

# **Final Thoughts on Deaf Education in Utah**

## **Part VI**

**Written & Compiled by Jodi Becker Kinner  
Edited by Minnie Mae Wilding**

**2007 & 2016**

## **Final Thoughts**

In this section, ideas and information are included from various sources that I, Jodi B. Kinner feel are important for people involved in Deaf education to know. It was written when the Language Equality and Acquisition for Deaf Kids (LEAD-K) was not widely known and the Deafhood Foundation training was still new. A lot has changed since then. I do not wish to make further changes. I will leave it as is. I encourage the readers to support the LEAD-K movement and Deafhood Foundation's mission.

## **Overview**

In the 19<sup>th</sup> and 20<sup>th</sup> centuries, Deaf and hard of hearing children were caught in series of debate that involved:

- Methods of teaching Deaf and hard of hearing children,
- What one communication mode could be used for all Deaf and hard of hearing children, and
- (Under IDEA) where the program (i.e. mainstream program) was located rather than what communication opportunities were available (Siegel, 2000).

Today, it is no longer practical to debate whether it is better for a Deaf or hard of hearing child to use spoken or signed language because discussions on communication options and methods will always happen. *However*, Siegel (2000) points out that “arguments supporting one or another should not be used as rationales for a one-dimensional institutional approach to educating Deaf and hard of hearing children” (p.3).

## **Mainstreaming**

Due to the “mechanics” of mainstreaming, school districts often find themselves unequipped for the special needs of the Deaf population. Deafness is a low incidence occurrence in the American population, and there isn't always a critical mass of students to *justify* the existence of a program and staff with expertise in deafness or hearing loss in each school district (Seaver, 2006). Hence, there was “not widespread understanding” of the educational implications of deafness. Consequently, in 1992, the U.S. Department of Education's Office of Special Education Programs published the *Deaf Students Education Services Policy Guidance* in response to a 1988 report by the Commission on

Education of the Deaf (COED) to clarify how IDEA should be applied in order to ensure an appropriate education for Deaf and hard of hearing children This guidance also clarifies what LRE and Free and Appropriate Public Education (FAPE) mean (A Synopsis of the Bill of Rights for Deaf and Hard of Hearing Children, 1997). Although the COED did its work more than 20 years ago, its conclusions remain valid (NASDSE Educational Services Guidelines, 2006).

According to Zapien (1998), IDEA and supporting Public Laws require that students with disabilities be placed in the LRE that is as close to their home as possible. The Deaf Education Services Policy Guidance for Deaf Children (1992) also reported the U.S. Department of Education believes that for all students with disabilities, including students who are Deaf or hard of hearing, placement in a regular classroom is appropriate for a child if the individual child's IEP can be implemented satisfactory in the regular classroom, with the use of appropriate supplementary aides and services (p. 49274). The position expressed above does not adopt the view that regular class placement is required for all children with disabilities, regardless of individual abilities and needs, but rather reinforces the importance of making individual determinations regarding the appropriate setting in which required services can be provided (NASDSE Educational Service Guidelines, 2006).

In Dr. Stephen C. Baldwin's article back in 1975, as a USD Curriculum Coordinator of Total Communication Division, questioned himself, "Is mainstreaming the hearing impaired really justified?" He had his reasons for doubting the justifications of mainstreaming Deaf students; he wondered if a Deaf student would be thoroughly happy in a demanding environment like a public school when his/her educational, social, mental and emotional needs are not met. When a criterion in meeting the student's needs is not fully fulfilled, the school fails (Baldwin, 1975).

### **Unique Language and Communication Needs**

According to the *Deaf Students Education Services Policy Guidance Policy Guidance*, the unique communication and related needs of a student who is Deaf is a fundamental part of providing FAPE to the child. Any educational setting, including

regular classrooms, that prevents a child who is Deaf from receiving an appropriate education that meets his or her needs, including communication needs, is not the LRE for the individual child (Zapien, 1998). Additionally, the U.S. Department of Education recognizes that the regular classroom is an appropriate placement for *some* Deaf children, but not for others.

