

Disability Rights for Individuals who are Deaf or Hard of Hearing

Disability Rights in Alberta

1. Alberta Human Rights Act

http://www.qp.alberta.ca/1266.cfm?page=A25P5.cfm&leg_type=Acts&isbncln=9780779744060

In Alberta, human rights are protected under the *Alberta Human Rights Act*. The Act protects from discrimination in **five areas**: employment, tenancy, goods and services, publications and notices, and membership in trade unions. The Act also protects on **thirteen grounds**. People cannot discriminate based on: race, colour, ancestry, place of origin, religious beliefs, gender, **physical disability**, mental disability, age, marital status, family status, source of income or sexual orientation.

A physical disability includes, but is not limited to, epilepsy; paralysis; amputation; lack of physical coordination; visual, hearing and speech impediments; and physical reliance on a guide dog, service dog, or wheelchair or other remedial appliance or device.

In Alberta, employers, landlords, tenants and service providers are expected to make reasonable efforts to accommodate individuals with disabilities unless it would cause undue hardship.

For example, it may be possible to make adjustments to a building (e.g., assistive technology) to accommodate people with disabilities. On the job, workloads may be rearranged so that duties that cannot be performed by an employee with a disability are handled by another worker.

For more information or to investigate a concern (through their confidential inquiry voice or TTY line), see the *Alberta Human Rights Commission* at <http://www.albertahumanrights.ab.ca/>.

2. Children First Act

<http://humanservices.alberta.ca/16594.html>

The *Children First Act* enhances legislation, tools, processes and policies to improve the security, education, health, safety and well-being of children and youth in Alberta.

The Act assists government, community partners and families in **breaking down barriers and encouraging collaboration to identify and meet the needs of children and youth**.

Highlights of the legislation include:

- The Government of Alberta is committed to supporting and creating opportunities for children.
- Appropriate **sharing of information** between individuals and organizations planning or providing programs and services for children is critical to ensuring successful outcomes for children and families.
- The well-being, safety, security, education and health of children are priorities for Albertans.
- Albertans recognize that children are the future of the province, and when every child has the opportunity to become a successful adult, society as a whole benefits.
- Programs and services for children are most effective when they are provided through a **collaborative and multi-disciplinary approach**.

- **Sound, evidence-based research** is critical in the design and development of effective actions to allow, encourage and support successful outcomes for children and families.
- A *Children's Charter* to ensure government policy puts children first:
 - That all children are to be treated with dignity and respect regardless of their circumstances;
 - That a child's familial, cultural, social, and religious heritage is to be recognized and respected;
 - That the **needs of children are a central focus** in the design and delivery of programs and services;
 - That prevention and **early intervention** are fundamental in addressing social challenges affecting children;
 - While reinforcing and without minimizing the primary responsibility of parents, guardians and families for their children; that individuals, families, communities and governments have a shared responsibility for the well-being, safety, security, education, and health of children.

3. Education Act

<http://www.education.alberta.ca/departement/policy/standards/sestandards.aspx>

Requirements contained in this document apply to grades 1-12 special education in public and separate school boards, including Francophone regional education authorities, but excluding charter schools.

In Alberta's Education Act, "Standards for Special Education" supports Alberta Learning's goal to have high quality learning opportunities that ensure the learning system meets the needs of all learners and society.

Special education refers to the education of students with mild, moderate, or severe disabilities and those who are gifted and talented. It is founded on the belief that all children can learn and reach their full potential given the

opportunity, effective teaching, and appropriate resources. Instruction, rather than setting, is the key to success. Decisions related to the placement of students are best made on an individual basis in a manner that maximizes their opportunity to participate fully in the schooling experience.

In Alberta, educating students with special education needs in inclusive settings is the **first placement option** to be considered by school boards in consultation with parents and, when appropriate, students. Inclusion, by definition, refers not merely to setting but to specially designed instruction and support for students with special education needs in regular classrooms and neighbourhood schools.

Rights and responsibilities related to special education are included in the School Act. **School boards are required to provide each resident and enrolled student with identified special education needs with access to a special education program. Parents have a right and responsibility to work with boards to ensure their children's special education needs are met, subject to limitations based on reasonableness in each circumstance. In every case, the best educational interest of the student is the paramount consideration for decision-making and programming.**

Standards for Special Education requires school boards to identify and deliver effective programming for students with special education needs in grades 1-12. It promotes consistent and enhanced quality of educational practice within our province, so that irrespective of location, students with special education needs can access appropriate programming and services. Alberta Learning acknowledges the importance of local autonomy, flexibility and choice in meeting the diverse learning needs of students.

