

## ABSTRACT

### Most Restrictive Environment: The Impacts of a Mainstream Education on Deaf Children

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Deaf students are taught in a variety of different educational settings, from deaf only residential schools to mainstream education classrooms. The current laws governing Special Education state that deaf students should be educated with their hearing peers to the maximum extent possible, which leads to a clear majority of deaf students being placed in mainstream environments that are rarely effective. This thesis will discuss the history behind these laws and the negative impacts they have on Deaf Education and the students' opportunities for learning. Focusing on the typical experiences a deaf student has, this paper will offer a breakdown of the different issues that have been caused by these laws, as well as suggest changes to the current legislation. These suggestions will help to ensure that deaf students are evaluated and placed in a manner that would improve their quality of education.

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MOST RESTRICTIVE ENVIRONMENT:  
THE IMPACTS OF A MAINSTREAM EDUCATION ON DEAF CHILDREN

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To my Mama, Julee Potter, for instilling in me the value of caring  
for others and the drive to make a difference in the world.

## INTRODUCTION

Although in today's world it seems like it should be common knowledge, the idea that deaf children have the same rights to an education that hearing children do has not always been universally held. Even today, that struggle for education equality still plays out in schools across America. Many different laws have been put into place to ensure that access to appropriate education is guaranteed for deaf children. Unfortunately, these laws did not have the intended effect. The laws did benefit deaf children in that they did ensure that all deaf children were given access to a free public education. However, the stipulations within those laws specifically meant to ensure that all children are educated in the environment most suited to their needs had an unintended consequence for deaf children. The education received by deaf children is not the same quality of education that hearing children or even children with learning disabilities receive. Today deaf children are commonly placed in educational settings that are not conducive to their learning or communication needs. Lane et. al. explains this, stating, "The laws that were created to protect those with disabilities carry with them conflicts for the deaf child... who wishes to obtain a quality education. These conflicts are grounded in the issues of language and culture that mark the interface between the Deaf-World and the hearing world" (*A Journey into the Deaf-World* 232).

The main law that governs current Special and Deaf Education is the Individuals with Disabilities Education Act (IDEA). This law requires that all deaf and disabled children are given access to a "free appropriate public education," ensuring that all

children are at least given access to an education (§612). IDEA uses several different provisions to establish the requirements that schools must follow to provide an appropriate level of education. This paper will mainly focus on the provision in IDEA that requires that special needs children (including deaf children) be educated in the “least restrictive environment” (§612). Counterintuitively, this requirement is not beneficial for deaf children and can inhibit their education because, (based on the way it was interpreted by the Office of Special Education and Rehabilitative Services) mainstream classrooms became seen by the majority of people as the least restrictive environment (Aldersley 189). This interpretation led to the majority of deaf students being placed in mainstream classrooms where, while they did have plenty of opportunity to interact with hearing peers and non-disabled students, they had little to no adequate ways of maintaining effective communication access in the classroom. This provision needs to be changed to ensure that deaf children can be allowed to be placed in the environment that best suits their needs instead of a creating a *more* restrictive environment.

This paper will address the issues that are caused by IDEA and other Deaf and Special Education laws and the way that their wording has been interpreted. To do so, it will first give context for the topic by examining the broader concept and history of Deaf Education, then it will focus on the issues caused by these laws and how they specifically affect deaf children’s education by examining the traditional educational placements and analyzing the problems that inhibit proper learning. This paper will mainly focus on the educational placement of younger students at the start of their school career, because the education that students receive in these years is crucial in forming a foundation for

learning in the years to come. If a solid basis for learning is not established in these years, the students will struggle to succeed regardless of their educational environment (Fiester 1). While optimum placement is certainly beneficial for students of all grade levels, it is particularly crucial in the early years, as it gives students the greatest chances for educational success. Finally, this paper will conclude by suggesting revisions to the laws that would make great improvements to the Deaf Education System.

## CHAPTER ONE

### Progression of Deaf Education

#### *Background Knowledge on Deaf Education*

##### *Introduction*

Deaf Education has undergone many changes since deaf people were first recognized as capable of learning. In the early days of Deaf Education, deaf children were educated by their parents or private tutors. Eventually, the education of deaf children moved to a more public setting. As Deaf Education became more formalized, more and more differing educational philosophies began to emerge for how deaf children should be educated. These differing philosophies led to the development of many different regulations and laws on how deaf people should be treated and how they should be educated.

The goal of this chapter is to provide the background knowledge necessary to understand the current laws pertaining to Deaf Education and the reason they are written the way they are. I also want to ensure that all readers have the necessary amount of knowledge about deaf history and Deaf culture<sup>1</sup> to understand the topics I will be presenting later in the paper. In this chapter, I will discuss the history of Deaf Education, starting from its roots, and leading to how it functions today. I will focus heavily on the

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<sup>1</sup> “We use the lowercase *deaf* when referring to the audiological condition of not hearing, and the uppercase *Deaf* when referring to a particular group of deaf people who share a language – American Sign Language (ASL) – and a culture” (Padden and Humphries 2).

modern era of Deaf Education in America and the many different laws that have affected the way deaf children are educated.

### *History of Deaf Education*

In ancient times, deaf people were seen as non-functioning members of society. Aristotle is often quoted as saying, “Those who are born deaf all become senseless and incapable of reason.” As time moved on, people realized that deaf people could be taught, and schools for the deaf began to pop up all over Europe. In 1817, Thomas Hopkins Gallaudet and Laurent Clerc founded the first American school for the deaf in Hartford, Connecticut (Gannon 16). After this, schools for the deaf spread across America. These early deaf schools taught students using manual communication methods.<sup>2</sup> Many of the teachers in these schools were deaf themselves. Because of the large population of deaf individuals these schools brought together, they became hubs for Deaf culture and sign language to grow and spread.

*Rise of oral education.* In the mid to late 1800s, Deaf Education began to shift. Many people thought that teaching deaf children through manual methods did not prepare them for the world. They believed that since manual methods did not utilize English grammar and sentence structure, the deaf children would not be able to learn English at an acceptable level. They also believed that teaching using sign language would not help the children in their futures when they faced a world where very few people knew how to sign and that they would not be able to integrate properly into society. Instead, they

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<sup>2</sup> Methods using sign language rather than an oral or spoken approach.

believed deaf children should be taught through oral methods.<sup>3</sup> Alexander Graham Bell was a large supporter of the push for using purely oral methods. He founded a school based on oral methods, and he promoted oral-only education across the country using the power and recognition he gained from his invention of the telephone. (Greenwald).

In 1880, a conference was held in Milan, Italy, to decide the method that should be used to educate deaf children worldwide. This conference, which became known as the Milan Conference, was a meeting of hearing educators of the deaf from all over the world, including five American delegates. The only deaf person in attendance at the one hundred sixty-four-member conference was an American, James Denison, the principal of the Columbia Institution for the Deaf in Washington D.C. (Gannon 65). Although the American representatives favored a compromise that combined the use of both speech and sign language in the classroom, the majority of the conference attendees opposed this method and voted instead that manual education was not effective for teaching deaf children and should be banned from the classroom. The delegates decided that an oral-only curriculum (pure oralism) should be the only system used in schools (Gannon 65). This meant that sign language no longer had a place in most classrooms for deaf children. This led to a huge reduction in the number of schools that taught using sign language, and, as a result, the Deaf community and culture suffered greatly (Moore 310). Deaf teachers (who were generally unable to speak) were fired and replaced by hearing teachers who could teach using the new oral methods. This method of education was used widely in the United States for many years.

