

**THE CANADIAN HEARING SOCIETY
LA SOCIÉTÉ CANADIENNE DE L'OUÏE**



**Response of The Canadian Hearing Society
To the Parliamentary Assistant to the Ministry of Training, Colleges
and Universities'
Discussion Paper on Adult Education Review**

**Education and Disability: Human Rights Issues in Ontario's Education
System**

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INTRODUCTION

Founded in Toronto in 1940, The Canadian Hearing Society (CHS) is a community-based, multi-service, non-profit agency serving the needs of the deaf, deafened and hard of hearing communities. It is the largest agency of its kind in Canada. It employs approximately 350 people, including deaf, deafened, and hard of hearing and hearing individuals, in 13 regional offices and 15 sub-offices. A significant part of CHS's early mandate continues to this day, namely, advocating for and promoting the rights of deaf, deafened and hard of hearing consumers.

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:

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| 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 has participated in many government consultations regarding to Ministries of Education, Training, Colleges and Training, Citizenship for Disability Issues and Ontario Human Rights Commission and government initiated reviews. Reports have been submitted with recommendations concerning the prevention and the removal of barriers. Much time, expertise and expense have gone untapped.

CHS has prepared this brief to assist the Ontario Human Rights Commission in its deliberations on *Education and Disability: Human Rights Issues in Ontario's Education System*. We are pleased that the Commission is moving forward with its review of human rights issues facing students with disabilities, including deaf, deafened and hard of

hearing persons in Ontario's education system. Your consultations and the policy decisions that will eventually result from them should serve to help students with disabilities, including deaf, deafened and hard of hearing persons while also increasing public awareness about the stereotypes and negative attitudes associated with deafness and hearing loss.

Some Statistics

- Almost 1 in 4 Canadians experience some degree of hearing loss. (CHS Awareness Survey, October 2001)
- 1 in 10 Canadians with hearing loss are Deaf people who use sign language and/or captioner.
- 20% of Deaf Canadians are employed, 42% are underemployed and 38% are unemployed (Canadian Association of the Deaf, 1998).
- 85% of Deaf Ontarians are underemployed and unemployed (CAD, 1998).
- 48% of Deaf Canadians are unemployed (Statistics Canada, 1992).
- Hard of hearing employment rate is 33% lower than non-disabled Canadians (Statistics Canada, 1992)
- Only 8% of hard of hearing persons received work accommodation (Statistics Canada 1992)
- The Canadian Association of the Deaf's Report on Employment and Employability of Deaf Canadians indicate that large numbers of persons, especially deaf, deafened and hard of hearing consumers from northern and rural Ontario, have become victims of layoffs from private businesses and governments.

A 1992 Statistics Canada report noted that:

- 2% of Deaf Canadians held university degrees, compared to 14% of the general population.
- 2.7% of hard of hearing Canadians have university degrees
- 13% of Deaf Canadians received certificate/diploma.
- 8 % of Deaf Canadians obtained post-secondary education.
- 25% of Deaf Canadians received high school education.
- 52% of Deaf Canadians obtained elementary education.

The Ontario Ministry of Education and Training's *Literacy Survey of Ontario's Deaf and Hard of Hearing Adults, 1998* reported that deaf and hard of hearing individuals are less likely to be employed and they earn less on the average than other Ontarians. This finding reflects their older age profile, their relatively low level of education, and their low literacy levels.

The Ontario Ministry of Education and Training's *Literacy Survey of Ontario's Deaf and Hard of Hearing Adults, 1998* have also showed high unemployment/underemployment rates, low rates of full-time employment and low rates of participation in post-secondary education and skill training programs. Currently, large numbers of deaf and hard of hearing youth are receiving income maintenance. Unemployment of young deaf adults appears to be increasing: 24% of deaf youth in one study unemployed 3-4 years after high school and an astonishing 40% of deaf youth with additional disabilities in the same study unemployed.

Post-secondary education is crucial to the deaf, deafened and hard of hearing community. Dr. Carol Musselman of the Ontario Institute for Studies in Education at the University of Toronto wrote in a 1998 letter to then Minister of Education and Training David Johnson:

“D/deaf and hard of hearing individuals are disadvantaged educationally and vocationally. Information from Statistics Canada shows that few D/deaf and hard of hearing individuals complete secondary or post-secondary education. For example, only 3.1% attain a university degree, compared to 10.2% of the non-disabled population, a figure which falls to 1.7% among those who are profoundly deaf. It is thus not surprising that labour force is only 52% compared to 77.9% for non-disabled peers. In addition to the human cost, the inability of D/deaf and hard of hearing individuals to fully participate in society incurs a social cost in the form of decreased productivity and the need for additional social welfare and mental health services”.

