

The Sounds of Silence

Perspectives on the Education System's Response to Deaf and Hard of Hearing Children

June 2020



Office of the Child and Youth Advocate | Newfoundland and Labrador

Advocate's Message

I believe it is important for all children to be able to receive a quality education. This goes beyond my personal belief. It is contained in articles 23, 28 and 29 of the United Nations **Convention on the Rights of the Child**. With this in mind, I invited young people and families, professionals and other stakeholders with deaf and hard of hearing experiences in the education system to reach out to my office in confidence to share their experiences and ideas.



Education responses to deaf and hard of hearing children have received considerable public attention. My office has also been involved in individual advocacy work. Therefore I think it is an important issue to explore, and to share the perspectives of those who have direct knowledge and experience. For some, this has been the first time they have spoken or communicated on a systemic level.

In a provincial government news release on August 2, 2010 announcing the closure of the School for the Deaf, the commitment read “The school may be closed, however this does not mean a reduction in services for deaf and hard of hearing students in our province.” In this release, government offered the assurance to current and future deaf and hard of hearing students requiring supports by stating “...we will continue to provide all the necessary services and supports to them in the school system so that they can receive a quality education”. In all good conscience, I cannot give a passing grade on this commitment.

This report shines a light on this important children’s rights issue. As you read, I think it will broaden your understanding, and provide insights through the experiences of those directly involved. I believe this report offers a valuable contribution in advancing public policy for education services for deaf and hard of hearing children.

I offer my sincere thanks to those who have joined us in this conversation. Your determination and courage are important in working for positive change.

Sincerely,

A handwritten signature in blue ink that reads "Jacqueline Lake Kavanagh".

Jacqueline Lake Kavanagh
Child and Youth Advocate

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I. Introduction

Children and youth in Newfoundland and Labrador have a right to the best possible education and school experience. There are no exceptions to this right. With this in mind, Newfoundland and Labrador's Child and Youth Advocate invited young people, their families, professionals, and stakeholders to reach out to discuss their experiences and ideas about education services to deaf and hard of hearing children and youth. The invitation welcomed video relay calls, and offered interpreting services for those requesting the service. This report will offer a summary of the themes and issues that arose in these conversations. Every effort has been made to ensure identifying details have been removed to provide privacy for those who participated.

Approximately 45 people from a broad range of perspectives accepted this invitation and participated in person, by phone, on conference call, through email, or in writing. We received representation from a small number of organizations and professional associations. It should be noted that stakeholders sometimes represent diverse views and perspectives. Most of the responses were critical of the current model of services. There is significant frustration. This sentiment crossed all groups of participants. However, we also heard some positive stories. These stories offer hope and promise for what the future could hold for deaf and hard of hearing children in the education system.

This report provides an opportunity to hear and learn directly from those who know this issue well. For some participants, this may be the first time they have spoken up or contributed to this type of process. For others, it is another opportunity for them to try to influence change in this area. There is untapped knowledge in the experiences of parents, professionals (including retired professionals) and very importantly: young people. These perspectives are important in developing a plan to make things better. We hope this is the beginning of meaningful inclusion of their views, and of the perspectives of other stakeholders who have not yet participated in these discussions.

2. Background

a. Children's Rights

This section will discuss children's rights, both domestically and internationally. A fundamental starting point for this discussion is the **Schools Act, 1997**, S.N.L., 1997 c. S-12.2. (the "Act"). This legislation provides children with an entitlement to education. The importance of this statutory entitlement is recognized by the fact that subject to certain exceptions, attendance at school is compulsory, and a parent who neglects or refuses to enroll his or her child in school, or does not make every reasonable effort to ensure that his or her child attends school, is guilty of an offence. Therefore, by its operation the Act attempts to ensure that a child's right to an education is protected and given meaning. A child's right to an education includes all children, including those who are hard of hearing or deaf. This statutory right must be kept at the forefront of any discussion regarding the province's provision of educational services.

