

SEPTEMBER 25TH TO 27TH, 2008 – TORONTO, ONTARIO



Canadian Association of
Statutory Human Rights Agencies
Association canadienne des
agences de droits de la personne



Canadian Teachers' Federation
Fédération canadienne des enseignantes et des enseignants

Defining a Rights Based Framework: Advancing Inclusion of Students with Disabilities – A Summary of the Canadian Association of Statutory Human Rights Agencies' 2008 National Forum

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Written by
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1. Introduction

On September 25 – 27, 2008, the Canadian Association of Statutory Human Rights Agencies (CASHRA) convened a National Forum on human rights and inclusive education in Toronto. The event was co-hosted by the Canadian Education Association, ARCH (a legal resource for persons with disabilities), the Canadian Association for Community Living (a national advocacy organization with a focus on the wellbeing and social inclusion of people with an intellectual disability), the Canadian Teachers' Federation and Ryerson University. There were 205 participants from across Canada who brought a variety of roles and perspectives to the discussion. Participants included government officials, academics, teachers, school principals, superintendents, members of school boards, personnel at human rights commissions/tribunals, parents, representatives of disability organizations and of education advocacy groups.

The present report provides a summary of key messages stemming from facilitated discussions that took place at the Forum. Cameron Crawford, who is President of the Institute for Research on Inclusion and Society (IRIS), wrote the report. IRIS is an independent Canadian research, policy development and educational think tank for the community living movement in collaboration with the broader disability community.

2. Structure of the National Forum

Following the opening keynote addresses and dialogue on the evening of Thursday, September 25, the Forum comprised an opening general session on Friday morning followed by seven concurrent presentations with discussion, a plenary presentation and plenary Feedback Session #1. The structure of Saturday was much the same.

Concurrent sessions and the plenary presentation on Friday provided context for the discussions in the afternoon and addressed following themes:

- Perspectives on the UN *Convention on the Rights of Persons with Disabilities* from an international perspective, the perspective of the Canadian Human Rights Commission and the perspectives of four other knowledgeable commentators
- Experiences and perspectives of individuals who play a key role in the planning and accommodation of students with disabilities in schools
- What the “Guidelines” of the Ontario and New Brunswick Human Rights Commissions say and mean about inclusive education and the effect these instruments can have
- Legal options for assuring students’ rights to be accommodated in schools, including advocacy with schools and school boards and the lodging of human rights complaints

- Recent research on students with disabilities and the effects of inclusive education based on a large Statistics Canada data sets
- Conditions of inclusion of students with an intellectual disability in regular classrooms in the Quebec education system
- Access and other issues facing students with disabilities in post-secondary education
- Unique challenges faced by children of Aboriginal background who also have disabilities
- Specific issues that face teachers and school systems in addressing the educational challenge of diversity and disability in Canadian schools

Before the plenary Feedback Session, participants broke into groups of about 10 to 15 and answered the following questions on the connection between human rights law and process and the issues of accommodation, inclusion and segregation of students with disabilities in public schools in Canada:

- What are the facts?
- What needs to be done? What actions are possible and by who?

The day closed with plenary Feedback Session #1, at which participants brought to the foreground key issues, themes and reflections that emerged during the day.

Saturday morning opened with a plenary panel presentation followed by six concurrent presentations with discussion. These sessions provided context for the plenary Feedback Session #2 in the afternoon and focused on:

- The “duty to accommodate” up to the point of “undue hardship” in the educational context, including issues of exclusion of students with disabilities from regular classrooms for safety reasons
- Experiences and perspectives of CEO’s and Superintendents of local school authorities and others who play a key role in the process of educational planning and accommodating students with disabilities
- What the “duty to accommodate” means for teachers in particular, from the perspective of teachers
- Challenges of accommodating students with “invisible disabilities” such as environmental illness and allergies
- Addressing inclusion and human rights from a Francophone perspective and how the Human Rights Commission in Quebec can contribute to effective school inclusion in the face of disparities in inclusive practice across school boards and the trend away from inclusion in some boards
- Issues and opportunities to be addressed in moving an inclusion agenda forward within post-secondary education in Canada.

Again, before the plenary Feedback Session #2, participants broke into groups of about 10 or 15 and placed a focus on:

- Moving from issues and possibilities to priorities.
- Should we develop a National Action Plan?

- What should be the priorities for action?
- Who needs to take action?
- How will we measure progress?

The Participant's Program for the Forum, which provides more details about the sessions and the names of presenters and moderators, can be found in the Appendix of this report.

3. Friday – Plenary Feedback Session #1

This section of the report provides a synopsis of key themes that emerged on Friday, when discussants had wide-ranging conversations about the state of inclusive education in Canada.

3.1. What are the Facts?

Issues that were covered spanned, among other matters, unsupportive perceptions and attitudes, conflicting demands and definitions of inclusive education, policy and legal issues, resource allocation issues and issues of practice by school boards and by educators at the school and classroom levels. The general picture that emerges is of a diverse cacophony of understandings, expectations and practices, with greater difficulties moving the inclusion agenda forward at the secondary school level than at the elementary level.

Unsupportive Perceptions and Attitudes

Due to widespread “able-ism”, attitudes towards some children and youth with disabilities are unsupportive and discriminatory. The problem was identified as one that occurs in society in general and within the “disability constituency”, which results in lack of support for inclusive education even among people with disabilities. Fear and closed-mindedness were flagged as other widespread attitudinal problems. Consequently, inclusive education is not seen as important in all quarters and there has not been consistent demand for it.

Several of the discussion groups also mentioned the lack of confidentiality for children with disabilities. One discussant said that there is “no privacy for children because everyone knows about the illness or problem”. Another said that the child is “not seen as human first”.

Conflicting Demands

Not only is there inconsistent demand for inclusion, there is demand from some parents for segregated practice, with some claiming segregated education as their child’s right. Said one participant about parents of children at a segregated school, “there is a waiting list to get children in [and] no mention of inclusion.”

