

*A report from the British Columbia School Trustees
Inclusion and Accessibility Working Group*

Improving Student Outcomes

For Students
with Disabilities &
Diverse Abilities

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BCSTA

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Association



Table of Contents

INTRODUCTION	1
Acknowledgments	2
WHAT IS INCLUSIVE EDUCATION?	3
LANGUAGE MATTERS	4
ABLEISM: WHAT IS IT?	5
Ableism Key Questions	6
HISTORY OF INCLUSIVE EDUCATION IN B.C.:	7
IT IS A HUMAN RIGHT	
History Key Questions	8
LEGAL RESPONSIBILITIES OF BOARDS OF EDUCATION	9-12
Legal Key Questions	13-14
ASSESSMENT, DATA AND SCHOOL COMPLETION FOR STUDENTS	15-17
WITH DISABILITIES AND DIVERSE ABILITIES	
Assessment, Data and Graduation Key Questions	18-19
COLLECTIVE AGREEMENT LANGUAGE AND STAFFING	20-21
TO MEET THE NEEDS OF STUDENTS WITH DISABILITIES	
AND DIVERSE ABILITIES	
Collective Agreement Key Questions	22
ACCESSIBILITY ACT AS A MECHANISM FOR	23-24
IMPROVING STUDENT OUTCOMES	
Accessibility Act Questions	25
FURTHER LEARNING	27
MODELS OF DISABILITY	27
OTHER RESOURCES	28

Introduction

The top priority of boards of education is to improve student outcomes in the district they serve. Achievement outcomes for students with disabilities and diverse abilities are consistently lower than their peers in all metrics kept by the province. This priority group of students requires a unique focus from boards of education to ensure that the proper systems, structures and supports are in place to enable students with disabilities and diverse abilities to have positive, healthy and prosperous school experiences.

Every student has a right to learn. All families walk through the doors of British Columbia's public schools with hopes and dreams for their children. The families of children with disabilities or diverse abilities are no different. It is the role of the school to support all students in fulfilling these hopes and dreams. This document is intended to support boards in this important work.

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Acknowledgments

We would like to thank Inclusion BC for the use of many of its resources in the creation of this document. We would like to thank the Ministry of Education and Child Care for the use of many of their resources in the creation of this document.

The Inclusion and Accessibility Working Group was made up of trustees who have disabilities and diverse abilities or are parents of children with disabilities or diverse abilities and, in some cases, both. Below are quotes from the members of the working group focused on the importance of education.

Heather Stewin

Fraser Cascade School District

“Make a conscious commitment to recognize, encourage and celebrate a rich culture of diversity in public education. With inclusion, we open doors of opportunities for all learners, especially those who could only look through the windows in the past”.

Frank Farrell

Bulkley Valley School District

“Education is the way to offer a path towards growth in our society. Inclusion ensures all of us can navigate through that same path together.”

Cyndi Gerlach (autistic, trustee and parent)

North Vancouver School District

“True inclusion in public education means recognizing and celebrating each child’s unique abilities, not just accommodating their differences. We must all work together to eliminate barriers, discrimination and ableism. We must advocate for an education system where diversity is accepted and embraced, ensuring each student thrives.”

Chantelle Morvay

Nanaimo Ladysmith Public Schools

“As a democratically elected official responsible for governing the safety, health and education of the students in my district, it has been an honour to contribute my personal experience with disabilities and my professional perspective to the creation of this important guide for trustees across British Columbia. I hope this guide serves as a valuable resource for all trustees, helping them to better understand and support the creation of inclusive learning environments where students with disabilities and diverse abilities can thrive within our public education system.”

What is Inclusive Education?

Ministry of Education and Child Care Definition:

Inclusive Education in B.C., as it pertains to students with disabilities and diverse abilities, is defined by the Ministry of Education and Child Care (ECC) in B.C. in the policy on inclusive education. Inclusion is defined as “the principle that all students are entitled to equitable access to learning, achievement and the pursuit of excellence in all aspects of their education. The practice of inclusion is not necessarily synonymous with integration and goes beyond placement to include meaningful participation and the promotion of interaction with others.”

It is important to note that the policy specifically mentions boards of education 17 times. The entire policy can be read here:

<https://www2.gov.bc.ca/gov/content/education-training/k-12/administration/legislation-policy/public-schools/inclusive-education>

Inclusion BC Definition:

Inclusion BC (<https://inclusionbc.org/>) describes inclusive education as the principal that “all students attend and are welcomed by their neighbourhood schools in age-appropriate, regular classes and are supported to learn, contribute and participate in all aspects of the life of the school. Inclusive education is about how we develop and design our schools, classrooms, programs and activities so that all students learn and participate together. Neighbourhood schools are the heart of our communities, and they are essential for a quality inclusive education system.”

Inclusion BC highlights the following key features of inclusive schools:

- All students are welcomed and valued for who they are.
- All students are supported to set personal goals and build on individual strengths.
- All students have equitable access to learning, with accommodations and support as required to overcome systemic barriers and discrimination.
- All students are supported to interact, play and collaborate with other students their own age.
- Parents are welcomed as respected partners in their child’s education and local school community.
- School-wide commitment to upholding a safe, welcoming and supportive culture that emphasizes belonging and respect for diversity. (<https://inclusionbc.org/resource/what-is-inclusive-education/>)



Language Matters

Appropriate terminology and descriptors for people with disabilities and diverse abilities are always evolving. While it is often difficult to stay in front of this evolution, it is important to demonstrate a willingness to learn and adapt. A key example of this is the use of the terms “special needs” and “special education.” Despite these terms still appearing in multiple government and local policy documents, this term is outdated and hurtful. Language has evolved beyond the use of these terms, and it is no longer considered acceptable to use them. Instead, please use the term “students with diverse abilities and disabilities.”

