Conference of Educational Administrators of Schools and Programs for the Deaf (CEASD)/ Council of Schools for the Blind (COSB) Joint Statement on Schools for the Deaf and Schools for the Blind

The recent downturn in the economy has caused state legislatures to reduce expenditures in education and other areas. As a result, several schools for the deaf and several schools for the blind have closed or threatened with closure. While we recognize that the economic crisis in this country is real, these actions raise legal and human rights concerns.

Individuals with Disabilities Education Act (IDEA)

IDEA requires public agencies to ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. The continuum includes "regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions." 34 C.F.R. § 300.115. Schools for the deaf and schools for the blind are schools required to be included in this continuum.

A child's educational placement is based on his Individualized Education Program (IEP), which is developed by his teachers and parents, based on his needs. The IEP and placement must be designed to provide the child a Free Appropriate Public Education (FAPE). The placement must be in the Least Restrictive Environment (LRE), and one in which the IEP can appropriately be implemented. For many deaf and hard of hearing children and many blind and visually impaired children the LRE is a specialized setting. According to the United States Department of Education:

> Any setting which does not meet the communication and related needs of a child who is deaf, and therefore does not allow for the provision of FAPE, cannot be considered the LRE for that child. The provision of FAPE is paramount, and the individual placement determination about LRE is to be considered within the context of FAPE.
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> U.S. Department of Education. Deaf Students Education Services; Policy Guidance; Notice. 57 Fed. Reg. 49274 (October 30, 1992).[1]
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> [S]ome [blind and visually impaired] students have been inappropriately placed in the regular classroom although it has been determined that their IEPs cannot be appropriately implemented in the regular classroom even with the

[1] Congress later incorporated this Policy Guidance into IDEA, which now states that in the case of a child who is deaf or hard of hearing, the IEP Team shall 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).

> necessary and appropriate supplementary aids and services. In these situations, the nature of the student's disability and individual needs could make it appropriate for the student to be placed in a setting outside of the regular classroom in order to ensure that the student's IEP is satisfactorily implemented.
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> U.S. Department of Education. Educating Blind and Visually Impaired Students: Policy Guidance from the Office of Special Education and Rehabilitative Services. 65 Fed. Reg. 36586 (June 8, 2000)[2]

IDEA clearly requires States to provide a continuum of alternative placements which includes provision of services and supports in specialized schools for children who are deaf or hard of hearing and children who are blind or visually impaired.

The Human Rights of Deaf Children and Blind Children

Given full access to communication, deaf children and blind children can achieve at the level of hearing, sighted peers. CEASD and COSB believe that deaf children and blind children have fundamental human rights that must never be attenuated. They have the right to:

- fluently receive and express communication in the manner(s) best suited to their abilities
- be taught through methods and approaches that are tailored to their strengths
- learn from deaf or blind role models, including teachers
- engage in the same curriculum as hearing, sighted peers
- acquire the practical skills and abilities needed to facilitate interaction with hearing, sighted individuals in environments designed for hearing, sighted people
- receive the services necessary to help them succeed academically and socially and later, vocationally or professionally
- have their families become skilled in providing appropriate support.

Schools for the deaf and schools for the blind are critical to ensure that these rights are protected. Efforts to close or restrict these schools violate the fundamental human rights of these students.

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[2] This Policy Guidance also makes clear that factors that should be considered in the development of the IEP are Braille literacy skills, assistive technology, orientation and mobility services, social interaction skills, recreation and leisure skills, career education, independent living skills, and visual efficiency skills. All of these are necessary to optimize self-determination.

CEASD and COSB call on the United States Department of Education, State and local departments of education, the United States Congress, State and local legislatures, parents, advocates, and interested parties nationwide to oppose any efforts to close or restrict schools for the deaf or schools for the blind.

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