Equality rights necessarily play an important role with respect to the provision of services to the hard of hearing or deaf community. Section 15 of the Canadian Charter of Rights and Freedoms reads as follows:

15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

The Supreme Court of Canada has also had the opportunity to address the provision of services to the deaf and hard of hearing community. In **Eldridge v. British Columbia** [1997] 3 S.C.R. 624 the Court analyzed the failure of hospitals to provide sign language services to deaf and hard of hearing patients. The court concluded that *"the failure of the Medical Services Commission and hospitals to provide sign language interpretation where it is necessary for effective communication constitutes a prima facie violation of s.15(1) rights of deaf persons. This failure denies them equal benefit of the law and discriminates against them in comparison with hearing persons."*

While an in-depth legal analysis of the case law is beyond the scope of this paper, the comments made by the Supreme Court of Canada in **Eldridge**, help to inform the debate and issues that government must consider in attempting to ensure the right of deaf and hard

of hearing children to an education is protected. The court recognized the disadvantaged experience by deaf people at paragraph 57:

*Deaf persons have not escaped this general predicament. Although many of them resist the notion that deafness is an impairment and identify themselves as members of a distinct community with its own language and culture, this does not justify their compelled exclusion from the opportunities and services designed for and otherwise available to the hearing population. For many hearing persons, the dominant perception of deafness is one of silence. This perception has perpetuated ignorance of the needs of deaf persons and has resulted in a society that is for the most part organized as though everyone can hear; see generally Oliver Sacks, *Seeing Voices: A Journey Into the World of the Deaf* (1989). Not surprisingly, therefore, the disadvantage experienced by deaf persons derives largely from barriers to communication with the hearing population.*

The Supreme Court of Canada also discussed that discrimination may accrue from a failure to take positive steps to ensure that disadvantaged groups benefit equally from services provided to the general public. At paragraph 78 the Court stated:

*The principle that discrimination can accrue from a failure to take positive steps to ensure that disadvantaged groups benefit equally from services offered to the general public is widely accepted in the human rights field. In *Re Saskatchewan Human Rights Commission and Canadian Odeon Theatres Ltd.* (1985), 1985 CanLII 183 (SK CA), 18 D.L.R. (4th) 93 (Sask. C.A.), leave to appeal refused, [1985] 1 S.C.R. vi, the court found that the failure of a theatre to provide a disabled person a choice of place from which to view a film comparable to that offered to the general public was discriminatory. Similarly, in *Howard v. University of British Columbia* (1993), 18 C.H.R.R. D/353, it was held that the university was obligated to provide a deaf student with a sign language interpreter for his classes. “[W]ithout interpreters”, the Human Rights Council held, at p. D/358, “the complainant did not have meaningful access to the service”. And in *Centre de la communauté sourde du Montréal métropolitain inc. v. Régie du logement*, 1996 CanLII 19 (QC TDP), [1996] R.J.Q. 1776, the Quebec Tribunal des droits de la personne determined that a rent review tribunal must accommodate a deaf litigant by providing sign language interpretation. Moreover, the principle underlying all of these cases was affirmed in *Haig*, supra, where a majority of this Court wrote, at p. 1041, that “a government may be required to take positive steps to ensure the equality of people or groups who come within the scope of s. 15”.*

International conventions also play an important role in examining this issue. The United Nations **Convention on the Rights of the Child** and the United Nations **Convention on the Rights of Persons with Disabilities** insists that children are individual human beings with their own rights. They need special protections to learn, grow, and develop with dignity. These Conventions provide standards about how children and youth are entitled to be treated. Young persons are not passive recipients of services. They are not subjects of charity. They are full citizens with full rights. The overlap in provisions in both Conventions speaks to the importance of children's rights in this context and discussion.

Every child in Canada has rights under the United Nations **Convention on the Rights of the Child**. There are no exceptions. Canada ratified this treaty in 1991 with letters of support from all provinces and territories. This means that governments should align policies, programs, services and legislation with the Convention. This special human rights convention for children is necessary because children are uniquely vulnerable and require special articulation and protection of their rights. The Convention has four guiding principles:

- i. Non-discrimination: all rights apply to all children without exception
- ii. Best interests of the child: this shall be the primary consideration in all actions concerning children
- iii. Life, survival, and development: this requires advancing the child's survival and development to the maximum extent possible
- iv. Participation: children's views should be included in all matters affecting them and given due weight, in consideration of their age and developmental level

Other specific articles in this Convention, and which are relevant to this discussion, speak to the right to a quality education, the right to special education and care when there is a disability, and the right to language and culture.