In anti-oppression work, language is moving towards “rights-based language.” In this case, people with disabilities are a protected class of society and entitled to human rights protections under the *Canadian Charter of Rights and Freedoms*. When using rights-based language, one would use the term “students with disabilities.”

Another critical feature of language use to recognize is the use of person-first versus identity-first language. In this case the identity is the disability. Person-first language emphasizes the person before the disability, for example, “persons with disabilities,” “person who is blind” or “people with spinal cord injuries.” Identity-first language, would be disability-first. This puts the disability first in the description, for example, “disabled” or “autistic.” Both person-first and disability-first language are equally appropriate depending on personal preference. When in doubt, ask the person which they prefer. This document utilizes person-first language because that is the preference of the members of the working group who created the content.

For more learning on people-first language watch this short video:

https://www.youtube.com/watch?v=ONQ90_RF_iQ

Ableism: What is it?

The Office of the BC Human Rights Commissioner defines ableism as “an ideology and system of oppression in society that holds that some bodies are more valuable than others, which limits the potential of people with disabilities. People with disabilities are assumed to be less worthy of respect and consideration, less able to contribute and take part and of less value than other people. Ableism can be conscious or unconscious and is embedded in institutions, systems and the broader culture of a society.”¹

A less legal description of ableism may be helpful in understand the impact ableism has on the daily lives of people with disabilities and diverse abilities. “Ableism is the discrimination of and social prejudice against people with disabilities based on the belief that typical abilities are superior.



How Ableism Creates a Poverty of Expectations Instead of a Mindset of Competence:

“... One’s disability does not determine their level of potential. The greatest barriers that persons with disabilities have to overcome are not steps or curbs, it’s expectations.” - Karen Clay

At its heart, ableism is rooted in the assumption that disabled people require ‘fixing’ and defines people by their disability. Like racism and sexism, ableism classifies entire groups of people as ‘less than,’ and includes harmful stereotypes, misconceptions, and generalizations of people with disabilities”²

Ableist assumptions are often made regarding what and how students with disabilities and diverse abilities can and will learn and what their future life opportunities will be. Underlying assumptions frequently position students with disabilities or diverse abilities as ‘incapable’ or a ‘burden.’ This leads to students facing a poverty of expectations rather than the school support team and peers approaching students with disabilities and diverse abilities with a mindset of competence. Furthermore, poor educational attainment is often attributed to the impact of disability without identification or consideration of systemic or attitudinal barriers.

For more information on the inequity in educational journeys for students with disabilities and diverse abilities in B.C., please read *From Kindergarten to Post Secondary Educational Journeys of British Columbia Students with Disabilities and Learning Exceptionalities*: <https://open.library.ubc.ca/media/stream/pdf/52383/1.0438759/4>

For more information on what ableism in everyday life can look like, please review *Ableism 101* on [accessliving.org](https://www.accessliving.org/newsroom/blog/ableism-101/): <https://www.accessliving.org/newsroom/blog/ableism-101/>

1, 2 - (<https://www.accessliving.org/newsroom/blog/ableism-101/>)



Ableism

Key Questions

1. What biases may be influencing your decisions as a trustee in passing budgets, setting policy and governing?
2. How does the board define inclusive education?
3. What policies and procedures do you have in place to support that definition?
4. How does the ECC definition align with the experiences of students with disabilities and diverse abilities in the district?
5. How does the Inclusion BC definition align with the experiences of students with disabilities and diverse abilities in the district?
6. How do the features of inclusive schools described by Inclusion BC align with schools in the district?
 - a. How can the board support the implementation of these features in all district schools?
7. Have you reviewed the ECC's policy on inclusive education as a board with your senior team to ensure there is a mutually agreed on understanding of the policy and the responsibilities held by the board in overseeing inclusive education in the district?

History of Inclusive Education in B.C.: It is a Human Right

Prior to 1950:

Exclusion to Segregation

The history of inclusive education in Canada has a dark past. Prior to the forms of inclusive education that we see today, exclusion and segregation were common for people with disabilities. People with disabilities were viewed as incapable and dependent on others, and therefore were not viewed as having the ability to exercise human rights. As a result of this foundational viewpoint, people with disabilities were often isolated in residential institutions for their entire life. They were excluded from meaningful participation in the world around them, including schooling.

This view of people with disabilities began to shift in the mid 1920's with the publication of the *Putnam-Weir Survey of the School System* in 1924 that recommended the creation of "opportunity classes" and special schools for children with disabilities. While this was an improvement over institutionalization, these classes were segregated from other classes with little consideration given to student differences.

1950 to 1980's:

Segregation to Integration

Supported by a wave of civil rights movements, the disability community began to organize and advocate for improvements in the way people with disabilities were treated. This led to a push for improvements in special education frameworks. Growing scholarly research showed that students with disabilities would benefit from being educated alongside their peers, and integration began to replace segregation as the prominent model of education for students with disabilities.

In 1975 the United Nations issued the *Declaration on the Rights of Disabled Persons*. This document outlined key rights for people with disabilities and encouraged member countries to recognize and ratify these rights

and opportunities. In 1982, Canada implemented the *Charter of Rights and Freedoms* which enshrined the rights of peoples with disabilities as a protected class of citizen.