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<sup>3</sup> Oral and pure oral methods relied on the use of speech and lip reading to educate deaf students. Under these methods, sign language was disallowed in classroom setting and its use was heavily looked down upon outside of the classroom.

*Return of manual systems.* Manual education did not disappear completely. Some schools continued to use it as their main method of teaching. The National Association of the Deaf (NAD) was founded in response to the rise of oralism (the ideology of teaching using oral methods) and the push against the use of sign language (Gannon 62). “The NAD was shaped by deaf leaders who believed in the right of the American deaf community to use sign language, to congregate on issues important to them, and to have its interests represented at the national level” (NAD: About Us). They pushed to keep manual education alive in the United States, although oral education continued to dominate the educational system. Oral education would remain the dominant educational theory until 1965.

In 1964, Congress appointed an advisory committee to determine whether or not Deaf Education was working in the United States. They reconvened a year later and delivered their report to Congress, which came to be known as the Babbidge Report, after the chairman of the committee, Dr. Homer D. Babbidge Jr. They opened their report by stating, “The American people have no reason to be satisfied with their limited success in educating deaf children and preparing them for full participation in our society” (Babbidge Jr and et al. XV). Their report went on to outline the different ways the Deaf Education system of the time was failing. The report’s findings on the state of Deaf Education brought to light the huge need for a different method of education for deaf children to replace the oral method.

A new philosophy of teaching deaf children was developed in 1967. This way of teaching came to be widely used across America as a way to combine oral and manual methods of teaching. The new method was called “Total Communication.” The official

definition for this method of teaching is, "... a philosophy requiring the incorporation of appropriate aural, manual, and oral modes of communication in order to ensure effective communication with and among hearing impaired persons" (qt. Gannon 369). It used both sign language (as a way to communicate information) and spoken language (such as lipreading and the use of residual hearing) to teach deaf children. It encouraged the children to learn both languages so they had more opportunities to use a visual language that was easier for them to learn, as well as a spoken language that improved their English abilities.

As Total Communication continued to grow in popularity, a new system of signing was developed by a deaf man named David Anthony, in order to help deaf children with the acquisition of English. This new system of sign was called Signing Exact English (SEE). This system was not a new sign language; it was simply a way to code English into a visual form. Instead of using the structure of American Sign Language, Anthony designed the system using English grammar rules, spelling patterns, morphemes, and other features of English. The purpose of the system was to help children become more comfortable with the English language and to assist in reading instruction (Gannon 369-372). Teachers using the Total Communication method began using this new, contrived sign system in the classroom in place of American Sign Language.

As Total Communication became accepted as the norm for Deaf Education, there came with it a push to educate deaf children in the same environment as hearing children so they could improve their English skills. While at first this was hardly possible, several

laws have been passed in recent history that have allowed deaf children to be placed in mainstream<sup>4</sup> classrooms with greater frequency.

### *Legal History*

Deaf and disabled Americans have had trouble throughout history gaining access to services they needed. They have struggled to receive equal access to public services, and they have lacked the support they need to demand the services they require from businesses. The American government took notice of this and passed several laws that mandated accommodations for deaf and disabled people across many different areas of life. Although these laws were written specifying disabled individuals (which in a legal sense includes deaf individuals), the majority of the deaf population does not consider the label of "disabled" appropriate and prefer to be called Deaf. Lane explains that, "Because there is a deaf community with its own language and culture, there is a cultural frame in which to be deaf is not to be disabled; quite the contrary, it is, as we have seen, an asset in deaf culture to be deaf in behavior, values, knowledge, and fluency in ASL" (*Mask of Benevolence* 21). Therefore, when this paper mentions "disabled" individuals, I will say "deaf and disabled" to respect the views held by the Deaf community.

*Rehabilitation Act of 1973.* The Rehabilitation Act of 1973 was the first law that substantially set up federal protections for deaf individuals and individuals with special needs. This law required that, in certain situations, federal agencies could not discriminate when hiring an employee based on any sort of disability (Rehabilitation act of 1973 §501). This allowed deaf people greater opportunities in the workforce. The

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<sup>4</sup> The term "mainstream" refers to classrooms "...for pupils without special needs" (Mainstream). These classrooms are used for the majority of regularly educated students.

biggest benefit the law had for deaf people was the inclusion of section 504: “No otherwise qualified handicapped individual in the United States ... shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance” (Rehabilitation act of 1973). This rule opened many doors for deaf and disabled individuals. Deaf people could now participate fully in any activity that was funded by the government, including public schools. This law was the start of the growth of mainstream education for deaf students. Deaf students who were previously educated in private schools for the deaf could now attend public schools and have similar access as hearing students. However, the law did not provide enough specific guidance as to how Special Education and Deaf Education should be run; therefore, many schools had different interpretations as to what was required of them. A few years later, a new law was introduced that would fix this problem.

*Education for All Handicapped Children Act.* The Education for All Handicapped Children Act (EAHCA) was passed in 1975. This law made sweeping changes to the education system for disabled students. It allowed for deaf and disabled children to be educated at any school receiving government funding. This law defined how Deaf and Special Education programs were to be run. It required that any student educated in the public school system must receive a “free appropriate public education” (FAPE) (775). This term meant that the education not only had to be free for the parents and the student, but also that the education had to be on level with the student’s ability. This opportunity for free education in any public school allowed many parents to move

their children out of private residential schools for the deaf and into public schools that were much closer to their homes (Salem and Fell 69).

Not only did EAHCA require that students receive a free appropriate public education, but it also required that they be educated in the “least restrictive environment” (LRE). The law set up a system to ensure that “handicapped children receive special education and related services in the least restrictive environment commensurate with their needs” (792). The LRE was meant to ensure that the children are able to learn to the maximum extent appropriate with the fewest environmental restrictions. The law states that one of its purposes is to “establish a goal of providing full educational opportunities to all handicapped children, including ... to the maximum extent practicable ... the provision of special services to enable such children to participate in regular educational programs” (785). Soon after this law was passed, the Office of Special Education and Rehabilitation Services released their interpretation of what the least restrictive environment was. They stated that initial placement must occur at the school closest to the child’s home and that the child should be placed in as close proximity to their non-disabled peers as much as possible (Aldersley 189; Lane et al. 231). This interpretation became the standard, influenced the way the majority of people interpret the phrase themselves, and is still the way the law is currently interpreted. Due to this interpretation, the law effectively established that deaf and disabled children should be educated in a mainstream classroom as much as possible. However, this law did establish a complete system for the education of deaf and disabled individuals ensuring that deaf children would be granted access to a free public education. While their education was on a more

level playing field, there were still issues with life in the public sphere that a later law would address.

