

*Equal Education Association
of Nova Scotia*

**EEANS PRESENTATION TO THE
MINISTER'S SPECIAL EDUCATION REVIEW COMMITTEE
APRIL 23, 2007**

About EEANS

The Equal Education Association of Nova Scotia was formed in January 2006 and represents numerous parents and professionals in Nova Scotia. We are advocates for children with learning disabilities to help ensure that they receive a fair and equal education.

The Tuition Support Program

"We want to ensure that each student is receiving a quality education. This review team will identify our successes and where we can do more." Minister of Education, Karen Casey

The Tuition Support Program is one of those successes. And as such a success, we need to strive to expand it to benefit more children.

No doubt you have heard stories of children in the back of classrooms struggling to keep up, of children who lost their hunger to learn, of waiting lists for resource class help, and of parents who were denied IPP's even though their child has been professionally diagnosed with a learning disability. Why?

Designated Special Education Schools

Many of our members have children who attend Designated Special Education Schools in Nova Scotia. The Department of Education says that it is a parent's choice to have our children attend these schools. This isn't a choice. We don't want to send them because we want a better education than other children. We send them there because we want them to get an equal education to other children.

These schools are designed to meet the difficult challenges of teaching children with learning disabilities who have been left behind by a failing public school system. Children who attend these schools are often 3 to 5 years behind grade level even after years of attending public school with special education services and support.

The fact is, children who were floundering in public school are now succeeding in Designated Special Education Private Schools.

Time Limits

Is the limiting of funding to a time limited three years (to effectively force students back to public school) in the child's best interest or the departments?

The fact is, children do not grow out of a learning disability. They have it for life.

The fact is, not all children can gain the grade level back after three years. Some can. Some can't.

Why does the Department of Education, who knows these schools are making a difference in the lives of children, limit the support it provides to only three years? Does the department have any data or reasons based on educational evidence that supports a limit to funding of these children? They are arbitrarily cutting off the only thing that is working for these children.

Funding

Does it cost the Department of Education more to support these children using the Tuition Support Program? Can they only afford three years? No. In fact the government saves money with this program to the tune of 500,000 per year.

Each student enrolled in an approved special needs private school eliminates the expense of providing special needs programs to that student in public school. EEANS believes it is reasonable to assume the public system special education costs are at least equal to that of the service provided by an approved special needs school. Assuming an average tuition per student of \$11,200.00 minus a \$6200.00 funding unit, equals a very conservative \$5000.00 associated with special needs programming. Therefore, the 116 students currently enrolled in the tuition support program saved the department \$580,000.00 this year alone.

It is no secret that special needs programs from resource class to SLD programming in the public system is over-subscribed/under funded. So the fact that some LD students are being serviced outside the public system is good news for students needing the space who are presently waiting for services.

So if these children are showing improvement by attending these Designated Special Education Schools and it saves the government money, why does the government limit it to three years? Why does the government make it very difficult to qualify for the program with unnecessary red tape? Why does it deny the one approach and environment that is succeeding?

The answer? Pride. Paradigms from the past.

EEANS Recommendations Regarding the Tuition Support Program

“Every Student needs opportunities to attain his or her greatest potential, every student can achieve success, and all students need adequate time to learn.” Learning for Life II Executive Summary

No Time Limit On Funding

EEANS fundamentally disagrees with any time limit on funding for students with LD's. We are of the opinion that any student who is at the point of needing to leave the public school system to receive the appropriate education and setting, should not be forced back to the public system by virtue cutting off their funding unit.

“Student success must be everyone's first priority” Learning for Life II Executive Summary

EEANS believes that what's best for the student should be the only deciding factor to their return to public school.

“Every person over the age of five years and under the age of twenty-one years has the right to attend a public school serving the school district or school region in which that person resides, as assigned by the school board.”

Section 5.2 of the Education Act.

Because the department of education has a monopoly, it can be argued that the right to education, is also a right to access the associated funding unit when the department cannot

best meet the needs of the student. This funding unit is not a burden to the taxpayer in any way.

Modify Tuition Support Criteria

Each student approved for tuition support has been diagnosed with a learning disability. A disability that is not healed with medication, but one that with hard work and the right strategies may be compensated for.

It is not the responsibility of the student to prove he or she is still disabled. That diagnosis has already been made by an expert. Nor is it the responsibility of the student to prove he or she is still significantly behind in grade level, again this is determined by an expert. The expert in this case is clearly the approved special needs school staff who have worked with the student for the previous 3 years.

