



IN THE MATTER OF the *Education Act*, R.S.O. 1980, c.129;  
IN THE MATTER OF Ontario Regulation 554/81, Regulation made under the *Education Act*,  
AND IN THE MATTER OF the minor child born in 1976;

BETWEEN

O. AND O.

Appellants

- and -

THE WENTWORTH COUNTY BOARD OF EDUCATION

Respondent

Tribunal Members:

Tom H. Houghton  
Anne Keeton Wilson  
Grant R. MacDonald

Chairman  
Member  
Member

Appearing for the parties:

For the Appellants:

Marion E. Lane

For the Respondent:

Brenda J. Bowlby

The hearing was held in Hamilton on December 1, 3, 15, 16, and 17, 1986, and on February 10, 13, 17 and 19, and March 25, 30 and 31, 1987.

## Introduction

The appellants applied to the Ontario Special Education (English) Tribunal (hereinafter called the "Tribunal"), pursuant to section 36 of the *Education Act* (the "Act") in respect of the placement by The Wentworth County Board of Education (the "Board") of their child, as an exceptional pupil. The student is a profoundly deaf child of eleven years of age.

It was indicated to the Tribunal at the outset that, following a meeting of the Board's Identification, Placement and Review Committee ("I.P.R.C.") held in March, 1986, the appellants appeared before the Board in July, 1986, to discuss their disagreement over the proposed placement by the I.P.R.C. of the student for the following September. It was then realized that the action of the Board in hearing the parents was contrary to the procedures laid down in Ontario Regulation 554/81: Special Education Identification, Placement and Review Committees and Appeals. Subsection 4(1) of the Regulation provides for the parents who disagree with the placement to give written notice of appeal to the Board, and for the Board to appoint a Special Education Appeal Board. Because of the failure to follow the proper procedures, Ms. Lane, representing the appellants, and Ms. Bowlby, representing the respondent, indicated that agreement was reached to waive the Appeal Board step and to proceed to a hearing before a tribunal. The two parties then agreed, under subsection 36(3) of the Act, to request this Tribunal to hear and dispose of the appeal.

## Preliminary Objection

Before the hearing could proceed, Ms. Bowlby registered an objection by taking the position that the appellants' demand for a resource withdrawal teacher fluent in cued speech, goes beyond the scope of "placement" as referred to in O. Reg. 554/81, and therefore the Tribunal should refuse to hear the appeal.

Reference is made by Ms. Bowlby to several decisions made by special education tribunals, in support of her contention. She argues that, in D. v. The Muskoka Board of Education and B. v. The Board of Education for the City of North York, tribunals considered that issues of teacher qualifications, teaching strategies and methodologies were beyond their jurisdiction. She concludes, therefore, that the question of whether a resource withdrawal teacher must be fluent in cueing is a matter that should be left to the Board to determine.

In response, Ms. Lane states that the appellants chose cued speech for their child because, in their opinion, it had the greatest advantage for the child. The Board co-operated with them from the beginning of the student's schooling.

Ms. Lane contends that, just as a cueing interpreter [teacher's aide] is an essential support service to the student's placement, so a resource withdrawal teacher fluent in cued speech is an essential support service. She refers to several tribunal decisions and various excerpts from statutes to support her contention that placement must include a consideration of the special education programs and services that are provided. In referring to R. v. The York Region Board of Education she claims that when considering placement one must necessarily

look at programs and services, including support personnel and equipment.

### **Decision on Preliminary Objection**

In considering this objection, we are guided by the remarks of the Divisional Court of the Supreme Court of Ontario in D. In obiter, the Court quotes ss. 8(2) of the Act, which refers to the right of parents “to appeal the appropriateness of the special education placement”. It also refers to clause d of ss. 2(3) of O. Reg. 554/81, wherein the I.P.R.C. is charged with making determinations as to the identification of the needs of the pupil, and a recommendation in respect of the placement. The Court finds these two functions to be disjunctive, and states, “The language used is a far cry from the language which would, for example, require the I.P.R.C. to recommend a placement which fulfils the needs of the pupil. Such language would directly conjoin the two functions with each other, but such language is lacking in the regulations and in the Act.” The Court continues to suggest that, nevertheless, such things as the nature and content of the program and the services must be included in considering the appropriateness of the placement of a child.

We note, however, that clause b of ss. 10(1) of O. Reg. 554/81 charges the I.P.R.C. at review to consider “whether the placement of the pupil appears to meet the needs of the pupil”. Such wording does conjoin the functions of the I.P.R.C.

We conclude, therefore, that in making a determination as to placement, an I.P.R.C. must consider the nature and content of the program, and the services necessary for developing and implementing a special education program [paragraph 64 of ss. 1(1) of the Act] and that these should be considered as to their appropriateness in meeting the needs of the pupil.

Consequently, the Tribunal rules that the appeal is properly before us.

### **The Appellants’ Request**

Ms. Lane requests the Tribunal to order the Board to continue to provide to the student the existing placement, programs and services, including a teacher’s aide fluent in cued speech in the regular classrooms, a resource withdrawal teacher fluent in cued speech, and a speech pathologist, “until it is demonstrated that the student’s needs have significantly changed”.

### **The Respondent’s Reply**

Ms. Bowlby claims that the provision of a non-cueing resource withdrawal teacher, assisted by a teacher’s aide who is fluent in cueing, is an appropriate placement, and therefore the appeal should be dismissed.