Background

Research studies such as LaBarre, A. (1998): *Treatment of Sexually Abused Children Who are Deaf. Sexuality and Disability*, and Sullivan, P., Vernon, M., and Scanlan, J. (1987). *Sexual Abuse of Deaf Youth, American Annals of the Deaf*, 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.

Currently, individual complaints of discrimination have to reach all the way to the Supreme Court of Canada before change occurs. In 1997 the Supreme Court of Canada granted intervenor status to CHS, the Canadian Association of the Deaf, and the Advocacy Resource Centre for Persons with Disabilities in *Eldridge v. British Columbia*. The Court ruled that the failure to provide sign language interpretation where it is needed for effective communication in the delivery of health care services, social services, education and training and employment violates the rights of deaf consumers. Further, the Court stated that governments couldn't escape their constitutional obligations by passing on the responsibility of policy implementation to private entities not directly under the jurisdiction of the *Charter of Rights and Freedoms*.

In the Fall, 2000 CHS along with the Canadian Hard of Hearing Association and the Canadian Association of the Deaf, was an intervenor in a case deaf lawyer Scott Simser planned to take before a tribunal of the Canadian Human Rights Commission against the Tax Court of Canada. Negotiations resulted in a mutually satisfactory out-of-court settlement. On September 5, 2000, the Tax Court announced a landmark policy that acknowledges and accepts responsibility for arranging and paying for accommodation for deaf, deafened and hard of hearing lawyers, articling students and any parties they represent.

Even with landmark decisions such as *Eldridge* and Simser's out-of-court settlement, deaf, deafened and hard of hearing students still bear sole responsibility to fight for their right to access if provincial schools and school boards fail to comply. This is costly in terms of time, money and dignity. CHS strongly supports amendments to the *Ontario Human Rights Code* that will identify students with disabilities, including deaf, deafened and hard of hearing students as a discriminated-against group and strengthen enforcement mechanisms related to their protection. The existing legislation is insufficient in this regard.

The *Ontarians with Disabilities Act* and the Ontario Human Rights Code must establish standards for provincial and municipal governments, the broader public sector and the

private sector to end intentional or unintentional practices of discrimination against students with disabilities.

Barriers to Access to Language, Communication and Education

- Historically, Ontario school boards did not include sign language and supported public health services that discriminated against Deaf children who use sign language as their primary method of communication as reported by The Ministry of Education's Ministry of Education's Review of Ontario Education Programs for Deaf and Hard of Hearing Students, 1989.
- For many years, practices and policies of the Ministries of Health and Education have excluded the use of sign language in early intervention programs for Deaf and hard of hearing infants and children. This linguistic bias denies the birthright of all Deaf children to their natural language. Parents have the right to be exposed to and enriched by Deaf adults who can share their language and community with Deaf children who in turn can benefit from a closeness with their own birth family and their "extended family" in the Deaf community. Deaf children suffer when this right is ignored, denied or discouraged, either passively or actively, in early intervention programs as reported by Jim Cummins and Marcel Danesi(eds), *Denial of Voice: The Suppression of Deaf Children's Language in Canadian Schools* (Chapter 5, p.81-97), Our Schools/Our Selves Education Foundation, 1990 and J. Cummins and D. Corson(eds). *Encyclopedia of Language and Education*, Vol. 5: Bilingual Education, 231-240, Kluwer Academic Publishers, 1997.
- Deaf children are usually placed in programs where ASL is the language of instruction only after failing academically in oral or auditory-verbal based programs. By then, the critical years of language development and acquisition are gone. The result is that many Deaf children do not acquire a high level of sophistication in ASL. Appropriate exposure to both languages during the formative years will ensure that Deaf children develop a strong foundation in language skills.
- The majority of Deaf children and a minority of hard of hearing children will experience difficulty acquiring spoken English. Difficulties with language acquisition (ASL and/or English) will hamper educational achievement and social integration in both the Deaf and hearing worlds. It will significantly impact future opportunities as well.
- Ministries of Health and Education do not provide sufficient information on potential harmful effects and possible risks of language and communication options and related psychological issues despite the fact that the Ministry of Health's recent Neonatal Hearing Screen Program adopted a service philosophy

similar to CHS's "informed choices" philosophy. Health Canada's Report on Children and Youth with a Hearing Loss: Promoting Mental Health, 1994 notes: "where there is a mismatch between the student's communicative needs and the environment's ability to accommodate those needs, the student may react with behaviours such as increased frustration, acting-out, and/or withdrawal".