Canada ratified the United Nations **Convention on the Rights of Persons with Disabilities** in 2010 and this occurred after consultation with provinces, territories and the community. This Convention's purpose is to promote, protect, and ensure the human rights and freedoms of persons with disabilities, and to ensure respect for their dignity. Articles in the **Convention on the Rights of Persons with Disabilities** speak to the best interests of the child being the primary consideration for children, their right to be equal and free from discrimination, their right to express their views on matters affecting them in accordance with their age and

developmental level, and the right to a quality education including reasonable accommodations and individualized supports. The Convention also references the promotion and distribution of communications technologies and systems at an early stage. Article 24 specifically addresses the right to quality and inclusive education with supports and reasonable accommodations, and speaks to *facilitating the learning of sign language and promotion of the linguistic identity of the deaf community* (emphasis added).

b. Language

A child's brain is in an intense stage of learning in the early years. The brain is primed for language development from birth to age three to four, and this is a very sensitive period for this learning (Mayberry, et.al., 2011). An interruption in language acquisition can create significant gaps in the child's experience of the world, and in relationships with those around them. Language is an important part of overall cognitive development and is usually acquired through routine human interactions involving speech. Speech is often mistakenly considered to be the same as language. Speech requires spoken words and a listener to complete the communication. Language is a structure for communication and includes word order, vocabulary, and grammar. It can include spoken speech, but may also involve manual and visual components. Humphries, et. al. (2016) wrote that language development is independent of the way in which it is learned.

Children and youth have a right to participate in society and in decisions affecting them. A strong educational foundation is central to this participation and engagement. In order to be full participants in their education and to grow academically, emotionally, and socially, children first need language. It supports a child's ability to communicate, develop relationships, express and understand feelings, and develop critical thinking and problem-solving skills. For deaf and hard of hearing children, acquiring these language skills can be challenging and depends on the level of supports and services available.

c. This is Complex

This is a complex issue. There is no single response or approach that will meet the needs of all children who are deaf or hard of hearing. But let's be clear: These children can be successful at school, in post-secondary programs, and in their future careers. It must be understood that when a child is deaf or hard of hearing, this should not be seen to automatically reflect on their intellectual abilities. At the same time, some children who are deaf or hard of hearing experience this as one of several other physical, neurological, and/or cognitive challenges or disabilities. It is important to understand that children's situations and needs are different, and their successes will therefore need to be described and supported along a continuum.

d. Brief Definitions

Before proceeding further, it is important to understand some basic terminology about technology, equipment, and language that will be referenced in this report:

i. Cochlear Implants

A cochlear implant is a medical device used when there is significant hearing loss. Unlike a traditional hearing aid which makes sounds louder, the cochlear implant provides a sense of modified hearing by directly stimulating the auditory nerve. An implant is placed in the inner ear through a surgical procedure, and a sound processor is worn (often behind the ear like a hearing aid).

ii. FM System

Personal frequency modulation (FM) systems send signals to a hearing receiver. The speaker must use a microphone and the individual student picks up the messages through a receiver. The receiver is individualized equipment and the student must carry this equipment. It makes speech sound clearer and reduces background noise, however sounds beyond those provided directly through the microphone are not amplified.

iii. Sound Field System

A sound field system is an amplification system that provides an even spread of sound around a classroom for all students. The hard of hearing child is not required to wear any type of receiver. The equipment typically involves a teacher's microphone, an amplifier, and speakers.

This system is more inclusive than the FM system, but is not typically portable between classrooms.

iv. ASL

American Sign Language (ASL) dates back to the 1800's and possibly earlier. It involves a visual language system of hand movements and gestures which are accompanied by facial expressions and body movements to give meaning. ASL has its own linguistic properties, structure, vocabulary and grammar. Many ASL users (as well users of other systems of sign languages) face stigma because of a belief in the superiority of oral language.

3. Participant Feedback

This section summarizes participant feedback and is organized thematically. All of the conversations on this topic have been important to us and helped us better understand the issues from those who know them well. However it has not been practical to reflect every comment we heard. Additionally, we have been very sensitive to our commitment to confidentiality. Therefore, while some detailed feedback has not been reflected as it would clearly identify the respondent, children and youth, or others, it helped inform our understanding and conclusions.

a. Social and Emotional Isolation

We heard that one of the most devastating impacts for deaf and hard of hearing children and youth is social and emotional isolation. Children develop, grow, and learn through relationships and connections in their world. Children and youth become isolated when they do not share language with their peers and adults in their lives. One contributor said “For kids who are deaf, they can be in a room filled with people but still be alone.” The input we received indicated that recess and lunch time can be particularly lonely for a child or youth who is deaf. They are often excluded, or are unaware of plans being made through spoken conversations. One respondent told us their child often missed extracurricular activities and other opportunities because their child could not hear the morning announcements and they were not posted on the school's website regularly. Others told us how children miss the subtleties of spoken communication such as volume and tone, jokes, irony, and idle chitchat, which can be so important in a child's

social experience with friends and classmates. The lack of interaction is a significant barrier to routine discussions and learning at school, both inside and outside the classroom.

