

# DISABILITY LAW CENTER OF ALASKA

January 2018 Report to:

## Governor's Council on Disabilities & Special Education

In the first month of 2018 the Disability Law Center (DLC) continues to work for, and on behalf of, people with intellectual and developmental disabilities (I/DD). One case of note falls under our **Education** priority, which describes our focus on:

“Increasing the access of students with DD to a free, appropriate public education in the most integrated settings by improving their opportunities to participate meaningfully in academic and non-academic activities in the least-restrictive environment.”

DLC is representing a student who is Deaf and lives in a rural district. This student is 9 years old and although he has been attending school in the district for 5 years, he has never been taught to communicate using ASL, and no one at the school is fluent in ASL or is qualified to teach a deaf student. The student is 5 years behind his peers and cannot read or write and does not understand math. The school district has never had a qualified Deaf Educator on staff for more than a few months at a time and had been relying only on online interpretation services to accommodate the student. This was wholly ineffective, since the student is not fluent in ASL and cannot benefit from the online interpreter.

Before DLC got involved with this student's program, he had never been fully evaluated by the school district and had only ever had a Speech/Language evaluation in 2012 by an outside provider. He became Deaf at 8 months of age due to an illness, yet no one from the local clinic or the school district informed the parent that he was, or could be, Deaf until he was 4 years old. This caused him to miss out on crucial Early Intervention Services. A state complaint was written by a concerned third party, which carefully outlined all of the district's IDEA violations in regard to this student. This complaint was investigated by the State and no violations by the school district were found.

DLC has so far assisted the family with requesting that the school district provide a full evaluation for the student at the AK State School for the Deaf in Anchorage. This evaluation shows that this student should have learned language before the age of 3, or at the most the age of 5. DLC is assisting this family and the school district with determining what services will be necessary to remediate this student's significant functional deficits as soon as possible.

This case highlights our concerns that students with intensive needs are not being served appropriately in rural AK, and that the state's IDEA complaint investigation process may be inadequate. Given the facts of this case, juxtaposed with the outcome of DEED's investigation, we are left wondering: is this child's circumstance unique in rural Alaska? Or might this be an indication of a broader problem?