Definitional Challenges

What is meant by “inclusive education” varies considerably. Some schools espouse “inclusion” philosophically but it was observed their practices do not look very inclusive. Conflicting understandings also create difficulties. One discussant said, “Different expectations among teachers and parents create challenges.”

The Fuzzy Right to Inclusive Education

It was pointed out that Ontario's *Education for All* nominally accords the right to inclusive education to all children but is neither law nor policy. Instead it reportedly functions more as an aspiration or 'guideline'. It was also pointed out that, legally, inclusive education has not been secured in most parts of the country.

While human rights law takes precedence over other legislation and imposes a "duty to accommodate", application in the educational context has been uneven and brushes up against cases such as the Supreme Court's ruling in the Eaton Case, which accorded discretion to education authorities to include children in regular classes or to segregate them depending on the authorities' perceptions of the "best interests" of the child.

It was pointed out that human rights guidelines and policy concerning reasonable accommodation have lesser status than law and, even when it comes to the law, school boards do not always follow it when it comes to children with intellectual disabilities. It is common for inclusion not to be a priority issue for boards and there are reportedly no repercussions for boards' failure to accommodate children with intellectual disabilities in regular classrooms. One respondent said, "Inclusion is a 'ghost' to my school board."

Legislating Inclusion as the Practice Norm?

Some discussants suggested that embedding the language of inclusive educational practice as the expected practice norm in provincial/territorial human rights legislation might help solve the problem of uneven practice. However, it was pointed out that, even if embedded in human rights law, the law would have to be interpreted, that there is wide diversity across the country as to how law and policy are interpreted and, in any event, it would be difficult to operationally define in law all the dimensions of inclusive practice. Further, it is difficult to legislate and regulate high expectations for all learners.

That said, discussants observed that Canada has signed the UN *Convention on the Rights of Persons with Disabilities*, which articulates inclusive education as the practice norm to which countries that have ratified the treaty obligate themselves.

Governance and Accountability in Education

Governance and accountability arrangements in education aggravate the general situation. Such arrangements tend to be regionally based instead of centralized at the provincial/territorial level across much of the country. Accordingly, instead of being accountable to clearly enunciated policy and expectations for inclusive practice at the provincial/territorial level, educators are accountable to operational policies and standards that are regionally set by boards for which inclusion may not be a priority.

Difficulties with the Human Rights and Judicial Systems

Further, the human rights and judicial systems are adversarial and complaint-driven. Many parents are operating in “survival” mode and lack the time, energy and other resources to lodge and work through a formal human rights complaint or court case. Said one respondent, “Families who choose segregation programs do not know they have a choice. Parents are exhausted and systematically discouraged.” Said another, “No one likes to have a court battle.” Dealing with issues of inclusion and the formal complaints process was flagged as a particular challenge for parents whose first language is not English (or, by analogy, French in Quebec). Another observed the “lack of openness about ‘settlements’”, leaving in question the nature of the benefits to be achieved by undergoing the human rights and judicial process. One respondent said, “There is a long way to go for human rights law to have an impact on schools.”

Resource Allocation Issues

Another issue that requires attention is what was called the “dubious resource context”, i.e., lack of funding and direction of funds and other resources away from inclusive practice. Remote isolated communities face particular challenges in this regard. Said one respondent, “Access to basic fundamental service is not there. Residential schools are the only option.”

The Need for Pre-service and In-service Training on Inclusion

Teachers’ lack of training and familiarity with inclusive practice is a further obstacle, as is the wide diversity on grounds aside from disability that has to be addressed in the regular classroom, with attendant issues for teachers on the instructional, disciplinary and cultural fronts.

The Need for Supports for Families

For one jurisdiction the phasing out of social workers was reported as a problem. Previously social workers had been available to provide support to parents for grieving, to talk about accessibility issues and to provide information about programs that are available. That social workers are no longer available to fulfill these functions has been experienced as a palpable loss.

Pockets of Good Practice

While there is much unevenness across Canada in terms of whether and how issues of inclusion are being addressed, some positive observations were made. One respondent said that, despite the present situation, there are “pockets of good stuff happening everywhere”.

3.2. What Needs to be Done? What Actions are Possible and by Who?

In considering what needs to be done to advance the inclusive education of children and youth with disabilities, and who should do what, discussants explored a variety of themes that touched upon, among other things, definitional

and funding issues, legislative change, strategies for pursuing human rights, the organization of education, teacher preparation and professional development, ensuring provision of supports for students and parents, knowledge mobilization and collaboration among stakeholders.

Key players that need to be engaged in moving inclusive education forward are:

- Young people with disabilities
- Other students
- Parents of children and youth with disabilities
- Other parents of students
- Teachers
- Educational assistants
- School principals
- School staff more broadly
- Superintendents of education at the school district/board level
- People in district-level educational authorities
- Academics/researchers
- National disability organizations and their regional affiliates
- Provincial/territorial education authorities (Ministries responsible for education)
- Other provincial/territorial organizations with responsibilities in the area of education (e.g., provincial Superintendents Associations and Teachers' Colleges)
- Trans-provincial/territorial authorities with responsibilities in the area of education (e.g., Council of Ministers of Education Canada, Canadian Education Statistics Council, Canadian School Board Association, Canadian Association of School Administrators, Canadian Teachers' Federation)
- Political leaders

Key directions that emerged from the discussions are as follows.

Ensure Quality Education, Grounded in Principles of Inclusion

General, over-riding concerns were that all students should receive the highest possible quality of education and that foundational value statements on inclusion should be incorporated into curriculum development.

Address Negative Attitudes about Disability and Inclusion

Positive messaging about children and youth with disabilities needs to become more widespread within schools and public discourse, as does an understanding of the benefits of inclusive practice for all students.

Address the Definitional Challenge

There is a need for a roughly common understanding across stakeholder groups of core principles and practices associated with effective, high quality inclusive education.

Address Funding Formulas

In order for 'the system' to see the child first and the disability second, funding formulas that encourage the labelling and funding of disabilities need to be revised.

Earmark and Protect Resources for Inclusion

While there is a need to move away from funding disabilities, there is a need to ensure that resources allocated to foster inclusive education are in fact used for that purpose and are not simply swallowed up by school districts and schools for any number of other purposes. Accordingly, there is also a need for greater transparency within the system concerning the details about resources available to school boards and schools for inclusion.

