
APPROPRIATE EDUCATIONAL PROGRAMMING IN MANITOBA

Extending Genuine Learning
and Social Experiences for
All School Communities

Final Consultation Report
2006

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2006

Manitoba Education, Citizenship and Youth

Manitoba Education, Citizenship and Youth Cataloguing in Publication Data

371.9046 Appropriate educational programming in Manitoba :
 extending genuine learning and social experiences
 for all school communities.

“Final consultation report, 2006”.

ISBN 0-7711-3489-4

1. Inclusive education—Manitoba. 2. Children
with disabilities—Education—Manitoba.
3. Special education—Manitoba. I. Manitoba.
Manitoba Education, Citizenship and Youth.

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CONTEXT FOR APPROPRIATE EDUCATIONAL PROGRAMMING IN MANITOBA

Education is essential to the life of individuals and communities. It provides opportunities and expands choices for personal, social and academic development. Education helps individuals achieve their goals, continue to learn and actively participate in economic, community and political activities. It fosters citizenship and is considered key to health and well-being.

Education is a significant human right both in Canada and under international human rights law, a right guaranteed regardless of gender, ethnic origin, disability or age.

In Canada, education is recognized and legislated as a fundamental social good. A publicly funded education system, accessible to all, is recognized as a core constitutional responsibility of provincial governments. In Manitoba, publicly funded elementary and secondary schools are governed by *The Public Schools Act* and *The Education Administration Act*. This educational context is informed by the *Canadian Charter of Rights and Freedoms* which, as part of the Canadian Constitution, is the supreme law of Canada. Section 15 of the Charter guarantees to all Canadians equality before and under the law, the right to equal protection and benefit before and under the law and the right to equal protection and benefit of the law without discrimination, in particular, “without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.” The *Charter of Rights and Freedoms* applies to all aspects of laws, programs, policies and services. This includes *The Public Schools Act* and *The Education Administration Act* and all bodies carrying out government intentions, such as public school boards.

A significant number of students, particularly students with disabilities, have not had equal access to educational opportunities and encounter many barriers to learning and social interactions with friends and peers. Barriers include physical inaccessibility to schools, limited parental involvement, waiting lists for professional assessments and delays in educational supports and services.

In recent years, the issue of equal access to education has generated much attention, as have efforts to remove barriers to learning. Movement toward strengthening the equality rights of students has been growing. Section 15 of the *Canadian Charter of Rights and Freedoms*, human rights legislation such as *The Manitoba Human Rights Code* and case law are identifying and removing barriers that impede equal access to educational programming and services. A key focus here is the notion of *substantive equality*, which is the recognition that groups who have

The purpose of this document is to:

- provide a context for the development of appropriate educational programming in Manitoba
 - provide a summary of the presentations and consultations on Bill 13 and the developmental work on supporting regulations
 - present a definition of appropriate educational programming
 - outline the working regulations
 - suggest other related approaches that will help to provide all students with optimal learning opportunities and social experiences
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historically experienced social, political and economic disadvantage may need more than the identical measures or initiatives that are aimed at eliminating historical disadvantage to ensure that they enjoy equal benefit and participation in Canadian society.

The heart of *substantive equality* is the duty to reasonably accommodate. This means preventing and removing barriers to full participation in the educational environment in ways that accommodate students' unique circumstances.

Examples of accommodations for students:

- curriculum modification or enrichment
 - extra support in the classroom
 - adaptive technology such as calculators and laptop computers
 - learning materials in alternative formats such as Braille
 - assistance from specialized professionals, such as counsellors, speech language pathologists, sign language interpreters, psychologists, occupational and physiotherapists
-

In January 1999, the *Manitoba Special Education Review* was released. Among its 44 recommendations was one to change Manitoba's legislation. It suggested:

The Province of Manitoba make changes to Manitoba's legislation in order to achieve consistency with the *Charter of Rights and Freedoms*, particularly the right to equality as it is understood in Canada and relates to the right of access to education for Exceptional Children. (31)

This recommendation, which is the impetus for *Bill 13–The Public Schools Amendment Act (Appropriate Educational Programming)*, was based on the review's case studies, where various school division administrators expressed a desire to have more direction about their legal responsibilities. One theme in the submissions was the need for review and revisions to *The Public Schools Act*. This was coupled with a concern that Manitoba had not revised its education statute to be consistent with the *Charter of Rights and Freedoms* and legislation in other provinces. Parents were concerned that students' rights to the most enabling environment were not legislated. As noted in the report, "legislative reform would ground policy in legislation and, as such, remove it from the domain of uncertainty and the potential danger of ill-informed decision-making." (31) Legislating appropriate educational programming was considered necessary.

In September 2001, *Follow-up to the Manitoba Special Education Review: Proposals for a Policy, Accountability and Funding Framework* was released by Manitoba Education, Citizenship and Youth. It outlined proposed changes reflecting the government's commitment to ensure the education system meets the needs of all students. It also proposed that *The Public Schools Act* be changed to give all students the right to an appropriate education and define appropriate education in regulations.

In November 2003, *Bill 13–The Public Schools Amendment Act (Appropriate Educational Programming)* was introduced by the Manitoba government (see Appendix A). In June, 2004, it received Royal Assent to come into effect at a future date set by proclamation.

This amendment affirms that all students in Manitoba are entitled to receive appropriate educational programming that fosters their participation in the learning and the social life of the school. It also provides for a dispute resolution process to be followed if a disagreement arises about the appropriateness of educational programming school boards provide to students on individual education plans (IEPs).

This proposed legislation builds on Manitoba Education, Citizenship and Youth's philosophy of inclusion, which states:

Inclusion is a way of thinking and acting that allows every individual to feel accepted, valued and safe. An inclusive community consciously evolves to meet the changing needs of its members. Through recognition and support, an inclusive community provides meaningful involvement and equal access to the benefits of citizenship.

In Manitoba, we embrace inclusion as a means of enhancing the well-being of every member of the community. By working together, we strengthen our capacity to provide the foundation for a richer future for all of us.

This proposed legislation demonstrates government's intention to set regulations and other supporting mechanisms such as policies, guidelines, protocols and support documents, to help all students, particularly those with exceptional needs, in receiving appropriate educational programming.

An important component of *Bill 13* involves the development of regulations specifying how some part of the legislation will be met or carried out province wide. The way funds are allocated to school communities, qualifications for teacher certification, responsibilities of principals, student discipline and school bus equipment specifications are examples of some of the issues currently subject to regulation.

While laws are passed in the Legislative Assembly, decisions on regulations are made by Cabinet or individual ministers and are easier to change. They are, however, more rigid in directing how programming and services are to be provided. Given this, it is more fitting that some programming be addressed in other ways, such as standards documents, directives and guidelines developed by the government department. Once regulations have been approved, they are made public and administered by the department. They have the force of law but cannot override legislation.

Toward Inclusive and Appropriate Educational Programming

Past:

- medical model orientation
- two-tiered system of regular and special education
- charity/paternalistic orientation
- special programs and services perspective
- limited parental involvement
- concern for some students
- labelling children

Present:

- curriculum/outcome-based orientation
 - inclusive within a single system
 - legal/human rights orientation
 - regular programming with accommodations
 - valued parent and student involvement
 - successful transition and active participation in community life
 - concern for all students
 - identifying need
-

Throughout the consultation process on *Bill 13* and the developmental work on regulations, several consistent points or messages emerged. The majority of students in Manitoba are generally seen to receive appropriate, effective programming and services. *Bill 13* sets the province's legal responsibility to provide all students with the opportunities to participate fully in the academic and social life of their schools. It also meets the standards of the *Canadian Charter of Rights and Freedoms* and other provinces' legislation.

Stakeholders consistently voiced that a clear, concise definition of appropriate educational programming is necessary to ensure a common understanding across school communities in the province. Regulations need to provide clear direction and apply in all areas of the province. They must be flexible enough to allow schools to make fine distinctions in addressing the individual needs of students in unique circumstances. Parental and student involvement, particularly in the individual education planning process, requires strengthening. The province also has a responsibility to cover additional costs required to meet the mandate of *Bill 13* and its supporting regulations.

Ultimately, appropriate educational programming is more than words. It is a fluid, collaborative process where school communities continually strive to provide programming and services that respond to the learning and social needs of all students, in a climate that is beneficial to all.

Over the past decade, as a result of positive developments in inclusive educational practice and an evolving legal context, significant gains have been made in Manitoba. *Bill 13*, based on the philosophy of inclusion and clear effective regulations, will help build on them. It will also complement Manitoba's Disability Strategy and the *United Nations' Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities (working title)*, which Canada hopes to sign in the near future. Supported by effective policies and guidelines, appropriate allocation and use of resources and qualified professionals and support staff, *Bill 13* will improve learning environments for all students needing individual supports and services.

DEVELOPMENTAL WORK ON APPROPRIATE EDUCATIONAL PROGRAMMING

Over the past two years, there were several activities to support the development of *Bill 13*.

Enactment of *Bill 13*

Bill 13—The Public Schools Amendment Act (Appropriate Educational Programming) was introduced by the Government of Manitoba in November 2003. Following Second Reading, it was referred to a Standing Committee of the Assembly (comprised of members selected from each political party) who received 13 presentations from the public on the bill. Standing Committee Hearings were held on February 18, 2004. On May 12, 2004, *Bill 13* received Concurrence and Third Reading. On June 10, 2004, it received Royal Assent to come into effect at a future date set by proclamation.

Student Services/Inclusive Education Consultation Committee

The Student Services/Inclusive Education Consultation Committee was established in the fall of 2003. It includes representatives from education organizations, student services, parent organizations, advocacy groups and government departments. Its purpose is to:

- identify issues and concerns affecting students with diverse needs
- provide organizational updates and current information on student services to the participating organizations
- provide opportunities for interagency and interorganizational proposals and initiatives to address concerns and issues affecting students with diverse needs
- review new government policies, procedures and initiatives that affect inclusive programming and student services

The committee also provided feedback on the consultation process and helped the minister launch *Bill 13*.

Manitoba Inclusive Education Summit

More than 350 delegates attended the Manitoba Inclusive Education Summit in Winnipeg October 21, 2004. It was planned by Community Living—Manitoba in co-operation with Manitoba Education, Citizenship and Youth, the Manitoba Association of School Trustees, the Manitoba Teachers' Society, the Student Services Administrators Association of Manitoba, the Manitoba Council for Exceptional Children and the Faculty of Education, University of Manitoba.

Stage 1 consultation participants

- Student Services Administrators' Association of Manitoba
 - Manitoba Association of School Superintendents
 - Coalition for Children
 - Manitoba Association of School Trustees
 - Manitoba Federation of Independent Schools
 - Council of School Leaders
 - Manitoba Association of School Business Officials
 - Manitoba Teachers' Society
 - Manitoba Association of Parent Councils
 - Manitoba School Counsellors Association
 - Manitoba Council for Exceptional Children
 - Manitoba Association of Resource Teachers
 - Clinician Groups
 - Manitoba First Nations Education Resource Centre
 - Manitoba Métis Federation
-

The Inclusive Education Summit brought together stakeholders and partner organizations to further promote inclusion of children with disabilities in Manitoba schools. Specific goals of the summit were to:

- celebrate accomplishments and successes in inclusive education
- understand the perspective of the stakeholders in inclusive education
- encourage partnerships that would support inclusive schools

Orientation/Information Meetings with Educational Associations, Organizations, Parents and School Communities

In developing *Bill 13's* regulations, representatives from Manitoba Education, Citizenship and Youth provided over 45 information sessions to a variety of school communities, organizations and groups (see Appendix B). Each session included participant feedback on appropriate educational programming and supporting regulations.

Three-Stage Public Consultation Process

An important component of regulations development was a three-stage consultation, including an invitation for formal, written submissions.

The first stage involved consultations with 14 educational stakeholder organizations and four clinician associations. The goal was to get input on the definition of appropriate educational programming and to the development of content of regulations in nine areas required to support student learning. The nine areas were:

- individual education or student-specific planning
- parental involvement
- early identification and planning
- student services plans for school divisions
- continuum of supports and services
- placement based on inclusion
- disability considered in disciplinary decisions
- timely, appropriate and well-documented assessment
- processes for resolving differences

Additional areas for regulations subsequently identified during Stage 1 included:

- transition processes
- staff training and certification
- consistency of programming and funding
- universal design and accessibility

Consultation Guide

A consultation guide was prepared to help in Stage 2 discussions. It provided an overview of *Bill 13* on possible areas for regulations (Appendix C).

Regional Consultation Schedule

November 22, 2004 –
Dauphin

November 24, 2004 –
Carman

November 29, 2004 –
Thompson

November 30, 2004 –
Cranberry-Portage

December 6, 2004 –
Winnipeg East

December 9, 2004 –
Winnipeg West

December 13, 2004 –
Brandon

Stage 2 – Regional Consultation Sessions

Over 390 teachers, parents, administrators, school trustees and students attended the regional consultations in Dauphin, Carman, Thompson, Cranberry-Portage, Winnipeg and Brandon in fall 2004. Thirty-four school divisions participated in the afternoon sessions; 119 parents participated in the evening sessions.

Consultation supported broad discussions and an exchange of views about what areas are best suited for regulation, what issues need to be considered in developing regulations and how best to phrase them. Consultation helped identify areas where policies, guidelines and support documents may be needed.

Formal Written Submissions

Interested individuals, groups and organizations were invited to make written or electronic submissions. Manitoba Education, Citizenship and Youth received 14 submissions.

Stage 3 – Stakeholder Forum

Approximately 75 participants, representing 14 stakeholder organizations and four clinician associations, attended the stakeholder forum. Representatives shared their comments on a proposed definition of “appropriate educational programming” and on proposed regulations covering 13 regulatory areas developed during the initial stages of the consultation. Before the forum, a preliminary report *Appropriate Educational Programming in Manitoba—Extending Genuine Learning and Social Experiences for All School Communities* was distributed to stakeholders for feedback. The report contained a proposed definition and outlined proposed regulations and other activities to provide all students with optimal learning opportunities and social experiences.

SUMMARY REPORT ON INITIAL CONSULTATION SESSIONS AND WRITTEN SUBMISSIONS

Over the course of the consultation process, there was overwhelming support for the philosophy of inclusion. Most individuals, educational associations and groups and school divisions support new legislation. *Bill 13* is a positive step toward setting the provincial government's responsibility to provide appropriate educational programming for all students. It also meets the standards of the *Canadian Charter of Rights and Freedoms* and other provinces' legislation.

It was also clear from the consultations that the definition of "appropriate educational programming" must ensure common understanding across school communities. Concerns and reservations were expressed about the development of regulations. A number of educational associations and school divisions requested they be developed to allow school communities to make fine distinctions in acknowledging and addressing the uniqueness of individual student needs. It was also suggested that successful implementation of regulations greatly depend on the appropriate allocation of resources.

Stakeholders, throughout the consultation process, saw *Bill 13* as a positive step for Manitoba students. Although it was generally indicated that the majority of Manitoba students receive appropriate educational programming, *Bill 13* would set the province's legal responsibility to provide opportunities for all students to participate fully in the academic and social life of schools.

Several organizations and individuals said a definition of "appropriate educational programming" is necessary to ensure a common understanding across school communities in the province. It was emphasized that regulations, policies and guidelines to support appropriate educational programming need to point to genuine, substantive improvements.

Initial Consultation with Educational Stakeholder Organizations and Groups

This initial consultation identified issues and got input on the definition of appropriate educational programming and the development of regulations. The participating organizations expressed a common desire and commitment to provide appropriate educational programming for all students. They provided a range of opinions on the areas and content of regulations required to support students.

Individual Education Plans

Regulations should be developed around IEPs. Specific issues to be considered include:

- consistency across schools
- IEP timelines
- reporting to parents
- access to IEPs
- accountability mechanisms

There was one recommendation that IEPs be developed for students who require programming outside the provincial curriculum. Another suggestion included making IEPs available to all students who have identified needs. There was also a recommendation that teachers not be required to sign IEPs because they cannot guarantee the provision of programs and services offered.

Several associations also indicated there needs to be a better understanding of the collaborative nature of the planning process and the importance of sharing information among IEP team members and making sure forms are signed.

Parental Involvement

Many associations and groups indicated parents and students, where appropriate, should be given the opportunity to be involved in the development of IEPs. It was suggested regulations guide planning teams when parents will not or are unable to participate in the IEP planning process.

