A SYSTEMIC STUDY INTO THE RIGHTS OF STUDENTS WITH SPECIAL NEEDS AND ORGANIZATION OF EDUCATIONAL SERVICES WITHIN THE QUÉBEC SCHOOL SYSTEM

Summary Document

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The mission of the Commission des droits de la personne et des droits de la jeunesse (the Québec Human Rights and Youth Rights Commission, hereinafter, the “Commission”) is to promote and uphold the principles of the Québec Charter of Human Rights and Freedoms and to ensure that the interests of children are protected and that their rights under the Youth Protection Act are promoted and upheld. The Commission also oversees application of the Act respecting equal access to employment in public bodies.

Since the Commission was established in 1976, it has intervened in the Québec school system at various times to defend students’ right of equal access to free public education without discrimination. Sections 10, 12, and 40 of the Charter require all actors in the Québec school system to provide their educational services to every student without discrimination. This is the specific frame of reference within which the Commission puts forward this report on its study into the organization of services for students with disabilities, social maladjustments, or learning disabilities (“students with special needs”) in Québec’s preschool, elementary, and secondary schools.
Background and approach

Background

According to figures from the Ministère de l’Éducation et de l’Enseignement supérieur (the Québec ministry of education, hereinafter, the “Ministry”), just over 200,000 students with special needs are currently enrolled in the Québec school system. This means that approximately 20% of Québec students, or one in every five students, is currently identified as having special needs.

The Québec government’s Policy on Special Education is unambiguous about the approach that all participants in the school system should take in adapting educational services for these students: their objective must be to help students with special needs succeed in terms of knowledge, social development, and qualifications, as stated in the mission statement of Québec’s schools. To achieve this, the Policy emphasizes the need to accept “that educational success has different meanings depending on the abilities and needs of different students” and to adopt “methods that favour their success and provide recognition for it.”

1 This figure was 1/10 in the early 2000s.
This approach is at the core of the primary legal and administrative frameworks for services for students with special needs. These were established in the late 90s and have not seen any significant changes since: the Education Act provisions regarding students with special needs have remained the same since 1997, and the Policy on Special Education, which outlines the basic ministerial approach, was adopted in 1999 and has never been revised.

With this study, the Commission sought to discover whether, after nearly 20 years of implementation of the Policy on Special Education and the Education Act, the overall organization of services for students with special needs in the school system promotes educational success and equal access to free public education for these students. The Commission was impelled to examine this question in response to certain alarming trends, some of which stemmed directly from complaints the Commission has received in recent years. For example:

- Despite the amendments to the Education Act and the guiding principles of the Policy on Special Education, the Commission has observed a substantial increase in complaints about services for students with special needs. In fact, on average, the Commission now opens more files per year than it did before the government made these legislative and administrative changes in the late 90s.

- Analysis of the files opened by the Commission from 2000-2014 reveals that not all school boards appear to pursue the objectives of the Education Act and the Policy on Special Education. Just one third of the 69 school boards accounted for 75% of these cases.

- There has been a marked increase in complaints involving places that were once considered highly conducive to these students’ educational integration, such as the English school boards, for example. About 30% of the Commission’s current files involve the English school boards, which accounted for only 4% of files in 2000.

Other worrying signs have also contributed to the perception that the educational conditions for students with special needs are deteriorating. Of particular note:

- In 2000-2014, students with special needs left secondary school without obtaining a diploma or qualification at 3-4 times the rate of students without disabilities.

- During the fall 2010 wide education convention, the then minister of education revealed that from 2002 to 2010, integration into regular classes had fallen in seven of the Ministry’s ten categories of disability eligible for special education services funding. Considering that the Education Act and the Policy on Special Education call for integration into regular classes to be the preferred line of action in the edu-
cation of students with special needs, provided that such integration would facilitate the student’s learning and social integration and would not impose an excessive constraint or significantly undermine the rights of the other students, this was an eye-opening announcement.

