by the appropriate authority in another state; or
 - (D) A naturopathic physician licensed under ORS chapter 685 or by the appropriate authority in another state;
- (c) For sensorineural hearing loss, documentation indicating the hearing loss identified by an audiologist licensed by an appropriate state authority under ORS chapter 681 or by the appropriate authority in another state is determined to be sensorineural; and

(d) Other:

- (A) Any additional assessments necessary to determine the impact of the suspected disability:
 - (i) On the child's developmental progress for a preschool child (age 3 through 5); or
 - (ii) On the child's educational performance for a school-age child (age 5 through 21); and
- (B) Any additional evaluations or assessments necessary to identify the child's developmental or educational needs.

(7) Early Childhood Special Education and School Age: To be eligible as a child who is deaf or hard of hearing, the child must meet one of the following criteria:

- (a) The child must have hearing thresholds in at least one ear of 25 dBHL or greater at two or more consecutive frequencies at 500 HZ, 1000 HZ, 2000 HZ, 4000 HZ, 6000 HZ and 8000 HZ; or
- (b) The hearing loss is due to auditory neuropathy spectrum disorder (ANS) or aural microtia/atresia, as determined by:

(A) An audiological assessment given by an audiologist licensed under ORS chapter 681 or by the appropriate authority in another state;

(B) A physician licensed under ORS chapter 677 or by the appropriate authority in another state;

(C) A nurse practitioner licensed under ORS 678.375 to 678.390 or by the appropriate authority in another state;

(D) A physician assistant licensed under ORS 677.505 to 677.525 or by the appropriate authority in another state; or

(E) A naturopathic physician licensed under ORS chapter 685 or by the appropriate authority in another state.

(8) For a child to be eligible for special education services as a child who is deaf or hard of hearing, the eligibility team must determine that:

(a) The child is deaf or hard of hearing as defined in this rule; and

(b) The child is eligible for special education services in accordance with OAR 581-015-2795 and/or OAR 581-015-2120.

Statutory/Other Authority: ORS 343.035(1), 343.045, 343.146 & 343.157

Statutes/Other Implemented: ORS 343.035(1), 343.045, 343.146, 343.157, 34 CFR 300.8 & 300.306

History:

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ODE 14-2017, f. & cert. ef. 7-5-17

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ODE 2-2003, f. & cert. ef. 3-10-03

ODE 8-2001, f. & cert. ef. 1-29-01

ODE 11-2000, f. 5-3-00, cert. ef. 7-1-00

EB 22-1995, f. & cert. ef. 9-15-95

EB 16-1992, f. & cert. ef. 5-13-92

EB 25-1991(Temp), f. & cert. ef. 11-29-91

1EB 7-1986, f. & ef. 2-24-86

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1EB 18-1983(Temp), f. & ef. 12-20-83

1EB 29-1978, f. & ef. 7-20-78