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**Demystifying ADA Requirements:
Is Your School Title II Hearing
Compliant?**



Is Your School ADA Hearing Compliant?

If you are like most school administrators, you are challenged to find ways to balance maintenance and operation needs, staffing and retention issues, safety and security for staff and students, all while ensuring students have the best tools and learning environment possible to succeed, and staying within your budget.

The life of a school administrator gets even more challenging when state and federal regulations and programs influence how a local district must operate.

Laws such as the American Disabilities Act (ADA) and Individuals with Disabilities Education Act (IDEA) include a list of services or accommodations schools must provide as mandated by the law. Often these laws can be confusing, containing conflicting information, and without any suggestions on how to fund or carry out provisions in the law.

This guide is designed to help schools take the guesswork out of how to be compliant with hearing disability regulations and find the funding to support ADA Title II and IDEA compliance for students with hearing loss.

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School Mandates for Hearing Loss

Several federal regulations provide guidelines for educational institutions on how to create an equitable learning environment for all students. These regulations include Title II of the Americans with Disabilities Act (ADA), the Individuals with Disabilities Education Act (IDEA), and Section 504 of the Rehabilitation Act. Let's break them down.

Title II of the Americans with Disabilities Act

The Title II of the Americans with Disabilities Act (ADA Title II) states that schools must provide resources to students, often meaning technology and other auxiliary aids, so students with disabilities have equitable opportunities for education.

ADA Title II was designed to ensure students with vision, hearing, and speech disabilities have equal learning opportunities as those students without a disability. While many schools have tools or programs in place to assist students with vision or speech disabilities, *hearing disabilities are frequently overlooked.*

The U.S. Department of Justice, in conjunction with the U.S. Department of Education, [writes](#) that **ADA Title II requires:**

"...public school districts to ensure that communication with students with hearing, vision, or speech disabilities is as effective as communication with students without disabilities."

To achieve compliance, schools may use auxiliary aids and services, devices, technologies, and other methods for effective communications, such as:

- Interpreters
- Note-takers
- Exchange of written materials
- Real-time computer-aided transcription services
- Assistive listening systems
- Accessible electronic and information technology
- Open and closed captioning

This isn't an exhaustive list but aims to help provide school administrators with tools to support their students.

A frequently overlooked aspect of Title II is that the law requires schools to provide effective communication beyond students. ADA Title II clarifies that "effective communication" support is not limited to students. The regulations also provides assistance for families and individuals in the community who support students and their programs, stating:

"Schools are to provide effective communication to all individuals who seek to participate in or benefit from the school district's services, programs, or activities such as student registration, parent-teacher conferences, meetings, ceremonies, performances, open houses, and field trips."

Individuals with Disabilities Education Act (IDEA)

IDEA, the Federal Special Education law, is designed to create a "level playing field" for students with disabilities. The law defines disabilities as children with, but not limited to, "...a hearing impairment, a speech or language impairment, and visual impairment."¹ The act is intended to make available a free appropriate public education (FAPE) to ensure special education and related services to eligible children with disabilities. Under IDEA, assistive technology can be used in the educational setting to provide a variety of accommodations, support, or adaptations for students with disabilities.

IDEA provides the following definition of assistive technology: "Any item, piece of equipment or product system... that is used to increase, maintain or improve the functional capabilities of a child with a disability."²

¹ [IDEAPartnership.org](https://www.ideapartnership.org). IDEA 2004 Regulations: Part 300.8 Child with a disability

² [IDEA – 20 USC 1401: Definitions, Part 1A](#)

IDEA also lists the services a school district may need to provide to ensure that assistive technology benefits is helpful to a student in the school setting. The law defines an Assistive Technology Service as: "Any service that directly assists an individual with a disability in the selection, acquisition or use of an assistive technology device." This service includes all of the following possibilities:

- Evaluation of the technology needs of the individual, including a functional evaluation in the individual's environment.
- **Purchasing, leasing or otherwise providing for the acquisition of assistive technology for individuals with disabilities.**
- Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing or replacing of assistive technology.
- Coordinating and using other therapies, interventions or services with assistive technologies or devices, such as those associated with existing education and rehabilitation plans and programs (O.T., P.T., Speech).
- **Assistive technology training** or technical assistance with assistive technology for an individual with a disability, or where appropriate, the family of an individual with disabilities.