## **The Appellants' Presentation**

### **O., the father**

The student's father testifies that the student suffers from a profound bilateral sensorineural hearing loss attributed to cytomegalo virus at birth. The student is enrolled in Grade 5 at Mount Hope Public School. The student wears special hearing aids and also has a supplementary F.M. hearing system while in school. Since Grade 1, the student has used a computer with special software which trains the student in the pronunciation of words. The student also has a closed-captioned decoding device for learning from educational television.

The father testifies that after considerable research of various communication forms, the family chose cued speech for the student at about 11 months of age. He claims that cued speech is a natural teacher and a natural speech therapist because it affords the child visual feedback of what the child has just said. He claims that when profoundly deaf persons are lip-reading they "get from 45 to 55 per cent" of what is communicated, but with cued speech, about 95 per cent.

In September 1981, the child was enrolled in Kindergarten at Tapleystown Public School. The father indicates that the Kindergarten teacher, Pat Baago, the resource withdrawal teacher, Mary Terry, the speech pathologist, Wendy Meyer, and other staff members attended a class at Chedoke-McMaster Hospitals to learn to cue. He also says that a cueing teacher's aide/interpreter, Sharon Taylor, was included in the program at the Kindergarten level. Mrs. Taylor is the child's aunt.

The father testifies that at a meeting on April 14, 1982, at Tapleystown School, there were concerns regarding the student's reading skills, speech and language therapy. The father states that the parents wanted a regular Grade-1 placement with a support base, requiring "a whole host of programs and services . . . and facilities and the like." He understood that regular Grade-1 support included a cueing teacher's aide, and a cueing resource withdrawal teacher.

The father refers to the recommendations in the report of an I.P.R.C. meeting of May 20, 1982 that the student receive speech and language therapy, continued use of cued speech, and a small group setting for math and language arts in a program to parallel as much as possible the Grade-1 program. The father notes that Wendy Meyer was to co-ordinate the ongoing speech and language program and was asked to arrange training in cued speech for the Grade-1 teacher and other personnel.

At the I.P.R.C. meeting of April 4, 1984, the father understood that the student would continue in the present placement throughout the Grade-3 year with the same programs and services. It was, however, the I.P.R.C. meeting on June 27, 1985, at the end of the Grade-3 year, which alarmed the appellants. The father believes that the staff of the school agreed that the student's placement should continue as in the past, but the Superintendent, Mr. Mills, introduced the idea of replacing the resource withdrawal teacher with one who could not cue.

Under cross-examination, however, the father admits that the parents were informed at a meeting with Mr. Mills a year earlier on June 7, 1984, that the Board would not guarantee the provision of a cueing resource withdrawal teacher in the future. The family undertook to appeal the I.P.R.C. determination of June 1985, but dropped the appeal following a serious car accident, and changes in staffing arrangements which permitted Mrs. Terry to continue to be the student's resource withdrawal teacher at Mount Hope School.

Then, at the I.P.R.C. meeting of March 3, 1986, the father contends that the Board was definitely "narrowing down, backing away from what they had previously supplied". He continues to believe, however, that the opinion of the staff at that I.P.R.C. meeting was that the student was to be supplied with a cueing resource withdrawal teacher and a cueing interpreter in class.

The father testifies that he presented a list of five recommendations to that meeting of the I.P.R.C., requesting:

- continuation of the basic special education program and services provided over the past five years;

- approximately the same ratio of regular class and cued resource withdrawal (75/25);

- a resource withdrawal teacher fluent in cueing;

- a cueing interpreter/teacher's aide in the regular class; and

- an increase in formal speech therapy.

The father asserts that the Board would not guarantee the continuation either of the cueing resource withdrawal teacher or indeed the cueing interpreter.

The father agrees with the I.P.R.C.'s identification of the student's needs which included an emphasis on oral speech, for speech articulation and pre- and post-teaching. He minimizes the I.P.R.C.'s concern for the student's social problems by indicating that the student's behaviour is simply that "of a normal ten year old".

In cross-examination he resists the claim that the student has serious problems in developing social skills. He states, "I accept the fact that the student has social problems and has always had some facets of social problems. I do not accept the fact that they are super-serious, major, grave concerns."

The father testifies that Board personnel discussed the option of a non-cueing resource withdrawal teacher instructing the cueing interpreter what to teach the student, to which the family objected. An alternative was for the cueing interpreter to work alongside the resource withdrawal teacher and interpret. The father contends that with a cueing interpreter in the regular classroom, the student fails now to get all the information. To extend this arrangement

to resource withdrawal would be wrong.

The father states that the Board's decision in July 1985, to uphold the placement of the student, was unacceptable because it indicated to him that the student would not be given the kind of placement he feels the student requires. The father is convinced that if the student did not have a resource withdrawal teacher fluent in cueing, the student would not have reached Grade 5. He argues that the first mandate of any teacher is to communicate, the second is to teach the subject.

The father emphasizes that parents have no right to ask the Board for a teacher specifically by name. What they are asking for is a resource withdrawal teacher who cues. He agrees that Mrs. Terry is the only teacher on the staff of the Board fluent in cueing. She started with the student at a simple language level and has increased the complexity during the years. It would take at least a year for a replacement teacher to become proficient. The father contends that the Board is in default in that after five years the Board has not undertaken to "supply themselves with a base" of fluently cueing resource withdrawal teachers.

Under cross-examination, the father admits that the parents had agreed to a special study of the student by Mary Lamont (at that time the Resource Services Consultant for the Ernest C. Drury School) as long as it was limited to social skills and suggestions. In reply evidence, he further testifies that, after some initial hesitation, his reaction to the Lamont reports was very good, and that he has great hopes that the recommendations will be implemented.

