

Education of Deaf Students in Spain: Legal and Educational Politics Developments

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This article examines the legal instruments and educational politics affecting deaf persons' educational rights in Spain. We present a historical view of deaf education in Spain before and after the Congress of Milan (1880) and then introduce educational legislation and practices in recent decades. At present, Spanish legislation is moving toward recognition of sign languages and the suitability of bilingual education for deaf students at all educational levels. This is a consequence of taking into account the low academic achievement of two generations of deaf students educated in a monolingual model. Bilingual projects are now run throughout Spain. We emphasize that efforts must be made in the legal sphere to regulate the way in which professionals who know sign language and Deaf culture—teachers, interpreters, deaf adult models—are incorporated in bilingual deaf schools.

The tradition of deaf education in Spain dates back at least as far as the 16th century. The Benedictine monk Pedro Ponce de León and his followers broke new ground in teaching the deaf (Fernández-Viader, 1999; Marchesi, 1987). Among Ponce's followers were Juan Pablo Bonet, who wrote an important treatise on deaf education entitled "Reducción de las letras y arte para enseñar a hablar a los mudos" (Bonet, 1620), and Manuel Ramírez Carrión. In this period, fingerspelling

and signing were considered the basic tools for teaching deaf students. The manual alphabet created by Bonet included handshapes to represent each letter. Some of these handshapes coincided with those used in other sign languages in other parts of the world.

In the 18th century, the first educational institutions for deaf individuals were opened. Before that time, deaf pupils were taught only on a one-to-one basis, the aim being to enable them to use language to receive and administer their inheritances (Bellés, 1995). Bonet's work influenced the Institute of Paris, managed by the famous abbot L'Épée, where important families of Europe used to send their children to study. Returning to their native lands after completing their studies, some of these pupils founded schools or organized educational activities for deaf people and participated actively in their respective Deaf communities. The reputation of the Institute of Paris spread throughout the world, and the influence of Bonet's treatise was decisive.

Some of these influences reached the United States after Thomas Hopkins Gallaudet's journey to Europe. Gallaudet visited the Institute of Paris and returned to the United States with Clerc, an expert deaf teacher from the institute. Clerc introduced French Sign Language and the teaching methodology of the Institute of Paris and thus paved the way for the American Asylum for Education and Instruction of Deaf and Mutes, which was set up in Hartford, Connecticut, in 1817. This asylum later became the

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American School for the Deaf, but it also was the forerunner of other schools, Gallaudet University, and new methods of educating deaf students in the United States and elsewhere.

In those times, educators were in agreement that the aim of education was to incorporate deaf individuals into “humanity” by means of language and thus allow them to obtain salvation. Indeed, most deaf teachers of the times were priests.

Residential schools for deaf children were created in the early 19th century. In some cities, deaf, blind, and mute persons were included in the same schools. The curriculum for the deaf students soon began to differ from that of the other pupils. There was teaching of majority languages, oral and, above all, written. Both were taught using methods that stressed visual accessibility. The curriculum also included teaching specific areas for deaf students, among them drawing, mime, lip-reading, pronunciation, and so on and professional training for specific trades. During this period, there were deaf teachers at the deaf schools of Madrid (Plann, 1997) and Barcelona.

As the 19th century advanced, the schools for deaf, mute, and blind individuals were separated and became independent legal entities. Some were linked to holy orders, such as La Purísima, a religious order that still manages some schools for deaf students in Spain.

Educational Laws and Their Influence on Monolingual Deaf Education

In 1800, the first residential schools for deaf individuals in Spain opened in the cities of Madrid and Barcelona. In 1857, the Moyano law (named after the education minister) was passed. This law recognized the need to include subjects related to the teaching of deaf-mute students and blind students in the teachers' curriculum and the need to create specific schools for deaf individuals (Fernández-Viader, 1999). Unfortunately, after 10 years, the Moyano law was replaced by the law of June 2, 1868, which modified the curriculum for the training of new teachers.

In the early days, teaching for deaf and other disabled pupils was considered a matter of social welfare. Schools for deaf individuals were not officially regarded as educational institutions until the beginning of the

20th century, when laws were passed that provided for free elementary schooling for every child regardless of the socioeconomic situation of their family or of their disabilities.

