


LINES OF ACCESS TO THE RIGHT TO DEAF EDUCATION AND CULTURE

 <https://doi.org/10.56238/arev6n2-165>

Submitted on: 18/09/2024

Publication date: 18/10/2024

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ABSTRACT

The legal guarantees ensure access to education for deaf students, notably from some official documents (national \ international) that have driven the publication of specific laws of the educational process for deaf students considering their differences, their cultural identities, as well as the recognition of the natural sign language as the language of instruction. This study analyzed several official documents and laws that provide for the support of the education of the deaf in Brazil, in the light of studies that are dedicated to this educational practice under the theoretical contribution of authors such as Lage et al. (2020), Santos et al. (2015), Perlin and Souza (2015), Quadros et al. (2008), Lodi (2011), Perlin and Strobel (2008), Miorando (2006), Quadros and Schmiedt (2006), among others who are dedicated to the theme in question. The research is characterized as exploratory, from the point of view of its objective, bibliographic and documentary by its procedures. The result of the research pointed out that there are several legal guarantees and some effectiveness of these guarantees, but it still does not offer full access to teaching-learning in accordance with current legislation.

Keywords: Legislation. Accessibility. Education. Deaf Culture.

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INTRODUCTION

An achievement of the deaf movement, after the international milestone affirmed in Spain in 1994, the Salamanca Declaration, signed in a document, ensures the educational right of the deaf student, considering their difference, their cultural identity and, thus, the recognition of their mother tongue, [...] Educational policies should take into account individual differences and situations" (BRASIL, 1994, p. 3).

Legal apparatuses that deconstruct a path of desolate situations, inferiority and incompetence, negative stigmas based on dogmas of a majority hearing society. It is necessary to consider the "[...] deaf way of being [...] that deaf subjects have a linguistic and cultural identity that differentiates them [...]" (PERLIN, STROBEL, 2008, p. 19-38).

An understanding that can be affirmed through the advances in educational policies, which are reinforced by what is determined by the Law of Guidelines and Bases No. 9.394\1996 – LDB, as well as what is recommended by Decree 5.626 of 2005, namely, in its article 3: "Libras must be inserted as a mandatory curricular subject in teacher training courses for the exercise of teaching, at a secondary and higher level", which, in the view of the authors, "[...] it even makes the use of sign language mandatory not only for the deaf, but also for the teachers who attend them [...]" (QUADROS, SCHMIEDT, 2006, p. 34).

It is about promoting conditions for future teachers to provide care in accordance with the specificities of deaf students. In addition, it is essential to be present and dialogue with adult users of Libras to flow the manifestation of history, symbolic memory and concepts of this culture, in the classroom, and for the affirmation of identity of deaf students. According to Miorando (2006, p. 89), the purpose of this teaching-learning process is to offer bilingual and bicultural models to the child and to provide opportunities for the development of the specific culture of the deaf community".

To this end, the educational environment, in the view of this author, cannot focus on disability, but on the advances in the rights of the deaf community, adapting the didactic practice to the reality of these citizens, who need to learn Libras (Brazilian Sign Language) as a first language (L1) and Portuguese (in the written modality) as a second language (L2), as deliberated by Decree 5.626 of 2005.

In this scenario, she then dedicated herself to research in several official documents and laws that provide for the support of the education of the deaf in Brazil, in the light of studies focused on the process of educational practice with the Deaf student, with authors such as Lage *et al.* (2020), Santos *et al.* (2015), Perlin and Souza (2015), Quadros *et al.*

(2008), Lodi (2011), Perlin and Strobel (2008), Miorando (2006), Quadros and Schmiedt (2006), among others that deal with the theme in question.

The research is exploratory, from the point of view of its objective, bibliographic and documentary due to its procedures; The result pointed out that there are several legal guarantees and some effectiveness of these guarantees, but it still does not offer full access to teaching-learning in accordance with current legislation.

Thus, the need to rethink policies for bilingual education with the participation of the deaf community is reinforced², in addition to effective practice of public policies that foster political recognition and use of the Brazilian Sign Language – LIBRAS.