Rehabilitation Act - Section 504

Section 504 of the Rehabilitation Act is a federal law that prohibits discrimination of qualified individuals with disabilities, including students with hearing impairments.³ The law applies to public elementary and secondary schools, along with other entities, and requires a school district provide a "free appropriate public education" (FAPE) to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability. Section 504 of the Rehabilitation Act outlines the need for schools to provide,

"...regular or special education and related aids and services that are

³ [Your Rights Under Section 504 of the Rehabilitation Act.](#) Office for Civil Rights.

designed to meet the individual educational needs of students with disabilities as adequately as the needs of nondisabled students are met and are based on adherence to requirements governing least restrictive setting, evaluation and placement, and procedural safeguards."

Section 504 ensures that a child with a disability has equal access to education, including accommodations and modifications. Assistive technology is considered a **reasonable accommodation** according to Section 504.

Hearing Compliance is Only Part of the Story

While schools may need to implement new technology or services to comply with federal laws for hearing disabilities, the student benefits far outweigh the effort.

According to the [Centers for Disease Control and Prevention](#), **hearing loss affects 15% of children, ages 6 - 19 in the United States**. Students experiencing hearing loss, even mild hearing loss, are often at risk of falling behind in their education, particularly after the third grade.



Students who struggle to hear classroom instruction frequently experience lower academic achievement without assistance. In addition, hearing loss can lead to social-emotional issues, ranging from lower self-esteem and social isolation to other behavioral issues.

Assistive listening technology helps students hear lessons more clearly, improving their overall comprehension of classroom instruction. In addition, hearing technology and services help

students feel engaged in the class and fosters inclusivity and independence, ultimately improving student performance.

Funding for Hearing Compliance

Unfunded mandates frequently put schools between a rock and a hard place. Without the funding, districts face challenges in paying for the mandates. Schools are often forced to reduce funding for other programs to meet regulations or ignore the state and federal mandate and risk stiff penalties. Fortunately, there are several sources of funding available to schools to pay for technology to support student hearing loss.

- **CARES ACT**

The Coronavirus Aid, Relief and Economic Security Act (CARES Act), the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA), and American Rescue Plan (ARP) total nearly \$190 billion and provide state and district leaders with funds to address the academic disruption caused by the pandemic. The CARES Act includes provisions to, ***"Purchase educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and students with disabilities, which may include assistive technology or adaptive equipment."*** Schools need to act quickly to take advantage of these funds. The deadline to allocate funds is September 30, 2022.

- **[ESSER II \(Elementary and Secondary School Emergency Relief Fund\) and GEER Funds.](#)** In March 2021, a third pandemic stimulus bill dubbed the American Rescue Plan was signed into law, providing public school districts across the country with \$122 billion in Elementary and Secondary School Emergency Relief (or ESSER III) funds. Another \$2.75 billion was set aside for non-public schools– Emergency Assistance to Non-Public Schools (or EANS) funds. ESSER and GEER funds may be used for any activity authorized by the Individuals with

Disabilities Education Act (IDEA). Funding can be used for ***"Improving the use of technology in the classroom and/or in a remote setting for children with disabilities to enhance learning."***

It can also be used for, ***"...supporting the use of technology, including technology with universal design principles and assistive technology devices, to maximize accessibility to the general education curriculum for children with disabilities."***⁴

- **[Every Student Succeeds Act \(ESSA\)](#)**

The Every Student Succeeds Act (ESSA) provides funding for special education services and more at schools in low-income areas. Supports for students with hearing impairments are included in the act.

- **Individuals with Disabilities Education Act (IDEA) Funding**

At \$13 billion in funding, IDEA accounts for the bulk of the federal government's ongoing contribution to special education and related services. The act strives to cover 40% of the excess cost schools bear while providing special education services.