There has been persistent and critical media coverage of the services offered to students with special needs and the way these needs are being met.

Approach

Upon consideration of the above, the Commission exercised its Charter duty and, in the spring of 2014, undertook a systemic study into the services for these students. The study sought to understand the state of education services for students with special needs in preschool, elementary, and secondary public schools since adoption of the Policy on Special Education in 1999. The study looked specifically at current organizational aspects of special education services that can affect students’ right to receive educational services “without distinction, exclusion, or preference based on a handicap”, as required by sections 10, 12, and 40 of the Charter.

To accurately document the factors that could affect these rights, the Commission’s study was two-fold:

1. Developing a statistical portrait of students with special needs in the public school system from 2001-2016.
2. Examining the organization of school board services for students with special needs during that same time.
To produce the statistical portrait, the Commission asked the Ministry for all relevant data related to school enrolment from the 2001-2002 to 2015-2016 school years. The Commission was able to use this information to follow changes in special needs enrolment by language (French/English school boards) and by administrative region, and then compare those results with the private education system. The information from the Ministry also enabled the Commission to study rates of integration into regular classes, educational approaches for students with special needs (regular classes, special classes, specialized schools, etc.), changes in enrolment according to disability type, and qualification/graduation rates for students with special needs versus other students. To the Commission’s knowledge, this is the most comprehensive study that has been carried out on the topic since the Policy on Special Education was presented in 1999. These findings are presented in full in Chapter 2.

Next, the Commission performed an in-depth analysis of the organizational models for special education services within certain school boards. The substantial documentation required by such an approach obliged the Commission to limit the number of school boards it analyzed. For this reason, the Commission established eight criteria in order to select five school boards for this study. The chosen boards provided the Commission with a wide diversity of situations to study and allowed for identification of many cross-cutting issues. They also enabled the Commission to identify issues that faced certain school boards specifically due to factors like location, size, language, student population, schools in underprivileged areas, etc.

Two main types of information were used to analyse each of the chosen school boards:

- policies, guidelines, institutional data, and other administrative documents regarding the organization of special education services;
- personal testimonials from school personnel and from the representatives of applicable bodies within the school boards. A total of 147 testimonials were received.
The Commission analyzed these testimonials and drew up an inventory of the themes most commonly addressed by the respondents. Some of these themes were generated by questions the Commission asked, such as those concerning the legal obligations and procedures involved in the respondents’ duties toward students with special needs, while others were raised by the respondents themselves in response to open-ended questions.

This initial analysis produced nine common themes, which are analyzed in Chapter 3.
From 2001-2016, the overall clientele of the Québec school boards network fell by 9%, and the opposite trend was observed for students with special needs, whose numbers increased by 71.8%. This growth was seen virtually across the board, with nearly 90% of school boards seeing an increase in special needs enrolment from 2001-2016. This increase was most pronounced in the English school boards and those in the greater Montreal area.

A major effect of these contrasting trends is that students with special needs are now much more visible in preschool, elementary, and secondary public schools. Indeed, the proportion of students with special needs enrolled in Québec’s schools has risen steadily since 2001, going from 10.8% (2001-2002) to 20.4% (2015-2016). As such, one in five students currently attending Québec public schools is now identified as having special needs. The numbers are even higher in secondary schools, where one in four students (26%) were identified as such in 2015-2016.
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At the same time, students with special needs’ rates of integration into regular classes has increased steadily at all levels of education since adoption of the Policy on Special Education, rising from 56.5% in 2001-2002 to 74.0% in 2015-2016. The Commission would like to note, however, that while more students with special needs are now taking regular classes, they do not always have access to the conditions they need to truly benefit from the education being offered in these classes. The Commission’s analysis of the themes addressed in Chapter 3 examines these conditions.

