
EDUCATION AND DISABILITY:
HUMAN RIGHTS ISSUES
IN ONTARIO'S EDUCATION SYSTEM

A Presentation

To

Ontario Human Rights Commission

By

Ontario Coalition for Inclusive Education

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Introductions:

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Thank you Mr. Norton, for the opportunity to present you with our concerns regarding accessible education for persons with disabilities. We have not arrived lightly at our conclusions about the struggles, the challenges, and the agendas present in the public education system. Our conclusions are based on our collective experiences and our diverse expertise. We have been fuelled by the motivation, passion and lived experiences of those who have been marginalized by the segregated special education system.

The Ontario Coalition for Inclusive Education is comprised of 11 provincial and local organizations that are like-minded in their beliefs about inclusive education. We represent thousands of students and their families who advocate for a quality inclusive education.

The Coalition defines inclusive education as: "All students learning better together in a regular class in the neighbourhood school with support to participate in and contribute to the life of the school." We concur with the Commission that all persons need to be recognized as members of their community where they "contribute fully to the development and well-being of the community and the Province".

We remind you of the history of segregated special education to put into perspective the present status of education for those students specifically labeled with developmental disabilities – to understand that segregation is an ideological choice, not an educational choice.

Segregated classes in Ontario - originally called "auxiliary classes" - for those who were then called "the feeble-minded" and are now called "children with developmental disabilities" were established in Ontario in 1913 as a public health measure, following organized pressure from eugenicists. Their purpose was to "preserve the purity of the white race" and its "gene pool" by segregating these children from "normal" ones.

According to 1998 figures from the Ministry of Education, over 75% of students with developmental disabilities are in segregated classes -- or "special education classes". Segregation is not an acceptable "accommodation", segregation indicates that accommodation is lacking.

Ontario continues the exclusionary policies and practices it began almost a century ago. The language may have changed somewhat, along with the justifications used, but the fundamental policy direction and the assumptions behind it have remained remarkably consistent.

We need to remember the past.

My name is Patrick Worth and I have the lived experience of being discriminated by the education system where my needs were not accommodated.

When my parents were told that I would not learn like my brothers and sisters, at the advice of the 'experts', they sent me to a special school for students who had been labeled as slow learners or mentally retarded. Because my teacher only knew me by my label, she decided that I couldn't learn. But I wanted to learn like my brothers and sisters and all the other kids who lived on my street. Not only was I not allowed to, but also I had to get on a bus every day and leave my neighbourhood to go to a school that was for 'kids like me'. I knew that I didn't 'belong'. The kids on my street didn't want to play with someone who didn't belong in the neighbourhood school. I was very lonely.

One day when I was very frustrated because I was not being taught how to read, I challenged my teacher, "is it that I can't learn, or is it that you can't teach?" I was punished for that, of course.

My teachers knew all about assessments, disabilities, labels and segregation. But they very clearly did not know anything about how to teach students who learned differently – they kept us busy with life skills. Like all other students, I needed a teacher who could teach a more important life skill - literacy. My teacher chose not to learn how to teach me to read. When I was in my 30's I did learn to read at Frontier College. The people there took the time and the interest to teach me to read and to believe that I had the potential to be successful at other things. I am not the only person with a disability who had to wait until I was an adult before I could learn to read, before someone would take the time to teach me. I know that many of my friends from People First of Ontario shared the same experiences that I had.

My story is more than 30 years old. But, my story is still happening all across Ontario. The education system has not learned from past experiences. School boards spend lots of money on people who are seen as the experts, to hold big meetings called IPRC's so that they can identify students with labels, and then place them in special education classrooms, or schools. They talk about what the student can't do, and then they give teachers the opportunity to decide whether or not they want to teach students like myself. Teachers can still say NO when asked. They can still refuse to accommodate a student who learns differently.

The Intensive Support Amount special education funding formula is the worst way of saying what kids cannot do, of finding their problems, of giving teachers and schools excuses, and of guaranteeing students don't learn.

I didn't have special needs. I had educational needs. I don't like the word 'special'. I think it is a problem. It is a problem to have to two separate education systems – special and regular. There is nothing special about sorting

kids out according to their disability. Doing that does not help teachers teach us better. It certainly did not help my adult literacy teachers.

Now, I get paid to teach new teachers. As a consultant with the Coalition, schools have asked me for my expertise on what students with disabilities need in order to be successful at school.

People First members say their goals are: real jobs, real pay, and real homes. To achieve these goals we need real education. We believe that inclusion is real education. We also say: "Label jars, not people."