While we heard no consensus about government's decision to close the Newfoundland School for the Deaf, there was a strong message and belief among many that this specialized environment created opportunities for social connections and inclusion, daily education which was communicated in a way that met student needs, and offered valuable experiences with deaf role models.

We had many discussions about children's need for social connections and the importance of having a sense of belonging. Many participants spoke about deaf and hard of hearing children and youth needing opportunities to regularly meet with others with shared experiences. They said this would send a clear message that a deaf or hard of hearing child is not alone. Participants told us that parents need to be encouraged to take advantage of these opportunities for their children and to also be given the education and knowledge to better support their children. Provincial conferences, camps, and planned outings would help show children and youth who are deaf that they are part of a vibrant community and culture.

b. Early Intervention

Early detection of hearing loss is a key component to ensuring appropriate services are in place. We know that it is critically important to communicate with a baby to build a sense of safety and security for the child, and to support the development of language in infancy, as happens with hearing children. The Canadian Infant Hearing Task Force (2019) reports that while Newfoundland and Labrador has some early detection and intervention mechanisms in place, they are not province-wide.

The Newfoundland and Labrador Association for the Deaf (2020) reports that 90% of deaf children are born to hearing parents. For these parents, a diagnosis of deafness places them in a world where they have no existing knowledge about what to do first, no understanding of who needs to be involved, and no awareness of their options and key decision points. Many talked about being on scary and unfamiliar ground. They told us that it is important to have full information and supports as early as possible. Many specifically referenced learning ASL themselves in order to better support and communicate with their child. Many contributors

shared frustration with the lack of support for children and families to learn ASL.

Some families told us that their children were diagnosed early and they were very pleased with the Janeway children's hospital's response to organize and coordinate services and to provide thorough information to parents. Others told us of a delayed diagnosis and feeling like they had missed valuable time communicating with their child to build language as well as a sense of comfort and security for their child. However we heard less satisfaction with the education system when it was time to prepare for school. They told us resources and coordination were lacking.

There is no established time frame for notifying the school system about a deaf or hard of hearing child requiring services. Some schools and teachers learned about a deaf child when preparing for school opening in September. Some children may come into the classroom with significant impediments to learning because their language and communication skills have been delayed. We clearly heard that improved planning is required to truly welcome a child to a school community so that schools and teachers can do the best job possible.

Professionals and parents advocated for a mandatory reporting and planning approach for each deaf and hard of hearing child. They envision a response so that as soon as a child is identified as deaf, a team of professionals would be engaged with the child, and also help parents navigate the system. They said it would be important to have a multidisciplinary early intervention team with a coordinator or team lead. They talked of the value of involving deaf role models so parents and children can see from the outset that the future can hold opportunity, hope, and success.

c. Accessibility and Availability of Services

We heard many accounts of dissatisfaction with educational supports for deaf and hard of hearing children. There are inconsistencies in support services for school-aged children. We know that some children have a dedicated classroom teacher of the deaf. We heard other examples of a child receiving two hours of support a day from an Itinerant teacher and another example of one hour or less of classroom support every three days. Sometimes these supports can be interrupted if other needs arise in the school. We heard that student assistant hours can be inadequate and unpredictable depending on other needs in the school, or other schools.

In rural schools, we heard of Itinerant teachers being hundreds of miles away and providing services every five to six weeks. The services and supports which were described to us were inconsistent and inadequate. Many supports and instruction did not include communications in ASL. Some participants told us about their heart wrenching decision to send their children out of province in order to access appropriate education services.

Participants talked of the importance of early foundations to prepare children for school. For example, we heard of the futility of providing interpreters when a child begins school if the child has not already acquired a language with which to communicate. It is important to have a planned approach to support deaf and hard of hearing children, and it requires strong foundations on which to build and develop. It was therefore not surprising to hear participants tell us there needs to be pre-school programs and supports for deaf and hard of hearing children to foster their learning and language skills to better prepare them for school. This again focused on the critical nature of early language acquisition.