- Deaf children with limited residual hearing who are exposed initially to speech training and only later in life to ASL will be marginalized and disfranchised by both the Deaf and hearing worlds. This puts them at high risk for mental health problems and an increased rate of suicide.
- The preparation program for teachers of deaf and hard of hearing students does not require sign language competency nor does it inform student teachers of their legal responsibilities when dealing with controversial issues, e.g., reporting on physical, emotional, psychological and communication abuse experienced by Deaf students.
- Ministry of Education's Review of Ontario Education Programs for Deaf and Hard of Hearing Students, 1989, reported inadequate teacher communication skills, and noted that until recently the use of ASL was forbidden in Ontario classrooms, and many teachers of deaf and hard of hearing children requiring sign language instruction are still unable to sign effectively, either in ASL, or in one of the signed systems used in schools. This is a fundamental inadequacy. If the teacher cannot sign, he or she will not be able to communicate with many students, or will not be able to communicate in the language the student uses most fluently. If you cannot communicate, you cannot teach.
- There is no commitment to write regulations for Bill 4 by a specified date and to date, no regulations have been written. Bill 4, passed in 1993, recognized American Sign Language and La langue des signes Quebecoise as official languages of instruction in the school system.
- Currently the Ontario College of Teachers has not established any standards on language competency and communication skills required by teachers of deaf students to ensure effective communication related to the personal safety of students.
- There is no formal reporting mechanism, including appropriate communication accessibility in most school boards, for deaf and hard of hearing students to report sexual and physical abuse incidents.
- Ministry of Education's Policy/Program Memorandum No. 81: Provision of Health Support Services in School Settings is supposed to cover "all children with a communication delay/disorder"; however, it does not include services for deaf and hard of hearing children. We need to include:

- children with cochlear implants who may need Auditory Verbal therapy (AVT),
- deaf children with deaf parents whose first language is American Sign language (ASL), and
- children with hearing loss who fall along the continuum, including those:
 - with hearing aids who could benefit from AVT
 - born to hearing parents who wish to pursue ASL
 - who could benefit from traditional auditory learning
 - who could benefit from traditional speech and language therapy
 - who may require a combination approach to therapy

- A Ministry of Education letter of September 6, 2001, advised CHS that the Ministry is not responsible for setting standards for sign language interpreters or criteria for minimum qualifications of interpreters in elementary, secondary, and post-secondary educational settings. Furthermore, the Ministry is not responsible for setting standards for sign language competency and communication skills for teachers of the deaf.

- Most School Boards' Special Education Advisory Committee(s) has not included representatives from CHS and the Ontario Association of the Deaf, (OAD). Instead, the SEAC includes representatives from VOICE for Hearing Impaired who have not shared the views, concerns and recommendations of CHS and OAD for having access to the full range of information regarding language and communication options for deaf and hard of hearing children.

Deaf, deafened and hard of hearing students should have the right to choose between mainstream (i.e. School Board, providing deaf education programs) and specialized schools such as Provincial Schools for the Deaf and Metro School for the Deaf. In either case, the appropriate communication supports such as specialized personnel who have expertise in the field of deaf education and have appropriate sign language and cultural skills, FM systems, speech supports and other related communication supports must be available to accommodate deaf, deafened and hard of hearing communication and language needs. Other disabled communities, such as blind or learning disabled people, support the need for specialized services in the way of provincial schools or private schools.

A major part of the inclusive education debate is ideological and hinges on whether students who are deaf or hard of hearing should identify mainly with the hearing population or with the Deaf community. There is some empirical support for the benefits of inclusive education, with its link to the larger world. However, there is also concern that inclusive education may deny these students the right to access the history, language, and culture of the Deaf community.