The criteria should include:

1. The special needs school recommendation must be key in student assessment and the subsequent decision on student placement. These schools are approved for 3 year term by the department. As a delegate of the department of education, the recommendations of the approved special needs school must be considered as though they came from the department itself.
2. IPP's from Designated Special Education Schools are created by qualified staff working solely in a learning disabled environment, who have had additional training to meet the needs of these students. As such, the IPP generated at the Designated Special Education School should carry significant weight when evaluating the students future needs.
3. If there is any doubt as to the best place for the student to continue his/her education, we must default to the special needs school and the tuition support program. It would contravene the commitments of the education act and the minister to do otherwise. As we all know, the program is revenue neutral to the taxpayer, and unloads the special needs programs within the public system. There is no reason to risk the student's welfare if in doubt.

The onus is therefore on the system to show the student is ready to transition to the public school system, and most importantly, for the public school system to commit the specific resources needed to support the student in the public system.

It is clear the Tuition Support Program benefits everyone involved. Forcing a student back to the public system by cutting off funding can be detrimental to the student's academic development and self esteem. Further, if we cannot substantiate it as the best option for the student, we would contravene the commitments of the education act to do otherwise.

On the Transition Planning Process

A Designated Special Education Private School may recommend a student for transition back to the public school system (even prior to that student reaching the grade level of his/her same age group) if the special needs school feels this would be in the best interest of the student. In all cases, a transition plan to integrate the student back to public school must be developed and the public system must resume responsibility for providing appropriate special needs education.

A transition planning meeting with the school principal, qualified staff and a representative from the Designated Special Education Private School must take place. The receiving public school must provide a written commitment to the level of resources recommended by the special needs school for successful integration. If the receiving public school is unwilling or unable to commit to provide these resources to the student, then the student must be allowed to return to the approved special needs school and tuition support extended so the student can continue his or her education. It is unacceptable to have a student who is on an upward trend of academic development return to the public system only to be denied adequate resources.

“Inclusive Education”

The goal of inclusion is for all students to be allowed to be educated with their peers, ensuring that the disabled are not excluded or segregated out. But “peer” does not only mean age, it can mean similar abilities or similar situations, like having a learning disability. Surely, the true aim of inclusion is a feeling that “I belong”. Designated Special Education Private Schools offer children a safe environment. They can connect and learn with others like them. Isn't this inclusion too? We should therefore recognize Designated Special Education Private School as being inclusive.

*If a child sneaks home rather than stay at school with his “peers”, is this inclusion?
If a child hides at recess, delaying return to class does she feel included?
When a child is discovered crying under their desk, because they can't cope with school expectations, how can we say they are included?*

These are real stories of real children. Some department administrators refer to these as anecdotal, suggesting they are interesting comments, but have little bearing on the “big picture”. What we have failed to acknowledge, is the “big picture” includes these students, and it is far from the best we can offer to paint all our students with the same inclusion brush. The most common comment from parents lucky enough to have sent a troubled LD child to a Designated Special Education Private School, is not the dramatic improvement in math, language arts, or even behaviour. It's the sense of inclusion that the student feels from the first day, in an environment where all the kids are working to overcome a LD, and therefore all are included.

“For the first time, I feel I belong”

Who Should “Inclusive Education” Benefit?

The Department of Education supports an inclusive philosophy. EEANS also supports the concept of “inclusion” as do most Nova Scotians. But the Department of Education's version of “Inclusion” is not child-centric. Their version is really about teaching all children in public school because it is more convenient. And at a time of declining enrolment and school closings, they are very interested in keeping bodies in schools.

Everyone says they are acting in the child's best interest. It is their duty to act in the child's best interest. It is the law. And it should be the primary focus of this committee. The child, not ideology of inclusion should be protected.

Thoughts On “Inclusive Education” By Others.