Nevertheless, confusion, contradiction, and misinformation surrounded the subject of deafness. The Congress of Milan, held in 1880, had a devastating influence in Spain. The congress ushered in a monolingual (oral) approach that still persists in some areas of the educational system. Oral language became the sole vehicle for teaching and for the transmission of culture. Deaf teachers were removed from schools. Sign language was forbidden, and because the deaf persons had difficulties in oral language learning, they were progressively considered linguistically deficient. Their education became a medical matter: Oral language therapy was emphasized, and physicians and speech therapists were brought into schools to attend to the deaf children. Study plans and timetables were modified, with a great deal of time devoted to voice production and pronunciation and far less to studying the syllabus.

This was the situation in Spain until 1970, when a new General Law of Education was passed. This law was the first to mention the integration of *deficient* or *maladapted pupils* to aid their future incorporation into society in accordance with their abilities. Education in special schools was limited to pupils with profound deficiencies. Consequently, most deaf children were placed in hearing children's schools, in which teachers lacked the skills required to teach them.

In the following years, the laws in force in Italy and the United Kingdom had an influence on Spain's educational policies. In Italy, Law 517 on the integration of students with special needs was passed in 1977. This law authorized deaf children's parents to send their children to study in hearing children's schools. This law also discouraged the use of sign language (Corazza, 1997). In the United Kingdom, the integration of children with special needs was strongly encouraged from 1981 on (Hegarty, Hodgson, & Clunies-Ross, 1986). Drawing on this experience, a new law was passed in Spain, Law 13/1982 (LISMI), on the social integration of the disabled. The law declared that all disabled students may study in ordinary schools to guarantee equal opportunities and their integration in society.

Law 13/1982 (LISMI) was implemented in March 1985 and established that pupils with special needs would be progressively integrated in ordinary schools during the following 8 years. The decree laid down two conditions: First, parents and teachers should express their wish to participate in the integration project; second, the incorporation should start at kindergarten. The implementation of the law required changes in the educational curriculum and school organization. The changes carried out were reflected in the new terminology: Instead of speaking of *deficits*, one spoke of *special educational needs*; instead of considering the child as a problem, it was the school that was expected to introduce changes to adapt to the requirements of educational integration.

Nevertheless, introducing changes to the law was one thing and providing training for teachers and education professionals was quite another. The provision of human resources and other educational resources has not always been sufficient to reach the proposed objectives with deaf students. In addition, education authorities often misinterpreted the law. Where the law stated “all disabled child *can* study in ordinary schools,” the authorities understood “all disabled child *must* study in ordinary schools.” In this way, the right to be different—a right that the law set out to defend and respect—was violated (Fernández-Viader, 1999). The situation of deaf students varied widely from place to place: In some autonomous communities,¹ residential deaf-only schools were closed; in others, deaf schools remained open and began to accept students from other communities. In some areas, certain ordinary schools were earmarked for deaf students; in others, all ordinary schools were open to deaf students to respond to the needs of all types of pupils and special educational needs. As a consequence, from 1985 to 1994, a broad spectrum of forms of schooling for deaf children emerged:

- Specific schools for deaf individuals.
- Full-time special classrooms for deaf children in ordinary schools (i.e., all school activities are conducted in a special classroom inside an ordinary school).
- Part-time special classrooms for deaf children in ordinary schools (i.e., deaf children are taught in

special classrooms for part of the day, but are taught in ordinary classrooms with their hearing schoolmates for the rest of the day).

- Ordinary integration classrooms where the deaf child studies all subjects alongside hearing schoolmates. There may be another deaf child in the same classroom (i.e., there may be small groups of two or more deaf children in ordinary classrooms in which the rest of the schoolmates are hearing children). There are no deaf adults at school.

- Ordinary integration schools where the deaf child may be the only deaf person in the school.

Progressive Changes in Approaches to Deafness: The Prelude to a New Era

During the first 10 years after the integration law, all these schools followed the educational principles laid down at the Congress of Milan, founded on a predominantly clinical understanding of deafness. Some of these “normalizing” decisions failed to allow for the ways deaf persons access information and how they communicate or how they might approach curricular learning. All disabled children were placed in ordinary integration classrooms, but there were few teachers available with the necessary knowledge of deafness or an understanding of how deaf people access information.

