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OF
PARENT ADVISORY COUNCILS
556 BOLESKINE ROAD, VICTORIA, BC V8Z 1E8
TELEPHONE (250) 475 4193
WWW.VCPAC.CA

**Classroom Support Fund:
A Collaborative Approach
to Effective Classrooms
January 24, 2012**



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Overview

This proposal recommends that additional funding be supplied to schools to ensure that their classrooms are effective and meeting the needs of all students.

Authentic inclusion has been a serious struggle for the education system from the beginning. The process currently being utilized hides the reality that no child should have been excluded from public education in the first place and that the inclusion movement is an attempt to rectify this error. It is conceptually no different than the desegregation of schools in the United States or the elimination of residential schools in Canada.

Inclusion is a personal right guaranteed under the Charter of Rights and Freedoms. It is not an education model and, therefore, it should not be compromised to advance the rights of adults in the education system.

The original proposal to government, prior to the introduction of Bill 33, was to simply restrict the number of students with special needs permitted in a classroom. Bill 33 perpetuated the underlying discriminatory concept by having a particular number trigger consultation. Additionally, Bill 33 continues to provide opportunities for political action on the backs of students with special needs. Although, in our view, not relevant to the issue of discrimination, Bill 33 has, in fact, done nothing to advance the cause of inclusion. The School Act needs to be amended to remove the deleterious effects of Bill 33.

It is important that we start separating the concepts of *learning conditions* and *working conditions*. The number of students for which a teacher is responsible is a working condition. The number of students with an individual education plan or any other grouping or category of students, however, is **not** a working condition. The appropriate resources required to ensure each student's educational success is a learning condition. Employees have the right to negotiate their working conditions. Parents have the right to be involved in decisions that relate to our children's learning conditions.



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The appropriate approach is to develop an *inventory of required resources* for each classroom. The analysis would consider the unique requirements of each student, each teacher, each education assistant and any other personnel used in classrooms to improve student learning.

One result of Bill 33 has been increased school-level discussion that we believe might be re-directed to better use. The resource requirements of every student and staff member in each classroom should be the topic of continued dialogue between administration and staff with parents being consulted on the deployment of additional resources. To accomplish this, we suggest that the Minister's proposed Class Organization Fund could be modified to eliminate any discriminatory effects and provide support at the school level to ensure that each classroom's needs are being addressed.

Purpose of Classroom Support Fund

The key process needed at the school level is to engage all participants in the excitement that is derived from making students successful in their learning. A school must have resources to address the specific needs of each classroom. This fund will provide that resource and will act as a catalyst for collaborative planning in schools.

The focus would move from students with special needs to the resource requirements of all students, not the least of which is having teachers that are supported by experts in teaching to a diverse community of learners.

The primary purpose of the fund is to make the classroom work for students. A list of the guiding concepts would include:

- Supporting collaborative school level planning and decision-making in responding to the unique resource requirements of each classroom of students and staff.
- Addressing complex classroom issues arising from challenges to classroom learning which result from a diverse group of students and the skill sets of staff.
- Supplementing, but not substituting for, currently established resourcing levels.
- Supporting the principles of inclusion as articulated by the Ministry of Education
- Not being used for segregated programs



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Numerous benefits would occur at the school level including:

- Increased collaborative planning
- Consideration of the resource requirements of the whole classroom
- Mitigation of discriminatory effects on students with special needs
- Opportunity to improve skill sets of staff based on the diversity of students in their classroom
- More flexibility in the selection of resources
- Increased opportunity for the principal to foster teamwork
- Inclusion of all students
- More equitable distribution of resources between classrooms
- More opportunity for parents to be engaged in their school

The uses of the fund must be clearly stated and might include:

- Early testing to ensure timely intervention
- Intensive short-term intervention for students
- Targeted professional development for teachers or education assistants to address the specific requirements of their classrooms
- District level support for teachers or education assistants (as determined and purchased by the school)
- Release time to facilitate planning meetings with teachers and education assistants to better serve their students
- Additional time for education assistants
- Contingency fund for possible changes to classrooms occurring throughout the school year

Consultation and Decision-Making Process

The principal would facilitate the decision-making process on the allocation of the Classroom Support Fund in collaboration with staff and parent representatives.



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Accountability

This Classroom Support Fund needs appropriate reporting attached to it for two main reasons.

- To ensure that it is used as intended and is not diverted by redirecting other parts of the budget.
- To ensure that strategies used to improve classroom results are shared between schools. This process will not only generate new ideas but will encourage others to use them.

The Legacy of Bill 33

Some have acknowledged that Bill 33 is discriminatory but describe it as “*positive discrimination*” in that they believe it will ensure additional funding for students with special needs. In point of fact, Bill 33 has not actually resulted in any additional funding. It has, however, become the focal point for political rhetoric at the expense of our children with special needs. The strategy that the limit of three students with special needs per classroom will reduce class size by forcing the system to add extra classrooms has not yielded results. In some cases, however, management’s acquiescence has resulted in the occurrence of direct discrimination by treating the Bill 33 limit as a maximum rather than a trigger for consultation. And, of course, since consultation is not required unless there are more than three students with individual education plans, many other classes still have support difficulties that remain unaddressed.

Bill 33 created and validated a systemic practice of discriminating against students with special needs. It did this by providing a legislative framework that others can use to legitimize their position that the number of students with special needs requires limits. This effect is reinforced when the courts interpret the School Act as the BC Court of Appeal did in *British Columbia Teachers’ Federation v. British Columbia Public School Employers’ Association*, 2011 BCCA 148. The court ruled that if a classroom was at any time determined not to be in compliance with Section 76.1(2.3) of the School Act, “*the school board had a responsibility to make whatever*



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changes were necessary to bring the class back into compliance with s. 76.1(2.3) – either by making accommodations to ensure that the organization of the class became appropriate, or by transferring a student with an IEP to another class.” As you can see, the remedies suggested were not limited to providing interim staff support but included removing the student’s right to be in the classroom. The court’s ruling can be found at www.courts.gov.bc.ca/jdb-txt/CA/11/01/2011BCCA0148.htm .

The Ministry of Education further supports opportunities for discrimination by requiring school districts to report the number of students with individual education plans by classroom. The information is available to special interest groups to brand students with special needs as the proximate cause of our education problems. For more information on this topic, see the “VCPAC Report on the Bill 33 Discrimination Issue November 2011” at www.vcpac.ca.

In summary, the legacy of Bill 33’s class composition rules is discrimination, a considerable expenditure of non-productive time and substantial legal costs.

Meeting the needs of all students

Decisions based on the unique needs of each student are sound educational practice. Decisions based on group characteristics are inherently discriminatory. Belonging in a classroom is an individual right and should be supported unconditionally. The moment we fail to develop our classrooms based on the needs and rights of each student, we are failing to meet their needs and we are violating their rights.

The key to full inclusion is not to focus solely on groups of students that one is trying to include, but instead to see to the needs of all students in the classroom. Each student’s needs must be individually analyzed. Staff skills must also be analyzed to ensure that they are sufficient to meet the needs of the students. This process must involve staff and parents with the primary focus on every student’s success.

To accomplish this task, we recommend that additional and separate funding be provided to schools to ensure that their classrooms are able to deliver the required services to all students.