

WASHINGTON STATE BOARD OF HEALTH

Significant Legislative Rule Analysis

WAC 246-760
a Rule Concerning Hearing
Screening Standards for
Washington School Districts

APRIL 2025

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SECTION 1

A brief description of the proposed rule including the current situation/rule, followed by the history of the issue and why the proposed rule is needed.

The Washington State Board of Health (Board) sets the standards for the annual hearing screenings conducted in Washington school districts, as required by state law ([RCW 28A.210.020](#)). These standards, established in [chapter 246-760 WAC](#), help schools identify students with diminished hearing and aim to connect them with appropriate diagnostic and follow-up care. The rule covers screening frequency, required and alternative tools, referral criteria, procedures, and qualifications for screening personnel.

In 2023, the Lake Chelan Lion's Club requested the Board update its hearing screening rules to include otoacoustic emission screening (OAE), in addition to the current audiometry screening equipment described in WAC 246-760-030(1). The Board accepted this request and began rulemaking to explore including OAE technology. Additionally, since the hearing screening standards have not been updated since 2002, the Board planned to review other technical and editorial changes as needed.

The proposed changes to chapter 246-760 WAC would allow school districts to use OAE devices as an optional screening tool for students who cannot participate in pure-tone audiometry. These updates align with national hearing screening guidelines and best practices. Additionally, proposed rule changes will improve clarity, consistency, and language, including adding a new "Auditory Screening" section to match WAC 246-760-070 for vision screening. The changes will also remove deficit-based terms like "fail," "loss," and "impairment" to promote a more inclusive and positive approach to hearing screenings.

The Board's hearing and vision screening rules have existed since the 1970s. The rules require that hearing screenings occur annually for students in kindergarten and grades one, two, three, five, and seven, with the option to expand to other grades if resources allow. This is consistent with the American Academy of Audiology's (AAA) guidelines, which recommend screening children three (chronologically and developmentally) and older using pure-tone audiometry.¹

School hearing screenings are a critical public health tool for identifying students with hearing reductions and ensuring they are referred for appropriate follow-up care. Decreased hearing levels in children are common and can be congenital (present at birth) or acquired later in childhood due to illness, injury, or genetics.²

¹ American Academy of Audiology. Childhood Hearing Screening Clinical Practice Guidelines. September 1, 2011. Accessed April 10, 2025. <https://www.audiology.org/practice-guideline/clinical-practice-guidelines-childhood-hearing-screening/>

² Centers for Disease Control and Prevention. About the Types of Hearing Loss. Parent Guides to Hearing Loss. Published May 14, 2024. Accessed April 10, 2025. <https://www.cdc.gov/hearing-loss-children-guide/parents-guide-genetics/about-the-types-of-hearing-loss.html>

Each year, about 1 to 3 out of every 1,000 babies are born with decreased hearing. Research shows that this number may increase to about 2 to 5 per 1,000 children by kindergarten.³ Data from the U.S. Centers for Disease Control and Prevention (CDC) National Health and Nutrition Examination Survey (NHANES) also show that 11-15% of children ages 6 to 19 have some degree of diminished hearing.^{4 5}

If hearing changes aren't caught early, and children don't receive the support they need, it can lead to lasting challenges.⁶ These may include delays in language development, difficulty with memory, thinking, task management, school performance, social interactions, and emotional well-being.

While many states, including Washington, have universal newborn hearing screening programs, conducting regular screenings throughout childhood is still important, as hearing loss can develop at any age.⁷ The proposed rule is needed to meet the requirements of RCW 28A.210.020 and to ensure school hearing screening standards are current and aligned with national best practices.

