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It has come to our attention that the Special Education Advisory Committee (SEAC) of the Ottawa Carleton District School Board recently passed a motion to ban the use of the word “segregation” (see *attached*). They planned to encourage other SEACs across Ontario to do the same. The Coalition promotes effective inclusive education and believes that segregation must end.

We know very well that parents want to ensure that all of their children get the best possible education – being respected as individuals, and receiving the learning opportunities and accommodations necessary for success. No matter what strategies they attempt, SEAC members can grow to respect one another as parents, when they understand the common goals we share as parents. No matter what our experiences, we want our sons and daughters to feel good about themselves, to enjoy friendship, to be recognized for their contributions and to reach the highest possible, individual social and academic goals.

The Ontario Human Rights Code enshrines the rights of students with disabilities (not their parents). At the end of 2004, the Ontario Human Rights Commission clarified implementation of the Code, relative to education, by releasing its *Guidelines on Accessible Education*. On page 11, OHRC offers a wonderful quote from the United Nations Educational, Scientific and Cultural Organization - "***Inclusion is about the improving of schooling. Rather than being a marginal theme concerned (with) how a relatively small group of pupils might be attached to mainstream schools, it lays the foundations for an approach that could lead to the transformation of the system itself***". (UNESCO. Salamanca, p.9, 1999)

Before considering special services, *education providers must first make efforts to build or adapt educational services to accommodate students with disabilities in a way that promotes their inclusion and full participation*". This involves both **preventing and removing barriers** - described here as a **3 step process** (pp. 12-14) - all of which relates to and involves SEACs:

1. Promoting inclusive (or universal) design - of curriculum, teaching methods, evaluation; in constructing buildings, designing courses, etc. Schools must respect the differences among students and must not create barriers.
2. Removing physical, attitudinal, systemic and other barriers that already exist - schools have a duty to accommodate students with disabilities by removing barriers - up to the point of undue hardship
3. Accommodating remaining needs - where barriers still exist, temporary and alternative solutions must be found, if to do so would not result in undue hardship

The assumption is that inclusive design is “most enabling”, removal from the mainstream can have negative effects, and removing a student should be the last

resort. Parents may have a lot to learn from the Code and *Guidelines*; for example, any stigmatizing influences are to be avoided, especially the acknowledged negative effects of disability labels. The Coalition thinks it is wrong to downplay the effects as “different choices made by other parents”. There is good reason why (as the Ottawa Carleton SEAC motion states) “the word 'segregated' has extremely negative connotations of value judgments, rejection and isolation”. The Coalition concludes it is the reality of labelling and removal from regular classroom placement that can be “extremely derogatory and inappropriate”.

People with intellectual disabilities have known this harm for longer than people with other exceptionalities. Theirs is a long history of being prejudged, given few “choices”; being sent away to institutions with little chance of return, unemployment, etc. But a historical perspective allows us to see that society has evolved. Children are no longer chattels owned by their parents. We have established an array of laws and services to protect children – sometimes from their own parents – parents who may love them, but who make decisions deemed not to be in the children’s interests. And how society defines children’s best interests changes over time, often involving struggle. SEACs need to be clear that their role is fundamentally about students’ rights, not parents’.

Ontario’s Education Act is intended to ensure “appropriate education” for all students. It should not be necessary to provide a range of placements – just in case someone, sometime, wanted them. Having a range of placements is not a “philosophy”; it is a system design that is reinforced by bricks and mortar and little yellow school bus routes. (Ottawa Carleton is one of only 6 school boards in Ontario to maintain schools solely for students labelled with intellectual disabilities. In a 2001 review, there were 173 students placed in 2 such schools. Comparisons were made, in that review, only to other Ontario boards that have such schools too. 66 school boards have either closed such schools or never even operated them.) The Coalition has seen that special education planning can be a self-fulfilling prophecy: build it and they will come.