1980's to Today:

Integration to Inclusion - It is a Human Right

The result of the *Charter of Rights and Freedoms* enshrining the rights of people with disabilities meant that equitable access to inclusive education for all students with disabilities became a fundamental human right. Inclusion BC summarizes this best, "It is not an optional 'program,' nor is this right dependent on individual beliefs, student abilities or organizational priorities." In response to the growing recognition of the rights of people with disabilities, B.C. revised the *School Act* in 1989-90 to establish the right to a full school program, not separated from other students, in their neighbourhood schools for all school aged children. The right of all students with disabilities to access inclusive education without discrimination was recognized by *Articles 5 and 24* of the *UN Convention on the Rights of Persons with Disabilities* (CRPD). The UN CRPD was ratified by 176 countries, including Canada, and clarified by *General Comment No. 4 (the Right to Inclusive Education)*, released by the UN CRPD Committee in 2016.

[\(https://inclusionbc.org/resource/what-is-inclusive-education/\)](https://inclusionbc.org/resource/what-is-inclusive-education/)

Board Responsibilities:

The responsibilities of the board of education in B.C. to provide meaningful access to education for students with disabilities and diverse abilities is outlined in the policy for special education written and implemented in 2006. The policy specifically mentions boards of education 17 times throughout.

https://www2.gov.bc.ca/assets/gov/education/administration/kindergarten-to-grade-12/inclusive/special_ed_policy_manual.pdf

History

Key Questions

1. How does the board of education and senior staff in the district interpret the use of the word “board” in the policy for special education?
2. Historically, how have the district programs changed to support inclusion?
3. What programs support students with disabilities in the district? How are they segregated, integrated and/or inclusive?

Legal Responsibilities of Boards of Education

The legal responsibilities for boards of education regarding the provision of inclusive education and the appropriate level of supports were solidified by the Supreme Court of Canada (SCC) case *Moore v. British Columbia* in 2012.

Moore Case Highlights

- Jeffrey Moore was diagnosed with dyslexia as a young child.
 - He required intensive learning supports in order to learn to read.
 - Due to funding cuts, the North Vancouver School District eliminated a program that was necessary for Jeffrey to be able to learn to read.
 - After the public school board cut the program, it was only available at a private school.
 - Jeffrey moved to a private school, and the costs had to be paid by his parents.
 - Jeffrey's father filed a complaint with the B.C. Human Rights Tribunal against the school district and the province alleging that Jeffrey had been discriminated against because of his disability and been denied a "service customarily available to the public."
 - The case made its way to the Supreme Court of Canada
- The goal of inclusive education is, to the extent possible, to enable students with a disability (and members of other protected groups under the charter and human rights legislation) to overcome the barriers which may impede their ability to benefit from the statutory commitment to education made to all children in B.C.. That commitment is:
 - to provide an educational program "designed to enable learners to become literate, to develop their individual potential and to acquire the knowledge, skills and attitudes needed to contribute to a healthy, democratic and pluralistic society and a prosperous and sustainable economy."

Supreme Court Ruling:

On November 9, 2012, the Supreme Court of Canada decided the case of *Moore v. British Columbia (Education)*, 2012 SCC 61, [2012] 3 S.C.R. 360. The court confirmed the right of students with disabilities and diverse abilities to receive the accommodation measures they require in order to meaningfully access an educational program.



The “Ramp” Analogy:

Supports for students with intellectual, cognitive, physical, sensory, emotional, or behavioural disabilities or diverse abilities should be considered similarly to how a ramp to a school building enables some students with physical disabilities to access the building and participate fully in their educational programs. To further illustrate inclusivity, consider the analogy of door handles: just as round door handles have been replaced with lever door handles to accommodate a broader range of physical abilities, educational supports should be designed to meet the diverse needs of all students. Inclusive education ensures that students with a wide range of disabilities or diverse abilities can meaningfully access educational programming.

In the *Moore* case, the support provided to the student can be likened to Jeffrey’s ‘ramp’ or ‘door handle’, which included intensive assistance to help him overcome the challenges posed by his dyslexia. The court emphasized that inclusive education is not merely an optional extra but a fundamental necessity. It stressed that these supports must be prioritized over other financial demands for non-essential educational enhancements.

Inclusion, Exclusion and Safety: The Balance Between Individual Support and “Undue Hardship”

The Students with Disabilities or Diverse Abilities Order, M150/90, states boards of education must provide educational programs that integrate students with disabilities or diverse abilities into classrooms alongside their peers who do not have disabilities or diverse abilities. The only exception is if the educational needs of the student with disabilities, diverse abilities or other students indicate that a different educational program or setting would be more appropriate in consultation with parents (as per the *Hewko* case).

All behaviour is a form of communication, particularly for students with disabilities or diverse abilities. It serves as a means

through which individuals express their needs, emotions and responses to their environment. For students facing communication or social interaction challenges, behaviour often becomes their primary method of conveying what they are experiencing or trying to achieve. Recognizing behaviour as communication is crucial in understanding and supporting these students effectively. It enables educators and support staff to interpret underlying needs or frustrations that may not be easily expressed through traditional means. By valuing behaviour as a form of communication, schools can foster environments that prioritize empathy, patience and proactive support strategies tailored to individual student needs.