“So when we talk about an inclusive school system, or inclusion, we are not referring to a specific program, service, or methodology. We are referring to a school system that in both its design and its effect continually strives to ensure that each student has access

to and is enabled to participate in the school community, to be part of the community in positive and reinforcing ways whose identity is reflected in the operations of the school community.” (MacKay & Burt-Garrans, 2004)

“There is no longitudinal, validated research available that full inclusion can provide superior services for all children with disabilities regardless of the nature of the disability. There is, indeed, much research to the contrary.” (Henteleff, 2004)

“My view is society is fragmented and people’s commitment to common values is weakening. It’s happening in schools. You’ve got financial cutbacks and all sorts of diversity and stress, and all of those things conspire to make people kind of jittery, and look at each other funny.” (School administrator, quoted in Gaskell, 2001)

“The question must be posed: are we prepared to support the learning success of those who struggle most within the systems we have created? Unfortunately, the dream of having an individually appropriate education is still elusive to most and despite the rhetoric of inclusion of students who are at-risk, the reality is that we still have a long way to go before these students are truly, authentically included in our schools and our communities.” (Lupart & Odishaw, 2003)

“Well it (inclusion) hasn’t worked. Classrooms are disrupted, teachers are stressed and students who need help don’t get it. The BCTF won’t say anything, and neither will the government, for fear of being accused of being callous and indifferent to special needs students. As far as I am concerned, the school system has given the mainstream model a fair chance. It doesn’t work. Time to try the alternative.” (Ian Cameron, *Victoria Times Colonist*, September 23, 2005)

Legal Analysis of Inclusion

A very different analysis of the legal context is provided by Henteleff (2004). Before examining legal decisions and history, Henteleff argues that full inclusion is a discriminatory concept, because it limits the choices concerning placement and approach that some people with disabilities may wish to make. He argues that separate provision of educational services can in some cases provide a better option than full inclusion, especially in educational systems where optimal levels of training, conditions, and funding are rarely adequately realized. His analysis includes a consideration of both systemic factors and “clusters of educational expertise” which he believes necessary to make inclusion a reality. He provides four systemic factors that he considers crucial to the success of inclusive approaches:

- manageable class size
- adapted curriculum to meet diverse needs
- pre-service teacher training and in-service
- availability of specialists to support classroom teachers.

In addition, Henteleff lists the six clusters of educational expertise required by every classroom teacher that he also believes necessary to achieve success:

- full comprehension of exceptional conditions and appropriate accommodations to meet such conditions
- ability to apply Individual Education Plans (IEP / IPP) and to function within the system that creates them
- skills in managing students in complex activities and through transitions

- skills in making systematic observations of students and in making appropriate referrals
- expertise in creating social structures in classrooms appropriate to diverse needs
- understanding of family dynamics and capacity to interact with parents.

He also references a range of research that supports the continuation and utility of ‘pull-out’ services for students, especially for those with learning disabilities. Henteleff states that Canadian courts have supported this argument, in cases such as Eaton v. Brant County Board of Education, where the Supreme Court justice stated that:

“Disability as a prohibitive ground differs from enumerated grounds such as race or sex, because there is no individual variation with respect to these latter grounds. Disability means vastly different things, however, depending on the individual and the context. This produces amongst other things the ‘difference dilemma’ whereby segregation can be both protective of equality and violative of equality, depending on the persons and the state of disability.”

In other words, separate provision can be discriminatory but it need not be, depending on what services are required for a given area of disability. Henteleff offers three reasons why inclusion has been promoted while the courts have allowed for separate provision in appropriate circumstances. The first concerns what he believes to be confusion about the meaning of equality, where inclusion is synonymous with equality in the view of its proponents. The second deals with what he believes to be the mistaken assumption that inclusion is the only way to achieve social integration. His third argument for the promotion of inclusion concerns fiscal savings that he argues accrue to governments if they provide inclusive services. Both MacKay’s and Henteleff’s papers illustrate that there are disparate views about inclusion within what might be termed the ‘disability community’ – those with disabilities in receipt of services, and/or their families, and the community organizations that advocate on their behalf. One group, perhaps represented by national and provincial Community Living organizations, argues vehemently for inclusion as a fundamental human right and supports litigants’ law suits in pursuit of such rights. A second group, represented in part by those supporting students with learning disabilities, argues that the very goal of the proponents of inclusion contravenes their fundamental right to access separate educative services.

Conclusion

We are encouraged that the Minister put this review in place. This committee has the influence, the experience, and the wisdom to make a difference in the lives of these wonderful, bright, and talented children. Please don’t let them down. Send a message to them. That Nova Scotia supports them. That Nova Scotia believes in them. Send a clear message to the Minister that by investing a little today, not only in the TSP but also in adequate special education funding based on statistics, not on blind formulas, the Minister and the people of Nova Scotia will receive gifted, bright and positive citizens in return.

Wade Brummet
Chair, EEANS

Brian Hickling
Vice Chair, EEANS