LEGAL FRAMEWORKS OF SPATIO-VISUAL EDUCATION

The National Policy for the Education of the Deaf obtained greater proportions from the publication of some laws and official documents, after international declarations and the publication of the Federal Constitution of 1988. This, notably in articles 205 and 206, establishes that public and private institutions must offer education, without discrimination, to all, and under equal conditions, with pedagogical support consistent with the specificities. Under the terms of this legal provision, education is recognized as a right for all, guarantees the full development of the person, the exercise of citizenship and qualification for work, as well as equal conditions of access and permanence in school (BRASIL, 1988).

Regarding the pedagogical support to the specificities, in the case of the Deaf, the linguistic culture - Brazilian Sign Language (LIBRAS) - constitutional guarantee Art. 215: "the State shall guarantee to all the full exercise of cultural rights and access to the sources of national culture. In addition, it will support and encourage the appreciation and dissemination of cultural manifestations" (BRASIL, 1988).

In turn, Quadros and Schmiedt (2006) add that the international milestone of the achievements of the "inclusion policy" was the Salamanca Declaration, signed at an event held in Spain in 1994, in which it assures the deaf student the right to education, considering their differences, their cultural identity, and thus the acquisition of the natural language of signs. The document provides for access to the regular school space in which it aims to break the discriminatory line and, in this way, outlined the Structure of Action in

² So we understand that the deaf community is not only made up of deaf people, there are also hearing people, family members, interpreters, teachers, friends and others — who participate and share the same common interests in a given location. [...] in associations of the deaf, federations of the deaf, churches and others. (PERLIN, STROBEL, 2008, p. 9).

Special Education: "[...] Schools should accommodate all children, regardless of their physical, intellectual, social, emotional, linguistic or other [...] Educational policies should take into account individual differences and situations" (BRASIL, 1994, p. 3).

This implies re-signifying the pedagogical practice, the curricular base with symbolic meanings of references of the deaf student, with culture concerning the deaf community, in the form of vision and spatial-visual interaction, the authors contribute: "More than that, in our view, the deaf themselves should be part of the decision-making spheres where public policies are built [...]" Perlin and Souza (2015, p.10), a defense that is given in item 3 of the Salamanca Declaration (1994): "encourage and facilitate the participation of parents, communities and organizations of people with disabilities in the planning and decision-making processes concerning the provision of services for special educational needs".

This Conference (1994) had a significant presence of several participants, among them, the representation of 92 governments and 25 international organizations, of which it is worth highlighting the contribution of the Declaration of Freiburg in the defense of the Cultural Rights of minorities, of 1977, which was reaffirmed on Spanish soil, as well as the Universal Declaration of Linguistic Rights, which in its Article 7 of the General Principles determines that "All languages are the expression of a collective identity and of a different way of apprehending and describing reality [...]". As such, the United Nations Educational, Scientific and Cultural Organization – UNESCO (1984) persuaded, again in 1994, about the right of the deaf student to obtain the acquisition and schooling in natural sign language.

Another document of international impact, the International Convention on the Rights of Persons with Disabilities and its Optional Protocol, signed in New York on March 30, 2007, promulgated by (Decree 6.949/2009), which, in addition to the guarantees related to education (Art. 24), participation in cultural life (Art. 30), among others, ensures that "persons with disabilities must have the opportunity to actively participate in decisions related to programs and policies [...]"

In Brazil, there are other legal instruments, such as Law No. 10,098, of December 19, 2000, which establishes general standards and basic criteria for the promotion of accessibility, which provides for the use of the Brazilian Sign Language – Libras, as a form of communication, of interaction with deaf people. This establishment is reinforced by law 10.436 of 2002, which is the seal of the linguistic policy of recognition of the status of this language and which ensures bilingual education. However, this policy was regulated by Decree 5.626 of 2005, which, among its developments, guarantees in its Article 22 that "the

federal educational institutions responsible for basic education must guarantee the inclusion of deaf students, through the organization of schools and classes of bilingual education" (BRASIL, 2005). This means that sign language is the first language (L1) and Portuguese (written mode), the second language (L2), both as languages of instruction.