Challenges may arise when a student with a disability exhibits behaviour that poses a safety risk to themselves or others, prompting concerns and requests to remove the child from an integrated learning environment due to perceived “undue hardship.” *The Workers Compensation Act* legislation does not mandate that a student must pose no risk of harm. Instead, it emphasizes the importance of taking all possible measures to minimize the likelihood and impact of such incidents. Boards must create safety plans, provide communication and train staff to respond effectively to intentional or unintentional behaviour.

Importantly, the *Workers Compensation Act* legislation does not require excluding a student from an integrated classroom setting. Any decision to temporarily adjust a student’s educational placement should be based on the educational needs of the student with disabilities or diverse abilities, as well as the needs of other students. Temporary adjustments might be justified when additional information or time is needed to develop and implement support strategies for challenging behaviours in consultation with parents. Throughout this process, efforts must be made to maintain a meaningful educational program for the student, and any temporary adjustments should be as brief as possible, given the circumstances.

Physical Restraint and Seclusion in B.C. Schools

The use of physical restraint and seclusion in schools in B.C. is guided by the *Provincial Guidelines - Physical Restraint and Seclusion in School Settings*, released in 2015. This document provides definitions, suggested best practices and processes that each board of education is responsible for overseeing regarding the use of physical restraint and seclusion. In 2019, the Ministry of Education and Child Care required all school districts in B.C. to develop clear policies and procedures regarding the use of physical restraint and seclusion in schools based on the 2015 guidelines. These policies must include the following:

- Defining physical restraint and seclusion as presented in the definitions section of the *Provincial Guidelines on Physical Restraint and Seclusion document* (pages 1 and 2).
- Making clear that restraint and seclusion procedures are emergency, not treatment, procedures.
- Requiring that all school staff members be provided the opportunity to participate in training in positive behaviour interventions and supports and de-escalation techniques, and that all specialized staff be provided the opportunity to participate in training regarding the use of physical restraint and seclusion.
- Requiring that parents and, where appropriate, students are offered opportunities to be consulted in the development of positive behaviour supports and interventions, behaviour plans, emergency or safety plans.
- Requiring documentation of every instance where physical restraint and seclusion of a student occurs.

- Requiring prevention/intervention strategies to be reviewed and revised in situations where:
 - repeated use of physical restraint and seclusion for an individual student occurs
 - multiple uses of physical restraint and seclusion occur within the same classroom
 - physical restraint and seclusion is repeatedly used by an individual.
- Requiring a reporting process or mechanism for recording incidents of physical restraint and seclusion, or the use of 'time out' outside of a classroom and for providing this information to the school district's superintendent or designate/independent school authority or designate.
- Requiring regular review of the physical restraint and seclusion policy to ensure alignment with current research/practice and up-to-date interventions and supports.

<https://www2.gov.bc.ca/assets/gov/education/kindergarten-to-grade-12/support/diverse-student-needs/physical-restraint-seclusion-guidelines.pdf>



Section 11

Under *section 11* of the *School Act*, boards of education are required to establish an appeals process that allows families and students to appeal decisions that significantly affect the “education, health or safety” of a student. Under the appeal bylaws, students or their parents are entitled to appeal suspensions and any refusal to offer an educational program. As with the physical restraint and seclusion guidelines, the section 11 appeal process is guided by the ECC’s *Board-Level Student Appeals Guidelines*. This document sets out best practices and provide guidelines for the development or refinement of board of education bylaws, policies and/or related district administrative procedures respecting appeals under *section 11*. Every appeals bylaw should include the following elements:

- A preamble that outlines dispute processes available prior to the appeal as well as the legislative framework of the appeal process (*section 11* https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96412_02#section11).
- Statements on the types of decisions that may be appealed under the *School Act*.
- Statements on how a parent or student can commence an appeal.
- Statements about the steps that will be taken by the board once an appeal is received.
- Statements about timelines.
- Statements about the board hearing.
- Statements about how decisions will be communicated.
- Statements regarding further appeal options.

For further information on *section 11*, please see the following:

STUDENT DISPUTES AND APPEALS INFORMATION:

<https://www2.gov.bc.ca/gov/content/education-training/k-12/support/student-disputes-and-appeals>

BOARD-LEVEL STUDENT APPEALS GUIDELINES:

<https://www2.gov.bc.ca/assets/gov/education/administration/legislation-policy/legislation/studentappeals/appeals-guidelines.pdf>



Legal Key Questions

Inclusion and Undue Hardship:

1. How does the district track the number of students being excluded from receiving in-class educational programming because of a disability or diverse ability?
 - a. What is the tracking process?
 - b. What is the best way for the board to receive regular updates on this issue?
 - c. If the district does not track the instances of exclusions, why?
2. Does the district have a definition of “undue hardship” that guides situations of exclusion?
3. How has the *Moore* case influenced best practices in the district?

Legal Key Questions pt. 2

Physical Restraint and Seclusion:

1. What is the district procedure regarding physical restraint and seclusion in schools?
 - a. How does that policy align with district policies and procedures to support inclusion in the district?
2. When was the last time the physical restraint and seclusion policy in the district was updated?
3. Is the physical restraint and seclusion policy compliant with the provincial guidelines?
4. Is the use of physical restraint and seclusion in schools in the district being tracked through the required reporting mechanisms?
 - a. If so, what does the trend look like over time?
 - i. What factors account for increased/ decreased use of physical restraint and seclusion.
5. Does the district provide training in up-to-date positive behaviour supports and conflict de-escalation for teachers, support staff, administrators, and district staff?
 - a. If yes, how often?
 - b. If no, how come?