It was also suggested parental involvement in the IEP process be improved. Parents, for example, may require help with IEP planning meetings. Another suggestion was that organizers always consider parents' working schedules when arranging meeting times.

Early Identification and Planning

Three organizations said early identification and planning is crucial for students with exceptional needs and stressed the value of and need for additional Head Start programs for Aboriginal students. There are often difficulties in obtaining information from families who are transient or whose children are not in preschool programs.

Student Services Plan

It was suggested student services plans or divisional inclusion plans be developed by all school divisions. Plans should be evaluated by staff from Manitoba Education, Citizenship and Youth; clear guidelines should be available to ensure parental involvement in developing plans, and plans should be public documents available to anyone by request.

Placement Decisions Based on Inclusion

For most students, the most enabling environment is the regular classroom with the supports and resources they require.

It was suggested there be consideration for students who may need alternative settings to the regular classroom, including home schooling.

Consideration of Disability

Some groups suggested a student's disability be considered when staff determine discipline. There may be instances when this direction conflicts with the school's requirement to provide a safe environment for all students. The safety of all students must be a primary concern when establishing discipline policies.

It was also recommended that in-school alternatives to suspension or expulsion be found when dealing with violent, aggressive students.

Timely Assessment

It was generally agreed that assessments, particularly specialized ones, need to be completed in a reasonable time and that, for a number of reasons, assessments by divisional staff are not always timely.

Concerns were raised that the current shortage of clinicians, particularly school psychologists, places extra stress on school divisions. There was also some dissatisfaction with the ability of shared services agreements for clinicians to provide the level of service required for students with special needs.

Some organizations recommended that assessments only be conducted by qualified staff and that programming eligibility involve assessments of both cognitive and adaptive functioning. They also suggested parents be actively involved in their children's assessment because they know their children best. Parents should also be allowed to use outside professional support when assessments cannot be done in a reasonable time. The need to consider cultural issues in the assessment process was also identified.

Resolution Process for Resolving Differences

Some organizations supported the need for a formal dispute resolution process, but only after school divisions first have the opportunity to address the issue locally. There was a range of opinions expressed on how best to proceed in this area.

Some organizations recommended dispute resolutions be handled at the local level, whenever possible, and that the approach be collaborative. If a formal process is necessary, several options were offered for consideration:

- a single adjudicator/ombudsman
- an Office of the Student Advocate added to the responsibilities of the Manitoba Children's Advocate
- an arbitration panel
- a review by the minister of Education, Citizenship and Youth

Some organizations said the dispute process must be perceived to be fair and impartial and the adjudicator/arbitration panel must be unbiased. They recommended the process include appropriate processes such as restorative justice and the use of cultural advocates for different cultural groups. They also suggested parents have access to a First Nations advocate and school divisions have a First Nations contact person to help students who are moving from a reserve to a Manitoba school division.

It was suggested the types of issues brought before the dispute resolution process include:

- placement
- programming issues
- funding/resources
- suspension

Universal Design: Access to Learning

Universal design is an architectural term. It refers to creating systems, environments, materials and devices directly and repeatedly usable by people with the widest range of abilities, operating within the largest variety of situations.

The concept of universal design is being applied to education. School communities develop plans for the full diversity of their student populations.

In education, universally designed schools, classrooms, curricula and materials provide all students with access to the resources they need, regardless of their diverse learning needs. This can include the design of

- flexible curricular materials and activities that make learning outcomes achievable by students with wide differences in abilities
- schools with elevators and ramps
- open, adaptable classroom spaces and recreational facilities
- floor-to-ceiling bulletin boards, chalkboards, and whiteboards
- technologies that not only support teaching practices, but also allow the greatest number of students to participate in the curriculum

Ongoing research on universally designed instruction continues to examine how to meet every student's need.

Universal Design

Universal design offers significant benefits to students and the use of the principles should be incorporated into all educational planning. There was one suggestion that timelines be set for school divisions to comply with universal design codes and accessibility requirements.

Transition Processes

There was concern that the best interests of 18 to 21-year-old students with exceptional needs are not being considered when they are about to leave the school system. It was suggested additional attention be paid to the transition process for these students.

Staff Training and Certification

Most participants said the provision of trained, qualified staff is a key issue. It is crucial that all staff who work with students with exceptional needs have access to appropriate training. This includes staff working as classroom teachers, educational assistants, resource teachers, school counsellors, clinicians and administrators.

Specific areas where more training and course work was considered necessary include:

- individual education planning
- working with emotionally/behaviourally disordered students
- behaviour management
- working with educational assistants
- adaptations and differentiated instruction
- Aboriginal perspectives
- safe schools
- inclusive education

It was recommended that Manitoba Education, Citizenship and Youth, faculties of education and school divisions work together to improve pre-service and in-service development sessions. The sessions should highlight the delivery of core curriculum, differentiated assessment/instruction, adaptations, support persons and individual curriculum for students at both ends of the spectrum. A shortage of qualified resource teachers and clinicians was also identified as crucial.

Several concerns were raised about the training, supervision and use of educational assistants. One organization said there is increasing pressure from parents to ensure educational assistants are well-trained. Several organizations suggested educational assistants be assigned on the basis of what is in the best interests of the student and not on the basis of union contracts. Working with emotionally and behaviourally disordered students was one specific area where educational assistants were seen to require additional training.

The need for educational assistants to accompany students on school buses was noted, when this need is indicated in the student's IEP or Health Care Plan. Training and supervision of educational assistants who carry out physiotherapy and occupational therapy plans was identified as another area needing consideration.

A concern was raised over the declining number of specially trained and certified resource teachers due to retirement, time commitments to obtain certification and the growing demands of the job. It was recommended that Manitoba Education, Citizenship and Youth develop guidelines for the typical caseload size assigned to a resource teacher.

Several organizations also recommended that resource teachers be certified. They suggested all counsellors receive specialized training due to the severity of mental health issues they address, such as suicidal tendencies, anxiety and despair. Courses offered in the post-baccalaureate program were considered to be appropriate for counsellors. Several associations and groups recommended resource teachers, clinicians and counsellors be certified. One organization said it did not support the use of mandatory specialist training certificates.

Consistency of Funding and Programming

There was strong support for the concept of intersectoral collaboration from a significant number of organizations and groups. It was also suggested, however, that co-ordination of services between departments and agencies could be better.

It was suggested roles and responsibilities of school divisions, government departments and agencies in providing clinical services such as occupational therapy, physiotherapy and nursing be clarified in the regulations. Medical procedures and supports, justice issues, or issues affecting children in care should not be the responsibility of teachers. Variation in the provision of adequate clinical services in school divisions across the province was cited as a significant issue by a number of parents. The need for additional child psychiatrists and school psychologists to help program for students with behaviour challenges was specifically identified. It was suggested provincial programs and services are required for extremely violent and aggressive students. Regional health authorities were identified as potential providers of additional services.

Several organizations identified concerns with the transfer of funding when a student transfers between divisions. Several organizations were concerned that low-incidence support for students is often pulled too quickly when ongoing supports are required to maintain progress.

Other Issues

A number of additional issues were raised during Stage 1 consultations, including physical access. Many schools are not accessible to students with disabilities and the costs of making older schools accessible are considered prohibitive. Extra space was also raised as an issue in dealing with students who require a quiet place to calm down. A number of organizations indicated the backlog with The Public Schools Finance Board on physical accessibility needs to be addressed.

There was a suggestion that programming for gifted students be addressed. The need for a regulation to address families who refuse service was also identified. There were suggestions that the maximum length of time for children to ride school buses also be regulated to no longer than half an hour one-way per child.

Concerns about how class size and composition sometimes conflicts with the needs of school staff were raised. Revisions to the Schools of Choice policy are needed to ensure it applies equally to students with special needs. Some groups said *The Personal Health Information Act* (PHIA) and *The Freedom of Information and Protection of Privacy Act* (FIPPA) have made it more difficult to get files and transfer information between schools.

The majority of the educational associations and groups stressed the importance of providing the funding necessary to support *Bill 13*.

Stage 2—Regional Consultations

The regional consultations were facilitated by Proactive Information Services Inc. The following summary is based upon Proactive Information Services' report, *Overview of Bill 13, Regional Consultations: Stage Two, Final Report*. For a copy of the report, contact the Program and Student Services Branch of Manitoba Education, Citizenship and Youth at 945-7907 in Winnipeg, or toll free at 1-800-282-8069, ext. 7907.

Characteristics of Appropriate Educational Programming

Participants identified a number of characteristics of appropriate educational programming. Inclusion is the philosophical basis on which decisions about placement are made. Students attend neighbourhood schools in regular classrooms with their peers. Programming is child-centred and meets the individual and curricular needs of all students. Accommodation is based on appropriate, timely assessment. Parents are meaningfully involved with staff in the planning process. Both students and parents have access to a qualified/trained support team. Service delivery is provided by a co-ordinated, intersectoral team.

Parents emphasized that programming should be needs-based, reflecting a resiliency model rather than the deficit-based model. Additionally, parents believe a transition process should follow a defined process involving intersectoral teams.

Key Regulatory Areas

Staff training and certification was most frequently identified as the regulatory area needing immediate attention. Pre-service training should better prepare teachers for diverse classrooms. Continuous professional development and ongoing learning opportunities for teachers, educational assistants and administrators were called for, as was the reinstatement of certification for resource teachers. Divisional planning teams suggested certification for counsellors.

Divisional planning teams also suggested regulations be developed to ensure the consistency of programming and funding. They also expressed concerns about funding the physical modification of buildings and other school structures, medical supplies and equipment, as well as accessible transportation.

IEPs were frequently identified by parents and divisional planning teams as needing regulations. IEPs should be **regularly** reviewed, with parents as active participants. An identified case manager is needed. Parents also want IEP goals to be more specific, measurable, quantitative and realistic, and to include an implementation plan.

The area of timely, appropriate, well-documented assessment was frequently identified. Divisional planning teams raised the issue of clinician shortages as a challenge in conducting timely assessments. They also identified the need to designate a person to document assessments and the need for increased clinician grants. Parents were focused on the timeliness of the assessment and the meaningful sharing of results. They also said assessments by professionals outside the education system should be accepted by schools and school divisions.

Suggested New Regulatory Areas

Divisional planning teams said class size and diversity need to be considered when developing regulations. In addition, questions were raised as to where regulations will address medical situations and procedures. Regulations might deal with the provision of provincial supports when divisional options/interventions have been exhausted.

Parents said there is a need for a regulation that ensures school-level plans address the needs of all students.

Overriding Issues

Funding and increased intersectoral co-operation is an issue. Once regulations are in place for appropriate education, Manitoba Education, Citizenship and Youth must recognize the real disparity between economic areas and fund fairly.

Also, the challenge in providing appropriate programming and supports for students with exceptional needs at the high school level was raised numerous times. While transition is viewed as problematic at many levels, it is particularly difficult for students as they move into high school and from high school into the community.

Another overriding issue is the need for the definition of “inclusion” to be widely publicized, because there is confusion among teachers and parents. There is also a need to clarify the differences between “adaptation” and “modification.”

While divisional planning teams suggested a panel to resolve differences, parents and other stakeholder groups said the process for resolving differences should involve an ombudsman. One suggestion was for this role to be taken on by the Manitoba Children’s Advocate.

Summary of the Written Submissions

Manitoba Education, Citizenship and Youth received 14 written submissions from parents, teachers, educational associations and groups. They had a range of views and concerns about appropriate educational programming for students with exceptional learning needs. The following summary gives an overview of the range and depth of views around key issues.

- **Inclusive Education**

Several submissions addressed the importance of an inclusive educational philosophy that focuses on inclusive planning and finding ways to teach all students in environments that best meet their needs. One submission noted that “Inclusive education should be supported directly by the government.” In addition, Manitoba Education, Citizenship and Youth should initiate a partnership to research accountability in inclusive special education in Manitoba.

- **Staff Training, Professional Development and Certification**

Many submissions said there is a need for various types of educational assistants. These include trained teachers for the Deaf and American Sign Language (ASL) and visual language interpreters. Among the views expressed were:

- Faculties of education must ensure all teachers receive inclusive education modules of instruction.
- Professional development should be mandatory for all pre-service and in-service administrators.
- Training and licensing should be implemented for educational assistants.
- Educational assistants require a greater amount of training because they spend most of the time with students who have the most significant needs.

It was also suggested that all school systems should have access to specialists.

- **Appropriate, Efficient Resources and Expenditures**

Two submissions identified a need to ensure the appropriate, efficient spending of special needs funding. One submission suggested implementing special education audits to assess the appropriate spending of special education funding and the quality of provisions. Another consideration was the need for an implementation budget for students with IEPs, based on the costs of making the plans work. One submission said services and financial supports should be distributed fairly across divisions.

Programming and services should be consistent and equitable for all children. Rural and northern areas should not be penalized because resources are richer in Winnipeg.

- **Transiency and Transition**

Several submissions identified the need to address issues of transiency and transition, particularly from school to work. They also said a special transition process is needed for transfers of high risk offenders into schools. The need for timely assessments, information sharing and program planning was also identified.

- **Parental Involvement**

The importance of developing effective partnerships with parents and the need for and value of parental involvement in their children's programming was raised in several submissions. Some groups said some parents may need the support of an advocate.

- **Appropriate, Timely Assessment**

Several submissions stressed the importance of appropriate, timely assessments necessary for effective planning and programming. It was also suggested assessments be carried out by well-trained individuals.

- **Physical Access**

One submission focused exclusively on physical accessibility. It recommended that the province endorse universal design principles for use in educational facilities and in planning new schools.

- **Children at Risk of Anaphylaxis**

Two submissions noted the need for school divisions to better protect children at risk of anaphylaxis. They suggested better policies and practices be developed and noted that currently school principals have too much discretion setting policy to address allergens.

Options for Supporting Appropriate Educational Programming

Participants identified a number of issues that can impede students from participating in their educational environment in a way that is fully responsive to their unique circumstances. Options that can be used to address these issues include:

- statutes/legislation
- regulations
- ministerial letters/directives
- policies and protocols
- standards
- guidelines
- support documents

Examples of legislation

- *The Public Schools Act*
 - *The Education Administration Act*
 - *The Blind and Deaf Person's Maintenance and Education Act*
-

Statutes/Legislation

A bill, such as *Bill 13*, is first tabled in the Legislative Assembly. It goes through First, Second and Third Reading by legislative committees, including a process of formal public hearings. Once passed and given Royal Assent, a bill has the force of law. Legislation and statutes can only be amended through another formal legislative process.

Examples of regulations

- *Teaching Certificates and Qualifications*
 - *Funding of Schools Program*
-

Examples of ministerial letters/directives

- *Minister's letter on length of school day for students with special needs*
 - *Minister's letter on implementation of inquest recommendations*
-

Examples of policies and procedures

- *Child Protection and Child Abuse Manual: Protocols for School Division Staff*
 - *Interdepartmental Protocol Agreement for Children/Adolescents with Severe to Profound Emotional/Behavioural Disorders*
 - *Unified Referral and Intake System (URIS) Policy and Procedure Manual*
-

Guidelines

- *Manitoba Pupil File Guidelines*
 - *Policy Guidelines for Transportation of Students with Special Needs*
 - *Guidelines for Early Transition to School for Children with Special Needs*
-

Regulations

Regulations are a form of delegated law and therefore need to be authorized by an Act of the Legislature. Regulations address matters that are subordinate to the main principles of the Act. They cannot override legislation. Decisions on regulations are made by Cabinet or the minister responsible, such as the Minister of Education, Citizenship and Youth. Consequently, regulations are easier to change than legislation.

Ministerial Letters/Directives

Directives may be written when the minister seeks some uniformity of policy across the province. They are often quasi-legislative in nature and may be mandatory. Some directives may involve several ministers using an intersectoral approach. They are often used following a crisis situation.

Policies and Protocols

A policy defines a course of action developed by a government department. Policies need to be compatible with existing legislation and regulations and require final approval from the ministers responsible for those areas.

Standards

Standards are written into documents to set province-wide criteria that school boards must try to meet in establishing local policy and developing, implementing and monitoring particular programming or services. Standards often provide direction for compliance with provincial legislation, regulation, policy and guidelines. They promote a standard of educational practice that is consistent throughout the province. While the use of standards in daycare and family services is common in Manitoba, the province has yet to use standards in education. Ontario and Alberta have developed standards written into special education planning documents.