Some of the ten categories of disabilities eligible for service funding experienced dramatic increases in student enrolment from 2001-2016, including pervasive developmental disorders (+628.4%), language or speech impairments (+316.9%), and psychopathological disorders (+262.7%). Conversely, other categories experienced decreased enrolment, including severe intellectual impairment (-44.1%), moderate to profound intellectual impairment (-33.6%), visual impairment (-16.8%), and hearing impairment (-26.0%).

The Commission finds that the Ministry’s categorization of these students has adverse effects that can be highly detrimental for certain students. One major effect that the Commission has observed involves the way in which these categories are used to apply the rules for forming classes that are set out in the policies on organization of special education services that apply to all school boards. These policies factor in weighting rules for integration into regular classes, as set out in teachers’ collective agreements. For each difficulty code assigned to a student with a disability, an a priori weighting factor is assigned.

For example, one special needs student integrated into a regular class may count as two, three, four, or even five students. Given that the collective agreements also establish student-teacher ratios that result in monetary compensation for the teacher if exceeded, this weighting exercise complicates the formation of regular classes and frequently shuts out students whose difficulty code carries a heavy weighting factor, such as students with pervasive developmental disorders or intellectual, visual, or hearing impairments.

The Commission’s analysis demonstrates that this practice is contrary to the fundamental guiding principles of the Policy on Special Education and contrary to the applicable provisions of the Education Act, which make individual evaluation of each student’s needs and abilities the basis on which the services offered to that student should be determined. This combined use of the student evaluation and the a priori weighting rules in order to group students together seriously jeopardizes the right of equal access to free public education of many students with disabilities by setting in motion rules that tend to exclude them from the regular education system.
3 Common themes

3.1 Overall Governance and Leadership

Almost 20 years have passed since adoption of the Policy on Special Education. During this time, the Ministry has stepped up efforts to ensure that preschool, elementary and secondary school implement the principles of the Charter of Human Rights and Freedoms and the Education Act. It has produced numerous guides and reference documents clarifying the guiding principles of the Policy on Special Education. These have been widely distributed in schools and in some cases, have even led to regional training and support. In 2008, the Ministry also released an assessment report on the Policy on Special Education. Over the past twenty years, it has gathered an impressive amount of data on students with special needs and the services that they receive.

However, despite its support work with the school boards and despite all the data it has collected, the Ministry is still unable, with the management information at its disposal, to guarantee that the organization of services provided by school boards serves the best interests of students with special needs, as the courts have required. As such, the Ministry is unable to exercise the necessary leadership to ensure that school board practices protect the rights
of students with special needs. The Commission is not alone in this observation of inadequate ministerial leadership: in recent years, the Auditor General of Québec, the Conseil supérieur de l’éducation, and the Comité d’experts sur le financement, l’administration, la gestion et la gouvernance des commissions scolaires have all noted this issue in their respective reviews of services for students with special needs.

More rigorous collection and use of data would enable the Ministry to provide stronger leadership to the various players in the education system. The Commission believes that this would help ensure greater compliance with the administrative and legislative frameworks that govern educational services for students with special needs and would allow for corrections to be made where needed. For ministerial leadership to be fully realized, ministerial action must be documented in detail, must be based on methodical use of reliable management data, and must rely on evidence-based educational practices.

3.2 Organization of Services and Resource Allocation within the School Boards

Ever since the major curriculum overhaul of the mid-90s in response to the work of the Commission for the Estates General on Education, the education on offer in Québec's school boards has become increasingly varied. The accompanying increase in student opportunity means that many students’ schooling now follows a less linear path than ever before.

To meet students’ diverse needs, abilities, and aspirations, many programs in youth/adult general education and in vocational training have undergone significant change over the past two decades.

Moreover, attempts in recent years to counter the attraction of private schools and prevent public schools from losing their best students have led to increased development of specialized education programs like international, science-centred, sports-centred, and arts-centred studies. According to some estimates, nearly one in five Québec students now attends one of these programs whose primary objective is to enrich the content offered under the Québec Education Program. But these programs have not always been developed with the needs and abilities of students with special needs in mind. Many have selective admission criteria that can shut
out students with special needs from the outset, or, when these students are admitted, do not have sufficient resources to adapt the program to their needs and abilities. As such, retention of special needs students in these programs is precarious and their opportunities for success within them is jeopardized.

