

Submission to the
Standing Committee on Justice and Social Policy
with respect to
Bill 101: Student Protection Act, 2001

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Introduction

The Canadian Hearing Society (CHS) is a non-profit charitable organization incorporated in 1940. We provide services that enhance the independence of deaf, deafened and hard of hearing people, and encourage prevention of hearing loss. CHS strives to develop high quality and cost-effective services in consultation with national, provincial, regional and local consumer groups and individuals. CHS currently has 27 offices in Ontario.

CHS has submitted several briefs on Deaf education to the Ministry of Education since the Ministry's Deaf Education Review was conducted in 1989. These briefs include:

May 1989	Minister of Education's Advisory Committee on Deaf Education for Review of Ontario Education Programs for Deaf and Hard-of-Hearing Students.
May 1990	Minister of Education's Francophone Advisory Committee Concerning French-Language Services to Deaf and Hard-of-Hearing Students.
December 1991	Report of the Review of Student Care at the Provincial Schools for the Deaf and Blind and Demonstration Schools.
August 1992	Second Report of the Francophone Equivalent to Provincial Schools to the Minister of Education.
August 1993	Minister of Education's Advisory Committee on Deaf Education (Anglophone).
May 1994	Future Directions for the Provincial and Demonstration Schools: A Report to Stakeholders.
June 2000	Provincial and Demonstration Schools' Council on Future Directions for the Provincial and Demonstration Schools.

CHS is pleased to have a further opportunity to give advice on behalf of our consumers, and we are encouraged that the Government of Ontario is contemplating legislation to strengthen Bill 101, Student Protection Act, 2001.

Background

All CHS offices see consumers who

- Have no income, no home, no food, minimal literacy, are living on the street.
- Are currently experiencing or have experienced physical and sexual abuse.
- Arrive at our offices in emergency situations, sometimes depressed and suicidal, needing an immediate response to protect their safety.
- Have mental health and addiction issues.

Recent studies report the incidence of sexual abuse in various samples of the deaf population to be between 11 and 54%, certainly higher than the published data for the population in general. LaBarre (1998) suggested that the incidence of sexual abuse for children who are deaf or hard of hearing can reach as high as 92%.

Furthermore, these research studies report that deaf children are more vulnerable to abuse than the general population. Factors involved in their vulnerability or susceptibility centre around communication ability and communication access, especially if the deaf children have hearing parents or are enrolled in school programs where communication access is limited (Sullivan,1998).

The Ministry of Education's 1991 *Report of the Review of Student Care at the Provincial Schools for the Deaf and Blind and Demonstration Schools* noted that there were a number of allegations of abuse of students at the Provincial Schools for the Deaf and that investigations were conducted by the police and Children's Aid Societies.

Sexual and physical abuse victims at the Provincial Schools for the Deaf and at school boards across Ontario have formed the Ontario Deaf Education Victims Network. The network provides former students with information on compensation, arranges interviews with investigators and obtains compensation through the private adjudication process.

In June 2001, the Supreme Court of Canada ruled unanimously that 280 claimants, all students of Jericho School for the Deaf in British Columbia, can now collectively sue the Government of British Columbia for compensation. Their class action suit alleges that school administrators left them vulnerable to, and failed to protect them from, sexual abuse.

Concerns

The Ontario Teacher Preparation Programme in the Education of the Deaf and Hard of Hearing lacks a course on the liabilities and responsibilities of educators of deaf students and reporting protocols for suspected sexual and physical abuse incidents and health and safety violations. It is important that teachers of deaf students learn to use appropriate cultural and language/communication supports, including sign language interpreters and real-time captioners, to ensure that deaf children and students are able to communicate effectively when reporting incidents of sexual and physical abuse.

In our experience, many teachers of deaf students across Ontario do not seem to be aware of their legal responsibility to properly report suspected abuse incidents. No ongoing training is provided in this area, although some training was provided to selected staff in the past. No materials, brochures or workshops on student personal safety and rights are provided by the Ontario College of Teachers to students enrolled in the Teacher Preparation Programme in the Education of the Deaf and Hard of Hearing.

There are currently no standards set by the Ontario College of Teachers on language competency and communication skills required by teachers of deaf students to ensure effective communication related to the personal safety of students.