*Americans with Disabilities Act.* The Americans with Disabilities Act of 1990 (ADA) was a major milestone in achieving equality in all areas of life for deaf and disabled individuals. This law enacted much broader social reform than previous laws had. The law mandated that a majority of businesses could not discriminate based on disability status (*Americans with Disabilities Act* Title 1). This stood in contrast to previous laws that only required compliance from businesses related to the government. Under this new law, public transportation had to be completely accessible to deaf and disabled people (Title 2). The law also made sweeping changes to the amount of accessibility businesses were required to provide. Under the ADA, businesses that were open to the public had to be completely accessible to deaf and disabled individuals to the maximum extent possible (Title 3). One of the biggest impacts to the lives of deaf people caused by this law was the requirement of telecommunications access for deaf individuals. Deaf people had much easier access to communication with others after this law was passed. This also allowed for easier education for deaf children in school because new technology was being used in the classrooms, including closed captioning (Title 4).

*Individuals with Disabilities Education Act.* The Individuals with Disabilities Education Act (IDEA) was a follow-up to the Education for All Handicapped Children Act. It is similarly worded, but it updates a few areas of the law and modifies the process of placing deaf or disabled children in the appropriate setting. This law outlines the system that is to be used when determining where and how a deaf or disabled child

should be educated. Each child should be evaluated to determine what their ability levels are, and then, each child should have an Individualized Education Program (IEP) written up for them (*The Individuals with Disabilities Education Act* §614). This plan outlines the individual child's level of functionality and how well they are able to operate in a normal school setting. The IEP also lays out what educational environment would be the best for the student with regards to the LRE. The LRE is still defined in the same way by this law, but it includes some clarification as to what is considered the optimal placement for children with disabilities. The law considers the best placement to be one that will "enable children with disabilities to be educated with non-disabled children to the maximum extent appropriate" (§602)<sup>5</sup>. This means that the more time that a deaf or disabled student is in a mainstream classroom, the "more appropriate" it is, with relation to this law. The result of this is that many deaf students are placed in a mainstream classroom more often than what would truly be beneficial for them.

Deaf students can have different experiences based on how they are placed within the school system. It is the job of the IEP committee to determine what is the most beneficial for the child, but often, due to legal constraints, the end result is not the best scenario.

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<sup>5</sup> This wording has been interpreted to mean "educated in the mainstream classroom to the maximum extent possible" since mainstreaming is seen as the most appropriate option. The majority of this paper will focus on how this view has caused significant negative impacts on Deaf Education.

## CHAPTER TWO

### Student Placement Within the Deaf Education System

#### *An Explanation of Deaf Education from Birth to the Early Classroom Experience*

##### *Introduction*

Deaf Education is a complex system. Everything, from the identification and diagnosis of hearing loss to the placement and actual education of the deaf student, involves a large number of professionals from different fields, numerous steps, and many influences and decisions. There are several educational settings that a deaf student can be placed in, and each of those different settings possesses its own set of unique qualities that can affect the level of education the deaf student receives.

The purpose of this chapter is to explain the many different aspects of Deaf Education including: diagnosis, advice given to parents, school placement options, the effects of those settings, and the experience of the student. I will address the complex process of diagnosing a child with a hearing loss and starting them on the path towards their proper educational placement. I will also cover the different possible educational settings into which deaf children can be placed, and I will examine how the laws mentioned in the previous chapter play a determining part in deciding where the children are placed. I will then explain what the average deaf child<sup>6</sup> experiences in each different

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<sup>6</sup> The term “average” here refers to the general experience of a deaf child without any other disabilities. Each individual child has a different experience with the Deaf Education system. This paper will only focus on the most common experiences.

setting. This chapter will serve to provide a frame of reference for the reader to use in examining the field of Deaf Education.

### *Determining Placement for a Deaf Child*

*Diagnosis of a deaf child.* In the US today, hearing loss is often identified at a very early age. Over 95% of newborn children are given a hearing screening before they even leave the hospital (NIH Fact Sheets - Newborn Hearing Scr...). Children are given more hearing screenings as they continue to age. When a hearing loss is identified, the child is referred to an audiologist. The audiologist confirms the hearing loss and informs the parents of their options and the next steps they should take.

The job of an audiologist is to focus on the ear and methods to improve hearing. They see deafness as a disorder that needs to be corrected because, in their view, it makes the deaf person's quality of life worse (Understanding Deaf Culture). Audiologists that hold this view are often likely to only suggest hearing aids or cochlear implants to try to "fix" the deafness and may even suggest that the child not learn sign language. They believe that trying to get the deaf child to act and function as "hearing as possible" (i.e. being educated in a mainstream classroom) is the best way to ensure the deaf child's success in the future. This view is often called the medical or pathological view of deafness, and it is held by many medical professionals and the majority of the hearing population that have not been exposed to deaf culture. People who hold a cultural view of deafness do not view it as a disability that needs to be fixed. They see deafness as a common trait that is shared within their community that allows them to build their culture, which includes their own language, stories, history, jokes, and many other elements. They believe that deafness is a positive trait which should not be corrected, but

instead, embraced (Dolnick). People that hold this view are more likely to be of the opinion that deaf children would be more successful if they were educated in a deaf only environment.

Very few medical professionals hold this cultural view or are aware of it enough to share information about the view with parents. Therefore, the main information that parents receive from their audiologist is from a medical perspective and it can skew the decisions the parents make about the education of their child since they do not have all of the information about the options available to them. The audiologist's knowledge, or lack thereof, about the different options, as well as the audiologist's personal beliefs, can affect the way they present the information to the parents. The parents then take the opinions they form from the audiologist's advice and use them in deciding how the child should be educated. These decisions can have life altering consequences for the deaf child, and therefore, the information parents receive plays a huge role in the deaf students success.

*The IEP meeting.* In the public school system, the placement of the deaf child is determined by a meeting between parents and several educational professionals (the educational team) including teachers, interpreters, diagnosticians, a representative from the school district, and any other individual that may have relevant information about the child (*The Individuals with Disabilities Education Act §614*). The purpose of the meeting (called the IEP meeting) is to establish an Individualized Education Plan (IEP) for the student. The IEP describes the child's disability and how it affects their ability to be educated in a normal setting. It also establishes the educational goals for the child for the upcoming year as well as how those goals will be achieved (Küpper 5). In an ideal

situation, this is developed through a cooperation between the educational team and the parents. The parents present their desires for how their child is to be educated based on the information that have gathered previously and what they believe will be best for their child. The educational team presents the parent with the educational options that the school is able to offer as well as what they believe will be most beneficial for the child's education from a professional viewpoint. Together, the parents and the educational team discuss the best method for educating the deaf child (Potter). They determine what they want the child to achieve in the next year, and then they determine what educational setting will be the least restrictive environment for helping the child achieve those goals. Julee Potter, M. Ed. summarized this process saying, "Deaf students are placed in the least restrictive environment based on their needs and the [IEP] committee decisions". They also list any other accommodations the child might require, including interpreters or assistive technology. The IEP that is developed in this meeting is what will be followed for all of the special services that the child receives until the IEP is updated in a meeting the following year (§614).

*Deciding the proper placement.* Often, the process described above is not how the decision is actually made. When deciding how to best achieve the goals outlined in the IEP, the parents and the educational professionals need to determine the type of environment that is best suited to the child's needs, but they also have to account for the laws governing educational placement. According to The Individuals with Disabilities Act (IDEA), the child needs to be educated in the "least restrictive environment" (LRE) possible. This is something that is generally to the discretion of the IEP committee although IDEA does give another qualifier. The law states that the child should be

educated to the “maximum extent appropriate” in a mainstream setting (§612). Under this provision of the law, the majority of deaf children are placed in mainstream classes with assistive services and possibly some pull out time<sup>7</sup> with a Deaf Education teacher. Parents have to advocate strongly for a child to be placed into a Deaf Education classroom or regional day school program full time, and most parents are not aware of their need to do this (Potter). They are not aware of the advantages offered by a classroom of only deaf students. Parents are often not even aware of the different educational settings available to them as options.