Spain has more than two decades of experience in mainstreaming students with special needs in ordinary schools. Because two generations of students have finished their schooling under this system, we now have a substantial body of data to analyze. A study published by the Spanish Education Ministry (Ministerio de Educación y Ciencia, 1996) drew attention to the low literacy level and to low academic and cultural background of deaf adults in previous generations, who were educated in monolingual models. Under this educational system, very few deaf students successfully completed their secondary school education and even fewer entered university.

Part of this failure was because of the clinical notion of deafness. Teacher trainees’ curricula did not include subjects related to deafness until 1991. Gradually, in several autonomous communities, educational psychologists established special centers to provide guidance for teachers with deaf children in

their classes. Most of these professionals had an educational background based on the clinical notion of deafness, so their advice was based on rehabilitation and oral education of deaf children. During these years, educational decisions were made without consulting deaf people and without taking into account the importance of ensuring contact between deaf children and deaf adult models.

During the first decade of the integration policy (the 1970s), a high percentage of deaf youngsters remained enclosed in an environment of oral communication in their families and at school (in some autonomous communities, this was the case for 90% of deaf students). After considerable effort, some of them reached a lip-reading ability of around 30% (Marchesi, 1987). Some families with deaf children did not know of the existence of deaf associations and Deaf communities and did not know the benefits that contact between youngsters and deaf adults could provide. Following the advice of professionals, these families believed that avoiding contact with other deaf people was good for the child. As a consequence, these deaf children reached adulthood without the ability to communicate in sign language, and a large proportion do not have oral communication. Obviously, this has highly negative consequences for their cognitive, social, and cultural development (Fernández-Viader, 1996, 1999; Fernández-Viader, Justicia, & Porta, 1996; Institut Català d'Atenció a Serveis Socials [Catalan Institute of Social Services], 2001). There was also a need to create mental health services for deaf people without language. Services of this kind have been in operation since 1998 and are currently expanding.

Legal Changes in the Last Decade

Ten years after the law on social integration of the disabled (1982) was passed, the law and the educational and social policies that derived from it were assessed by experts in various disabilities, administrators, and disabled persons' associations. The results of the interviews helped to open up new lines of action and underlined the need to listen to the people affected, in our case, deaf individuals. After this assessment of the law and the poor results obtained with earlier educational policies for deaf children, legislators of

the autonomous communities began to reconsider the importance of sign language for deaf education. During the debates, in 1994, Rosa Barenys, member of parliament, said: "Solutions are being sought for these citizens, who have the same rights as any other member of society" (*Diari de Sessions del Parlament de Catalunya*, p. 44).

The Autonomous Parliament of Catalonia pioneered measures in the field by presenting a proposal (228/16) in May 1994 for the promotion and diffusion of the knowledge of sign language. In this text, the Catalan Parliament urged the Executive Council of the Generalitat (the autonomous government) to adopt bilingualism in the education of deaf children. In 2003, the Andalusian Parliament also urged the Spanish government to recognize sign language immediately and to incorporate it into the educational system. These proposals have not become law, but they are important steps toward achieving a balance in the future between sign and oral languages in Spain² and offer hope for the future of many of our deaf youngsters.

Bilingual-Bicultural Educational Projects in Spain

The benefits of bilingual educational projects for deaf children began to be assessed in 1993. In response to requests from families and professionals, sign language interpreters began to work in secondary education classrooms. Although this experience started with deaf youngsters who were not expert signers, the initial results were positive and contributed to eliminating prejudices about teaching in sign language. In 1994, the first bilingual projects for primary education were established in the communities of Madrid and Catalonia and in 2001 were introduced at the kindergarten and prekindergarten levels. These projects are based on the conclusions of the Worldwide Conference on Special Educational Needs: Access and Quality (June 7–10, 1994) held in Salamanca, Spain, organized by the Spanish government in cooperation with the United Nations Educational, Scientific, and Cultural Organization, and attended by representatives of 92 governments and 25 international organizations. The conference approved the Declaration of Salamanca, which highlights the importance of sign language as

a means of communication for deaf persons. Article 21 states that “access to education in their country’s sign language must be guaranteed for all deaf people.” The declaration also affirms that “because of the specific communication needs of the deaf and the deaf/blind individuals, they should be educated in special classrooms or in special units and classrooms located in ordinary schools” (Conferencia Mundial Sobre Necesidades Educativas Especiales, 1994, p. 24).