Guidelines

Guidelines help school divisions carry out their duties and responsibilities by clarifying the requirements of the legislation and regulations in a particular area.

Support Documents

Support documents are written to provide direction to school communities on sound educational practices in a particular area. They are developed by a team of departmental and school community representatives who have knowledge and expertise in that area.

Support documents

- *Supporting Inclusive Schools: School-Based Planning and Reporting: A Framework for Developing and Implementing Annual School Plans and Reports*
- *Towards Inclusion: Tapping Hidden Strengths, Planning for Students Who Are Alcohol-Affected*
- *Working Together: A Handbook for Parents of Children with Special Needs in School*

Each of the above options offers school communities different degrees of flexibility and discretion in addressing the needs of all students. Regulations, for example, apply to all areas of the province. They can be less flexible than other options defining how programs and services are to be provided. Some options may be better suited than others in their ability to address particular issues and respond to the unique circumstances of individual students.

Given the unique circumstances of many students with exceptional needs, flexibility and discretion without clear direction can be both protective and in violation of equality, as in the case of segregation. Throughout the consultations, Manitoba Education, Citizenship and Youth was informed that supporting regulations for *Bill 13* need to provide clear direction in a flexible manner to allow school communities to make fine distinctions in acknowledging and addressing the uniqueness of individual student needs.

PROPOSED REGULATIONS AND OTHER ACTIVITIES FOR SUPPORTING APPROPRIATE EDUCATIONAL PROGRAMMING

Regional consultations held in fall 2003 supported broad discussions and an exchange of views about which areas of educational programming require, or are best suited for, regulation. To provide genuine, substantive benefit, regulations need to provide clear direction and apply to all areas of the province. They may be more rigid than other mechanisms for specifying how programming and services are to be provided.

Based on consideration of the views expressed during the consultations and in written submissions, it was proposed the following key areas be considered in regulation. Also proposed were a number of other activities that may be better suited than regulations to addressing a variety of concerns.

The proposed regulations are numbered for discussion purposes only. For example, there may be recommendations to merge several regulations into one. The placement of content in regulations and their final wording rests with legal counsel. Final decisions on regulations are made by Cabinet or the minister responsible for that area.

Parental and Student Involvement

Research shows parents who are involved in their children's education have children with greater school success. It is important for all schools to involve parents in their children's education.

Effective planning is especially important for students with exceptional learning needs and the parents must be invited to be a part of the planning team. Working together, parents and schools can resolve issues affecting students, set common goals and meet them.

Students should also be involved in decision-making when it affects their daily lives. They are likely to be more committed to the plan or strategy when they have been involved in its development.

For additional information, see:

- *Working Together: A Guide to Positive Problem Solving for Schools, Families, and Communities*
- *Working Together: A Handbook for Parents of Children with Special Needs in School*

The parent participants in the regional consultations described situations where they had not been involved in developing their children's education plans. Parents provided examples where they had been asked to sign IEPs and/or funding applications without being given the opportunity to read the documents and offer their input. Others described situations in which they were invited to IEP meetings only to discover the plan had already been written. Still other parents indicated they had been asked to sign blank referral forms for clinical services.

Educators expressed concerns that attempts to get parents to come into the school and be involved in planning for their children were often unsuccessful.

Proposed to be included in regulation

1. School divisions shall inform parents of the right to be accompanied to planning meetings by an advocate.
2. Where possible, school divisions shall provide the assistance of an interpreter or translator in order to involve the parent fully in a planning meeting regarding their child.
3. Parents and students shall be invited to participate in individual educational planning meetings to the extent that it is reasonably possible at all school levels.

Other activities

- Manitoba Education, Citizenship and Youth will develop a support document *Building Inclusive Schools*, and include a section on meaningful parental involvement. Suggested topics were: alternative meeting formats and an explanation of informed consent.
- Brochures written in a parent-friendly format should continue to be distributed to parents of children with exceptional needs on topics that focus on working together to support the learning needs and objectives of their children.
- School divisions and Manitoba Education, Citizenship and Youth will continue to work together to develop ways to help parents understand the educational system and processes, including supports and services.

Individual Education Planning

The majority of students receive their educational programming through the provincial curriculum. Individual differences are often accommodated with differentiated instruction and adaptations.

Some students need changes to the provincial curriculum to meet their exceptional learning needs. To reflect this change in curriculum, individual education planning must take place. Individual education planning ensures students receive programming that moves them closer to regular curriculum and full participation in community. Individual education planning creates programming to provide educational benefit while meeting their unique needs.

Currently, most school divisions follow processes supported by research outlined in two Manitoba Education, Citizenship and Youth support documents:

- *Individual Education Planning: A Handbook for Developing and Implementing IEPs, Early to Senior Years*
- *Working Together: A Handbook for Parents of Children with Special Needs in School*

During the consultations, it was reported that not only are parents and students often not involved in the process of developing their children's IEPs, they do not always receive feedback on their children's progress. Parents requested feedback on their children's progress be the same as for other students at regular reporting periods. In most divisions, this is three times a year.

There were large variations reported in the time it takes to produce an IEP and receive a written copy of it. In some cases, students are not allowed to attend school until the IEP is fully completed.

There were a variety of concerns raised on sharing reports, assessments and IEPs among schools and staff members within a school. Often, the information learned by staff in one school year had not been passed on to the new staff receiving the child. Procedures must be in place to ensure that this important information is shared and appropriate transition procedures are in place.

Parents also indicated that they require an explanation of the IEP process that is jargon-free and easily readable.

Proposed to be included in regulation

4. The individual educational planning process shall be developed for all students with exceptional needs. A student with exceptional learning needs is one who requires specialized services or programming because of a behaviour/social, sensory, physical, cognitive/intellectual, communication, academic or special health-care need.
5. Parents and students (where appropriate) shall be given the opportunity to be meaningfully involved in the development and annual review of the individual education plan.
6. Parents and students with exceptional needs shall receive progress reports at the same reporting times as for all students in the school.
7. Students shall not be excluded from school while waiting for assessments and plans to be completed. (There is an exception for students who are documented as being a danger to self and others.)
8. In accordance with <i>The Public Schools Act</i> , school divisions have an obligation to conduct regular assessments and to report to parents on the results, including students with individual education plans.

Other activities

- Manitoba Education, Citizenship and Youth will revise the current individual education planning handbook to reflect the changes made in regulations. The revisions should include:
 - a section on evaluation and reporting to parents on the progress of their children with special needs
 - a section outlining the role of the parent in the IEP process
 - an appendix in the IEP handbook that includes suggestions for a short version of the IEP (ex: checklists, computer-generated forms)
- Manitoba Education, Citizenship and Youth will reflect the expectations for students with exceptional needs in work on assessment, evaluation and reporting.
- Manitoba Education, Citizenship and Youth will continue to offer training sessions on the IEP planning process.
- School divisions should develop local policies to address issues such as release time for staff involved in IEP planning.

Early Identification of Learning Needs and Planning

The early years of life are critical in the development and future well-being of children. Early identification of learning problems is important to ensure planning occurs and appropriate interventions are put in place before the problem becomes a major issue. It is important that all children be physically and emotionally healthy, safe and secure, ready to learn, socially engaged and responsible.

The provincial government has implemented and supported several early identification and developmental programs through Healthy Child Manitoba. In addition, Manitoba Education, Citizenship and Youth offers several initiatives to support early identification of learning needs and planning (ex: Early Behaviour Intervention, Early Childhood Development Initiative, Early Literacy Initiative and the Early Numeracy Initiative).

See also:

- *Working Together: A Handbook for Parents of Children with Special Needs in School (Sections 2 and 3)*
- *Getting Ready for School: A Parent's Guide to Helping Children Learn*

Participants in regional consultations generally supported early identification and planning. However, they said care should be taken to not over-identify and label children at an early age.

School divisions need to develop a process that involves screening within the classroom, profiling students through observation, classroom tasks, and testing and assessment involving specialist staff in a consultative, collaborative approach. Only when all classroom approaches have been exhausted should the child be referred to certified staff for a specialized assessment. This full assessment process must be explained to parents.

Parents and educators want all agencies and organizations to work together to ensure successful transitions into school. Collaboration and interagency co-operation need to be further developed to ensure a smooth transition into school.

Proposed to be included in regulation

9. All school divisions shall develop a policy for the early identification of students (Kindergarten to Grade 4 level) with behaviour/social, sensory, physical, cognitive/intellectual, communication, academic and/or special health-care needs.

Other activities

- School divisions should establish an intersectoral committee (ex: Early Childhood Transition Committee) to ensure a smooth transition into schools for students diagnosed with exceptional needs.
- School divisions, with the help of Manitoba Education, Citizenship and Youth, should develop and distribute information packages for children with exceptional needs entering the school system.

Placement of Students

All children should have the right to equal treatment before and under the law. Equal treatment includes the right to have the special needs that arise from their disabilities reasonably accommodated. All such students must be able to attend their local schools unless it can be shown that it would cause undue hardship.

Most parents and educators at the regional consultations supported the placement of students in their local or neighborhood schools in regular classes with their peers. Their reservations most often involved issues of inaccessible buildings or the need for staff expertise not available in local schools.

Some parents said their children's interests are better served in a different environment with more experienced staff (ex: a school or class for the deaf where sign language is used and deaf culture is encouraged).

Proposed to be included in regulation

10. All school divisions shall develop and make available a policy on the inclusion of students and should include philosophy, placement, parental involvement and assessment/reporting.
11. The first consideration for all children is the right to attend the designated catchment school for their neighbourhood.
12. The school division shall endeavour to develop physical accessibility or provide transportation or make appropriate transportation arrangements to an accessible educational setting.
13. If the local or neighbourhood school is not able to meet the student's individual needs as determined by the individual education planning team, then the most enabling placement shall be determined based on provincial/divisional policy in consultation with parents using current assessment results.
14. The appropriateness of placements in locations other than the local or neighbourhood school shall be reviewed at least annually based on the student's current needs.

Other activities

- Manitoba Education, Citizenship and Youth will develop the support document *Building Inclusive Schools*, which will include a section on the accommodation of students with exceptional needs in the regular classroom.
- Manitoba Education, Citizenship and Youth will continue to work with educational stakeholders to offer training opportunities for developing inclusive schools.

Assessment

Assessment is the process of gathering information about what a student needs to know, is able to do and is learning to do. It is done in relation to the students' learning outcomes. Teachers use assessments to determine how their students are progressing and to guide and improve their instruction. The results of assessments for all students are shared with students and their parents.

Specialized assessments are done by qualified professionals on an individual basis for a variety of reasons. The goal is to determine what affects student learning or performance and the development or functional skills of the student and what approaches can be used to help them learn.

The results and recommendations are shared with the student (as appropriate), parents and the staff involved.

Additional information on assessment practices in Manitoba is included in:

- *Student Assessment as Public Learning: Report on Consultations and Recommendations for a Provincial Student Assessment Policy—Grade 6 to Senior 1*
- *Reporting on Student Progress and Achievement: A Policy Handbook for Teachers, Administrators, and Parents*
- *Grade 3 Assessment in Reading, "Lecture" and Numeracy and Grade 4 Assessment in French Immersion "Lecture"*
- *Policies and Procedures for Standards Tests*

Participants in the consultations raised several assessment issues. They agreed all students should be assessed to determine progress, although the method of assessment may need to be changed to meet specific needs. Results of assessments must be shared with students and parents. Parents of students with special needs are concerned about whether their children are being regularly assessed within the classroom setting.

Specialized assessments should involve parents and have their approval. When the specialized assessment is completed, the results and plan for intervention must be shared with the parents. There were concerns about the amount of time needed to complete the specialized assessments. They ranged from a few weeks to a year. The amount of time required to complete the specialized assessment generated a variety of responses.

There was agreement that specialized assessments should only be used after other techniques and strategies have been tried. There was also a perception that there are times when specialized assessments are used for administrative reasons, and participants recommended that this practice be reduced.

Proposed to be included in regulation

15. Specialized assessments by school division staff shall be initiated and completed in a timely and appropriate manner. A written report on the completed assessment or a written status report on the progress of the assessment shall be prepared within eight weeks of the assessment referral.
16. Specialized assessments by school division staff shall be administered and interpreted by a qualified practitioner who interprets results and provides written and comprehensible reports and interprets them to parents and teachers.
17. School divisions are responsible for ensuring that all students who are unable to meet the outcomes of the provincial curriculum receive specialized assessments. The assessments shall determine the individual needs of the student and form the basis for making decisions about future programming.
18. School divisions shall develop a process for the referral of students with exceptional needs for specialized assessments. Referrals shall be based on a variety of indicators including screening, teacher observation and assessment, parent and student input and previous assessments by specialists.
19. School divisions shall develop and share a policy on informed consent for placements, referrals, release of information and specialized assessments.

Other activities

- A new document on classroom assessment will soon be published by the Western and Northern Canadian Protocol (WNCP). It should be shared with all teachers.
- Manitoba Education, Citizenship and Youth will develop a support document *Building Inclusive Schools*, which will include a section on cognitive assessments, qualifications of test users, commonly used tests and policies and procedures for standards tests.

Accessibility and Universal Design

Accessibility is a critical consideration in appropriate educational programming. Accessibility often only refers to physical access to a building. While it is important, it is not the only aspect of accessibility. Accessibility in the educational context means more than just barrier-free access. It is a way to enhance access to educational programming, services and curriculum for students who need alternative approaches.

Schools are looking at a variety of ways to improve accessibility and the principles that should direct future accessibility. One way of achieving greater accessibility is through universal design. Universal design is the process of creating systems, environments, materials, curricula and devices that are directly and repeatedly usable by people with the widest range of abilities, operating within the largest variety of situations.

In several consultations, both parents and teachers noted examples of school facilities that did not allow access for their children. In many cases, they were frustrated about the length of time it takes to renovate and upgrade existing school facilities.

Parents also provided examples where schools could not take students on a field trip or involve them in a special activity due to lack of wheelchair-accessible buses.

Use of universal design features are encouraged for all aspects of education, beginning with planning for all students at the provincial, divisional and local school levels. Universal design is not just about buildings. It extends to all educational areas including playgrounds, school buses, computer systems, materials and, most importantly, delivery of instruction and curriculum.

Proposed to be included in regulation

20. All new construction and renovation shall provide barrier-free access to schools and shall consider universal design principles whenever feasible.
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21. All school-related activities such as field trips shall be accessible and planned to accommodate the needs of all students.

Other activities

- Manitoba Education, Citizenship and Youth should provide professional development opportunities on universal design principles. They should be used in developing curriculum and improving access to learning materials.
- Manitoba Education, Citizenship and Youth should continue to examine ways to improve the process of making more schools fully accessible.

Planning for All Students

School division planning for all students should ensure appropriate educational programming. This attention to planning has resulted in school divisions developing school and division plans and reporting to their communities on the progress being made in implementing them. Equally important is the planning for students with exceptional needs at the classroom and individual student level.

This planning is reflected in the Manitoba Education, Citizenship and Youth document *Supporting Inclusive Schools: School-Based Planning and Reporting: A Framework for Developing and Implementing Annual School Plans and Reports*.

Student services planning should reflect the needs of individual schools. It must consider the needs of the community and of all students. Issues will vary from school division to school division.

Families, staff, students and the community should be involved in developing the plan. It will include outcomes for all, including students with exceptional needs who require changes or additions to the provincial curriculum.

Student services plans should include a description of the supports and services available in each school. This information should be shared with parents and the community as part of the school planning and reporting process.

Proposed to be included in regulation

22. Each school division shall develop a student services plan and report on student services as part of the school division's annual planning process.

23. Not less than annually, school divisions shall provide to parents and the community a listing of the supports and services available for students and how to access the supports and services.
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Other activities

- A section should be added to *Supporting Inclusive Schools: School-Based Planning and Reporting* on developing a student services plan. This may include examples of how student needs surveys and data from other sources can be used to plan and develop a student services plan.
- Manitoba Education, Citizenship and Youth should continue to help school divisions develop the three required components of a student services plan:
 - a compilation of student services philosophies and policies
 - the annual needs survey of student special needs
 - the comprehensive list of supports and services for addressing students with exceptional needs

Student Discipline

School divisions continue to advise they are still challenged by students with behavioural difficulties. Research shows zero-tolerance policies have been largely unsuccessful. They also have a negative impact on students with exceptional needs and those from disadvantaged backgrounds. Strategies for dealing with behaviour problems have been described in the support document *Towards Inclusion, From Challenges to Possibilities: Planning for Behaviour*. Recent research on positive behaviour interventions and strategies (PBIS) has been adopted by several school divisions.