### *Typical Classroom Experience for a Deaf Child*

This section will discuss the three typical<sup>8</sup> educational settings in which deaf children are normally placed: mainstream classrooms, regional day schools or Deaf Education classrooms, or residential schools for the deaf. It will serve as an explanation of the differences between the programs, and it will act as a framework for the understanding of the issues surrounding Deaf Education. In this section, I will describe what a typical deaf child would experience if they were placed in each different program. I will walk through what makes each setting unique. I will then examine what opportunities the deaf child misses by being placed in the specific educational setting. Lastly, I will discuss what aspects of the setting are in place to ensure that the deaf student receives an education that is as similar as possible to one that a child without a hearing loss would receive.

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<sup>7</sup> The term “pull out time” refers to time when the student is pulled out of regular education settings for instruction in a setting that is focused on their disability.

<sup>8</sup> Refer to footnote 6. This section will mainly describe the experience of a deaf child that uses sign language as their primary mode of communication.

*The difference between Deaf Education placements.* The three different settings each have their own unique aspects. The most common placement for deaf students is a regular school setting. The students are placed in a mainstream classroom as much as possible according to IDEA. In a regional day school or Deaf Education classroom, the deaf students receive an education that is tailored to their specific needs rather than simply being accommodated. In the third setting, a residential school for the deaf, deaf students are taught in a manner that is designed to fit their needs. Additionally, they are constantly surrounded by other children and teachers that share their culture and their life experiences. In the eyes of the law, the first setting is often seen as the least restrictive environment for the education of deaf children, while the third is often seen as the most restrictive.

*Public schooling with heavy mainstreaming.* The majority of deaf children are educated in mainstream classrooms within their local public school district. These students access communication through the use of an interpreter. The interpreter facilitates communication between the student and the teacher and sometimes between the student and their peers in the class. The interpreter cannot interpret every conversation that happens within the classroom, so the student may miss some information.

The deaf student also has more limited interactions with their classmates than a hearing student would. Hearing students do not have an easy way to talk to the deaf child, and it is often hard to teach children to use an interpreter. Because of this, the deaf child has limited interactions with the other students in the class. This can lead to feelings of

isolation and loneliness for the deaf child. The child can also miss out on learning social skills that other children learn through interacting with each other.

There are other learning opportunities that deaf children can miss in a mainstream classroom. There is a lot of incidental learning that happens in a classroom on a daily basis. In a classroom with hearing students, this happens a lot through overhearing conversations and information even though it was not directed at the child. A deaf child would miss out on this information (Hopper). Mainstream classrooms are not the best environment for a deaf child to be able to learn.

Deaf students in a mainstream classroom are provided with an interpreter to enable communication in the classroom. Depending on their level of residual hearing, deaf students can also use hearing aids or FM transmitters to utilize the hearing they have remaining. While these devices help with communication in some ways, they are not extremely effective (since hearing some sounds is not the same as being able to process and understand speech) and not a good replacement for real access to communication. Other aspects of the classroom can also make it difficult for the deaf child to learn.

The lessons that are taught in the classroom are often geared towards the hearing students. This is understandable because the majority of the students in the classroom are hearing, who can learn through visual and auditory methods while deaf students are limited to only visual learning. It does not make sense to most teachers to completely alter their lessons and make them completely visual to accommodate one student, especially when that one student has assistive technology or an interpreter. The underlying factor is that the classroom is still a majority-hearing classroom and it takes a lot of effort to adjust for a deaf student.

*Deaf Ed classroom/regional day school.* For students in a Deaf Education classroom or in a regional day school, the experience is very different from that of a mainstream classroom. The deaf children spend their day surrounded by other deaf children. They are also normally taught by teachers who are deaf or know sign language. If the teachers do not know sign language, they are normally paired with an interpreter who only has to focus on the teacher and not also interpreting for all of the students in the classroom. Since communication is more direct, the students are able to learn more effectively. The students are also able to pick up on side information that would normally be missed because all conversations are happening in a visual format that the students can understand. This incidental learning allows for the children to have a greater grasp of the knowledge being presented as well as a grasp on knowledge of the world around them.

Since all of the students in the class are deaf, they are able to interact with each other much more easily. This allows for the children to develop social skills at a normal rate. The ability to play and interact with other students and be able to communicate with them is important for normal development. Erik Erikson defined normal development by establishing eight different stages of psychosocial development. These stages are based off of how a child interacts with others. If a child is limited in their interactions with others they will not progress through the stages naturally. It is important for the developing child to have these proper social interactions (Eggen and Kauchak 94). While this is important for the child, it also helps the classroom as a whole because the class is more cohesive as compared to a mainstream classroom with a deaf student in it.

The regional day school or Deaf Education classroom is better suited for the education of deaf children because its main focus is just that. The teacher is able to create

all of the lessons in a way that allows the deaf children to learn most effectively. The lessons can be presented in very visual format, which make them easier for deaf students to learn from. While the lessons taught are very beneficial to deaf students, they can also miss out on opportunities to interact with hearing people (Who make up the vast majority of the population). The teachers have to structure lessons to ensure they provide their students with any knowledge or skills they will need to function in a hearing world.

*Residential schools for the Deaf.* Students that do not enter the public school system can enroll in a residential school. These schools are entirely attended by deaf students and are staffed by teachers who are deaf or are able to sign. They provide a similar experience to a Deaf Education classroom or regional day school program. Teachers are still able to tailor their lessons to the deaf students and they are still able to learn from each other. The difference is the surrounding environment of Deaf culture. Since everyone on the campus is a part of the same culture, the students become immersed into it, and it shapes how they develop and allows them to gain a positive self-identity (Lane et al. 125).

While the community is very deaf friendly, the interaction with hearing individuals is very limited on the campuses. Because of this, it is harder to acclimate the students to living in a hearing culture. This skill is often learned through limited experiences at home on weekends and breaks (since 90% of deaf children have hearing parents), and through lessons taught in school (Quick Statistics About Hearing). However, the teachers do have a much easier time teaching the students about the Deaf community and culture. This allows the students to leave the school feeling confident in

themselves, their identity, and their education. This is important in creating successful functioning adults.

## CHAPTER THREE

### Current Issues with Deaf Education

#### *An Explanation of Problems Occurring within the Current Deaf Education System*

##### *Introduction*

Deafness is not only a loss of hearing. It can also mean a loss of communication with a majority of the world's population. Helen Keller was once asked whether she thought being blind or being deaf was worse. She responded that being deaf was worse by saying, "Blindness cuts us off from things, but deafness cuts us off from people" (Harrington). Helen Keller's sentiment demonstrates the problems that arise when a deaf child is placed in an environment where they cannot communicate with the vast majority of the students around them.

In this chapter, I will seek to explain the many different factors that are present in a mainstream classroom that lead to deaf students falling behind in their classes and missing out on social interactions. I will also explain how these classroom conditions and the common practice of mainstreaming deaf students are a direct result of the set of laws governing Special Education and why they need to be changed.