After this declaration, the Royal Decree of April 28, 1995, for the Pupils with Special Educational Needs was published in Spain. This decree states that: “The education authorities will support the recognition and study of sign language, and will promote its use at educational centres for severely or profoundly deaf pupils.” The decree also specifies that “training for teachers and tutors in visual and oral communication systems and in sign language will be promoted” (Chapter I, Article 8, Section 6). In December 1995, the Council of Ministers passed Royal Decree 2060/1995, establishing the official diploma course in sign language interpreting and describing the syllabus required to obtain this qualification. This royal decree is official recognition of this profession.

Currently, the bilingual students’ first cohort are finishing their primary education and entering secondary school. These projects are still relatively weak because of the lack of tradition of the educational administration and the teachers. When these experiences began, the administration, because of economic reasons, instead of contracting new professionals, tried to keep working the professionals who were working then in monolingual schools, and most of these professionals had a low sign language knowledge level. Also, most of these schools did not have native signers as teachers. In this situation, the linguistic environment could not be considered bilingual. Moreover, some children entered—and still enter—bilingual education without having knowledge of language. The educational system is trying to solve these problems by implementing new bilingual projects from kindergarten with bilingual deaf teachers and by supporting sign language learning in deaf children’s families. Since 2003, families of deaf children have had the opportunity to learn sign language with a certain amount of economic support from government authorities.

Bilingual educational projects provide a response to the constitutional right of families to choose educational models for their children. Since 1994, the educational options for deaf children have been diversified; consequently, bilingual and monolingual models for the education of the deaf individuals coexist. We also stress that the bilingual educational projects are different from one another.

Currently, bilingual projects for the deaf aim to be bicultural, based on an ethnographic approach. Bilingual–bicultural projects appraise the incorporation of adult deaf models, signers, in deaf schools and the incorporation of sign language as a curricular subject (Fernández-Viader, 1993, 1996, 1999). Significantly, none of the bilingual education projects has been closed down; indeed, some monolingual centers are turning to bilingualism. Currently, there are about 900 deaf students in Catalonia, of whom 50% are educated at bilingual schools. In Andalusia, there were no bilingual schools for the deaf, but in the 2003 academic year, the Andalusian Parliament approved the creation of six bilingual centers.

Concluding Remarks: Issues to Consider in Future Legislation

The changes in deaf children’s education oblige us to consider future changes in legislation. The curricula of primary and secondary schools have been approved and legislation provided; it is now necessary to concentrate on the introduction of sign language in bilingual schools for deaf students. This is a new area, one that should be regulated just as the others are.

For many decades, new teachers entering schools were not required to be competent in sign language. Today, in bilingual schools, there is a clear need for measures to regulate teachers’ proficiency in this area to protect the rights of the children and to uphold the philosophy of the school.

The role of deaf advisors and sign language interpreters at educational institutions has never really been assessed. We mentioned the importance of the presence of deaf adult models in bilingual–bicultural project schools. The skills of these professionals and the educational background required to work in these schools must be regulated by law. Equally, the presence

of sign language interpreting services is increasing in secondary schools, so the role and performance of the professionals involved should also be regulated.

Changes in educational policies cannot be put into practice without a legislation that supports them. For this reason, legislators, administrators, educators, and evaluators must work in a coordinated fashion and with the common objective of ensuring that all citizens are provided with equality of opportunities. In the words of Federico Mayor Zaragoza (1994, pp. iii–iv): “In our world, full of differences of all kinds, it is not the disabled but society in general that needs special education to become genuinely a society for all.”

Notes

1. Spain is organized in autonomous regions, called autonomous communities.
2. There are two sign languages in Spain: Catalan Sign Language in Catalonia and Spanish Sign Language in the rest of Spain.

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