The Manitoba government enacted *Bill 30* as another way of addressing behavioural issues. It requires schools to develop a code of conduct, an emergency response plan and a policy on appropriate use of electronic mail and the Internet.

Other processes and procedures are required to ensure safe, caring schools.

During the regional consultations, parents raised a number of issues on suspensions and discipline. Many said suspensions are an ineffective way to change behaviour. Students who receive suspensions often get into further trouble at home or in the community or engage in dangerous behaviour. At the same time, it may cause employment difficulties for parents who are forced to take time off work.

School administrators are concerned with the need to provide caring, respectful schools for all children. They are looking for additional supports and treatment facilities to address the severe behavioural issues.

Parents are also concerned about students who have diagnosed disabilities causing the behavioural issues. Students with disabilities such as Fetal Alcohol Spectrum Disorder, Autism Spectrum Disorder, Tourette's Syndrome, or mental health issues often have little or no control over their behaviour. Human rights advocates believe it is a form of discrimination to suspend students because of their disabilities.

It was suggested school divisions look at alternative ways of dealing with behaviour issues, such as behaviour intervention plans, in-school suspension, or help from mental health professionals.

Proposed to be included in regulation

24. The Province will amend relevant provincial legislation and regulation. Based on these revisions, school divisions will amend their suspension/discipline policies.

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| 25. The amended regulations would include: <ul style="list-style-type: none">• Information regarding the division's discipline/suspension policy shall be sent to parents/guardians at the beginning of each school year or upon registration/enrollment during the school year.• Written behaviour intervention plans shall be developed for students who have been suspended out of school more than twice during a given academic year.• Educational programming for students suspended more than five days out of school shall be provided by school divisions.• A re-entry process for out-of-school suspensions exceeding five days that involves the student and his/her parents/guardians shall be implemented.• School divisions shall develop processes to help students transition from treatment programs (mental health, justice) to their assigned school.• Schools shall keep records on the nature and duration of all suspensions, both in-school and out-of-school, as part of their school planning and reporting process. |
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26. School divisions shall annually review their suspension data and discipline policies to ensure they do not discriminate based on disability, race, gender, ethnic origin or age.

27. School divisions who expel a student from school must offer and arrange another education program.

Other activities

- Manitoba Education, Citizenship and Youth will develop the support document *Building Inclusive Schools*, which will include a section on alternatives to suspension (ex: *Focus on Suspension: A Resource for Schools*, Ministry of Education, British Columbia, 1999).
- Manitoba Education, Citizenship and Youth is continuing to work with the Student Services Administrators' Association of Manitoba (SSAAM) to develop an approach for province-wide support and training in PBIS.

Dispute Resolution

Disagreements and misunderstandings between schools and families can be resolved at the school or division level (informal dispute resolution) using techniques such as problem solving, negotiation or conciliation. To help with informal dispute resolution, Manitoba Education, Citizenship and Youth has developed the support document *Working Together: A Guide to Positive Problem Solving for Schools, Families, and Communities*. It provides a number of ways to develop a supportive environment where disputes can be resolved.

Formal approaches to dispute resolution are needed when people feel they cannot resolve a dispute by themselves.

During the consultations, several parents said schools do not always listen to them and there is nowhere to turn in an ongoing dispute with the school. These parents are looking for a way to resolve disputes fairly and impartially.

Many participants said arbitration takes too long and can be costly if lawyers or advocates become involved. It is important that any formal dispute resolution takes place quickly and efficiently. At the same time, procedures need to be in place to ensure students are kept in school.

Other groups said resolution processes that are culturally appropriate need to be found.

Proposed to be included in regulation

28. School divisions shall develop a policy that will outline the informal dispute resolution steps that shall be followed in trying to resolve a dispute between families and schools at the local level.
29. The formal dispute resolution process shall only be available to families and schools that have made reasonable attempts to resolve disputes informally at the local level. This shall include mediation and culturally appropriate alternatives prior to the formal dispute resolution stage.
30. Formal Dispute Resolution—Review by Minister. Manitoba Education, Citizenship and Youth has developed four potential options, based on feedback from the consultations: <ul style="list-style-type: none">• the Provincial Ombudsman• the Children’s Advocate• an arbitration panel• a minister’s review committee

Other activities

- Manitoba Education, Citizenship and Youth should provide professional development sessions on informal dispute resolution using *Working Together: A Guide to Positive Problem Solving for Schools, Families, and Communities*.
- Manitoba Education, Citizenship and Youth should develop a document that outlines the formal dispute resolution process.

Staff Training and Certification

To ensure supports and services available to students with individual learning needs make a difference, staff must be well trained. It is important that all staff receive appropriate training regarding the needs of all students, including educational assistants, classroom teachers, support staff, clinicians and administrators.

All staff require basic knowledge of inclusive education including behaviour management, individual education planning and differentiated instruction. Every teacher will be assigned students who require different approaches to instruction. As schools move toward additional inclusive approaches, all staff will need to know more about students.

Participants in the consultations strongly supported additional training for all human resource positions. Additional training in inclusive education is a key component of appropriate educational programming.

Differences in opinion occurred when discussing the need to certify various groups. For example, several groups requested a return to certified resource teachers, while others argued that certification is not possible or desirable.

Parents in particular are concerned that untrained educational assistants are often assigned to the most needful students (those in need of knowledgeable support). With over 5000 educational assistants working in Manitoba schools, greater emphasis needs to be placed on the training of educational assistants.

Proposed to be included in regulation

31. All new teachers in Manitoba shall receive at least 12 hours of pre-service training in approved areas of inclusive special education, resource, or exceptional learning.

32. All staff working in specialist positions (resource, counsellor, special education, and clinician) in school divisions shall be certified or have a plan to obtain certification within a three-year time frame.

Other activities

- Manitoba Education, Citizenship and Youth should complete *Working Together: A Resource Guide for Educational Assistants* as soon as possible.
- Manitoba Education, Citizenship and Youth should continue to explore different models of staff training (ex: e-learning for educational assistants, resource training over several weekends [Resource-Inclusive Special Education—RISE program], summer institutes for administrators, credits offered for professional development activities).
- Manitoba Education, Citizenship and Youth should consider adding a separate professional development grant to the Funding of Schools Program for educational assistants (currently this is one grant line for all employees).
- Manitoba Education, Citizenship and Youth should continue to work with universities to ensure sufficient numbers of psychologists, speech-language pathologists, occupational therapists, resource teachers and school counsellors are being prepared.

Consistency of Programming and Funding

Manitobans expect government services to be provided equally and fairly across the province.

The variation among divisions can be explained in a number of ways including different philosophies and policies, local school board decisions, variance in assessment values and mill rates and size of populations paying school tax.

Parents are concerned about the apparent lack of equality among school divisions in programming and services (ex: the amount of time students are able to spend with educational assistants; disparity in the number of psychologists in different school divisions).

Parents are also concerned about the funding process for students with exceptional needs. They said there is a tendency to emphasize a child's negative behaviour to get funding. They also said some divisions are better at preparing applications than others, resulting in unequal funding. Some teachers said the current funding method is the best way of ensuring money gets to the students who need it.

Other participants are concerned about the Financial Reporting and Accounting in Manitoba Education (FRAME) report that shows a large range of spending within the Function 200: Exceptional category. The current categorical funding range reported in 2002/2003 was from a high per-pupil expense of \$1,596, to a low expenditure of \$608.

Parents of children with exceptional needs said the schools-of-choice legislation does not apply to students with special needs either within their divisions or between divisions.

Proposed to be included in regulation

No regulations are proposed for this area.

Other activities

- The School's Finance Branch needs to continue to review FRAME with the advisory committee. The goal is to find a way to report spending that more clearly indicates where provincial funds are allocated and how they are spent. Any change in the current system should lead to greater accountability.
- Manitoba Education, Citizenship and Youth should review the schools-of-choice legislation and require all school divisions to have policies and procedures on the transfer rights of students within division schools.
- The Program and Student Services Branch of Manitoba Education, Citizenship and Youth should introduce a document to outline the desired standards of service and practice. This will help develop more equity between divisions by specifying the services and supports required.

- The Program and Student Services Branch will continue to explore new ways of monitoring and auditing the supports and services available to students with exceptional needs.

Supports and Services

The participants in the consultations raised a number of questions about supports and services:

- Why are some school divisions able to offer a particular service to students while others cannot (ex: occupational therapists, teachers of the deaf and hard of hearing)?
- Why can some school divisions provide supports and services that accommodate students with disabilities while others struggle with accommodation?
- Are there core services that must be available to all students in every school in the division?

Several participants requested that the province establish standards of service for specialist positions (ex: one resource teacher for every 300 students).

Several divisions said the province should continue to offer institutional programs for hard-to-serve students. As well, there were concerns about the need for additional services provided on an intersectoral basis (ex: mental health issues).

Proposed to be included in regulation

33. School divisions shall endeavour to establish a range of supports and services necessary to ensure educational benefit for all students.
34. School divisions shall reasonably provide accommodations to all students based on identified needs. Students requiring accommodations shall be considered, assessed and accommodated on an individual basis.

Other activities

- Manitoba Education, Citizenship and Youth should review the services being provided to students with sensory disabilities to ensure services are equally available across the province. This review should also consider the needs of students who are receiving service, and reconsider the types of materials and resources being distributed by the Special Materials Services Unit of Manitoba Education, Citizenship and Youth.
- Manitoba Education, Citizenship and Youth should continue to develop support documents to clarify the use of adaptations and modifications.

- Manitoba Education, Citizenship and Youth and school divisions should continue to work with other government departments and/or local agencies to examine ways to promote the intersectoral delivery of specialized services.

Transition Planning

There are a number of events in a student's school career that require special planning so transitions can occur smoothly. These include transitions into school, between grades, between schools, treatment centres, correction facilities, special programs and the senior years to adult services. Several of the most important transitions have resulted in transition protocols being developed between agencies.

These protocols, which are currently being reviewed and reaffirmed under the Healthy Child Manitoba Committee, include:

- *Guidelines for Early Childhood Transition to School for Children with Special Needs, 2002*
- *Guidelines for School Registration of Students in Care of Child Welfare Agencies, 2002*
- *Transition Planning Process, 1989*
- *Manitoba Transition Planning Process Support Guidelines for Students with Special Needs Reaching Age 16, 1999*
- *Information Sharing Protocol under the Youth Criminal Justice Act (Canada), 2003*

All transition points require parents, students, educators and support agencies/departments to collaborate on existing transition plans to ensure the plan is implemented. This type of planning is important for all students, especially those with exceptional learning needs.

The participants in the regional consultations said there is some improvement in intersectoral co-operation and transitions into the early years. However, there were several other examples that showed a lack of planning and limited preparation of students, especially those entering the senior years.

Another reported issue involved students being kept out of school because records, IEPs and funding confirmation had not been provided to the receiving school. It often takes several weeks to obtain all the documentation needed to develop suitable programming. Despite this, it is important that schools allow students to enter school and be provided with interim programming until the records have been obtained. Several schools said the requirements of *The Personal Health Information Act* (PHIA) and *The Freedom of Information and Protection of Privacy Act* (FIPPA) caused delays in receiving records.

Other parents said that their children could not graduate from the senior years with their peers because funding from adult services is not available until age 21. Other examples of delayed entry into school occurred because divisions are not able to complete the hiring process for educational assistants before the September school starting date.

Proposed to be included in regulation

35. All school divisions shall develop transition processes for all students with exceptional needs who require transition support.
36. No student shall be denied admittance to school due to transfer of information issues.

Other activities

- Manitoba Education, Citizenship and Youth will work through the Provincial Coordination of Services Committee to review all intersectoral protocol for Healthy Child Manitoba approval. The intersectoral partners will also be asked to collaborate on a strategy to provide regional intersectoral training sessions.
- Manitoba Education, Citizenship and Youth should develop a new transition document to help students with exceptional needs who are entering senior-years schools.
- Manitoba Education, Citizenship and Youth must continue discussions with the provincial intersectoral committee reviewing policies and practices about students with exceptional needs between the ages of 18 and 21.
- Manitoba Education, Citizenship and Youth will develop the support document *Building Inclusive Schools*, which will include a section on the requirements of *The Personal Health Information Act* (PHIA) and *The Freedom of Information and Protection of Privacy Act* (FIPPA). The document should clearly explain the importance of sharing records with the school. (See the Saskatchewan Human Services document *Saskatchewan Human Services: Sharing Information to Improve Services for Children, Youth and Families, A Guide to the Legislation*.)

SUMMARY REPORT ON THE STAKEHOLDER FORUM

During the third stage of the consultation process, the stakeholder forum, representatives from 14 organizations and four clinician groups were asked to comment on a definition of appropriate educational programming and on 37 proposed regulations covering 13 regulatory areas.

The proposed regulations were organized into six areas:

1. student/parental involvement and individual education plans
2. professional development, certification and training
3. assessment and reporting
4. accessibility and placement
5. dispute resolution
6. planning

Stakeholder representatives were asked to answer the following questions:

- What does your group/organization see as positive about the area being included in regulations?
- What, if any, issues could be a concern for implementation?
- What further suggestions do you have about this area if it were to be included in regulation?

In presenting stakeholder responses to the above questions, concerns for implementation and suggestions for improvement have been combined as many of the responses to these two questions overlapped. The proposed regulations and regulatory areas that were discussed during the stakeholder forum are presented in the margins of the following pages.

Stakeholder organizations and groups largely supported the proposed regulations, but their opinions varied on the benefits of the proposals. They identified several concerns about implementation and offered valuable suggestions for improving the quality of education for all students. Overall, stakeholders were looking for direction and forms of support, such as standards, support documents and funding to implement regulations.

Parental and Student Involvement
1. School divisions shall inform parents of the right to be accompanied to planning meetings by an advocate.
2. Where possible, school divisions shall provide the assistance of an interpreter or translator in order to involve the parent fully in a planning meeting regarding their child.
3. Parents and students shall be invited to participate in individual educational planning meetings to the extent that it is reasonably possible at all school levels.

Individual Education Planning
4. The individual educational planning process shall be developed for all students with exceptional needs. A student with exceptional learning needs is one who requires specialized services or programming because of a behaviour/social, sensory, physical, cognitive/intellectual community, academic or special health-care need.
5. Parents and students (where appropriate) shall be given the opportunity to be meaningfully involved in the development and annual review of the individual education plan.
6. Parents and students with exceptional needs shall receive progress reports at the same reporting times as for all students in the school.
7. Students shall not be excluded from school while waiting for assessments and plans to be completed. (There is an exception for students who are documented as being a danger to self and others.)
8. In accordance with <i>The Public Schools Act</i> , school divisions have an obligation to conduct regular assessments and to report to parents on the results, including students with individual education plans.

Parental/Student Involvement and Individual Education Planning

Stakeholders generally support proposed regulations addressing parental and student involvement and individual education planning. They said the regulations acknowledge the importance of parents and students as part of a team approach to planning and learning. Several organizations said the proposed regulations provide parents and students with opportunities to be actively involved in the planning process, giving them significant influence over the education of their children.

Proposed regulations supporting the use of advocates and interpreters are a positive step forward. The inclusion of exceptional students in the school routine of assessment and reporting is an important aspect of the proposed regulations.

Several organizations are concerned about the costs of hiring interpreters and translators. The potential use of advocates and interpreters also causes confidentiality issues. It was emphasized that interpreters or translators need to be highly skilled. It was suggested by some organizations that the supportive role of the advocate be described for families. It was also suggested that school division personnel receive training in working with advocates.

Several organizations said the term “meaningful involvement” needs to be clarified because it could be interpreted differently by different school divisions. Some organizations said engaging parents in the individual education planning process is difficult. It was suggested logistic challenges, such as parents being unable to get off work, add to the complexity.

Several organizations and groups said the criteria that determine whether a student is to receive an IEP need to be clarified. They suggested the term “students with exceptional needs” also be clarified. For example, would Level I and gifted students require an individual education plan? Some groups said aspects of reporting could cause concerns for professional bodies, particularly when having to sign off any work they did not perform.

