

Supreme Court of Canada to rule on special needs in B.C's public schools ^[1]

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EXCERPTS

The country's highest court has agreed to hear a human rights case challenging the way B.C. public schools treat special-needs students.

The case was launched more than a dozen years ago by Rick Moore, who alleged that the North Vancouver school district discriminated against his dyslexic son when it failed to teach him to read. Jeff was eight years old, in Grade 3 and struggling to learn.

Aware of his severe disability, his teachers referred him to the district's diagnostic centre so he could get special attention, but the district closed the centre for budgetary reasons before Jeff could be enrolled.

His father, desperate to get help, pulled his boy out of his neighbourhood school and took him to an independent school with hefty tuition that caters to children with learning disabilities.

Jeff, now 24, learned to read, graduated from high school, attended postsecondary school and is employed full-time as a plumber.

In 1997, Rick Moore filed a complaint with the B.C. Human Rights Tribunal, claiming the North Vancouver school district and the B.C. Education Ministry discriminated against his son by not accommodating his disability. The tribunal held public hearings and decided in his favour with a 2005 decision that was considered groundbreaking.

But the ruling was appealed and quashed by the B.C. Supreme Court, which found that Jeff had received service equal to or better than that accorded other learning-disabled children. The B.C. Court of Appeal upheld that ruling last year in a 2-1 decision, but the dissenting views of Justice Anne Rowles gave Moore hope and his lawyer, Frances Kelly, a chance to appeal to the Supreme Court of Canada.

The court's decision Thursday to hear the case put Moore over the moon. "It's fantastic," he said in an interview. "It's such a big deal to me that we are going to finally settle this once and for all."

Moore said his concern was never just about his son because Jeff got the help he needed. "He was one of the lucky ones," he said. "Jeff understands that his ability to succeed is because he got to the right school."

Moore said he was driven to take the case as far as he could because he couldn't accept that the educational services provided to his son should be judged according to what is offered to other learningdisabled students, insisting that public schools should be expected to help all children succeed. Learning-disabled children have IQs similar to typical students.

That view was backed by Justice Rowles, who wrote in her dissenting opinion: "Reading is part of the core curriculum and is essential to learning. The accommodation sought by Jeffrey and other SLD (severely learning disabled) students is not an extra, ancillary service; instead it is the way by which meaningful access to the service can be achieved."

North Vancouver school officials wouldn't comment on the Moore case while it's before the courts, but Julie Parker, director of instruction, said a lot has changed in schools since 1997. All students are now screened for learning disabilities in kindergarten and interventions are provided for the 15 per cent in need of extra help. "I think North Vancouver is one of the leaders [in special education]," she said in an interview.

The Supreme Court of Canada is expected to consider the Moore case early next year.

- reprinted from the Vancouver Sun

Region: British Columbia ^[2]

Tags: public opinion ^[3]

special needs ^[4]

outcomes ^[5]

school-system ^[6]

schools

Links

[1] <https://childcarecanada.org/documents/child-care-news/11/07/supreme-court-canada-rule-special-needs-bcs-public-schools> [2] <https://childcarecanada.org/taxonomy/term/7860> [3] <https://childcarecanada.org/category/tags/public-opinion> [4] <https://childcarecanada.org/category/tags/special-needs> [5] <https://childcarecanada.org/category/tags/outcomes> [6] <https://childcarecanada.org/category/tags/school-system-0>