Due to the communication issues inherent in deafness, the LRE clause in IDEA required more careful definition by the Government. In 1997, IDEA added new language which says that the IEP team must consider “the child’s language and communication needs, opportunities for direct communications with peers and professional personnel in the child’s language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child’s language and communication mode...” [20 U.S.C 1414 (d) (3) (B) (iv)]. However, according to Siegel (2000), this change has not yet resolved the fundamental of IDEA for Deaf and hard of hearing children, or relieve stress created as their communication needs push against the superior “mainstreaming” or “inclusive” force of the law (p. 29).

Siegel (2002) states, “Failed communication leads to failed education, then failed education leads to a failed adulthood. Failed communication affects all aspect of life” As a result, Deaf and hard of hearing adults have a higher rate of mental illness and have more concurrent health difficulties than their hearing counterparts (p.10).

Historically, the continuum has been viewed a regular classroom as “least restrictive” and a special school as “most restrictive” (Siegel, 2000). Because IDEA enlarges on its mandates, it delivers the LRE/FAPE dilemma into deeper water (Siegel, 2000). The *Policy Guidance* points out that the major barriers to learning associated with deafness relate to language and communication, which, in turn, profoundly affect most aspects of the educational process. [The] communication nature of the disability is inherently isolating, with considerable effect on the interaction with peers and teachers that make up the educational process. This interaction, for the purpose of transmitting knowledge and developing the child’s self-esteem and identity, is dependent upon direct communication. Yet, communication is the area most hampered between a Deaf child

and his or her hearing peers and teachers. Further, in accordance with the Policy Guidance, “the Secretary is concerned that the LRE provisions of the IDEA and Section 504 are being interpreted, incorrectly, to require the placement of some children who are Deaf in programs that may not meet the individual student’s educational needs. Meeting the unique communication and related needs of a student who is Deaf is a fundamental part of providing a FAPE to the child. Any setting, including a regular classroom, that prevents a child who is Deaf from receiving an appropriate education that meets his or her needs, including communication needs, is not the LRE for the individual child. Placement decisions must be based on the child’s IEP. The decision as to what placement will provide FAPE for an individual Deaf child—which includes a determination as to the LRE in 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.”

In 2004, IDEA, particularly Sec. 614 (3) (B) was updated to specifically recognize the unique communication needs of Deaf and hard of hearing students. Because Deaf and hard of hearing students often do not receive equal language and communication in the public school system, IDEA has added language and communication provisions, which require that all IEP teams consider:

- Language and communication needs, opportunities for direct communication with peers and professionals in the child’s language, and communication modes and academic levels,
- Full range of needs including direct instruction in the child’s language and communication mode, and lastly,
- Whether the child requires assistive communication devices and services (Hands & Voices, 2007).

According to Siegel (2005), although the IDEA contains many provisions intended to ensure that children with disabilities receive the best possible educational experience, the law overlooks or obscures key aspects of Deaf children’s communication and language needs. Additionally, in Siegel’s view (2005), IDEA is primarily a placement-driven policy in which "least restrictive environment" is more often interpreted to mean close to home or mainstreamed rather than truly accommodating.

When discussing a Deaf student's appropriate placement in the IEP meeting, there is no established legal requirement that this student be assessed for communication and language proficiency or provided services needed to ensure access to instruction (Siegel, 2005, p.7).

For years, Deaf and hard of hearing students have repeatedly been denied access to the programs and communication available to all other children. Moreover, they deal with failure to provide a qualified interpreter or access to a state school for the Deaf. Most importantly, Deaf children are denied to what all other children take for granted: access to the academic, social and linguistic components of an education (Siegel, 2005). Evidently, Deaf and hard of hearing children need their bill of rights and educational choices protection in order to have access to their language and communication needs; whether it is a public school or a Deaf school. The IEP team along with parents are encouraged to describe in detail how a Deaf and hard of hearing child would have what all other American children take for granted—easy, ongoing, and rich language.