There was also a call for funding to enable families at the grass roots level to organize, engage in peer mentoring, advocate and serve as a knowledge resource for educators on issues of inclusive education.

Tighten Up and Enforce Legislation

It was suggested that legislation that is vague about inclusive education needs to be "tightened up" and that human rights law should be made more explicit with respect to inclusive education. Then there is a need to ensure enforcement of the law, policy and guidelines concerning inclusive practice.

Avoid Adversarial Approaches to Pursuing Human Rights

While some discussants thought that a "human rights approach" should be adopted as the philosophical orientation for moving inclusion forward and that people with disabilities should be integrally involved in the development of that approach, others cautioned that a formal, legal human rights approach should be used as a "last resort" because when human rights complaints are lodged, "schools stop talking and you deal with lawyers". In the words of another participant, "Money spent on litigation could [be used to] support kids."

That said, it was also acknowledged that there is a time and place for protest and for adversarial approaches when all else fails.

Ensure Transition Planning Into, Across and From the School Years

Timely and effective transition planning is required for the transition of young children with disabilities into school, from elementary to secondary school and from secondary school to post-school options, which would ideally include paid employment for most.

Ensure Effective Pre-service Training and Ongoing Professional Development

The need for better preparation of regular classroom teachers through pre-service training and professional development was a recurring theme. Such training should place a focus on helping educators “see the child first and the disability second” and on how teachers can assist *all* children to access the regular curriculum by means of ‘universal design’ and by modifying approaches to instruction, not the curriculum itself. Parents should be involved as “teachers of teachers” in pre-service training and ongoing professional development.

The general spirit of such development should be one of valuing and respecting teachers’ knowledge of students and of helping to build greater self-confidence among teachers, who typically have little background or experience in the area of inclusion.

School administrators’ and superintendents’ lack of background and performance evaluation in relation to inclusive practice were also flagged as matters that require attention.

Ensure Provision of Necessary Supports for Students and Parents

The support system requires attention to ensure that needed sign language interpreters and other supports specific to disability are available. One participant indicated that it was important to “get back social workers or get something in place for parents to help them deal with conflict resolution and to be guided to teaching supports.” The need for practical supports for parents was a recurring theme.

Disband Streaming and Segregation in Education

It was suggested that the streaming of students into and along different educational trajectories should be disbanded. Instead there should be one “main” system, one budget, clear leadership in school boards for inclusive practice, appropriate support and resources for inclusion and teachers who have been trained how to educate inclusively. In the words of one participant, “Schools say you have a ‘choice’ but not really because all the supports are in segregated classrooms.” Accordingly, there was also a call for an end to “special education” that runs parallel to and outside of regular education.

Attend to Issues Facing Aboriginal and Rural Communities

While the discussion was short on specifics, it was acknowledged that there are unique challenges to be addressed in moving inclusive education forward in Aboriginal and rural communities. Not the least of the challenges is ensuring that these communities are adequately resourced.

Mobilize Knowledge on Inclusion and Equality

Participants pointed to the need for dissemination of educational and awareness-raising materials on inclusion. Examples include: research on the

links between inclusion, student health and other outcomes; concrete examples of best practices; and “success stories” and challenges that have been overcome as told by schools and school boards and not just by parents. Also needed are brochures on the how to’s of accommodating students, newsletters, websites and other practical resources. That there would be such resources to disseminate presupposes that there would be a sufficient base of empirical research to feed into resource development.

It was suggested that lesson plans and other practical resources developed for students in the later years of elementary school (e.g., for a science unit) may be useful resources for teachers of students in the earlier years of high school and that resource and knowledge transfer in this area warrants attention.

Further, it was urged that teacher mentoring be more widely adopted so teachers who understand the principles and practices of inclusion will work with new teachers who may lack much background in the area.

As well, student awareness raising, student mentoring and “youth for youth” leadership development should be encouraged so youth will teach others about issues of equality. Said one participant, “Students want to help other students, so come up with strategies on how to [enable them to] do that.”

Encourage and Support Dialogue and Collaboration Among Stakeholders

Advocates, people in the human rights community and the Community Living movement, teachers, administrators and school district representatives were encouraged to continue dialoguing, partnering and learning from one another and to continue exerting pressure on governments for inclusion.

4. Saturday – Plenary Feedback Session #2

On Saturday the discussion groups moved beyond considering issues and possibilities to considering whether there is a need for a National Action Plan on inclusive education. They mapped out key priorities for action, identified who needs to take action and how to measure progress. The following provides a summary of key themes.

4.1. Towards a National Action Plan

There was general agreement that a National Action Plan on inclusive education is needed. Recognizing that education is a provincial/territorial responsibility, discussants also acknowledged that much of the work would of necessity have to take place at the provincial/territorial level. However, it was suggested that there could be a role for the Council of Ministers of Education Canada (CMEC). CMEC would not so much lead the development of a National Action Plan but rather could facilitate a pan-Canadian dialogue and foster a common approach across the country that would take into account regional priorities. If CMEC were not to play such a role, discussants agreed that some other organization would have to do so because there needs to be dialogue and development at the national/pan-Canadian level, which will not happen without leadership.

Other groups that should be included early on in the development of a National Action Plan are principals' organizations, trustees, directors, teachers and non-government organizations that operate nationally and that would be supportive (e.g., Canadian Association for Community Living, Canadian Paraplegic Association, Council of Canadians with Disabilities, Independent Living Canada).

It was pointed out that not only would a National Action Plan have to accommodate regional priorities, it would also have to take into account various other dimensions of how education is organized in Canada. These include the Catholic and public systems that both have English and French subsystems and that operate at the preschool, elementary and secondary levels. Post-secondary education is another 'system' altogether – a highly heterogeneous assemblage of self-governing institutions that needs to be factored into the mix. The National Action Plan should be designed to ensure policy and practice relevance across all such dimensions.