It is important to mention that the milestone that recognized sign languages as natural was from the research of William Stokoe, who stood out in 1960 at the University of Gallaudet, in the USA, when he published the recognition of the structure of the American *Sign Language* - ASL. However, Lage, et al (2020, p. 10) states that "Although legally recognized in the country, sign language does not occupy a hegemonic place in schools, nor in society, in particular, because it takes place spatially".

Still on basic education, the current Law No. 9,394/96 of Guidelines and Bases of Education, ensures, in its Article 60-A (included by Law No. 14,191 of 2021), the offer of bilingual education to deaf students in regular classes or bilingual education centers for the deaf, as well as in bilingual classes and schools for the deaf, as well as Lusophone (inclusive) schools through Specialized Educational Service – AEE. Establishment of a law provided for in the National Education Plan – PNE (effective 2014-2024) approved by Law No. 13,005, of June 25, 2014: to students from "4 (four) to 17 (seventeen) years old with disabilities", under the terms of articles 24 and 30 of the International Convention on the Rights of Persons with Disabilities.

Lodi (2011, p. 63) recommends: "[...] the deaf should develop sign language as a first language (L1) [...] the school teaching-learning of the Portuguese language in its written modality [...] as a second language of deaf people (L2)", and exposes the broad challenges of the "dialogue between inclusive educational and linguistic policies for the deaf", given the lack of preparation of school units to work with cultural plurality.

Challenges that permeate the initial or continuing training of the teacher, which directly implies improvement and, consequently, the conscious maturation of the importance of their didactics in which they mark their reference, to the student, for their performance in the construction of knowledge within the precepts – social values. The new formation, according to Mantoan (2003), considers the classroom heterogeneous and that the teacher critically reflects the "own practice" in accordance with his experiences, which constitutes his "pedagogical theories", which need to be shared by the interactivity of the educational body. This sharing can unfold to other school units, through exchanges of their experiences, discussion of themes present in the educational environment, such as gender, social class

issue, ethnicity, sexuality, in this case - the education offered to deaf students, their history, their culture, especially linguistics.

Initiatives that can be extended to other spaces through the organization of events in which the participation of various segments and institutions will be provided, which can contribute to educational actions. Contrary to reaffirming rigid and fragmented concepts of a given discipline coming from a fragile background, as Fernando Hernandez (1998, p. 31) notes: "[...] resist change because this 'curricular grammar', which allows the Schools to be organized into watertight compartments called departments, reaffirms the identity of the teachers by linking it to a discipline. From this perspective, Mantoan (2003, p. 44) recommends: "[...] not just a mere instructor [...] the proposal is based on the 'know-how' of these professionals [...] formation of the citizen's attitude and values".

Still in spite of Decree 5.626 of 2005, the 3rd article stands out here, which provides that the Brazilian Sign Language – Libras must be part of the mandatory curriculum of the licentiate courses and, thus, in the Speech Therapy courses and in the Libras Translation and Interpretation courses – Portuguese Language, both in public and private educational institutions. In such courses, Libras must also be included as an object of teaching, research and extension, as determined by Article 10 of the aforementioned decree.

According to Santos *et al.* (2015), the insertion of the Libras discipline in the curriculum of teacher training courses has raised constant discussions, in the treatment of its implementation, due to its obligation. This measure has raised questions about the lack of definition about the structuring/organization of this discipline: workload, contents and accessibility, considering that "[...] Decree No. 5,626 of 2005 does not explain how this discipline should be offered: its objectives, contents necessary for satisfactory learning [...]" (SANTOS *et al.*, 2015, p. 209).

Also noteworthy is Article 11 of the decree in question, which ensures the implementation of courses for teacher training in Letters: Libras or Letters: Libras/Portuguese Language and Translation and Interpretation of Libras - Portuguese Language, as well as Article 23, which guarantees "equipment and technologies that enable access to communication, information and education" (BRASIL, 2005), which is supported by Law No. 12,319/2010, which, like the decree, also provides for the presence of translators and interpreters of Libras \ Portuguese Language at all levels of education.

