

Inadequate Appropriate Spec Ed Service = Discrimination

On April 9, the Chief Commissioner of the Ontario Human Rights Commission, Renu Mandhane, tweeted that all special education needs students must receive timely and appropriate services.

The Chief Commissioner has opened the door; encouraging parents of children that have not received the appropriate and necessary services in their public education experience to contact the [Human Rights Legal Support Centre](#) to report discrimination.



Twitter: @HRlegalhelp email: hrlsc@hrlsc.on.ca Toll-free phone: 1-866-625-5179

Examples of potential discrimination, but not limited to,

- ⇒ School fails to screen for dyslexia in kindergarten despite reading problems or having a relative(s) with dyslexia
- ⇒ School/school board fails to provide evidence-based reading instruction that a child with dyslexia needs to learn to read despite identified need;
- ⇒ School staff member says that there is nothing that the school can do to help your child;
- ⇒ School/school board fails to provide the access to a psych ed assessment in a reasonable amount of time;
- ⇒ Staff/school/school board suggests student not enrol, or exit, a specialty program (gifted, French immersion, IB);
- ⇒ School/school board fails to provide, or allow, the use of assistive technology in the classroom;
- ⇒ School/school board sends your child home when supports are not available for them; or
- ⇒ School fails to provide accommodations that support the success of the student in the classroom.

The Ontario Human Rights Code states that provincial education services must provide timely and appropriate special education services so that special education students with a disability, including learning disabilities such as dyslexia, have equity in public education.

<http://www.ohrc.on.ca/en/policy-ableism-and-discrimination-based-disability>

In public school, students with dyslexia should be provided appropriate special education services to be able to read.

Additionally, once a student with dyslexia is taught to read in elementary school, the student should have equal opportunity to enrol and succeed in the high school academic stream so that post-secondary education is an option. Accommodations must be made available throughout a student's entire educational experience. Moreover, students with dyslexia should be considered equally for specialty programs (French Immersion, Gifted, IB and Arts Schools) for we know that with appropriate accommodations, a student with dyslexia can reach their full potential and find success in school and in life.

Finally, as per the International Dyslexia Association, appropriate evidence-based special education intervention for students with dyslexia should be based upon Structured Literacy <https://dyslexiaida.org/what-is-structured-literacy/>. Know that literacy interventions established for children with dyslexia can help all new or struggling readers.

<https://dyslexiaida.org/by-focusing-on-dyslexia-we-address-the-needs-of-all-children/>

The Supreme Court of Canada's Moore vs BC Education Decision (2012)

After more than a decade in court, the Supreme Court decided "the reason children are entitled to an education is that a healthy democracy and economy require their educated contribution. Adequate special education... is not a dispensable luxury. For those with severe learning disabilities, it is the ramp that provides access to the statutory commitment to education."

"A majority of students do not require intensive remediation in order to learn to read. Jeffrey does.

He was unable to get it in the public school.

Was that an unjustified denial of meaningful access to the general education ... and, as a result, discrimination?"

"There is no dispute that Jeffrey's dyslexia is a disability.

... the expert evidence [experts including the International Dyslexia Association] that intensive supports were needed generally to remedy Jeffrey's learning disability, and that he had not received the support he needed in the public school system."

"... a finding that Jeffrey suffered discrimination and was entitled to a consequential personal remedy, has clear broad remedial repercussions for how other students with severe learning disabilities are educated."

The Supreme Court upheld the BC Human Rights Tribunal finding of discrimination against the local Board awarding:

"... tuition paid for Jeffrey to attend Kenneth Gordon School and Fraser Academy, up to and including Grade 12, half of the costs incurred for his transportation to and from those schools, and \$10,000 for "the injury to [Jeffrey's] dignity, feelings and self-respect."

Note: Jeffrey Moore was in Grade 3 and unable to read when his parents decided to move him to specialty private school