### **Resources**

In 1994 (updated in 2006), the Deaf Students Education Services Policy Guidance of 1992 evolved from the Deaf Education Initiative Project to *Meeting the Needs for Students who are Deaf or Hard of Hearing Educational Service Guidelines*. The main purposes of these guidelines are to:

- Educate school systems about the unique educational needs of Deaf and hard of hearing students,
- Strengthen considerations of meeting their language and communication needs, Educate the U.S. Department of Education's Policy Guidance on Deaf students' education services,
- Implicit interpreting services,
- Educate school systems about specific special educational needs of students with hearing loss and many more. Additionally, the guidelines established requirements for the proficiency of staff delivering any IEP services in a school system.

In 1998, Lawrence M. Siegel, a Special Education Attorney, founded the National Deaf Education Project (NDEP) to reform the current educational delivery system for Deaf and hard of hearing children. This organization focuses on two basic goals:

Creating an educational paradigm that is fundamentally communication-driven and Assisting professional, consumer, and parent organizations to address local, regional, and State issues affecting Deaf and hard of hearing children (Siegel, 2000).

Several states, including New Mexico and Colorado, passed the Deaf Child's Bill of Rights, which led directly to the requirement that every IEP for a Deaf child's language and communication needs. Under the FAPE, the child is receiving the reasonable benefit of his/her educational program, and that the IEP should "reasonably calculate" to produce progress to achieve FAPE (Hands & Voices, 2007). Florida enacted a law called "Student and Parental Rights and Educational Choices." This law allows families to seek whatever educational choice options, including alternative and special schools that are applicable to their students. Furthermore, this law opens the doors for Deaf and hard of hearing students to have unimpeded access to school for the Deaf, effectively equating the public schools with LRE in the FAPE based on parental choice. Families in Utah encounter many roadblocks when trying to have their child enrolled in a special school because most districts have policies or practices that inhibit such placements, using IDEA as justification. In the case of a Deaf and hard of hearing child such a practice is potentially harmful because of their unique language and communication needs.

### **Family Rights and Responsibilities**

Each family has the right and responsibility to choose what they feel would be the most successful communication mode or philosophy for their children. If each family is able to choose for themselves what they believe is best, they are more likely to put forth the necessary effort, time, commitment and love to carry out that decision. The combination of personalized choices and family support will lead to success for our children. Families need unbiased and respectful rights to choose; this will happen if school personnel remember LRE as "Language Rich Environment."

Parents should be given an unbiased, complete picture of the communication and educational methodologies available to their children. All programs should be *equally* available with fair information to parents as recommended back in 1970s and as emphasized by Siegel in 2000. Parents of Deaf children have the right to decide on a program for them, based on fair information as long as they have access to literacy. Providing improper biased, one-sided information should no longer happen. When each family decides on a program, their right and responsibility to make their decision on the most successful communication mode or philosophy for their children should be affirmed, especially if good information was provided.

### **Recommendations**

For the sake of taxpayer dollars, it is recommended that the variety of professional personnel working with Utah School for the Deaf and Utah State Office of Education: administrative staff, teaching personnel, USDB Advisory Council members, UAD Education committee, parents and other interested stakeholders work with one accord and have one common goal: that Deaf and hard of hearing children become productive and literate citizens of society at large. They are encouraged to work together to make recommendations to modify or change the system as it exists, to make a difference in the lives of Deaf and hard of hearing students for years to come.

Following is a list of recommendations for all interested in promoting change and revitalization for Deaf education in the state of Utah.