The testimonials made to the Commission reveal that the service adaptation resources available are similarly scarce in the vocational and adult education sectors. Many respondents from these two major sectors stated that the situation forced them to be ‘highly creative’ in order to support students with special needs in their learning and promote their educational success.

The distribution of resources for adapting education services varies considerably from one type of education to another. In the Commission’s view, this runs counter to the principle of equal opportunity, which has been stated as a cardinal principle of government action in the education sector since the Parent report was produced in the 60s. The fact that many programs remain inaccessible to students with special needs, either because of selective admission criteria or a lack of resources to adapt services, significantly limits these students’ options and development prospects.

3.3 Support and Training of School Personnel

In its Policy on Special Education, the government stresses that training and support for all personnel who work with students with special needs is essential to these students’ successful integration. To this end, the Policy emphasizes the crucial role that school administrators must play in encouraging adaptation of services for students with special needs:

“...They must support their personnel in their efforts, and they must see that this concern is integrated into the practices of the whole school. They must adopt appropriate measures, such as setting aside time in the schedule for the sharing of expertise and the adaptation of materials. Educational activities other than those related to the teaching of the programs must also be adapted; these include daycare services. The professional services needed for intervention with students or support for teachers must also be available.”

The school board personnel whom the Commission consulted unanimously expressed their need for support and training in connection with services for students with special needs.

Many felt that their original training had not adequately prepared them for the realities of their profession with respect to students with special needs.

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2 MINISTÈRE DE L’ÉDUCATION DU QUÉBEC, p. 19, See Note 2 above.
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to the education of students with special needs. Many view this as a significant gap in the primary training of education professionals and one that can lead to reproduction of existing prejudices and stereotypes about these students’ ability to thrive and succeed in school.

With regard to professional development and other support for school personnel, the Commission observed that the testimonials it received echoed shortcomings that have been well documented in the special education literature. Insufficient funds for professional development and support for educational personnel and working hours that do not allow time for participation in professional development activities or for sharing expertise on these issues continue to be cited as the main barriers to the emergence of education that is truly open to student diversity.

3.4 Evaluation of Needs and Abilities

Evaluation of the needs and abilities of students with special needs is at the heart of providing services that will enable these students to pursue education and enjoy equal opportunities for success. It is also an absolute prerequisite for identification and implementation of accommodation measures. The Education Act provides that the school board must adapt its services to the abilities and needs of special needs students based on the individual evaluation the school board must perform. Yet, despite being the starting point for guidelines surrounding educational services for students with special needs, this evaluation is not always carried out as it should be. By analyzing the individual complaints it has received over the years, the Commission has demonstrated that poor identification or lack of evaluation of the needs and abilities of students with special needs is most often at issue in files where these students have received inadequate or inappropriate services.

The testimonials that the Commission received confirm what was indicated in a large number of complaints: that the process of identifying students’ needs and abilities is weighed down by an administrative burden that creates significant delays in obtaining adapted services. The primary consequence of these delays is to postpone students’ learning and to ultimately jeopardize educational success for many of them.

While there are many reasons for these delays, the majority of respondents state that a lack of qualified professionals to carry out diagnostic student evaluation and monitoring is the greatest barrier to adequately and swiftly meeting the educational needs of students with special needs. Many testimonials also state that
this lack of specialized personnel can lead school boards to limit the accommodation measures they offer to students with special needs.

This has the highly undesirable effect of forcing parents to turn to the private sector for quicker diagnosis of their child. Faced with delays that can considerably hinder their child’s learning progress or with an outright lack of qualified specialists to identify their child’s needs, many parents instead resort to having their child diagnosed at a private clinic, incurring professional fees that can range from several hundred to several thousand dollars. With costs like these, however, many other parents cannot afford even this route.