In light of the ongoing controversy over appropriate educational placements for students who are deaf or hard of hearing, it is surprising that relatively little research has focused on the views of these students themselves. Several researchers have

collected data on attitudes held by students who are deaf or hard of hearing, but these data are generally limited to self-concept and social relationships or ease of communication within various educational provisions. There has been relatively little research on students' attitudes toward or preference for integrated educational placements versus segregated ones.

Barriers to Continued Education, Private Vocational Schools and Post-Secondary Education

- Most School Boards fail to provide accommodation funds for deaf, deafened, hard of hearing and disabled adults enrolled in general interest continuing education (non-credit) courses at high school. Despite the fact that the Toronto District School Board has reached a settlement by establishing a fund for accommodations (e.g., sign language interpreters, notetakers, attendant care) and has committed in writing to this effect, it continues not to provide accommodation.
- No government funding for sign language interpreters and captioners in private vocational schools.
- CHS is concerned about the serious decline in the enrollment of deaf and hard of hearing Canadians at both Canadian and foreign universities and colleges. One of the effects of this decline is that, educational institutions serving deaf and hard of hearing students at all levels are experiencing extreme difficulty recruiting qualified deaf and hard of hearing university and college graduates to fill staff teaching positions.
- Deaf and hard of hearing post-secondary students are frustrated that they are unable to commence or continue their post-secondary studies in Canada or the United States for the following reasons:
 - Rising tuition costs.
 - Dramatic reductions in government funding.
 - Changing from grants to loans.
 - Imposing taxes on disability-related supports and out-of-country bursaries for students with disabilities. For example, students attending foreign post-secondary institutions receive Revenue Canada tax bills ranging from \$5,000 to \$10,000 each year.
- Changing admission requirements prevent deaf and hard of hearing students from entering teacher training programs in the education of the deaf and hard of hearing students. For example, deaf candidates with degrees from foreign or out-of-province schools must first obtain a Bachelor of Education degree from a university in their own province – even though these institutions are not accessible to deaf and hard of hearing students.

- Lack of accommodation funds to cover the cost of sign language interpreters for summer or part-time jobs for post-secondary students who are not clients of Human Resources Development Canada, the Ontario Disability Support Program or Ontario Works.

Related Statistics

A Comparison of Conditions Before and After Implementation of Employability Assistance for Persons with Disabilities, Replacing VRDP

Before EADP (VRDP) – 1997	After EAPD - 2001
- 1,062 VRS clients served	- 385 Ontario Disability Support Program Support to Employment clients served
- 200 Ontario deaf and hard of hearing post-secondary students	- 107 Ontario deaf and hard of hearing post-secondary students
- 148 deaf and hard of hearing post-secondary students attending foreign institutions in 1997	- 98 deaf and hard of hearing post-secondary students attending foreign institutions in 2001.
- 140 Canadians (90 Ontarians) enrolled at Gallaudet University in 1990	- 56 Canadians (42 Ontarians) enrolled at Gallaudet University in 2001
- 126 Canadians (89 Ontarians) enrolled in the National Technical for the Deaf in 1996	- 69 Canadians (55 Ontarians) enrolled the National Technical Institute for the Deaf in 2002
- 35 students enrolled in adult continuing education at Milton in 1997	- 16 students enrolled in adult continuing education at Milton in 2002
- 42 students registered in the LINC program at the Bob Rumball Centre for the Deaf	- 16 students registered in the LINC program at the Bob Rumball Centre for the Deaf
- 147 students registered in the CHS Literacy programs	- 95 students registered in the CHS Literacy programs

