

EQUALITY IN EDUCATION

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A BRIEF TO THE STANDING COMMITTEE
ON THE ADMINISTRATION OF JUSTICE

- COMPLIANCE OF THE ONTARIO EDUCATION -
ACT WITH THE CANADIAN CHARTER OF RIGHTS
AND FREEDOMS

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-- PRESENTER - FEBRUARY 19, 1986
THE DOWN SYNDROME ASSOCIATION OF
METROPOLITAN TORONTO
- LOUISE BAILEY, CHAIRPERSON
HUMAN RIGHTS COMMITTEE,
THE DOWN SYNDROME ASSOCIATION OF
METROPOLITAN TORONTO

The Down Syndrome Association of Metropolitan Toronto and the York Region Down Syndrome Association represent approximately 300 families and generally assume responsibility to speak for the interests of all persons with Down Syndrome including the many children and young adults with Down Syndrome who are wards of the Province and are usually living in foster homes, group homes, small and large institutions.

Our organization was founded in 1985 by a concerned group of parents who were already spending much time working on behalf of their children in conjunction with other groups, but who felt it was imperative to focus on the needs of persons with Down Syndrome, because they are a highly visible and easily identifiable group among people who need extra supports in our community.

It is in no way by whim or accident that the Down Syndrome Associations are profoundly interested in the benefits and protections available now to our children under the Charter of Rights and Freedoms.

People with Down Syndrome have been singled out as a distinct target of active discrimination in the areas of medical care, access to recreational activities, protection from abuse and education.

Persons with Down Syndrome have a genetic disorder resulting from an additional 21st chromosome. There are many characteristics of Down Syndrome all of which are found in the general population. However, children with Down Syndrome have usually a cluster of these, but persons with Down Syndrome are highly individualized and no person has all fifty characteristics.

Persons with Down Syndrome have been very overly and negatively stereotyped and this generally accounts for ~~their~~ low regard within our society and the extent to which medical research has devoted itself to prenatal diagnosis and abortion.

In the past, persons with Down Syndrome were institutionalized on medical advice and left to develop as they might within a system which was at best neglectful and uncaring and at worst actively abusive. Children, who therefore were essentially ~~untreated~~ and uncared for, and therefore remained at very poor levels of functioning, and suffered from very poor health and early death, were then held up to the public as the model of the disease, Down Syndrome. Children with Down Syndrome do have some common physical features which persuades people that they all look alike. However, persons with Down Syndrome look like their family members more than they resemble each other.

They generally need help with fine and gross motor movement but it is rare for a child with Down Syndrome to be physically disabled. Children with Down Syndrome are capable of playing sports, skating, dancing, etc.

Most children with Down Syndrome need help with their learning. Most are moderately or mildly retarded. There are a small number of children with severe difficulties and a number who function within the normal range of intelligence.

In increasing numbers, it is evident that persons with Down Syndrome are capable of getting academic and vocational educations, participating in community activities such as scouts, getting jobs (hopefully more will be offered in the competitive area), living independently of their families, whether it be in a group home, supervised apartment, on their own, or in marriage. Their potential is in the main only restricted by their limited access to integrated education, recreation, job opportunities and quality medical care without prejudice. Unfortunately, there are still medical practioners today who insist on holding to this old model, rather than ^{looking} at the contemporary population of persons with Down Syndrome who ~~are raised~~ at home by families who are passionately devoted to them and consider them to be ~~inherently~~ the equal of any human being and equal under the law to any Canadian citizen.

We are here today to express our concerns about the Education Act of Ontario and how it negatively impacts ^{upon} our children and denies them fundamental justice as persons entitled to equal benefits of education under the law.

out { As you listen to this presentation, we ask you to listen not only as legislators who are charged with ensuring justice for us as citizens but as parents who are equally concerned about obtaining the best possible preparation for life for your children.

Parents of children with Down Syndrome want integrated Education for their children. This means we want them to walk with their brothers and sisters and friends to their neighbourhood school as a matter of right, attend regular classes with their age appropriate peers and have individualized programming geared to their strengths and needs.

(Bill 82 was sold to parents as an integration bill.) However, ^{Bill} ~~all~~ ^{Bill 82} ~~it did was to~~ let some of our children in the building. ^{Part 5} It forced parents who have been moving away from the damaging process of labelling their children to have to deal with a system which is based on broad stereotypical classifications.

It left individual boards and schools confused about the real intentions of the Act and to some degree caught between the

parameters of the legislation and parents' demand for integration. It also left many other boards and individual schools the freedom to infringe on parents' and students' rights to integration by capricious use of the Identification Placement Review Committee (IPRC) system and by actively blocking students' entry into their neighbourhood school. It also left individual teachers the freedom to discriminate actively in the classroom against pupils with special needs who were integrated in the regular class.