Finally, many parents reported that the specialized personnel in place are hardly sufficient to evaluate their child’s needs and abilities, let alone to coordinate individualized education plans or intervene in regular classes. This is consistent with the testimonials of many of the specialists whom the Commission consulted. These personnel broadly claim to be caught between the reality of “insufficient numbers of specialized personnel in the school system” and “the professional ethics of maintaining post-diagnosis services.” Many specialists reported being required to evaluate students’ needs and abilities, but then having no way of guaranteeing that services would be provided to meet those needs and abilities after the evaluation. The Commission therefore deems it essential for the Ministry to establish a minimum requirement in every school board for enough specialized personnel to evaluate the needs and abilities of students with special needs, provide effective implementation of accommodation measures for these students, and support teachers in regular classes.
3.5 Continuity of Services and Progression through the System

Continuity in the services that support students’ cognitive and emotional development and classroom learning is unquestionably one of the greatest predictors of student retention and success. For students with special needs, educational success lies in the consistency and continuity of the services they receive at school. In order to promote smooth integration for these students, the accommodation available to them must not be limited to in-class learning support, but must extend to all of the services and activities that the school provides them, including daycare, extra-curricular activities, school transportation, food services, and others. Many of the testimonials that the Commission received from parents of special needs students and education personnel alike suggest that the overall organization of these services has not been conceived with inclusiveness in mind, and at times denies these students services that form part of other students’ school experience.

For students with special needs, educational success cannot be guaranteed without upstream intervention from the external resources that contribute to a child’s development, such as early childhood centres and private day-cares, or rehabilitation centres for physical, intellectual and/or pervasive developmental disorders, for example. These services all contribute to adequately preparing children with disabilities for school. In the testimonials that the Commission received as part of this study, many respondents from the school system called for stronger collaboration between school boards, early childhood educational services, and institutions in the health and social services network, both to encourage early intervention for students with special needs and to help identify their needs and abilities. Many testimonials criticized the difficulty of achieving concerted action among different networks to promote the full development of children with disabilities. Problems regularly arise in attempting to implement the Agreement for the Complementarity of Services between the health and social services network and the education system which, in the opinion of most of the respondents from the education sector, fails to guarantee continuity in services for students with special needs.
3.6 Available Programs

Last year’s Policy on Educational Success stressed the importance of providing special needs students with all the learning opportunities they require to achieve their full potential and play an active role in the workforce, their community, and society as a whole.

Many programs offered by the Québec school system help meet this objective. Some of these are programs that are open to all students, including those with special needs, but which fail to promote learning progress or educational success for the latter due to insufficient resources for adapting educational services. Many testimonials testified to this situation in both vocational training and adult education.

Then, there are programs that are conceived more specifically for students with special needs, such as employment-oriented programs for students who have not met the requirements of lower secondary school. Though students earn a certificate for completion of these programs, the value of these certificates is little recognized by employers. Furthermore, students with special needs who enrol in these programs are highly unlikely to return to general education classes, as the kind of bridges this requires rarely exist.

Finally, there are programs created specifically for students with moderate to severe or profound intellectual disabilities. The testimonials to the Commission indicate that these programs are often administered in a one-size-fits-all manner, without necessarily taking into account the individual evaluation of students’ abilities and needs. This jeopardizes the possibility for these students to achieve their full potential.

The Commission considers that every program offered within the Québec school system must guarantee access to adapted services in order to promote the full development of students with special needs within these programs. To properly define these services and to allocate appropriate resources to establish them, the Ministry will have to develop tools for identifying students with special needs in sectors where this is not currently done, such as in vocational training and adult education.
3.7 Examination Accommodations

Accommodations that help compensate for a student's disability are essential to learning progress. Accordingly, these accommodations should be provided not only when students are learning, but also when they are being tested on this learning.

