



STATE OF NEW JERSEY DEPARTMENT OF EDUCATION

DEAF AND HARD OF HEARING STUDENTS: CONSIDERATIONS FOR DETERMINING PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT (LRE)



Introduction

Under the Individuals with Disabilities Education Act (IDEA) students with disabilities are entitled to a free appropriate public education (FAPE) tailored to their individual needs. A key principle of the IDEA is the requirement that students with disabilities are educated in general education settings to the greatest extent appropriate. The least restrictive environment (LRE) emphasizes access to the general education curriculum, with supports and services provided, before considering more restrictive settings. For most students with disabilities, LRE equates to time in general education. However, students who rely on sign language to access their educational environment, along with some other Deaf and hard of hearing (DHH) students, have distinct needs that may not be adequately addressed in traditional general or special education settings. For these students, an appropriate LRE may involve placement in educational settings that emphasize full access to language, support communication development, foster social interaction, and provide specialized services, whether through signed, spoken, or combined modalities, even if such settings fall outside the Local Education Agency (LEA).

The excerpt below from a United States Department of Education Policy Letter [Deaf Students Education Services](#) further highlights what should be considered when determining LRE for students who are Deaf or hard of hearing.

The Secretary is concerned that some public agencies have misapplied the LRE provision by presuming that placements in or closer to the regular classroom are required for children who are deaf, without taking into consideration the range of communication and related needs that must be addressed in order to provide appropriate services. The Secretary recognizes that the regular classroom is an appropriate placement for some children who are deaf, but for others it is not. The decision as to what placement will provide FAPE for an individual deaf child, which includes a determination as to the LRE in which appropriate services can be made available to the child, must be made only after a full and complete IEP has been developed that addresses the full range of the child's needs.

This document offers guidance on determining the LRE for specific populations of Deaf and hard of hearing students whose diverse and complex needs may require specialized supports and settings.



Guiding Regulations for Deaf and Hard of Hearing Students

Placement decisions for DHH students are guided by both best practices and legal mandates. Federal and state regulations establish the framework for how IEP teams determine the Least Restrictive Environment (LRE).

Guiding Regulations

The IDEA requires that all students with disabilities be educated in the LRE. For students who are DHH, placement decisions must align with both federal regulations and New Jersey's special education requirements (N.J.A.C. 6A:14) as well as the NJ Deaf Students' Bill of Rights (NJ Rev Stat §18A:46-2.8). Both federal and state regulations identify communication access as the central factor in placement decisions. Under 34 CFR §300.324(a)(2)(iv) and N.J.A.C. 6A:14-3.7(c)8–9, IEP teams must consider a DHH student's language and communication needs, opportunities for direct communication with peers and professional personnel, the student's academic level, and the full range of opportunities for direct instruction in the student's language and communication mode. These requirements also stress the importance of ensuring that qualified personnel are available who have the skills necessary to support the student's language and communication mode. These regulatory provisions shape how IEP and 504 teams must document and address communication needs in practice

The Role of the IEP and 504 Plan

In applying these regulations, students who are DHH, whether supported by an IEP or a Section 504 Plan, must have a Communication Plan to ensure meaningful access to instruction, services, and peer interaction. The plan must reflect the student's preferred mode of communication, whether signed, spoken, or combined, and document communication access needs, list required accommodations and modifications, and specify interpreting, captioning, assistive technology, and related services in order to provide an equal educational opportunity.

For IEP teams, the Communication Plan becomes the compliance tool that ensures placement decisions are aligned with IDEA and state requirements. For 504 teams, it serves as the access tool that guarantees nondiscrimination and participation in the general curriculum. With these plans in place, the next step for teams is determining the student's placement in the least restrictive environment

Placement in the Least Restrictive Environment

IDEA requires that students be educated with their nondisabled peers to the maximum extent appropriate. For DHH students, this principle must be understood through the lens of communication access, not physical proximity.

Placement decisions must be individualized, based on the student's communication, academic, and social needs. They cannot be determined by disability label, availability of services, or administrative convenience. The measure of the LRE for DHH students is whether the setting provides full, direct, and meaningful communication access that allows the student to achieve FAPE.



Deaf and Hard of Hearing Students: Students with Limited or No Formal Language & Preschool-Aged Children

Students with Limited or No Formal Language (Signed or Spoken)

These students may have experienced language deprivation, lacking access to a fully accessible, natural, and formal language, whether signed or spoken, during early childhood. This can lead to Language Deprivation Syndrome, which negatively impacts cognitive development, academic achievement, emotional regulation, and social connection.

Access to language must begin as early as possible and as soon as language deprivation is identified. The earliest years are a critical period for language acquisition and brain development. However, regardless of age, it is essential to provide DHH children with immersive, language-rich environments and fluent language models, whether in American Sign Language (ASL), spoken language, or both, to support ongoing development and reduce the long-term effects of deprivation.

