

## **STATEMENT OF NEED**

### **LOW INCIDENCE POPULATION**

There are approximately 600 deaf and hard of hearing children in the State of New Mexico. Currently, the only educational options available for deaf and hard of hearing children are the New Mexico School for the Deaf in Santa Fe or their local education agency, most commonly Albuquerque Public Schools (APS). There are upwards of 120 students attending the New Mexico School for the Deaf, more than 30 of whom are from Albuquerque but who live at the school or commute daily. The Albuquerque Public School system now serves approximately 160 children who are deaf or hard of hearing, and approximately 30 students who have deaf parents. In comparison, there are approximately 90,000 total students enrolled in APS. The exact number of siblings of deaf and hard of hearing students in APS is unknown.

### **POOR EDUCATIONAL OUTCOMES**

In 2001, the New Mexico Task Force on the Education of Deaf and Hard of Hearing Children was formed to examine the educational barriers unique to hearing loss and to investigate ways in which the state can improve educational results for deaf and hard of hearing children. *Toward Brighter Futures: 2003 Task Force Report on the Education of the Deaf & Hard-of-Hearing (See Appendix G)*, a collaborative effort between the New Mexico School for the Deaf and the New Mexico State Department of Education, along with the New Mexico Department of Health, parents, consumers and educators, detailed the poor educational outcomes and resulting social implications for deaf and hard of hearing persons as reflected in the following statistics (p. 7):

- Deaf/hard of hearing students graduate from high school reading at the 2.8 to 4.5 grade level. Comparatively, hearing students graduate reading at the 10+ grade level.
- Children who are deaf/hard of hearing gain only 1.5 years in reading skills between the ages of 8 and 18.
- 30% of deaf/hard of hearing students leave school functionally illiterate, as compared to only 1% of hearing students.
- Only 8% of deaf/hard of hearing students graduate from college.
- In 2002, 64% of New Mexicans with hearing loss were unemployed or under-employed, as compared to only 5.9% of New Mexico's total population.
- Nationally, the income of deaf adults is only 40-60% of hearing adults, and one third of deaf adults receive some form of governmental assistance.

Parents and educators are simply unwilling to accept such poor educational outcomes and to lose another generation of New Mexico's children to a similar fate. Such unsatisfactory results would not be tolerated for hearing children, and the lowering of expectations for deaf children is unacceptable. Such data is alarming, but swift action can bring about necessary change in the current educational system - a system which has been failing deaf and hard of hearing children for decades.

## **CURRENT EDUCATIONAL OPTIONS**

The current educational options for deaf and hard of hearing children in the greater Albuquerque area are limited and not ideal. The options for K-12 students are:

1. Their Local Educational Agency
2. The Albuquerque Public School's District Program for Deaf and Hard of Hearing
3. The New Mexico School for the Deaf, a state funded institutional school in Santa Fe

It is important to note that not all deaf and hard of hearing students in the greater Albuquerque area are eligible for all of these options, thus further limiting their access for appropriate placement. Following is a description of each of these educational options and how they specifically impact deaf and hard of hearing students.

### **Local School Districts in Surrounding Areas**

Children living in areas surrounding Albuquerque including Rio Rancho, Bernalillo, Belen, Los Lunas, Tijeras, Moriarty and Edgewood, have the option of attending the schools in their district or The New Mexico School for the Deaf. Students from other districts must submit a "transfer request" if they wish to attend the Albuquerque Public Schools District Program for Deaf and Hard of Hearing and are accepted only if there is a vacancy in that grade level.

Due to the low incidence of hearing loss, there is no critical mass of deaf and hard of hearing children in smaller communities. Typically there are only one or two students with hearing loss in an entire district, so it is logical to expect that these smaller districts will have less experience with hearing loss, and therefore are less likely to understand or focus on the many education issues specifically impacting these few students. Children attending their local school are placed in a regular classroom or in a special education setting with children of varying special needs. It is unlikely that those teachers and administrators will not be experienced and trained in deaf education or deaf culture, and that they fully understand the additional classroom considerations required to support a child with hearing loss. Such considerations must be constantly monitored to ensure the curriculum is fully accessible at all times, and if a teacher has no understanding of deaf education, the child will have a diminished educational experience. Not surprisingly, deaf students in mainstream settings report finding it difficult to interact with hearing peers and teachers, and to participate fully in classroom activities because of the following reasons: pace of information presented by the teacher, number of speaking persons involved, differences in language and culture, and how the classroom environment is set-up physically (Lang). Frequently the burden will fall on the parents, assuming they themselves have accurate and adequate information, to inform teachers and oversee the learning environment. Often, a lack of understanding of the issues or a failure to take action leads to diminished academic expectations and outcomes for deaf and hard of hearing students.

Research shows that direct instruction is the best method for educating deaf and hard of hearing children (Marchand-Martella, Martella, & Ausdemore, 2005); however, direct instruction in American Sign Language is rarely an option in small school districts. Oftentimes deaf and hard

of hearing children will be placed in a classroom with an interpreter or with an educator who knows “some sign”. Regarding the use of interpreters in the classroom, one study of 2,100 educational interpreters working throughout the United States found that 60% of interpreters did not have skills adequate to provide students will full access to curriculum and social interaction (Schick, B., Williams, K., & Kupermintz, H., 2005). Research further suggests that it is more difficult for deaf and hard of hearing students to learn information presented through an interpreter, as opposed to hearing students who access the information directly from the teacher. Undoubtedly, a teacher unskilled in ASL will limit student accessibility to the curriculum and limit language development as well. The school environment additionally lacks adult and peer language models so students who use sign language as their primary mode of communication do not have total and direct access to language school-wide, including the cafeteria and on the playground where important social interactions occur with fellow students. Many students report feelings of isolation in the mainstream setting where they may be the only student with hearing loss. Such isolation can hinder social growth and emotion well-being (Nowell, R. & Innes, J., 1997).

Because relatively few students have hearing loss, professional development opportunities for teachers who focus on deaf issues are lacking in these smaller districts. No extensive programs for families with children who are deaf or hard of hearing are provided by the districts. Again, because of the low incidence of hearing loss, community programs and events will be limited in the local area and therefore children and their families will not benefit from such interactions.

Although the inclusion model allows many children to remain at home with their families, rather than commuting daily to or living at a residential state school, and does provide more opportunities for interaction with the hearing world and exposure to societal norms, the disadvantages of inclusion frequently include isolation from peers, teachers and school staff, limited opportunities for direct and independent interactions with peers, teachers and school staff, limited opportunities for direct instruction, and lack of quality support staff, including educational interpreters (Nowell and Innes, 1997). Although we are thankful to the many dedicated professionals working with deaf and hard of hearing students in their local schools, and while some students are successful in these mainstream environments, the poor educational outcomes for the majority of deaf and hard of hearing children in the greater Albuquerque area indicates a need for a school which provides greater understanding and support of their educational, social and emotional needs.

## **Albuquerque Public Schools (APS)**

Albuquerque Public Schools (APS) has approximately 90,000 students total, with only 160 who are deaf or hard of hearing. APS offers deaf and hard of hearing students the choice of attending their neighborhood school in a mainstream setting or The District Program for Deaf and Hard of Hearing at Hodgin Elementary, McKinley Middle School and Del Norte High School.

The District Program for Deaf and Hard of Hearing within APS is not a bilingual program and does not provide students with total and direct access to language school-wide, including the cafeteria and playground. Teaching American Sign Language to hearing students is not a district goal. Although classrooms throughout Hodgin incorporate deaf, hard of hearing, and hearing students, there is no support to teach the hearing students ASL from year to year. Although hearing students in those classrooms many gain sign language skills, those hearing children are not necessarily kept in the same classes for subsequent grades so that they may continue their acquisition of sign language, provide opportunities for peer interactions, and develop lasting relationships with deaf and hard of hearing students. The result is that many deaf and hard of hearing students remain socially isolated from their non-signing peers, and this isolation continues through high school.

The program is relatively small at the elementary level (less than 30 students), and the middle and high schools have even fewer students since many will choose to be mainstreamed in their neighborhood school or attend the New Mexico School for the Deaf in Santa Fe as they get older. Many students have expressed feelings of social isolation in APS due to the relatively few deaf and hard of hearing students at the higher grade levels and the lack of communication opportunities outside of their few teachers and fellow deaf and hard of hearing classmates. Educational workshops and family support programs are limited and often do not align with student curriculum. Opportunities for community programs and events are also limited.

