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**Official Report  
of Debates  
(Hansard)**

Tuesday 8 June 1993

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des débats  
(Hansard)**

Mardi 8 juin 1993

**Standing committee on  
social development**

Education Statute Law  
Amendment Act, 1993

**Comité permanent des  
affaires sociales**

Loi de 1993 modifiant des lois  
en ce qui concerne l'éducation

Chair: Charles Beer  
Clerk: Douglas Arnott

Président : Charles Beer  
Greffier : Douglas Arnott



you guarantee their rights to an active education? Parents of these vulnerable children already have enough emotional baggage without following legislative changes which may eventually take their child's rights away. Will boards like the ones in Metro be expected to provide psychiatric treatment as part of their special education plans? One part of this bill actually insinuates that parents must repay the ministry the funds received for children designated hard to serve after June 2, 1992. Is this not blaming the victim? Imagine the audacity of these parents to have a child with special needs who could not be serviced in our educational system.

Removal of the hard-to-serve label is not bad as long as there is a new support network in place. We do not know what the future will hold for our Education, Health and Community and Social Services ministries. Hard-to-serve pupils may yet be unborn. They may come from premature babies rescued with new medical technology. Drug addicts, crack babies, foetal alcohol syndrome, health issues like AIDS and environmental pollution: There must be protection for the future as well as the special children we already have. With the move towards integration and inclusion, without adequate supports and finances in place, there is concern that there may be underservicing.

There are many social changes occurring now and in the future. There will be ongoing changes to our education and how we deliver it. Special education will also be impacted by other legislation, like consent to treatment, when it is proclaimed. In all our work with parents and accessing a system there's no clear-cut way of servicing the whole child. By having different ministries responsible for different aspects of the child's life, we end up losing very important rights and privileges that every citizen of this country should have.

Please remember to look at the whole child and make sure that the safety nets are in place. The children are our future. In order to be fair and equitable, you have to treat them differently to meet their needs.

**The Vice-Chair:** Thank you for your presentation. I regret there is not time for questions. We have other presenters, so thank you.

The next presenters are the Down Syndrome Association of Ontario and the Ontario Association for Community Living. Would you please come forward.

**Mrs Cunningham:** Just while the next group is coming forward I have a couple of questions for the researcher. There have been a couple of statements today, and I'm not sure whether they are correct or incorrect, but I certainly don't think we need to worry our community of parents any more than they already are concerned.

The statement that people would be asked to pay back the government of Ontario, given that this legislation is passed: I think we need some clarification with

regard to that. At first glance, that would be my understanding. It isn't anything that I'm passing on. It was a concern I raised today in the House actually. We need a clarification very quickly because if people are taking that thought home and that isn't the intent, we need that to be clarified and I'd like to know that as soon as possible.

The last two presenters mentioned it, and if that's not the intent, if that's not what's going to happen, I think they should be called immediately.

**Mr Beer:** If I could strongly support what Mrs Cunningham has just requested, I think that clarification is needed, and I would think everyone would want it. I think there is some importance because we've heard that from a number of witnesses today.

**The Vice-Chair:** Does anyone wish to respond to those comments at this time, or will that come later?

**Interjection:** Later.

**The Vice-Chair:** Later? At the next meeting.

1740

DOWN SYNDROME ASSOCIATION OF ONTARIO  
ONTARIO ASSOCIATION FOR COMMUNITY LIVING

**The Vice-Chair:** Presenters, would you introduce yourselves, please.

**Ms Louise Bailey:** Just before I do, could I get some clarification of how much time we have so that we can chop as necessary? Because I understand we're tight for time.

**The Vice-Chair:** Yes. We hope to go till 6 o'clock. However, we may be called in for a vote at—I'm not sure what time that can happen. Very soon, perhaps 10 minutes. Sorry about that.

**Ms Bailey:** That's all right. I am Louise Bailey from the Down Syndrome Association of Ontario. This is Lynda Langdon, who's representing the Ontario Association for Community Living today. On my far left is Andrea Bailey and this is her friend, Abigail Lapell.

What we're going to do in order to save time is basically go through a very brief opening statement. I think we will pass around some questions at the end for you that we were going to go through with you, but we hope that you will take those questions back to your caucuses, back to your Education critics and back to into the House. I think the girls have something very important to say, and since they're the children we're really talking about, we figure it's more important that they be heard than us.

Very briefly, we want to say that we're pleased to be here to give feedback around Bill 4 because, as you know, the ministry has come out with a policy related to integration, and finally integration for our children is in sight. But we also have to say that we're very tired of trying to drag out appropriate legislation from the Legislature. When we look around the table, we see

some familiar faces. You know that there have been injustices to our children for many, many years that we're hoping to redress.