Integration in education is not a matter of ability as many mistakenly believe. It is a matter of choosing to support and transmit respectful human values rather than dehumanizing survival of the fittest values, and it is most assuredly a matter of entitlement to equal benefit of the law. It is civil rights issue ^{as well as} ~~not~~ an education issue.

There have been many instances in the past in North American society when certain prejudicial practices were considered acceptable. Indeed it was these practices and the systems that grew up around them which forced various disadvantaged groups to create places for themselves as best they could. Therefore, there was a segregated educational system in the United States for black people. There are many Jewish hospitals across Canada and the United States, one right here in Toronto, that were established because Jewish doctors could not get privileges at general hospitals. Universities had quotas on Jewish students. Women have for a long time laboured for unequal pay in the marketplace.

Today, in more enlightened times, we recognize that these things are wrong.

The issue is no different in segregated education. We parents are in the process of dismantling a segregated educational system for mentally retarded children. However, looking into its origins we see that this system ^{was} built by a previous generation of loving parents whose children were absolutely locked out of the public education system. There are twenty year-old persons with Down Syndrome alive today who did not get the opportunity to go to school until they were nine years old.

However, as time goes on and our awareness and research grows on human and civil rights and what is also educationally sound for children with Down Syndrome, we must turn away from the segregated system and move our children into the mainstream, which is after all where we want them to lead their lives.

Circle of Rights

Our children have been beggars at a banquet. When they are locked out of integrated education with their typical peers, they embark upon a course of life which runs parallel, but does not intersect with the lives of ordinary people.

While other children relate to their peers and learn appropriate models of social behaviour, our children are clumped together in situations which often are more related to babysitting than education, and where they are unable to model appropriate behaviour for each other. Therefore, their behaviour is often unacceptable to their typical peers and they are avoided. While other children are enriching their lives with summer camp, Y classes, etc. our children are often told they are not acceptable as participants to the staff, or other parents. While other children are prepared for work in the competitive marketplace our children march inexorably to the sheltered workshops; if there's a place for them, where they can work for approximately \$5.00 per week and a disability pension. If there's no place for them, and their parents have not been able to find them a job, then they can sit at home.

Card - fodder -

When was the last time that you went into a fast food restaurant and were served by a teenager with Down Syndrome? When was the last time you saw young people with Down Syndrome hanging out at the local mall? Don't you ever wonder where our children go when they grow up?

with their typical friends.

Children who are not allowed to integrate with typical children and do things that typical children do, are not able as adults to find their productive place in the community ~~except as recipients of service.~~

One of the arguments that parents of children with special needs face when they demand integrated education, is that it is very expensive. If that is really so, the choice is this: pay for them as children or pay for them as adults. However, if we invest in people with special needs as children, we indeed may not have to support them as adults or certainly not to the same extent.

School serves not only to educate and prepare children for their adult responsibilities, but along with the family, it is the most powerful transmitter of values to successive generations of students. We shudder at the explicit and even more powerful implicit values being transmitted by the Education Act of Ontario as regards our children. After all, why is it that we need an International Year of the Disabled, International Decade of the Disabled? If we started integrating children when we should, at the pre-school level and let children grow up together and respect human diversity, we would not then need to spend millions of dollars and great amounts of time changing as adults, the destructive values we have taught them as children.)

Now I am going to tell you 5 stories about 5 terrific children with Down Syndrome. Each of these will serve to illustrate in individual terms the unjust impact of Bill 82.

RECOMMENDATIONS IN EDUCATION ACT OF ONTARIO

- 1) That the Education Act make an explicit and implicit commitment to the fundamental right of all children with special needs to be educated with their age appropriate peers in the local school with individual programming.
- 2) Full range of due process protections be available to ensure above.
- 3) Section 72 of the Education Act therefore be repealed (the section relating to trainable retarded students) and that the Metro Toronto School Board which serves trainable retarded students and other ^{segregated} schools existing for such purpose be closed, and these students be served in their local neighbourhood school.
- 4) Identification Placement Process (IPRC) be used to identify children with special needs without attachment of labels. Therefore, we recommend section 8(2)(B) be amended to disallow labelling for purpose of determining exceptionability, placement and programming.
- 4b) The Committee be renamed as the Identification Programming Review Committee as all placements would be made according to Recommendation 1) above./7

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Theresa - Information? You Must Be Crazy

Stephanie

Started 2 ym.
came 2 years of
regular nursery

5 1/2

puzzles, likes Polka dot, Skame, books
chatterbox, learning to read

now integrated w JK-SK combined for 2nd year
~~moved to 2~~

- were willing to accept her from beg'g w sping '84
- just before June - everything fine

wanted psychiatric evaluation of family
Doctor couldn't understand why family
was there or what he was supposed to do

Doctor did family history & felt logical
step was kindergarten

w left, school told husband weren't sure it
was right place but would try
at beg'g. Jennifer tested system & school very
upset - teacher said what do we do when
she misbehaves? no problem at home

at Xmas interview, parents brought own
psychologist for support. School psych. who didn't
know what P.S. was but didn't think it was
working out but agreed to let it continue
a little longer.