None of the current principals at Hodgin Elementary, McKinley Middle School and Del Norte High School have any formal training in deaf education nor are they fluent in American Sign Language. Hodgin Elementary has approximately 550 total students, and less than 30 who are deaf or hard of hearing. Once again, because of the small deaf and hard of hearing population, school officials attention and priorities are understandably focused on the majority population and not on improving the deaf and hard of hearing program. The deaf and special education teachers at these schools are often left to maintain the program themselves, with little support or understanding from the school administration. Every time a new principal is hired, the dhh teachers are burdened with the additional responsibility of educating the new school leader on deaf topics - including such fundamental safety issues as why the alarm siren is ineffective in communicating a lock-down emergency to a deaf student or teacher. Professional development opportunities are geared toward the majority of teachers and the majority student population, and therefore are often not related to topics such as the latest technological advances for classrooms, deaf educational research findings, or ways to improve the emotional and social well-being of deaf children, all of which impact educators of the deaf and are critical to their students' success.

Additionally, the schools in which the District Deaf and Hard of Hearing Program is placed have general populations which are struggling academically. For the 2007/2008 school year, Hodgin Elementary did not meet Annual Yearly Progress (AYP) and is a Corrective Action school. McKinley Middle School and Del Norte High School also did not meet AYP for 2007/2008 and both are classified as Restructuring-1 (R-1) schools (New Mexico Public Education Department). The result is that administrations efforts are predominately focused on the general population and less focused on the handful of deaf and hard of hearing students at their schools. Not surprisingly, the deaf and hard of hearing district program has failed to flourish at all levels.

Deaf and hard of hearing students are not meeting or exceeding their educational goals, as the following data specific to the Program for Deaf and Hard of Hearing at Hodgin Elementary shows. Results for the New Mexico Standards Based Assessment (NMSBA) for the 2007/2008 school year are as follows:

The following data includes all twelve deaf/hard of hearing students tested.

Grade Level	% Proficiency		
	Reading	Math	Science
3 <sup>rd</sup>	14%	14%	42%
4 <sup>th</sup>	25%	25%	25%
5 <sup>th</sup>	0%	0%	0%

The following data includes ten deaf/hard of hearing students tested and excludes “A Level” and “Twice Exceptional” students.

Grade Level	% Proficiency		
	Reading	Math	Science
3 <sup>rd</sup>	0%	0%	33%
4 <sup>th</sup>	0%	0%	0%
5 <sup>th</sup>	0%	0%	0%

In conclusion, while APS attempts to provide a number of services to deaf and hard of hearing students, the learning environment is less than ideal. As the statistics show, deaf and hard of hearing students enter school at an educational disadvantage, and placing these students in failing schools further decreases their likelihood for success. The program provides no opportunity to grow a critical mass of bilingual peers by providing ASL instruction to hearing students. Feelings of frustration arise in both teachers and parents when principals make decisions which adversely affect their deaf and hard of hearing children. Staff, parents and students in the deaf and hard of hearing program are oftentimes simply overlooked as school resources are diverted to the larger general population. Test results show that elementary students are not gaining the critical skills necessary to build a strong academic foundation which will carry them throughout their scholastic careers. So while we are thankful to the many dedicated professionals currently working with our children in APS, we believe a charter school focused on the specific needs of this underserved population will yield a superior learning environment for both students and staff.

## New Mexico School for the Deaf (NMSD)

The New Mexico School for the Deaf (NMSD) is a state-funded institutional school. The main campus, located in Santa Fe, serves preschool through high school students. Students whose families do not live in Santa Fe have the option of being bused daily from Albuquerque or living in on-campus dormitories during the week. NMSD also has preschools located in Albuquerque and Las Cruces. There are approximately 125 students attending the New Mexico School for the Deaf in Santa Fe, an estimated 30 of whom have families living in Albuquerque. The NMSD Preschool in Albuquerque currently has 25 students enrolled, ages 2-6 years. Only children with hearing loss as their “primary impacting condition” may attend NMSD schools. Deaf and hard of hearing children with additional special needs may be deemed ineligible for enrollment at NMSD. Hearing children, including those with deaf parents or deaf siblings, and those with special needs who would benefit from an ASL curriculum, are not eligible for enrollment. NMSD Outreach provides Step-Hi, a home-based program for families of deaf and hard of hearing children, which is available state-wide. Unfortunately, Step-Hi services are discontinued when the deaf and hard of hearing child reach six years of age.

Academically, the New Mexico School for the Deaf did not meet Annual Yearly Progress (AYP) for the 2007/2008 school year and is classified as a Restructuring-1 (R-1) school. Testing results for all students are listed below, and such results indicate the need for improvement in academic achievement and educational outcomes among deaf and hard of hearing students currently attending the state-funded institutional school (New Mexico Public Education Department). The New Mexico School for the Deaf is the current primary resource for deaf and hard of hearing students in New Mexico, with an annual budget of \$15 million, and it is substandard. This statistic alone illustrates the dismal state of deaf and hard of hearing education in New Mexico and demonstrates the need for an alternative for the deaf and hard of hearing community.

Testing Year	% Proficiency		
	Reading	Math	Science
2003/2004	16.0%	5.0%	- not available -
2004/2005	7.7%	7.7%	- not available -
2005/2006	14.5%	7.1%	7.3%
2006/2007	11.9%	9.1%	10.3%
2007/2008	17.5%	14.0%	10.5%

In addition to poor educational outcomes, sending young children to live in Santa Fe or to have them commute every day undermines the family structure. The commute makes it difficult parents who live outside of Santa Fe to stay closely connected to the school and involved in their child’s academic experience because of time limitations due to work schedules and the demands of home life, which often include other children who attend a different school, since hearing siblings are not eligible for enrollment at NMSD. Many parents cannot “drop in” on a frequent basis or volunteer at NMSD as often as they may prefer. Clearly, having a school located in another city impedes parent-professional relationships and limits parent involvement at the school, and may ultimately impact educational outcomes.

For students who live on-campus in Santa Fe during the week, the effect of this disconnection from their family is profound. As one article stated, referring to deaf residential schools in general, “deaf children need to be with their family where there is love, nurturing and discipline. The residential supervisors are not capable of meeting every deaf child’s needs (emotionally and physically)” (*Deaf Education Options Guide*). Children in residential schools miss out on important daily interactions with parents and siblings. Such interactions include parents helping with homework, eating dinner as a family and recounting the events of the day, reading bedtime stories with siblings, and saying prayers before bedtime. When parents and their children are denied these cherished moments, which are the foundation of a strong child-parent relationship and a reflection of their family’s unique culture, the results can have life-long negative affects.

Additionally, since 90% of parents are hearing, the reduced interactions with their child who commutes daily or lives on-campus results in fewer and less frequent language opportunities as well. Direct communication is critical for the parent’s acquisition of ASL since many parents themselves are learning ASL as a second language. If the goal is to improve family-child communication and interactions in order to affect academic outcomes and emotional development, sending children away from home to attend an institutional school is detrimental to this process. If a child is mostly absent from the home, parents and hearing siblings may be less likely to work on improving their ASL skills and they will also have fewer opportunities to practice their skills daily. The result will be limited opportunities for daily conversations and a decreased likelihood for strong parent-child relationships based on the foundation of a common language.

Perhaps of most concern is that removing children with disabilities from their families presents additional risks and is potentially unsafe. Currently there are two civil lawsuits pending against NMSD for incidents of rape and molestation. There have been numerous incidents of sexual abuse at the NMSD main campus as detailed in the following timeline from an article dated January 31, 2008 in *The Santa Fe New Mexican* (Storey, N., 2008) (*See Appendix H*) and from court records.

1997: A 16-year-old student was found guilty of raping a fellow student at NMSD while they played a game of tag.

1998: An 18 year old NMSD student admitted in juvenile court that he raped and molested an 11-year-old boy at the school.

2003: The families of three boys claimed their sons were molested by another student at the School for the Deaf who had a history of sexual misconduct. The school settled the lawsuit out of court in 2007.

2006: A 15-year-old female student from Albuquerque was raped by a 19 year-old fellow student on the NMSD campus. The attacker pleaded guilty to criminal sexual penetration and contributing to the delinquency of a minor. A civil suit filed in October 2008 is currently pending (*See Appendix H*).

2007: A 16 year-old female student from Albuquerque reported to her group home that an NMSD employee molested her while driving her home in an NMSD school van. A civil suit filed in April 2009 is currently pending (*See Appendix H*). The accused employee is

still working among students primarily on the main campus, and occasionally at the NMSD-Albuquerque preschool campus as well.