4.2. Priorities for Action

Discussants flagged several issues as requiring priority attention. The following provides a summary of key actions that need to be taken. Not brought to the foreground, here, are problems for which solutions were not proposed:

- Bachelor of Education and teacher certification programs should convey to and require of teachers-in-training some baseline understanding of the needs of children and youth with disabilities. Teachers should receive very practical instruction on issues such as how to adapt the curriculum and modify instruction to meet the learning needs of individual students. The training of teachers should be based on “best practices” and may involve site visits so teachers can see first hand how effective inclusion looks in practice.
- More teacher-to-teacher dialogue on issues of inclusion needs to be fostered.
- Existing stories about successful inclusion should be pooled from across the country. Stories gathered should be those told from the perspectives of teachers and parents and should focus both at the individual student level as well as at the systems level. Groups such as the Canadian Teachers’ Federation and associations for Community Living should all be engaged to highlight positive examples of inclusion.
- Regular and special education should be amalgamated while ensuring equitable distribution of resources for inclusion.
- Associations for Community Living, the Canadian Association of School Administrators, Human Rights Commissions/Tribunals, universities and Parent Councils should all be engaged in representing the case for inclusion.
- Teachers’ federations and faculties of education have to be convinced that regular classroom teachers need to be prepared to teach in diverse classrooms that include students with disabilities.
- A process should be implemented to foster greater public awareness about inclusive education as a human rights issue.
- A consistent approach to sharing information should be developed that targets anyone who has an investment in education, who has a passion for inclusion, as well as parents of children who do not have a disability.
- More dialogue and collaboration among key stakeholders needs to be fostered.

4.3. Who Needs to Take Action?

Discussants were in general agreement that provincial/territorial Ministries of Education are key to moving inclusive education forward. Those ministries have a major bearing on educational programs and services, the training required by teachers and the teacher certification process. Accordingly, discussants saw an important role for the Council of Ministers of Education Canada (CMEC), although discussants did not flesh out that role in detail. That said, they indicated that CMEC should be engaging with other key players, including CASHRA.

Discussants also indicated that all those attending the 2008 CASHRA Forum on inclusion each have responsibilities in their own spheres of action for moving inclusive education forward, as do other equality-seeking individuals and groups.

It was suggested that the Canadian Association for Community Living should be a driver behind the development of a National Action Plan on inclusive education.

4.4. Measuring Progress

Discussants identified the following strategies for measuring whether progress is being achieved in bringing about more inclusive educational practice.

- Monitor and track trends in the following:
 - o Human rights complaints
 - o Complaints to other boards/tribunals
 - o Impressions/experiences of those working in case management and similar positions
 - o “Inclusion policies” at the school board/district level
- Survey students about their ideas and experiences of inclusion in their classrooms.
- Measure the number of special education classrooms.
- Identify and measure baseline practices in segregated classrooms and schools and track those indicators to detect change in the direction of more inclusive practice.
- Use the CASHRA website as a vehicle for posting and tracking feedback about the experiences of various groups concerning inclusion/exclusion in

education.

- Within an inclusion framework, identify and monitor goals that can be implemented in the short-term while also monitoring whether longer-term goals are being achieved.

Any discussion about measuring progress is a technical one. When such a discussion comes at the end of an intensive few days of other substantive discussions involving people who do not usually deal with issues of measurement, this is likely to be an area where discussants will have some difficulties. Based on presentations and discussions at the Forum, however, it does seem to the writer of the present report that a few additional avenues for measuring progress towards inclusive educational practice could be considered:

- Major statistics Canada data sets could be mined more fully. For instance:
 - o Groundbreaking work was presented at one of the Forum's sessions. It was based on the Child component of the Participation and Activity Limitation Survey (PALS) of 2001, which has a wealth of useful information about disability and education. That work could be followed up based on the 2006 and, it is to be hoped, 2011 versions of PALS.
 - o The Adult component of PALS could be used to track the extent to which youth 15 to 24 years have ever been educated in special education classrooms or schools. This information has been gathered in PALS since 2001. The Adult component could also be used to track the extent to which youth with disabilities are gaining access to supportive post-secondary school programs, i.e., situations where needs for human, technological, built environmental and other supports are being fully met. Again, such information has been gathered in PALS since 2001.
 - o The National Longitudinal Survey on Children and Youth (NLSCY) and the Youth in Transition Survey (YITS), which are conducted regularly, could be examined to see whether useful indicators and measures of inclusive education are available on these surveys. These surveys have undergone many design changes over time, so identifying indicators and measures of inclusive practice over time in these surveys will require a fresh look.
- The following could also be tracked:
 - o Various details (e.g., extent of participation in special education, literacy and numeracy levels) as indicated in occasional reports issued by Statistics Canada on the education and educational outcomes of Canadian children and youth with and without disabilities.
 - o Whether and to what extent provincial/territorial funding for education is dedicated specifically to ensure the inclusion of all students in regular

classrooms.

- o Whether and to what extent universities place attention on issues of inclusive education in teacher pre-service and in-service programs, attending to issues of various disabilities within the wider scope of student diversity.
- o Whether teachers stand to benefit, professionally and financially, as a result of undergoing training and professional development on inclusive education with a specific focus on teaching students with disabilities.

5. Summary

This report has provided a summary of key outcomes of the 2008 National Forum hosted by the Canadian Association of Statutory Human Rights Agencies, entitled, “Defining a Rights Based Framework: Advancing Inclusion of Students with Disabilities”. The Forum brought together over 200 people knowledgeable about human rights, disability, education and, in particular, inclusive education. The Forum was co-hosted by the Canadian Education Association, ARCH, the Canadian Association for Community Living, Canadian Teachers’ Federation and Ryerson University.

Participants provided their views of the current state of inclusive practice in Canada. They identified that, while there are pockets of excellent practice, overall the situation is very uneven. Progress towards more inclusive educational practice is hampered by unsupportive perceptions of and attitudes towards disability, conflicting demands and a lack of consistent demand for inclusion, inconsistent definitions and understandings of inclusive education and a lack of clarity about whether there is in fact a clear right to inclusive education. Decentralized governance and policy setting in education in Canada leave inclusive education a low priority in some areas of the country and there is even movement away from inclusive education in some areas. Parents who may want to use the human rights and judicial system to challenge the exclusion of their children from regular classrooms face a range of difficulties. Funding in education that is nominally allocated to support inclusive practice can get diverted to cover other priorities. Educators typically lack much background on the principles and how to’s of effective inclusive practice. The result is that many families feel beleaguered, unsupported and exhausted.