##### *Problems Arising from Mainstream Classroom Placement*

Deaf students who are placed in mainstream classrooms face many different issues that make learning complicated and difficult. These challenges vary from student to student, but in general there are several common struggles that are seen across most mainstream classrooms with deaf students. Deaf students' ability to learn can be

hampered by their lack of ability to communicate when they are integrated into a mainly hearing classroom. “Simply put, integrative programs for deaf students, it is argued, present considerable obstacles in terms of language development, academic achievement, class participation, peer interaction, and preservation of deaf culture and community” (Osgood 176).

Many young deaf children struggle to use interpreters and can therefore miss out on information and fall behind in their classes. This, combined with the difficulty deaf children have with the English language (since English has different grammar and sentence structure than sign language), can make school very difficult (Studdert-Kennedy and Lane 32). They can fall behind in their classes, and because they are behind and missing necessary background knowledge, it is difficult for them to understand new material and concepts. This often causes the students to fall further and further behind, making them unable to catch back up. Each of these problems have several contributing factors that add to the detriment of the deaf student and increase the difficulty deaf children have when they are placed in a mainstream classroom.

*Problems with interpreters.* The most common accommodation that deaf children are provided to help them succeed in the classroom is a sign language interpreter. The role of an interpreter is to provide equivocal communication between the deaf student and any hearing person present and to inform the deaf student of any relevant sounds such as bells or fire alarms. “Educational interpreters provide communication access to students who are deaf or hard of hearing by faithfully and accurately representing the classroom instruction, teacher/student dialogue, and relevant sound information in the mode of communication used by the student” (Schick). Their job is to ensure that the deaf student

receives the same information that they would if they could hear the instruction being given. While this seems like an effective way to ensure that deaf students succeed in the classroom, many factors contribute to the failure of interpreters in educational settings, including unqualified interpreters, the student's lack of knowledge on how to utilize an interpreter, and several other factors.

One of the largest problems with interpreters in an educational setting is the lack of a standard of quality for interpreters. The Commission of Education of the Deaf, a national commission established to review the state of Deaf Education in 1988, stated that access to a classroom is a "mockery" if the interpreter is not qualified (Bowe and Others 103). Unqualified interpreters are a problem that a majority of mainstream deaf education programs face. There are few regulations that govern who can be hired as an interpreter in school settings. The only specification about interpreters mentioned in the ADA is that public services (including schools) are required to provide, "qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments" (§12103) It is up to the school districts to decide what constitutes a "qualified interpreter" and who they should hire. In some fields, such as the legal system, additional laws have been enacted to place stricter requirements as to who meets the standards of a "qualified interpreter," but the educational system as a whole has not enacted any such legislation (*Interpreters in the Courts of the United States* §1827). The school district is not required to hire interpreters with formal certification or training to interpret in a classroom. In fact, Jones' research shows that only around half of educational interpreters have any form of interpreting certification, and even less were evaluated on their interpreting skills before they were hired (Jones 120). This certification

does exist and can be obtained by any qualified interpreter with proper training and an extremely solid grasp of sign language and Deaf culture. The problem with not requiring interpreters to be certified in order to work in a school setting is that many interpreters who are placed in a classroom, and who are responsible for ensuring the deaf student understands the material being taught, are not proficient enough in sign language to accurately interpret the message the teacher is giving. The deaf student is often unable to learn the material required for the class. This often leads to the student not being able to master basic knowledge needed later in life. Even with an interpreter that is certified and possesses all of the skills necessary to interpret the message accurately to the deaf student, the student is often not able to properly utilize the interpreter to get the information they need.

Most students have never used an interpreter by the time they enter the school system. They face a steep learning curve in an already unfamiliar and uncomfortable environment. They are forced to learn how to channel all of their communication through one person without knowing how to use that person to their advantage. The deaf students are not used to having to communicate through another person in that manner and it can be a very difficult concept for a small child to learn. Many of these children are still struggling to learn sign language at the same time. Since more than 90% of deaf children are born to hearing parents, it is likely they have not been exposed to the language to any great extent at home, and therefore, they most likely have not had an opportunity to learn sign language at an adequate level (Quick Statistics About Hearing). This creates a significant problem when the only information they are receiving is through an unfamiliar person in a language they do not know well. In many cases the interpreter for a classroom

can change often depending on how the school system sets up their interpreter schedule. In that case, the student has an even harder time adjusting to the use of multiple interpreters. They can struggle to adapt to the level of competence of each individual signer. These problems with interpreters can sometimes make it extremely difficult or near impossible for the deaf student to communicate, even through the use of sign language. “If children are unable to use the language they know, and if they interact with teachers who are unable to present information appropriately, then learning will be slow and often thwarted” (Lane et al. 288).

Different interpreters have varying levels of skill when it comes to signing and interpreting ability. If an interpreter does not have enough background knowledge in the information being presented, or if they are not proficient in sign language enough to be able to accurately produce the correct signs, then the student will often struggle to understand the material being taught. Since deaf children are still learning how to work with interpreters and how to advocate for themselves, they are not very likely to catch or correct mistakes the interpreter makes. This can lead to the students learning incorrect information.

Even after the child has become more proficient in sign language and becomes more comfortable using and adapting to interpreters, they can still struggle in the classroom simply due to the logistics of using interpreters. Young children have very short attention spans and they are easily distracted (Moyer and von Haller Gilmer 464). When a hearing student is distracted in class and looks away from the teacher, they are still able to pick up the information through listening, even if it is not active listening. Because of the visual nature of sign language and interpreters, deaf students do not have

this ability. When they become distracted and look away (or even look down to take notes), they miss out on information. They can also miss out on information being presented in a visual format on a board or projector because they are focusing on the interpreter and they are not able to split their visual attention (Mather and Clark 20). Because of this, they often can fall farther behind in class because there are gaps in their knowledge.

*Literacy problems.* Deaf children's struggles in mainstream classrooms are not limited to problems with interpreters (although that is a cause of many of their other problems since that is the student's only source of information). Deaf students also have difficulties with developing the skills and knowledge required to progress successfully through school. Many deaf children start school knowing only sign language. Lane et. al. explains how that can be a problem by stating, "Without a language they can use in school, [ASL users] will find learning English and English literacy a great challenge" (*A Journey into the Deaf-World* 285). Deaf children have to exert more of their mental attention on understanding what is being taught and what they are reading since they have to work between two different languages and they are not being instructed in their native language of ASL. The grammatical and structural differences between American Sign Language and English make working between these two languages an additional challenge for deaf students. Deaf students often struggle to reconcile these differences because they are focusing on trying to understand what is being said, rather than learning the information that is being taught and learning written English fluency. They are not given an environment where the skills needed to combat the difficulty associated with learning a second language are easily accessible. Because of this, most deaf children

graduate high school reading at a 4th grade level. In fact, "...only 7% of deaf high school graduates read at a seventh grade level or above" (Strong and Prinz 37). They are not able to focus on learning what is being taught because they are instead focused on understanding the words being spoken. They miss out on important literacy education in the early years of schooling and it hinders their learning capability for the rest of their school career. Reading and writing are the basis of practically every school subject so if a student is lacking in literacy, then their education will be a struggle and it can have a large impact on their future. Students that are not on grade level for reading are over 80% less likely to graduate high school (Fiester 1).