For more information on the use of physical restraint and seclusion in school settings please see:

<https://inclusionbc.org/what-we-do/public-policy-systems-advocacy/stop-hurting-kids/>

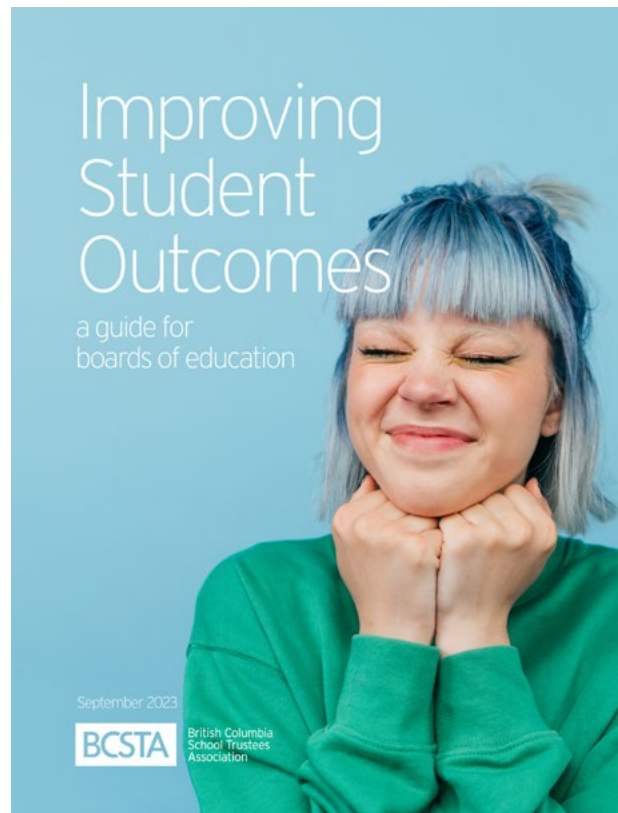
Assessment, Data And School Completion For Students With Disabilities And Diverse Abilities

The BCSTA *Improving Student Outcomes* guide outlines key data sets that are available for boards of education to use in their responsibility to improve outcomes for students. Understanding and using data through a governance lens can highlight areas of need and inform board decisions, and the guide is intended to support boards in that important work. It is recommended that boards of education review that document through a lens of improving student outcomes for students with disabilities and diverse abilities. Review the data that is outlined in the document, review the key questions that are asked and think about them with students with disabilities and diverse abilities in mind. That document can be found here: https://portal.bcsta.org/app/view_resource/general/publications/2993

Utilizing the Framework for Enhancing Student Learning as a Tool for Improving Outcomes for Students with Disabilities and Diverse Abilities

The Framework for Enhancing Student Learning (FESL) is a provincially required process for every district to routinely examine evidence of student success and to create a strategic plan. There is also a requirement to annually report to the ministry with an enhancing student learning report, due by the end of September of each school year. The framework was developed with numerous education partners in response to requests for a clearer understanding of student outcomes over time in order to ensure equitable outcomes for all students.

The *FESL* report asks districts to report on the outcomes of three priority populations: **Indigenous students, children and youth in care and students with disabilities and diverse abilities**. This lens on equity of outcomes through the *FESL* provides boards the opportunity for deeper insight about a district's current approaches to improving outcomes for students with disabilities and diverse abilities. Through focused conversation on the outcomes over time for students with disabilities and diverse abilities, boards have the ability to ensure they are using sound indicators of success and robust supports to guide the continuous improvement of this priority population.



Assessing Students with Disabilities and Diverse Abilities

Students with disabilities and diverse abilities can be excused from the assessments relied upon by FESL for monitoring student outcomes, including the *Foundation Skills Assessment (FSA)*, *Grade 10 numeracy assessment*, *Grade 10 literacy assessment*, *Grade 12 literacy assessment* and the *student satisfaction survey*. If students with disabilities and diverse abilities are not represented in these data sets, this means information about their success is not part of the data that is being used to make decisions by the board. Therefore, it is important for the board to have other ways to monitor and assess the success of students with disabilities and diverse abilities that are excluded from the results of the provincial assessments.

Pathways to School Completion: Dogwood, Adult Dogwood and Evergreen

The pathway to school completion is different for every student. All students of school age are entitled to an education program, whether or not that program leads to graduation. This section includes an overview of the three pathways to school completion that are officially recognized by the Ministry of Education and Child Care. Please note that each of the three pathways is regulated by the ministry and each has provincial standards associated with its implementation for students.

DOGWOOD:

The B.C. Certificate of Graduation or “Dogwood Diploma” is awarded to students who successfully complete the provincial graduation requirements. Students require a minimum of 80 credits to graduate. <https://www2.gov.bc.ca/gov/content/education-training/k-12/support/graduation>

ADULT DOGWOOD:

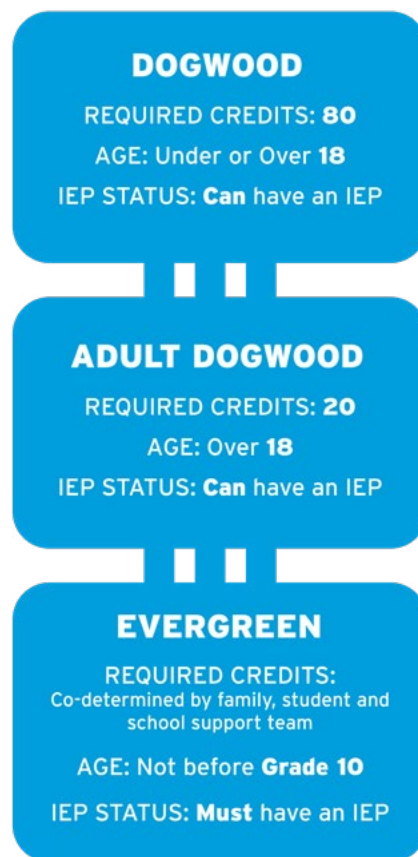
The *British Columbia Adult Graduation Diploma (BCAGD)*, also known as the “Adult Dogwood” is intended for adult learners (18 years of age and older) who want to take courses in order

to complete high school and obtain their adult high school diploma. Courses can be taken at school district continuing education centres and/or at one of the public post-secondary institutions that delivers adult education programs across the province. Students require a minimum of 20 credits to graduate with an *Adult Dogwood*. <https://www2.gov.bc.ca/gov/content/education-training/adult-education/graduate-high-school/bc-adult-graduation-diploma-program>

EVERGREEN CERTIFICATE:

The *School Completion (Evergreen) Certificate* is intended to celebrate success in learning that is not recognized in a *Certificate of Graduation (Dogwood Diploma)*. It is used to recognize the accomplishments of students with disabilities and diverse abilities, with an *Individual Education Plan (IEP)*, who have met the goals of their education program.

<https://www2.gov.bc.ca/gov/content/education-training/k-12/support/school-completion-certificate-program>



Understanding the Use and Implementation of the Evergreen Certificate:

Some students may be unable to meet graduation requirements due to their disability or diverse ability. However, the decision to put a student in an *Evergreen Program*:

- **should not** be made prior to Grade 10
- **should** include the informed consent of the student's parent(s)/guardian(s) and, where possible, informed consent of the student.

The *Evergreen Certificate* is not a graduation credential; students who receive an *Evergreen* have not graduated. It is important that students and their guardians clearly understand that the *Evergreen Certificate* represents the completion of personal learning goals but does not represent graduation.



The Ministry of Education and Child Care recognizes that it may take students on the *Evergreen Certificate* path longer to complete their learning goals and students may stay in school for a 13th or 14th year in order to complete their learning goals.

For students pursuing an *Evergreen Certificate*, their education program should enable them to meet their individual learning goals. Accordingly, students should have an *IEP* that indicates their personal education goals, how the goals will be achieved, and on-going monitoring and assessment to know when the goals have been met and an *Evergreen Certificate* should be issued. It is critical to recognize that the *Evergreen Certificate* should be awarded upon completion of a student's personal education goals. Students who are receiving their *Evergreen Certificate* should receive it the same way that other students receive their diplomas.

Please note, not all students with an *IEP* will be on an *Evergreen Certificate* program, but all students on the *Evergreen Certificate* program must have an *IEP*.



Assessment, Data and Graduation Key Questions

Assessment and Data

1. What is the participation rate of students with disabilities and diverse abilities in the assessment and measures of success used in the *FESL*? (Participation rate is the percentage of students with disabilities and diverse abilities that write the assessments used in the *FESL*.)
2. Are these measures sufficient to determine growth over time for students who have an IEP?
3. What percentage of students with designations in the district are excused from participating in the above-mentioned standardized assessments?
4. What other measures are used to determine success of students with disabilities and diverse abilities who are not participating in the provincial assessments?
5. How does the district assess non-speaking, minimal-speaking, or reluctant-speaking students?
6. If data and evidence reveal little improvement over time:
 - a. I notice that the results show little improvement over time for students with disabilities and diverse abilities in our district. What supports does staff feel need to be put into place to improve these outcomes?
7. If data and evidence reveal declining improvement over time:
 - a. I notice that results show declining improvement for students with disabilities and diverse abilities over time. What does staff attribute this decline to and how can we make structural improvements that will positively impact the outcomes of students with disabilities and diverse abilities?
8. If data and evidence show improvement over time:
 - a. I notice that results show increased improvement over time for students with disabilities and diverse abilities. What does staff attribute these improvements to and how can the board continue to ensure this success over time?



Assessment, Data and Graduation Key Questions pt. 2

Pathways to Graduation

1. How many *Adult Dogwood Diplomas* were given out in the district last school year?
 - a. How many were granted to students who were under 18 years old?
 - b. How many students were put on an *Adult Dogwood* path before they were 18 years old?
 - c. What is the district trend for the use of *Adult Dogwoods* over the last 5-10 years? Is it going up, down or static?

Collective Agreement Language and Staffing to Meet the Needs of Students with Disabilities and Diverse Abilities

Background on “Restored” Language

In 2002, the province introduced *bills 27* and *28*. Under these bills, certain BC Public School Employers' Association (BCPSEA)- BC Teachers' Federation (BCTF) Provincial Collective Agreement provisions were removed from the collective bargaining process. The removal of language was extensive and included many provisions that defined class size and class composition. Numerous years of court battles ensued regarding the ability of the province to remove the language from the collective agreement in the manner it did. On November 10, 2016, the Supreme Court of Canada issued a decision regarding the deletion of these provisions, ruling that it was unconstitutional to remove bargaining rights regarding class size and class composition. The Supreme Court of Canada ordered that the collective agreement language that was in place in 2002 prior to *bills 27* and *28* be restored and that bargaining of class size and class composition be reinstated.