An example of the effectiveness of this determination, the Licentiate Degree in Letters-Libras, started in 2006, offered by the Federal University of Santa Catarina - UFSC,

in the distance modality - (EaD), which requires work carried out by interdisciplinary teams under the coordination of the course, such as: "[...] pedagogical, hypermedia, graphic production, video, videoconferences, monitoring of student learning (tutors, teachers and monitors) and financial management", (QUADROS *et al.*, 2008, p. 42).

At the opening of this course, 500 vacancies were made available, which were distributed in nine centers spread throughout the Brazilian territory. Then (2008), this same university once again offered 900 vacancies, on this occasion, for the Degree in Letters-Libras and the new bachelor's degree course Translation and Interpretation of Brazilian Sign Language and Portuguese Language, courses that were structured in 16 poles, in different federal and state universities, as such, in Federal Centers for Technological Education – CEFETs, throughout the country.

The authors Quadros *et al.* (2008) add that for the successful execution of the courses, via distance learning modality, with the use of technological means of communication and the specificities of sign language, it also requires specific strategies for the mediation of teaching-learning, such as the definition of training principles with the goal of theoretical-methodological orientation in accordance with this teaching modality. Principles, which in the case of these courses, are built on: "interaction, cooperation and autonomy" (IBI DIB, p. 40).

Finally, within the current legislation and with the use of applied technologies, as the authors inform, the courses offered by UFSC have traces of the deaf social movements represented by the National Federation for the Education and Integration of the Deaf - FENEIS, since this entity collaborated a lot to achieve this educational achievement that seeks to "[...] express the knowledge of Sign Language, as well as to capture the ways of teaching and learning of the deaf", (QUADROS *et al.*, 2008, p. 42).

The researchers clarify that in order to guarantee the education expected by the deaf, the organization of the courses counted on the direct participation of the deaf, in the process of their implementation, that is, in the "planning and operationalization" of notes of the criteria of this training that permeates the linguistic culture of the Deaf People³. In the words of the authors, "The challenge of training Sign Language teachers involves the

³ "When we pronounce 'deaf people', we are referring to deaf subjects who do not live in the same place, but who are linked by an origin, by an ethical code of visual formation, regardless of the degree of linguistic evolution, such as sign language, deaf culture and any other ties". (PERLIN, STROBEL, 2008, p. 9).

language itself and also involves the ways of producing and visualizing knowledge" (IBI DIB, p. 36).

As determined by Decree 5.626 of 2005, in its Article 15, of this legal document, it reads: "To complement the curriculum of the common national base, the teaching of Libras and the teaching of the written modality of the Portuguese language, as a second language for deaf students, must be taught in a dialogical, functional and instrumental perspective". This prerogative would be a contribution to the recognition policies of this group, which calls itself "Deaf", with a pedagogical practice open to historical, cultural and socio-political events, which requires prepared professionals, who know not only the Portuguese language, but also the Brazilian Sign Language - Libras, for teaching work with deaf students in a way that is consistent with what is ensured by the current legislation. in which these students will have full and fluid access to communication and, thus, to teaching-learning, in the words of Miorando (2006, p. 91), a "[...] cohesive proposal between didactics, communication and social responsibility [...]".

TEACHING LIBRAS FOR HEARING TEACHERS: TEACHER MEDIATION OF VISUAL AND ORAL LANGUAGES

The search for the teaching of Brazilian Sign Language – Libras to teachers as provided for in Decree 5.626\2005, notably, in its Art. 14 item III, letter d) class regent teacher with knowledge about the linguistic singularity manifested by deaf students, generates many discussions that bring to the fore various theoretical and practical forms, given that, among other factors, the understanding of Libras as a spatial-visual language, which is different from other modalities that are audio-oral.

According to the Bakhtinian theory, language is alive and is materialized by enunciations in the social environment in the different relationships of its users (speakers / interlocutors) in the space in which they live. This dialogical perspective of Bakhtin and the Circle (2010) contributes to the effective understanding of the uses of language in its functionality, as well as the linguistic constitution, namely in multicultural places such as the educational environment.