*The growing knowledge gap.* Learning theorist Jean Piaget developed a theory called "cognitive development" to explain the process through which children learn. Piaget explains that learning happens when a child in a state of equilibrium is disrupted and moved into a state of disequilibrium. This disruption normally occurs when new information is presented to the student that does not fit with they already know. The student then has to either assimilate the new information into one of their pre-existing schema (the file folders of the brain where information is organized and stored) or accommodate the new information by adjusting one of their existing schemas to fit the new information. When the new information is stored in a schema then the child returns to a state of equilibrium and learning has taken place (Eggen and Kauchak 46). This process is difficult and often impossible for deaf children in mainstream classrooms.

As deaf children move up through school, their difficulties can grow. From the start of schooling, deaf children are placed at a disadvantage. They are placed in environments where they are not able to reach a state of equilibrium. Because of this,

new information is not able to be stored in their schemas. As they miss out on information because of problems outlined above, they fall behind in their classes. When they move up to the next grade at the beginning of the next school year they face a bigger problem. Much of the information taught in the higher grade is based on information the child should have learned in the previous year. The learning of more complex concepts often relies on scaffolding (using information learned previously to inform new information and concepts). Without the proper scaffolding in place, the deaf student cannot grasp the more complex concepts that build upon what was taught in a previous year. They are not able to understand the new information that is being taught because they do not have the schema to build upon. This causes them to fall further behind in their current year, and the struggles only grow as the child advances through the grades. This becomes a vicious cycle that severely impacts the deaf students' ability to succeed in school.

*Social issues.* Learning and literacy are not the only things that are negatively impacted when a deaf child is placed in a mainstream classroom. Because of the difficulty the deaf child can have interacting with other students and teachers, there can be a severe impact on their social development. School age is an important time for children to learn how to properly interact with others and learn essential social skills for life such as turn taking, sharing, talking in turn, and many others (Raver 2003; Marschark and Spencer 178). Deaf children have a much more difficult time learning these skills because their interaction with others can be limited by a variety of factors.

Deaf children often miss out on meaningful interactions with their hearing peers because of the language barrier between them. Many deaf children are not able to

communicate with their hearing peers, so socialization often does not happen very easily or organically. Often, the only communication between deaf and hearing students happens through an adult interpreter, which greatly impedes the conversation that young children can have. Children will not communicate normally if their messages have to go through an adult. Child-to-child communication is important for proper social development. Because all of their communication has to go through an interpreter, many deaf children may avoid talking to their peers.

Similarly, hearing children may avoid talking to the deaf students. The hearing children in the classroom are not familiar with using an interpreter at all. They may feel very uncomfortable having all of their communication filtered through an adult. They are very likely to avoid the difficulty that arises through using an interpreter by simply avoiding communication with the deaf student in general (Lane et al. 262). This can cause the deaf student to find it difficult or impossible to make connections with their hearing peers, and it can lead to the deaf student feeling very isolated and excluded. These feelings can bleed over into classroom learning and have negative effects on not only the deaf student's education but also the hearing students in the classroom as well.

Because deaf students can have a very difficult time making meaningful social connections in a mainstream classroom setting, the cohesiveness of the classroom can suffer. Group work can be a major stressor for the deaf student. Because of their lack of social connections with other students in the classroom, working in groups is often a challenge. They do not know anyone in their group very well, and they are much less likely to participate. Because of their social isolation, deaf students are much more likely to be reserved and keep to themselves in class. This can have a serious impact on the

development of their social skills. When a student lacks proper social skills, they may act out in class, and the deaf student can become a major distraction for other students in the classroom.

On the other hand, deaf children who fail to develop proper social skills may become isolated and introverted. These students may become less likely to ask for assistance when they need it because of negative experiences they have had in the past. This can severely hinder their learning because they fail to learn self-advocacy, an important skill for a deaf child to have to ensure they receive the services they need (Marschark and Spencer 178). Due to that lack of self-advocacy, the student may not ask the interpreter for corrections or clarification and therefore miss out on important information that they needed to learn.

Deaf students in mainstream classes will constantly struggle to have effective social interactions because the other children in their classes are hearing and cannot easily communicate with them. “Most Deaf children lack any effective medium of social interaction until they encounter ASL” (Lane et al. 68-69). Deaf children will not be able to effectively communicate with other students unless they are communicating through sign language. That type of environment will not be available to them in a mainstream classroom. This is the reason why deaf-only educational settings are more beneficial for a child’s social development.

### *Legal Factors for Mainstreaming*

As I have outlined above, educating deaf children in a mainstream classroom is fraught with hurdles that make learning more difficult. In fact, it can often be negatively impactful to their overall education and development. Yet, many deaf children are still

educated in this way. The way the current laws are interpreted, a mainstream educational setting is the default option for the placement of deaf students. Often, school districts push parents to place their child into a mainstream classroom due to the way the Office of Special Education and Rehabilitation Services (OSERS) stated the law should be interpreted. Parents and school districts are told that mainstream classes in the local school is the best place for the student to be placed (Aldersley 189). Therefore, most deaf students are placed in this environment, regardless of what setting might truly be most beneficial to the student.

*Maximum extent appropriate.* The primary law leading to the push for deaf children to be placed in mainstream classrooms is The Individuals with Disabilities Education Act (IDEA). This law states that deaf and disabled children should receive a “free appropriate public education” in the “least restrictive environment” (LRE) possible. The law goes on to define the LRE as an environment where the handicapped or deaf student is educated “to the maximum extent appropriate” with their non-disabled peers (§612). The OSERS interpretation of this law led to a shift in the way people viewed deaf education (Aldersley 189). Deaf Education in a signing-only environment, such as a residential school for the deaf, was seen as opposing the requirement of educating the students with non-disabled peers to the “maximum extent appropriate”.

Educating students in environments where they are not surrounded by deaf peers may lead to a subpar education, as explained above. It is difficult (if not impossible) for teachers in mainstream classrooms to teach at an adequate level to both their hearing and deaf students without sacrificing the education of one of the groups, which is normally the minority group—the deaf students. Allowing deaf students to be educated in a deaf-

only environment does not hinder their education, but actually improves it.

Unfortunately, these laws lead to a negative view of residential schools for the deaf and self-contained Deaf Education programs. These schools are seen as the *most* restrictive environment for Deaf Education. Schools for the deaf were deeply impacted by the passage of this law and the shift in the public's viewpoint.

*Damage to residential schools.* Residential schools for the deaf are hubs for the transmission of Deaf culture. In these environments, Deaf history, stories, poetry, jokes, information, and language are all shared among the many deaf students and teachers. After the Education for all Handicapped Children Act was passed in 1975 with the requirement that deaf and disabled students be educated in the “least restrictive environment,” the number of students attending residential schools for the deaf dropped significantly. Moores reported that in the ten years following the passage of this law, the population at residential schools dropped 18.3% (1987). This drop was due to the change in the way that these schools were viewed. In the mental hierarchy of educational placements, residential schools were seen as institutions and were considered by most people to be the last option (Lane et al. 231). Because of the decrease in attendance, the spread and growth of Deaf culture was greatly impacted. This caused many deaf children to miss out on the positive Deaf identity and instead develop a negative image of themselves and their “disability.” Deaf schools are positive centers for deaf education that create strong environments for the education and development of deaf students. Under the current legislation, most deaf children do not get to experience this.