All last year, parents pushing for an aide,
as class very large. School said they were unable
to get aid. Husband threatened to go to newspaper
at which point aid obtained. (never introduced to
parents) who did 30-45 minutes withdrawal every
morning. Pilot Project.

The Learning Place
4700 per hour

Now gets one-one with special ed. teacher
for period of time after lunch.

Printed -
psychologist

parents
not
comply

Overenthusiasm about
children's ability -
e.g. not ready for
SK work! ? or teacher
not able or willing to
take extra time

Teachers asking parents
to handle classroom
problems.

School needed to be
firmed to provide
support.

new fight every year
reintegration

② SUSAN (Bet) - myth of ^{page} Preparation - prepare the

Susan is 5 yrs. old, blond pigtails; enough energy & ideas for 3 children. She takes swimming lessons, goes to ~~participates in~~ ORF music class, sings, reading aloud down.

Parents are often told that they have a major role to play in helping local schools be more positive about integrating their children.

~~Susan's~~ Susan's brother Bobbie is 3 years older & has been attending the neighborhood school which is ~~approx. approximately~~ ^{right across the street} a ~~four minute walk from~~ home.

Anticipating that her daughter would ^{also} be attending the school & concerned to pave the way for her as well as work on Bobbie's behalf, ~~But~~ Susan's mother became very active in the Home-School Ass'n. & is presently its vice-president.

She spent many hours working on behalf of the school & also spent time getting to know the staff & the principal. In the year preceding Susan's entry into school, she ~~spoke with staff~~ ^{spent a great deal of prep'n time with} the principal & arranged for resource people & material to be available.

When Susan was finally enrolled, it was with the reluctant agreement of the Principal & open hostility of the ^{from} JK teacher. ^{Within a week} This same teacher organized a mtg. for parents with no notice to Susan's mother in an attempt to have Susan removed from the school. Luckily her mother did find out & was able to attend. One can only imagine the pain she felt at the hostility & meanness of spirit directed at the daughter she loves.

At about the same time she happened to hear the school only to find they were conducting an informal IPR on Susan, again with no notice to the parents. Fortunately, she was able to persuade the school to move Susan to the Short K. class (which was a more age appropriate placement for her. This class is taught by the same teacher who has now discovered ^{the saying what a wonderful child} Susan is. *

Earl still is a fight - get them in, fight neg. attitudes, fight for aides, fight for programming 1 year at a time

with another parent

* Now, even we admit not all children E.D.S. are wonderful. But even they are entitled to be protected from hostile & discriminatory practices in the classroom.

want to
teach a modern
woman about marriage

Almsholm
Helsingfors 1900
297-1339

Fortunately the school Chairman (now passed) is also Bobbie's teacher & came up w/ idea of placing Susan in S. K. a more ^{acc} appropriate placement. The S.K. class size was also smaller. The class is taught by the same teacher who by Dec. ~~has discovered~~ told Susan's parents ~~the~~ how glad she was that she'd had a chance to get to know Beth & that she'd been afraid of the handwriting.

(15m)

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L

f

P.

22

7/24

3

3

④ Andrea - The Free Enterprise Alternative

Andrea is 4 yrs. old girl with long brown hair & beautiful smile who has never attended a segregated class or school. She has been in school since she was 2 yrs. old. ^{7/1/85} She can already learn to read & play the violin. She doesn't think of herself as diff. & doesn't do any of her friends.

Her mother is not willing to risk ~~And~~ her self-esteem & ~~what she has~~ her progress in order to push her into a system which not only doesn't want her except as a special ed. student but also which could damage her. This mother wants integration & quality programming.

Therefore her mother is in the process of setting up at her own expense a private non profit integrated school. ~~This school already has a~~ One must ask why a taxpayer should be forced to finance this alternative when she is already supporting a public system. There are also, believe it or not, parents of typical children who want ~~them to~~ their children to ~~go to~~ have integrated education because they know that it is spiritually & educationally enriching.

