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THE INS AND OUTS OF DISABILITY AND EDUCATION IN CANADA

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I have been wondering for quite some time about the often-strained relationships between school systems and parents when it comes to choosing the special education approach or the inclusive approach to disability and education. The special education approach is based on a range of placement settings in response to the needs of students experiencing various types and degrees of disability. Each placement is further and further away from the regular classroom and the other kids. This means some students will be in regular classrooms on a full-time basis, others will have their school day split between regular and special classrooms, others will spend the full day in special classes, and still others will be placed in special schools. Under this model a student can be moved to a more segregated placement if the academic or social achievement of the student is considered to drop. The inclusive education approach believes all learners, regardless of type and degree of disability, should be educated in regular classroom settings. Under this approach the regular classroom is the student's permanent home and supports are delivered there through a team of regular class teachers, special education teachers, and educational assistants. Other specialists, if needed, provide their services in, or as close as possible, to the regular classroom. A student is not moved from the regular classroom setting on the basis of academic and social achievement. The special education model has been with us since the 1960's. It has close links to the medical and psycho-educational models. Inclusive education is the new kid on the education block. It reflects United Nations educational policy that every learner has the right to placement in the regular classes of neighbourhood schools.

There is something about people's response to inclusion that bothers me. The people of whom I am thinking are the increasing number of parents who want their children to be educated in regular classrooms, and the large number of educators who see a range of segregated special education placements as more appropriate. In too many instances the relationship of educators and parents has been one of "does not play well with others". That is a tragedy when the education of any learner is at stake.

These two groups, parents and educators, are key in reaching a decision on school placement. As education is a government matter, such educational decisions are guided by government legislation and regulations. Prevailing Canadian provincial and territorial government policy on reaching a decision on placement is that educators and parents collaborate. For instance, the Ontario Ministry of Education follows a three point policy: a) Under regulation 181/98 the regular classroom is to be considered as the placement of first choice for all students, b), if the school system believes that the regular classroom would meet the student's needs and c), if the placement is in keeping with parental wishes. In the case of British Columbia, the policy is much the same, except that parents are offered a consultation regarding the school system's choice, during which they may express their choice.

It is clear in both jurisdictions that the preference is for regular classroom placement. The wrench in the works is that the government allows segregated placement if that is judged by schools to meet student needs more appropriately than regular classroom placement. There also appears to be allowance for parental input. Most Canadian educational jurisdictions, but not all, follow similar processes. However, New

Brunswick, the Yukon, the Northwest Territories, and Nunavut have elected the inclusive model. Regular classroom placement with needed support is automatic.

This latter policy is in keeping with the recently passed United Nations Convention on the Rights of Persons with Disabilities. The Convention clearly states that placement in regular classroom settings is the right of all learners, and, specifically, of those experiencing disabilities. The position of the United Nations and its agencies is that the regular classroom is the most effective and efficient setting for the realization of equity, social justice, and the strongest learning for all. Canada has signed and ratified the Convention.

Why, then, do the majority of Canadian educational jurisdictions continue to support segregated educational placement for learners experiencing disabilities and, often, do not limit this to exceptional cases? Many educators, and some parents, are very comfortable with the special education model. They are familiar with the model. They believe segregated placements to be the most effective choice for many learners. That strong support for segregation continues is apparent in the fact that the Toronto District School Board, the largest school system in Canada, recently announced that its model for the future of education for learners experiencing disabilities would remain the special education model. The Board states that this decision offers choice to families. Considerable confusion enters the picture when one realizes that the Toronto Board and many other school systems across Canada describe the range of special education placements as “inclusive” or “inclusionary” and avoid the term “segregated”. This seems to be one of those “having your cake and eating it, too” situations for the school systems.

Given that many parents prefer the inclusive education model whereas their schools work on the basis of the special education model, one might expect that disagreements between families and schools will occur. Far too many disputes do occur. In some cases the disputes go the level of the courts before a final decision is made. In the instance of disagreement, experience indicates that schools have the real power in deciding on placement. Parents may disagree with the decision and may invoke an appeal process, but most often they are unable to change the decision.

Why does this situation of inviting disputes between parents and schools exist? My view is that the problem is lodged, not in some natural animosity between schools and families, but in the wishy-washy educational policies of some Canadian governments. If governments did not provide loophole clauses for segregated settings in their regulations and if they strongly supported preference for the regular classroom as first choice, there would be little disagreement. Schools would have a clear guide and would set about following it. They might have qualms, but they would do their best to implement inclusion, as have educators in other jurisdictions. However, existing ambivalent policies create a situation that brings schools and families into conflict. On the one hand, they state preference for the regular classroom as first choice for all learners. On the other, they dangle the carrot of segregated special education placements by developing regulations that open up the door to such placement. At the same time, they give parents an apparent say in the placement decision. One cannot think of a situation more likely to result in disagreement between many schools and families.

In these disagreements the school is in a much stronger position than is the family. The school controls all the resources necessary for the education of any learner.

The government has given schools the right to decide placement for learners experiencing disabilities on the basis of academic and social achievement. Given that schools have traditionally considered level of academic and social achievement of many students experiencing disabilities as inappropriate for regular classroom settings, and that segregated settings do the job better, it is no wonder that many schools turn to segregated placements when they have the option. This option solves a problem for schools and allows them to continue with policies with which they have experience. It does not solve the problem for parents. If parents disagree, and the school does not change its position, parents may turn to a series of quasi-legal steps of appeal. In this situation, the school has access to resources necessary to hire the best legal advice possible. It also is not pressed for time in resolving disputes. Parents, however, must pay their own way. They also are pressed for time in obtaining the strongest possible education for their children. Guess who wins most disputes?

What bothers me is that all of this setting of educators and families at odds is unnecessary. Government policy places the school in a stronger position than that of the parents. Educators who are accustomed to considering learners experiencing disabilities through a certain lens and then are granted the right of using that lens, are not being nasty, They are following the rules as laid down by their governments. They accept the policies and develop tools to enforce those policies. Change, however, is occurring elsewhere. Just today I had a note from a friend, Bettina, in Germany. The note read, "Things seem to develop in Germany thanks to the UN-Konvention. The Ministry of Education called to ask if I will work on a plan for Inklusion for North-Rhine-Westphalia". Our school systems supporting the special education approach simply are

doing what government allows them to do. Other school systems are moving toward international policy. It is the lack of progressive government policies that is at the root of the problem facing Canadian schools and Canadian families.

In terms of rights and social justice, the solution is easily apparent. New Brunswick, the Yukon, the Northwest Territories, Nunavut, and various individual school systems across Canada have seen the solution. The UN and its agencies have seen the solution. Many other nations have seen the solution and are transitioning from the special education model to inclusion. In addition, research on academic and social achievement of learners experiencing disabilities increasingly points out that regular classroom placement is superior to segregated placement.

When will the balance of Canadian governments act on the solution that is so apparent in other parts of Canada and in an increasing number of nations around the globe?