*Differentiating between special needs and deaf.* The primary reason lawmakers worded the laws in the way that they did was to create the best learning environment for

students with learning disabilities. Since legally, deaf students are placed under this terminology of *disabled*, they are subject to all of the provisions of the laws as well. Deaf students differ from other students with disabilities in a lot of ways that make the laws inadvertently have an adverse effect on them. For the most part (with the exception of deaf students that have separate learning disabilities in addition to their deafness), deaf students are not limited in their capacity to learn. They are simply subject to a lack of communication equality that makes learning difficult. When they are placed in an environment where everyone uses the same language and teaching is conducted in a visual format, deaf students can learn equally as well as any other student. “Baldly put, the hearing world sees the members of the Deaf–World as disabled because they have limited hearing... The members of the Deaf–World, however, see themselves not as people with a disability, but as members of a language minority whose native language happens to be a signed language” (Lane et al. 214). For special needs children, education in a mainstream classroom can be beneficial because they are still receiving the same material (with assistance), but they are also receiving socialization with their peers. Deaf children do not have this opportunity unless they are placed in an environment where they are able to communicate freely with their teachers and peers. This type of placement will not be common until the laws governing Special Education and Deaf Education are changed.

## CHAPTER FOUR

### Solutions to Deaf Education Issues

#### *Suggested Changes to the Current System and Laws Governing Deaf Education*

##### *Introduction*

The previous chapters have described the way Deaf Education currently is handled. They show how the legal history of Deaf Education has led to the current system of Deaf Education that is used today. This paper has also pointed out the problems that are caused by the current system. This chapter will attempt to provide a solution to the problems outlined in the previous chapter. It will introduce new methods for determining the placement of deaf children that will place them in the environment that will allow the best access to education. This chapter will also introduce suggested changes to the way current laws are written to ensure that deaf children are given the proper education they need.

##### *Solutions to Placement Issues*

A major problem today that plagues the deaf education system is the way that students are placed into different educational settings. The Individualized Education Plan (IEP) committee determines where the deaf child should be placed and what services they should receive. They base their decision on the wording of The Individuals with Disabilities Education Act (IDEA), which states that deaf children should be educated in the “least restrictive environment” possible, which is defined as a classroom with their non-disabled peers to the “maximum extent appropriate (§612).”

*Establishing a uniform method for placement.* While being educated with their non-disabled peers can be useful to help the education and socialization for special needs children, it does not necessarily benefit deaf children who are not able to easily communicate with their classmates and teachers. The placement decision process should not be standardized for all students. There should be several different factors considered when the IEP committee is deciding where to place each student. This also extends to deaf students. There should not be a uniform placement decision for the majority of deaf students. Instead, there should be a uniform standard of *care* that is given to each decision. Each student should receive the same quality of education that all other students receive, regardless of placement. Placement should be determined by deciding which educational placement will give each individual student the best opportunity to learn and succeed.

*Individualize placement.* During the IEP meeting, several factors are considered when deciding where a deaf student should be placed. Currently, preference is given to placing the student in a mainstream classroom according to the Office of Special Education and Rehabilitation Services interpretation of “least restrictive environment” (Aldersley 189; Potter). The way placement is decided needs to be adjusted in order to account for the individual educational needs (as determined by the IEP committee) of each deaf student. The factors that are considered in deciding where the child should be educated should be focused more on the individual student's characteristics and the parents' desires. The IEP committee should primarily consider the child's language level and communication needs when deciding what placement would be best for the student. Determining the student's level of proficiency in sign language can be an important

factor in determining what setting is best for the child. For the majority of young children, their sign language abilities will not be good enough for them to succeed in a mainstream classroom with an interpreter. Instead, the child would perform more successfully in a classroom where the teacher can sign and assist the student in building language proficiency.

The placement of a deaf student should also be determined based on their previous educational experience. If the student has had little to no classroom experience, placing them into an environment where they are unable to communicate with the other people in the classroom can be a very frustrating and confusing experience. A deaf child that has little educational experience is more likely to succeed in an environment where they are with peers that communicate in a similar manner to the way they do. The majority of deaf students that are entering the educational system would greatly benefit from a primarily deaf, signing environment.

This being said, it is not appropriate to place every deaf child in a deaf-only classroom. There are many factors that should be considered by the IEP committee that would create a situation in which a deaf child would be more successful in a mainstream classroom. Based on the information they have received from doctors, audiologists, and other sources, some parents may decide that they want their child to be educated using a method other than sign language. They may decide they want to use oral methods or contrived English sign systems. These parental preferences should be considered when deciding where a student is placed.

One of the biggest factors that would affect success in a mainstream classroom is the amount of residual hearing or access to sound that the student has. Many deaf

children that have some residual hearing utilize hearing aids to amplify their hearing. Other deaf children have been implanted with cochlear implants, which bypass the ear and send sound signals directly to the brain (Cochlear Implants). In these cases, parents may want their children's education to be delivered using oral methods. The best environment for these children would likely be the mainstream classroom with additional pull out time to focus on speech production and ensure success in the classroom. In this situation, many of the problems faced by deaf children that were outlined in the previous chapter are less of an issue. Children that are able to utilize technology to improve their hearing will have less need for an interpreter because they will be able to hear what the teacher is saying. They will not have to split their visual attention to focus on what the teacher is presenting and what the interpreter is saying. They will have an easier time learning the material taught in each grade level and most likely will not fall behind in their classes.

These children will still need additional assistance though. Hearing aids and cochlear implants are not a perfect replacement for natural hearing. The sounds produced by these devices often sound mechanical and distorted (Cochlear Implants - Benefits and Risk...). Deaf students with hearing aids or cochlear implants will need additional services to make the most effective use of their assistive technology. For example, speech therapy is used to assist the students with their vocal production, since the speech sounds they hear are distorted, and therefore, cause the children to produce distorted speech sounds, often referred to "deaf speech" (Wirz 283). In other cases, parents may want their child to also use sign language. Children with assistive technology that also use sign language have better performance in school settings than if they were not exposed to sign

language (Lyness et al. 2628). Because of this, many parents want their child to utilize both their assistive technology and sign language. Therefore, the student will need pull out time with a sign language teacher so they can learn to communicate through sign language. These additional services should be determined by the IEP committee in accordance to the needs of the student and the wishes of the parent. It should be up to the IEP committee to determine the best placement for the deaf child instead of the IEP committee placing the student in accordance to the exact wording of the law and the view of deafness as a disability.

### *Suggested Legislation Changes*

The way the current laws governing Deaf Education are written, the IEP committee is not given much freedom to decide which educational setting is most appropriate for a deaf child. There are several aspects of IDEA, and nearly all laws that govern Deaf and Special Education, which need to be adjusted to create the best system for properly placing deaf students in the right educational environment for their specific needs. There are many terms that are described vaguely or defined in ways that are not conducive to allowing the correct placement for a deaf child. The largest problem that plagues the current laws is the lack of distinction between Special Education and Deaf Education.