Lynda and I have been at this for 10 years, when her daughter was eight months old and my daughter was two. Now our kids are 10 and 12, and we're still here.

**Ms Lynda Langdon:** We're tired of coming here all the time.

**Ms Bailey:** That's right and we'd like to do something else. We've been through three ministers of education, we've gotten three commitments to integration, and finally we have this bill, which we think deals inadequately with removing the TMR label and closing the Metropolitan Toronto School Board. It's too fuzzy. There are enough loopholes there to drive a convoy of trucks through. It appears to me and to Lynda that the TMR label is really going to go underground and resurface in another kind of dress, and that the Metro Toronto school board is going to be left with its funding and its resources intact so that boards are going to have to purchase service from it in order to integrate their previously referred to TMR students. If these students no longer exist, why do we need that board?

We have many more concerns about what's not in the bill than what's in it. Basically, why don't you take a couple of seconds to talk about that, and then we're going to shift to the girls.

**Ms Langdon:** We would also like to say, especially in the light of some of the previous discussions that you've obviously had this afternoon, that we do fully support the repeal of the hard-to-serve provisions. As far as we're concerned, if we can afford to spend thousands of dollars to send people to private schools in the States, we can afford to spend thousands of dollars to educate them here in Ontario. So we absolutely support that repeal.

In terms of section 8, we support the revisions, as Louise said. What we would like to see are further safeguards to ensure that the resources that are currently with those students go with them. If we're going to return students back to six boards in Toronto, we have to send the resources back with them.

One of the concerns of parents in the Metro Toronto school board for some time has been that they have inadequate access to representation, as the rest of us do through SEACs. Even though their students may be in a school building somewhere in North York or Scarborough or whatever, they aren't owned by North York or Scarborough or whatever, and so the parents don't have access to SEAC, and that's a very important vehicle for all of us as parents to use.

We also think that it's going to be extremely important—we were a little bit concerned in Bill 4, under section 9, where it just describes at the front what the bill is about. It makes reference to the fact that students

with the TR label are now going to be referred to as "exceptional pupils with developmental handicaps." We don't object to those words. Those words are fine. I think we've often said let's sort of call a spade a spade. We usually do use the words "developmental disabilities" instead, because we think our children have a disability and they only have a handicap when other people put them into a situation where they are handicapped by other people's attitudes, not by the children themselves.

Our concern is that we don't have any sort of breakdown of two kinds of groups. We often have this TR label and the ER label. Some boards call it FLS, ES, some boards call it—different kinds of things. We want to be sure that we don't subcategorize students who are now going to be not labelled by this bill, which maybe sounds a little bit backwards, but that is our concern.

Because of time, I'm not going to go over the questions that we have for you, although I really want to. If you don't get called up for that vote, I will go over some of these questions.

Our most important question is, in the light of a number of things that have happened over the years that have been very encouraging, is there any possibility that Bill 4 can be further amended to include provisions for children with exceptionalities to be guaranteed entitlement to inclusion in local neighbourhood schools with adequate supports to ensure that they have a successful educational experience? In other words, can they have what everybody else takes for granted? I'll turn it over to the girls now.

**Ms Bailey:** Abigail and Andrea have been friends since grade 4 and they have written presentations for you today. Abigail will also be reading a statement from Andrea's friend, Kilby McGregor, who couldn't be here today because she had to go to audition to be in a choir.

I think that when you hear from them, you will see why we feel integration is so important. We don't really need to continue to do this two-step; let's just do it now with this bill.

Andrea, I would like you to start with your speech. You want Abigail to go first? Abigail, will you go please go first.

**Miss Abigail Lapell:** Okay. Before I start, I'd just like to say I'm really pleased to be able to come here. I think that most of what I'm going to say today, I can probably be representing my class in most of this.

I have a few words to say, but before that I'm going to say something on behalf of my friend, Kilby Smith-McGregor, who couldn't be here today. She wrote this:

"Hi, my name is Kilby Smith-McGregor. I'm sorry I couldn't be here today but I would still like to say a few things about my friend Andrea. Andrea is an individual with her own needs, interests and talents. My school, Avondale, is an alternative school for self-

motivated learners, individuals who can work in a group. This environment is, I'm sure, as beneficial to Andrea as it is for the other students.

"In our class, we have people of different ages, different backgrounds and different strengths. The prospect that Andrea might not have the opportunity to be in our class because people tell her that she has Down syndrome really upsets me. People are uncomfortable with things they don't understand. I think knowing someone like Andrea, to know Andrea as a person, can help someone understand themselves."