Such incidents are not unique to NMSD. Sadly, students with disabilities who are placed in institutional settings have been victims of sexual abuse in deaf schools across the country (*See Appendix H*). Recently, at the Louisiana School for the Deaf, a six year-old girl was raped by a 16 year-old male student while they were riding a school bus home (*See Appendix H*). Because of this and other incidents, the school was closed temporarily and an independent investigation was conducted. The ensuing expert report provides a historical context and valuable insight regarding deaf institutional schools. The section pertaining to sexual abuse is extremely thoughtful and thorough. In order to provide the reader with a better understanding of deaf institutions and the culture within, that text is reprinted in its entirety below, as quoted from the *Final Report to Superintendent Pastorek on the Status of Student Safety and Security at the Louisiana School for the Deaf* (Cohen. A., 2008, pp. 6-7) (*See Appendix H*):

*To be clear, it is important to also note that scandals regarding inappropriate sexual acting out at Deaf schools are not uncommon. Of course, this doesn't make it acceptable, but it does beg the question of whether or not the problem is endemic to Deafness or is a function of circumstances. The answer is complicated for a number of reasons.*

*First and foremost, Deaf residential schools are unique in the sense that they historically housed a wide range of diverse ages in dormitory like settings over many years. I would venture to say that any population that is housed together over time will experience a fair amount of sexual acting out, and that has been seen as recently as last year in a very prominent elite co-ed boarding school in New England. Sex among unsupervised children and adolescents is certainly not unique to Deafness.*

*That said, some of the circumstances related to Deafness, highlighted below, are, in fact, unique and require attention:*

- *As we have learned above, Deafness, and Deaf residential schools, tends to include a wildly divergent group of individuals, many of whom are functioning on levels well below others. Research has shown us time and again that sexual abuse takes place under a variety of circumstances, but frequently when there is a dramatic gulf in status between the participants. An example might be a child of normal intelligence and a retarded or autistic individual. Likewise, an older and younger student. In both cases there is a status gap between the individuals and abuse can flourish.*
- *We have also learned that all things being equal, more Deaf kids are sexually molested than non-Deaf kids. The reasons for this are complex, but the easiest way to understand it is probably through the metaphor that “Deaf people have no voice” – meaning that they both literally and figuratively lack a voice and speak in a language that isolates them from the overwhelming majority of the population, in addition to the fact that they tend to be marginalized by society, in general.*

- *Deaf residential schools are run as “regular” schools despite the fact that they function more and more as residential treatment centers for kids with a multitude of problems. As a result, state guidelines and standards are relatively minimal in regard to staffing requirements, training of staff, level of supervision, etc. Interestingly, and for a variety of reasons, most school directors tend to protect their status as “schools” rather than RTCs as they are uncomfortable with the dramatic increased expectations and costs that are necessary to provide security to such a complex population.*
- *Even if the residential schools were heavily staffed, we are all painfully aware of economic pressures that have routinely faced individual state departments of education. When that happens, budgets are cut everywhere, and Deaf schools tend to feel the loss in spades as their population is significantly less elastic than others and the result of decreased staffing is that kids go unsupervised.*
- *Ironically, even if the funding remained stable, which it has not, simply finding adequate staff is difficult as ASL is not known by most non-Deaf professionals, and line staff jobs tend to pay minimal wage for only a 9 month period of time as the academic year end allows states to pay the least skilled staff members, who happen to spend the most time with the students, the least amount possible. What kind of staff do you think you’ll attract under those circumstances?*
- *By definition, many Deaf students are developmentally delayed and frequently cannot handle the implications of sexual maturity in the face of societal limitations and boundaries.*

*Lastly, and perhaps most politically dangerous to suggest, the Deaf community tends to be a somewhat incestuous one by necessity. In most small towns or states the paucity of people fluent in ASL is minimal, so Deaf children, adolescents and adults are literally forced to rely on a relatively small total population of people who tend to gravitate to Deaf centers of employment for the socialization that they crave. As a result, many Deaf people who have gone through Deaf schools return to work there. If they experienced any abuse while there, they are statistically more prone to repeat the behaviors, and so on down the line.*

In conclusion, while NMSD receives considerable State funding and provides a number of services to deaf and hard of hearing children, the institutional learning environment can be less than ideal. Although school leaders and teachers are knowledgeable in deaf education and fluent in ASL, the program provides no educational opportunities for hearing students including siblings of deaf and hard of hearing, children of deaf parents, or children with special needs who would benefit from an ASL curriculum. Students sent to live away from their families can experience emotional problems and their relationship with their parents can suffer. While NMSD does provide access to ASL throughout the campus and a variety of social opportunities for students, test results indicate that many students are still educationally deficient and are not gaining the critical academic skills they will need throughout their lives. So while we are thankful to the many dedicated professionals currently working with children at NMSD, and while we agree that for some children an institutional school may be the best placement, many families would prefer an educational program located in Albuquerque which not only provides a language rich environment, but which is also safe, supportive of family connections and family culture, and academically outstanding.

**Final Report to Superintendent Pastorek  
on the Status of  
Student Safety and Security  
at the  
Louisiana School for the Deaf**

Alan Cohen, MD

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## I. Overview

After the appearance of several newspaper articles highlighting inappropriate contact between students and teachers at the Louisiana School for the Deaf (“LSD”), Superintendent Paul Pastorek contacted Dr. Alan Cohen and Dr. Reginald Redding to request that they complete an independent evaluation of the situation and answer three very specific questions:

- 1) Is there a systemic problem at LSD in regard to the alleged incidents?
- 2) Is LSD responding adequately?
- 3) Is there a mechanism in place to provide ongoing oversight?

The survey took place on the campus of LSD on June 13, 14 and 15, 2008. Although the school was not in session, the surveyors enjoyed unfettered access to both the physical plant and available personnel. All staff members were encouraged to speak freely without fear of retribution, and all were given direct access to our private email accounts in the event they wanted to make discreet contact. In addition, the Superintendent’s office assured us that we would have a direct reporting relationship to him, and in fact, private meetings were held with him and senior administrative staff on June 14, 2008 and again on August 12, 2008.

Of importance is fully appreciating the limited scope of a survey such as this one. Though the evaluators had complete access to all materials, it is essentially impossible to fully examine an institution of this size and complexity in a couple of days with two surveyors. As our charge was to examine the recently reported episodes of inappropriate student interactions with both teachers and community based adults, we tended to focus our attention on the policies, procedures and institutional responses related to those events. We are aware of the extensive past history of boundary violations between students, but our limited time at the institution made it impossible to review each of those files adequately. We do believe, however, that we were able to successfully identify the systemic problems that are of current concern, while also highlighting the unique strengths – most notably in the passionate commitment on the part of the staff – exhibited throughout all aspects of the school program.

Our report is divided into several separate sections. In the initial one we provide a brief history of Deaf education so that the reader can understand the situation in context. In the next section we respond to the specific concerns raised by the local newspaper in regard to the five distinct alleged episodes of inappropriate student – teacher and student-adult contact. This, in turn, is followed by the recommendations that address our more global findings and that we believe are critical in regard to establishing a safer and more developmentally sensitive environment for this often overlooked population. Lastly, the final section provides a consolidated summary of the entire report.

## I. Historical Perspective

In the relatively recent past, many, if not most, Deaf girls and boys were sent to state run residential schools for the Deaf and Hard of Hearing. Though many parents moved closer to the individual state campuses in an effort to be closer to their children and possibly even kept them at home as “day students”, the majority lived in an institutional environment for many years.

The reason for the development of such a system is a bit complicated and outside the scope of this report, but suffice it to say that the prevailing wisdom at the time embraced the notion of housing Deaf people together so that they could be educated more efficiently and to spare them the indignity and

pressure of a world that had little understanding of the nature of their disability and tended to view them as “dumb” rather than unable to communicate verbally.

Superimposed on this attitude was a controversial disagreement among professionals regarding how Deaf kids should be taught, and specifically whether or not they should “learn” to communicate through the use of archaic and somewhat abusive speech therapies and finger spelling. Over time, sign language techniques were developed throughout the world and professional educators noted that the exposure to sign language at a critical time in psychosexual development resulted in a significantly higher level of functioning for most Deaf people over time – the reason being consistent with an assortment of developmental theories that found that the absence of communication at critical times in child development not only can lead to lower functioning individuals then, but also, may result in permanent impairment and limitations over time.

Gradually, both the Deaf and scientific community embraced the importance of American Sign Language (ASL) as the primary form of communication to be used by Deaf people, and state schools became hotbeds of the culture that grew up around that evolution. Deaf kids frequently reported feeling most comfortable in residential school environments not only because suddenly “everyone could speak their language”, but also because everyone understood their life experience, whether it be the frustration of hearing parents refusing to learn ASL and therefore not being able to communicate with them, or the struggle of learning how to read and write without any lexicon upon which to remember sounds. Many Deaf adults today speak lovingly of their Deaf school experience and are frustrated by the changes throughout the country that have resulted in budget cuts and the elimination of specialized Deaf services provided in the context of state residential schools.