Unfortunately, many parents reported reluctance to accommodate requests for accommodations during school board evaluations or provincial exams. The findings of this Commission’s earlier report on accommodation of college students with disabilities can be readily transposed to the school boards’ evaluation and testing practices, including the Commission’s statement that,

“When a college has already documented a student’s educational needs and has put accommodation measures in place to accommodate the disability and foster that student’s success during a program of study, it would be inappropriate and unreasonable to require the student to again demonstrate his or her disability, by means of another evaluation with a qualified professional, simply to qualify for accommodation measures while taking the exams for that program. Rather, the educational needs and accommodation measures that were already identified and implemented for the program should be used as a guide to determine the accommodations a student needs to perform the tasks required during exams.”

Many parents and school personnel also criticized the accommodation practice of granting one third extra time for classroom learning and exams. The Commission has learned that many schools systematically allocate one third more time base on a student's disability type instead of on individual assessment of the student's abilities and needs. This appears to be particularly common for students with learning disabilities.

However, as the Commission has insisted throughout this report, each student must be assessed on his or her own needs and abilities rather than on presumed group traits. Such assessment, for example, could reveal that some students need more than one third extra time for certain subjects or in certain exam settings, whereas in other contexts, they may not require extra time at all, or may need less than the maximum allowance.

Systematic application of the one-third time rule runs counter to the individualized approach recommended by the Ministry and counter to the basic principle of reasonable accommodation, which flows from the right to equal treatment.

In short, the school boards and the Ministry should provide students with
the accommodation measures they need to take all of the exams required to complete their program and should do so on the basis of the school’s individual evaluation of each student’s needs and abilities, and according to the context or setting of the exam. In addition, where a school has already provided a student with accommodation measures, the Ministry should also provide these measures during testing and evaluation, without requiring further steps.

3.8 Inconsistencies in Organization of Services

In the spirit of the structural changes that led to reform of the Québec education system in the late 1990s, schools were asked to develop teaching programs with ‘local colour’. At the same time, a cardinal principle of the reform was that public schooling must be open to all students without discrimination. Achieving this objective requires an understanding of the local communities served by each school board, as these communities’ varied experiences can require varied forms of educational intervention to foster student retention and success for all students.

The respondents were nearly unanimous in pointing out that the organization of special education services depends greatly on the nature of the place in which they are provided. Depending on factors like the size of the school board, the geographical size of the area served by that school board, and whether that area is urban or rural, service organization challenges can vary considerably.

The composition of student populations also varies from one school board to another and even from one school to another, which can further complexify the adaptation of services where the resources for doing so are insufficient to meet the specific needs of these communities, in addition to those of students with special needs. For example, a significant proportion of the schools in all the school boards that the Commission consulted during this study are located in disadvantaged areas. According to the testimonials the Commission received, students with special needs who come from poor families require more complex educational intervention. Many respondents stressed the need to respond to these students’ needs with measures that specifically take account of the intersectionality of their disability and the poverty in which their families live. As another example, many respondents referred to high numbers of various other student populations in the schools where they work, such as Aboriginal students or students from immigrant backgrounds. The respondents’ primary concern is to provide culturally-relevant education services and to be adequately supported in this by their school boards.
3.9 Remedies for Infringement of Rights

The Commission’s mission with regard to the educational services provided by school boards is to ensure that the main organizational components of these services make it possible for students with special needs to exercise their Charter right to equal access to public education. In light of the many situations identified in this report that can affect the rights of students with special needs, the Commission considers it essential that the school boards’ internal recourse procedures truly operate to correct these situations.

However, in studying both the data on these recourse procedures and the testimonials it received, the Commission has observed that the handling process for applications to review school board decisions does not operate to guarantee that students with special needs will receive services without discrimination. The Commission was able to determine from the information it gathered that the most common issue over which these students apply for review is that of their placement in either regular classes, special education classes, or specialized schools. It also determined that the Council of Commissioners upheld almost 90% of these contested decisions. Very little information is available on the criteria used to assess these applications, making it hard to know if the process complies with certain principles of the Education Act, like the duty to accommodate special needs students based on an individual evaluation of their needs and abilities, or whether the process complies with the way the courts, including the Human Rights Tribunal, have interpreted these principles under the Charter.