In order to address this situation, discussants at the Forum identified that the following measures are needed:

- The education system should be designed so that it delivers quality results for *all* students, grounded in principles of inclusion
- Negative attitudes about disability and inclusion need to be challenged and stemmed
- A roughly common definition of core elements of effective, high quality inclusive education needs to become more widely understood and used
- Other ways of funding inclusive practice must be found instead of diagnosing and labelling children and attaching dollars to diagnostic categories

- Funding for inclusion should be reserved and protected for that purpose, not diverted to meet other needs
- Legislative obligations in the area of inclusive practice need to be more clearly articulated and need to have “teeth”
- Timely transition planning into, across and from the school years for children and youth with disabilities needs to become more widely implemented
- Teachers must have access to pre-service and in-service professional development on issues of inclusive practice
- Disability-specific supports for young people and supports for their families need to be made more widely available
- Streaming and segregation in education should be disbanded and resources should be reallocated to support all learners in the regular system
- Issues facing Aboriginal and rural communities require focused attention
- The knowledge about effective inclusive practice needs to be mobilized more effectively and widely
- Stakeholders in education need to continue dialoguing and collaborating to move the inclusion agenda forward

There was general agreement among discussants that a National Action Plan on inclusive education is needed. Such a plan should be flexible enough to take into account provincial and territorial priorities as well as be policy and practice relevant across the public and Catholic systems and their English and French subsystems at the preschool, elementary and secondary levels. The post-secondary system should also be included within the National Action Plan.

The Council of Ministers of Education Canada, CASHRA and major national disability organizations all have a role to play in the development and implementation of the National Action Plan.

Discussants identified priorities for action, key players for moving inclusive education forward and some ideas for measuring progress, all of which can be found in sections 4.2 –4.5 of this report.

In summing up the look and feel of inclusive education were it to be more widely practiced, one discussant said, “Seeing our children accepted, respected and cared for, and physically and emotionally safe”.

Appendix – Participant’s Program

SEPTEMBER 25TH TO 27TH, 2008 – TORONTO, ONTARIO

DEFINING A RIGHTS BASED FRAMEWORK ADVANCING INCLUSION OF STUDENTS WITH DISABILITIES

2008 NATIONAL FORUM



Canadian Association of
Statutory Human Rights Agencies
Association canadienne des
commissaires et comités des droits de la personne

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Canadian Teachers' Federation
Fédération canadienne des enseignantes et des enseignants

A National Forum.

Moving Forward Together

Participant's Program

CASHRA Canada's Human Rights Commissions

This National Forum
is made possible,
in part, by a grant
from the Ontario
Ministry of Education



Welcome ...



Welcome to this National Forum – the first event of its kind in Canada. CASHRA – the Canadian Association of Statutory Human Rights Agencies - is pleased to have you join us for this important discussion about how we move our education system ahead with a focus on human rights, quality education and inclusion. Our nation is one that welcomes and embraces diversity. This diversity enriches our nation, our communities and our schools. The benefits are clear, our progress is clear ... but not all are included. We need to work together to build solidarity of purpose and outcome for all our children. Our human rights codes cover students with mental and physical disabilities but the challenge of diversity goes much further. Our national commitment to individual rights represented by the Charter as well as provincial human rights laws is now joined by our signature on the United Nations Convention on the Rights of Persons with Disabilities. Our future direction seems clear, but how we move ahead on this journey is not.

This Forum brings together the people who can collectively provide insights into the way forward. Thus our Forum Theme: Defining A Rights Based Framework: Advancing Inclusion of Students With Disabilities.

CASHRA's partners bring to the table a range of perspectives that need to be included in a Framework to move us forward. We appreciate the efforts of the following:

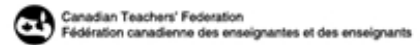
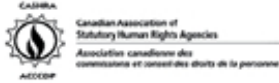
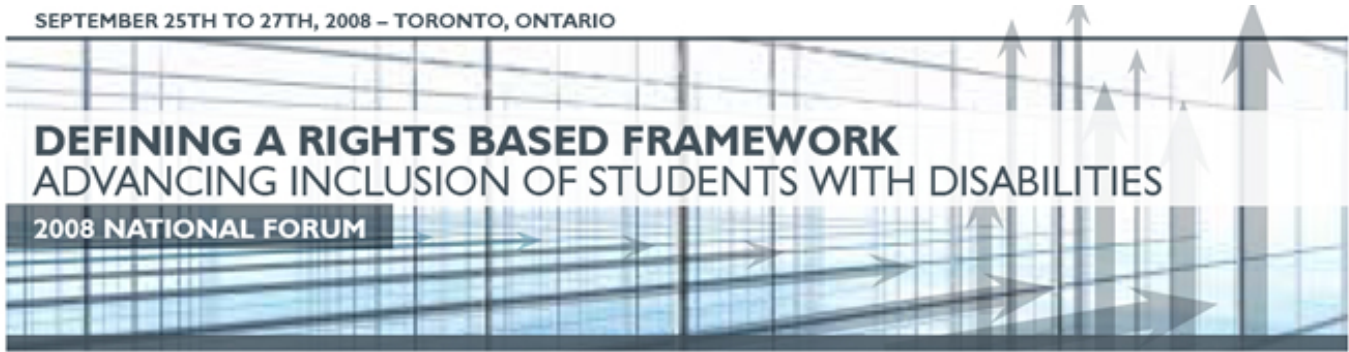
- The Canadian Teachers' Federation
- The Canadian Education Association
- The Canadian Association for Community Living
- ARCH Disability Law Centre
- Ryerson University – School of Disability Studies

A special thank you to Deborah Burns who has helped with all the details – big and small – as well as a number of individuals – too many to mention – who have assisted in making this event a reality.

