

How to Document the Vacancy of a Teacher of the Deaf/Hard of Hearing (TODHH)

The Individuals with Disabilities Education Act (IDEA) requires a local educational agency (LEA) to fully implement a child's individual educational plan (IEP). When a vacancy occurs for an exceptional student education service provider, such as a teacher of students who are deaf/hard of hearing (TODHH), documenting the LEA's efforts and response supports transparency and accountability. Maintaining thorough documentation ensures that the LEA has the information needed to respond appropriately should questions, concerns, complaints, due process proceedings, or formal reviews arise.

Topic to address	Guidance
Reasons for Not Having a TODHH	Explain the cause of the LEA's lack of a qualified TODHH to implement the IEP, including when the shortage began. Possible factors include: • Regional shortage of qualified TODHH personnel • Retirement or resignation of the previous TODHH • The TODHH accepting a position in another LEA • Difficulty recruiting professionals with specialized deaf/hard of hearing (DHH) credentials • Increased student enrollment requiring additional personnel Document the date the vacancy began and any staffing changes that contributed to the shortage.
Efforts to Obtain a TODHH	Describe all efforts to secure a qualified TODHH, including: • Job postings and recruitment websites used • Dates positions were advertised • Participation in recruitment fairs • Contact with university Deaf Education preparation programs • Contact with agencies that provide contracted TODHH services • Collaboration with neighboring LEAs Documentation should demonstrate ongoing and continuous recruitment efforts until student service needs are met.
Plan for Addressing Student Needs	The LEA should provide written notification to parents regarding the TODHH vacancy and explain how student needs will continue to be addressed during the shortage. The plan may include: • Consultation with qualified DHH professionals • Support from other certified TODHH personnel within the LEA • Collaboration with neighboring LEAs • Access to communication supports and accommodations • Monitoring of language and academic progress • Maintenance of assistive technology and hearing assistive technology systems • Case management oversight • Provision of compensatory services, when appropriate Parents should be provided with a LEA contact and promptly notified of missed IEP services, the reason they were not provided, and the plan for make-up or compensatory services, as appropriate.



Amount of Services Missed	For each affected student, document: • Dates of missed services • Number of missed sessions • Scheduled service frequency • Scheduled service duration • Total cumulative minutes missed Important Reminder: Adjustments to services and supports in a student's IEP should not be made because of staffing shortages. All service times, goals, accommodations, and supports must be based on the student's individualized educational needs and supporting data.
Compensatory Services: Determination and Calculation Considerations	Compensatory services are individualized services provided to make up for educational benefit lost due to missed or interrupted IEP services. The purpose is not simply to replace every missed minute, but to address any educational harm resulting from the missed services. When determining compensatory services, the IEP team should review: • Total amount of missed TODHH services • Length of the vacancy • Student's progress toward IEP goals • Student performance data before, during, and after the service interruption • Impact on communication access • Impact on language development • Impact on academic progress • Availability of alternative supports during the vacancy
Use of Virtual Service Delivery	When virtual services are utilized, the IEP team should consider whether the student can continue to receive a Free Appropriate Public Education (FAPE). Factors to review may include: • Student age and independence • Communication mode • Access to technology • Need for direct instruction • Ability to engage virtually • Progress monitoring data Some instructional objectives may be effectively addressed virtually, while others may require direct in-person instruction. If virtual services are insufficient to support progress or communication access, the LEA should continue documenting the vacancy and consider compensatory services, as appropriate.

