

Equality in the classroom:
The educational placement
of children with disabilities¹

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Canadian public schools are inclusive institutions: they are legally required to ensure that all students receive free and appropriate education.² This includes students with a constitutional right to an education in either English or French, students for whom English or French is not their first language, Aboriginal students, students with extraordinary gifts and talents, and students with a wide variety of limitations and learning challenges. Canadian public schools educate students who, in previous generations, would have been educated in segregated settings or denied an education, an attribute that distinguishes Canadian schools from those in many other societies. The challenge facing public schools is to determine how best to address the needs of students whose circumstances pose particular learning challenges.

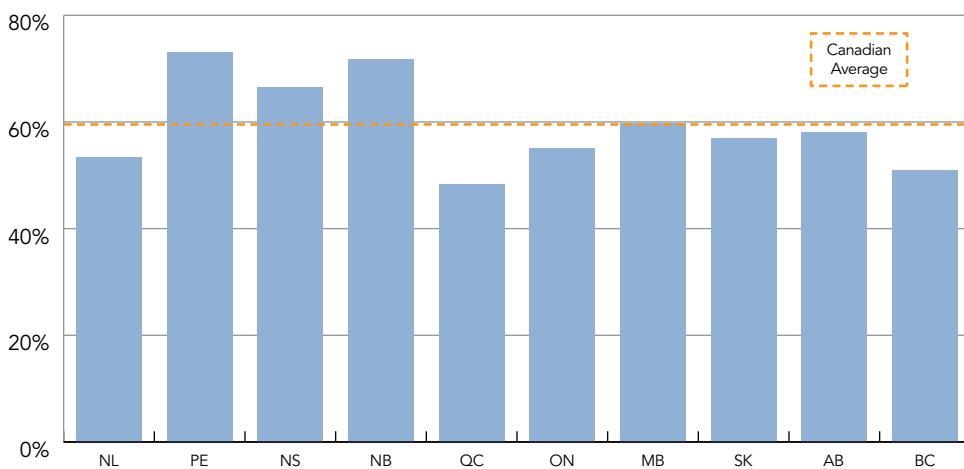
Students face a range of challenges, including physical, behavioural, emotional and intellectual limitations. Statistics Canada estimates that in 2001, the most recent year for which data are available, there were 155,000 children between the ages of five and 14 (about 4% of all Canadian children in this age range) whose activities were limited by a disability.³ Most of these children attend public schools and educational placement is a key issue in determining how to address their educational needs.

In the past, students with disabilities were segregated from their non-disabled peers and placed in separate special-education contexts—either in separate schools or in separate classrooms within regular schools. More recently, policy-makers in provinces across Canada have adopted a philosophy of inclusion, encouraging schools to include students with disabilities in regular classrooms.

The specific policies that emerge from this philosophy show substantial interprovincial variation. For example, in PEI, New Brunswick and Nova Scotia, inclusion is the only option available, while other placement options are available in other provinces.⁴ As a result of these policy differences, students with disabilities are more likely to be placed in regular classrooms in some provinces than in others (see Figure 1). For example, in Quebec fewer than half of all children with a reported disability are educated in regular classrooms (i.e., along with non-disabled students), nearly one quarter are educated in separate special-education schools, and the remaining students are educated in special-education classes within regular schools. In contrast, nearly three quarters of children with disabilities in PEI are educated in regular classrooms and virtually none are in special-education schools.

Figure 1:

The percentage of parents reporting that their disabled child is educated in a regular classroom (with non-disabled children)



Source: Statistics Canada, 2001, Participation and Activity Limitation Survey

Interprovincial policy differences on educational placement reflect the level of uncertainty around the placement question. That is, whether students with disabilities are better off in regular classrooms or in special-education classrooms remains an open question. Several reviews of evidence have concluded that the balance of evidence favours inclusion—that students with disabilities fare better both academically and socially when placed in regular classrooms than when placed in special-education classrooms.^{5,6,7} However, this conclusion does not hold true for all students: outcomes of different placements vary as a function of both the nature and severity of individual students' disabilities.