The Act outlines the requirements for school boards regarding the delivery of education programming and services to students with special education needs in grades 1-12. These requirements are organized into the following four areas:

- **Access:** Students with special education needs are entitled to have access to an education program in accordance with the School Act. Students

with special education needs should receive adapted or modified programming that enables and improves learning.

- **Appropriateness:** Educational programming and services should be designed around the assessed needs of the student and are provided by qualified staff who are knowledgeable and skilled.
- **Accountability:** The obligation to answer for the execution of one's assigned responsibilities.
- **Appeals:** Timely, fair and open processes protect the rights of students and parents and address differences of opinion about the education of students with special education needs.

Standards for Special Education

Essential Components of Educational Programming for Students Who Are Deaf or Hard of Hearing is intended for classroom teachers, resource personnel, administrators and parents (accessed at the link below). It is one of a series of documents developed to facilitate programming for students in grades 1 to 12 who have special education needs.

https://education.alberta.ca/media/1477210/ecep_deaf_or_hard_of_hearing.pdf

The essential components of programming for students who are Deaf or Hard of Hearing are guided by the following principles:

- Programming is an active process that is based on the student's assessed abilities and needs and is continuously monitored and adjusted.
- Students who are Deaf or Hard of Hearing have a right to participate in Alberta Education's programs of study to the fullest extent possible.
- The essential components of educational programming overlap; they are processes that work together.
- Meaningful parent and family involvement is intrinsic to all of the essential components.

- Staff and students should have access to specialists and resources that support the educational program.

There are six components considered essential to the provision of a comprehensive program (listed below). However, the manner in which the components are implemented **may be affected by such practical considerations as availability of resources and needs of the particular student.**

1. Meaningful parent and family involvement.
2. Learning team.
3. Knowledgeable staff.
4. Individualized program plan (IPP).
5. Educational programming and services.
6. Planning for transition.

The services and supports identified under the umbrella of this essential component should be considered for each student, but not all are appropriate for every student. The learning team reviews and defines the supports and services appropriate for the student. Students may benefit from school-based, provincially-based and/or community-based supports, such as trained teachers of Deaf and Hard of Hearing, educational audiologists, sign language interpreters, speech-language pathologists, adult role models who are Deaf or Hard of Hearing, and others who can provide expertise in the areas identified.

Disability Rights in Canada

1. Canadian Human Rights Act

<http://laws-lois.justice.gc.ca/eng/acts/h-6/page-1.html#h-2>

The *Canadian Human Rights Act* prohibits discrimination against persons with disabilities.

The purpose of this Act is to extend the laws in Canada to the principle that all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to **have their needs accommodated**, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, **disability** or conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

2. Canadian Charter of Rights and Freedoms

<http://laws-lois.justice.gc.ca/eng/Const/page-15.html#h-39>

The *Equality Rights* section of the *Canadian Charter of Rights and Freedoms* guarantees people with disabilities equal benefit and protection before and under the law. "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."

Organizations Involved in Disability Rights

Alberta Association of the Deaf (AAD)

<http://www.aadnews.ca>

The primary purpose of the Alberta Association of the Deaf (AAD) is to promote equal rights for Deaf Albertans while endeavoring to improve the quality of life for Deaf people in general.

Canadian Association of the Deaf (CAD)

<http://www.cad.ca>

The Canadian Association of the Deaf (CAD) promotes and protects the rights, needs and concerns of Deaf people in Canada.

Canadian Hard of Hearing Association (CHHA)

<http://www.chha.ca/chha/>

The Canadian Hard of Hearing Association (CHHA) is respectful and fully accessible to people with hearing loss. CHHA provides information that helps and empowers people with hearing loss to take responsibility for their own communication success, and to identify and overcome communication barriers in all areas of their lives. There are local chapters located in cities across Canada, including Calgary and Edmonton.

Council of Canadians with Disabilities (CCD)

<http://www.ccdonline.ca/en/>

Council of Canadians with Disabilities (CCD) is a national organization of people with disabilities working for an accessible and inclusive Canada. As a cross-disability organization, CCD addresses issues facing people with all types of disabilities. CCD's members include both national and provincial organizations of people with disabilities.

Deaf and Hear Alberta

<http://deafandhearalberta.ca/>

Deaf and Hear Alberta (DHA) provides support and resources for the Deaf and Hard of Hearing while working towards a world free of communication barriers. DHA envisions a society where the hearing population understands, accepts and embraces the Deaf and Hard of Hearing and believe that communication is a basic human right.

VOICE for Hearing Impaired Children

<http://www.voicefordeafkids.com/>

VOICE is a parent-driven organization whose goal is to ensure that all children with hearing loss have their rights upheld. This includes access to services for developing their abilities to learn to hear, listen and speak. Their principal

objective is to provide hope and support to parents and inform that children who are Deaf or Hard of Hearing can learn to listen and speak.