### **Mary E. Secord**

Mrs. Secord is a speech and language pathologist at Chedoke-McMaster Hospitals, Hamilton, working with pre-school children. Mrs. Secord testifies that she took a course in cued speech at Gallaudet College, under Dr. Orin Cornett in 1977, and has subsequently taught cued speech.

Mrs. Secord states, "Cued speech is a system whereby a deaf or hard of hearing person . . . can receive a complete phonetic representation of the language visually." She describes its use of hand shapes to identify the consonant sounds and hand positions to identify vowel sounds that look alike on the lips, thus permitting deaf children to learn in the same sequence as normal hearing children, i.e., learning to listen, then internalizing the language, using it verbally, and then learning to read.

She claims that there are three commonly used modes of communication for deaf people: the oral/aural method (best for deaf adults who already have a language base); total communication, which uses signing and talking at the same time; and, in her view, cued speech, a communication mode that stands alone.

In cross-examination, Mrs. Secord at first resists Ms. Bowlby's contention that Dr. Cornett started cued speech to assist young children to internalize language, but finally agrees with counsel that "the idea was to start with the young children and get the language internalized

at that point in time”.

Mrs. Secord testifies that she met the student when the student was first identified as having a hearing loss at nine months of age, and arranged for the appellants to investigate various forms of communication for the student. She confirms that the family rejected the oral/aural method “because the student was not showing any indication of using any of [the student’s] residual hearing, so that was scrapped early on”. She notes that had total communication been chosen, the parents would have to learn to sign and to keep ahead of the student whose main language would have been sign language. They would have to mix with people who sign and become good signers themselves.

Mrs. Secord contends that parents should be responsible for making the choice of a communication mode for their child. However, in clarification to the Tribunal, she admits that she was in a position to influence parents in the direction of cued speech, and that she tried to do so. The appellants subsequently learned to cue.

Mrs. Secord testifies that, to become proficient in cued speech, a person who practices continually and is adept at manipulating fingers, would take from two months to a year, practicing every day. She testifies that Mary Terry, Sharon Taylor and the appellants became so proficient at cueing that they could cue as fast as a person talks.

After reviewing the psychological report of Dr. Tuff dated January 15, 1986 (Exhibit 2, Tab 3), Mrs. Secord is of the opinion that the student presently needs cueing when learning, thus giving the student clear language input. She states that the student needs teaching in a quiet, non-distractible situation, using short, simple sentences with the speaker checking to make sure the student understands. Mrs. Secord contends that direct cueing should continue throughout the student’s education, arguing that the student should not be weaned from cued speech because [the student] needs clear communication through cued speech.

In response to the question of cueing in Ontario, Mrs. Secord knows of four children, in London, Ottawa and Sudbury, who had a cueing interpreter in the classroom. To her knowledge no other children in Ontario use cued speech during instruction.

Mrs. Secord testifies under cross-examination that she has not observed the student in either the classroom or the resource withdrawal class to see how that program is conducted; nor has she observed any interaction between the student and the cueing interpreter in the classroom.

### **Sharon Taylor**

Mrs. Taylor, a teacher’s aide and cueing interpreter for the student, was hired by the Board in 1981. She spends the whole day with the student, with the exception of recess, lunch hour and resource withdrawal time. She testifies that when the student is in resource withdrawal, Mrs. Terry [the resource withdrawal teacher] spends the entire time with the student while she supervises the other three to five pupils.

Mrs. Taylor says that when she is in the regular classroom, she interprets everything the teacher says, and responses of the class. The student participates in the questions and answers. She adds that one of the important things to understand is that when the student takes [the student's] eyes off her, to refer to the chalkboard or notebook while the teacher is talking, the student misses what is said. When the student does not get a concept the first time, Mrs. Taylor asks the classroom teacher to explain it again while she cues the explanation. If the student still fails to grasp the idea, the matter is referred to the resource withdrawal teacher.

Mrs. Taylor testifies that, at the end of Grade 3 [in 1984], Mr. Mills asked of her privately whether she would interpret to the student for a non-cueing teacher in the resource withdrawal class. She answered, "Why would you change something that is already working so well and has been successful?" She believes that, just as attempts to interpret difficult concepts to the student in the regular class have not been successful, a similar arrangement in resource withdrawal would not work.

It is Mrs. Taylor's contention that the resource withdrawal teacher should be fluent in cueing. She argues that if the resource withdrawal teacher were to use an interpreter when working with the student, "there couldn't be any other children in the classroom that require the resource teacher's help because she would be unavailable . . .". She claims that time would be lost while she interprets what the teacher says and then interprets the student's response, thus a one-on-one resource withdrawal teacher who cues would work much faster with the student. Under cross-examination, however, she admits that she does not know whether a resource withdrawal teacher, supported by a teacher for the hearing impaired, with a cueing interpreter, wouldn't be just as successful with the student.

Mrs. Taylor considers that the very important elements of the student's academic success to date are her role as an interpreter, the student's regular class placement, and a cueing resource withdrawal teacher.

### **Mary Terry**

Mrs. Terry has been the student's resource teacher since Kindergarten. She has a specialist certificate in special education from York University, and took a ten-day course in cued speech at Gallaudet College on her own initiative two years after she began to teach the student.

Mrs. Terry says that when the student started Kindergarten she and the Kindergarten teacher worked out a program to best meet the student's needs. As the Kindergarten teacher began readiness activities, the student had 20 to 30 minutes each day on a one-to-one basis with Mrs. Terry. At the end of the Kindergarten year, Mrs. Terry, the Kindergarten teacher, and Wendy Meyer [speech pathologist] decided that the student could cope with Grade 1 with the support of a withdrawal program with flexible content for about an hour to an hour and a half daily. In Grade 2, this arrangement continued, with the student withdrawn to Mrs. Terry's specific learning disabilities class on the suggestion of the principal. This placement continued

through Grade 3 although the resource withdrawal was reduced to 40 minutes a day.