Moreover, the 2008 creation of the Student Ombudsman through the amendments to the Education Act has not alleviated these shortcomings and has therefore not supported the ability of special needs students to exercise their right to equal treatment. The information gathered in this study shows that the Student Ombudsman complaint process is significantly under-utilized. Many respondents indicated that the Student Ombudsman can be hesitant to intervene in certain situations involving students with special needs, and that the Councils of Commissioners do not look favourably on systemic intervention to accommodate students with special needs.
As such, the Commission considers it essential that the Ministry take action to ensure that the complaint examination procedure established the Education Act is accessible and effective for all students and their parents. The Ministry should ensure that the school boards fulfill their duty to inform students and parents of the complaint examination procedure. Establishing uniform criteria for processing applications for review of decisions made by school authorities is also essential. These criteria must respect the Education Act principles for accommodation of special needs students in the education system, the interpretation the courts have made of these principles, and the Charter rights of students with special needs.
Conclusion

The Policy on Special Education will soon enter its twentieth year of application in the Québec school system. The Policy was developed in response to the 1997 amendments to the Education Act, which were made “in order to provide clearer guidelines on the services to be set up for students with special needs,” which included making individual evaluation of the needs and abilities of these students the basis for determining the educational services that they should receive.

The findings of this study make it clear that thorough compliance with this ministerial approach has not been achieved throughout the Québec school system since the Policy on Special Education was adopted in 1999. As such, the Commission finds that infringement of the rights of students with special needs has not truly been reduced in that time, and that, in some sectors, it has actually increased. Even today, significant shortcomings persist in the practices for evaluating the needs and abilities of these students, despite the fact that this evaluation is determinative for the organization of services for students with special needs. On the basis of its expertise in this matter, the Commission cautions that maintaining these practices in their current form can only contribute to reproducing the same
exclusionary mechanisms that have historically affected these students. This has serious implications for equal opportunity, which is at the heart of the mission of the Québec schools, as set out in the Education Act, and ultimately presents a major barrier to social participation for people with disabilities. Without accommodations that allow them to receive the education provided in Québec schools, many students with special needs will not be able to achieve their full potential or hope to successfully complete their studies.

Today, nearly 40% of students with disabilities still leave secondary school without a diploma or other qualifications, compared to only 8.7% of students without disabilities. This unfortunate situation severely limits these students’ opportunities for social and professional integration later in life.

As for the principles and guidelines that govern the organization of special education services, it is absolutely necessary that rigorous governance be exercised at all levels of decision making in the school system. For this to be fully achieved, ongoing and effective ministerial leadership must be the force that enables these actions to uphold students’ rights. The Commission’s analysis reveals that the Ministry has not used all necessary means to ensure that the principles and guidelines of the Charter, the Education Act, and the Policy on Special Education be given concrete expression in the Québec school system. As part of this study, the Commission assessed the commitment level of the various players in the education sector with regard to the retention and success of students with special needs. This assessment left no doubt that the duty to provide non-discriminatory educational services is an integral part of the daily concerns of all those who work with these students.

Further to its analysis, the Commission considers that the best interests of students with special needs cannot be served within the current framework of services for these students. Concrete action is needed for Québec’s schools to finally start providing educational services that make it possible for students with special needs to take their rightful place in society, a place that is no different from anyone else’s.

To work against an erosion of the rights of students with special needs, the Commission undertakes to continue to actively assume all of its Charter responsibilities. In this spirit, the Commission has addressed 22 recommendations to the Ministry, the school boards, and school administrators, on the basis of the findings of this study. The Commission undertakes to provide rigorous monitoring and follow-up of these recommendations.