

***Manitoba Association of School Trustees
Submission on Bill 13***

***Regulations Governing
the Right to Appropriate
Educational Programming***



December 9, 2004

MAST Submission on Bill 13: Regulations Governing the Right to Appropriate Educational Programming

The Manitoba Association of School Trustees is a voluntary organization whose membership includes all 38 public school boards in Manitoba. The Association's mission is to ensure quality public school education for Manitoba students through effective locally elected boards of trustees.

Manitoba school boards believe that our public school system must provide a quality education and equality of opportunity for all students. Quality educational programming encompasses knowledge acquisition and skills development and engagement which fosters personal growth, social responsibility and a positive disposition to life-long learning. Further, MAST member boards believe in an inclusive education system which maximizes opportunities for all students within the most enabling environment possible. That Manitoba school boards' expenditures in the area of special needs education far exceed supporting provincial grants is testament to this belief and the commitment of school boards to serve all students completely, effectively and equitably.

The Manitoba Association of School Trustees supports the intent of Bill 13 legislation and is encouraged at the potential imbedded in the legislation to foster substantive and significant improvement in the delivery of special needs education supports and services for Manitoba students. The Association recognizes as well the need for greater clarity and consistency in the standards of programming and services to support special needs learners in schools. At the same time, MAST is acutely aware of the difficulty inherent in crafting regulations which will accommodate the diverse range of circumstances and challenges faced by school boards across the province.

Within these parameters, the Association offers the following recommendations for consideration:

1. The term "appropriate education" lacks precision and is likely to create confusion and conflict among parents, school authorities, and service agencies. A clear, concise definition of the term is essential to ensure common understanding and common expectations amongst these multiple constituencies.
2. Divisional capacities in the areas of staffing, facilities, programming, and transportation vary greatly across the province. The regulatory process must not further disadvantage school divisions whose geography or demographics already pose significant challenges in their abilities to provide special needs programming and services.
3. MAST concurs that a student's disability be taken into consideration in disciplinary decisions. At the same time, school boards have an obligation under law to ensure the safety of school environments for all students and all staff. In such instances where school boards' legislated obligations and mandates may collide, it is important that regulation provide some direction for resolving these conflicting imperatives.
4. MAST favours a collaborative approach to dispute resolution involving parents, school authorities, and external agencies where appropriate. The "Working Together" support documents produced by Manitoba Education, Citizenship and Youth exemplify positive practice in this regard. Should it be deemed necessary that a formal dispute resolution process be included in regulation, MAST recommends that the scope of awards in such a process be minimal. MAST would also propose a multiple member panel rather than a single individual. Panel membership must include and reflect expertise pertaining to educational pedagogy, human development and learning and school and divisional management issues and practices.

5. MAST believes that to meet the challenge of inclusive in Manitoba classrooms, teachers and administrators need knowledge and skills specific to special education and behaviour management. Preparation and certification programs must be strengthened, and extended to reach all educators in Manitoba schools.
6. Specialist staffing resources to support inclusive education practices and programs are often difficult to secure in this province, and the challenge generally more acute with greater distance from major urban centres. MAST believes there must be flexibility within the regulation to make allowance for this reality as it impacts individual divisions.
7. There is currently a huge gap in Manitoba with regard to post-graduation opportunities for special needs students between the ages of 18 and 21 years. Decisions taken too often reflect what the system will allow or not, rather than what is in the best interests of a particular student. Policies, programs and services must be articulated to ensure that special needs students have meaningful alternatives and choices upon high school graduation.
8. School divisions currently provide a range of health-related services which fall outside the scope of regular instruction. While MAST has long advocated for an integrated service delivery model at the school level, we have also advocated for a clearer statement of responsibilities and financial obligations of various collaborating agencies and Government departments (Justice, Health, Child and Family Services). Regulation should address this issue.
9. MAST believes that inclusive education encompasses the entire continuum of students, from the most challenged to the most gifted. The focus in special education tends to be largely on struggling students who exhibit a diverse array of difficulties and/or impairments. MAST believes that gifted students also merit special attention in our schools and that regulation should address programs and services for these students as well.
10. Setting out program and service standards for inclusive education will not produce desired change in educational practice if schools lack adequate financial resources to engage staff, to develop and implement programs and services, to collaborate with parents and other agencies, and to modify facilities and equipment as needed. MAST urges that regulation include a commitment on the part of the provincial Government to provide financial resources to school divisions commensurate with the program and service expectations articulated within the regulation.

The Manitoba Association of School Trustees supports the direction and intent of provincial legislation to make Manitoba schools truly inclusive for all students. The Association welcomes the opportunity to work with Government, with education partners, and with other agencies in turning intention into action, and ultimately, into results which will benefit students across our province.