Mrs. Terry testifies that the teacher's aide is in her classroom working with the other pupils when the student is there. She states that the classroom teacher and the interpreter decide with her what concepts should be pre-taught and post-taught, with the emphasis on post-teaching because "with the student, you can't tell what lessons will come across and what won't".

Mrs. Terry testifies that the student will continue to need extensive post-teaching of substantive concepts in the foreseeable future because, as the learning gets more difficult and more abstract, more attention will have to be paid to ensuring that the student receives and understands the concepts. As well, Mrs. Terry testifies that she assists the student with studying for exams, working on memorizing and taking tests in class. She maintains this will continue as the student gets older because the test-taking skills will change.

In cross-examination Mrs. Terry refuses to admit that she devoted her entire time to the student while the student was in the resource withdrawal class. However, she does admit that it had been suggested to her that she was spending too much time with the student.

Mrs. Terry claims that the student continues to have problems with sequencing and she is focusing her attention on that. She suggests that the gap is widening between the student and the student's classmates in terms of the student's capacity to sequence. Mrs. Terry also testifies that she spends a fair amount of time with the student breaking down class projects into manageable units. She argues that cued resource withdrawal is extremely important to the student's education because when she is cueing one-to-one she can: ascertain whether the student is getting the concept or blanks out; correct the student's grammatical work; and provide direct auditory input.

Mrs. Terry contends that a resource withdrawal teacher who does not cue would not have the same success because the student uses energy in trying to follow both the teacher and the interpreter, instead of focusing on missed concepts. She says that the current relationship with a cueing resource withdrawal teacher is an ideal situation for the student; without this, the time needed to teach the student advanced concepts will increase.

Mrs. Terry claims that the resource teacher for the hearing impaired wouldn't make much difference to the student because that teacher is not in the school on a regular basis, and since unable to cue, would not communicate with the student. This leads Mrs. Terry to conclude, "Without the cued resource, the student will not succeed. I feel that strongly about it."

Mrs. Terry testifies that she has concerns about the student's social development but argues that "you have to look at it in light of where the student has come". She says that while the student wants to be socially acceptable, [the student] does not know the proper social behaviour and must be taught each behaviour individually. In cross-examination Mrs. Terry admits that at the end of Grade 2 and early in Grade 3, the student had been socially isolated.

She permitted the student to stay in her room one recess per day and play computer games with another child in an effort to improve the student's social relationships. However, she rejected suggestions for a structured play situation to solve the student's social problems.

In cross-examination she admits that the student was so dependent on her and Mrs. Taylor that the student would turn to them to interpret to other teachers and to peers rather than trying to develop communication skills [for the student]. Mrs. Terry adds that the student's language has improved since that time. Now, if the student has a problem on the playground, the student can communicate direct to the teacher on duty. Mrs. Terry reluctantly agrees that the student cannot remain dependent on cueing since a limited number of people cue and other methods have to be developed. Mrs. Terry does not recall resisting suggestions by Wendy Meyer and Sudha Rao [a speech pathologist] to improve the student's articulation skills. Mrs. Terry agrees in cross-examination that a child must develop oral speech and residual hearing as much as possible. She also agrees that in the past she did not think it was so important, but now she understands its importance.

### **Lawrence Tuff**

Dr. Tuff is a psychologist specializing in child and adult neuropsychology at Chedoke-McMaster Hospitals. He describes an assessment of the student he conducted at the request of the Speech and Communication Department of Chedoke-McMaster, referred by their supervising physician because of "concerns that the student was having difficulties above and beyond those attributable to [the student's] hearing impairment".

Dr. Tuff testifies from the results and conclusions of his report that the student has average intelligence, and has excellent mechanical word decoding and spelling skills, but has significant difficulties in sequencing, attention and memory. In his report, Dr. Tuff notes, "While it is clear that the student has mastered single-word decoding, longer word strings become more taxing and the student's acquisition of syntactical rules [are] thus limited."

In cross-examination Dr. Tuff asserts that these concerns must be central to the strategies for the student's education. He agrees that the report would have been helpful to those planning for the student's education and that normally he would have shared it with the school, but the parents withheld their consent.

### **Stephen Springer**

Dr. Springer was called by the appellants for the purpose of giving reply evidence. He is a registered psychologist at the George Hall Centre. He has expertise in sign language but none in cueing.

The Tribunal notes Ms. Bowlby's objection that much of Dr. Springer's testimony was not called within the ambit of reply evidence, but was new evidence.

Dr. Springer testifies that being deaf is qualitatively different from being hearing; in many

ways deafness is a cultural issue. He concludes that one must provide a deaf child with supports that will assist the child in understanding and communicating, and that the student's dependency upon the cueing resource withdrawal teacher and interpreter is, in his opinion, important and necessary.

In cross-examination, Dr. Springer acknowledges that he has no first-hand knowledge of the situation in the school, is not aware of the school board's concerns about the student or its plans for the student, and is basing his testimony on meetings with the student, the family and Ms. Lane, and his reading of the Lamont reports.

## **The Respondent's Presentation**

### **W. Joseph Mills**

Mr. Mills, Superintendent of Program for the Board, explains that the Board does not offer a program in cueing, and makes no guarantee of a resource withdrawal teacher who cues. The Board is prepared to provide a teacher's aide/interpreter who cues, and a resource withdrawal teacher with a specialist certificate in special education to support the student in the regular class. Mr. Mills asserts that, if future resource withdrawal teachers learned cueing, they will do so on their own.