**COMPARISON OF CONDITIONS BEFORE AND
AFTER IMPLEMENTATION OF THE EAPD INITIATIVE**

Before EAPD (VRDP)	After EAPD
Provided student grants.	Provides student loans.
Provided funds for sign language interpreters and captioners in private vocational schools for part- and full-time courses.	Insufficient government funds available for sign language interpreters/captioners in private vocational schools for part/full-time courses.
Provided specialized career support and consultation services for deaf and hard of hearing high school graduates and post-secondary students.	No career support and consultation services, specializing in the unique needs of the deaf and hard of hearing are available to high school graduates and post-secondary students.
Provided funds to cover the cost of sign language interpreters for summer or part-time jobs for post-secondary students while studying in colleges and universities.	No funds available for sign language interpreters and captioners for post-secondary students who are not also clients of HRDC while studying at colleges and universities.
No taxes on disability-related supports and out-of-country bursaries for students with disabilities.	Taxes on disability-related supports and out-of-country bursaries for students with disabilities.
A significant increase in the number of professional and highly skilled deaf and hard of hearing individuals hired in the early 1980s.	A significant decline in the number of professional and highly skilled deaf and hard of hearing individuals in the early 2000s.
A significant increase in the number of college, university and private vocational school graduates with disabilities hired in the public, private and non-profit sectors during the early 1990s.	A dramatic decline in the number of college, university and private vocational school graduates with disabilities in the early 2000s, making it difficult for employers to recruit qualified deaf and hard of hearing employees.
More and more professional and highly skilled deaf, deafened and hard of hearing individuals available, making it easier for employers to recruit and hire these individuals.	Fewer and fewer professional and highly skilled deaf, deafened and hard of hearing individuals, making it extremely difficult for employers to recruit and hire these individuals.

- EAPD does not provide the maximum grant to students with disabilities who wish to attend foreign institutions of higher learning.
- EAPD does not provide the maximum funding for tuition and other supports (e.g., tutors) for students attending institutions of higher learning in Canada.
- No funding for assistive aids, devices and support services (e.g., sign language interpreters and real-time captioners) for students attending private vocational schools.

- No funding for accommodations for job interviews, summer or part-time jobs or internships for students attending post-secondary institutions, including private vocational schools.

RESPONSES TO THE QUESTIONS

Systemic Discrimination

Systemically imposed isolation and barriers to participation are key human rights themes for deaf and hard of hearing students. Isolation is the result of unaccommodated communication and language needs. An inability to participate is the reality. Systemic discrimination against deaf, deafened and hard of hearing students creates complex quality-of-life and will-to-live issues. Only deliberate pro-active modification in communication behaviours, supported by policy, can address the potentially devastating reality of disempowerment, and isolation created by society.

Due to communication barriers confronting deaf and hard of hearing students, the best environment for a deaf or hard of hearing child may be a placement considered by the general public as more restrictive, for example, a specialized school for the deaf at a centralized location or a self-contained classroom for the deaf in a school board. Moores (1993) postulated that integrating deaf children in hearing classrooms (inclusive education) in some cases may actually be an exclusionary practice.

Negative Attitudes and Stereotypes

Deafness is not a disease, disorder or health impairment, nor is it a threat to the health and safety of others. For example, research studies have shown that deaf and hard of hearing drivers have better safe-driving records. However, the Canadian Medical Association has taken the position that hearing loss poses a threat to safe driving.

Recently a number of deaf applicants and parents of deaf children have been denied permanent entry into Canada under the medical inadmissibility provisions in the Immigration Act, which permits refusal on the grounds that admission could cause “excessive demands on health or social services.”

Deaf and hard of hearing employees have better punctuality and attendance records in the workplace than their hearing counterparts. The record also shows that if a few simple precautions are followed, deaf, deafened and hard of hearing employees pose no greater safety risk on the job than hearing employees.

Dupont studies documented that deaf, deafened and hard of hearing workers had a 98% average or above-average safety record, among the highest of all the disabled workers and workers in general.

Serious attitudinal barriers may be evident in the expectations, perceptions, beliefs and behaviours of employers and education and post-secondary education service providers regarding the academic ability, employability and capability of deaf and hard of hearing persons. An example is a post-secondary education service provider and employers' concern that post-secondary education and skill training will take longer and be more difficult.

In fact, numerous deaf and hard of hearing individuals are employed in a variety of fields, whether in skilled occupations such as carpentry or in professions such as medicine, law, politics or business. The continued underemployment of deaf individuals is a result of deep-rooted discrimination that progressive organizations are striving to remove.

Special Education programs such as the Identification Placement Review Committee process often unintentionally deny deaf and hard of hearing students access to their services and residential programs by not providing appropriate communication accommodation. Deaf and hard of hearing students and their parents have indicated that they want the right to choose between mainstream and specialized educational placements.