In this way, the meaning of the language is understood by the subjects inserted in the same context, who have the same experiences and cultural references. According to Bakhtin (2010, p. 283): "Learning to speak means learning to construct utterances (because we speak by utterances and not by isolated sentences and, of course, not by isolated

words"), in other words, the enunciative construction occurs by the intersection of several utterances and responses of the speaking subject in various dialogical relationships. In this prerogative, it is a verbal exchange based on the words, phrases and syntactic constructions of the language system, as this researcher assures. In this same conception, it conforms the other languages, as well as Libras, in which its enunciative and/or dialogical signs (in visual space or by writing) are endowed with meanings in which it is constituted through signs produced in sociocultural and ideological relations.

In this theoretical proposal, the teaching of Libras, as a second language (L2) to listeners, permeates the *status* of a foreign language and, in such a way, needs to be endowed with meaning to the learning subject, as the authors assure: "[...] teaching must have an ideological, cultural and social meaning for the learner" Santos et al. (2015, p. 204) – researchers from UFSCar.

These researchers defend the theoretical-methodological support for the practice of teaching and learning Libras for listeners through dialogical activities, a property of the enunciative-discursive methodology, which differs from other approaches by not sticking to a rigid system of norms in which "[...] language is a static and stable system" Santos *et al.* (2015, p. 211). Scholars treat with reservation the learning of language by its control through the use of "imitation or exposure" and defend language as a historical, social and cultural event.

In this sense, the focus of the teaching of Libras as L2, based on the dialogical defense of language according to Bakhtin (2010) and the socio-historical and cultural vision of Vygotsky (1934), in which it privileges the sociocultural symbolic web for the practice of its learning, through its understanding, and not only the isolated communicative act. In the same way, the teaching process needs to go through the deepening of the linguistic concepts of the language and not only the superficiality of its vocabulary, its lexicon and its structure for its restricted use in a prelimited space.

Finally, a bilingual education needs professionals trained in the languages that circulate in the educational space, so that the effective teaching-learning process is promoted without discrimination to all and promotes an interactive interaction with deaf alterity and, in turn, values difference as wealth, according to (Candau, 2016) and (Mantoan, 2003) in exchanges of ideas and cultural experiences, In other words, it allows the dialogical relationship, breaking with the prejudice between visual and oral language through the mediation of the teacher, who, through communication with all students,

establishes, among them, the different levels of meaning for a response from this collectivity.

FINAL CONSIDERATIONS

The practice of education in accordance with human rights, according to Mantoan (2003) is not limited to contents, disability reports and students' difficulties due to learning acquisition gaps: "[...] it means re-signifying the role of the teacher, the school, education and pedagogical practice that are usual in the excluding context of our teaching, at all its levels" (MANTOAN, 2003, p. 31).

It is about the need for effectiveness of what ensures the legal acquis that permeates the promotion of accessibility - law 10.098 of 2000, for the recognition of Brazilian Sign Language - Libras - law 10.436 of 2002 and the guarantee of bilingual education, as such, for the cultural difference of identity - Art. 2 "deaf person is the one who, due to hearing loss, understands and interacts with the world through visual experiences, manifesting its culture" decree 5.626 of 2005, which also provides for teacher training and the insertion of Libras in the mandatory curriculum of Licentiate Degree, Speech Therapy and Translation and Interpretation courses of Libras - Portuguese Language.

In this direction, Candau (2016, p. 82) considers: "[...] that assume differences as constitutive of democracy and are capable of building new relationships, "[...] from new educational conceptions and practices [...]" (MANTOAN, 2003, p. 47), truly egalitarian among the different sociocultural groups, which supposes empowering those who have been historically inferiorized". When this is done, students are effectively welcomed and, instead of being framed by the standardization of normality, they assert themselves in their difference and contribute to the construction of knowledge, together with the regent teacher who will be able to promote teaching-learning with a consistent pedagogical strategy, Perlin and Strobel (2008, p. 19) explain: "In this procedure, the process inverts the regulation. It is the deaf culture that regulates the deaf towards their different being [...]".

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