Stakeholders did not want to keep students unnecessarily out of school, but said the proposed regulation to prevent students from being excluded from school while waiting for assessments and plans to be completed causes concern. It was suggested schools have the ability to assess students before entry, because schools are responsible for the safety of all students and staff. In some instances, schools require time to address issues such as staff placement and multi-system planning to have a program in place before a student attends. It was also noted that it is unfair for a student with exceptional needs to be placed in a classroom without having an intake meeting and assessment information. Improving the ability of agencies beyond schools and school divisions to access information collected by school divisions and schools was seen to help future programming decisions for students.

One organization suggested that the regulations around individual education planning require support from a ministerial directive or a divisional policy that outlines specific matters such as the definition of meaningful parental involvement. A support document on individual education planning could be positively linked with the regulations as a standard of practice, addressing issues such as professional development for classroom teachers and the need to continually review individual education plans.

Staff Training and Certification
31. All new teachers in Manitoba shall receive at least 12 hours of pre-service training in approved areas of inclusive special education, resource or exceptional learning.
32. All staff working in specialist positions (resource, counsellor, special education, and clinician) in school divisions shall be certified or have a plan to obtain certification within a three-year time frame.

Professional Development, Certification and Training

The proposed requirement for a minimum of 12 hours of pre-service training for new teachers was well received by many organizations and groups. Requiring certification for specialized areas is seen as an important step by many organizations.

These proposed regulations will help acknowledge inclusive education as a reality in Manitoba classrooms and promote consistency in standards across the province. Classroom teachers will become more informed about inclusive special education and students will benefit from having a support service team with core knowledge and skills in all school divisions.

While several organizations said 12 hours of pre-service training is not enough for proficient working knowledge of inclusive special education, resource, or exceptional learning, another group said an increase in the credit hours devoted to inclusive special education could negatively affect other areas of teacher preparation. A number of organizations said all teachers and not only new teachers taking pre-service training need to learn more about inclusive special education. Questions were raised about the content of the university courses, who would determine content and whether universities are supportive of the regulation. On staff training and certification, one organization suggested that Manitoba Education, Citizenship and Youth encourage the universities to incorporate inclusive education in their curricula by 2006. It also said all school divisions should develop a training plan for all staff by September 2007.

Some organizations said the certification requirement for all staff working in specialist positions in school divisions requires more time, money, incentives and proper consultation with the professional regulating bodies. Several groups said some clinician associations have their own act/legislation and clarification of how to ensure alignment across acts needs to be addressed. The three-year timeline for certification represents a significant challenge for small schools, small or remote school divisions and teachers with young families. Some school divisions will require some form of provisional certification to address student learning needs where specialist shortages exist. One organization said

there needs to be a plan for individuals who practise without certification. How the regulation and certification requirements would apply to out-of-province candidates was questioned.

It was recommended that teacher certification issues be dealt with through the Teacher Education and Certification Committee. For certification, it was also suggested that stronger distance education support is necessary for people in rural and northern regions who do not have easy access to universities. There was also a suggestion to consider certification channels other than university programs, such as community college certification programs.

Assessment and Reporting

Several organizations approved of the regulation saying specialized assessments should be initiated and completed in a timely, appropriate manner. One organization said releasing a completed assessment or written status report within eight weeks is an attainable goal.

The emphasis on qualified practitioners, who interpret results and provide written, comprehensible reports and interpret them to parents and teachers, was also well received by several organizations.

One organization said assessing students who do not meet the outcomes of the provincial curriculum ensures that the continuum of supports and services is realized. One group said such assessments allow adaptations and modifications that help address curriculum outcomes as well as supporting students with special needs. Parental input into the referral process for specialized assessments was also considered a positive aspect of the regulations.

A number of organizations said terms in the regulations in the area of assessment and reporting require clarification. These included the terms “specialized assessment,” “comprehensible,” “appropriate manner,” and “qualified practitioner.” The question of who conducts the specialized assessment was raised. One group commented that the definition of the specific types of students who will require an IEP and specialized assessments needs to be concise.

Several organizations said assessment tools and methods should be culturally sensitive and relevant, particularly for Aboriginal students. In addition, interpreters of tests require an understanding of cultural issues and language barriers.

Assessment
15. Specialized assessments by school division staff shall be initiated and completed in a timely and appropriate manner. A written report on the completed assessment or a written status report on the progress of the assessment shall be prepared within eight weeks of the assessment referral.
16. Specialized assessments by school division staff shall be administered and interpreted by a qualified practitioner who interprets results and provides written and comprehensible reports and interprets them to parents and teachers.
17. School divisions are responsible for ensuring that all students who are unable to meet the outcomes of the provincial curriculum receive specialized assessments. The assessments shall determine the individual needs of the student and form the basis for making decisions about future programming.
18. School divisions shall develop a process for the referral of students with exceptional needs for specialized assessments. Referrals shall be based on a variety of indicators including screening, teacher observation and assessment, parent and student input and previous assessments by specialists.
19. School divisions shall develop and share a policy on informed consent for placements, referrals, release of information and specialized assessments.

One organization said standard tools should be used whenever possible. One group said there should be a mechanism to assess students in situations where parents do not approve the assessment request. One organization said assessment should not be used as a gate-keeping option. Several organizations said assessment and reassessment are important aspects of the cycle of learning. Follow-up and consultation with other team members, including parents, is a vital part of the reassessment process.

Many organizations said that, given the current size and complexity of caseloads, the shortage of clinicians (particularly psychologists) and current resources, the eight weeks to prepare written reports or status reports on a specialized assessment are not always attainable. This is a particular challenge for small school divisions with contract staff who are using shared services.

One organization said school divisions need to ensure staff are in place to complete specialized assessments. It was also suggested that funding for specialist clinician positions be increased to meet the eight-week timeline. One group said legislation for psychologists should be rationalized.

Several organizations are concerned about the need for specialized assessments for students unable to meet provincial curriculum learning outcomes, and particularly how those assessments are determined. One organization questioned whether every student who failed a high school course needs a specialized assessment.

One organization said all school divisions need to outline a process of their continuum of supports and services. Another organization said a number of parents do not understand the process and implications of supports, services and programming requirements, such as the “M” designation and that, in these cases, advocacy becomes very important.

Accessibility and Universal Design Program
20. All new construction and renovation shall provide barrier-free access to schools and shall consider universal design principles whenever feasible.
21. All school-related activities such as field trips shall be accessible and planned to accommodate the needs of all students.

Accessibility and Placement

Most stakeholders agreed with the proposed regulations dealing with the placement of students, access and universal design. The proposed regulations support the philosophy of inclusion, are in line with the *Charter of Rights and Freedoms* and emphasize barrier-free access, which is considered a core value by some. The proposed regulations also accommodate the needs of vulnerable students.

Several organizations said some schools can't offer all programs and services. The local school may not be the best place to offer the most appropriate programming in some situations.

Placement of Students
10. All school divisions shall develop and make available a policy on the inclusion of students and should include philosophy, placement, parental involvement and assessment/reporting.
11. The first consideration for all children is the right to attend the designated catchment school for their neighbourhood.
12. The school division shall endeavour to develop physical accessibility or provide transportation or make appropriate transportation arrangements to an accessible educational setting.
13. If the local or neighbourhood school is not able to meet the student's individual needs as determined by the individual education planning team, then the most enabling placement shall be determined based on provincial/divisional policy in consultation with parents using current assessment results.
14. The appropriateness of placements in locations other than the local or neighbourhood school shall be reviewed at least annually based on the student's current needs.

Several organizations said the proposed regulation allowing schools to provide the most enabling placement, when they are unable to meet the student's individual learning needs, makes it too easy for schools to opt out or not take responsibility. This could cause schools to promote clusters and non-inclusion. It was recommended that Manitoba Education, Citizenship and Youth ask all school divisions to have a written policy that outlines their placement procedures in full and their long-range plans to accommodate students from Kindergarten to Senior 4.

One organization said there is a need to recognize the real costs of accessibility, including transportation. Schools, parents and government should be flexible and explore alternatives. Some organizations felt the Public Schools Finance Board needs to fund barrier-free access to schools and avoid delays in initiating projects. One group suggested that the Public Schools Finance Board include a student services representative as a full board member.

One organization said decisions about school renovation and construction must recognize the need for spaces other than regular classrooms. Appropriate programming such as small work areas, non-classroom activities and pre-vocational skills must be provided.

Some organizations also said the regulation on universal design should be reworked to ensure staff are trained in safe, proper use of universally designed equipment, such as adapted bathrooms and communication devices. One group recommended that universal design courses be included in post-baccalaureate classes. Other groups recommended that there be policies for universal design beyond physical environments to include technology and instructional materials.

Many organizations said all students should not be penalized because one student cannot participate in an activity. This could preclude many other valuable experiences for that student.

One organization said field trips planned to accommodate all students can limit the range of available options and affect costs. One group recommended that schools make reasonable efforts to accommodate all students. One group said appropriately trained staff is needed to support students with behavioural, cognitive and medically fragile issues. One organization suggested the proposed regulation dealing with school activities be strengthened. It indicated that all students have the right to participate in all activities and in all areas of the school.

Dispute Resolution
<p>28. School divisions shall develop a policy that will outline the informal dispute resolution steps that shall be followed in trying to resolve a dispute between families and schools at the local level.</p>
<p>29. The formal dispute resolution process shall only be available to families and schools that have made reasonable attempts to resolve disputes informally at the local level. This shall include mediation and culturally appropriate alternatives prior to the formal dispute resolution stage.</p>
<p>30. Formal Dispute Resolution—Review by Minister. Manitoba Education, Citizenship and Youth has developed four potential options based on feedback from the consultations:</p> <ul style="list-style-type: none"> • the Provincial Ombudsman • the Children's Advocate • an arbitration panel • a minister's review committee

Dispute Resolution

A number of organizations were positive about the proposed regulations on dispute resolution. They said the regulations encouraged local resolution of issues, with formal procedures accessible only after local efforts have been exhausted. The proposed process is less adversarial than appearing before the courts and more cost-effective, particularly for parents. As a result, potential costs would not stop parents seeking a formal hearing.

The reference to culturally appropriate practice was said to be valuable. Organizations said the process included people who are knowledgeable about education. Participants said having review members selected on the basis of the nature of the dispute and a review co-ordinator independent of the involved parties is positive.

Stakeholders had concerns about the formal dispute resolution process. These include: Who should pay for the process? Should lawyers be involved? Could the minister reject the recommendations of the dispute resolution process?

One organization was concerned that the process could be quite lengthy. It was recommended the process provide for changes of ministers and government so the timelines wouldn't be extended. There was also a recommendation for a timeline in which a review panel or board must make a decision.

A number of organizations are concerned about the composition of the review team: who is to be appointed and by whom? Several organizations recommended that a parent representative be on the review team, particularly one who understands education and legal issues. There was a concern that parents might be intimidated by the formal dispute resolution process.

Several organizations recommended the review team members be knowledgeable about culturally appropriate and faith-based issues. It was suggested that the review co-ordinator be knowledgeable about school board responsibilities and policies and have the appropriate educational qualifications.

It was suggested that the scope of the review process needs to be broader to accommodate programming decisions such as applied behavioural analysis (ABA) therapy, discipline and provincial funding decisions, if requests for additional supports are denied. One organization suggested that broadening the scope of the process to include issues like expulsion would take it outside of *Bill 13*. The need to access student records and associated confidentiality issues was raised by several organizations and groups.

One group suggested that all requests for formal dispute resolution be seen by the entire review team because it would be inappropriate for the review co-ordinator to deny a request for formal dispute resolution without a panel.

Some organizations said the formal dispute resolution process could conflict with legislation governing professional services offered by various clinician associations. One group also suggested that efforts be made to ensure school divisions are aware of which government policies, practices and support documents are mandatory.

<p>Early Identification of Learning Needs and Planning</p>
<p>9. All school divisions shall develop a policy for the early identification of students (Kindergarten to Grade 4 level) with behaviour/social, sensory, physical, cognitive/intellectual, communication, academic and/or special health-care needs.</p>
<p>Planning For All Students</p>
<p>22. Each school division shall develop a student services plan and report on student services as part of the school division's annual planning process.</p>
<p>23. Not less than annually, school divisions shall provide to parents and the community a listing of the supports and services available for students and how to access the supports and services.</p>

Planning

Many stakeholders supported the proposed regulations on planning. Early identification offers significant benefits to students. Proposed regulations in planning for all students and supports and services formalize current processes and procedures, promote greater accountability and increase communication with the community. Several organizations were also positive about the importance and value of encouraging school divisions to establish a range of supports and services for all students.

Some stakeholders said the regulation on early identification is a positive step; some said early identification needs to start before Kindergarten. In some instances, early identification is a pre-school issue, occurring before the age of four or five and requiring partnering with pre-school groups. Several organizations asked who would conduct early identification. One organization suggested that Manitoba Education, Citizenship and Youth consider the New Brunswick model of testing all children at the age of three-and-a-half.

One stakeholder said the proposed regulation for school divisions to develop a student services plan is too open-ended. Several organizations said plans need to be promoted, shared in public meetings with parents and available to the general public upon request.

Several organizations said the requirement for school divisions to provide parents with an available listing of supports and services could mean school divisions might promote services for which they do not have qualified resources.

One organization said there is also a need to verify the level of a service in relation to frequency of a service. One organization questioned whether a school division could list a service it does not currently provide but would like to provide in the future. Another organization recommended that school divisions be responsible for hiring and planning to proactively meet the identified needs of students.

Student Discipline
<p>24. The Province will amend relevant provincial legislation and regulation. Based on these revisions, school divisions will amend their suspension/discipline policies.</p>
<p>25. The amended regulations would include:</p> <ul style="list-style-type: none"> • Information regarding the division's discipline/suspension policy shall be sent to parents/guardians at the beginning of each school year or upon registration/enrollment during the school year. • Written behaviour intervention plans shall be developed for students who have been suspended out of school more than twice during a given academic year. • Educational programming for students suspended more than five days out of school shall be provided by school divisions. • A re-entry process for out-of-school suspensions exceeding five days that involves the student and his/her parents/guardians shall be implemented. • School divisions shall develop processes to help students transition from treatment programs (mental health, justice) to their assigned school. • Schools shall keep records on the nature and duration of all suspensions, both in-school and out-of-school, as part of their school planning and reporting process.
<p>26. School divisions shall annually review their suspension data and discipline policies to ensure they do not discriminate based on disability, race, gender, ethnic origin or age.</p>
<p>27. School divisions that expel a student from school must offer and arrange another education program.</p>

Stakeholders are concerned about suspension and discipline policies that were intended to be amended. One organization said each school has specific items in codes of conduct. Schools have a degree of autonomy in dealing with a range of issues. School divisions may have a general statement on some matters and specificity on other matters, such as the Internet, harassment and drugs.

One organization said that students on behaviour intervention plans should also undergo a learning assessment because behaviour problems may often reflect learning problems that underlie the behaviour. Other organizations said that the requirement to develop a behaviour intervention plan needs to be more flexible and based on the severity of the offense, not solely on the number of previous suspensions.

One group suggested that a timeline for the re-entry process for suspensions over five days should be specified, so that re-entry does not occur 10 or 15 days afterward.

One organization said the transition process back into the school can be difficult because the ability to share information under the *Youth Criminal Justice Act* is not well understood. Another group said teachers and other school staff, not only students, will require support in the transition process for students. One organization said amended regulations would need to be reconciled with the *Safe Schools Charter* and workplace, safety and health legislation and regulations.

Several stakeholders questioned what it means to “offer and arrange another education program” when students are expelled. They also asked who would be responsible for the provision of the program, the role of students and parents in this matter, as well as the place of homework, correspondence courses and alternate school divisions. Several organizations are concerned about the challenges of arranging alternate education programs given limited resources.

Several organizations said they would like to provide a range of supports and services but lack the resources to do so. The lack of mental health professionals in the province affects the ability of school divisions to provide a range of supports. There were also concerns about the possible limitations of the services to be provided, and how schools would access funding for a range of supports and services. Organizations were also concerned about the parameters to reasonably provide accommodation.

Supports and Services	
33.	School divisions shall endeavour to establish a range of supports and services necessary to ensure educational benefit for all students.
34.	School divisions shall reasonably provide accommodations to all students based on identified needs. Students requiring accommodations shall be considered, assessed and accommodated on an individual basis.
Transition Planning	
35.	All school divisions shall develop transition processes for all students with exceptional needs who require transition support.
36.	No student shall be denied admittance to school due to transfer of information issues.

