



Down Syndrome Association of Metropolitan Toronto

EQUALITY IN EDUCATION

96 Brooklawn Avenue
Scarborough, Ontario
M1M 2P6

A BRIEF TO THE STANDING COMMITTEE
ON THE ADMINISTRATION OF JUSTICE

670-2503
(416) 267-0778

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

-- 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 200 families and generally assumes 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 form 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 with our society and the extent of 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 with a system which was at best neglectful and uncaring and at worst actively abusive. Children who therefore were essentially uninterested 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 to 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 most 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 look at the contemporary population of persons with Down Syndrome who raised at home by families who are passionately devoted to them and consider them to be intricately 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 our children and denies them fundamental justice as persons entitled to equal benefits of education under the law.

As you listen to theis 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, all it did was to let some of our children in the building. 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 integrate by capricious use of the Individual 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 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 privilege 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 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.

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

While other children relate to their peers and learn appropriate models of sound 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 must sit at home.

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?

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.

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 the adult responsibilities, but along with the family, it is the most powerful transmitter of values to survive generations of students. We shudder at the explicit and ever more powerful implicit values being transmitted by the Education Act of Ontario as regards to 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 six stories about six 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 with severe trainable retarded students and other schools existing for such purpose be closed, and these students fall under the jurisdiction of their local school boards.
- 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.

- 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.
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- 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, have chosen to integrate a particular student.

Of course, it is sad to say, that these 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, direction from 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 the six year old girl and her often determined and 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 Committee 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 a 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 of integrated education, 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 to real examples of their being failed by our system.

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 directs our educators to values 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 or 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).