We ^{taxpayers with} ~~parent~~ of children with special needs will eventually ~~be able to~~ be part of a growing movement of parents who have varying concerns about the public ed'n. system & we will push for public funding of all private schools. Is this what the gov't. of Ontario would like? I think not. Better to clean up the ones house than to have to fund others.

- 5) IPRC be responsible for ensuring appropriate individual programming, and be the watchdog committee which will ensure that the integration process is being carried out throughout the school system to prevent undermining by specific schools, principals or teachers.
- 5b) Strengths and needs assessment be basis for programming.
- 5c) As parents have no right under the IPRC system now to question the appropriateness of the childrens program, we recommend that section 8(2) be amended to allow for this.
- 6) That section 34 of the Education Act be abolished. No child should be designated "unable to profit from instruction". Indeed, such an occurrence should alert us to the denial of fundamental human rights.

Integration in local schools, with age appropriate peers with individualized programming is not an idea which is untried and untested. It is taking place successfully in the Roman Catholic Separate School Board in Wellington County, in Hamilton-Wentworth and in isolated situations when an individual school mainly Catholic, has chosen to integrate a particular student.

Of course, it is sad to say, that there are examples of integration which have been set up to fail; ie. a student has been placed in a more or less age appropriate class with some programming, with no support or direction for the teacher, little or no support from the school principal and system as a whole. Therefore the success of the experiment may rest on the shoulders of a six year old girl and her often determined but beleaguered parents who are basically engaged in a process of hand to hand combat with the system on a daily basis.

Integration as a specific intent or goal of the Act must be clearly stated so that there is no room for confusion or footdragging by school boards. The process of integration must be closely monitored and there must be a body with the authority to take proper corrective action. School Integration works when it incorporates the following:

- a) The belief set in law, enforced in attitude and action that children with special needs are entitled to integrated education as an equal benefit of the law and due process protection from abuses.

- b) School boards actively support integration by consulting meaningfully with the Special Education Advisory Committees and providing training in integration for school personnel and monitoring the process.
- c) Individual schools from the principal to the caretaker work to support the integration of the child into the social fabric of the school.
- d) Children are indentified as exceptional and their programming is based on a strengths and needs assessment rather than on traditional testing and labelling.
- e) Teachers receive appropriate training, support and help from resource specialists to meet their students' needs.
- f) Parents collaborate as respected members of a "team" working for the best interests of the child.

There exists at this point many resources available to train and assist individuals, teachers and school boards in the process of integration and the provision of sound individualized programming to children with special needs. Unfortunately, because so much time is wasted by parents and professionals and school boards fighting the right to integrated education, ^{ISSUE} alot of valuable and expensive time is wasted, which should be spent on developing quality education for our children.

Let me close by saying for those of you who may be thinking that we parents of children with special needs are only concerned about our own situation and ignore the realities of the needs of typical students and the unfortunately all too real examples of their being failed by our system this is not so.

We believe without a doubt that the key to better education for typical children and the key to promoting humanistic values in our society wherein human differences are recognized, respected and reasonable accomodation made, is the inclusion by right of our children into the regular age appropriate classrooms in their local school. When we the public, direct our educators to value and work towards the strengths and needs of each student, then surely all our children will reap the benefits.

The Down Syndrome Association of Metropolitan Toronto concurs with and supports the following recommendations put forward by the Advocacy Resource Centre for the Handicapped:

- 1) Marriage Act - Section 7 be amended to read as follows:
"Notwithstanding any other provisions in law, a person who suffers from a long term mental or developmental disability shall not be denied the issuance of a marriage certificate and the solemnization of a marriage".
- 2) Occupational Health and Safety Act - workers in sheltered workshops should be covered under the Act. Therefore we recommend that section 1.29ii be repealed.
- 3) Motor Vehicle Licences - we recommend that section 10 of Regulation 462 be repealed and that persons denied any class of licences on the basis of disability be provided with a right to a hearing before the Licence Suspension Appeal Board.
- 4) Employment Standards Act - there are many problematic issues involved in the issuance of group permits, most of which impact negatively on disabled people. We recommend the repeal of Section 24.
- 5) Health Disciplines Act - we recommend that this Act be amended so that Group B physicians are no longer able to practice in facilities for disabled persons.
- 6) Building Accessibility - we recommend that the full protections of the Building Code be extended to disabled and that the exemptions from Part 10 which has been granted to residential accommodations and places of employment be repealed.
- 7) Given the vital importance of the Human Rights Code to disabled people, we are very concerned about the "notwithstanding clause", therefore we recommend that section 46(2) of the Code be amended to read:
" Where a provision in an Act or regulation purports to require or authorize conduct that is a contravention of Part 1, the Act applies in all cases ".

We recommend the repeal of Section 16(1)(a).