³ Centers for Disease Control and Prevention. Research and Tracking. Hearing Loss in Children. Published May 15, 2024. Accessed April 10, 2025. <https://www.cdc.gov/hearing-loss-children/research/index.html>

⁴ Centers for Disease Control and Prevention. Data and Statistics About Hearing Loss in Children. Hearing Loss in Children. January 31, 2025. Accessed April 10, 2025. <https://www.cdc.gov/hearing-loss-children/data/index.html>

⁵ Humes L. Audiograms and Prevalence of Hearing Loss in U.S. Children and Adolescents 6–19 Years of Age. *Journal of Speech, Language, and Hearing Research*. 2024;67(9):3178-3200. doi:10.1044/2024_JSLHR-24-00050

⁶ American Academy of Pediatrics. Hearing Assessment in Infants, Children, and Adolescents: Recommendations Beyond Neonatal Screening | *Pediatrics* Volume 152, Issue 3. September 2023. Published August 28, 2023. Accessed April 10, 2025. <https://publications.aap.org/pediatrics/article/152/3/e2023063288/193755/Hearing-Assessment-in-Infants-Children-and?autologincheck=redirected>

⁷ American Speech-Language-Hearing Association. Childhood Hearing Screening. [Practice portal]. (n.d.). Accessed April 10, 2025. <https://www.asha.org/Practice-Portal/Professional-Issues/Childhood-Hearing-Screening/>

SECTION 2

Significant Analysis Requirement

The following SA Table 1. identifies rule sections or portions of rule sections that have been determined exempt from significant analysis based on the exemptions provided in RCW 34.05.328(5) (b) and (c).

SA Table 1. Summary of Sections not requiring Significant Analysis

WAC Section and Title	Description of Proposed Changes	Rationale for Exemption Determination
<i>Example:</i> WAC XXX-XXX-XXX TITLE	<i>Describe proposed changes to the current rule or new rule.</i>	<i>Exemption taken from RCW 34.05.328(5) (b) and (c) and rationale.</i>
WAC 246-760-001 – Purpose and application.	Replaces “auditory or visual problems” with “reduced auditory or visual acuity” that may negatively impact a student’s learning to include more inclusive and positive language around hearing and vision screenings.	RCW 34.05.328(b)(iv) Proposed rule update clarifies rule language without changing its effect. This does not meet the definition of a legislatively significant rule
WAC 246-760-010 – Definitions, abbreviations, and acronyms.	Addition of new terms and definitions for hearing screenings, as there are not currently any included in this section.	RCW 34.05.328(b)(iv) Proposed rule update clarifies rule language without changing its effect. This does not meet the definition of a legislatively significant rule
WAC 246-760-020 – Frequency for schools to screen children.	This section was relocated and retitled “Screening Requirements for Schools” to reflect its broader scope. Additional updates clarify that annual screenings are required, allow for expanded screenings when resources permit, revise language around acuity concerns, and remove outdated references to hearing screenings.	RCW 34.05.328(b)(iv) Proposed rule update clarifies rule language without changing its effect. This does not meet the definition of a legislatively significant rule
WAC 246-760-025 – Hearing screening.	Addition of a new section under “Hearing Screening Standards” to include rule	RCW 34.05.328(b)(iv) Proposed rule update clarifies rule language without

	language similar to WAC 246-760-070, specifying that hearing screenings must use tools and procedures that are linguistically, developmentally, and age-appropriate, with clarification on student exemptions from screening requirements.	changing its effect. This does not meet the definition of a legislatively significant rule
WAC 246-760-050 – Hearing screening procedures.	The section title was revised to “Hearing Screening Referral Procedures.” New language was added to address students receiving a “refer” result from OAEs. The section was also revised for improved readability and plain language use.	RCW 34.05.328(b)(iv) Proposed rule update clarifies rule language without changing its effect. This does not meet the definition of a legislatively significant rule
WAC 246-760-060 – Hearing screening personnel qualifications.	The section title was updated to “Hearing Screening Personnel Qualifications,” and the proposed language specifies additional staff, aside from school nurses, who are involved in school screening programs. Language throughout the section was also revised to improve clarity and readability.	RCW 34.05.328(b)(iv) Proposed rule update clarifies rule language without changing its effect. This does not meet the definition of a legislatively significant rule

SECTION 3

Goals and objectives of the statute that the rule implements.