Mr. Mills describes the student's needs as including social skills and the use of oral speech. He states that his main concerns about the student are the student's dependency on the cueing resource withdrawal teacher and teacher's aide, and lack of opportunities for oral expression. He admits he introduced the concept of "weaning" the student from the cueing language base by noting that the student has to strengthen or build on [the student's] oral communication with the student's classmates and with different teachers as the student moves on to high school.

In connection with the placement proposed for the student by the I.P.R.C., Mr. Mills states that the Board would use existing resources: the speech pathologist; resource teacher for the hearing impaired; and "whatever is available within the community as recommended by the staff". He would not direct the resource teacher for the hearing impaired, Mrs. Shirley Chaisson, to work directly with the student, since she plans her own resource activities.

Mr. Mills considers that the student could continue to be successful academically with a non-cueing resource withdrawal teacher, together with the interpreter who would provide assistance and tutoring as directed by the teacher. He claims that the student would then have to start using the student's other communication skills with people on whom the student is not dependent.

Mr. Mills testifies that the Board takes the position that it is obliged to meet the student's needs within its available resources. The cost of replacing Mrs. Terry with a fluently cueing resource withdrawal teacher would entail as a minimum the full-time salaries of two teachers for one year, estimated at \$45,000 per teacher, since Mrs. Terry would have to be released

from a portion of her duties to train this new teacher. In cross-examination, Mr. Mills admits that he has not made plans to replace Mrs. Taylor [the cueing teacher's aide].

Mr. Mills states that the Board presently has no plans to hire an itinerant teacher of the hearing impaired to work directly with its deaf and hearing-impaired pupils.

Mr. Mills explains that the person who writes a pupil's program plan [I.P.P.], co-ordinates the school-level resources. The school team, i.e., the regular classroom teacher, the principal and others, is responsible for inviting Board-level resources into the school, such as the resource teacher for the hearing impaired and the speech pathologist. The teacher's aide would carry out assignments through the resource withdrawal teacher and the speech pathologist.

### **Wendy S. Meyer**

Ms. Meyer is a speech pathologist for the Board who worked with the student between 1982 and 1985. In her testimony, Ms. Meyer refers to the student's needs with respect to speech and language development. In the 1983-84 school year, the student steadily improved in the use of residual hearing. The student's articulation, pitch modulation and expressive language also steadily improved from simple sounds to the sentence level, but Ms. Meyer does not believe there was a great deal of "carry-through" into the student's program and day-to-day speech. Auditory training was to be carried out through the teacher's aide under Ms. Meyer's direction, but she does not know if this went very far.

Ms. Meyer states that Mary Terry [the resource withdrawal teacher] was skeptical about the use of auditory training. Ms. Meyer claims that Mrs. Terry told her that to do auditory training with a hearing-impaired child was "like taking crutches away from a disabled person". Ms. Meyer testifies that cueing will not make the student articulate. The student needs explicit instruction on how to make sounds. The student needs to practice the speech exercises, which vary from sounds in isolation to conversation, sentence construction and oral reading.

On the issue of program co-ordination, Ms. Meyer states that she was responsible for co-ordinating only the student's speech and language program, including additional training for the Grade-1 and -2 classroom teachers, preparing therapy materials and following through with the resource teacher.

### **Sudha Rao**

Ms. Rao, a speech-language pathologist for the Board, has worked with the student since September, 1985.

Ms. Rao lists several activities in her current sessions with the student; the spontaneous production of speech sounds by the student without any kind of hints (such as cueing), the development of lip reading skills, written language ability, and the use of residual hearing to detect supra-segmental patterns and articulation in speech sounds. Ms. Rao testifies that cueing removes the need for the student to develop these skills.

The amount of time in therapy is judged by Ms. Rao to be appropriate, but she claims that the exercises need to be carried over into the student's daily program. The student is capable of pacing out words when the student is using [the student's] best speech, but in conversations with Mrs. Terry "in the next breath the student will use the old pattern of speech where the student is dropping out consonants and not pacing".

Ms. Rao also works with the student on the social rules of communication. Initially the student would ignore others' comments and keep walking and would not establish eye contact.

Ms. Rao feels that the student needs a direct, structured approach. She agrees with Ms. Lane that this needs to be done by "someone who knows what they [sic] are talking about". However, the carry-over in daily conversations can be done in approximately five to 15 minutes by other people who monitor the student and give the student opportunities to practice.

### **Brenda Dufour**

In the 1985-86 school year, the student was enrolled in Mrs. Dufour's Grade-4 class.

Mrs. Dufour describes how she worked with the student. When Mrs. Dufour was teaching the class, Mrs. Taylor would interpret to the student. When working one-to-one with the student, the interpreter was not always needed, but would be available at Mrs. Dufour's request.

It is Mrs. Dufour's opinion that the student does not need to have a fluent cueing resource withdrawal teacher. In the classroom, the student gets most of the knowledge through the teacher and the interpreter. She feels that it is a natural extension to take this arrangement into the resource room.

Mrs. Dufour describes the student's oral speech as variable. When desperate to communicate with a classmate, the student would use [the student's] best speech. When communicating with someone with Mrs. Taylor nearby, the student's speech was "lazier".

The student's social interactions changed over the course of the year. Initially, the student was not interested in other children and was content to deal with Mrs. Taylor and Mrs. Terry, which Mrs. Dufour attributed to the student being new in the school. Toward the end of the second term, the student developed an interest in other children, and sustained a friendship for a while with one. In the third term, the student seemed to become frustrated, was not making friends, and was kicking and lashing out. In Mrs. Dufour's words, "To me it appeared that the student was really, really wanting someone to notice [the student], to pay attention". Numerous incidents in the playground and on the bus were brought to her attention.