We called it a forum because we wanted to emphasize the need for a national conversation to begin in a much more substantive way than it has thus far. So let's begin – to talk and listen – and thus shape the future together.

A handwritten signature in blue ink that reads "Gordon L. Porter". The signature is written in a cursive style and is set against a light blue, textured background.

Gordon L. Porter
Forum Chair, CASHRA



Forum Program

Thursday, September 25, 2008

Time	Activity
4:00 pm	Registration
7:00 pm	Ambrosia Room Opening : Welcome Statement of Goals of Forum Gordon L. Porter, Forum Chair Chair, New Brunswick Human Rights Commission
7:15 pm	Opening Remarks The Honourable David C. Onley, O.Ont. Lieutenant Governor of Ontario <p>“When David C. Onley was appointed The Queen’s representative in Ontario, his concern for people with disabilities became front page news. And when he took office on 5 September 2007, Ontario’s 28th Lieutenant Governor became a highly placed champion for accessibility. “The Honourable David C. Onley has championed disability issues on many fronts and for many years. Having lived with polio and post-polio syndrome since the age of three, he has broken through social barriers and become a role model.”</p> <p style="text-align: center;">– From official website</p> <p style="text-align: center;"><i>We are pleased to have him join us for the opening of our Forum.</i></p> Keynote Address: Catherine Frazee Ryerson University <p>Catherine Frazee is a writer, educator and researcher who draws from her own experience of disablement in entering ethical and cultural dialogues about citizenship and personhood. A Professor of Distinction in the Disability Studies program at Ryerson University and Co-director of Ryerson's Institute for Disability Studies Research and Education, she is a committed activist who has lectured and published extensively in Canada and abroad on issues related to disability rights, identity, culture and the disability experience. Her work is informed by many years of involvement in the equality struggles of disadvantaged and marginalized groups, most notably during her term as Chief Commissioner of the Ontario Human Rights Commission from 1989 to 1992. Dr. Frazee was awarded an honorary Doctor of Letters from the University of New Brunswick in October, 2002.</p> Moderator: Mary Pat Short, President CASHRA and Chair of the Northwest Territories Human Rights Commission

<p>Thursday Sept. 25 8:00 pm</p>	<p style="text-align: center;">Ambrosia Room Feature Session – “Critical Issues and Challenges of Human Rights, Education and Inclusion”</p> <ul style="list-style-type: none"> • Marilou Donnelly, President-Elect, Canadian Teachers Federation • Penny Milton, CEO, Canadian Education Association • Barbara Hall, Chief Commissioner, Ontario Human Rights Commission • Michael Bach, Executive Vice President, Canadian Association for Community Living <p style="text-align: center;">Moderator: Carolyn Duhamel President of Canadian Education Association</p> <p style="text-align: center;">Open Forum Dialogue Moderator & Facilitator: Catherine Frazee</p>
<p>9:30 pm</p>	<p style="text-align: center;">Muskoka Room Reception</p>

<p>Friday, September 26, 2008</p>	
<p>8:00 am</p>	<p style="text-align: center;">Continental Breakfast Outside Ambrosia Room</p>
<p>8:45 am</p>	<p style="text-align: center;">Ambrosia Room Welcome & Program Review</p>
<p>9:00 am</p>	<p style="text-align: center;">Opening General Session #1:</p> <p>This session will provide a framework for discussing the issue with an international perspective and the UN Convention as well as the Canadian Human Rights perspective and the National education perspective by four knowledgeable commentators.</p> <ul style="list-style-type: none"> • The UN Convention on the Rights of Persons with Disabilities & the implications for Canada: Diane Richler, President, Inclusion International • A Critical Analysis of Human Rights Law & Education of Students with Disabilities in Canada: Ivana Petricone, Executive Director, ARCH Disability Law Centre • Canadian Human Rights Perspective: Marilou McPhedran, Principal, Global College, University of Winnipeg • Human Rights and Inclusion: A Parent Perspective: Marilyn Dolmage, Ontario Coalition for Inclusive Education <p style="text-align: center;">Moderator: Dianne Garrels-Munro, President, Community Living Ontario</p>

10:30 am	Refreshment Break
11:00 am	Workshop Sessions # 1: Theme for sessions – Exploring the diverse issues of access and accommodation of students with disabilities.
Session 1.1	<p style="text-align: center;">Room: McIntosh I</p> <p>From Principles to Practice: Accommodating Students with Disabilities in Schools and Classrooms Individuals who play a key role in the process of planning and accommodating students with disabilities in schools will share their experiences and perspectives.</p> <ul style="list-style-type: none"> • Moderator: Christa Freiler, Director of Research, Canadian Education Association <p>Panelists:</p> <ul style="list-style-type: none"> • Nancy Baldree, Executive Assistant Professional Services/Professional Development, Elementary Teachers' Federation of Ontario • Fran Marinic-Jaffer, Parent, Educator, Advocate, Doctoral Candidate, OISE, University of Toronto • Audrey Lampert, Vice Principal, Queen Elizabeth School, Moncton, NB and Commissioner, NB Human Rights Commission
Session 1.2	<p style="text-align: center;">Room: McIntosh II</p> <p>How do Human Rights Commissions deal with complaints regarding disabilities? The Ontario and New Brunswick Human Rights Commissions have “Guidelines” on this area. Session Focus: What they say; What they mean; What effect they can have.</p> <ul style="list-style-type: none"> • Moderator: Orville Endicott, Legal Counsel, Community Living Ontario <p>Panel:</p> <ul style="list-style-type: none"> • Cherie Robertson, Senior Policy Analyst, Ontario Human Rights Commission • Francis Young, Human Rights Officer, N.B. Human Rights Commission
Session 1.3	<p style="text-align: center;">Room: Golden</p> <p>Access & Advocacy: Legal options for assuring students' rights to be accommodated in schools. The workshop will explore a range of options, including advocacy with the school/school board and human rights complaints. The workshop will also deal with key issues that arise, including what kinds of evidence are critical to resolve a human rights complaint in education, how this evidence is different from other kinds of human rights complaints, and what constitutes an appropriate evidentiary record.</p> <ul style="list-style-type: none"> • Moderator: Krista Daley, CEO, Director, Nova Scotia Human Rights Commission <p>Panel:</p> <ul style="list-style-type: none"> • Catherine Knox, Lawyer, Saskatoon, Saskatchewan • Reva Schafer, Resource Parent, Toronto Family Network • Martha Mackinnon, Executive Director, Justice for Children and Youth, Toronto