There are three important side notes to the above information:

1. The Supreme Court ruling was not an opinion on the language itself, rather the process that was used to remove the language. The court ordered that the original language be reinstated. This was so that proper bargaining processes could be utilized between BCPSEA and BCTF to negotiate changes to the collective agreement language regarding class size, class composition and specialist teacher ratios.
2. This language only applies to teaching staff. Support staff language, including language regarding educational assistants (EAs), is covered in the collective agreement between the Canadian Union of Public Employees (CUPE) and the school district.
3. Some perceive this language as discriminatory because there are no limitations for how many students can be in a classroom that belong to other protected characteristics under the charter and human rights code. The collective agreement language regarding class size and composition illustrates a tension between educators' and students' rights. While both rights are important, the human rights code supersedes collective agreements. The implementation of this language is a crucial aspect of board work as it pertains to student and staff well-being, labour requirements and budgetary considerations.

Impact on Staffing and 2024 Funding Levels

The Supreme Court of Canada ruling had varying impacts across school districts, as each district had different language in their collective agreements in 2002, which was subsequently restored. Some districts lacked specific language on class size and composition, while others had intricate and detailed provisions.

Class composition, in its simplest terms, involves determining the maximum number of students with disabilities or diverse abilities that can be placed in a single class (before remedy). This determination is often influenced by the presence of *IEPs*, though not exclusively. Additional restrictions apply to placing “low incidence” students, who are categorized as such due to their limited numbers, within the broader school population. These students typically present with complex needs that require specialized support.

While the collective agreements include language that refers to “low incidence” students, identifying them based on their disabilities or diverse abilities being uncommon or rare within the broader school population, it is important to recognize that the term “low incidence” can perpetuate stigma and harm. This label may inadvertently suggest that these students are less valued or less deserving of support simply because their needs are less commonly encountered. Such language can reinforce ableist attitudes by implying a hierarchy of disability based on prevalence, which does not accurately reflect the diverse and unique needs of all students. Moving forward, it is crucial to use language that respects the dignity and individuality of each student, avoiding terms that may contribute to marginalization or exclusion.

These are categorized as:

CATEGORY	DESIGNATION
LEVEL 1 24/25 FUNDING RATE: \$50, 730	A: Physically Dependent B: Deaf and Blind
LEVEL 2 24/25 FUNDING RATE: \$24, 070	C: Moderate to Profound Intellectual Disability D: Physical Disability or Chronic Health Impairment E: Visual Impairment F: Deaf or Hard of Hearing G: Autism Spectrum Disorder
LEVEL 3 24/25 FUNDING RATE: \$12, 160	H: Intensive Behaviour Intervention or Serious Mental Illness

Here is an example of composition language from one district in B.C.:

“No more than three (3) students with special needs shall be integrated into a single regular classroom. Only one (1) of these may be from a low incidence category or from Category 1.17 (Severe Behaviour).”

The best way to understand the impact that the restored language has on a district’s ability to meet the evolving needs of the students with disabilities and diverse abilities is to discuss it with the senior team.

<https://www.sd44.ca/Board/Meetings/Documents/Restored%20language%20%20-%20NVSD%20QA.pdf>

<https://www.surreyteachers.org/wp-content/uploads/2021/09/ClassSize-ClassComposition-FactSheet-20210927.pdf>

Collective Agreement Key Questions

1. What are the collective agreement provisions regarding educational assistants in the district?
2. How are staffing levels in the district determined?
3. What does the collective agreement in the district say regarding the placement of students with disabilities and diverse abilities in classrooms?
4. Has the restored language impacted the district's commitment to inclusion and diversity?
5. Does the district face unique challenges that the board should be aware of regarding the implementation of class composition language? Challenges could include:
 - a. geography
 - b. rural or remote locations
 - c. capital

Accessibility Act as a Mechanism for Improving Student Outcomes

The *Accessible British Columbia Act* provides a framework to identify, remove and prevent barriers to accessibility. Under the new legislation, boards of education must:

1. Create an accessibility committee.
2. Develop an accessibility plan to identify, remove and prevent barriers to individuals in or interacting with the board of education.
3. Implement a tool to receive feedback on accessibility.
4. Review and update the accessibility plan at least once every three years.

Accessibility plans must consider the following principles: **inclusion, adaptability, collaboration, self-determination and universal design**. In developing its accessibility plan, the board must consult with its accessibility committee. When working with any marginalized group, it is critical that the voices of that group lead the work, embodying the term “nothing about us, without us.”

What are Barriers to Accessibility?

Accessibility legislation outlines six types of barriers that prevent full participation in society for people with disabilities or diverse abilities:

1. **Attitude:** When people think and act upon false ideas, such as making decisions about people with disabilities without including them in the process or not believing that a person with a disability can contribute to the workforce.

2. **Physical:** When obstacles make access difficult, such as a washroom with an accessible stall but not enough space in the bathroom to properly maneuver a wheelchair through the bathroom to access the accessible stall, or hosting a meeting in a space with no wheelchair access.
3. **Information or Communication:** When communication methods do not reach people with disabilities, such as using small print or not providing large print versions of material, or hosting videos, events or meetings that do not provide closed captioning.
4. **Systemic:** When an organization's policies or procedures are not inclusive, such as not providing an American Sign Language interpreter or closed captions, or requiring a drivers license for a job when another form of transportation could be used.
5. **Technology:** When technology can't be accessed by people with disabilities, such as websites, documents or databases that are not accessible for screen readers, or website graphs or charts that do not have text that explain them.
6. **Sensory:** When lights, sounds or smells prevent participation in the environment, such as co-workers wearing perfume in the workplace or the use of florescent lighting in the workplace.