- **District Technology Funding.**

Districts technology funds are frequently used for tools used by students and staff throughout the school. However, a relatively small amount of funding is required to purchase assistive listening devices to ensure a school is compliant with federal regulations for students with hearing loss.

Technology Solutions for ADA Title II Hearing Compliance

Across the United States, students with hearing disabilities rely on public schools to deliver equitable education opportunities and comply with Title II of the Americans with Disabilities Act. Non-compliance not only puts students' education and development at risk but it opens

⁴ [Frequently Asked Questions Elementary and Secondary School Emergency Relief Programs Governor's Emergency Education Relief Programs](#). Page 32. Services to support children with disabilities age 3-21 under section 611 of IDEA Part B.

public institutions up to a number of potential consequences that are avoidable when the right solutions are implemented. By complying with the ADA, schools provide an equitable environment in which students with hearing disabilities can learn and thrive.

Williams AV pioneered assistive listening devices and provides schools with assistive listening technology that helps schools meet ADA Title II compliance and improve understanding in the classroom for students with hearing loss.

- **[Portable, ADA Title II Compliant Assistive Listening Kit](#)**

Many classrooms are equipped with voice lift systems/sound systems. While these systems help increase the sound in a classroom, they may not be enough for students with hearing loss, and they are not ADA Title II compliant. One challenge students with hearing issues struggle with is clearly hearing the teacher. Classroom noise, such as the rustling of papers, typing, and background chatter, makes it difficult for a student to hear what is taught.

Our portable, affordable assistive listening kit delivers the sound of the teacher directly to the student, removing unintended and distracting background sounds. This assistive listening kit uses radio frequency, works well with existing classroom sound field reinforcements, and satisfies ADA Title II requirements for hearing disabilities. In addition, because it is portable, students can take the kit with them as they move between classrooms, removing the need to equip each classroom with a system. Finally, the kit has the added benefit of being used by school visitors who may require hearing assistance.

Learn more about
Williams AV Portable
ADA Title II Compliant
Assistive Listening Kit for
Schools.



SCAN ME

The kit includes everything a school needs to accommodate effective communications for individuals in small-group settings such as classrooms, parent-teacher conferences, media centers, labs, workshop spaces, and conference rooms.

- **Installed Countertop and Large Area Assistive Listening Systems**

A hearing loop is an assistive listening system that takes a sound source and transfers it directly to a hearing aid or cochlear implant without background noise, interference, or distortion. Loops are ideal for hearing aid users. A countertop product can be installed at the front desk, ticket counters, or any other service counter in the school. Hearing loops can also be installed in larger spaces, such as gymnasiums or theaters, providing clear sound to guests with hearing impairments.

- **Interpretation and Translation**

As student populations become more diverse, schools often face with the challenge of supporting ESL students and their non-native speaking support system (e.g., family members, guardians, etc.) Williams AV's Convey Video product has the ability to translate the audio from up to 109+ languages and many dialects into a second language. Live translations are delivered as subtitles overlaid on a video. It is an ideal solution for security and check-in desks, as well as classrooms and large venues with video screens to display the translation. (e.g. auditoriums, gymnasiums, etc.)

Technology continues to play a large role in the classroom. In addition to a student's hearing aids or cochlear implants, assistive listening devices, including portable radiofrequency devices, hearing loops, and even interpretation and translation systems, ensure lessons are accessible and inclusive. All of these technologies can help aid in a students' ability to understand instruction, consume on-demand learning content, and more by expanding how messages are heard.

About Williams AV

Williams AV designs and manufactures assistive communication devices for inclusion and engagement. Our products are used in classrooms at schools and universities, houses of worship, healthcare facilities, courtrooms, live events, and public transportation worldwide.

For nearly 50 years, our products have helped break down communication barriers with technology. We are leaders in [assistive listening systems](#), [AI-powered captioning](#) and [translation](#), [video annotation](#), and systems that help with [human interpretation](#).

Contact us at **1-800-328-6190** or info@williamsav.com to learn how to help your students hear, see and engage.

Williams AV. Helping people hear, see, and engage.