But what happened along the way to cause many states to cut funding to Deaf schools and eliminate many of them? Well, first of all, technology happened. With the advent of the computer and electronic communication devices, Deaf kids were less isolated. Further, cochlear implants provided an opportunity to dramatically decrease the number of culturally Deaf people (although CIs are not the panacea they are frequently presented as), and immunizations cut down on the incidence of rubella during pregnancy so that there was a concomitant decrease in the numbers of Deaf kids that were Deaf as a result of infectious causes in utero.

Perhaps most significant, however, was the change in attitude regarding both parents’ willingness to send their kids away, and the increased efficiency in the home-based mainstream programs initiated by I.D.E.A. law that required the public schools to provide an appropriate free education to everyone regardless of the nature of their disability. The overall result was a decreased number of culturally Deaf kids, increased ability for doctors to provide options for many of them, and a school system that was motivated to keep as many kids as possible in their family home attending home district schools with specialized support services that were at times inadequate, but frequently resulted in test scores that were often higher than those of the kids in the residential programs. The inescapable implication was that Deaf kids did better in home-based mainstream programs, and the bonus for the states was that it was dramatically less expensive.

Unfortunately, there is much more to the story and the simple suggestion that everyone does better in mainstream programs turns out to not be entirely true. Research has repeatedly shown that many of the kids that flourish in the mainstream programs are the highest functioning among the very divergent Deaf population. Whereas in the past there were many examples of Deaf individuals with completely “normal” functioning other than being Deaf, science and technology had advanced to the point where the percentage of high functioning Deaf kids to the overall number of Deaf kids with multiple and more

complex presentations had decreased. In turn, the highest functioning of all Deaf kids presenting for educational support were subsequently encouraged to utilize home based, mainstream programs, where, as one would expect, they did fairly well with a wide range of support in place. The “other” Deaf and Hard of Hearing kids, however, were not necessarily sought in the mainstream programs because they typically presented with a multitude of exceptionalities that not only served to reduce local test scores, but also, stressed the resources of the mainstream programs and frequently frustrated parents, as well.

Ultimately, the outcome in many states was that the very highest functioning kids stayed home in mainstream programs, and many of the lower functioning Deaf kids ended up in the state Deaf schools by default. This in turn led to Deaf schools attempting to be all things to all Deaf people whether they presented with relatively high functioning, or had cognitive limitations, autism, severe behavioral and/or emotional difficulties or co-morbid neurological issues.

In other states, the state run Deaf program did just the opposite – i.e., culling the applications for the best and the brightest Deaf students, while leaving the lower functioning kids to fend for themselves in home districts that were woefully underfunded and frequently willing to accept a level of educational mediocrity that was so disturbing that many home districts were successfully sued by families for consciously and willfully allowing Deaf kids to go without appropriately trained Deaf educators and inadequately skilled interpreters. To be fair, there are exceptions to every rule and Louisiana is a good example. Though many of the kids at LSD would be considered relatively high functioning, the overwhelming majority are not. For example:

- 10-15% of all students at LSD have been formally diagnosed as cognitively impaired.
- In the previous academic year, only six students qualified for the diploma track and most of them did not receive a basic full academic diploma.
- Approximately 40-50% of the students are receiving psychotropic medications and carry a psychiatric diagnosis.
- A significant percentage of kids come from emotionally and economically impoverished backgrounds.
- Many, if not most, of the Deaf kids born to hearing parents live in home environments where neither parent is able to be conversationally fluent with their Deaf child.
- Most, but not all, of the higher functioning Deaf kids in Louisiana attend mainstream programs in their home district.
- Because any child attending LSD is identified as receiving services through “special education”, they cannot be removed from the school regardless of their actions or the risk they pose to others. Administrators and teachers have numerous stories of kids who are described as literally stalking other staff members and students, while school officials have their hands tied and are forced to develop costly stop-gap interventions for lack of alternative interventions.

So where does that leave us?

Simply put, though there are fewer culturally Deaf kids presenting for services today as opposed to 20 years ago, the majority of higher functioning kids tend to remain in their home districts while the lower functioning ones may end up in the state system. As a result, the state programs with their rich cultural histories and traditions tend to struggle with both a compromised economic environment as well as a population that is skewed to the multiply handicapped, which in turn, places greater and greater economic burdens on the faltering system. Exacerbating the situation is a naïve political system that

makes no distinction between a specialized Deaf school attempting to educate a wildly diverse population and a “regular” community based school that is working with statistically average kids.

The result is simply a recipe for frustration on the part of every single group involved: Parents frequently complain of inadequate academic progression; fewer and fewer kids graduate with actual diplomas and even fewer are equipped to be self-supporting as a result of functional illiteracy; state officials are frustrated in their inability to deliver services that are seen as adequate by virtue of test performance and frequently must struggle with the pressures of figuring out costly ways to simply manage students and keep them safe rather than educating them, and of course teachers are frustrated in their inability to impact a somewhat resistant student population.

To be clear, it is important to also note that scandals regarding inappropriate sexual acting out at Deaf schools are not uncommon. Of course, this doesn’t make it acceptable, but it does beg the question of whether or not the problem is endemic to Deafness or is a function of circumstances. The answer is complicated for a number of reasons.

First and foremost, Deaf residential schools are unique in the sense that they historically housed a wide range of diverse ages in dormitory like settings over many years. I would venture to say that any population that is housed together over time will experience a fair amount of sexual acting out, and that has been seen as recently as last year in a very prominent elite co-ed boarding school in New England. Sex among unsupervised children and adolescents is certainly not unique to Deafness.

That said, some of the circumstances related to Deafness, highlighted below, are, in fact, unique and require attention:

- As we have learned above, Deafness, and Deaf residential schools, tends to include a wildly divergent group of individuals, many of whom are functioning on levels well below others. Research has shown us time and again that sexual abuse takes place under a variety of circumstances, but frequently when there is a dramatic gulf in status between the participants. An example might be a child of normal intelligence and a retarded or autistic individual. Likewise, an older and younger student. In both cases there is a status gap between the individuals and abuse can flourish.
- We have also learned that all things being equal, more Deaf kids are sexually molested than non-Deaf kids. The reasons for this are complex, but the easiest way to understand it is probably through the metaphor that “Deaf people have no voice” – meaning that they both literally and figuratively lack a voice and speak in a language that isolates them from the overwhelming majority of the population, in addition to the fact that they tend to be marginalized by society, in general.
- Deaf residential schools are run as “regular” schools despite the fact that they function more and more as residential treatment centers for kids with a multitude of problems. As a result, state guidelines and standards are relatively minimal in regard to staffing requirements, training of staff, level of supervision, etc. Interestingly, and for a variety of reasons, most school directors tend to protect their status as “schools” rather than RTCs as they are uncomfortable with the dramatic increased expectations and costs that are necessary to provide security to such a complex population.
- Even if the residential schools were heavily staffed, we are all painfully aware of economic pressures that have routinely faced individual state departments of education. When that happens, budgets are cut everywhere, and Deaf schools tend to feel the loss in spades as their

population is significantly less elastic than others and the result of decreased staffing is that kids go unsupervised.

- Ironically, even if the funding remained stable, which it has not, simply finding adequate staff is difficult as ASL is not known by most non-Deaf professionals, and line staff jobs tend to pay minimal wage for only a 9 month period of time as the academic year end allows states to pay the least skilled staff members, who happen to spend the most time with the students, the least amount possible. What kind of staff do you think you'll attract under those circumstances?
- By definition, many Deaf students are developmentally delayed and frequently cannot handle the implications of sexual maturity in the face of societal limitations and boundaries.

Lastly, and perhaps most politically dangerous to suggest, the Deaf community tends to be a somewhat incestuous one by necessity. In most small towns or states the paucity of people fluent in ASL is minimal, so Deaf children, adolescents and adults are literally forced to rely on a relatively small total population of people who tend to gravitate to Deaf centers of employment for the socialization that they crave. As a result, many Deaf people who have gone through Deaf schools return to work there. If they experienced any abuse while there, they are statistically more prone to repeat the behaviors, and so on down the line.

## II. Assessment of incidents recently highlighted by local newspapers

The numbered items below represent simplified versions of the five student-teacher and student-adult based abuse reported in The Advocate over recent months. The simplified presentation is not meant to in any way diminish the significance of the allegations, but rather, are intended to provide a more efficient and clinical manner in which to discuss them.