Regulation 181 establishes the processes and the Ministry of Education suggests the wordings for 5 types of placements. Section 18 subsection 3b states that reasons must be given whenever a student is placed in a special education class.

The Ontario Human Rights Code overrides the Education Act. The OHRC *Guidelines* restate and reinforce the Ontario Ministry of Education's policy position of June 9, 1994 - ***"Before considering placing a student in a self-contained or specialized classroom, education providers must first consider inclusion in the regular classroom. In most cases, appropriate accommodation will be in the regular classroom with supports"*** (p. 26) Appropriate accommodation and placement must be considered on an individual basis. Regulation 181 Section 17 states that regular class should be considered first, but with 2 qualifiers. Parental preferences are to be considered, but we know parents who challenge the system are given little “choice”. And school boards have much more power than parents to define students’ needs.

There has been much division incurred by those who fought and intervened against Emily Eaton’s parents’ decision that she would be better educated as a member of a regular classroom. The resulting Supreme Court decision actually overrides parent “choice”. But this was based on the school board’s preposterous claim that it was not

possible to meet Emily's needs in a regular classroom placement. In fact, she had remained in a regular class placement by leaving a public board and moving to a Catholic board – apparently to the satisfaction of her parents, educators, administrators and the Ministry of Education! Where was the respect for *her* parents, who were required to change their religion in order to have placement “choice”?

School officials often say that a student needs a “special” program. School boards usually speak about program as a way they organize their special education resources for groups of students. However, The Education Act defines “special education program” as:

- a plan for an individual student
- modified by and based on how that student learns
- setting out the goals for that student
- outlining the help that student needs

So program should really mean Individual Education Plans (IEPs); the word program should be used properly to concern one student at a time. Regulation 181 also requires IEPs to be written in consultation with parents and older students, and to outline resources “to be received” by the student. In fact, the Emily Eaton decision actually sets a very high standard as to the type and intensity of accommodations required - by the Canadian Charter of Rights and Freedoms - to be available to exceptional students in regular classroom placements – a standard that might well be studied by SEACs in their legally mandated role to review special ed budgets and school board plans. SEACs need to address how student needs are defined and accommodated and encourage redress concerning students’ rights, and parents’ lack of choices. The Coalition works to encourage a range of supports, and to avoid a range of placements.

The Ottawa Carleton SEAC motion suggested using only Ontario Human Rights *Guidelines* terminology. Francois Larsen (Director of the OHRC Policy and Education Branch) told the Coalition that the OHRC *Guidelines* avoid the use of the term IEP – using instead “accommodation plan”, in case the Ministry acronym were to change. It is clear that sometimes other terminology – such as “IEP” - must be used by SEACs.

The essential fact of a placement outside of regular class is that it is designed to “**congregate**” students labelled exceptional. This is done because school boards differentiate between kinds of students and some people apparently believe that they should be with their own kind. OHRC *Guidelines* state that “*Blanket approaches to accommodation that solely rely on categories, labels and generalizations are not acceptable*”. Accommodations are deemed appropriate only if they avoid the harm “*when individuals are marginalized, stigmatized, ignored or devalued*”. This means educators must “*sensitize students about disability issues and model respectful attitudes and behaviour towards students with disabilities*” (P. 9). Is it SEAC’s ultimate goal for students to *belong apart*? People First members have inspired educators, administrators and families to improve education so that students *belong together*.

OHRC says placements outside of regular classrooms must be *shown to be* “**specialized**”. SEACs should seek answers to questions such as:

- What is special about a smaller classroom? Regulation 298 Section 31 seems to prescribe optimum size for each disability. But its Subsection g circumvents that, by stating that classes can have 16 students, as long as they do not all have the same disability labels. Have schools tried the many other ways to structure small group learning on a temporary and flexible basis, for any and all students in regular class placements?
- Do all students with the same label require the same accommodations? The same teaching strategies?
- Are all students' IEPs meeting the high standards set by the Ontario Human Rights Code, as accommodation plans? Are changes needed in IEP processes?
- Do students return to regular classroom placements? How? What happens?

