

Special Needs / Complex Learners Fact Sheet

After years of systemic chronic underfunding, research demonstrates that students across the province are being deprived access to their Charter right to quality education. None more so than our most vulnerable students with complex needs. The result is parents and learners are feeling ‘forced out’ of public education.ⁱ According to an excerpt from a BCEDACCESS survey (2015) this is a profound and far reaching direct consequence of a crisis in our public schools. More than half (51%) of parents surveyed removed their children from school. These are parents who long to remain in their public education system, but were unwilling to do so because they had experience of, and reasonable fear of, ongoing damage to their children as a result of this underfunded and broken system of ‘inclusion’. The authors state:

Why Is This Happening?

- Lack of sufficient support at both the school level (educational assistants, speech language pathologists, occupational therapists) and the district level (psychological assessments, specialized programs for gifted students and those with learning disabilities).
- Lack of trained personnel across all levels. Little to no knowledge on how to best support and teach students with learning disabilities, Autism Spectrum Disorder, ADHD/ADD, sensory processing difficulties, mental health challenges.
- Professional recommendations not being followed. When parents look to private professionals to have their child assessed those results are often ignored.
- Ministry of Education policies and procedures for special education not being followed. Several parents indicated the process outlined for creation and implementation of the IEP as per Ministry policy was not followed.
- Inadequate funding providedⁱⁱ to school districts to meet the needs of all students. In many cases we have heard that those with the highest needs receive support while many others don’t receive any at all. (p.1)ⁱⁱⁱ

Quality support for Complex learners requires ongoing, dependably funded, and targeted training and is defined as “essential’ by the Ministry. However, teachers, parents, advocates and citizens know this need is not being met:

“An ongoing staff development plan is essential for all staff so they can more successfully meet the special needs of students. Districts should ensure that all personnel who work with students with special needs have access to relevant in- service training opportunities in order to foster evidence-informed practice. For specialized personnel, there is a need to focus on opportunities within their area of specialty and the specific roles they play in the service delivery system.” (p.6)^{iv}

Teachers In British Columbia are calling out for support on behalf of the students they serve:

For many families, special needs seem to mean lengthy waiting lists, endless bureaucracy and deep frustration. Teachers feel that frustration, too. They’re trying to give all their students the attention and support they need, but this can be extremely difficult when the resources aren’t there. We—

teachers and parents—need to work together to ensure that children get the services they need and deserve. Budget cuts may mean a decrease in services for your child. You, as parents, need to insist that the decision makers in education provide the necessary support for your child's learning.

Based on survey data collected in June 2001, teachers do not believe that the implementation of inclusionary policies is adequately supported to meet students needs. BCTF's research report, BC teachers' views of special education issues, shares the perspectives of over 600 BC teachers from all districts. The BCTF research department has also published several other reports on special education.^v

There is a critical need to update our language and understanding of the vulnerable populations public education serves. This necessitates pedagogy informed by the growing body of research that demonstrates that until a student is socially and emotionally prepared to learn, they are cognitively unable to address higher function thinking which is essential for equitable access to education.^{vi}

The Ministry defines the term “**student with special needs**” as a student who has *a disability of an intellectual, physical, sensory, emotional or behavioural nature, has a learning disability or has special gifts or talents*, in the Manual of Policies, Procedures, and Guidelines, Section E. (p.1)^{vii}

However, a more expansive, appropriate and meaningful term such as “**Complex Learners**” acknowledges the many challenges that learners enter school with everyday. Barriers to learning also include undiagnosed neuro- and physical diversity, poverty (1-5 children in Vancouver live in poverty)^{viii}, the generational legacy of residential schools, trauma, grief, separation and divorce, immigration and refugee resettlement, bullying and all number of social emotional and economic instabilities, which severely impact a student's ability to be ready and able to learn.

The Law demands equitable access to education, and parents are willing to form individual and class action lawsuits to defend their Charter Rights.

Moore v. Her Majesty the Queen in Right of the Province of British Columbia as represented by the Ministry of Education and the Board of Education School District No. 44 (North Vancouver):

*On November 9, 2012, the Supreme Court of Canada (SCC) handed down a landmark decision on disability rights. The Moore case says that students with disabilities are entitled to receive the accommodation measures they need to access and benefit from the service of public education. In this regard, the Court said that adequate **special education is not “a dispensable luxury”**. The Court acknowledged that such measures serve as “the ramp that provides access to the statutory commitment to education made to all children in British Columbia.” Further, “Moore (SCC) reaffirms that human rights law requires service providers to make their services accessible to persons with disabilities. This means that **where a barrier is identified, the service provider must provide accommodation to overcome that barrier, unless to do so would cause an undue hardship**. (p.1)^{ix}*

ⁱForced Out detailed Infographic <https://equitableaccesstoeducation.wordpress.com/forced-out-survey-results/>

ⁱⁱPRIORITIES FOR PUBLIC EDUCATION. Inclusive Education: Special Needs Designations and Categories in BC Retrieved from <https://bctf.ca/publications/BriefSection.aspx?id=46986>

ⁱⁱⁱ(2015, April.) Forced Out. BCCEDACCESS. Retrieved from <https://equitableaccesstoeducation.wordpress.com/forced-out-survey-results/>

^{iv}(2016, April).BC Ministry of Education. Special Education Services: A Manual of Policies, Procedures and Guidelines. Retrieved from https://www2.gov.bc.ca/assets/gov/education/administration/kindergarten-to-grade-12/inclusive/special_ed_policy_manual.pdf

^v(2018, BCTF). Stresses and strains: BCTF Special Education. Retrieved from <https://bctf.ca/parents.aspx?id=3368> Oct 4, 2018

^{vi}JONATHAN COHEN (2006) Social, Emotional, Ethical, and Academic Education: Creating a Climate for Learning, Participation in Democracy, and Well-Being. Harvard Educational Review: July 2006, Vol. 76, No. 2, pp. 201-237. Retrieved from <https://doi.org/10.17763/haer.76.2.j44854x1524644vn>

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^{vii}BC Ministry of Education (2016) SPECIAL EDUCATION SERVICES: A MANUAL OF POLICIES, PROCEDURES AND GUIDELINES Retrieved from https://www2.gov.bc.ca/assets/gov/education/administration/kindergarten-to-grade-12/inclusive/special_ed_policy_manual.pdf

^{viii}First Call's 2017 BC Child Poverty Report Card. Retrieved from <https://still1in5.ca>

^{ix} Retrieved from <http://www.ccdonline.ca/en/humanrights/litigation/Moore-Case-Key-Findings-9Nov2012>