Parents and professionals in rural parts of the province identified significant barriers. They told us how a lack of availability of professional services as well as financial supports hinders learning opportunities for deaf and hard of hearing students in their schools and communities. Overall many who provided feedback spoke about the difficulty in accessing services and in a timely way to meet the developmental needs and stages of their child, however this was a heightened concern for those living in many rural parts of the province.

The need for more ASL teachers, Itinerant teachers, student assistants, and interpreters was a common theme. We repeatedly heard about periods of time when deaf and hard of hearing children had no direct educational supports, because they were unavailable, not approved, awaiting approval, or had to be reassigned to another classroom or school.

Many told us that there is no one set of services or educational protocols that will meet the needs of all deaf or hard of hearing children. For example, a child who has difficulties with manual dexterity and fine motor skills may be challenged with communicating in ASL. Some parents told us of the difficulty with getting their children to wear hearing devices. Others talked about challenges to get the appropriate equipment assigned in school, and the inability to access the equipment outside school hours or outside the school building. This meant constant transitions and interruptions in communications and learning for their children.

d. Barriers to Classroom Learning and Incidental Learning

We heard that most classrooms are not designed or resourced to support optimal learning when there are deaf and hard of hearing children. We heard frustration with the lack of human resources including teachers who are knowledgeable and able to teach a deaf or hard of hearing child, along with insufficient itinerant teachers for the deaf, and not enough student assistants. More often, children are expected to adapt to their classroom, versus the classroom accommodating to their needs.

We heard descriptions of very practical and concrete issues. With a hearing loss, children become visual learners. This is challenging with inadequate lighting, changes in lighting during the day, and blocked sightlines. A lip reader cannot follow classroom instruction when the teacher's or classmates' faces are not visible, such as when the teacher is working at the board or facing other students. Background noise can be a significant distraction. Echoes in gymnasiums can be very difficult to process. Accessibility and availability of equipment is inconsistent and is not portable between classrooms. Universal design, which would ensure facilities can meet the needs of all students, is lacking.

Significant learning in school occurs beyond the classroom curriculum. Young people learn from various forms of exchanges, interactions, peer mentoring, instruction, and extra-curricular activities. They learn informally through conversations with peers and teachers. Communication is how children learn about their world, about others' feelings and viewpoints, and helps them perceive and understand social cues. We heard that deaf and hard of hearing students typically do not have access to sufficient support to allow them to engage fully in daily interactions. Many participants told us that it is rare for students to have classroom teachers and student assistants who know ASL, and even less likely for classmates to know and use ASL in the mainstream classroom setting.

e. Technology

i. Cochlear Implants

We heard that cochlear implants are commonly recommended to parents once their child is identified as deaf. They said this is a family decision that must be made after they are provided with thorough information. We received a strong message that children with cochlear implants should be exposed to sign language. Using both cochlear implants and sign language helps parents, caregivers, and professionals to maintain their focus on a child's language development, not just speech development. The National Institutes of Health (2014) reported that exposing deaf children to sign language at a very early age is an important way of ensuring healthy formation of the language faculty part of the brain.

Cochlear implants work better for some children and youth than others. We learned of some young persons who required repeated surgeries because the devices failed to work properly. Other parents told us their child refused to wear the device. "By the time it is clear that the deaf child is not acquiring spoken language with cochlear devices, it might already be past the critical period, and the child runs the risk of becoming linguistically deprived" (Harm Reduction Journal, 2012). It is important to remember that cochlear implants do not cure deafness. When the device is turned off or does not work, the child does not hear.

ii. Assistive Technologies

Assistive technology has come a long way. Personal FM systems and sound field systems can support children's learning and involvement in daycare or school, but they are not without limitations and challenges. Depending on their particular needs, some children may find technology overwhelming and overstimulating. Once again we heard that there is no single solution that will fit all students.

Some students felt more comfortable with the personal FM system because it could move with them. Other students did not like it because they had to carry around the equipment with them. One student specifically said it was a source of embarrassment. Another student was regularly frustrated because the system picked up feedback from a building near the school. Some young people felt that the personal FM system is far less effective than having a sound field system in every class. The sound field system amplifies all classroom sounds. While the FM

system allows the student to hear the teacher better, other discussions in the classroom and communications with classmates are lost. As a result, relationships with peers as well as other classroom discussions are negatively impacted.

