

# Chapter 4

## Access to Equality in Education: The Power of Parents

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Equality is new, not old. Until recently, there was no law or constitution in Canada that ensured equality. Only when the federal and provincial/territorial governments enacted human rights legislation and when, in 1985, the equality rights provision, section 15, was proclaimed in the *Canadian Charter of Rights and Freedoms* was there any legal authority for a claim to equality.

Mental disability was not included in section 15 until the final draft of the *Charter* was drawn up. Then the proclamation of the equality rights provision was delayed three years after patriation of the constitution. This delay was to give governments at all levels the opportunity to amend existing legislation to meet the constitutional equality imperative. All jurisdictions now include protection in human rights legislation for people with mental handicaps but it was not until 1990 that the last province made the necessary amendment.