A number of organizations are concerned about the proposed regulation preventing the denial of admittance of students to schools due to transfer of information issues. Schools require information before admitting a student to make informed placement and programming decisions. Without the necessary information, an appropriate education cannot be provided. A specified amount of time was considered necessary to meet the needs of students before they entered school.

One organization said there is a need to better deal with transition issues, particularly for 18 to 21-year-old special needs youth. More intersectoral support was seen as vital for students in transition because transition years are very difficult for students.

PROPOSED DEFINITION OF APPROPRIATE EDUCATIONAL PROGRAMMING

During Stage 2 of the consultation involving regional sessions with school divisions and parents, participants were asked to consider and discuss the fundamental characteristics of appropriate educational programming. A number of the characteristics that were discussed and presented for consideration were student specific; that is, they were child-centred or individualized, involving desired supports and results that addressed the unique needs and circumstances of students.

At the same time, participants said appropriate educational programming is a process intended to help students achieve a variety of goals, including successful learning, positive relationships with friends and peers and active participation in the life of their communities. They said the process not only involves a number of key characteristics but also needs to be attainable and beneficial for all students.

Among the most significant characteristics identified as part of this process were:

- meaningful involvement of parents and students
- timely, appropriate assessment practices
- early identification of learning needs and planning
- development of an individual education plan, when necessary
- placement processes where first consideration is given to the local or neighbourhood school
- well-planned transition procedures
- processes for maintaining safe and caring learning environments
- establishment of a dispute resolution process for schools and parents
- access to a team of staff and supporting professionals with specialized training

Based on these suggestions and on input throughout the development work on *Bill 13*, the following definition of appropriate educational programming was proposed for consideration by participants of the stakeholder forum—the third stage of the consultation process.

Appropriate educational programming is a collaborative, school-family-community process where schools strive to create learning environments and provide resources and services that are responsive to the lifelong learning and social needs of all students. The process is fluid, evolving and strongly enhanced within the context of the philosophy of inclusion.

Revised Definition of Appropriate Educational Programming

During the stakeholder forum, stakeholders were asked to comment on the proposed definition of appropriate educational programming. Based on their comments and suggestions the proposed definition has been revised to read:

Appropriate educational programming is a collaborative school-family-community process where schools create learning environments and provide resources and services that are responsive to the lifelong learning, social and emotional needs of all students.

Schools are encountering larger numbers of students with complex and diverse learning and social needs than ever before and are increasingly expected to respond to these needs. Most students will require accommodations and assistance at some point in their schooling, if only for a limited time and specific purpose. *Bill 13*, with its supporting regulations, standards, policies and support documents, will help strengthen and extend accommodations to learning for all students, particularly those with exceptional learning needs who have encountered multiple barriers to learning and interacting socially with friends and peers. All students will be able to participate more fully in the educational environment in a way that is responsive to their unique circumstances.

WORKING REGULATIONS

After considering stakeholder comments from the third stage of the consultations on June 8, 2005, Manitoba Education, Citizenship and Youth developed the following working regulations. They are based on the regulatory areas and proposed regulations formulated during the initial stages of the consultation and reflect important observations raised during the third stage of the consultation process.

Several proposed provisions in the regulations have been reworked from their original form. In some instances, the intent of several proposed regulations have been integrated into single working regulations. In other instances, the proposed regulations on professional qualifications outlined below will be referred to the Teacher Education and Certification Committee for consideration on regulation (Manitoba Regulation 515/88).

1. All new teachers in Manitoba shall receive at least 12 hours of pre-service training in approved areas of inclusive special education, resource or exceptional learning.
2. All staff working more than 50 per cent of the time in specialist positions (resource, counsellor, special education, clinician) in school divisions will be certified or have a plan to obtain certification within three years.

The working regulations presented on the right-hand side of the following pages are organized under eight key areas: access, early identification, student assessment, individual education planning, student services planning and reporting, student discipline, dispute resolution and inclusive education policy. These working regulations were presented in a stakeholders' meeting held on September 22, 2005, for final consideration. The stakeholders set the content areas appropriately contained in a regulation under *Bill 13*, those that apply to other existing regulations and those that would be best suited to a department-developed standards document. They were then forwarded to legal counsel and senior administration prior to Cabinet approval for further review of the appropriateness of their placement in regulations and their wording.

Original Regulatory Areas and Proposed Regulations
Placement
10. All school divisions shall develop and make available a policy on the inclusion of students and should include philosophy, placement, parental involvement and assessment/reporting.
Placement of Students
11. The first consideration for all children is the right to attend the designated catchment school for their neighbourhood.
12. The school division shall endeavour to develop physical accessibility or provide transportation or make appropriate transportation arrangements to an accessible educational setting.
13. If the local or neighbourhood school is not able to meet the student's individual needs as determined by the individual education planning team, then the most enabling placement shall be determined based on provincial/divisional policy in consultation with parents using current assessment results.
14. The appropriateness of placements in locations other than the local or neighbourhood school shall be reviewed at least annually based on the student's current needs.
Accessibility and Universal Design
20. All new construction and renovation shall provide barrier-free access to schools and shall consider universal design principles whenever feasible.
21. All school-related activities such as field trips shall be accessible and planned to accommodate the needs of all students.
Supports and Services
34. School divisions shall reasonably provide accommodations to all students based on identified needs. Students requiring accommodations shall be considered, assessed and accommodated on an individual basis.

Key Content Areas and Working Regulations

1. Placement and Accessibility

- a) The first consideration in the placement of all students is the right to attend the designated catchment school for their residence, unless it is not reasonably possible.
 - i) If the catchment school for their residence is not able to meet the student's individual needs as determined in consultation with the parents and the individual education planning team, then the most enabling placement shall be used.
 - ii) If a placement cannot be made due to physical barriers, the school division will make reasonable effort to modify or remove the barriers or provide appropriate transportation arrangements to an accessible educational setting.
 - iii) The placement of students in locations other than the catchment school for their residence will be reviewed annually or when the student's needs warrant review.
- b) School divisions will provide reasonable accommodation for all students based on identified needs. Students requiring such accommodation will be assessed and reasonably accommodated on an individual basis in accordance with *The Manitoba Human Rights Code*.
- c) No student will be unreasonably denied admittance to school due to transfer of information issues.
 - i) Students will not be denied educational programming for more than two weeks pending the transfer of cumulative files, specialist reports, individual education plans and other pertinent information.
 - ii) School divisions will forward school records within one week of receiving such a request.
 - iii) A transition to school plan will be developed in a timely manner upon admittance.
- d) All school-related activities such as field trips, assemblies and sports days will be accessible and planned to reasonably accommodate the needs of all students.
- e) All new construction and significant renovation will reasonably consider barrier-free access to buildings and universal design principles in planning.

Early Identification
9. All schools shall develop a policy for the early identification of students (Kindergarten to Grade 4 level) with behaviour/social, sensory, physical, cognitive/intellectual, communication, academic and/or special health-care needs.

Assessment
8. In accordance with <i>The Public Schools Act</i> , school divisions have an obligation to conduct regular assessments and to report to parents on the results, including students with individual education plans.
15. Specialized assessments by school division staff shall be initiated and completed in a timely and appropriate manner. A written report on the completed assessment or a written status report on the progress of the assessment shall be prepared within eight weeks of the assessment referral.
16. Specialized assessments by school division staff shall be administered and interpreted by a qualified practitioner who interprets results and provides written and comprehensive reports and interprets them to parents and teachers.
17. School divisions are responsible for ensuring that all students who are unable to meet the outcomes of the provincial curriculum receive specialized assessments. The assessments shall determine the individual needs of the student and form the basis for making decisions about future programming.
18. School divisions shall develop a process for the referral of students with exceptional needs for specialized assessments. Referrals shall be based on a variety of indicators, including screening, teacher observation and assessment, parent and student input and previous assessments by specialists.
19. School divisions shall develop and share a policy on informed consent for placements, referrals, release of information, and specialized assessments.

2. Early Identification

School divisions will:

- a) develop and implement processes for early identification and intervention for students in Kindergarten to Grade 4
- b) involve parents, other community agencies and government departments in early identification and intervention
- c) request information from parents that is relevant to planning and implementing their child's educational programming upon school entry
- d) determine the screening tools and assessment procedures to be used in early identification

3. Student Assessment

School divisions will:

- a) develop and implement procedures for conducting student assessments
- b) use a variety of developmentally appropriate assessment strategies and tools, which may include both formal and informal measures
- c) develop a process for the referral of students for specialized assessments (The process will involve parent and student input, teacher observation, formal and informal assessment measures and assessments by in-school team members and other members of the support team.)
- d) obtain the parents' informed written consent for specialized referrals and specialized assessments
- e) use professionals who are qualified to conduct specialized assessments
- f) ensure the specialized assessment results are written in clear, easily understood language and are interpreted to parents and appropriate qualified professionals
- g) complete specialized assessments in a timely, appropriate manner
- h) use a team approach when developing an individual education plan
- i) use assessment results to guide programming, make decisions and evaluate student progress toward meeting individual goals

Individual Education Planning
7. Students shall not be excluded from school while waiting for assessments and plans to be completed. (There is an exception for students who are documented as being a danger to self and others.)
Transition Planning
35. All school divisions shall develop transition processes for all students who require transition support.
36. No student shall be denied admittance to school due to transfer of information issues.
Supports and Services
33. School divisions shall endeavour to establish a range of supports and services necessary to ensure educational benefit for all students.
Parental and Student Involvement
1. School divisions shall inform parents of the right to be accompanied to planning meetings by an advocate.
2. Where possible, school divisions shall provide the assistance of an interpreter or translator in order to involve the parent fully in a planning meeting regarding their child.
3. Parents and students shall be invited to participate in individual educational planning meetings to the extent that it is reasonably possible at all school levels.
Individual Educational Planning
4. The individual educational planning process shall be developed for all students with exceptional needs. A student with exceptional learning needs is one who requires specialized services or programming because of a behaviour/social, sensory, physical, cognitive/intellectual, communication, academic or special health-care need.
5. Parents and students (where appropriate) shall be given the opportunity to be meaningfully involved in the development and annual review of the individual education plan.
6. Parents and students with exceptional needs shall receive progress reports at the same reporting times as for all students in the school.

4. Individual Educational Planning

The individual educational planning process shall be developed for all students with exceptional learning needs. A student with exceptional learning needs is one who requires specialized services or programming when deemed necessary by the in-school team because of a behaviour/social, sensory, physical, cognitive/intellectual, communication, academic, or special health-care need that affects his or her ability to meet learning outcomes.

- a) Parents and students are entitled to attend and will be invited to participate in individual educational planning meetings to the extent that it is reasonably possible at all school levels.
- b) Parents and students will be given the opportunity to be meaningfully involved in the development, annual review and update of the individual education plan.
- c) School divisions will make arrangements for an interpreter or translator, where possible, to involve the parent fully in a planning meeting regarding their child.
- d) School divisions will inform parents of the right to be accompanied by an advocate or supporting person to planning meetings.
- e) School divisions will follow transition protocols and develop transition processes for students who require transition plans.
- f) Schools will issue progress reports for students with exceptional needs at the same reporting times as for all students in the school.

Planning For All Students	
22.	Each school division shall develop a student services plan and report on student services as part of the school division's annual planning process.
23.	Not less than annually, school divisions shall provide to parents and the community a listing of the supports and services available for students and how to access the supports and services.

5 Student Services Planning and Reporting

The learning needs of all students will be reasonably considered in school and division planning.

- a) Each school division will develop a student services plan and report on student services as part of the school division's annual planning and reporting process.
- b) At least once a year, school divisions will provide to parents and the community a listing of the continuum of supports and services available for students and information regarding access to the supports and services.

Student Discipline	
24.	The Province will amend relevant provincial legislation and regulation. Based on these revisions school divisions will amend their suspension/discipline policies.
25.	<p>The amended regulations would include:</p> <ul style="list-style-type: none"> • Information regarding the division's discipline/suspension policy shall be sent to parents/guardians at the beginning of each school year or upon registration/enrollment during the school year. • Written behaviour intervention plans shall be developed for students who have been suspended out of school more than twice during a given academic year. • Educational programming for students suspended more than five days out of school shall be provided by school divisions. • A re-entry process for out-of-school suspensions exceeding five days that involves the student and his/her parents/guardians shall be implemented. • School divisions shall develop processes to help students transition from treatment programs (mental health, justice) to their assigned school. • Schools shall keep records on the nature and duration of all suspensions, both in-school and out-of-school, as part of their school planning and reporting process.

6. Student Discipline

These regulations will be incorporated within the appropriate sections of regulation 468/88.

The province will amend existing regulations on suspension, expulsion and discipline to include:

- a) School divisions will take a student's disability reasonably into account when making disciplinary decisions.
- b) School divisions will send information regarding the division's discipline/suspension policies to parents/guardians at the beginning of each school year or upon registration/enrolment during the school year.
- c) Schools will develop written behaviour intervention plans for students who have been suspended more than twice during a given academic year.
- d) School divisions will provide educational programming for students suspended more than five days.
- e) School divisions will develop a re-entry process that involves the student and his/her parents/guardians for suspensions exceeding five days.
- f) Schools will keep records on the nature and duration of all suspensions as part of their school planning and reporting process.
- g) School divisions will annually review their suspension/discipline data and policies to ensure the policies do not discriminate based on disability, race, gender, ethnic origin, or age.
- h) School divisions that expel a student under the age of 16 from school must arrange alternative programming.

Student Discipline (continued)	
26.	School divisions shall annually review their suspension data and discipline policies to ensure they do not discriminate based on disability, race, gender, ethnic origin or age.
27.	School divisions who expel a student from school must offer and arrange another education program.

Dispute Resolution	
28.	School divisions shall develop a policy that will outline the informal dispute resolution steps that shall be followed in trying to resolve a dispute between families and schools at the local level.
29.	The formal dispute resolution process shall only be available to families and schools that have made reasonable attempts to resolve disputes informally at the local level. This shall include mediation and culturally appropriate alternatives prior to the formal dispute resolution stage.
30.	Formal Dispute Resolution—Review by Minister. Manitoba Education, Citizenship and Youth has developed four potential options based on feedback from the consultations: <ul style="list-style-type: none"> • the Provincial Ombudsman • the Children's Advocate • an arbitration panel • a minister's review committee

7. Dispute Resolution

- a) School divisions will develop informal mechanisms to resolve disputes between families and schools at the local level—school and division.
- b) The formal dispute resolution process will only be available to families and schools when local processes have been followed and reasonable attempts to resolve disputes informally have been made at the local level. This will include mediation and culturally appropriate alternatives prior to the formal dispute resolution stage.
- c) Formal dispute resolution process or review by the minister of the department will be developed by Manitoba Education, Citizenship and Youth. Formal dispute resolution applies to appropriate educational programming related to:
 - placement of a student with exceptional learning needs
 - procedural fairness in the development and implementation of provincially regulated individual education plans

8. Policy

- a) All school divisions will develop and annually review inclusive education policy to support appropriate educational programming that is consistent with federal and provincial human rights legislation and provincial regulations and standards. This policy will outline processes and procedures for applying provincial regulations and standards that support appropriate educational programming. School divisions will inform parents of the availability of policy and, upon request, make copies of the policy available to parents for review.
- b) As school divisions develop and review future policies, they will consider inclusion and appropriate educational programming principles in creating new policies.

RELATED PROJECTS

In addition to the implementation of regulations, Manitoba Education, Citizenship and Youth will address the issues raised during the consultations through other activities, including the development of new support documents, revision of existing support documents, parent information pamphlets, professional development opportunities, research studies and through intersectoral discussions.

The School Support Unit of Manitoba Education, Citizenship and Youth has incorporated many of these activities and related projects into its action plan for 2005/2006. The action plan contains the initiatives identified below.

Revisions to Existing Support Documents

- Revise the support document, *Individual Education Planning: A Handbook for Developing and Implementing IEPs, Early to Senior Years*. The purpose of the revision is to add additional information on parental involvement, student participation, student assessment and student outcome rubrics.
- Revise the documents *Towards Inclusion: A Handbook for Modified Course Designation, Senior 1–4* and *Towards Inclusion: A Handbook for Individualized Programming Designation, Senior Years*.
- Revise the document *Supporting Inclusive Schools: A Handbook for Student Services*.
- Update Manitoba Regulation 468/88 (Suspension) to include the new regulations that have been recommended for addressing discipline, suspension and expulsion.