We heard that equipment and technology usage is often dependent on a teacher or other professional champion in the school who understands it, promotes it, and ensures it is adjusted and working properly for the child. In this regard, participants told us that training, attitudes, and motivation of school personnel and leadership are extremely important.

Professionals and parents were clearly frustrated that assistive technology devices are assigned to daycares or schools rather than families. We heard that pre-school children cannot access the personal FM system unless they attend a licensed daycare and that the equipment is only available while the child is in the actual daycare facility. This is a real barrier for children at a critical time in their language development. This is particularly concerning for children who live in communities where there are no licensed daycare centres. Some parents told us when they requested access to the equipment outside the school or daycare, they were told the technology was complicated or could get broken and they were therefore denied.

Parents of K-12 children and youth also shared their concerns about the lack of access to needed technology for their children's activities outside school, or during school holidays and summer breaks. They said their children need language support beyond the school building and school calendar. A child without appropriate communication tools could easily lose ground in their language acquisition, and experience gaps in their communications skills.

f. Safety

There are safety concerns for deaf and hard of hearing children due to their unique vulnerabilities. Evacuation plans, and safety and emergency preparedness for all students is vitally important. Parents and professionals expressed concern when appropriate equipment to support deaf and hard of hearing children is not available throughout the school. If a child is not in their classroom when an alarm sounds or when a lockdown procedure is initiated, the child could be completely unaware of what is happening and unable to make an appropriate and safe response.

We also know that without appropriate language skills, children are particularly vulnerable because of their inability to describe or report abuse or maltreatment. Under the best of circumstances, it is very difficult for children to make such disclosures. Without language skills, the child is at a significant disadvantage. If we tell children to let an adult know when someone makes them uncomfortable, acts inappropriately, or hurts them, then we must ensure they have the language skills to do this.

g. Professional Development

We heard that there are limited opportunities for teacher education and professional development for those wishing to work with deaf and hard of hearing students. There appear to be fewer advanced educational opportunities for either students in university settings, or for practicing teachers. We heard there used to be opportunities for such learning in Newfoundland and Labrador, however they are no longer consistently or routinely available. This needs to be addressed before the education system can offer a stronger response for deaf and hard of hearing students in the future.

h. APSEA

The Atlantic Provinces Special Education Authority (APSEA) is an Atlantic agency established to provide programs and opportunities for blind and visually impaired, and deaf and hard of hearing young persons from birth to 21 years. It focuses on supporting families and public school systems with educational opportunities for these children. The Deputy Minister of Education from each Atlantic Province sits on APSEA's Board of Directors.

Participants frequently spoke of missed opportunities with the lack of APSEA resources in Newfoundland and Labrador. APSEA's 2017-18 and 2018-19 Annual Reports showed that it provided no services to deaf and hard of hearing children in Newfoundland and Labrador in either preschool or school age groups. In comparison, in 2017-18 APSEA served 613 deaf and hard of hearing children in Nova Scotia and 312 children in New Brunswick. In 2018-19, APSEA served 649 deaf and hard of hearing children in Nova Scotia and 309 children in New Brunswick. This indeed appears to be a significant missed opportunity for deaf and hard of hearing children in Newfoundland and Labrador.

i. Awareness and Education

Participants told us there needs to be a better public understanding and greater sensitivity of what it means to be deaf. Deafness is a communication barrier. Deaf and hard of hearing children require supports and assistance. Participants told us it is important to send a very public message that children and youth who are deaf can be very capable and successful. They want to challenge stereotypes. They said children and youth may receive a message that they are broken and may then internalize this. The child or youth may stop believing in themselves and begin to feel helpless or hopeless. One contributor said “I wasn’t broken; the system I was educated in was.”

j. Advocacy Efforts

Parents and professionals told us of their many advocacy efforts for deaf and hard of hearing children. Much of their energy focuses on individual children. However several people spoke of their efforts to influence systemic change both within and outside the education system. They shared frustration with “having to fight year after year” for children to get the necessary accommodations and/or for the accommodations to be in place for every subject. Some told us about ongoing advocacy efforts to secure classroom teachers and student assistants who use ASL. Other accommodations and supports they are seeking include regular access to class notes, classroom noise reduction strategies, a quiet room for testing, and improved access to assistive technology. Some participants were very frank with us and said this unending need to advocate for their child or student has exhausted them.