RCW 28A.210.020 requires each school district in Washington to screen students for hearing issues that may affect their learning and to follow procedures and standards set by the Washington State Board of Health (Board). The proposed rule updates the hearing screening procedures to:

The proposed rule meets the objectives of the statute by updating the current hearing screening procedures and standards to:

- Align with the 2017 updates to vision screening procedures (the hearing guidelines haven't been updated since 2002).
- Improve language for better clarity, readability, and understanding by school districts and screening staff.
- Remove negative terms like "hearing loss," "hearing problems," and "pass/fail" to promote a more inclusive and positive approach to hearing screenings, without changing the substance or outcome of screening itself, based on feedback from the Deaf community, parents, and providers of children who are Deaf or Hard of Hearing.
- Follow national standards and add an optional otoacoustic emission (OAE) screening technology to support students who can't participate in pure tone audiometry screenings due to age, developmental factors, primary language, or other reasons.

These changes aim to help school districts and screening staff improve their hearing screening programs while ensuring the rules are clear and effective.

SECTION 4

Explanation of why the rule is needed to achieve the goals and objectives of the statute, including alternatives to rulemaking and consequences of not adopting the proposed rule.

The proposed rule is essential to meet the goals outlined above and comply with RCW 28A.210.020. It ensures the Board supports evidence-based hearing screening tools, providing consistent, quality screenings for all students across schools and districts. Early identification of hearing challenges helps ensure children receive the support they need to succeed and prevent hearing reductions from affecting their learning.

The Board, in consultation with the Office of the Superintendent of Public Instruction (OSPI), sets school hearing screening standards under chapter 246-760 WAC. Any changes to these standards must be formally adopted through the rulemaking process, following the requirements of the Administrative Procedures Act.

The Board's hearing screening standards have not been updated since 2002. This rulemaking is essential to align screening practices with current evidence-based standards and ensure school screening staff can access clear, up-to-date procedures.

Without these updates, the hearing screening rules would be inconsistent with vision screening standards, use less clear language, and offer fewer screening options for students unable to complete pure-tone audiometry.

Even mild or minimal hearing loss can impact a child's ability to access language and instruction. However, students with disabilities or complex needs are often overlooked during routine screenings because they cannot complete behavioral-based tests, which are currently the standard approach.⁸

To uphold students' rights to education under the Individuals with Disabilities Education Act (IDEA) and the Washington State Constitution, schools should have the flexibility to offer multiple and more inclusive screening options—such as otoacoustic emissions (OAE)—to ensure all children are identified, regardless of age, developmental ability, or primary language.⁹ A one-size-fits-all approach does not meet the diverse needs of Washington's students.

⁸ Educational Audiology Association. Hearing Screening Considerations for Children with Significant Disabilities. Position Statement, approved October 2021. Accessed April 10, 2025. <https://www.edaud.org/position-stat/19-position-10-21.pdf>

⁹ Washington State Governor's Office of the Education Ombuds. Basic Education Rights and Opportunities in Public Schools. Published January 2015. Accessed April 10, 2025. https://www.oeo.wa.gov/sites/default/files/public/manual_basic_education_rights.pdf

SECTION 5

Analysis of the probable costs and benefits (both qualitative and quantitative) of the proposed rule being implemented, including the determination that the probable benefits are greater than the probable costs.

WAC 246-760-030 Hearing screening standards for equipment and procedures.

Description: The existing rule establishes hearing screening equipment and procedures standards. Schools must use audiometry equipment set at 1,000, 2,000, and 4,000 Hz in line with American National Standards Institute (ANSI) standards. It also requires that schools have qualified personnel check equipment calibration every year. In this section, the proposed rule:

- Updates the ANSI standards referenced in the rule to the most recent version.
- Allows schools to use otoacoustic emission screening technology as an optional tool for students who cannot be screened using the audiometry equipment described in WAC 246-760-030 (1).
- Specifies that OAE devices shall not replace screening using the audiometry equipment described in WAC 246-760-030 (1).

Cost(s): The Board does not anticipate additional costs to the rule because purchasing and using OAE equipment is optional. However, if school districts choose to incorporate OAE technology into their screening programs, they may incur initial costs for purchasing the equipment and ongoing costs of training staff.