Mrs. Dufour describes the student's performance as above average, partly as a result of the modifications built into the program. She states that pre- and post-teaching, close monitoring of the student's seatwork, one-on-one assistance for both in-class assignments and tests were all necessary modifications enabling the student to achieve success. At Mrs. Dufour's

request, the student spent time in the resource period on social skills learning, in addition to academic learning, test taking, etc.

### **Shirley M. Chaisson**

Mrs. Chaisson is employed by the Board as the resource teacher for the hearing impaired. She describes her role as that of a consultant to teachers of pupils who have identified hearing losses. She distinguishes between her role and that of an itinerant teacher of the deaf who works directly with hearing-impaired pupils on a regular basis.

Mrs. Chaisson testifies that she saw the student approximately every two or three weeks in Grades 2 and 3. In cross-examination, however, she admits seeing the student significantly less than every three weeks in Grade 2. In Grade 4, Mrs. Chaisson's visits dropped to every six weeks. In the current school year, the frequency of her visits to the student and Mrs. Terry increased to every two weeks until Christmas, then weekly thereafter. Mrs. Chaisson attributes this to increased requests from the classroom teacher.

Mrs. Chaisson describes the materials and program suggestions, which she gave to Mrs. Dufour during two lunch-hour and one after-school inservice sessions in September and October, 1985. During these sessions, she attempted to acquaint Mrs. Dufour with the complexities of speech and language development of hearing-impaired pupils, the goals of instruction, and the modifications required in the regular class program. The extensive material for these sessions is contained in Exhibit 22.

Mrs. Chaisson summarizes the focus of her in-service program with Mrs. Dufour by saying that, from her perspective, communication skills development would be her biggest aim. Academic skills development, receptive and expressive language and affective development are also to be considered.

In cross-examination, Mrs. Chaisson agrees that she had not conducted an individual assessment with the student before she developed the in-service plan, and she did not take the student's specific needs or audiogram characteristics into account. On further questioning, she concedes that activities in the regular classroom have to be well planned and coordinated, have very specific goals and be regularly monitored and evaluated.

Mrs. Chaisson testifies that she does not believe that a fluent cueing resource teacher is essential to the student's success, because the student needs to draw other information from the environment; gesturing, speech reading, residual hearing and awareness of environmental sound. She claims that Dr. Cornett suggests that cueing is a tool to support speech reading, and that a child will not become oral or develop residual hearing with the use of cues. She further claims that Dr. Cornett advocates a program where support is taken away to help the child to develop those other areas.

In cross-examination, Mrs. Chaisson describes the tasks of an itinerant teacher of the deaf, which include instruction in speech-reading, daily auditory training, the development of

residual hearing and oral speech and language, and teaching the social rules of communication. Mrs. Chaisson agrees that an itinerant teacher for the deaf is particularly suited to deal with the student's needs. She further estimates that she could foresee the student needing the support of such a teacher daily for a half-day. Mrs. Chaisson testifies that she has a current case-load of 62 pupils. She confirms that she might in the future recommend that the Board consider hiring an itinerant teacher of the deaf.

Mrs. Chaisson testifies that there were differences of opinion between herself and the resource withdrawal teacher and interpreter. In the student's Grade-3 year, Mrs. Terry disagreed with her suggestion that the student was having difficulties sequencing, leading to problems in comprehension, and with oral language. Mrs. Chaisson describes several incidents which raised her concerns about the student's social development. To her knowledge, suggestions for enhancing the student's social development were not implemented.

In the June, 1984, meeting with the father, Mrs. Chaisson confirms that concerns about social development were raised, and that the father stated that if they had to choose between academic learning or social-emotional development and peer interaction for the student, the family would choose academic learning. According to Mrs. Chaisson, the father also claimed that if the student's difficulties persisted and the student's oral skills had not developed by the end of Grade 12, the family would consider another communication system.

### **Joyce Richey**

Ms. Richey is a teacher in a cued-speech pre-school program in North Carolina. She has worked as a speech therapist, resource withdrawal teacher, teacher of the hearing-impaired and parent guidance therapist in several countries.

Ms. Richey distinguishes between concepts and language which are unfamiliar to a pupil and for which cueing is needed, and familiar language, predictable topics and concepts for which lip reading can be used without cueing. In her view, an educational program for a child who is to benefit from integration should contain both types of communication in addition to auditory and articulation training.

Ms. Richey views the role of cueing as particularly important in the preschool years, when the child passes through a critical period of language learning. This language base is then expanded at school. In Ms. Richey's experience, some hearing-impaired children are able to be totally integrated in non-cueing regular school settings as early as the age of 10 as their oral/aural language base develops. She states that there are no fixed criteria for determining how much cueing support is needed by a pupil. One must "just take away the cues and see how they do. They show you themselves . . . in a [setting] where people don't cue".

Ms. Richey confirms that learning to cue to a preschool-aged child takes a minimum of one year, with three to four hours of daily practice. In order to cue to a pupil of the student's age and grade level, more time will be needed.

Ms. Richey expresses the view that an interpreter with good skills will not hinder the flow of information to the pupil. The delay caused by the interpreting should be minimal, and hearing-impaired people learn to deal with such a delay as a part of the communicative process. Ms. Richey believes that an interpreter would be effective in a resource withdrawal setting, since the teacher would have to divide her time between the hearing impaired and other pupils while the interpreter would work for the whole period with the hearing-impaired pupil.