**Miss Andrea Bailey:** My name is Andrea Bailey. I am 12. I am in grade six. I learn French, math, reading, music, science and I do lots of projects. I like to be at school with my friends. We play hide and seek, we talk and play together. We help each other.

I had lots of friends at my birthday party. We saw movies, we had popcorn and chips and drinks. We played games, pool, sat on the couch. We played spin the bottle.

If I could not go to school with my friends, I would be very sad and lonely.

**Miss Lapell:** Hi. My name is still Abigail and I go to an alternative school called Avondale. Like Kilby mentioned, everybody in my class is really different, from the colour of our skin to our values and beliefs. My best friend in my class, who you just heard, is a very special person to me. She has Down syndrome, but she isn't as different as a lot of people might like to think. Basically, what it means for her is that sometimes school is a lot harder. There's a lady who comes in every day and helps her with her work, and sometimes I and the rest of the kids in my class need to try a little harder to help her. But that's okay, because friends help each other.

1750

Unfortunately, there are still a lot of people from other schools who would make fun of Andrea or somebody like her, because they've never had the opportunity to understand her and maybe they never will. I think that's too bad, because I think everybody should be as lucky as I am to have a person like Andrea in their life. I'm lucky in a lot of ways. I think I'm also lucky that I understand that the disease my best friend has isn't a problem, as a lot of people would like to label it. It's just another one of the millions of things that make her an individual, like everybody else.

**Ms Bailey:** Great. I'm very proud of both of you girls.

**Ms Langdon:** We have a 30-second video that we'd like to show, but Doug has just gone into the other room to see if it can be set up. We'll see if that will work or not.

**Mr Hope:** Why don't you read these questions into Hansard so they are on the record, while we're waiting

for the videotape to come on?

**Ms Langdon:** Okay. Our first question is in view of a number of things: the public commitment to inclusion by the last three ministers of Education; their persistent promises to take the first steps towards inclusion by September 1993; the fact that Bill 4 is the first piece of legislation dealing with education in over 10 years; the fact that an amendment to the Education Act to provide for inclusion was drafted by ARCH, which many of you know is the Advocacy Resource Centre for the Handicapped, and given to the ministry in January 1991; the fact that there has been widespread public consultation on the proposed amendments to the special ed legislation—do you remember that back in 1986, a while ago?—and the fact that we've had the consultation paper on the integration of exceptional students in 1992.

A policy memorandum on integration is now under consideration, and there was a meeting of the stakeholder groups to discuss it in May 1993. We did have the intervention of the Attorney General to support Alixe Hysert's right to inclusion, in March 1991, and that resulted in a school board changing its approach to inclusive education. We also had an announcement on Saturday from the director of the special education branch. The ministry has finally concluded that integration does not cost more than segregation. Also, the ministry has done a survey of all the provinces and territories in Canada and has found that integration is the preferred mode of service delivery in every single province and territory, which was really interesting to hear from our very own ministry.

In the light of all those things, we're asking now why Bill 4 is so limited in its scope. Why is this government dragging out the process instead of streamlining it? Why does Bill 4 not include provisions to entitle all students to quality education in regular classes in their home schools, with appropriate supports to ensure a successful school experience? We think it should.

The second question is, when is this government going to bring its education policies into line with its Human Rights Code?

The third question is, when is this government going to bring its education policies into line with the policies of its Ministry of Community and Social Services? We have deinstitutionalization in community living and we think those things must be accompanied by acceptance in regular classrooms.

The fourth question is, what provisions is this government taking to ensure that resources are allocated on the basis of student need, not on the basis of student label?

Our fifth question is, when is the policy memorandum that everyone is talking about on integration going to be approved and circulated to schools? Will it guarantee that students will be entitled to attend their local neighbourhood schools? When we use that phrase,



we mean the school that a student would be able to attend if it were not for any other designation of exceptionality.

Accompanying that is question 6: When would the legislation be passed that would guarantee the entitlement of all students to quality education in their local neighbourhood schools, in regular classes with supports to ensure success?

Our seventh question is, will members of this committee recommend that the Attorney General redirect her lawyers to support Becky Till's right to inclusion? I think you're all familiar with the Becky Till situation. The standard answer is, "We can't discuss that because it's in the courts right now." I think you can ask it as a question of the Attorney General in question period. She may give you that answer, but then again, she may not. I think it's a question that has to be asked and we would certainly appreciate somebody asking it on our behalf, because we can't walk in there and do that; you can.