<p>Session 1.4</p>	<p style="text-align: center;">Room: Spartan</p> <p style="text-align: center;">Student Well-being:</p> <p style="text-align: center;">Degree of Inclusion and Results for Canadian Children and Adults with Disabilities.</p> <p>Brand New Research: A session reviewing recent research on students with disabilities and the effects of inclusive education based on the Participation and Activity Limitation Survey (PALS) Data from Statistics Canada.</p> <ul style="list-style-type: none"> • Moderator: Gordon Kyle, Director of Social Policy and Government Relations, Community living Ontario • Cameron Crawford, Director, Research & Knowledge Management, Canadian Association for Community Living, Toronto • Vianne Timmons, President, University of Regina
<p>Session 1.5</p>	<p style="text-align: center;">Ambrosia Room I - – Simultaneous Translation</p> <p>En Français: <i>L'inclusion en classe ordinaire des élèves présentant une déficience intellectuelle - Proposition d'un cadre organisationnel</i></p> <p>“Inclusion of Students with an Intellectual Disability in Regular Classrooms: Issues & Analysis”. In December 2007, the CDPDJ adopted a statement entitled - (Inclusion of students with an intellectual disability in regular classrooms – Proposed organizational structure). The goal of the presentation is to outline the main thrusts of the statement, which analyzes the conditions of possibility of the inclusion of students with an intellectual disability in regular classrooms in the Quebec education system. The basic objective of this document is to identify organizational parameters that would promote the integration of all students with special needs (not only students with an intellectual disability) into regular Quebec classrooms.)</p> <ul style="list-style-type: none"> • Moderator : Lorraine Doucet, L'Association du Québec pour l'intégration sociale (AQIS) • Daniel Ducharme, Commission des droits de la personne et des droits de la jeunesse du Québec/ Officer & Researcher, Quebec Human Rights Commission
<p>Session 1.6</p>	<p style="text-align: center;">Ambrosia Room II</p> <p>Post-Secondary Education for Students with Disabilities: Issues & Access</p> <ul style="list-style-type: none"> • Moderator: Susan Butterfield, Director, N. B. Human Rights Commission <p>Panel:</p> <ul style="list-style-type: none"> • Rabia Khedr, Principal Consultant, diversityworX, Mississauga, Ont. • Stephanie Marinich, Coordinator, Access Centre, Ryerson University • Hélène Martin, Manager of Services for Students with Disabilities, New Brunswick Community College
<p>Session 1.7</p>	<p style="text-align: center;">Room: Northern Spy</p> <p>Inclusion, Disability & Aboriginal Students: The Barriers, Challenges and Opportunities</p> <p>A discussion of the unique challenges faced by children of Aboriginal background who also have disabilities.</p> <ul style="list-style-type: none"> • Moderator & Panelist: Jerry Woods, Chair, Manitoba Human Rights Commission <p>Panel:</p> <ul style="list-style-type: none"> • Darren McKee, Assistant Deputy Minister of Education, Saskatchewan • Genevieve Fox, Coordinator, Aboriginal Learning Knowledge Centre, First Nations Adult and Higher Education Consortium, Calgary • Don Shackel, FAS Wellness Specialist The Manitoba First Nations Education Resource Centre (MFNERC)

12:15 pm	LUNCH
1:30 pm	<p style="text-align: center;">Ambrosia Room General Session #2</p> <p style="text-align: center;">Exploring the Educational Dimensions of the Challenge of Diversity and Disability in our Schools: This session will deal with some of specific issues that face teachers and school systems.</p> <ul style="list-style-type: none"> • Canadian Education Perspective: Vianne Timmons, President of University of Regina • Teachers and the Challenge of Student Diversity and Inclusion: Myles Ellis, Director, Economic & Member Services, Canadian Teachers Federation • Human Rights and Practice: The Review in NB and more ... : Wayne MacKay, Professor, Dalhousie University, School of Law <p style="text-align: center;">Moderator: Bendina Miller, President, Canadian Association for Community Living, Superintendent of Schools, School District #6 (Rocky Mountain), British Columbia</p>
2:45 pm	<p style="text-align: center;">Discussion Session # 1</p> <p style="text-align: center;">Several Open ended questions – on issue of inclusion and segregation in Canadian education and the effect of human rights law and process. Example: “What are the facts?” “What needs to be done?” “What actions are possible? By who?” Groups of 10-15 with Facilitator and Recorder Moderator: Gordon L. Porter, Forum Chair</p>
3:45 pm	<p style="text-align: center;">Refreshment Break</p>
4:00 pm	<p style="text-align: center;">Ambrosia Room General Session – Feedback and Discussion Discussion among participants on issues, themes and reflections from the day. Moderator: Gordon L. Porter, Forum Chair</p>
4:45 pm	<p style="text-align: center;">Ambrosia Room Wrap Up session</p>
5:00 pm	<p style="text-align: center;">Adjournment</p>