1. Research and utilize concepts advised by the following groups, and participate in conferences or training when available.
  - a. National Association of State Directors of Special Education (NASDSE). NASDSE is highly committed to each state having and implementing a comprehensive statewide plan that clearly delineates and addresses the educational needs and issues of students who are Deaf and hard of hearing. A training component is provided to local and state education administrators with the most current information on federal statutes, policy guidance, promising practices and resources for improving educational services. NASDSE has revived its United States Department of Education's policy guidance and updated the NASDSE Meeting the Needs



of Students who are Deaf or Hearing of Hearing: Educational Services Guidelines book. <http://www.nasdse.org> and <http://www2.ed.gov/about/offices/list/ocr/docs/hq9806.html>

- b. National Agenda for Moving Forward on Achieving Educational Equality for Deaf and Hard of Hearing Students (Failed 2013). The National Agenda established goals and a plan designed to improve educational services, programs, and outcomes for Deaf and hard of hearing students. They have an “agenda” formed to close the achievement gap that exists for our students. [http://www.ndepnow.org/pdfs/national\\_agenda.pdf](http://www.ndepnow.org/pdfs/national_agenda.pdf)
  - c. National Deaf Education Project (NDEP). NDEP is an initiative to reform state policies and practices in the education of Deaf and hard of hearing students. <http://www.ndepnow.org/index.htm>
  - d. State Leaders Summit on Deaf Education. State Leadership Summit calls for stakeholder commitment to systemic improvement in Deaf education and develop a national “model” Deaf Child’s Bill of Rights. <http://www.ndepnow.org/summit/09/PreConfdocs.htm>
  - e. The Conference of Educational Administrators of Schools and Programs for the Deaf (CEASD). CEASD provides an opportunity for professional educators to work together for the improvement of schools and educational programs for individuals who are Deaf or hard of hearing. The organization brings together a rich composite of resources and reaches out to both enhance educational programs and influence educational policy makers. <http://www.ceasd.org>
2. Toward Equality: Education of the Deaf (Failed 1989). Present the Commission on Education of the Deaf (COED)’s report, *Toward Equality: Education of the Deaf* to the Utah State Board of Education. Utilize *Toward Equality* to improve the educational system for Deaf and hard of hearing students. [https://archive.org/details/ERIC\\_ED303932](https://archive.org/details/ERIC_ED303932)
  3. Deaf Child’s Bill of Rights (Failed 1996). Assist in enacting this bill to ensure that full communication/language accessibility is considered and that a full range of educational alternative placement options is provided equally. <http://www.ndepnow.org> and <http://www.handsandvoices.org/comcon/articles/dabr.htm>
  4. House Bill 296 (Accomplished 2009). Amend the code to lift restrictions to Utah’s ability to provide a full continuum of alternative educational placements as required by IDEA, including special schools (Deaf schools) for Deaf and hard of

hearing students and developing effective communication and language-driven educational options in the delivery system for every Deaf and hard of hearing child. <http://www.usimac.org/USIMAC.org/Forms/hb0296.pdf>

5. USDB Admission/Eligibility Policy (Accomplished 2009). Develop an admission/eligibility policy to provide intensive, specialized services to students with or without additional disabilities whose primary education needs are due to their deafness and place them in appropriate division of learning classroom settings.
  
6. Senate Bill 210. To follow suit the Senate Bill 210 passed by California in 2015. This bill requires all Deaf and hard of hearing babies in California to go through language acquisition assessments every six months until they turn five. The goal of the Senate Bill is to ensure these children will be academically ready for kindergarten.  
[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB210](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB210)
  
7. Utah State of Education's Guidelines for Deaf and Hard of Hearing Students. USOE should develop guidelines similar to California Department of Education's Guidelines to appropriately serve students who are Deaf and hard of hearing in the educational system here in Utah by including the U.S. Department of Education's
  - *Commission on Education of the Deaf (COED)'s Toward Equality book (1988)*,
  - *Deaf Students Education Services; Policy Guidance (1992) and NASDSE Meeting the Needs of Students Who are Deaf or Hard of Hearing: Educational Services Guidelines (2006)*
  - *Utah's Deaf Child's Bill of Rights* as guidance to improve the educational service needs and support/provide the unique language and communication access in the K-12 setting.  
<http://www.cde.ca.gov/sp/ss/dh/> and  
<http://www.cde.ca.gov/sp/ss/dh/documents/proguidlms.pdf>
  
8. USDB Status. As required by IDEA, USDB serves as a "special school" to give the families an option where Deaf and hard of hearing students can be appropriately served with direct communication and instruction on school campus.

