

**Submission to the Nova Scotia Law Amendments Committee on Bill 72 – An Act
to Reform the Administration of the Public Education System**

Submitted by the Nova Scotia Association for Community Living

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The Nova Scotia Association for Community Living (NSACL) is dedicated to advancing the full citizenship, human rights and inclusion of persons with intellectual disabilities in all aspects of society. This includes inclusive public education.

We understand the new legislation, Bill 72, removes a statement of clarity and direction in the current Education Act concerning the right to inclusive education for all children. Specifically Section 64 (2) (d)

“A school board shall, in accordance with this Act and the regulations,

develop and implement educational programs for students with special needs within regular instructional settings with their peers in age, in accordance with the regulations and the Minister’s policies and guidelines;”

This removal is of grave concern to us. In 1996 NSACL participated in an initiative with the Disabled Persons Commission and a broad range of stakeholders to provide advice and guidance with respect to the Education Act. At that time Article 64 2 (d) was included in the legislation. Removing it now is a significant step backwards and we are gravely concerned regarding the commitment to and the opportunity for inclusive education for children with intellectual disabilities. Are we moving back to a system of exclusion?

We understand this commitment to inclusion has been replaced by section 97 (1) of Bill 72 which says the Minister "may make regulations establishing a provincial policy respecting special education programming and services." This is essentially a backward step which will bring us back to a pre-1996 environment when the only requirement for the education of persons with intellectual disabilities was outlined in the Special Education Policy.

The UN Convention on the Rights of Persons with Disabilities

Canada and Nova Scotia are signatories to the UN Convention on the Rights of Persons with Disabilities. It is important to emphasize that this Convention is meant to be adhered to by states parties. Will the next update to the UN, by Nova Scotia, report that we have moved away from our commitment to inclusive education? The Convention gives clear direction to states on inclusive education. Article 24 states in part:

“1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:

- a. The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
- b. The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
- c. Enabling persons with disabilities to participate effectively in a free society.

2. In realizing this right, States Parties shall ensure that:

- a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;
- b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;
- c) Reasonable accommodation of the individual's requirements is provided;
- d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
- e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion”

The Value of Inclusive Education:

Inclusive education is better for all children. Children learn what they experience;

inclusive education settings enable children without disabilities to learn about diversity as well as respecting and valuing all people;

when children with disabilities learn alongside their peers, they are more likely to: continue in education, get a job, and be included and valued in their communities;

over 70% of parents, whose children with intellectual disabilities are in regular classrooms, report that their children are doing average or better;

while more and more teachers value inclusive education, they report that adequate in-class supports, preparation time, and teacher training are lacking. (Source – Canadian Association for Community Living)

Why do We Need Inclusive Education?

Inclusive Education;

fosters a culture of respect and belonging in our schools and communities for all students, including students with intellectual disabilities;

provides the opportunity to learn about and accept social and cultural diversity;

provides quality education for every student to enhance individual development and personal growth;

results in students with intellectual and other disabilities having a much greater chance of improved health status, being involved in their communities, completing high school and going onto post-secondary education, getting a job and having a decent income.

How do we define "inclusive education"?

When ALL students attend and are welcomed into their neighbourhood schools in age appropriate regular classes and are supported to learn, contribute to and participate in all aspects of the life of the school. As well, all students are challenged to meet their unique intellectual, social, physical and career development goals.

What is needed

Leadership for inclusive education from the Minister of Education through clarity and direction in Bill 72;

Teacher education programs that prepare teachers for diversity, inclusion and quality education for every student;

Partnerships between parents, educators and other stakeholders and engagement to assure high quality inclusive education;

Support structures and strategies for schools and classrooms that can assure the highest degree of success for teachers and students; and

Engagement with the community at-large to communicate the positive benefits of inclusive education for everyone.

Recommendations

We call on the Government of Nova Scotia and the Minister of Education and Early Childhood Development to:

1. Commit to inclusive education for all students through Bill 72, An Act to Reform the Administration of the Public Education System, with a clear statement on the right of children with special needs to be taught within regular instructional settings with their peers in age;
2. Engage with us as partners through the continuation of the Special Education Policy and Programs Committee; and
3. Through the Act and the SEPPS committee, work in partnership to improve the policies and programs needed to make inclusive education a reality for all students.