- Inappropriate electronic communication between a teacher and student
- Inappropriate electronic communication between a (different) teacher and a student
- Inappropriate electronic communication between a former teacher and a student.
- Inappropriate physical contact between a former student/former employee and a current student while former employee was working at church that LSD students attended
- Inappropriate electronic communication between a former student and a current student

The evaluators reviewed all of the cases with administrative staff, teachers and state authorities. In addition, the evaluators reviewed the previous task force findings, read the newspaper accounts and met with the representative group of parents of LSD students. Our findings are as follows:

1. In all cases presented, LSD followed its documented policies and procedures and secured clear background checks prior to firing of alleged perpetrators.
2. In cases of current employees being involved, there is documentation of employee having completed all required training and participating in required supervision.
3. In each evaluation, the LSD administrator acted swiftly and appropriately in advising parents, juvenile authorities and law enforcement, where appropriate.
4. In situations where alleged events took place off campus, all appropriate authorities were contacted independently.
5. In situations where alleged events took place on campus, the alleged perpetrators were removed from student contact immediately and again, authorities were immediately contacted.
6. Though this in no way is meant to excuse or condone any of these events, it is striking to note that several of the alleged abuses took place with one particular student and several different staff members over several years. In staff interviews, it was revealed that the particular student

has a long history of problematic behavior, is often unsupervised or inadequately supervised while at home, and on occasion, has been seen as a predator by other staff members who observed her over time.

7. It is essentially impossible for LSD to manage the behavior of any student while off campus.
8. In much the same way, it is essentially impossible for LSD to monitor the activities of former employees while off campus.
9. The policies and procedures associated with the behavior of employees or volunteers at institutions frequented by LSD (i.e. churches) are unknown and represent a potential problem. Policies and procedures that govern the interaction of students with ANY outside individual while under the direct supervision of LSD must be developed and implemented immediately.
10. The extent of the specific training in regard to boundaries with students, and what is and is not appropriate contact, is limited and must be expanded to include mastery exams at specific time intervals to determine whether or not the information taught has been internalized.
11. Though LSD has specific policies that govern the use of electronic devices and personal interaction between students and staff, it is essentially impossible to police and must be revisited.
12. Consideration should be given to initiating a “student advocate” position who answers directly to the School Director alone, and whose task it is to respond neutrally to any anonymously raised concerns or complaints by members of the student body or their families.
13. In much the same way, teachers must have an anonymous route by which they, too, can raise concerns about students or other staff without fear of retribution or legal exposure (again, please note that several teachers reported that they had “suspicions” about what was going on with a particular female student, but they opted to not mention the concern for fear that they could get sued).

In summary, the surveyors saw no evidence of wrongdoing by the Louisiana School for the Deaf, but were struck by the nature of the incidents and the potential for other events of a similar nature in the future. Though incidents such as these have become almost commonplace throughout the United States, they are especially alarming in environments that are dedicated to the care and the education of individuals with disabilities. One need only do a cursory search over the web to identify a plethora of very similar, and at times much more extensive, events in state residential schools across America over the past ten years. The structure and management of those facilities raise very specific concerns and necessitates focused intervention if the situation is to be contained and effectively eliminated. The next section on recommendations expands on the suggestions made above.

### **III. Recommendations**

- 1) Develop facility-wide standards and establish state-based survey authority to provide clear, measurable and consistent requirements for all aspects of daily the daily administration of campus based academic and student life. If LSD is to continue to admit all types of Deaf students – of different ages, gender, intellectual and psychosexual functioning, the structure of the program must be re-evaluated to maintain safety and security for all students on campus.**

As previously described, LSD, like many state run schools for the Deaf, tends to slip through a multitude of regulatory cracks by virtue of the fact that it is neither a straight-forward school nor a medically supervised residential center. As a result, this extraordinary and unique program attempts to work with youngsters and young adults who are both gifted and cognitively impaired; “normal” and psychiatrically

compromised individuals; and who, at best, are frequently delayed in both language and psychosocial development.

We have already discussed the fact that a wide range of sexual acting out takes place in both regular public schools and elite boarding schools, so it should come as little surprise that it is also occurring at LSD. Unfortunately, the problem at LSD is exacerbated by the fact that wildly divergent groups of differing levels of competence and status are interacting in a somewhat haphazard and potentially problematic way. Superimposed on this system is a structure that attempts to keep LSD's identity that of a "regular", albeit specialized, boarding school environment which ultimately results in denying the reality of the situation and the potential that exists for disaster.

Further, the absence of firm budgetary commitments based on stringent state regulations makes the job of the school administrator essentially impossible as he or she is left to figure out ways to cut corners without compromising academics. Ergo, staffing levels frequently get manipulated, as do the training programs necessary to field adequate staff in the first place. Informing the entire process are unrealistic academic expectations ignorantly fostered by the grossly underfunded "No Child Left Behind" legislation and the serious scarcity of ASL fluent staff.

The bottom line is that LSD cannot adequately police itself regardless of how sincere and well intentioned its leaders may be. A regulatory commission should be established that will create measurable standards for everything from the temperature of the water coming out of the faucet to the type of training every staff member must have to work on campus in a supervisory capacity.

It is our recommendation that once established, these guidelines must be enforced and regularly surveyed by an independent team that will be responsible for sending their findings to the State Superintendent and the governing Board, and which will be subject to public scrutiny. Accountability by school personnel in regard to student safety and security can only be achieved when clear, cogent and appropriate standards are in place and properly funded.

We are aware of the resistance to plans such as these, as they tend to create environments that are less "regular" and more clinical. In the case of Deafness in general, the community has worked tirelessly to be seen less as dysfunctional and more as simply disabled by virtue of their hearing loss. Unfortunately, if LSD continues with its current population, it is not possible to maintain safety without a radical change in the structure of how the system operates and how it is reevaluated.

- 2) Re-evaluate the funding mechanism for LSD so that it is based on the school being able to meet the newly established standards and expectations of the overseers, rather than working backward by establishing guidelines based less on what is agreed upon to be correct and more on how much money is available. This should not be taken to mean that LSD should receive a blank check. Rather, it must be expected to operate efficiently and must be held to reasonable expectations in terms of total budget. It does, however, mean that the safety and security of students must be of the highest priority if the school is to remain open.**

LSD prepares a budget based on prior year expenditures and anticipated increase in costs (salary merits, food, gas, transportation, etc.), and submits it to the Division of Administration through an assigned Budget Analyst. After review and discussion, this is submitted to the Division of the Administration's Commissioner who submits the total state budget to the Governor. The Governor's Budget is then submitted to the Legislature.

The initial agency budget for the following school year is submitted by November 1. Usually in January the preliminary recommendation comes from the Budget Analyst and a packet is submitted to the Division of Administration indicating the consequences of items not funded. The school then has the opportunity to defend its requests before the Commissioner and a panel from his office, with or without the support/presence of the Department of Education (State Superintendent and State Director) depending on the year.

The Governor's Budget is submitted in February or March and the subcommittees of the House of Representatives schedule meetings with each agency. The BSS Directors are currently able to present their requests and explanations directly to the Legislature. In previous years the requests have been presented by the State Superintendent or the State Director. The subcommittee then presents to the full House Appropriations Committee and then the Full House. The bill then goes to Senate Finance for the same process and back to the full Legislature for final passage of House Bill 1.

During this process there may be various requests from the Division of Administration regarding the current year or upcoming year if funds are short. In addition, vacant positions may be frozen or a number of positions may be cut, potentially to be reinstated at a later date should the state find available money.

LSD is a line item on the Governor's budget and can be cut or added to accordingly. It is not a protected budget like the Minimum Foundation Program (MFP) budget but the cost per student is much higher than that provided by the MFP; LSD has always been careful in requesting protection because of the limitations that might come with that.

Given the above, it is clear that the school relies on the budget ultimately set in the governor's office, and as such, must get comfortable with the possibility of changes and/or cuts at any time. Ultimately, this results in a plethora of problems that range from the inability to attract adequate line staff to losing language teachers responsible for training non-signers in ASL so that they can communicate with the Deaf students that they are responsible for supervising. Budgets need to be formulated from the bottom up rather than top down. At the current time, it appears that the system is based on the "tail wagging the dog" rather than the other way around. Again, this is not about a blank check as we expect that there are numerous efficiencies that could be instituted under the right circumstances with the right people, but if the state wants change it must embrace new standards. Unfortunately, standards don't come cheap.

