

TASH Resolution on the Right to Communicate

Statement of Purpose

The right to communicate is both a basic human right and the means by which all other rights are realized. All people communicate. In the name of fully realizing the guarantee of individual rights, we must ensure:

- that all people have a means of communication which allows their fullest participation in the wider world; and
- that their communication is heeded by others.

Where people lack an adequate communication system, they deserve to have others try with them to discover and secure an appropriate system. No person should have this right denied because they have been diagnosed as having a particular disability. Access to effective means of communication is a free speech issue.

Rationale

Access to Communication. All persons with disabilities should be provided therapy and training directed towards permitting them to communicate freely. All people with communication disabilities should be given the full opportunity to use augmentative and alternative communication. "Access" includes: a) access to assessment to aid in choosing a suitable method, b) access to training in the method, c) access to any equipment needed, both in the short term during training and in the longer term for continued use on a daily basis if training is successful, and d) access to training for support people so access to communication can take place across environments; e) adequate funding to ensure the long term access to training, support, and needed equipment.

Education. Instruction in communication is an essential element of the education of people with communication disabilities. People using augmentative or alternative communication must be given any assistance necessary in order to communicate with others at school or in their educational program. Any equipment, training or staffing necessary to enable communication to take place must be supplied, both to that person and to those with whom he or she wishes

to interact on a regular basis. The collaborative education team must ensure that all such communication equipment, or comparable equipment, follow the person when transitioning away from the school.

Freedom to Communicate. No person should be able to veto the augmentative or alternative communication which another person has chosen to use. This includes all forms such as communication devices, specially adapted keyboards and pointers, computerized equipment, picture and sign systems, gestures, sign language, and facilitated communication. In any instances where such use is forbidden, there should be recourse to the legal and protective systems. People with communication disabilities must be allowed to use the communication system of their own choice in all communication interactions in any setting.

Legal Issues. People using augmentative communication must be permitted to use the system of their own choice in court. Any person using a communication strategy requiring the involvement of another person to receive and relay their communication must be permitted to use the partner of their choice in court. Each state's protection and advocacy system should develop the resources needed to support such full participation in the legal process.

Presumption of Competence in Decision-Making and Advocacy. People are presumed to have an active interest in decisions affecting their lives on a short-term and long-term basis. It is presumed that the message communicated belongs to that person unless unequivocally proven otherwise. In planning or decision-making on a person's behalf, that person's participation must be ensured regardless of the formal communication modalities used. This may include the involvement of allies, advocates and communication partners before and after meetings, and may also include the involvement of a "communication ally" during the course of the meeting.