



February 2023 Newsletter

On February 11 our topic will be:

Ototoxic Medications

Margaret (Meg) Wallhagen, PhD, GNP, will be discussing certain medications that can damage the ear, resulting in hearing loss, ringing in the ear, or balance disorders. These drugs are considered ototoxic. These include medicines used to treat serious infections, cancer, and heart disease. We will learn which are the more common medications that can be

ototoxic, placing decisions regarding their use in the context of “what matters” and how to consider what options might be available, particularly those with chronic conditions.

Dr. Wallhagen is a Professor in the Department of Physiological Nursing at University of California San Francisco, a Geriatric Nurse Practitioner and Director of the UCSF Hartford Center of Gerontological Nursing Excellence, and Senior Nurse Scholar of the VA Quality Scholars Program. **Social time: 9:30 a.m. Meeting begins: 10 a.m.**

Register for this free event [HERE](#). Or use this link if you are getting a hard copy of the newsletter: <https://www.hearinglosseb.org/monthly-meetings-1>. After you register, you'll be sent the link to join the meeting. Consider staying after the meeting for AfterWords – a chance to ask more in-depth questions, as well as discuss anything you want with fellow members!

HLAA-EB posts our newsletters to the California State Association webpage and a link on our website. VOLUNTEER! Contact us to let us know you are available! Check out our website at: <http://www.hearinglosseb.org/> Contact us at: info@hearinglosseb.org

Time to Renew your membership in our local chapter for only \$15 a year! Ways to renew: pay at our website on the “Donate” button in the upper right-hand corner; mail your renewal with your name, address, phone number, and e-mail to: East Bay Chapter, HLAA, P.O. Box 12484, Oakland, CA 94604-2484. See the back page to sign up and support National HLAA.



2023
CONVENTION
New Orleans, LA
June 29 - July 1, 2023

HLAA2023 Convention will be in New Orleans, Louisiana!!! Meet other members from around the country and hear the latest info! Any interest in attending? More information at hearingloss.org. Our chapter is accepting applications for a chance to subsidize your trip!

MEETING NOTES: *"Accommodations for Students with Hearing Loss in Schools"*

At our January 14, 2023 HLAA-EB Chapter meeting, our guest speaker was David M. Grey, Principal Attorney along with his wife Attorney Barbara Grey at the Grey & Grey Law Firm in Santa Monica, California. Grey & Grey is a law firm that provides legal representation to students with disabilities. In particular, Dave has extensive experience in representation of Deaf and Hard Of Hearing (DHOH) students, mostly in cases that involve challenging the child's school district's failure to provide adequate special education support or accommodations. Dave identified some of the major legal issues that often arise in educating DHOH students, the difficulties sometimes faced in having their needs at school met, and how DHOH students can be supported and accommodated in schools,

Dave's Background:

Initially, Dave talked about how he came to representing students with disabilities. Although Dave has now been an attorney for 36 years, he explained that long ago as a new attorney of 6 weeks, his boss had assigned him to all kinds of legal cases, including personal injury, construction law and employment law. It was after the teacher of his young son in 2nd grade contacted Dave and his wife regarding concerns about their son's learning problems which school personnel believed were based on untreated anemia.

After feeling somewhat "beaten up" by the school while attempting to resolve their son's problems, Dave became aware of disability law, and he and his wife opened Grey & Grey Law Firm with their son as their first client. Grey & Grey Law Firm now exclusively practices disability law with many of their cases focusing on gaining the proper support and accommodations in schools for meeting the needs of children and adult students with hearing loss.

In spite of their family's early interaction with the school seeming somewhat problematic, their efforts in seeking a correct diagnosis of their son's hearing loss and gaining proper school accommodations were ultimately successful. In pursuing their son's case, Dave noted that he took on a new legal interest and learned so much through his research into disability law and more specifically, how it is applicable to meeting the needs of students with a disability in schools. In fact, soon after having success in pursuing their son's case, other parents and grandparents began to contact their law firm regarding their children's rights to being properly accommodated in public schools.

Legal Issues in Educating DHOH Students:

Dave identified and discussed some of the key mandates upon which he has relied in his disability law practice, including codified law such as the Individuals with Disabilities in Education Act (IDEA) and the Americans with Disabilities Act of 1990 (ADA), as well as related case law. The IDEA is a federal law that makes available a free appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children. Dave explained that the IDEA requires that schools educate children within their individual needs. If the issues can't be resolved, then they go to an administrative hearing.

In the alternative, the ADA, which was enacted some 32 years ago, may work better in securing legal rights in some cases where schools are reluctant to provide the educational support and accommodations needed by students with a communication disability, such as hearing loss. The ADA prohibits discrimination against people with disabilities in several areas, including public accommodations such as public schools.

As an example, Dave described a case where family members requested Communication Access Realtime Translation (CART) captioning for their children in their school studies since the students came home exhausted due to their hearing loss and were afraid to participate in class because they felt embarrassed about their hearing loss. However, the school resisted their request for CART, arguing that the students were already doing well enough in their school studies without any accommodations. Although the students lost their case in the administrative hearing and also in the lower District Court, they won their case upon appeal to the 9th Circuit Court. The higher 9th Circuit Court clarified in their ruling that under the ADA, any public entity, including a public school district, has a legal obligation to provide equal access to effective communication for a child or adult with a disability such as DHOH, as a person without the disability. This federal court win may serve as important legal precedent, benefitting other students seeking a school's accommodations for their hearing loss.