- 3) Despite our appreciation for the job done by Interim Director Kenny David, it is critical that the school be led by a professional with academic credentials and a history of having experience efficiently managing a program as complex and demanding as LSD's. We suggest establishing a "Blue Ribbon" commission made up of Deaf educators, psychologists and psychiatrists (with experience in, and knowledge of, Deaf culture), financial experts and seasoned administrators.**

Mr. David is an extremely competent and experienced individual who has lived on LSD's campus from childhood as a result of the fact that his Deaf parents worked at the school. He knows every nook and cranny on campus, and has done a yeoman's job of holding the ship together for several years. Despite that, he himself will be the first person to tell you that the school needs someone with full academic credentials so that they can appropriately supervise all staff and create a safe and nurturing environment in which the Deaf students can grow and learn. We concur with his perspective and would add that we believe that given the incestuous nature of much of what goes on at LSD, the final choice

should be an outsider who can be respected by both the academic and student life sides of the equation.

- 4) The school lacks adequate involvement from the Board that controls its fate. LSD needs an advocate that truly understands Deaf culture and the issues associated with the education of Deaf students. *Teaching Deaf kids is not the same as teaching hearing kids with interpreters.* The Board must be informed and must get involved if they are to understand the unique complexities of managing an institution such as LSD. Not only must they be expected to hold school officials accountable, but also, they must begin to embrace their role as resource and champion of the program.**

The BESE (Board of Elementary and Secondary Education) oversees all public education in the state of Louisiana and serves as the School Board for LSD. It is the governing authority which establishes personnel policies for unclassified staff members of Board Special Schools (BSS) and Special School District (SSD). Classified staff are governed by Civil Service rules and LA Department of Education employee policies.

The State Superintendent of Education (Paul Pastorek) is the appointed authority for BSS and SSD. The State Director (Virginia Beridon) is the chief officer of SSD and may be responsible for the supervision and oversight of the administration of the BSS if authorized by the State Superintendent (this is the case now).

Appointments to BSS Director positions and SSD State Director positions shall be made by the State Superintendent of Education with prior approval of the BESE Board. The Board President shall be notified of any acting appointments made by the State Superintendent prior to the appointment taking effect and the Board shall be notified of any acting appointments at its next regularly scheduled meetings.

The State Superintendent has issued a letter giving significant authority to the BSS Directors. They are expected to communicate with the State Director regarding major incidents and decisions.

Time and time again the evaluators confronted the almost complete lack of involvement on the part of the Board that is charged with the responsibility for making decisions related to LSD. *With but a few notable exceptions, no Board member has even visited the school, let alone familiarized himself with critical aspects related to Deaf education.* This apparent lack of interest and effort has resulted in ongoing morale problems and has left the school feeling much like a forgotten child – ironically mimicking a frequent complaint of many Deaf individuals. If the Board is to successfully hold the school administrators accountable, it must first get its own house in order and demonstrate an interest and commitment to LSD by familiarizing itself with fundamental aspects of Deafness and what Deaf schools need to be.

- 5) The ongoing use of unrealistic evaluation criteria that measures Deaf students against hearing, represents a stubborn lack of understanding of the fundamental issues related to Deafness. The governor must use his bully pulpit to assist Federal authorities in understanding the uniqueness of the Deaf student so that they are not continually penalized by “No Child Left Behind” regulations that do not adequately address their unique needs.**

The average reading and writing level at LSD for all students is profoundly lower than the general population. The reasons for this are complex, but at the very least, are exacerbated by delayed language formation as a result of many parents not making an effort to learn American Sign Language

and utilize it in the home environment during critical developmental periods. The task of correcting this delay falls to the school, but importantly, delays from an early age are often resistant to learning and many Deaf kids are stubbornly resistant to the effort that is needed to develop these skills from which everything else blooms. As a result, the vast majority of LSD students do NOT participate in diploma-based programs and only a handful of those that do actually receive a full high school diploma. To focus attention on the goal of meeting unattainable NCLB regulations when these kids lack the basic building blocks necessary to have a shot at an education is unrealistic, at best.

- 6) Because all students attending LSD are considered to be in special education placements, they are frequently “locked in” and administrators have few, if any, options available when individuals demonstrate socially inappropriate behavior. An effort must be made to provide alternative placements for chronically aggressive and socially resistant students.**

Again, all staff members interviewed volunteered that they are frequently at the mercy of some of the more profoundly disturbed kids who, despite ongoing acting out and dangerous behavior, cannot be separated from LSD. This not only poisons the entire school environment, but also it perpetuates the myth that all Deaf students could and should be at LSD. The evaluators wish to remind everyone that though diversity in Deaf school environments is common, they are not currently structured in a manner conducive to adequately monitoring kids with emotional problems. The state must decide if it wants LSD to be a school, or a treatment center, or a combination of both. Regardless, it must redefine its mission so that its goals are easy to recognize and there is no confusion as to what is expected to be.

- 7) Explore ways in which parental involvement in all aspects of student life can be expanded. Specifically, initiate a state-wide effort to improve parental use of ASL in the home environment, and provide regional training programs to improve parental supervision of students and knowledge of appropriate parenting techniques for different developmental stages.**

Research has repeatedly shown us that among the most critical prognostic indicators in regard to academic success is the attitude and involvement of parents in their children’s education. As we have previously discussed, many (but certainly not all) of the students at LSD lack any sense of parental involvement or awareness of their children’s academic circumstance. In addition, few of the hearing families of Deaf students have achieved anything even approximating fluency in ASL, and therefore can only superficially understand, communicate with or adequately supervise their children. During our several days at LSD we had the pleasure of meeting with a small group of parents who responded to our invitation to speak privately with us. To a person, each described – in emotional detail – the importance of LSD to their children, and specifically discussed the dramatic improvement in their kids functioning since arriving at the specialized program. Lest one assume that these families represented the academic all-stars, we were struck by the histories they told and the openness with which they spoke of their family members’ academic struggles and limited successes. Their kids were certainly not breezing through, but they were improving from both an academic and social perspective, every single year. It is our deeply held belief that a good deal of the change has resulted from the nature of the families involvement and each of their willingness to learn ASL. If LSD is to survive and flourish in the future, each of the sub-groups involved – students, state officials, teachers and staff, and of course, families – will have to do their part, and accountability must be expected. Going forward, this must include parents in a fundamental way.

- 8) Expand use of appropriate electronic safeguards to insure appropriate staff supervision of students throughout the night.**

As previously discussed, we have been impressed throughout the process with the responsiveness and sincerity of Superintendent Pastorek and his staff. In our initial meeting with them, we described a multitude of our immediate concerns, including, but not limited to, the lack of adequate supervision in the dormitories overnight, and specifically, the number of staff on duty and the general lack of oversight of their purpose. The evaluators pointed out that in their extended experience, night staff tended to sleep themselves rather than supervise, and that a system of “checks and balances” needed to be established to guarantee that the students were adequately supervised in dormitory settings where the physical plant is somewhat dated and not well suited to efficient observation. In an almost immediate response, the school was authorized to hire additional staff and to research and implement an electronic monitoring system that literally documents staff involvement throughout the night by recording that they waved their bar-coded wand in front of a sensor in each and every student’s room on an every 15 minute basis. By doing so, supervisors can now track the diligence of night staff supervision and can be assured of their presence as documented by the electronic record keeping. Not only did that go a long way to improve the quality of student supervision, it also demonstrated the seriousness with which Superintendent Pastorek and his team are approaching their job.

**9) Explore initiation of appropriate restrictions on the use of personal electronic communication devices by the teachers in their interaction with students.**

As we explored the incidents of abuse by teachers and other adults of students, we were forced to confront logistical aspects of teacher-student interaction that are somewhat different at an institution like LSD. One staff member described the issues associated with students going home on Fridays and returning to LSD on Sunday. Most are transported throughout the state by buses supervised by LSD staff and utilized by both LSD and the Louisiana School for the Visually Impaired. Staff reported that the “delivery system” can take hours upon hours to complete, and that often times, students arrive home only to find their house empty and lacking in a parental presence. In those circumstances, the use of electronic communication devices by students and teachers is not only warranted, but also can provide a necessary safety net in a potentially dangerous situation. That scenario and others provide ample justification for the use of modern technology for disabled students, but we must remain mindful of the potential pitfalls associated with the use of these tools. In regard to the teacher-student abuse, the personal communication device figured prominently in the alleged episodes and became the technique by which the “classic” grooming process took hold. If technology is to be our friend, we must continue to safeguard its appropriate utilization and monitor the potential abuses. To that end, we would suggest some kind of restriction of use coupled with “spot checks” of device histories to prevent the use ongoing inappropriate use of these devices.