The eighth question is, what guidelines will accompany Bill 4 to ensure that school boards do not replace the "TR" label with any other label? What procedures will be enacted to ensure that students formerly labelled "TR" will continue to receive adequate resource support? Will this government ensure that students formerly labelled "TR" will be welcomed into their local neighbourhood schools and regular classes?

Our final question is, will guidelines be developed to accompany Bill 4, to guarantee that it will transfer full responsibility for students formerly served by the Metropolitan Toronto School Board to the local Metro boards? What provisions will be made to transfer resource support directly to those local school boards? In the light of that, our recommendation, just so that it's on the record, is:

We recommend that Bill 4 be amended to include the entitlement of all students to quality education in their local neighbourhood schools in regular, chronologically age-appropriate classes with sufficient supports to ensure a successful educational experience.

I think we're very much on the right track. It's just a question of moving ahead and getting there. We just have to move a little bit more and get there, tighten things up and make it happen.

**Ms Bailey:** We'd like to show you a very quick video, and I have to give a cue to broadcast this. Do we work it from here? Great.

[Video presentation]

**Ms Bailey:** We had planned to present the Chairperson of the committee with a collage of all the children here, but we understood that we weren't allowed to take pictures, so you're going to have to do without your present. But perhaps while we're here, we have a few minutes for questions, because I can see that

it's about two minutes to 6. If there's anything that you want to ask, we can follow up from there.

**Mr Hope:** Do you have the children here? Why don't you bring the children in so the television camera can be focused on the children?

**Ms Bailey:** They're in the audience, so I don't know if they particularly—

**Mr Hope:** If they want to walk up here, so that they can be a part of the television.

**Ms Langdon:** Sure. Would you like to come up?

**Mr Beer:** Mr Chair, there is a minute for a question. Can I just ask, because I think this is important that we understand—you have said that you want the "hard to serve" designation removed. We've had testimony from other individuals and groups earlier today who are saying, "Look, we believe that we need that for some perhaps more extreme or most extreme cases."

I just want to be clear, because I don't know that you and they are necessarily in opposition to one another. Can I just ask you to clarify that? Because if I've heard from the other groups today, it is, please don't remove that one element which can allow in probably limited cases, but none the less allow for a proper program that in their view can't be offered elsewhere.

If that were to continue, how would that affect what you're requesting? I don't necessarily see that they're in contradiction, but I just want to be very clear on that.

**Ms Langdon:** It might affect our kids and it might not. One of the things we've lived with for so many years is the fact that the onus of deciding what happens to our kids is always in somebody else's hands. We never get to make that decision. Somebody else gets to make that decision. We have an IPRC process, we have an appeal process, but I think you're quite familiar that those processes have always been stacked against parents.

One of the things that Louise and I and a number of other parents have always had to live with is fear that somebody somewhere is going to make a decision about the severity of our children and say, "No, no, no, they can't come here." That's a very real fear, because it has happened to a number of kids.

1800

There are very few children that we know of who have Down's syndrome or who have other kinds of developmental disabilities who are in really good inclusive situations. So when we've, in the past, looked at something like "hard to serve," I understand that these other parents are saying they need it for their particular kids. We've seen it as a way that somebody might try to keep our kids out and a way that somebody might try to exclude our kids. That is very scary for us, because we are so used to people trying to exclude our kids that when we see the government saying, "Let's get rid of it," we say, "Great idea; we'll support that." That

is an easy one for us.

**Ms Bailey:** We support it on principle, because we see it as a threat.

**Mrs Cunningham:** Just a statement to support Mr Beer. Would it be fair to say that some of the parents who are asking for this clause really want their children to be dealt with in individual ways, at least for part of the day, whereas you are looking for inclusion for your students—more so, integration of your students?

**Ms Langdon:** I can't speak on behalf of the other parents. I don't know what they're after.

**Mrs Cunningham:** I think that might be it.

**Mr Beer:** I think this is just an important point, because I think what the other parents were saying today was that they saw that as providing something that otherwise wouldn't be there. I suspect if we had them back at the table, they would be saying, "Hey, we don't want you to be excluded." Perhaps one of the things as a committee we need to struggle with is how we can assist both of those possibilities. I appreciate the points that you make in clarifying how you came to that.

**Mrs Cunningham:** I'm glad Mr Beer and the representatives had that opportunity to put those statements on the record. I think what we're finding out here during this discussion is that what we really ought to be doing—I know we probably should have done it a long time ago—is taking a look at how the special education advisory committees are working and whether we can make recommendations for improvement from board to board and throughout the province. Also, when we are looking at the IPRCs, let's take a look at how they are working. We are long overdue for that kind of a study.