9. Critical Mass. Establish goals to increase critical mass in each classroom that USD oversees, and work towards achieving the goals.  
<https://nad.org/issues/education/k-12/position-statement-schools-Deaf>
10. Expand a High School Program on School Campus (Failed 2011). To meet the continuum of educational placement options where Deaf and hard of hearing students can have access to language and communication needs with peers and professionals on a school campus. <http://www.ceasd.org/acrobat/continuum.pdf> and <http://www.handsandvoices.org/needs/placement.htm>
11. USDB Orientation (Failed 1970 & 1977. Accomplished 2010). Provide an unbiased orientation for USDB Parent Infant Program parents to have full information about hearing loss and oral and visual communication options, including educational philosophies and their respective communication methodologies. With the increased use of cochlear implants, sharing this information is absolutely necessary (Campbell, 1977 & Siegel, 2000). It would help parents make their own decisions regarding placement.  
<http://classic.usdb.org/pip/Deafpip/default.aspx>
12. Hands & Voices. USDB, especially the Parent Infant Program that offers ASL/English bilingual language and Listening Spoken Language options, to work closely with the local chapter of Hands & Voices, an unbiased organization focused towards communication modes and methods. Hands & Voices slogan is, "What works for your child is what makes the choice right."  
<http://www.handsandvoices.org>
13. Student and Parental Rights and Educational Choices. Pass a law similar to the Student and Parental Rights and Educational Choices law in Florida to allow families to seek whatever educational choice options, including alternative and special schools that are applicable to their children.  
<https://www.flsenate.gov/Laws/Statutes/2011/Chapter1002/All>
14. Staff/Faculty Education. Develop and implement an annual in-service for all faculty and staff members at USD, to educate and/or discuss the current perspectives on "least restrictive environment" (LRE).  
<http://www.ericdigests.org/1998-2/inclusion.htm> and  
<http://handsandvoices.org/articles/education/law/different.html>
15. David O. Reynolds' NAD Committee's Guidebook: To follow the ideas in David O. Reynolds' NAD committee's guidebook entitled, "NAD Principles and Guidelines on How's and What's Involved in the ASL/English Deaf Education

Programs and Deaf Education: Training Programs: Talking Points/Lists of What's & How's” to move the ASL/English bilingual process forward. The purpose of these guidelines is to show how to advocate for and maintain the local ASL/English Deaf Education Program(s). It can inspire and empower the communities and leaders who follow this guide.

16. National Deaf Education Conference. The Utah Deaf community, especially the USDB Advisory Council and Utah Association of the Deaf are encouraged to attend the Education Advocacy Training conducted by Tawny Holmes, a Deaf attorney of the National Association of the Deaf. They, including the ASL/English bilingual directors and teachers are also encouraged to attend the National Deaf Education Conference (NDEC - the first-ever conference in 2016) to handle and take charge of Deaf Education in the State of Utah.  
<https://nad.org/EducationAdvocates> and <http://Deafeducation.us/>
  
17. Utah Deaf Community. Involve the Utah Deaf community is vital. It provides for opportunities for Deaf children to interact with adult Deaf role models. In addition, parents and teachers will gain an awareness of how the Deaf community perceives the world to understand their children better. Deaf President Now at Gallaudet University in 1988, Reverend Jesse Jackson said, “The problem is not that the students do not hear. The problem is that the hearing world does not listen.” Thus, it’s important to do a better job of listening to the Deaf community.  
<http://uad.org>, <http://nad.org> and <http://www.Deafhoodfoundation.org/Deafhood/Home.html>