### **Mary E. Lamont**

Mrs. Lamont is the Supervisor of Hearing Impaired Programs for The Metropolitan Separate School Board. Prior to January 1987, she was a Resource Services Consultant at the Ernest C. Drury School.

In June, 1984, in response to a request from Mrs. Chaisson, Mrs. Lamont prepared a report (Exhibit 13, Tab 6) after conducting social and emotional testing and observing the student in school. A second report, dated December 15, 1986 (Exhibit 13, Tab 7), was prepared for this hearing. On the second visit Mrs. Lamont familiarized herself with the student's level of functioning, conducted achievement testing, and re-examined the student's social and emotional development.

On the 1984 visit Mrs. Lamont communicated with the student by writing, gesturing and dramatizing, and as the day progressed, she noted that the student was speech-reading more of what she was saying. Mrs. Lamont describes at some length the student's social behaviours and dependence on the student's cueing resource withdrawal teacher and interpreter. The student failed to take directions given to the entire class but waited until [the student] was given the student's own individual instructions. The student did not pay attention to other children, or establish eye contact, and did not assist their search for a means of communicating an idea or topic to [the student]. On occasions the student closed [the student's] eyes to block their efforts. When joining a group on the playground, the student did not know how to ask to join in, or how to abide by the social rules of the game. In the gymnasium, one child literally carried the student from one spot to another when the student did not move to an appropriate position. Mrs. Lamont indicates that she had concerns about the student's passivity, as well as the student having no way to communicate expressively and receptively. These two factors taken together are detrimental to the student's behavioural development. Mrs. Lamont summarizes by saying that she felt that a lot of work had to be done to encourage the student's communication and social interaction. This would have to be done in very small, successive steps.

Mrs. Lamont states that by 1986 the student was "maturing a little bit". The student wanted to be part of the class, but still exhibited impulsive behaviour, and assumed directions before they had all been given to [the student]. Mrs. Lamont did not observe the student in the classroom on this occasion, but noted in the resource room that the student's passivity continued. When a hearing aid failed, the student did not take any responsibility to get it fixed, but waited until Mrs. Taylor noticed that the student was not attending as well as [the

student] normally did.

The student had still not worked out an effective way to communicate with others. The student's speech, however, had improved. The student spoke more slowly and deliberately to Mrs. Lamont, although [the student] still did not like repetition and would not be patient for her to repeat something the student did not understand, nor would the student repeat what she did not understand. The student still made it difficult for someone to speak to [the student] and had not learned the social rules for communicating. In cross-examination, Mrs. Lamont testifies that the student's attention to Mrs. Taylor's interpreting had improved. Mrs. Lamont considered the student to be still distractible, and more fidgety than one would expect for a child in Grade 5.

Mrs. Lamont administered parts of the Stanford Achievement Test with the student, the results of which are included in Exhibit 13, Tab 7. The student's reading level indicated that the student was functioning at a mid Grade-3 to beginning Grade-4 level on the norms for hearing children. The student's mathematics was grade-appropriate and spelling was outstanding. On these subjects, the student was scoring well above the median for hearing-impaired pupils of the same age, but the student's performance on language was below the median. Mrs. Lamont attributes the student's language level in part to the student receiving a resource program that was designed for hearing pupils who have language delay. She explains that a profoundly deaf child like the student requires a different remedial language program, which includes particular techniques used with the hearing impaired.

Mrs. Lamont summarizes her testimony about the student's needs by stating, "Certainly in the language area and vocabulary area, . . . specific techniques and methods used for hearing-impaired children would be of benefit. In terms of social needs I feel that more programming and specific programming certainly is warranted." As the student moves into higher grades, more will be expected of the student in terms of reading, understanding textbook material and content. There will be more talking with teachers, more discussion in the classroom. "At this time I have concerns if the student is going to be able to pick up all of that [in the current placement]."

Mrs. Lamont testifies that in her view, the best placement for the student at this time is in a small class setting under the tutelage of a trained teacher of the deaf. She contends that the student would have the benefit of a new teacher who would not inhibit opportunities for the student to learn from the student's own mistakes. A teacher of the deaf would provide a concentrated program, which would include pre- and post-teaching and vocabulary development, the social skills of language, and auditory training, speech work and social skills.

In cross-examination, Mrs. Lamont admits that several of the program components could be provided by a resource teacher and speech pathologist, but she states that the student is at a level where techniques used by a teacher of the deaf would be beneficial, especially in the areas of language and reading (Exhibit 13, Tab 7, page 6). Mrs. Lamont stresses that the student needs a good language assessment, which would provide the basis for designing a

language curriculum. When asked if that would be the task of a teacher of the deaf, Mrs. Lamont replies that it would depend on the school system, but she cautions that there could be problems with assigning this task to a speech and language pathologist who is not experienced in assessing profoundly deaf pupils.

When asked if the teacher she has in mind would be an itinerant teacher of the deaf, Mrs. Lamont replies that it is not, since an itinerant teacher would not be able to supply the concentrated daily program of half a day which she considers the student to need. She also testifies that in her opinion, there is no necessity for a cueing resource withdrawal teacher. A teacher of the deaf would have skills to communicate with the student in ways other than cueing.

In Mrs. Lamont's opinion, the student's decoding skills and language base make the student a prime candidate for becoming an excellent speech reader. Opportunities for the student to practice and develop speech reading skills need to be provided.

In her 1986 report, Mrs. Lamont adds several recommendations to her suggestion that the student would benefit from a teacher of the deaf. The student's program should include definite steps toward responsibility for the student's own learning and independence. Regular, frequent program evaluation is necessary. Since the student's progress in speech has been minimal and is not very functional in day-to-day communication, the student must be encouraged to use alternative or supplementary communication modes, such as writing and dramatizing, to assist the student to be more independent in gaining information.