Based on a review of 50 studies, Carlberg and Kavale concluded that students with intellectual limitations benefit from inclusion in regular classes, while students with behavioural or emotional disorders fare better in special education classes. Other evidence suggests that high-functioning students with serious emotional disorders benefit from inclusion in regular classrooms, but lower-functioning students are more likely to drop out of school when placed in regular classrooms.⁸

Students with learning disabilities make up a large proportion of all children with disabilities.⁹ Older reviews of evidence provide conflicting answers concerning the best placement options for these students. Carlberg and Kavale concluded that students with learning disabilities do better in special-education classes, while Wang and Baker concluded that such placements are not successful for learning-disabled students. More recent research suggests that students with learning disabilities have slightly better academic outcomes^{10,11} and have healthier self-concepts^{12,13,14} when they are placed in special-education classrooms.

Placement remains a controversial issue that sometimes leads to sharp divisions between parents and educators, as well as among educators and among parents. While there is clearly some evidence that special-education

placements can be the best placement option for some students, full inclusion is the preferred option for many parents. A recent Ontario case that ultimately made its way to the Supreme Court of Canada illustrates some of the issues that parents and educators grapple with and provides a number of lessons to consider in addressing the question of appropriate educational placements.

Emily Eaton was a young woman with cerebral palsy who was unable to communicate through speech, sign language, or other alternative systems. She was also visually impaired and required the use of a wheelchair because her mobility was restricted. Emily was identified as an "exceptional pupil." At the request of her parents, she was placed in her neighbourhood school on a trial basis. She was assigned a full-time assistant to attend to her various needs. After three years in her neighbourhood school, the teachers and assistants concluded that the placement was not to Emily's benefit. In fact, they believed that continued placement in the neighbourhood school might actually be harmful to her.

An Ontario Identification, Placement, and Review Committee (IPRC) decided Emily should be placed in a special-education class. Emily's parents disagreed with this decision and appealed it to a Special Education Appeal Board. The appeal board unanimously confirmed the decision of the iprc. Emily's parents appealed again to the Ontario Special Education Tribunal. The tribunal also unanimously confirmed the decision of the iprc. Emily's parents applied for judicial review to the Divisional Court of Ontario. The court dismissed the application. The Eatons then took the case to the Court of Appeal. It allowed the appeal and set aside the tribunal's decision. In the end, the Attorney General of Ontario appealed the decision of the Court of Appeals to the Supreme Court of Canada.¹⁵ The Supreme Court decided that the Court of Appeal erred in finding that the decision of the tribunal contravened section 15 of the Canadian Charter of Rights and Freedoms.

Lessons in learning

The reasoning of the Supreme Court in Emily's case, and by extension in the case of all students with special needs, is worth considering for the lessons about taking their educational needs into account.

Lesson One: The appropriate educational placement of students depends upon the nature and extent of their disabilities.

The Supreme Court's decision considered exclusion from the mainstream of society and the implications of the meaning of disability. It noted that the meaning of disability differs significantly depending on the characteristics of the individual and the situation. "Segregation," the court noted, "can be both protective of equality" and something that violates "equality depending upon the person and the state of disability." The Supreme Court observed that the tribunal had tried to determine which placement for Emily would be superior, according to her special needs and educational interests. It concluded that placement in a special class was the best for her.

Lesson Two: Educators are obligated to assess educational progress periodically and take that assessment into account in planning a program that is in the student's best educational interest.

The Supreme Court noted that Emily's best educational interests had been taken into account through periodic assessment so that relevant changes could be reflected in her placement. Basing their decisions on periodic and careful assessment was a benefit to Emily and this approach is beneficial to all students with disabilities.

Lesson Three: The educational best interests of children may differ from the preferences of the adults in their lives.

The Supreme Court indicated that those making a decision about the educational best interests of a child must "ensure that its determination of the appropriate accommodation for an exceptional child be from a subjective, child-centred perspective, one which attempts to make equality meaningful from the child's point of view as opposed to that of the adults in his or her life."

References

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- ¹⁵ Eaton v. Brant County Board of Education, [1997] 1 S.C.R. 241.