

But Emily Would Set Doors Ajar¹

Gary Bunch and Angela Valeo

Opinion

The Gazette solicits and accepts opinion pieces for publication, based on their relevance to the University and related topical issues. Articles should be no longer than 650 words in length and, if possible, provided on disk. Submissions should reach the Gazette 15 days prior to publication date. The York Gazette reserves the right to edit, based on space restrictions and/or suitability, and/or to refuse submitted material for inclusion in the Gazette without reason.

Emily Eaton is a vivacious young girl with sparkling eyes and a ready smile. As well as having a loving and caring family, Emily has friends in her neighbourhood, at her school, and in the community organizations in which she participates. She leads an active and full life as a pre-teen.

Emily is also the centre of a storm of educational controversy reaching into the Supreme Court. On October 8, 1996 the Court denied Emily the right to be educated in a regular classroom. Cerebral palsy is a part of Emily's life. In the opinion of her school board, Emily's resulting degree of difference requires that she attend a segregated special class. So firm is this belief that the board has contested her parents' desire for an integrated regular class placement to the highest court of Canada.

The story which led to Emily being a prominent instrument of challenge to the model of segregating students with special needs has become common in Ontario, in Canada, and across the world. A child with a disabling condition begins school. School officials judge that a segregated placement would best meet the child's needs. The parents prefer an integrated, regular classroom placement in their neighbourhood school believing this best. An educator-parent impasse results and the matter moves through a series of increasingly quasi-legal to legal steps.

For Emily the impasse did not arise until after her first years of school. Initially, her board provided an integrated placement, although Emily had been designated "exceptional" through Ontario's Identification, Placement, and Review Committee (IPRC) process. However, under the review provisions of the IPRC the board eventually decided on a placement in a segregated class outside Emily's immediate community. The Eatons, Emily's parents, did not accept this decision as they believed an integrated placement more beneficial. Following a series of review processes mandated under the Education Act, the argument moved to the Ontario Divisional Court which found against the Eatons. The Divisional Court's decision was overturned by the Ontario Court of Appeal, which led the school board to appeal to the Supreme Court of Canada.

Supreme Court Decision

The Supreme Court set aside the decision of the Ontario Court of Appeal which had found in favour of the Eatons. At the time of the writing of this article, the Supreme Court's reasons for its decision had not yet been released. However, an article in the *Globe and Mail* of October 10, 1996, suggested that the Supreme Court may have overturned the decision of the Court of Appeal on procedural grounds only. According to the article, the deciding issue may have been the fact that the Court of Appeal considered the constitutionality of the Education Act without a representative of the Attorney General being present in court to defend the statute. If so, the Supreme Court did not decide against the Eatons in terms of the right to regular classroom placement, and that issue remains unclear.

What leads some educators to consider special education placement so much more beneficial than regular classroom placement that they will proceed against the parents' will? What persuades some parents that regular classroom placement is worth going to extreme lengths on behalf of their child? These questions may be understood to some degree by considering background social debate, research, and educational practice.

Social Debate

The social debate argument turns on the prerogative of a school system to direct that system in terms of professional views of practicality of implementation and of differing student abilities. The model evolved to obtain the greatest good for the greatest number in a manageable fashion is that of parallel systems of service delivery. One system educates the mass of students in neighbourhood schools under the tutelage of teachers knowledgeable in basic instructional and student management approaches. Paralleling this "regular" system is special education in which significant numbers of students having "special needs" are placed in designated segregated schools or classes.

More recently, this traditional model of education has been queried by an increasing number of educators, parents, human ser-

vice workers, and members of the disabled community on various points, including that of social justice. Proponents of integration, or inclusion, posit that it is unjust to segregate students on the basis of differing abilities. They view the regular classroom as the natural place to bring all children together for increased understanding and acceptance, as well as the setting in which academic and social development will be best realized. A basic tenet of the argument is that parents and children have the constitutional right to choose regular class placement or special class placement. This social justice argument calls for significant reform in how educators view the structure of the school system and who may be a learner within it. Comparisons to the civil rights movements for the educational inclusion of women and of minority populations are frequent. The Supreme Court did not deal with this argument.

Research

Research support for the inclusive position is beginning to emerge. While findings are not uniform for all conditions of challenge and for all types of regular and special settings, it appears that parallel systems of education do not result in higher levels of achievement for identified students. Research suggests parity between regular and special class effect at the least, and to increased benefit from regular classroom attendance for many. At the same time, there is little evidence that the achievement of regular students is affected negatively. Rather, there are spin-off benefits of caring, acceptance, and understanding.

A second supportive finding comes from teacher efficacy studies which investigate whether differing sets of instructional and management strategies are required for regular and special students. In brief, the finding is that the strongest approaches for regular students are also the strongest approaches for special students. The basic strategies learned by all teachers work for all students.

Educational Practice

In the end, nonetheless, educational practice is controlled by the

attitudes and beliefs of educators. At this level the jury is still out on whether the parallel model or the inclusive model best serves the interests of all students. Educators vary in their attitudes to working with students with challenging needs. The majority favour the familiar parallel approach. When asked to explain reticence to include, they point to perceptions of inadequate teacher preparation for integration, lack of leadership, fear of lowered standards, disruption to classroom process, and insufficient material and personnel support.

However, more and more school systems and individual educators are moving to inclusive policies and practices. The majority of provinces have announced policies favouring integration as the first choice for all students. A growing number of school boards are adopting the inclusive model and significantly reducing their special education structures. Many individual educators, even in parallel model boards, are electing to make their classes or schools inclusive, despite sharing many of the above teacher concerns noted, particularly as they touch on teacher preparation and administrator leadership.

The jury may still be out on the issue of including all students, but social debate, research, and changing educational practice are documenting continuing societal movement toward including more and more once-marginalized students. While Emily and her parents await the final legal educational interpretations of the decision of the Supreme Court, the decision has already been made for many other Emilys.

P.S. While Emily's public school board and her parents have been contesting her right to regular classroom placement, Emily has been included in a regular classroom of the other school board in her area. She is progressing well. *

¹Amy Lowell, 1874 - 1925, The Sisters

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