Saturday, September 27, 2008

8:00 am	Continental Breakfast Outside Ambrosia Room
8:45 am	Ambrosia Room Review & Goal for the Day
9:00 am	<p style="text-align: center;">General Session # 3</p> <p>This session will focus on political, policy and practical aspects of achieving an inclusive school system in Canada – an examination of obstacles and opportunities.</p> <p>Moderator: Penny Milton, CEO, Canadian Education Association</p> <ol style="list-style-type: none"> 1. Hon. Kelly Lamrock, Minister of Education, Province of New Brunswick and Chair of Council of Ministers of Education Canada. 2. Dr. Michael Bach, Executive Vice President, Canadian Association for Community Living 3. Additional Panelist – To Be Confirmed.
10:15 am	Refreshment Break
10:30 am	Workshop Sessions # 2 Theme for the Sessions: Perspectives on Achieving and Advancing Inclusion of Students with Disabilities
Session 2.1	<p style="text-align: center;">Room: McIntosh I</p> <p style="text-align: center;">Legal Perspectives: From ARCH Disability Law Centre</p> <p>A session to explore concepts critical to the development of human rights law as it applies to education. The workshop will focus on an understanding of the duty to accommodate and the concept of undue hardship in the education context. Examples will be discussed, including the exclusion of students with disabilities from schools for safety reasons.</p> <p>Moderator: Marlene Munn, President, N.B. Association for Community Living</p> <ul style="list-style-type: none"> ▪ Robert Lattanzio, Lawyer ▪ Kerri Joffe, Lawyer
Session 2.2	<p style="text-align: center;">Room: McIntosh II</p> <p style="text-align: center;">From Principles to Practice: Accommodating Students with Disabilities in Schools and Classrooms</p> <p>In this session, CEO's/Superintendents of local school authorities and others who play a key role in the process of planning and accommodating students with disabilities in schools will share their experiences and perspectives.</p> <p>Moderator: Bendina Miller, Superintendent of Schools, S. D. #6, BC.</p> <ul style="list-style-type: none"> • Bob Mills, Director General, Lester B Pearson School Board, Montreal • Alex Dingwall, Superintendent, School District 18, Fredericton, NB • Catherine Montreuil, Superintendent of Education, Bruce-Grey Catholic District School Board, Hanover, Ontario
Session 2.3	<p style="text-align: center;">Room: Golden</p> <p>Perspective From the School and Classroom: Teacher Leader's Share their Views - What the "duty to accommodate" means for teachers.</p> <p>Moderator: Mary Pat Short, President CASHRA</p> <ul style="list-style-type: none"> • Phyllis Horne, President, Prince Edward Island Teachers' Federation, • Dianne Woloschuk, President, Saskatchewan Teachers Federation

<p>Session 2.4</p>	<p style="text-align: center;">Room: Spartan</p> <p style="text-align: center;">Invisible Disabilities: The Challenge of Accommodating Environmental Illness and Allergies</p> <p>Moderator: Richard Montigny, Chairperson, Prince Edward Island Human Rights Commission</p> <p>Panel:</p> <ul style="list-style-type: none"> • Maurice Brenner, Human Rights Advocate, Ontario • Zoe Watson, Superintendent. School District 6, Rothesay, NB
<p>Session 2.5</p>	<p style="text-align: center;">Ambrosia Room – Simultaneous Translation</p> <p style="text-align: center;">En Français - French Language Session : A Session Addressing Inclusion and Human Rights from a Francophone Perspectives</p> <ul style="list-style-type: none"> ▪ How can the Human Rights Commission contribute to successful school inclusion here in Quebec? ▪ “In 2003, the proportion of integrated students shows stunning disparities between school boards and some have even reduced their rate rather than moving in the direction of the ministerial objectives.” (Report of the Auditor-General of the National Assembly, 2003-2004) <p>Moderator: Dany Desjardin, Inclusive Education Coordinator, NB Association for Community Living</p> <ul style="list-style-type: none"> • Lorraine Doucet, L'Association du Québec pour l'intégration sociale (AQIS)
<p>Session 2.6</p>	<p style="text-align: center;">Room: Northern Spy</p> <p style="text-align: center;">Moving Forward with Post Secondary Education in Canada: Issues and Opportunities</p> <p>Moderator: Tyler Hnatuk, Policy Analyst, Community living Ontario</p> <ul style="list-style-type: none"> • Zuhy Sayeed, Past President, Canadian Association for Community Living • Krista Carr, Executive Director, New Brunswick Association for Community Living • Students, Ryerson University
<p>11:45 pm</p>	<p style="text-align: center;">Discussion Session # 2</p> <p style="text-align: center;">Groups of 10-15 with Facilitator and Recorder</p> <p>“Moving from issues and possibilities to priorities.” - Developing a National Action Plan – with possible priorities for action by major stakeholders.</p> <p style="text-align: center;">Moderator: Melanie Panitch, Director, School of Disability Studies, Ryerson University, and Gordon Porter, Forum Chair</p>
<p>12:30 pm</p>	<p style="text-align: center;">LUNCH</p>
<p>1:45 pm</p>	<p style="text-align: center;">Ambrosia Room</p> <p style="text-align: center;">General Session – Feedback and Discussion</p> <p style="text-align: center;">“Moving from issues and possibilities to priorities.”</p> <p style="text-align: center;">Feedback from Discussion Groups</p> <p style="text-align: center;">Moderator: Melanie Panitch, Director, School of Disability Studies, Ryerson University, and Gordon Porter, Forum Chair</p>

2:30 pm	<p style="text-align: center;">Ambrosia Room</p> <p style="text-align: center;">“Setting Priorities and Moving Forward”</p> <p style="text-align: center;">Representatives from Forum Partners will offer their observations on the issue as we move forward.</p> <p style="text-align: center;">Moderator: Gordon L. Porter, Forum Chair</p> <ul style="list-style-type: none"> • Emily Noble, President, Canadian Teachers Federation • Penny Milton, CEO, Canadian Education Association • Ivana Petricone, Executive Director, ARCH Disability Law Centre • Barbara Hall, Chief Commissioner, Ontario Human Rights Commission • Michael Bach, Executive Vice President, Canadian Association for Community Living
3:30 pm	<p style="text-align: center;">Ambrosia Room</p> <p style="text-align: center;">Wrap Up Comments ...</p> <p style="text-align: center;">Dr. Gordon L. Porter, Chair, NB Human Rights Commission Forum Chair</p> <p style="text-align: center;">&</p> <p style="text-align: center;">Final Words from ...</p> <p style="text-align: center;">Mary Pat Short, President CASHRA and Chair of the Northwest Territories Human Rights Commission</p>
3:45 pm	<p style="text-align: center;">Adjournment</p>