I walk with a cane, now, and I am pleased that the Ontario Human Rights Commission has helped to remove physical barriers in our province. I am even happier when barriers are prevented altogether. This allows me to travel, work, and live better. We need a different type of barrier removed in the education system. Schools and school boards need to stop shutting doors on kid's learning. If the system is all about what they say it is – education - then educate and make sure that all kids are receiving an education. Kids should not have to wait until they are adults and finished school, to achieve their right to an education

I've often thought about what it would be like if I could start all over. I worry that it would not be any better. I wish that students in Ontario were as lucky as students in New Brunswick where they have no segregated placements. We need a system like that where everyone's energy can go into seeing students' strengths, aiming higher for their futures, and providing them the support they need to learn.

Nobody ever stopped to ask those of us who had been through the 'special' segregated system what we thought about it. For many of my colleagues at People First, they don't want to talk about what school was like for them. We have to stop blaming kids when they don't learn, and start making sure schools change.

We would like to see that change. Please insist on an education system that is accountable to all its students, including those of us who were labeled not worthy of teaching.

RECOMMENDATIONS:

- Please ensure that the Ministry of Education and school boards understand and eliminate the discriminatory practice of defining students in terms of disability labels – what Pat called the "can't do" language. Please review the law. Students should be able to resist disclosure of their disabilities, because this can increase stigmatization and block accommodations. Disability labels can set students up to fail, and they don't provide the information teachers really need.

- Please investigate the Ministry of Education's project to establish Program Standards. It is harmful to encourage accommodations for whole groups of students because they have been given the same exceptionality label. Our Education Act defines "special education program" – not in terms of groups of students - but as a plan respecting and supporting each individual student.
- Please take action to eliminate ISA – the Intensive Support Amount funding formula –, which has wasted resources and harmed students. It is a travesty that school boards keep demanding millions of dollars more by showing that thousands more of Ontario's children are failing, horribly. Any additional Ministry of Education funding should relate to the actual accommodations provided, based on the relevant learning characteristics of students.
- Too much energy and resources are wasted on Identification (assigning disrespectful labels) and Placement. IPRCs permit people without adequate knowledge to make life-defining decisions about an "exceptional" pupil by guessing how a school and a teacher may respond to his or her presence in a "regular class". Now, the student enters regular class only if, and as long as the teacher can be bothered. We urge you to stop this "grace and favour" approach and protect the rights of students.
- Please encourage research to compare outcomes and study effective alternatives to segregation. The Coalition knows certain schools, a few boards and whole provinces and states – where all planning focuses on helping students to be successful within the regular class – without more money, and no matter what the challenge.
- Please help others to understand that Individual Education Planning is the key to making enabling accommodations. Students learn in a variety of settings and through various activities, but we have seen that no student would ever be rejected entirely from an age-appropriate classroom, if supports were really designed and delivered to help the student, the teacher and the fellow students. The Ministry of Education's IEP Standards would help, if they stopped creating a false distinction between "modifications" and "accommodations" that is inconsistent with the Human Rights Code. Every effort must be made to modify both instructional methods and expectations, for each individual student.
- Educators cannot know what is needed, unless they truly consult with students and their parents, as Regulation 181, Section 7, requires. OHRC would hear fewer complaints, if the law was enforced and if schools really did encourage effective teamwork. Please examine what legal appeal provisions are needed to protect students' rights, when agreement about IEP accommodations is not reached.
- But better IEPs are merely a first step – like adding a ramp to an office building, to ensure someone can get to work. OHRC sets its sights higher: from retrofitting to universal building design; not just barrier removal, but barrier

prevention. Similarly, we need the OHRC to promote understanding about effective inclusive education - as the better way for all students and the future of our province. We can have standards along with accommodations. One size will never fit all. Curriculum can and must be designed to promote a variety of rates and styles of learning. EQAO testing has been used inappropriately to compare schools and to deny graduation. Students, who meet individualized educational expectations should receive credit for their learning, not be seen as failures relative to others.

- *For Better or For Worse* is a popular Canadian family cartoon series, in which the baby boomers' kids are growing up. Who knows? Daughter Elizabeth may become a better teacher because one of her own teachers used a wheelchair, and because her neighbour disclosed that he was gay. This week, her university assignment concerned "the skills of effective teaching" – all about "learning styles, multiple intelligences... evaluation techniques... (and) suggestions to establish a positive learning environment". In fact, Ontario teachers – like Liz - already do learn classroom strategies to avoid segregation and to promote better academic and social learning for all. That's not the problem. We hope this Consultation encourages the system change that is so seriously needed -just ask Patrick Worth.

Thank you