One of the things that I think should be happening is we should take a look at where we have systems that are working in this province. School boards do a very good job, and we should be taking a look at that. I can say, as a parent whose child has been special and who has had to see him through many years of individual placements, that I was asked, maybe because of my own personality and the fact that I've been privileged to be involved as a school board trustee when my children were very young. Sometimes you gain in confidence. You also have the opportunity to travel this province and learn how other parents have dealt with things. You've been around for some 10 years and I've been around longer, a lot longer.

**Ms Langdon:** We could discuss that further, I'm sure.

**Mrs Cunningham:** I can see yourselves and the exceptional contributions that your young people have made to all of us today. Clapping isn't on Hansard, but we would all like it to be entered.

I was a part of the committee, because I demanded, for whatever inner strength I had—because that's what

it takes—to be part of it, and over a period of time the educators were not as defensive about it. Therefore, I was asked what I thought should happen. But I also sat on the committee before my child was injured and became special, when I did what I was told and watched the education community always make the recommendations with very little input from parents. Until it happened to me, I wasn't able to be part of it. I just couldn't. Even then, it took me many years to be able to speak on behalf of my own child. I'm just saying that I'm so glad that you're here speaking on behalf of the special kids that you represent and their families.

**Ms Bailey:** I'd just like to make the comment, if I could have a few seconds—I'm mindful of the bells—that when you talk about looking at SEACs and IPRCs, we couldn't agree with you more. However, I think that the way those committees operate depends very much on the overall framework of how we view children. Once we are looking at a framework where everyone is integrated, then I think their functions flow very differently. So I think first we need to look at that global issue and meeting the right, the entitlement, to integration in the regular classroom in neighbourhood schools, and then everything else flows very nicely from there, and with parental input, because I think we look at parental input differently when we look to educate and include children and value them, because then we value the input their parents bring with them.

**Mrs Cunningham:** You mean integrated as far as possible? Some of the parents who came here today for a period of time asked that their children have individual programs because of their behaviour programs—

**Ms Bailey:** Our position, yes; but our position for our group of children is total integration.

**Mrs Cunningham:** And that's why I think that Mr Beer asked the question, because there are different needs.

**Ms Bailey:** Yes.

**Ms Langdon:** I don't think the question of inclusion precludes individual programs.

**Mrs Cunningham:** No, I agree.

**Ms Langdon:** We're talking about modified programs for a number of children.

**The Chair:** There are two people talking at once, I'm sorry. You must slow down. Did you want to finish up?

**Ms Langdon:** No, I think the point—

**Mrs Cunningham:** It is important to get that on the record.

**The Chair:** Mr Martin, and then we must go, I understand.

*Interjection.*

**The Chair:** We're using it to good advantage.

**Mr Martin:** If I might just say that it is certainly the

intention of the ministry to try to make the publicly funded school systems in Ontario the best that they could possibly be and to change it such that they will in fact be able to offer the kinds of services that are needed by students to students in their home communities and in their home schools, if that's possible. This piece of legislation is an attempt to pave the way somewhat because there is a bigger piece coming under the guise of the integration memorandum that you've been referring to, that this will hopefully open some doors towards.

**The Chair:** Thank you. Did you wish to just respond quickly?

**Miss Lapell:** Just before we go, I just want to say I hope that you really have listened and heard what me and Andrea have to say today because we're not really talking about laws and rules; we're talking about real feelings that we really have. So I really hope that you listened to that and take that into consideration.

**The Chair:** I want to assure you that we listened intently and it will be considered.

**Ms Langdon:** If I could just briefly respond to Mr Martin's comment, I appreciate the fact that you're speaking on behalf of the government and saying that

you're moving in that direction. One point I really have to make, though, is this one: When I hear the term "community school," I get very scared because one of the things that's beginning to happen is that people are saying, "Oh, we'll have a community school for the gifted and we'll have a community school for the learning disabled and we'll have a community school for people we used to call TR." That is not what we're talking about. The phrase "local neighbourhood school," a school the student would attend without the designation "exceptional," is key to the whole thing. It just won't work otherwise. We have too many directors of education and people who still don't want our kids, as Abigail well knows, that they will find loopholes in that and they will keep our kids out. So the phrasing in that policy memorandum is really, really critical.

**The Chair:** Thank you for your presentation, and I want to thank Andrea and Abigail for their presentations. They did extremely well. Thank you for coming before us. In view of a call to the House for a vote, the standing committee on social development on Bill 4, An Act to amend certain Acts relating to Education, stands adjourned.

The committee adjourned at 1808.