With regards to joint planning, parents reported being invited to the table but often did not perceive having meaningful involvement in the decision making process. We agree with participants that program decisions and interventions for deaf and hard of hearing students should be made as a team.

Several participants shared concerns about prospects for post-secondary education. They said teachers and guidance counsellors need to be aware of post-secondary options and supports for students who are deaf or hard of hearing. We heard about a lack of information and financial supports to transition high school students to post-secondary. One parent told us that lack of support for this major transition can be a reason why some young people who

are deaf and hard of hearing may abandon their dreams of a post-secondary education and related future career plans. Students and parents need to be fully supported in the transition to post-secondary with as few disruptions as possible, and helped to deal with new challenges that may arise.

k. Complaints

There are mechanisms to appeal decisions made for or about students in the educational system. Under the **Schools Act, 1997** school decisions can be challenged by writing to appeal a decision. There are timeline requirements. Decisions of the Executive Committee of the Board regarding student appeals are final. This is a formal process, and some participants believed such an appeal would not necessarily bring about a change in the decision.

Parents and young people have the option of seeking independent advocacy services from or making a complaint to the Office of the Child and Youth Advocate. Their concern/complaint can also be referred to the provincial Human Rights Commission. The Human Rights Commission's hearing is fair by design. However multiple concerns have been expressed that government departments and agencies have an unfair advantage in that they have unlimited access to lawyers to defend their position. There is no dedicated children's legal services program in Newfoundland and Labrador.

4. Hope

And now for the good news: Quality deaf education is possible with appropriate supports, resources and motivated leadership. This section captures some of the reasons why we believe there is hope that things can be better for deaf and hard of hearing children, and to demonstrate that this change is already happening in some schools.

We are aware of a small number of schools that have actively embraced ASL and that promote teacher and student learning and communication in ASL. We have seen this in action and have been offered a "crash course" in ASL by enthusiastic students in one school we visited. We have seen a school choir performance which included students signing in ASL. We have seen deaf as well as hearing students communicating in ASL in school corridors. We learned of a

school that teaches basic sign language to visitors. We have seen how informal ASL instruction has been embraced in some schools as a way to bridge the communication gap and foster inclusion. We know that some school announcements are visual as well as verbal. We learned of sporting events where a flashing light accompanies a whistle in team sports. These are all important ways to send concrete messages to all students and school communities about the importance of including everyone.

We met and learned of dedicated (and relentless) professionals and parents who work hard to make sure interventions and services target student needs. We heard high praise for collaborative planning processes and how beneficial they are for a child, or group of children. We heard about dedicated Itinerant teachers who have particular expertise in this area and who help classroom teachers better understand and embrace technology in the classroom which benefits their students.

We received a clear message that many are keenly interested in contributing to future improvements in educational experiences for deaf and hard of hearing children. We know from this experience that there is no single voice advocating for children and youth in the deaf and hard of hearing community. It is therefore important to include a diversity of parents, professionals, community stakeholders and most importantly young people. It will be critically important to find ways to tap into this valuable knowledge so that changes can be responsive and informed. With so much work to be done, and valuable lessons yet to be learned, there are many roles to fill and share as advancements are made to benefit deaf and hard of hearing children in the educational system.

We know educational leaders play a key role in these successes. School leadership teams can create a form of magic in their school communities when they are determined to create a school climate of inclusion for deaf and hard of hearing students, and to normalize a variety of forms of communication and interactions in their schools. It is critical that they are supported and encouraged to continue their innovative and progressive approaches, so that deaf and hard of hearing children can have better experiences in the education system in Newfoundland and Labrador.

Final Thoughts

A meaningful systemic commitment and approach is needed to address the rights and needs of deaf and hard of hearing children in the Newfoundland and Labrador education system. Such an approach would support and enhance the valuable efforts currently underway in some schools, and would also create a requirement for all in the school system to embrace tangible change to better support the rights of deaf and hard of hearing children to a quality education. This will require leadership, resources, innovative thinking, and meaningful discussions with the diverse stakeholder community. This must necessarily include young people. Their engagement must be meaningful and must facilitate their participation. This is their right.

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