<https://www2.gov.bc.ca/gov/content/governments/about-the-bc-government/accessibility/legislation/accessiblebc#intro>

Accessibility Act Key Questions

1. How does the district's accessibility plan support inclusive education?
2. What process does the district have for receiving feedback on the accessibility plan?
3. What process does the board of education have for publicly reviewing the feedback that the district is receiving?
4. How can the board of education use the information received to ensure proper resources are allocated to removing identified barriers?
5. What metrics would the board of education and staff consider meaningful to measure the success of the accessibility plan and the impact it is having on students with disabilities and diverse abilities?



There are numerous examples of school district accessibility plans on the BC Accessibility Hub website.

They can be found here: <https://bcaccessibilityhub.ca/resources/templates-and-examples/>

Scroll down the page to the "Schools and School Districts BC" Section.

Further Learning

What is an Individual Education Plan (IEP)?

An *IEP* is a written educational plan for student with disabilities and diverse abilities designed to describe programming modifications and/or adaptations and to indicate specific services provided. An *IEP* is a 'living' process that has the potential to guide assessment, planning, collaborative communication and teaching. An *IEP* does not need to be a lengthy document but must include evidence of planning for student needs, demonstrate a plan to utilize varied instructional strategies and/or assessment procedures, and list clear goals for future activities and planning. It is necessary to have an *IEP* to focus a child's learning activities, aid in the facilitation of communication, and to provide inter-team and inter-agency accountability.

More information can be found here: https://www2.gov.bc.ca/assets/gov/education/administration/kindergarten-to-grade-12/inclusive/special_ed_policy_manual.pdf

Please note that not all students with a disability or a diverse ability will have an IEP and not all students with an IEP have a disability or diverse ability.

What is a Competency Based IEP (CB-IEP)?

Competency Based Individual Education Plans (CB-IEPs) are based on the B.C. curriculum, which includes core competencies and curricular competencies. *CB-IEPs* are strength-based, student-focused and centred on what the learner can do. They are focused on universal design principles that focus on accessibility and support inclusion. They are worded from the student's point of view and developed with goals and objectives that target areas of growth. *CB-IEPs* are still written and managed by a school-based case manager and reviewed each year.

For more information see: <https://www.sd44.ca/ProgramsServices/InclusiveEducation/competencybasedieps/Pages/default.aspx#/=>



Models of Disability

The concept of disability is complex and has been understood and explained through various models over time. These offer different perspectives on disability and how society perceives and interacts with individuals with disabilities. It is important to note that these are not mutually exclusive, and different societies or individuals may subscribe to different models simultaneously.

Here are some key models that have been used to explain disability:

- 1. Medical Model:** The medical model views disability as a problem located within the individual. It emphasizes the physical or mental impairments that cause functional limitations. Medical interventions and treatments are seen as the primary approach to managing disability. This model often focuses on “fixing” or “curing” the individual’s impairments.
- 2. Social Model:** The social model of disability shifts the focus from the individual’s impairment to the social and environmental barriers that prevent full participation and inclusion. It suggests that disability is not solely a medical issue but is largely shaped by societal attitudes, policies and physical environments that create barriers for individuals with disabilities.
- 3. Social Constructionist Model:** This model considers disability as a socially constructed concept. It highlights how cultural, social and historical factors shape perceptions of disability. Disabilities are seen as labels that society assigns to certain conditions, and the experience of disability is influenced by societal norms and values.
- 4. Bio-psychosocial Model:** This model combines elements of the medical and social models by considering biological, psychological and social factors that contribute to an individual’s experience of disability. It recognizes the interaction between the person’s impairments, their psychological factors and the social context they live in.
- 5. Rights-based Model:** The rights-based model, also known as the human rights model, asserts that individuals with disabilities have the same fundamental rights as everyone else. It focuses on removing societal barriers and ensuring equal opportunities and access to services, education, employment and other aspects of life.
- 6. Cultural Model:** This model acknowledges that disability is not solely a medical condition but is influenced by cultural factors. It highlights the diversity of disability experiences within different cultural contexts and challenges the idea that disability is universally negative.
- 7. Intersectional Model:** The intersectional model recognizes that disability intersects with other aspects of an individual’s identity, such as gender, race, class, sexuality and more. It emphasizes that discrimination and disadvantages can result from the interaction of multiple marginalized identities.
- 8. Ecological Model:** The ecological model considers disability within a broader ecological framework. It examines the interactions between the individual, their environment and various systems (micro, meso, exo, macro) to understand how these factors impact the individual’s experience and opportunities.

Source:

<https://bcaccessibilityhub.ca/resources/best-practices-and-research/>

Other Resources

A Policy Framework for Inclusive Education

For more information on how to create inclusive education policies that reflect the *Convention on the Rights of Persons with Disabilities*, please see:

<https://inclusiveeducation.ca/wp-content/uploads/sites/3/2023/06/Policy-Framework-for-IE-12-critical-elements-April-2023.pdf>

A Parent's Handbook on Inclusive Education

<https://inclusionbc.org/resource/parents-handbook-on-inclusive-education/>

A way with words and images: guide for communicating with and about persons with disabilities

<https://www.canada.ca/en/employment-social-development/programs/disability/arc/words-images.html>



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