Develop New Support Documents

- Complete the development of the support document for educational assistants *Working Together: Manitoba Schools and Educational Assistants*.
- Prepare a guide for the formal dispute resolution process.
- Develop a standards document.
- Develop *Building Inclusive Schools: An Implementation Guide*.

Develop New Parent Brochures

- *A Family Guide to Appropriate Educational Programming*
- *A Parents' Guide to Dispute Resolution*

Professional Development Opportunities

- Core Competencies Workshops
Manitoba Education, Citizenship and Youth will provide ongoing learning opportunities for staff working with special needs students. During 2005/2006 the focus will be on four areas: individual education planning, student outcome rubrics, modification and adaptations.
- System-Wide Behaviour Support Initiative
In conjunction with the Student Services Administrators Association of Manitoba, the province will support a series of workshops on system-wide behaviour support.
- Regional Sessions on Appropriate Educational Programming
These workshops will be scheduled in seven centres across Manitoba to review the final regulations developed on *Bill 13*.
- The School Support Unit of Manitoba Education, Citizenship and Youth will continue to provide orientation sessions on the new support documents recently provided to schools. This will include sessions on autism, planning, informal dispute resolution and school partnerships.

Intersectoral Initiatives

- Transition Planning Supports
During the consultation process, several issues were raised regarding 16 to 21-year-old special needs students. Intersectoral training opportunities will be arranged regarding Manitoba transition protocols.

Teacher Certification

- Issues related to the certification of resource teachers, school counsellors and special education teachers will be referred to the Teacher Education and Certification Committee.

ISSUES OUTSIDE THE SCOPE OF BILL 13

During the course of consultations on *Bill 13*, several issues were raised that are beyond the scope of the legislation and the intent of the consultation sessions. These issues and possible ways of addressing them in the near future are presented below. It is important to note that these recommendations, issues and possibilities come from the stakeholder consultations.

Early Childhood

There were several suggestions about the problems of addressing learning needs of children between birth and their entry into school. Most organizations agreed that it is important to identify these children and provide interventions as early in a child's development as possible. It was also agreed that Healthy Child Manitoba is having a positive impact on intersectoral collaboration in the early years. One of the barriers to addressing these issues can sometimes be jurisdictional. It is important that a seamless provision of services from birth through school entry be provided. Such a provision could have implications for lower school-entry ages, universal nursery programs and full-day kindergartens. In addition, the province has confirmed its commitment to make non-profit, community-based early learning and child care a priority. For that reason, several individuals and organizations suggested consideration be given to the creation of a special department for children that would address issues from birth to school leaving.

School-Leaving Age

Several stakeholders raised concerns about students dropping out of school. Recent research suggests that raising the school-leaving age can play an important role in reducing the drop-out rate. Ontario and New Brunswick have raised the school-leaving age to 18. This and other related research on the prevention of drop-outs should be considered by the Research and Planning Branch of Manitoba Education, Citizenship and Youth.

Teacher Preparation

One of the key areas raised in the consultation process was the importance of properly preparing teachers to work with students with exceptional learning needs. Currently, universities devote approximately four credit hours to areas such as disabilities, behaviour management concerns, inclusion and strategies for addressing students with learning needs. All teachers and administrators will have students with exceptional learning needs during the course of their teaching careers and need more preparation time to learn the skills and attitudes necessary to help these students. Advanced Education and Training, the

Teacher Education and Certification Committee and the Manitoba Teachers' Society should begin to talk to the universities involved in teacher education to address this issue.

Educational Assistants

Parents and stakeholder groups support additional training opportunities for educational assistants. The community colleges and school divisions that provide training programs need to meet the changing and exceptional learning needs of the student population. As a certification process has been established for daycare staff, a certification process and requirements should also be put in place for educational assistants working in schools. This issue requires further discussions with Advanced Education and Training, community colleges, the Manitoba Teachers' Society and educational assistant unions and organizations.

Clinical Supports

Several parents and organizations raised concerns about shortcomings in the provision of clinical services. They are concerned physiotherapy and occupational therapy services are inconsistently allocated across the province. There is still a great deal of debate whether physiotherapy/occupational therapy services should be an educational responsibility or whether Manitoba Health should take responsibility for providing these services. This issue is currently being considered by an intersectoral committee of the Children's Therapy Initiative.

Schools of Choice

There is still a major concern that the current approach to schools of choice discriminates against students with exceptional learning needs. While the regulation governing schools of choice may not be discriminatory, the practice is perceived as highly discriminatory by parents. Schools are reluctant to consider accepting a student with exceptional learning needs because the school may not be able to provide the human resources to ensure the most effective programming for the student.

Home Schooling

During the consultations, there were several concerns about the use of home schooling for students with exceptional learning needs. Due to the complexity and nature of some disabilities, parents require access to specialist supports to effectively address the needs of these children. The present home schooling approach is not able to address these complex issues. A multi-system committee should be formed to consider how home-schooled students with exceptional learning needs could be best supported.

Accountability for Special Needs Funding

Several organizations and individuals raised the concern that government reviews how funds received by school divisions are used for students with exceptional learning needs. The current Financial Reporting and Accounting in Manitoba Education (FRAME) report does not provide the detail needed to examine how school divisions use these categorical and exceptional funds. It was a recommendation of the *Special Education Review, Final Report* that FRAME be “adjusted to capture more discrete financial information.” (D.2.iii) It is suggested that a committee composed of representatives from the Schools’ Finance Branch and Program and Student Services from Manitoba Education, Citizenship and Youth and the Manitoba Association of School Business Officials (MASBO) be convened to discuss these accountability issues.

As well, it was suggested that

- other funding models be reviewed and an alternative funding model be developed for consideration
- consideration be given to increasing the professional development grants to schools to support educational assistant training opportunities and the implementation of anticipated recommendations in the upcoming support document on educational assistants

Both these items should be referred to the proper financial body for review.

First Nations Students

There were several suggestions about programming for First Nations education both on and off reserves. In general, feedback from the consultations supported the need for similar standards of education to be available regardless of where the education is being delivered. A workshop, *Moving beyond Jurisdictional and Other Barriers for Improved Services and Supports*, was held in Winnipeg in January 2005 by Health Canada and the Assembly of Manitoba Chiefs. Participants identified an immediate need for the development of a plan to address the service gaps for Aboriginal children with exceptional learning needs and their families. Discussions among First Nations, federal and provincial government representatives should continue to address these issues.

Accessibility

Several stakeholders raised accessibility issues as a major concern in trying to accommodate students in their local schools. Accessibility goes beyond building accessibility and includes media, materials, electronic systems, environments and teaching approaches. Accessibility involves removing barriers and obstacles to ensure equity for all individuals. A plan for a multi-year approach for addressing this issue is needed. This plan should provide direction for addressing and prioritizing accessibility issues.

Mental Health Issues

Several stakeholders raised concerns about the increase in mental health issues in schools. Mental health concerns appear in students as addictions, suicidal ideation, depression, behavioural issues, anxiety and eating disorders. Stakeholders expressed concern about the availability of psychiatric services, school psychologists, mental health workers, school counsellors and prevention programs to address the growing number of mental health problems. Manitoba Health, regional health authorities, Manitoba Education, Citizenship and Youth and representatives from youth treatment facilities should meet to develop a strategic plan to address these issues.

MOVING TOWARD AN INCLUSIVE SOCIETY

Over the past four decades, significant efforts have been undertaken to remove multiple barriers to learning and social interactions for students with exceptional learning needs. Since the integration of students with exceptional learning needs in Manitoba schools in the late 1960s, significant improvements have occurred in all aspects of education and schooling. These have included improvements in curriculum, in instructional practices and particularly in the heightened importance of accommodations and professional learning for teachers.

Clinical and support services for students and families have continued to expand. The value of student and parental involvement in educational programming has been well established. A greater emphasis has been placed on successful transitions and active participation in community life. Today, diversity in all its forms is valued and Manitoba's philosophy of inclusion allows every individual to feel accepted, valued and safe.

Bill 13 affirms the right of all students in Manitoba to receive appropriate educational programming that fosters their participation in learning and the social life of schools. Along with its supporting regulations, it builds on the positive developments that have occurred in previous years in moving towards a more inclusive society. This challenge involves continued conversations with all communities on attitudes, behaviours and practices that serve the best interests of Manitobans. Appropriate educational programming, within a framework of effective policies and standards, the appropriate allocation and use of resources and the provision of qualified professionals and support staff, will help all students achieve their goals. It will also help students continue to learn and prepare for life after school as contributing citizens with valued roles in their communities.

GLOSSARY

GLOSSARY

accessibility: removing physical or other barriers or obstacles to ensure access to buildings, facilities, media, materials, electronic systems and environments and to ensure equality for all individuals

accommodation: a means of identifying, preventing and removing barriers that impede students with disabilities from participating fully in the educational environment in a way that is responsive to their own unique circumstances; the principles of accommodation involve three factors: dignity, individualization and inclusion (Source: Ontario Human Rights Commission); accommodations include adaptations such as alternate format, alternative settings, technology, more time, American Sign Language, and scribes (see also “reasonable accommodation” below)

adaptation: a change made in the teaching process, materials, assignments or pupil products to help a pupil achieve the expected learning outcomes

appropriate educational programming: a collaborative school-family-community process where school communities create learning environments and provide resources and services that are responsive to the lifelong learning, social and emotional needs of all students

assessment: the systematic process of gathering information about what a student knows, is able to do and is learning to do

assistive technology: any item, piece of equipment, product or system that is used to increase, maintain or improve the functional capability of individuals with disabilities

behaviour intervention plan (BIP): an intervention plan developed by a team to meet a student’s social/emotional and behavioural needs

clinician: an individual trained in the provision of support services within the school setting who provides services for students with exceptional learning needs and consultative services for school personnel and parents; and certified under the Teaching Certificates and Qualifications, Manitoba Regulation 515/88, as speech-language pathologists, school psychologists, school social workers, occupational therapists, physiotherapists or reading clinicians

continuum of supports and services: a range of programming and services designed to support students with exceptional needs

co-ordinator of special education: a teacher with special education certification whose duty is to co-ordinate special education services and to provide special education, resource and regular classroom teachers with consultative services

counselling and guidance services support: teachers who provide support for activities that involve

- counselling students and parents
- evaluating students' abilities
- assisting students in personal, career and social development
- providing referral assistance
- working with other staff members in planning and conducting guidance programs for students

curriculum: the curriculum prescribed or approved by the Minister

daily plan: a plan that outlines how a student's individual education plan (IEP) will be carried out each day; outlines a daily timetable for a student and the outcomes or goals to be worked on

differentiated instruction: a method of instruction or assessment that alters the presentation of the curriculum for the purpose of responding to the learning diversity, interests and strengths of pupils

dispute resolution: a variety of informal and formal procedures used to identify issues and find meaningful solutions to the issues in dispute (ex: problem solving, negotiation, conciliation, mediation and arbitration)

early identification: the process used to identify students with exceptional learning needs in preschool, kindergarten, the early years or as early as possible in students' education before or after their entry into school

educational assistant: a person hired by the school division to provide support for teachers or for students and supervised by a teacher

expected learning outcomes: the learning outcomes consistent with the curriculum

expulsion: the removal of a student from all schools of a school division permanently, at the discretion of the school board

inclusion: a way of thinking and acting that allows every individual to feel accepted, valued and safe

inclusive education: providing all students with the supports and opportunities they need to become participating members of their school communities

individual educational plan (IEP): refers to the written documentation of a specific plan to support a student's exceptional learning needs; the written IEP may range in length from one page documenting student-specific adaptations developed by a student's teacher(s) in consultation with the parent(s), to a lengthier documentation of a student's programming outlining student-specific outcomes developed by a larger team that may also include resource, clinical and other student service supports; the term IEP is inclusive of other acronyms such as adapted education plan (AEP), behaviour intervention plan (BIP), assisted learning plan (ALP) and so on

individual health care plan (IHCP): a written plan of care for a student with special health-care needs; a registered nurse facilitates development of the IHCP required for all students who require assistance to perform health-care procedures (Group A)

individual transition plan (ITP): a formal plan developed to help a student with exceptional learning needs as the student prepares to exit the school system at the age of 16; the plan is developed by a student's IEP team and is reviewed annually

individualized programming: programming designed to meet the needs of students with severe cognitive disabilities who need programming outside the regular curriculum in the areas of exceptional learning, social/emotional, behavioural, sensory, physical, cognitive/intellectual, communication, academic or special health-care needs

informed consent: an individual's voluntary consent to participate in an activity (assessment, intervention, program) after first being fully advised of the benefits and the risks; can be withdrawn at any time

in-school team: the people who may be involved with a student on a daily basis at school; key decision makers in the IEP process and may include the student, parents, teacher, resource teacher, counsellor, educational assistant and principal

intersectoral services: services provided for students with exceptional learning needs that involve the collaboration of a variety of government departments, agencies and local organizations to meet the learning needs of individuals

modification: changes in the number or the content of the learning outcomes a student is expected to meet in the provincial curriculum, made by the teacher or school team

most enabling environment: the environment in which the student has the opportunity to participate fully in all aspects of an education (academic, social, emotional) in preparation for school leaving

neighbourhood or local school: the school students would usually attend with their siblings and neighbours

personalized transportation plan (PTP): a written document recording the individual student's exceptional needs and the requirements for transportation services as part of a student's IEP

placement: a school or an alternative learning environment chosen for a student; determined by school and school division policy and in consultation with the school team

pupil file: a collection of written information about a student's education stored in a file in the school or school division office in paper, electronic or other form

qualified practitioner: a teacher or other professional who has the necessary training, experience, knowledge and competence to ensure that specialized assessments and services are delivered in a professional and appropriate manner

reasonable accommodation: the school's obligation to address special needs of students where these needs stem from the protected characteristics specified in *The Human Rights Code* of Manitoba, such as physical or mental disability, etc., and affect the individual's ability to access educational/school services or facilities; the measures to accommodate special needs will be reasonable and required unless they cause undue hardship due to cost, risk to safety, impact on others or other factors

resource teacher: a teacher whose principal duties are to diagnose individual educational problems, to prescribe special remedial measures for use by teaching staff, to give direct assistance to teachers and students in need of special help and to provide school personnel and parents with consultative services

school-based student services support team: typically includes a school administrator, resource teacher(s), counsellor(s), classroom teacher(s) and others who have responsibility for students with exceptional learning needs; the team helps schools develop exemplary practice in inclusion and in promoting the planning, development and monitoring of IEPs for students in all aspects of their school life

specialized assessment: individualized assessment conducted by qualified practitioners across a variety of domains and specific learning contexts to provide additional information on the exceptional learning needs of students; includes assessment of exceptional learning, social/emotional, behavioural, sensory, physical, cognitive/intellectual and adaptive, communication, academic or special health-care needs relevant to students' learning and performance

student services: staff and services provided by the school division to meet the needs of students who have exceptional learning, social/emotional, behavioural, sensory, physical, cognitive/intellectual, communication, academic or special health-care needs

student services administrator (co-ordinator of student services): a teacher with special education certification hired by the school division to co-ordinate and support the student services needs in schools

student-specific outcome: another term currently used for "goal" in an individual education plan (IEP) for a student; states what the student will learn, when this will be accomplished and how the goal will be met

student with exceptional learning needs: a student who requires specialized services or programming when deemed necessary by the in-school team because of exceptional learning, social/emotional, behavioural, sensory, physical, cognitive/intellectual, communication, academic or special health-care needs that affect his or her ability to meet learning outcomes

transition: moving a student from one environment to another at key points in his or her development from childhood to adulthood (ex: entry into the kindergarten or nursery school years, transition from the early to middle years, from one grade to the next, or from school to post-secondary education or employment)

universal design: the process of creating systems, environments, materials and devices that are directly and repeatedly usable by people with the widest range of abilities operating within the largest variety of situations

APPENDICES

APPENDIX 1: THE PUBLIC SCHOOLS AMENDMENT ACT (APPROPRIATE EDUCATIONAL PROGRAMMING)

(Assented to _____)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

C.C.S.M. c. P250 amended

1 **The Public Schools Act** is amended by this Act.