**10) Re-evaluate orientation and training programs for all staff, and include measurable criteria that can be tested at periodic intervals to ensure staff mastery of existing policies and procedures and ASL.**

In the experience of the evaluators, staff training must be viewed as an on-going daily process that literally never ends. All too often we suspect that employees go through consolidated training programs that not only lack adequate time and information, but also never really assess the degree to which a new employee truly understands and internalizes the important information conveyed. In many cases the staff, regardless of how high functioning, may lack reading skills that enable them to adequately understand material that is being presented. As a result, we suggest post-presentation testing that

requires individuals to not only demonstrate a rudimentary understanding on the day the material is learned, but also, at specific intervals throughout the year.

Further, the necessity of being able to understand BASIC ASL prior to assuming a position of supervision of students is absolutely critical. The absence of this knowledge makes it increasingly impossible to understand what students are saying to them, and consequently, it becomes impossible to provide a safe and secure environment.

Lastly, the entire orientation and continuing education program must evolve from a cursory requirement to one of meaningful education of all staff at all levels. This is, by necessity, time consuming and costly, but at the same time, is probably the single most important aspect of staff improvement going forward.

**11) Expand student based sex education program to promote age appropriate training regarding boundaries, abuse, reporting of abuse and sexual experimentation.**

This is not intended to be a “how to” program on achieving satisfactory sexual pleasure. Rather, it is an anti abuse program that is geared to each developmental stage and is intended to de-mystify sexual behavior while providing valuable information regarding risks of sexual activity. It has been used throughout the country and should be adapted for use by Deaf educators. A necessary adjunct involves the participation of families and supervisors when appropriate.

**12) Provide opportunity for anonymous reporting of concerns by both staff and students.**

As described above, several teachers privately reported that they had “suspicions” about a particular student, but didn’t have any evidence to show, and therefore decided that there was risk if they decided to say anything to anyone. We fully embrace the concern and oppose any attempt to create a “witch hunt” type environment at LSD. At the same time, however, we are mindful of how reluctant everyone has become to getting involved and the importance of extending the watchful eyes and ears of management team over the entire school program. We would suggest consideration of a system similar to ones utilized throughout the United States by child care workers who will accept anonymous reports and investigate them to insure that no child is in danger. Though not a perfect system, it is a necessary cog in this wheel and we would support the hiring of a student advocate who is fluent in ASL and answers directly to the school Director.

**13) Expand on-campus presence of senior clinicians (psychologist and/or psychiatrist) to provide guidance and professional supervision to psychological services staff.**

It would be impossible to over-emphasize the importance of increased outside clinical involvement by senior clinicians who are conversant in child psychology, the use of psychotropic medications, development and successful management techniques in regard to group living with such a diverse population. At the current time, medical coverage, though better than it had been, is less than adequate, and despite a very dedicated and committed psychological support staff, there is a general dearth of senior supervision as well as an ongoing shortage of on-campus clinicians available to deal with the multitude of bio-psych-social concerns. The evaluators were struck by the lack of staff knowledge concerning psychotropic medications taken by many of the students, as well as with the inconsistencies in staff’s understanding of how to deal with commonly seen acting out behaviors. Although expansion of the training program will go a long way to improve this situation, the on-campus presence of senior outside clinicians is crucial with this fragile population.

**14. Consider expansion of a more productive and viable vocational program that addresses the practical aspect of independent functioning post graduation.**

Interestingly, Superintendent Pastorek had a strong reaction to this suggestion when initially presented to him, as it is his belief that to develop a vocational track is to essentially give up on the expectation that every student can learn in his or her own way. We certainly applaud his commitment to providing quality education to Deaf students and understand his reluctance to offer easy way outs. But we suggest this option not to stop shooting for excellence at LSD, but rather to acknowledge that in a population as diverse and complicated as the one at LSD, it is simply not realistic to expect more than a few of the students to be able to perform at levels necessary to achieve true high school graduation. As a result, we believe that creating realistic goals for each and every student fosters a sense of accomplishment and self satisfaction that is currently absent in both the student population and the teachers attempting to fit square pegs in round holes. To develop high quality vocational assessment and training programs is not only NOT a failure, but rather, would be a giant step forward in terms of improving morale of the employees and the self-esteem of the students.

**IV. Summary**

In regard to the question of whether or not there was a systemic problem at LSD that led to the original incidents alleged by The Advocate in their earlier articles, the evaluators felt that the school had followed all of its documented policies and procedures and could not be faulted for the unfortunate and inappropriate action of several teachers who were appropriately hired and supervised. That said, we are concerned with the general lack of standards necessary to administer a school program that is attempting to meet the needs of such a highly diverse and complex population.

On a positive note, however, we have found the attitude of the State Department of Education in general, and Superintendent Paul Pastorek in particular, refreshingly open to our concerns and input. Their ongoing commitment to full transparency and fundamental changes in the current system is encouraging. In addition, the nature of the commitment on the part of teachers and staff was notable, and despite consistent concerns raised by each and every group that we met with, the passion that everyone feels for the school was palpable and perhaps the most important predictor of future success.

Given the evident problems, and the potential cost in both dollars and manpower to address the issues, we are concerned that the State will be inclined to cut their losses by either disbanding the school and sending its students back to their inadequately funded, unprepared home districts, or alternatively, to turn the program over to an outside private educational firm that has little experience with Deaf education and culture.

It is our sincere hope that Louisiana will use this opportunity to invest the time, effort and resources in the rich history of LSD and in so doing, will become a model of how to address complex educational and social problems the right way. The fact that, of necessity, new approaches to age-old educational problems are being developed in New Orleans provides the perfect opportunity to utilize these same aggressively innovative ideas to the problems associated with Deaf education nationally, and LSD in particular.

January 31, 2008

## **Ex-student sentenced in rape case**

"Victim blaming" by teachers and administrators at the New Mexico School for the Deaf partly explains why a former student accused of rape received a plea deal, a prosecutor said Thursday.

Jorge Chavez, 21, was sentenced to three years of probation Thursday, after he pleaded guilty earlier in the week to fourth-degree criminal sexual penetration and contributing to the delinquency of a minor.

Judge Michael Vigil and prosecutor Barbara Romo said the case was riddled with difficulties, including issues with interpreting sign language, the prospect of sentencing Chavez to a prison where he might not be able to communicate with anyone and the fact the victim's account varied greatly from the story Chavez told. Romo also said she was "shocked" by the attitude of administrators and teachers at the New Mexico School for the Deaf, several of whom showed up to support Chavez on Thursday.

One teacher said Chavez was not a rapist and, using the metaphor of an ocean, likened him to a powerful shark and the victim to "little algae," Romo said. Another teacher said she did not believe the victim had been raped because the girl was not acting like a rape victim and should have been shaking and vomiting, Romo said.

"For teachers and coaches to say things like they just flat-out don't believe what happened because Jorge was a popular kid on campus and (the victim) is not popular, she has low self-esteem, why would he rape her?" Romo said. "These are not peers. These are educators saying this."

Chavez's lawyer, Cindy Turcotte, disputed the prosecution's version of what happened, saying the sex between the victim and Chavez was consensual. Turcotte said the victim and Chavez had been dating at the time and "trying to decide whether to become boyfriend and girlfriend."

Among Chavez's supporters was football coach Robert Huizar, who said through an interpreter he did not believe Chavez raped the girl. "What happened with (Chavez) and (the victim) was a big mess," Huizar said. "And in my opinion, there was a lot of misunderstanding."

In October 2006, the victim, who was 15 at the time, told police Chavez, then 19, took her into a boys bathroom in the school's medical building and had sex with her after

she told him no several times, according to a statement of probable cause. The statement said Chavez admitted the girl told him no, but his lawyer disputed that version, saying the police were not properly trained to interrogate a deaf person.

There have been allegations of sex crimes at the School for the Deaf before. In the 1990s, several accusations surfaced, and in 2007, the school settled a lawsuit that involved three young students who said they were molested by another student who had a history of sexual misconduct that the school did nothing about. That lawsuit alleged school officials downplayed the abuse to the boys' parents and tried to cover it up.

Ronald Stern, superintendent of the school, said he could not comment about the Chavez case, but in an e-mail wrote that the school takes campus safety seriously. The school's 33-acre campus on Cerrillos Road serves hearing-impaired students from all over the state. About 150 students live on campus.

Stern said a visual public announcement system was installed in 2006, which deaf and hearing staff can use to alert security if anything happens.

"NMSD continues to team with other local and state agencies to educate our students and staff on personal safety and on timely reporting of any suspected abuse," he wrote. "There is nothing more important to the school than the well being of its students and personnel."

Judge Vigil said past sex crimes at the school concerned him when he presided over cases while he was a judge in Children's Court. "I think there was an admission, or realization, that the school was failing the children — that these incidents were being ignored, swept under the rug," he said of cases in the 1990s.