Deaf and Hard of Hearing Preschool-Aged Children

Preschoolers are developing foundational communication and cognitive skills. In many situations, using an educational interpreter is not developmentally appropriate for children who are still building a foundation in their first language. Direct access to fluent language models in the child's accessible modality is essential at this stage for healthy development. Additionally, full communication opportunities with peers and adults in their language modality are critical to support social-emotional growth and language development.

If a child's language development trajectory is uncertain, it is essential to ensure early exposure to a language that is fully accessible to them, whether signed, spoken, or both, to avoid losing valuable time during this critical period. Research has shown that early exposure to a natural sign language, such as American Sign Language (ASL), provides a strong linguistic foundation that supports cognitive development and can also facilitate the acquisition of spoken language (Mayberry, 2007; Petitto et al., 2001). Rich, accessible language environments in the earliest years are crucial for maximizing communication potential and ensuring long-term developmental success (Hall et al., 2019).



Hall, W. C., Levin, L. L., & Anderson, M. L. (2017). Language deprivation syndrome: A possible neurodevelopmental disorder with sociocultural origins. *Social Psychiatry and Psychiatric Epidemiology*, 52(6), 761–776. <https://doi.org/10.1007/s00127-017-1351-7>

Mayberry, R. I. (2007). When timing is everything: Age of first-language acquisition effects on second-language learning. *Applied Psycholinguistics*, 28(3), 537–549.

Deaf and Hard of Hearing Students: Multilingual Learners

Multilingual Learners with Limited or Interrupted Formal Education

When a Deaf or hard of hearing student whose home language is not English arrives at school, it is critical that services addressing their hearing status and communication needs begin promptly. Without full access to auditory or visual communication, these students are at risk of expressive and receptive language delays; early identification is essential.

To determine the most appropriate placement and ensure access to the LRE, Deafness specialists, teachers of the DHH, ESL teachers, and audiologists must collaborate closely. While many students qualify for services under IDEA or Section 504, some may also qualify for English Learner (EL) services under ESSA.*

Recommended steps to guide LRE decisions include:

- Obtaining an audiogram and report to confirm hearing level and auditory access.
- Assessing the student's proficiency in home languages, signed or spoken, through interviews with parents, the student, and staff, to understand current communication methods.
- Conducting formal and informal bilingual evaluations, involving sign language specialists if applicable, to accurately gauge language development.
- Completing speech/language evaluations to determine eligibility under Auditory Impairment.
- Consulting with Deaf education specialists and evaluators throughout to ensure programming supports the LRE where the student has full, meaningful access to communication and learning.

Placement decisions must prioritize environments that provide direct access to fluent language models (signed, spoken, or both), allowing the student to engage fully academically and socially.

*The term multilingual learner is synonymous with "English learner" or "English language learner." Sources which are cited from the United States Department of Education may still reference the use of the term English learner or EL. The NJDOE recognizes that multilingual learners may enter New Jersey's schools with a level of proficiency in a world language other than English. The NJDOE will use "Multilingual Learner" and "ML," respectively, to shift to asset-based language and honor a student's primary language.



Deaf and Hard of Hearing Students: Deaf with Disabilities (Deaf Plus)

Deaf Plus Students

Deaf and hard of hearing (DHH) students with additional disabilities, often called Deaf Plus or Deafdisabled, have complex needs that require highly individualized, interdisciplinary support. Traditional classroom settings may not offer the communication access, specialized services, or expertise these students need to make meaningful progress.

An appropriate LRE for Deaf Plus students is one that ensures:

- Consistent communication access using signed, spoken, augmentative and alternative communication (AAC), or combined modalities with fluent models.
 - AAC should be implemented with fidelity.
 - For most DHH individuals, AAC is not a substitute for sign language; however, for some students, it can support the development of spoken or signed language.
 - When AAC is used, an additional receptive modality may be necessary to ensure full access to both expressive and receptive communication.
- Collaborative, trained staff who understand how hearing loss interacts with other disabilities.
- Integrated services, such as speech, occupational, physical, and behavioral therapies, along with support from Deaf education specialists and special educators, should be delivered by professionals with expertise in both deafness and co-occurring disabilities.
- Assistive technology and visual supports tailored to the student's communication and learning needs.
- Opportunities for peer interaction with others who share similar communication methods and developmental profiles.

For Deaf Plus students, the LRE may be a specialized setting that prioritizes access, communication, and comprehensive support over physical proximity to typically developing peers.



The Bottom Line

For some DHH students, the LRE is not defined by location, but by access to a fully fluent and comprehensible language, whether signed, spoken, or a combination of both. Identifying the appropriate placement requires prioritizing effective communication, early language acquisition, access to specialists in Deaf education, and individualized support. This may involve considering placements beyond the LEA, such as schools for the DHH or DHH programs located in out-of-district placements. The NJ Department of Education maintains a list of programs and schools for the DHH on the website [Resources for Students who are Deaf or Hard of Hearing](#).