It would seem more pertinent to the purpose of SEAC to ban the use of the word "specialized" unless in fact they can prove that this is true.

Webster's New Complete Dictionary defines "to segregate" as "to cut off from others". Whenever a student is moved away from the school s/he would attend if not labelled exceptional, and that placement does "cut (the student) off from others", then the word "segregate" is accurate ("an appropriate description" – as the Ottawa Carleton SEAC motion states). It would be difficult to say that a child sent away from home in a provincial school has not been "cut off" from much of his/her family, school and community life. Geography does matter. The OHRC Guidelines state: "Geographical proximity of a placement to the student's home" *is one of the factors schools must consider in decisions about accommodation, since "ideally, the student should be able to attend his or her neighbourhood school"* (p. 26).

Some parents say that their child was disrespected and left unsupported when placed in a regular classroom. They conclude that it is impossible to enable learning or perhaps even ensure safety there. In other words, you might say that "cutting (the student) off from others" was a therapeutic intervention. But it still involves "cutting (the student) off from others". What accommodations should have been provided to prevent harm? What will be done to change the regular classroom environment after the exceptional student leaves? Will s/he ever return?

Whose problem or failure was it? Who faces the consequences? Generally, the only people officially "cut off" from society are those who have done harm, or have the potential to do harm to themselves and others. The Ontario Coalition for Inclusive Education is very aware of strategies to improve regular classroom environments, build relationships, and enable learning – to avoid "cutting (students) off from others".

That the word "segregation" stirs up such intense emotion is evidence of the great harm done whenever students are "cut off from others".

Whenever segregation actually does happen, it should be of great concern to school boards, SEACs, communities and the Ministry

SEAC should not be deprived of the words to accurately describe such a reality.

Rather than banning the word "segregation", we encourage SEACs to recognize that harm and speak clearly about it and against it.

Special Education Advisory Committee meeting March 2, 2005:

Whereas the OCDSB, SEAC and the Education Act and Regulations support parents' rights and their responsibilities to make the best decision about their child's unique educational needs from a range of placement choices which include both integrated and specialized classes; and

Whereas any associations, groups or individuals who do not support this philosophy of a full range of placements are, in effect, advocating for removal of that right to choose from other parents; and

Whereas choice and respect must work both ways, thus it is divisive to the work of the Committee if any associations, groups or individuals do not respect and support this philosophy of a range of placements, and thus do not show respect for the choices made by others; and

Whereas all children have the right to feel included no matter what their differences, and have the right to be part of their community, but also have the right to be in the educational setting which best enables them to learn as unique individuals; and

Whereas integration means more than geography, and many parents, educators and associations believe that by choosing specialized classes or schools, including Provincial Demonstration schools, they are not separating their children from their community, but are in fact congregating them with other children whose learning needs and styles are similar, and are thus making them feel included; and

Whereas the use of the word 'segregated' has extremely negative connotations of value judgments, rejection and isolation, and is thus extremely derogatory and inappropriate when used to describe different choices made by other parents; and

Whereas recognizing the above, the 'Guidelines on Accessible Education' by Ontario Human Rights Commission has explicitly chosen not to use the word 'segregated', and only to use the word 'specialized' when describing such placements;

THEREFORE BE IT RESOLVED:

A. THAT OCDSB's SEAC members, while retaining their right of choice, also show respect for any placement choices by others by using the same terminology as the Ontario Human Rights Commission;

B. THAT SEAC request that the OCDSB immediately begin to eliminate any use of 'segregated' from future and, where appropriate, revised documents, and use 'Specialized' when describing special education placements;

C. THAT both SEAC and the OCDSB write to the Ministry of Education, copied to all other SEAC's and member associations, requesting that they also consider and review their use of the word 'segregated', and whether or not it is an appropriate description.