

NBACL Fredericton, NB

May 5, 2008

The Honorable Ken Krawetz,
Minister of Education
Province of Saskatchewan

Dear Minister Krawetz,

We have been made aware of the proposed changes to your province's education legislation (Bill 29) and we want to express our deep concerns on behalf of children and youth who have an intellectual disability.

It is important to know and appreciate that inclusive communities start at school where people with disabilities get a chance to acquire the skills and social capital they will need to succeed. Inclusive communities also start at school for the reason that all students get a chance to appreciate diversity. The schools you create are reflective of the society you want to create. With your proposed legislation going against what research, experience and best practice shows as being actions towards inclusive communities, we are very worried about the general rights and future of people with intellectual and other disabilities in your province.

For over 20 years, New Brunswick's education system has required that students with a disability receive their education in regular classes in neighbourhood schools. While this does not mean that every student is in the regular classroom at all times, there is a strong legal presumption that the regular classroom is the place where every student has a chance to succeed and belong. Where necessary, the appropriate supports to the teacher and student must be provided to ensure success.

Your proposed section 178 appears to conflict with strong legal principles that support the inclusion of students with a disability in the regular education system. Recently, the New Brunswick Human Rights Commission issued a 'guideline' on accommodating students with a disability that supports this legal presumption of inclusion. We strongly suggest that your government review this document before finalizing your legislation. You can find this on the Commission's web-site www.gnb.ca/hrc-cdp/index-e.asp.

The proposed section 178 provides far too much discretion and power in the hands of education officials to exclude certain students based on assumptions about "needs" and "risk". If you were to replace "pupil with intensive needs" with a descriptor of pupils based on other personal characteristics (such as culture or ethnic background) you would likely agree that the proposed legislation is highly discriminatory and alarming. That this

is designed for students who have a disability should not make a difference when you appreciate the significant impact this will have on the rights of these individuals.

Current law in Saskatchewan and elsewhere in Canada already provides for the right of *any* person to receive reasonable accommodations to the point of “undue hardship”. What is legally required will depend on the specific situations in any given case and must not be prejudged. We feel that Saskatchewan’s proposed legislation unfairly targets students with a disability and sets out to create a system that excludes and segregates certain students based on a label or diagnosis. This is unfortunate and regressive.

As an organization that has been working for the past 50 years for the right to a quality education for people with intellectual disabilities, our Association can give you numerous reasons why segregated education environments do not work. Inclusive pedagogy, which is more than just the philosophy that all students belong in school, is a true statement to what good teaching and school management should look like. ALL students have different learning needs, and good responsive education systems find ways to create positive environments in which all students can succeed together.

As a parent of a daughter with a disability I would be most alarmed to be living in Saskatchewan today with what is being proposed in Bill 29. We strongly encourage you to review and change the current Bill 29 and to support *all* students in your province to have a quality, inclusive education. Thank you.

Respectfully yours,

Marlene Munn
President