Submission to the Standing Committee on Social Policy with respect to I 78: An Act to amend the Education Act, the Or

Bill 78: An Act to amend the Education Act, the Ontario College of Teachers Act, 1996 and Certain Other Statutes Relating to Education

by Gary Malkowski Special Advisor to President, Public Affairs The Canadian Hearing Society 271 Spadina Road, Toronto, ON M5R 2V3

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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 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 78, An Act to amend the Education Act, the Ontario College of Teachers Act, 1996, and other statutes relating to education.

Ontarians with disabilities include a large number of persons who are deaf, deafened or hard of hearing. While students who are deaf, deafened or hard of hearing share many commonalities, it is important to acknowledge their differences. To understand the distinct supports and accommodation needs of deaf, deafened and hard of hearing students, it is important to understand their respective communication methods. The chart below presents some general access preferences:

Primary Communication Communication Supports Method

Culturally Deaf	American Sign Language	Sign language interpreters
Ontarians	(ASL) or Langue des	Real time captioning
	signes québécoise (LSQ)	Technical devices, including TTYs
		(text telephones), visual alerting
		devices
Oral deaf Ontarians	Spoken language, some use	Real time captioning
	ASL or LSQ at later life	Speech reading
		Technical devices, including
		cochlear implants
Deafened Ontarians	Spoken language for	Real time captioning
("deafened" refers to	themselves, but cannot	Speech reading
a profound hearing	understand others' speech.	Technical devices, including
loss experienced by	Some learn ASL or LSQ	cochlear implants
people who have		
grown up hearing)		
Hard of hearing	Spoken language. Some	Real time captioning
Ontarians	use ASL or LSQ at later	Speech reading
	life	Technical devices, including
		hearing aids, FM systems

Background

The Canadian Hearing Society has witnessed a number of challenges created by the educational system in Ontario that continues to fail these deaf and hard of hearing students, including deaf and hard of hearing students with additional disabilities. The CHS sees a growing number of deaf and hard of hearing consumers as clients of CHS's CONNECT Mental Health Services, General Support Services, Employment Services and Literacy Programs. We have identified a number of concerns:

- Inappropriate early educational placement of deaf and hard of hearing children
- Inappropriate placement has enormous financial cost, and cost in terms of English and ASL literacy and eventual employability; has added emotional cost
- No criteria for success in oral (i.e. auditory-verbal based) and sign language programs;
- No transition planning for unsuccessful deaf and hard of hearing children in spoken language or sign language
- No formal ASL training courses available to education administrators, teachers of deaf to upgrade ASL skills

A number of important elements need to be incorporated into Ontario's Teachers of Deaf Training Program:

- 1. Holistic humanistic views of deaf individuals as holistic, humanistic, cultural and linguistic minorities
- 2. Awareness of barriers facing deaf, deafened and hard of hearing students: paternalism, audism (i.e. discrimination based on hearing loss), systemic discrimination (promoting one-sided system), negative stereotypes (i.e. myths regarding abilities of deaf, deafened and hard of hearing students), dehumanization by medical and educational establishments (i.e. focusing on deficit model or pathological view)
- 3. Understanding of range of unique needs of deaf, deafened and hard of hearing individuals, including deaf students with additional disabilities and their effective communication strategies
- 4. Appropriate language and communication skills development for teachers of deaf (i.e. sign language competency) to ensure teachers communicate effectively with deaf and hard of hearing students
- 5. Admission requirements: Teachers of Deaf require B.Ed instead of B.A.

This discourages deaf and hard of hearing graduates with B.A. or B.A. in Deaf Education from Gallaudet University, McDaniel College (formerly Western Maryland College) or National Technical Institute for the Deaf from entering the Teacher of Deaf program; B.Ed program is not accessible in Ontario to deaf and hard of hearing students

These factors often marginalize deaf and hard of hearing students: profound and and lifelong impact on their ability to acquire and understand English or American Sign Language or both languages. In addition, we are seeing rapidly declining enrollments of deaf, deafened and hard f hearing postsecondary students at 1) out-of-country universities, 2) Teacher Preparation Programme in the Education of the Deaf and Hard of Hearing, and 3) colleges and universities in Ontario.

Concerns

1. Discrimination issues (i.e. promoting a "one-sided" system, banning deaf children/students with cochlear implants from receiving ASL services in School Boards

Deaf children are usually placed in programs where ASL is the language of instruction only after failing academically in oral (i.e., auditory-verbal based) programs. By then, the critical years of language development and acquisition have past—and a window of opportunity is missed. The result? These Deaf children have neither a command of ASL nor English—and the long-term results are devastating. Appropriate exposure to both languages during the formative years will ensure that Deaf children develop a strong foundation in language skills.

Policies and practices in both Ministries of Children and Youth and Education must support all means of communication expression, and access to ensure students get an education and language acquisition

2. The need for proactive policies for protecting the right to access and accommodation for deaf and hard of hearing children/students who wish to to learn in a sign language environment in the classrooms.

Systemically imposed isolation and barriers to participation are key human rights violation themes for deaf and hard of hearing children/students.