Vigil also said New Mexico should be ashamed Chavez spent 13 months at the Santa Fe County jail in virtual isolation because there was no one who could communicate with him in sign language.

"I'm appalled at the lack of services our county jail has for people who are incarcerated there who are deaf," he said.

The victim's mother read a letter the girl wrote in which she asked the judge to keep Chavez away from her. "When I got raped it made me sad and shocked me because I never thought about getting raped before," the girl wrote. "I want him away from me forever."

Through sign language and an interpreter, Chavez, who could be deported because he is a Mexican citizen, addressed the court in tears and apologized to the victim's mother. He said he wanted to dedicate his life to teaching deaf children.

"I've gone through a lot of suffering in the last year, and I've learned a lot," he said.

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## **EVENT TIMELINE**

**1992:** A 16-year-old student at the New Mexico School for the Deaf claimed she was raped by a counselor after she asked him to unlock a closet where a vacuum cleaner was kept. The counselor was suspended from his post but reinstated in 1993.

**1994:** The mother of a 5-year-old Pecos girl reported the girl was raped at the School for the Deaf. A week later, officials from the school said the girl was actually hit on her lower groin area by a piece of playground equipment. No charges were filed.

**1997:** A 16-year-old student, William Kermude, was found guilty of rape after another student at the school said he raped her while they played a game of tag. The victim also said Kermude bragged about raping other girls.

**1998:** Sam Ramon, 18, a student at New Mexico School for the Deaf, admitted in juvenile court that he raped and molested an 11-year-old boy at the school.

**2003:** The families of three boys claimed their sons were molested by another student at the School for the Deaf who had a history of sexual misconduct. The school settled the lawsuit out of court in 2007.

**2007:** A 15-year-old student at the school said Jorge Chavez, at the time 19, raped her in the medical ward of the school. Chavez pleaded guilty to criminal sexual penetration and contributing to the delinquency of a minor this week.

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October 31, 2008

## Parents suing NMSD in rape case

"The parents of a girl who was raped two years ago at the New Mexico School for the Deaf are suing the school, its superintendent, principal and a counselor.

Sylvia and Alex Martinez claim that the school was negligent in handling reports of harassment against their daughter, eventually leading to her rape, according to the lawsuit filed Oct. 2 in state District Court. The couple are seeking compensatory and punitive damages of a "yet to be determined amount."

"Defendants failed to enforce and follow their own policies and procedures regarding sexual misconduct," the lawsuit states.

According to the suit, the couple's daughter reported in late August 2006 that Jorge Chavez "accosted her, tried to kiss her, and grabbed her crotch and her breasts."

The girl reported the incident to Patrick Ercolino, a counselor, and Terry Wilding, principal at the school, the suit states. She also told her mother, who went to the school the next day to see Wilding, where she "was assured that (her daughter) would be protected and that safeguards would be put in place."

On Oct. 17, 2006, the girl scheduled a meeting with Ercolino because "Chavez had continued to pursue and pressure her." Ercolino scheduled a meeting for the next day, and asked that Chavez be included, the suit states.

The following day, Oct. 18, when the girl and Chavez went to meet with Ercolino, he was not there. Then, "Chavez grabbed (the girl) by the arm and led her down the hallway and into the Boy's Ward."

"Chavez then started kissing her and taking his clothes off, pulling her into the bathroom. He forced her to take off her shirt. She told him 'no' and to stop more than once. She also physically struggled with him, but he did not stop touched her and did not let her leave." Chavez then raped the girl, according to the suit.

After the incident was reported, Chavez was arrested and eventually pleaded guilty to criminal sexual penetration and contributing to the delinquency of a minor. He served about 15 months in jail before being sentenced to three years in jail, for which he received credit, and three years of probation.

In response to the lawsuit, Superintendent Ronald Stern said in an e-mail that "allegations in a plaintiff's complaint are just that," and are "typically slanted to make the circumstances sound as extreme as possible."

As far as safety and security at the school, Stern wrote that "The school has a vigorous training program and

security protocols designed for student safety which are reviewed on a regular basis to update and refine." The school also regularly conducts training for staff and students, he wrote.

Safety and security, he wrote, "is consistently one of NMSD's highest priorities."

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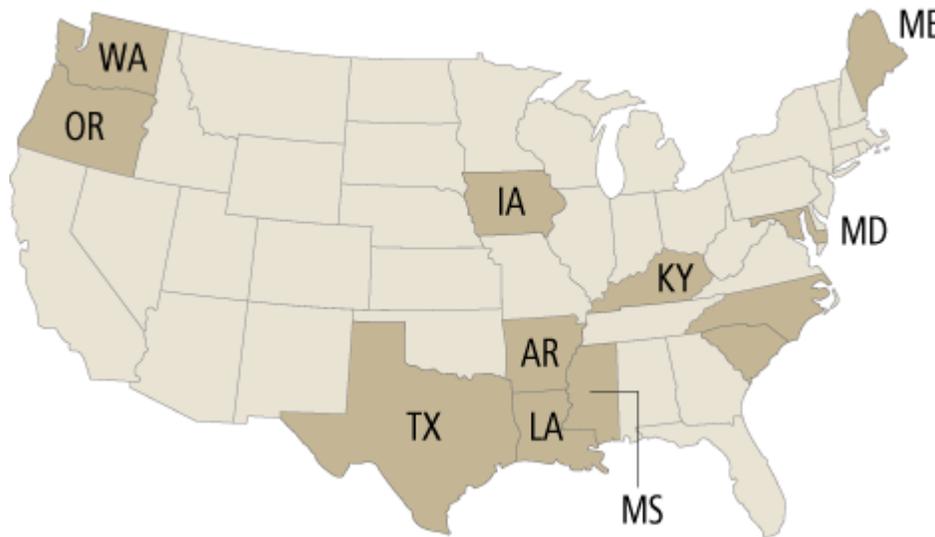
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## Painful Legacy: A timeline

*Tuesday, November 27, 2001*

Across America, schools for the deaf have been embroiled in controversy stemming from the physical and sexual abuse of students. This P-I report focuses on three states, Oregon, North Carolina and Arkansas. But experts say nearly half of the nation's state-run schools have experienced similar problems. Some of the major incidents in the past 15 years:



- **AUGUST 1986:** Attorney general recommends \$2.5 million payment to settle suits filed by former students of Texas School for the Deaf, who were sexually abused by staff. Superintendent and security director plead no contest to failing to report abuse.
- **DECEMBER 1988:** Mississippi School for the Deaf superintendent fired for failing to protect students from widespread sexual and physical abuse. Seven current and former employees investigated.
- **FEBRUARY 1992:** Iowa pays \$550,000 to settle suit brought by former deaf school student, alleging sexual and physical abuse. State paid nearly \$2 million in 1988 to nine former students making similar claims.
- **APRIL 1993:** Two former staff members at South Carolina School for the Deaf pleaded guilty to sexually assaulting students.
- **FEBRUARY 1994:** State begins investigation at Kentucky School for the Deaf after three staffers and 19-year-old student are accused of sexual abuse. Task force recommends changes, including upgrading employees' sign-language skills.
- **JULY 1996:** Former dorm supervisor at Maine's deaf school sentenced to 18 days in jail for molesting three teenage students.

- **SEPTEMBER 1996:** Former priest gets 10-year prison term for molesting six deaf boys at Maryland School for the Deaf and Catholic Deaf Center. Police investigated after one victim's therapist reports abuse dating back to '70s.
- **JUNE 1998:** Two state agencies begin investigations into sexual abuse at North Carolina's three schools for the deaf; later order safety reforms.
- **FEBRUARY 2000:** State task force investigating sexual abuse at Louisiana School for the Deaf criticizes superintendent, recommends more staff training.
- **AUGUST 2000:** Former teacher at Central North Carolina School for the Deaf receives 45-day suspended jail term for molesting 15-year-old girl.
- **APRIL 2001:** Maine governor promises compensation to former students of Baxter School for the Deaf, who endured sexual and physical abuse in the '60s and '70s.
- **MAY 2001:** Arkansas School for the Deaf superintendent charged with hindering investigation of dorm supervisor accused of asking student for sex. Superintendent and supervisor plead innocent and are awaiting trial.
- **JUNE 2001:** Gov. Gary Locke orders sweeping safety reforms at Washington School for the Deaf after former students and staff claim they are victims of a longstanding pattern of sexual and physical abuse.
- **AUGUST 2001:** State pays \$125,000 to settle lawsuit by former student who says she was raped at Washington School for the Deaf. Five other suits alleging sexual abuse are pending.
- **NOVEMBER 2001:** Two former students of Oregon School for the Deaf publicly accuse former top administrator of sexually abusing them.

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