In either case, the appropriate supports must be available to accommodate their disability. Ministries of Health and Education, including MOH Infant Hearing Screening Communication Supports Service, Provincial Schools for the Deaf Family and Resource programs have a mandate to provide parents of deaf infant children with counselling, home visits and communication devices. They also educate the public on the communication access needs of deaf and hard of hearing children. These service providers must focus on:

- increasing effective communication strategies as much as possible
- reducing inequities (lack of access to information and communication for both parents and their children)
- increasing preventive measures to reduce barriers and ensure healthy linguistic and mental health for deaf and hard of hearing children.
- increasing effective coping skills for parents and children with regard to communication difficulties and related deafness issues
- increasing awareness of “the consequences of a mismatch between the student’s communicative needs, and the environment’s ability to accommodate those needs.
- recognizing that no one language/communication option is the right answer for every child and no option will guarantee effective communication for parents and their children.

CHS supports the Ontario Human Rights Commission’s commitment to raise public awareness about human rights issues related to education and disability issues and to combat attitudinal barriers. The priority must be to develop a strong, effective and enforceable *Ontarians with Disabilities Act* and to include a recognition of the rights of children in the Ontario Human Rights Code that would supersede other laws and policies

and assist with prevention and removal of barriers facing children and students with disabilities. We cannot emphasize enough the need for strong legislation.

The best way to remove and prevent barriers is by establishing a strong and effective enforcement agency. The Ontario Human Rights Code has not been effective in eliminating barriers on a province-wide basis for children and students who are deaf, deafened and hard of hearing. Individuals have had to file complaints and even with the settlement of their particular cases, there is no significant change overall. An enforcement agency would have the power to act without waiting for an individual complaint and would, therefore, better ensure systemic change.

Public education programs are useful only when they are backed by strong legislation. Asking, training, cajoling people to change may occasionally succeed, but our experience is that more often it does not. There must be legislated consequences if behaviour does not change. We have experience with deaf, deafened and hard of hearing parents, deaf and hard of hearing children and students being denied access to essential communication during IPRC meetings, parent/teachers interview meetings, classrooms at school boards, and continued education programs because the service providers were not willing to provide quality support services for access. CHS has been educating the public on the need for quality access for the past 20 years. However since 1997 when the Supreme Court handed down its decision in the Eldridge case, we have had more success in influencing schools and other public sector agencies to provide sign language interpreter services than with all our previous public information campaigns combined.

- *CHS recommends that the Ontario Human Rights Commission urges the Secretary of Management Board of Cabinet and the Deputy Minister of Management Board Secretariat to ensure that all Ontario ministries are aware that the Ontario Human Rights Code requires their services, including contracted services, be accessible to all children and students with disabilities.*
- *CHS recommends that the Ontario Human Rights Commission urges the Ministries of Education, Training, Colleges and Universities and Citizenship to develop and establish a virtual educational and resource centre in partnership with service providers such as CHS and consumer organizations such as the Ontario Association of the Deaf, Ontario Cultural Society of the Deaf and Canadian Hard of Hearing Association-Ontario Chapter to act as a clearinghouse for sharing information, providing training and resources.*
- *CHS recommends that the Ontario Human Rights Commission hosts a conference on best practices and policies for reducing negative attitudes, stereotypes and harassment directed towards students with disabilities, including deaf and hard of hearing students.*
- *CHS recommends that the Ontario Human Rights Commission urges the Ministries of Education, Training, Colleges and Universities, Citizenship and Labour to work with service providers and consumer organizations in developing and distributing information on Human Resources Policy Models.*

Labelling and Appropriate Accommodation

The Ministry of Education's Review of Ontario Education Programs for Deaf and Hard of Hearing Students, 1989 with respect to inadequate definitions of hearing impairment reported that:

“In Ontario, hearing impairment is defined in terms of a specific level of hearing acuity. A hearing loss of 70 decibels is required before a student is defined as hearing impaired and thus eligible to attend a provincial school or school board serving the student to receive provincial funds for providing special programs.

“That definition is inadequate. Some students with greater hearing loss can function in regular classrooms; some students with less cannot. A better approach would define hearing impairment in terms that reflect the ability of the individual student, and the degree of need for special programs. The intention should be to provide educational opportunities that are appropriate for each individual child, regardless of the degree of hearing loss as measured in strictly audiological terms.

“There is a similar difficulty with the absence of coherent and appropriate guidelines for the placement of children in specific programs. Such guidelines should be developed and available to the committees recommending placement of deaf and hard of hearing students in special educational settings.