Despite the Ontario Human Rights Commission's Report The Opportunity to Succeed: Achieving Barrier-Free Education for Students with Disabilities and OHRC's Guidelines on Accessible Education, and the Accessibility for Ontarians with Disabilities Act, the Canadian Charter of Rights and Freedoms (i.e. Supreme Court of Eldridge's decision) and the Ontario Human Rights Code on this issue, neither Ministry of Education nor the Ontario College of Teachers, Provincial Schools for the Deaf, or School Boards, have set standards for sign language competency and communication skills required by teachers

of deaf students, or student teachers enrolled in the Ontario Teacher Preparation Program for Education of the Deaf and Hard of Hearing.

In addition to English and French, American Sign Language (ASL), and langue des signes quebecoise (LSQ) are recognized and accepted as languages of instructions under the Education Act. The Act authorizes the development of regulations for the use of ASL and LSQ as languages of instruction for deaf and hard of hearing students. Despite this, to date, there has been no action in the development of regulations for the use of ASL and LSQ as languages of instruction to be included in the *Education Statute Amendment Act*, 1993.

Recommendations for the development of such regulations are clearly supported by the Hon. Sean Conway's, Minister of Education's Advisory Committee on Deaf Education review of Ontario Education Programs for Deaf and Hard-of-Hearing Students (1990); the Hon. Dave Cooke's, Minister of Education's Advisory Committee on Deaf Education (1993); the Supreme Court of Canada's Eldridge decision (1997) and the Ontario Human Rights Commission's Guidelines on Accessible Education (November, 2004).

The current Education Act and College of Teacher Act, still lack of regulations for accommodations requirements for students with disabilities and also staff with disabilities and need to address that Ministry of Education Provincial School and Special Education Branches, Provincial Schools, School Boards and Ontario College of Teachers are responsible for setting standards for the following areas:

- 1. Level of sign language competency and communication skill for teachers of the deaf employed by both Provincial Schools for the Deaf and School Boards;
- 2. The minimum, or entry-level qualifications for sign language interpreters in elementary, secondary and post-secondary educational settings;
- 3. Development of an increased pool of educational sign language interpreters to address their severe shortage;
- 4. Quality assurance for educational sign language interpreters in both elementary and secondary school settings
- 5. Criteria for success in spoken language and transition planning for students who are not succeeding with spoken language in the classrooms
- 6. Policies for protecting the right to access and accommodation for deaf and hard of hearing students who wish to gain access to learning in a sign language environment or to use sign language as part of their means of communication
- 7. Policies to set mandatory staff training in such areas as anti-audism education and anti-discrimination training for teachers of deaf and hard of hearing students.

8. Policies and standards for American Sign Language (ASL) curriculum for deaf and hard of hearing students in Provincial Schools for the Deaf and School Boards, serving Deaf and hard of hearing students

3. The need for technology supports

Technology and devices are critical components in every deaf, deafened and hard of hearing students's arsenal of strategies to facilitate communication with the hearing world. The range of technical devices is growing in step with the extraordinary pace of technological innovation: digital hearing aids, cochlear implants, text messaging devices (e.g. Blackberries), TTYs (text telephones), visual alerting devices (e.g. visual fire alarms, visual signal devices), FM and Infrared systems, vibrating watches and alarm clocks. Technology plays a critical role in leveling the playing field for deaf, deafened and hard of hearing students in classrooms.

Too often these devices are so costly as to be beyond the means of many students with hearing loss. Though governments provide some subsidies for some devices, there is frequently considerable lag time between new devices arriving on the market and their approval for subsidy. In addition, Ministry of Education with service providers at School Boards do not always allow for the provision of technology and assistive devices for either the student support service providers or their students.

Specific Recommendations

CHS strongly recommends that Bill 78, An Act to amend the Education Act, the Ontario College of Teachers Act, 1996, and other statutes relating to education be amended to include the following:

- 1. Require an action plan to remove existing barriers and prevent the creation of new barriers at all levels of the Ontario College of Teachers, Ministry of Education Provincial Schools and Special Education Branches, School Boards and Provincial Schools.
- 2. Require awareness training and workshops about the communication unique needs of deaf, deafened and hard of hearing individuals, including communication supports and technical devices
- 3. Require Ministry of Education to explore and identify government subsidies both federal and provincial for assistive devices need to keep pace with technological advances. For instance, pagers, FM systems, and listening devices for deaf, deafened, and hard of hearing students should be eligible for support.

In addition, government contracts with school boards and support service providers should cover costs for devices necessary to provide equitable and accessible service for deaf, deafened, and hard of hearing students.

- 4. Require Ministry of Education Provincial Schools and Special Education Branches, Ontario College of Teacher and School Boards to establish, implement and enforce policies on transition planning strategies for deaf and hard of hearing children/students not succeeding in spoken language or sign language programs
- 5. Adopt ASL Proficiency Policy: every employee must achieve and maintain the sign language proficiency expectations for teaching positions at Provincial Schools for the Deaf and School Boards where they offer sign language education programs
- 6. Require Ontario College of Teachers to adopt Access Policy on providing communication access provisions (i.e. sign language interpreters or real time captioners) in educational settings and in activities provided by the Ontario College of Teachers so that teachers who are deaf, deafened and hard of hearing, can fully participate as equals with other OCT members and
- 7. Require Ministry of Education to develop and implement effective and enforceable regulations for the use of ASL and LSQ as languages of instruction to be included in the *Education Statute Amendment Act*, 1993.