2(1) *Subsection 41(1) is amended by adding the following after clause (a):*

(a.1) provide, as may be directed or prescribed by the minister, appropriate educational programming for every

(i) pupil enrolled as provided for in section 58.4, and

(ii) resident person who has the right to attend school as provided in section 259;

2(2) *The following is added after subsection 41(1):*

Regulations—appropriate educational programming

41(1.1) The minister may make regulations respecting appropriate educational programming to be provided by school boards under clause (1)(a.1), including, but not limited to, establishing

(a) programming standards respecting resources and other support services to be provided by school boards;

(b) a dispute resolution process to be followed if there is a disagreement about the appropriateness of the educational programming being provided to a pupil by the school board.

Coming into force

3 *This Act comes into force on a day fixed by proclamation.*

Explanatory Note

This bill requires school boards to provide appropriate educational programming to each pupil and allows the minister to establish standards and a dispute resolution process.

APPENDIX 2: APPROPRIATE EDUCATIONAL PROGRAMMING: DEVELOPING REGULATIONS FOR BILL 13

For additional information on *Bill 13* (Appropriate Educational Programming), please visit our website at: www.edu.gov.mb.ca/ks4/specedu/bill_13/index.html.

Overview

Bill 13—The Public Schools Amendment Act (Appropriate Educational Programming) was introduced by the Manitoba government in November 2003. It passed Third Reading of the Legislative Assembly on May 12, 2004, and on June 10, 2004, it received Royal Assent to come into effect at a future date fixed by proclamation.

This amendment to *The Public Schools Act* affirms that all students in Manitoba are entitled to receive appropriate educational programming that fosters their participation in both the learning and social life of the school. It also provides for the establishment of a dispute resolution process to be followed should a disagreement arise about the appropriateness of educational programming that a school board provides to a student. This legislation will help all students, particularly those with special needs, receive the appropriate educational services they require.

This proposed legislation builds on Manitoba's philosophy of inclusion, which states:

Inclusion is a way of thinking and acting that allows every individual to feel accepted, valued and safe. An inclusive community consciously evolves to meet the changing needs of its members. Through recognition and support, an inclusive community provides meaningful involvement and equal access to the benefits of citizenship.

In Manitoba, we embrace inclusion as a means of enhancing the well-being of every member of the community. By working together, we strengthen our capacity to provide the foundation for a richer future for all of us.

The introduction and eventual proclamation of *Bill 13* and subsequent supporting work on regulations, policies and guidelines will affirm good educational practice already occurring in many school communities across the province, and help to ensure equity in the delivery of educational programs and services for all students.

Equality Rights of Students

The Manitoba Special Education Review, Final Report recommended that:

The Province of Manitoba make changes to Manitoba's legislation to achieve consistency with the *Charter of Rights and Freedoms*, particularly to ensure the right to equality as it is understood in Canada and relates to the right of access to education for exceptional children. (31)

Over the past few years, there has been a growing recognition of and movement to strengthen the equality rights of students. The *Canadian Charter of Rights and Freedoms* (Section 15)(1), and human rights legislation such as *The Manitoba Human Rights Code* and case law coming before the courts and human rights tribunals are identifying and removing barriers considered to impede access to educational programs and services.

The Manitoba Special Education Review, Final Report also provided direction on the conditions required for appropriate educational programming, suggesting that:

- Instruction must be specially designed, follow proper evaluation, offer the student an opportunity to benefit, conform to the requirements of an individual education plan and be inclusive.
- Programming must be in the proper education setting.
- The school must observe procedural safeguards; that is, it must be attentive to due process.

In September 2001, *Follow-up to the Special Education Review: Proposals for a Policy, Accountability and Funding Framework* was released by Manitoba Education, Citizenship and Youth. It outlined proposed changes that reflect the government's commitment to ensure that the education system meets the needs of all students. It also proposed that the Manitoba government amend *The Public Schools Act* to give all students the right to an appropriate education and define appropriate education in regulations.

Bill 13 legislation on appropriate educational programming will be supported by a variety of policies and documents, some that have already been completed. These include:

- *Individual Education Planning: A Handbook for Developing and Implementing IEPs, Early to Senior Years*
- *Working Together: A Handbook for Parents of Children with Special Needs in School*
- *Working Together: A Guide to Positive Problem Solving for Schools, Families, and Communities*

These and other support documents can be found at www.edu.gov.mb.ca/ks4/specedu/documents.html.

Supporting Regulations

Supporting regulations that are to accompany *Bill 13* need to be developed and drafted. Regulations build upon legislation, typically specifying how a specific intention of the legislation will be met. They are applicable to all areas of the province. In education, the manner in which funds are allocated to school communities, the qualifications for teacher certification, the responsibilities of principals, student discipline and school bus equipment specifications are some examples of matters that are usually subject to regulation.

While laws are passed in the Legislative Assembly, decisions on regulations are made by Cabinet or the Minister responsible. Consequently, regulations are easier to change than legislation. Once regulations have been approved, they are made public, administered on a continuing basis by a government department and have the force of the law under which they are passed. Regulations cannot override legislation.

New regulations complemented by effective policies and guidelines, the appropriate allocation and use of resources and sufficient, qualified professionals and support staff will help to strengthen appropriate programming for all students.

An important component of the developmental work on the regulations is a three-stage consultation process.

- Stage 1—Consultation with 14 stakeholder organizations
- Stage 2—Regional consultations with school division representatives and parent forums
- Stage 3—One-day facilitated session with stakeholder organization representatives to review the results of Stages 1 and 2

The initial consultation with the educational stakeholder organizations has been completed. These organizations expressed a common desire and commitment to provide appropriate educational programming to all Manitoba students. They also suggested that regulations be developed with caution to help ensure flexibility and responsiveness to individual student needs and avoid the pitfalls of excessive paperwork, compliance audits and reviews. Stakeholder organizations also provided a range of opinions on the areas and content of regulations required to support students.

Purpose of the Regional Consultation Sessions

The purpose of this paper is to help guide discussions during Stage 2 of the regional consultation sessions. It provides an overview of possible areas of regulation and raises several questions to help stimulate discussion. Additional questions and points for discussion are expected to arise during the consultation sessions. Information shared by participants will help to determine which areas of educational programming are best suited for regulation, what issues need to be considered in developing regulations and how best to phrase them. Consultations will also help identify areas where policies, guidelines, or support documents may be needed.

Suggested Areas for Regulation

- individual education or student-specific planning
- parental involvement
- early identification and planning
- student services plans for school divisions
- continuum of supports and services
- placement decisions based on inclusion
- disability considered in disciplinary decisions
- timely, appropriate and well-documented assessment
- resolution processes for resolving differences

Additional areas for consideration subsequently identified during Stage 1 of the consultation process included:

- universal design and accessibility
- transition processes
- staff training and certification
- consistency of programming and funding

Based on the recommendations of the *The Manitoba Special Education Review, Final Report*, current understanding of best practices, the proposals outlined in *Follow-up to the Manitoba Special Education Review*, and previous discussions with parents, schools and educational communities, a number of key areas have been identified as possibly requiring regulation in order to support appropriate educational programming.

The most prominent areas, issues and questions that were identified during Stage 1 of the consultation process included:

1. The Definition of Appropriate Educational Programming

How appropriate educational programming is defined helps to guide choices and decisions on how to best develop regulations that support successful learning for all students.

Based on the initial direction set out by The Manitoba Special Education Review, Final Report, as identified earlier on page 79, what do you believe are the fundamental characteristics of appropriate educational programming?

2. Key Regulatory Areas

Regulations, as stated earlier in this paper, build upon legislation, specifying how some intention contained in the legislation will be met.

What other areas beyond the 13 already identified should receive consideration for regulation?

What do you consider to be the five most significant regulatory areas in which the Department should begin its developmental work? Why?

How would these areas support what you consider to be the fundamental characteristics of appropriate educational programming?

3. Dispute Resolution Process

There are a variety of possible approaches to dispute resolution, ranging from informal approaches at the local school and division level through problem-solving, negotiation and conciliation, to formal approaches such as mediation and arbitration/adjudication.

In rare situations where a dispute cannot be resolved at the local level, an arbitration or adjudication process will have to be established by Manitoba Education, Citizenship and Youth. In this type of a process, a third party, such as an arbitrator, hears both sides of a dispute and then makes a decision or judgement.

Key questions for consideration include:

Should an arbitration process be conducted by a single person or a panel?

What qualifications and characteristics should an arbitrator possess?

What types of disputes should be brought forward to the arbitration process?

Which of the following issues should be allowed to be brought forward to the arbitration process?

- ***placement of students***
- ***programming***
- ***expulsion***
- ***other***

4. Access and Placement

Physical, social and learning access (ex: curriculum, materials and methods) are critical considerations of appropriate educational programming. Access also helps support the accommodation of students with special needs by ensuring that the educational environment does not have a discriminatory effect because of their special needs.

What, if any, are the most immediate accessibility concerns in your local school community?

How can school communities best ensure that decisions about placement are based on inclusion and provide the most enabling environment?

Universal Design: Access to Learning

Universal design is the process of creating systems, environments, materials and devices that are directly and repeatedly usable by people with the widest range of abilities, operating within the largest variety of situations. In education, universally designed schools, classrooms, curricula and materials provide all students with access to the resources they need. This can include the design of

- flexible curricular materials and activities that make learning outcomes achievable by students with wide differences in abilities
 - schools with elevators and ramps
 - open, adaptable classroom spaces
 - floor-to-ceiling bulletin boards, chalkboards and whiteboards
 - technologies that not only support best teaching practices, but also allow the greatest number of students to participate in the curriculum
 - playground structures accessible and usable for all students
 - transportation designed for all potential users
-

5. Student Discipline

Suspensions and expulsions are increasingly considered to be inappropriate and ineffective ways of disciplining those students with special needs who are unable to recognize the seriousness of their behaviours and their consequences.

How can administrators and teachers best balance safety and care for all students when making disciplinary decisions about these types of students?

6. Staff Development

Feedback from the initial stage of consultations indicated that staff members who work with students with special learning needs should be appropriately trained. Pre-service, specialized certification and additional specialized training have been identified as various approaches to help ensure staff members are appropriately trained.

What regulations or strategies would help ensure that classroom, special education and resource teachers, school counsellors, principals, and educational assistants are appropriately trained?

7. Individual Education or Student-Specific Planning

The diverse needs of students in Manitoba schools require that a variety of student-specific plans be developed to support student learning. Typically, an individual education plan is developed for students requiring the greatest program adjustments. While schools may use different terms to describe student-specific planning processes, the term individual education plan (IEP) is a global term referring to a written document developed and implemented by a team. The IEP outlines a plan to address the individual learning needs of students.

Currently, the department requires an individualized education plan be developed and implemented for

- senior years students receiving the individualized (I) programming designation
- senior years students receiving a modified (M) course designation on an individual course basis
- senior years students receiving an English as a Second Language (E) course designation on an individual course basis
- students receiving Level II and Level III funding support
- students with special health care or emotional and behavioural needs

Are there any other students who should require an individual education plan under regulations?

How can parents or guardians best be meaningfully involved in the individual education planning process?

Should parents or guardians receive a copy of the written plan?

8. Other Suggestions

What suggestions do you want Manitoba Education, Citizenship and Youth to consider in developing regulations that support appropriate educational programming?

Moving Forward on Appropriate Educational Programming

While the regional consultation sessions are intended to focus on several key regulatory issues, Manitoba Education, Citizenship and Youth welcomes your comments and insights on other areas where work on appropriate educational programming is taking place. If you have any comments that you would like to share, please send them to

Bill 13 Submissions

Manitoba Education, Citizenship and Youth

Room 206 – 1181 Portage Avenue

Winnipeg, Manitoba R3G 0T3

E-mail: Bill13@gov.mb.ca

APPENDIX 3: BILL 13—APPROPRIATE EDUCATIONAL PROGRAMMING CONSULTATION LIST

Stakeholder Consultations on *Bill 13*

September 29, 2004	Student Services Administrators Association of Manitoba (SSAAM), 9:00–11:00 a.m.
September 30, 2004	Manitoba Association of School Superintendents (MASS), 1:15–3:15 p.m.
October 1, 2004	Coalition for Children, 9:30–11:30 a.m.
October 1, 2004	Manitoba Association of School Trustees (MAST), 1:00–3:00 p.m.
October 4, 2004	Manitoba Federation of Independent Schools (MFIS), 9:00–11:00 a.m.
October 4, 2004	Council of School Leaders (COSL), 1:00–3:00 p.m.
October 6, 2004	Manitoba Association of School Business Officials (MASBO), 9:00–11:00 a.m.
October 6, 2004	Manitoba Teachers' Society (MTS), 1:00–3:00 p.m.
October 6, 2004	Manitoba Association of Parent Councils (MAPC), 4:00–6:00 p.m.
October 7, 2004	Manitoba School Counsellors Association (MSCA), 1:00–3:00 p.m.
October 8, 2004	Manitoba Council of Exceptional Children (MCEC), 9:00 –11:00 a.m.
October 8, 2004	Manitoba Association of Resource Teachers (MART), 1:00–3:00 p.m.
November 8, 2004	Clinician Groups, 1:00–3:00 p.m.
November 9, 2004	Manitoba First Nations Educational Resource Centre (MFNERC), 1:00–3:00 p.m.
December 1, 2004	Manitoba Métis Federation (MMF), 3:00–5:00 p.m.

Regional Consultations (School Division Teams and Parent Forums)

November 22, 2004	Dauphin, Dauphin Joint Recreation Commission— Banquet Room
November 24, 2004	Carman, Carman Pentecostal Church
November 29, 2004	Thompson, St. Lawrence Hall
November 30, 2004	Cranberry-Portage, Royal Canadian Legion
December 6, 2004	Winnipeg East, CanadInn Transcona
December 9, 2004	Winnipeg West, Viscount Gort
December 13, 2004	Brandon, Keystone Centre

Other Presentations/Consultations

June 1, 2004	Manitoba Human Rights Commission, Commission Office, Winnipeg, Manitoba
September 2, 2004	Manitoba School for the Deaf, all staff, Program and Student Services Branch
September 29, 2004	Louis Riel School Division, parents and staff
October 19, 2004	MECY Management Meeting, 1642 Field Street
October 19, 2004	Manitoba Teachers' Society, Winnipeg, Manitoba, Holiday Inn West
October 21, 2004	Manitoba Inclusion Summit, Winnipeg, Manitoba, Victoria Inn
October 25, 2004	Manitoba Advisory Committee on Deaf and Hard of Hearing Education, Manitoba School for the Deaf
October 26, 2004	Manitoba Teachers' Society, Brandon Manitoba, University of Brandon
October 28, 2004	Inter-organizational Curriculum Advisory Committee (ICAC), 1970 Ness Avenue
November 2, 2004	Manitoba Teachers' Society, Thompson, Manitoba, R.D. Parker Collegiate
November 16, 2004	Other Branches of Education, Government Departments, 1970 Ness Avenue
November 16, 2004	Strategies des écoles et des classes inclusive - graduate class at St. Boniface College

December 3, 2004	Student Services Administrators Association of Manitoba, Brandon Conference
December 8, 2004	University of Manitoba, Meeting with Special Education Faculties of Education
December 10, 2004	Association des Orthopedagogues de langue française au Manitoba (AOLFM), Villa Maria
January 4, 2005	Educational Support Services, St. James-Assiniboia School Division, Winnipeg, Manitoba
January 28, 2005	Pine Creek School Division staff, Gladstone, Manitoba
February 15, 2005	John Taylor Collegiate, St. James-Assiniboia School Division, Winnipeg, Manitoba
February 17, 2005	Council of Exceptional Children Conference, Winnipeg, Manitoba
March 9, 2005	St. James-Assiniboia S.D., parents and staff, Winnipeg, Manitoba
June 8, 2005	Stakeholder Forum re: Bill 13—Meeting with 15 stakeholder groups, 1577 Dublin Avenue
June 15, 2005	Manitoba Teachers' Society—Consultation on proposed regulations, McMaster House
July 2005	University of Manitoba—Presentation
August 16, 2005	Brandon University—Presentation to post-graduate students
August 19, 2005	Manitoba Association of School Superintendents—Summer Conference, Hecla
August 30, 2005	Program and Student Services Branch—Update on Bill 13, Manitoba School for the Deaf
September 12, 2005	The Children's Advocate, 102–500 Portage Avenue, Winnipeg, Manitoba

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Printed in Canada
Imprimé au Canada