“The Committee recommends that the Ministry of Education re-define the terms “deaf” and “hard of hearing” in educationally meaningful ways, rather than in terms of hearing loss. The Ministry of Education regulations specify that children with a hearing loss of 70 decibels or more be regarded as having a hearing impairment. This is a highly misleading standard, and one which directs attention away from the child's educational requirements. The Committee would prefer the development of more accurate measures which focus on the educational needs of the child.

“The Committee recommends that the Identification Program Resource Committee decisions at the local board level and decisions concerning placement of a child in a specific program at a provincial school also include recommendations for the provisions of the necessary support systems, such as educational interpreters.”

CHS recommends that the Ministry of Education design a new educational delivery system to include the following:

- *A clear provincial structure, with a definitive communication starting point and appropriate funding model to ensure a province-wide, effective communication-driven delivery system*

- *A clear program with professional standards and monitoring of the communication-based system, for deaf and hard of hearing children to ensure appropriate assessments and communication supports are in place to meet the actual language and communication needs of deaf and hard of hearing children, including the following considerations:*
 1. *Communication Assessment of the Child's Communication Language, Mode and Skill Level*
 2. *Appropriate Communication Development*
 3. *Appropriate Communication Access*
 4. *An Effective, Communication-Based Delivery System*

CHS further recommends that teachers of deaf students, psychologists and professional staff such as social workers employed by provincial schools and school boards be provided with training to give them a better understanding of the implications of audiological, psychological and educational assessment and testing procedures for deaf and hard of hearing students. Training should also address equity and multicultural issues, hearing loss and deafness perspective.

CHS recommends that OHRC, colleges, universities and private vocational schools use the excellent tools and best practices relating to accommodation policies and procedures in educational settings provided by CHS and George Brown College's Deaf and Disabled Support Services.

CHS recommends that OHRC sends a directive to the Ministers of Education, Training, Colleges and Universities to ensure that they are in compliance with the Supreme Court's decisions and Ontario Human Rights Code, requiring the removal of barriers facing deaf and hard of hearing post-secondary students at colleges, universities and private vocational schools. Furthermore, the Ministers of Education, Training, Colleges and Universities should be encouraged to be responsible for establishing provincial standards for sign language interpreting in educational and post-secondary settings and sign language competency and communication skills for teachers of the deaf.

CHS recommends that OHRC recommends Cabinet approval of a regulation for the use of American Sign Language (ASL) and Langue des signes québécoise (LSQ) as languages of instruction to be included in the Education Statute Amendment Act, 1993.

CHS recommends that OHRC urges the Ministers of Education and Training, Colleges and Universities to raise with the federal Council of Ministers of Education the issue of financial and communication barriers facing deaf, deafened and hard of hearing post-secondary students and identify ways to remove federal taxes on bursaries awarded to

students with disabilities, including taxes on disability support income and out-of-country bursaries.

Roles and Responsibilities

Post-secondary service providers and government policymakers have long been aware of two important factors affecting deaf and hard of hearing post-secondary students: communication accessibility and educational placement alternatives. Too often these two factors are considered in a manner that may endanger deaf and hard of hearing childrens' cognitive, emotional, linguistic, social and academic needs. As a result, a persistent pattern of ignorance and oppression may exist in the Ontario educational system for deaf and hard of hearing students and impede their potential for success. We need to have Deaf Child's Bill of Rights incorporated into the Ontario Human Rights Code and the Education Act.

A Deaf Child's Bill of Rights would initiate the untangling of such patterns by clarifying the concept of appropriate communication access and educational standards for deaf and hard of hearing children. Even though regulations for the Ministry of Education's Provincial Schools for the Deaf and School Boards require the consideration of a full range of educational placement options, such regulations are not adequately and effectively implemented. Legislative advocacy on the provincial level (i.e. Ontarians with Disabilities Act) may be the most effective and appropriate way to realize and respect long overdue rights to communication and an appropriate education for deaf and hard of hearing children.

CHS recommends that a Bill of Rights for children with disabilities, including deaf and hard of hearing children be amended to the Ontario Human Rights Code and that implementation of the Bill of Rights, include but not be limited to, the development of written and other materials, the dissemination of such information, the provision of workshops, symposia, and other procedures to ensure that local educational agencies such as school boards understand and implement the policy of the Ontario Human Rights Code.