Mrs. Lamont refers to the "programs in lieu" arrangement whereby Ministry of Education funding supports a teacher for a class of deaf pupils.

### **Basis for Decision**

At the outset of the hearing we were told that the issue before us was simply the provision of a cueing resource withdrawal teacher, a "very narrow issue". The testimony that was led by both counsel was not inclined to follow. Rather, the exhibits and the testimony demonstrate that this issue has been expanded to include an examination of the student's total needs as a profoundly deaf pupil.

According to testimony from witnesses representing both parties, the student's needs may be expressed as including academic learning, language development, speech development, social skills development, and the development of independent work habits.

We are struck by the diversity of emphasis and the shifts by both parties in their positions concerning the student's needs. It is clear to us that the parties were coming closer together during the course of the hearing.

Ms. Bowlby, in both her opening statement and summation, stresses that the student has become too dependent on cueing. "The student's other means of communication have got to

be developed.” In her summation, Ms. Lane concedes that the student needs more and different kinds of support than would be available in a purely “academic” program, and suggests, that “the student needs help to learn how to develop the specific skills of the hearing impaired”. She also agrees with Mary Lamont on the question of the need for a teacher of the deaf, and suggests that “one of the weaknesses in the existing placement is co-ordination [of program]”.

In considering the student’s total needs, it is clear from the testimony that the necessary program components are not to be viewed in isolation. Each component depends on and is learned with the others. For example, we heard that receptive language requires the use of many sources of information including residual hearing, speech reading and print, but also depends on knowing the social rules to initiate and sustain a conversation. Rules for socially acceptable behaviour must be learned through direct teaching, but they also pervade all aspects of communication and learning. On the issue of the provision of cued speech, Cornett (Exhibit 23) admonishes that cued speech should not be viewed apart from oral communication as a whole. It is a supportive tool for language development. “A child must have a parallel program of auditory training and speech therapy which will be enhanced by the language base evolved through cued speech, and which [the student] must learn to use in conjunction with speech-reading without the aid of cues.”

As a hearing-impaired pupil, the student is making good progress in the regular academic program. However, the testimony was consistent in stating that more could be done to develop the student’s residual hearing and lipreading skills, and the student’s ability to communicate by speaking. As Dr. Tuff points out, the student has mastered single words, but has made limited progress in understanding grammar and meaning in longer units of spoken and written language.

These difficulties could inhibit the student’s further progress, and are certainly interfering with day-to-day communication with teachers and peers.

Such considerations lead us to believe that all aspects of the student’s program must be well co-ordinated by one person. While individual parts of the student’s program could be provided by different specialists, the interactive nature of the skills would best be understood by a trained teacher of the deaf who would possess the specialized techniques to co-ordinate and implement this program. Both Mrs. Lamont and Mrs. Chaisson confirmed that the student requires a concentrated daily program of at least half a day.

In the testimony of Shirley Chaisson we learned that she has a case load of 62 deaf and hearing-impaired pupils, and we note from the Report on the Annual Review of the Multi-Year Plan (Exhibit 15) for the 1985-1986 school year that the Board has an agreement with The Board of Education for the City of Hamilton to educate an additional 12 elementary-school hearing-impaired pupils.

Because of these large numbers of hearing-impaired pupils in the system, it is in the Board’s interest to approach the Ministry of Education to explore the provisions for funding special

education programs for the deaf available under s. 15 of General Legislative Grants, 1987 (O. Reg. 98/87):

“15. Where in 1987 a board provides in its schools a day school special education program in lieu of an education program provided in a provincial school for the blind and the deaf or such other program approved by the Minister, the board, subject to the approval of the Minister, shall be paid a grant equal to the product of,

- (a) the sum acceptable to the Minister, of the number of teachers and one-half of the number of teacher-aides which in each case are employed by the board for the purpose of providing such a special education program; and
- (b) \$40,700 in the case of a program for elementary-school pupils or \$47,000 in the case of a program for secondary-school pupils.”

## **Conclusion**

The evidence regarding the student’s needs leads us to the conclusion that the student’s placement should include the following:

- (a) for about 50 per cent of each school day a regular class (presumably Grade 6 in September, 1987) , with the assistance of a cueing teacher’s aid/interpreter;
- (b) for the balance of the school day a special education class for the deaf/hearing impaired with an appropriately qualified teacher under Regulation 262, for (i) language, speech and social skills development, auditory training and the development of independent work habits; (ii) resource support for the student’s regular class placement; (iii) ongoing support from a speech pathologist.

## **Decision**

Evidence called by both parties through several witnesses caused the Tribunal to examine the student’s overall needs beyond the positions of the parties taken in their written submissions. Therefore, we do not grant the specific relief requested by the appellants. However, we think that, under the circumstances, there should be some relief afforded the appellants which most effectively meets the complex nature of the student’s needs as required by clause b of ss. 10 (1) of O. Reg. 554/81.

Accordingly, the Tribunal orders that, as indicated in the conclusion, above:

1. the student continue in a regular class for about 50 per cent of each school day with the assistance of a cueing teacher’s aide/interpreter; and

2. the Board provide a teacher of the deaf for the student for approximately 50 per cent of each school day.

The Tribunal further orders that:

3. the Board ensure that an effective mechanism be established to coordinate the various aspects of the student's program; and
4. that the Board establish an effective mechanism for the continuous assessment of the student and the evaluation of the student's program.

There will be no order as to costs.

Chairman

---

Tom H. Houghton,

---

Anne Keeton Wilson,  
Member

---

Grant R. MacDonald,  
Member

June 5, 1987