Dave further explained how he determines how to pursue a disability law case. He proceeds as follows:

- He goes through the written decision and analyzes the rationale behind the judgment.
- Is there a viable reason upon which to appeal?
- Was there a gap in the rationale and logic?
- Was there an error in law?

Difficulties in Having DHOH Students' Needs Met:

Dave identified several examples of problems that he has run into while trying to gain the appropriate accommodations that will satisfy the needs of DHOH students in schools.

- ✓ School districts are typically underfunded, and they don't generally have extra funds available to pay for special educational support and/or accommodations that DHOH students may need.
- ✓ Hearing loss is often considered an "invisible disability" which is not that obvious, so DHOH students may go undiagnosed or be improperly accommodated by school personnel.
- ✓ Schools may argue that testing, an Individual Education Plan (IEP), and follow-up accommodations are unnecessary if a student seems to be already doing OK in school, although the student may be actually underachieving and could do even better if properly accommodated in their school setting.
- ✓ Schools may resist agreeing to a family's request or a professional's recommendation in paying for costly support and/or accommodations, if there is a less costly but perhaps also less effective alternative available in meeting an individual DHOH student's needs. For example, CART captioning vs. Artificial Intelligence captioning; in-person learning assistance vs. remote learning.

Supporting and Accommodating DHOH Students:

Dave reminded us of the importance of being willing to seek and acquire the appropriate support and accommodations in schools necessary to meet the needs of students with a disability, including students with a hearing loss. To accomplish this, Dave suggested the following:

- Know your legal rights under the ADA and other relevant federal, state and local laws that protect the rights of people with hearing loss and other disabilities.
- Be assertive in requesting that school personnel provide the appropriate support and accommodations for meeting your child's needs in the school.
- Be collaborative rather than argumentative in negotiating with school personnel and settling on how your child can be best supported and accommodated within their school environment.
- If you and the school cannot reach an agreement on what is an acceptable accommodation in your child's case or make progress in getting results from the school after a month or 6 weeks, then you may want to file a complaint with authorities and/or consult with legal representation about filing a lawsuit against the school district on your child's behalf.

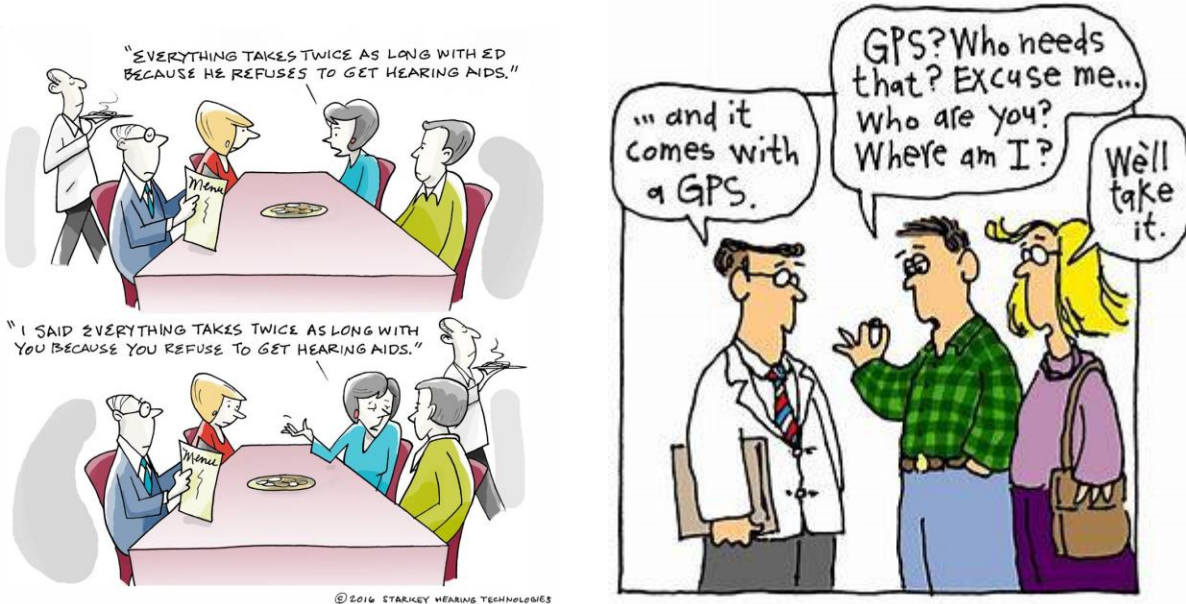
Wrap-Up:

After wrapping up his excellent overview on the legal rights of students with hearing loss in need of special educational support or accommodations in public schools, Dave then opened up a Q & A session at which time he took and responded to audience members' questions. Some of the questions were broad-based about the relevant law while others were more narrowly focused on the audience member's specific situation. Finally, Dave urged those persons who might need more information or have additional questions, to contact him via his email below.

For More Information & Questions: Email: david@greyslaw.com

~ Kathy Fairbanks

JOKE CORNER



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OR, if you prefer to pay by check or card thru the mail, Nancy Asmundson has membership forms to send to you, or contact HLAA at 301-657-2248 or e-mail membership@hearingloss.org. Your membership form & payment go to HLAA, 6116 Executive Blvd., Suite 320, Rockville, MD 20852.

COSTS: Regular Membership/year (will receive *Hearing Life* magazine in print and digital format): Individual - \$45; Couple/Family - \$55; Professional - \$80; Nonprofit - \$80;

Veteran Membership: Complimentary 1-Year Regular Membership & Lifetime Online Membership.