CHS recommends that Ontario Human Rights Commission direct the Ministry of Education to set provincial standards, requiring both school boards and provincial schools for the deaf to set policies for appropriate communication supports in educational settings and sign language competency and communication skills for teachers of the deaf.

CHS recommends that Ontario Human Rights Commission directs the Minister of Education to ensure that parents are enabled to make informed decisions, by receiving comprehensive information about all educational options regardless of local availability, including possible risks and effects of different language and communication options.

Undue Hardship Standards

In the past, Ontario has funded captioning and sign interpretation services for deaf, deafened and hard of hearing students in both public post-secondary institutions and approved private vocational schools, registered under the Private Vocational School Act.

CHS has learned that deaf, deafened and hard of hearing students are being told they must arrange and pay for sign language interpreters and real time captioners at private vocational schools. It appears that under the Private Vocational Schools Act, private vocational schools receiving public funds are not obligated to accommodate deaf, deafened and hard of hearing students, using “undue hardship” as their argument.

In a letter dated September 20, 2000 Hon. Dianne Cunningham, Minister of Training, Colleges and Universities, stated “In our opinion that this Ministry has no legal authority to require these schools to provide sign language interpreters and real-time captioners, free of charge, to their student-clients”.

The Minister’s response was clearly in violation of the Supreme Court of Canada’s Eldridge decision and the Ontario Human Rights Code. However, Ministry of Training, Colleges and Universities’ Private Vocational Schools Branch has the right to decline, revoke or suspend the registration of a school.

CHS recommends that the Ontario Human Rights Commission sends a directive to the Minister of Training, Colleges and Universities to require the Superintendent of Provincial Vocational Schools to revoke or suspend the registration of a school unless the private vocational schools’ undue hardship can be proven and certified by the Commission. Ministry of Training, Colleges and Universities must be responsible for providing funds for communication accommodations as required by deaf, deafened and hard of hearing students in Private Vocational Schools classrooms.

Mechanisms for Promoting Ongoing Dialogue on Issues Related to Education, Disability and Human Rights

Sharing best practices alone will not remove or prevent barriers. Furthermore, who decides what is the best practice? CHS and consumers believe that appropriate access to education and post-secondary education along a continuum of mainstream to specialized educational placements is the best practice. However, we have had a hard time convincing the government to support this approach when the government’s service delivery model is based on integrated, mainstream system. The current model does not represent or address the full continuum of needs of deaf and hard of hearing children.

Another concern is that many parents of deaf and hard of hearing children were and are still not empowered to make informed choices about the benefits, limitations and possible risks of language, communication and educational placement options. For example, Ministry of Education’s Special Education Guide for parents of deaf and hard of hearing students and service providers in educational settings does not address the actual needs of

deaf and hard of hearing students in terms of providing appropriate assessments and communication supports to meet the language and communication needs of deaf and hard of hearing children.

However, excellent mechanisms and resource centres such as Gallaudet has gone untapped. University's Laurent Clerc National Deaf Education Centre at <http://clearcenter.gallaudet.edu>; National Technical Institute for the Deaf's PEPNET, Post-Secondary Education Programs Network, serving the Deaf, Deafened and Hard of Hearing at www.pepnet.org ; Arkansas Rehabilitation Research and Training Center for Persons who are Deaf or Hard of Hearing, including secondary and post secondary education at www.uark/depts/rehabres/mission.html and Educational Enhancement for the field of the Deaf Education at <http://www.deafed.net>

CHS recommends that the Ontario Human Rights Commission develops and establishes a mechanism to assist human rights organizations and government ministries in areas of legislative, regulations, policies and guidelines development for best practices and policies in the delivery of education of the deaf and post secondary education for deaf, deafened and hard of hearing students, service providers and agencies, serving deaf, deafened and hard of hearing persons.

Conclusion

CHS supports the efforts of the Ontario Human Rights Commission to end the systemic discrimination against deaf and hard of hearing children and students. We emphasize the need to recognize and support the full continuum of communications needs for deaf and hard of hearing children, students and post-secondary students. Furthermore, we support specialized services such as provincial schools for the Deaf as an option for those who do not benefit from the mainstream education programs. Equal access can only be achieved if we work together to recognize and address the different needs of deaf and hard of hearing children, students and post-secondary students.