Benefit(s): The proposed changes benefit students by maintaining current screening requirements while providing an optional tool for students who may have difficulty screening using traditional audiometry equipment due to their age, primary language, or developmental abilities. Additionally, updating the most recent ANSI standards ensures that the equipment and procedures are aligned with current best practices.

WAC 246-760-040 Hearing screening procedures.

Description: The existing rule outlines the procedures for school hearing screenings, specifying the frequencies to be tested and requiring screenings in a quiet environment, following ANSI 1996 standards. It also details where screening results, referrals, and follow-up information should be recorded for each student. In this section, the proposed rule:

- Updates the ANSI standards referenced in the rule to the most recent version.
- Provides additional guidance on screening staff's steps when conducting hearing screenings.

- Introduces guidelines for using OAE technology, including when it can be used and the requirements for screeners administering OAE tests.

Cost(s): The Board does not anticipate additional costs from the proposed rule, as using OAE equipment is optional, and the Board does not anticipate that the added guidance requires or incurs extra costs for staff or districts.

Benefit(s): The proposed changes benefit students by maintaining current screening requirements while providing an optional tool for students who may have difficulty screening using traditional audiometry equipment due to their age, primary language, or developmental abilities. Additionally, updating the ANSI standards aligns equipment and procedures with current best practices while providing screening staff with updated guidance (in rule) on conducting screenings.

Summary of all Cost(s) and Benefit(s)

SA Table 2. Summary of Section 5 probable cost(s) and benefit(s)

WAC Section and Title	Probable Cost(s)	Probable Benefit(s)
WAC 246-760-030 Hearing screening standards for equipment and procedures.	No anticipated additional cost	The proposed changes benefit students by maintaining current screening requirements while providing an optional tool for students who may have difficulty screening using traditional audiometry equipment. Additionally, updating the most recent ANSI standards ensures that the equipment and procedures are aligned with current best practices.
WAC 246-760-040 Hearing screening procedures.	No anticipated additional cost	The proposed changes benefit students by maintaining current screening requirements while providing an optional tool for students. Additionally, updating the ANSI standards aligns equipment and procedures with current best practices while providing screening staff with updated guidance for conducting screenings.

Determination

Probable Benefits greater than Probable Costs

The Board does not anticipate any additional costs, as the use of OAE equipment for screening is optional. The proposed updates focus primarily on revising screening guidance and aligning with current best practices. The probable benefits of adding OAE as an optional screening tool and updating the rule for consistency and clarity outweigh the probable costs.

SECTION 6

List of alternative versions of the rule that were considered including the reason why the proposed rule is the least burdensome alternative for those that are required to comply and that will achieve the goals and objectives of the proposed rule.

The proposed rule is the least burdensome option, as it does not require schools to adopt new technology or procedures that would increase costs. While the Board considered not including OAE screening as an option, survey feedback from school screening staff highlighted that some schools already use OAE devices for students who cannot complete pure-tone audiometry. This rule supports existing practices and gives other schools the flexibility to use OAE technology to support more student screenings without requiring additional costs.

SECTION 7

Determination that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law.

This rule does not require school districts or screening staff to take actions that would violate federal or state law.

SECTION 8

Determination that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law.

The rule does not impose more stringent performance requirements on private entities; it only applies to public schools. Private schools may follow these hearing screening standards if they choose to do so.

SECTION 9

Determination if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by an explicit state statute or by substantial evidence that the difference is necessary.

The rule does not differ from any related federal regulation or statute.

SECTION 10

Demonstration that the rule has been coordinated, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.

The Office of Superintendent of Public Instruction (OSPI) has authority over chapter 392-172A WAC – Provision of Special Education. As required by WAC 392-172A-03020(3)(e):

(3) Each school district must ensure that:

(e) The student is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

This provision requires a school to assess a student's hearing, if appropriate, to determine whether they are eligible for special education. The Board's proposed hearing screening rule does not interfere with or waive the need for a more comprehensive vision assessment required by chapter 392-172A WAC for this student population.