Barriers Facing Deaf, Deafened and Hard of Hearing Students

There is no formal reporting mechanism, including appropriate communication accessibility in most school boards, allowing deaf and hard of hearing students to report sexual and physical abuse incidents. For example, a sign language interpreter or real-time captioner or teacher of the deaf with fluent sign language skills is not always available to deaf and hard of hearing students who need to report abuse incidents.

Most teachers of the deaf in Ontario do not have appropriate cultural and language/communication skills to communicate effectively with their deaf and hard of hearing students in both Provincial Schools for the Deaf and school boards across Ontario regarding sensitive topics such as physical and sexual abuse.

Furthermore, there is no communication accessibility mechanism to allow former and present deaf and hard of hearing students to report against teachers of the deaf who have committed misconduct behaviours.

For example, someone has to take responsibility for the cost of communication accommodations, such as sign language interpreters or real-time captioners, for deaf individuals who wish to file complaints with the Ontario College of Teachers. The College does not seem not to have the resources to fund communication accommodations of this nature.

Overall, there is a need for awareness workshops and information kits explaining policies and procedures for reporting sexual abuse incidents for parents, deaf and hard of hearing students, current teachers of the deaf and students now enrolled in the Teacher Preparation Programme in the Education of the Deaf and Hard of Hearing.

Specific Recommendations

CHS strongly recommends that Bill 101: Student Protection Act, 2001 be amended to include the following:

1. Require the Ontario College of Teachers to establish its own accessibility improvement committee to develop and implement accessibility standards in the Ontario College of Teachers office, Provincial Schools for the Deaf and school boards. These standards would enable deaf and hard of hearing students to report sexual and physical abuse incidents and other health and safety violations.
2. Establish an enforcement mechanism to ensure that the accessibility standards prescribed by the Ontario of College of Teachers are upheld in provincial and demonstration schools and the special education offices of school boards.

3. Require the Ontario of College of Teachers to develop brochures, awareness kits and related materials and to provide workshops on policies and procedures for reporting sexual and physical abuses incidents.

General Recommendations

Moreover, CHS recommends that regulations arising from Bill 101: Student Protection Act, 2001, be amended to include the following practical suggestions:

1. Establish an action plan to remove existing barriers and prevent the creation of new barriers at all levels of the Ontario College of Teachers.
2. Implement cultural and disability sensitivity training and inform service providers and employers of the legal rights of deaf, deafened and hard of hearing students related to personal safety.
3. Require the Ontario College of Teachers to implement policies and procedures on communication accessibility and provide brochures, related materials and workshops on child/student abuse reporting requirements for dealing with deaf, deafened and hard of hearing children/students and their parents.
4. Ensure that the Ontario College of Teachers provides qualified sign language interpreters and real-time captioners to deaf, deafened and hard of hearing individuals while conducting interviews and investigations.
5. Require the Ontario College of Teachers to consult with various advocacy organizations, such as the Office of the Ombudsman and the Office of Child and Family Service, to develop formal safeguards (legislative and procedural) to protect the rights and interests of children and students who are deaf or hard of hearing.
6. Have the Ontario College of Teachers issue a policy statement requiring teachers of the deaf employed by both Provincial Schools for the Deaf and school boards to attend ongoing staff training on reporting child/student abuse and communication skills upgrading in order to communicate effectively with their deaf and hard of hearing students in matters of personal safety (i.e., communicating in the student's first language, especially in an emergency or when the subject is particularly sensitive).
7. Invite consumer organizations, such as the Ontario Association of the Deaf, the Canadian Hard of Hearing Association and The Canadian Hearing Society, to provide cultural sensitivity training, sign language interpreter services and other communication supports. Consult with these organizations on policy development.
8. Implement the recommendations of the Ministry of Education's *Report of the Review of Student Care at the Provincial Schools for the Deaf and Blind and Demonstration Schools* published in December 1991.

References

LaBarre, A. (1998). Treatment of Sexually Abused Children Who are Deaf. *Sexuality and Disability*, 13(2), 97-106.

Sullivan, P., Vernon, M., and Scanlan, J. (1987). Sexual Abuse of Deaf Youth. *American Annals of the Deaf*, 132, 256-262.