*Separate Special Education and Deaf Education.* Deaf Education is currently grouped with Special Education and governed under the same laws. These laws are designed to create the most even playing field for children with disabilities that affect their learning. The problem is that the laws fail to differentiate between different types of disabilities. The majority of deaf children do not have any sort of learning disability that

affects their ability to learn (Prevalence of additional disabilities...). They should not be legislated under the same laws that govern disabilities. Deafness is not a disability, although it does affect the ability to be educated in a mainstream environment because of communication differences in a similar manner to a native Russian speaker in an English classroom. Lane et. al. explains that, "To be Deaf is not a disability in Deaf culture, and most members of the Deaf-World see no disability in their way of being" (*A Journey into the Deaf-World* 232). The main reason that the deaf students have trouble in school is the fact that they are not able to communicate effectively with teachers and peers. They should not be governed under the same laws that govern students with disorders that affect the brain and the ability to learn new information. Deaf students still need legal protections in order to receive the services they need to succeed, but they should not be forced to accept the label of disabled in order to receive those services. "To give up their rights would be self-defeating; to demand them under disability law seems like hypocrisy and undermines the Deaf agenda, which aims for acceptance of ASL and Deaf culture" (Lane et al. 232). These two groups of students have a very different set of needs that have to be met in very different ways. For special needs students, learning has to be supplemented with different accommodations and assistive technologies, but new information can be presented. For deaf students, regular classroom instruction in a mainstream classroom is not very effective. Because of the difficulties in communication, deaf students can miss out on important information. When communication access is equal for deaf students, then their learning can be equal to that of hearing students. Equal communication access is not present in a mainstream classroom for most deaf students. The most effective way to improve the quality of Deaf Education is to regulate Deaf

Education under a separate law or a separate section of existing laws that accommodate for the differences between deaf students and special needs students. The structure of the new legislation can be worded in a similar manner to existing laws, but it will need to differentiate on a few aspects, including the phrases, “least restrictive environment,” “free appropriate public education,” and “maximum extent appropriate.”

*Removal of maximum extent appropriate requirement.* The requirement that students be educated with their non-disabled peers to the “maximum extent appropriate” should not be included in the new Deaf Education legislation at all. This requirement is included in the current laws for the benefit of special needs students, who can benefit a great deal from being educated in a mainstream environment as much as possible. These children have the ability to communicate with the other children in their classroom. From these interactions they have the ability to gain social skills (Banerji and Dailey 513). If the special needs students were placed in isolated special education classrooms for the entirety of their school day, they would only be exposed to other children that have limited social skills, and they would not be able to develop the social skills they need to succeed in class. For deaf children, the opposite is true. They are not able to gain socialization in a mainstream classroom because there is too much difficulty conversing with peers (Marschark and Spencer 178). In a self-contained Deaf Education classroom, Deaf children are able to communicate freely with their peers, and they will interact naturally like hearing children would. Through these interactions, they will develop the social skills needed for success in life. The requirement that special needs students be educated in a mainstream setting “to the maximum extent appropriate” needs to remain in the current laws that regulate Special Education placement, but it would only cause harm

to the placement of deaf students if it was included in specific laws governing Deaf Education. Therefore, that requirement should only be applied to Special Education and not Deaf Education since they are very different fields, and it would have very different effects. Other aspects of the current legislation can be applied to Deaf Education regulations as long as there are significant changes to the way several terms are defined and interpreted.

*Least restrictive environment.* Currently, IDEA states that students should be educated in the “least restrictive environment” possible (§612). This requirement is currently defined by IDEA as the environment where the student is educated with their non-disabled peers to the “maximum extent appropriate.” Since I have previously shown that this requirement should not be included in a Deaf Education specific version of this law, there will need to be another way to define the “least restrictive environment.” Instead of leaving the term vague, the new law should define what is restrictive for a deaf student and explain what is not restrictive.

A restrictive environment would be an environment where access to equal communication is difficult for a student to receive. An environment where a student has to communicate through an interpreter (that they may or may not be familiar with how to utilize and that may or may not be qualified or knowledgeable about the subject being taught) is not an environment where communication access is equal to what a hearing student would experience. That environment would also not be conducive to building the social skills the student will need to succeed in the future. It would restrict the student’s interaction with their peers and would not allow them to develop those skills. An environment where communication flows freely between the students, teachers, and peers

would be an environment that is not restrictive since the student can freely learn without any communication barriers or breakdowns in communication. The IEP committee can determine which environment gives the deaf student the least restricted access to communication and learning based on the way the student communicates and what the parents wish for their child. The IEP committee can also still determine what additional services, if any, would be necessary for the deaf student, including speech services for students using assistive technology in a mainstream classroom or possibly some inclusion time with hearing students (such as extracurricular activities like P.E., computer, or recess) for students placed in a deaf classroom to allow the students to acclimate to interacting in a hearing world.

*Free appropriate public education.* Another aspect of the current laws that will need to be more clearly defined for Deaf Education laws is the term “free appropriate public education.” The law states that all students are entitled to a “free appropriate public education” (Individuals with Disabilities Education Act §612). The words “free” and “public education” are simple and do not need explanation. The vagueness of the phrase comes from the word “appropriate.” What is appropriate for one child may not be appropriate for another child. It is the job of the IEP committee to determine what is appropriate for each child. An appropriate educational setting would be an environment where the deaf student is able to receive the same quality of education as any other student. A deaf-only environment where access to communication is available to a deaf student would be appropriate because it puts the student on the same level as a hearing student in a mainstream classroom. The law needs to ensure that deaf students receive the services they need to succeed, but that they are not given too much assistance to the point

where they are underprepared for the challenges of the real world when they graduate. It is up to the IEP committee to determine what educational environment would be appropriate for each deaf child.

With my proposed changes to the laws governing Special Education, much will change in the way that deaf children are placed in different educational environments. Because of the major differences between Deaf Education and Special Education, either a new law or a new section of the current law should be written. This new legislation will provide the IEP committee more power to place deaf students in the environment that will allow them the best access to equal communication possible. The IEP committee would no longer be forced to place the deaf child in a mainstream classroom as often. They would be allowed to place the deaf child in the environment that best fits their learning styles and their parents' desires for their education. They would be able to find an educational placement that is beneficial to the student's success, instead of placing them in what could be seen as the "Most restrictive environment."

## CONCLUSION

Deaf Education has had a long and turbulent history. Deaf individuals have struggled for thousands of years to have the same rights as hearing people. Equal access laws and an increased recognition of the Deaf community have helped deaf people gain more of an equal footing in society and grow closer to an equal status with the rest of the population. The gap between hearing and deaf individuals is closing, but there is still a lot of progress that needs to be made in order to ensure equality for all deaf people. Equality can never be assured if the quality of education remains so disparate for hearing students and deaf students.

Making a legal distinction between deaf individuals and individuals with special needs will start the process of correcting the problems in the Deaf Education system. In order for all of the legislative revisions suggested in the previous chapter to be accepted, much more research will have to be conducted in order to show not only that deafness should not be considered a disability in the same way that learning disorders are, but also that the suggested changes will be effective in correcting the problems faced by deaf children in the classroom today.

The problems with the current legal code will not be fixed overnight. It will take great deal of support and research to convince lawmakers (who remain largely ignorant about the lives, language, and needs of deaf people) that the current system is not working. It will require endless hours of lobbying and advocating in order for the message to be heard. If the effort is put in, and if lawmakers do decide to properly revise

the legislation governing Deaf Education, then deaf individuals will be able to make huge strides towards equal standing in society.

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