

**Learning Disabilities Association of New Brunswick/
Troubles d'apprentissage-association du Nouveau-Brunswick
Position Statement on**

New Brunswick Department of Education 2010 Changes to Special Education Plans

This statement is submitted to the New Brunswick Department of Education on behalf of the Learning Disabilities Association of New Brunswick/Troubles d'apprentissage-association du Nouveau-Brunswick (LDANB - TAANB), a provincial association affiliated with the Learning Disabilities Association of Canada – Association canadienne des troubles d'apprentissage (LDAC - ACTA). LDAC is a national non-profit volunteer-based organization with the mission of representing children and adults with learning disabilities, parents and professionals and to represent issues pertaining to prevention, early identification, assessment, education, intervention, social interaction, coping skills, family support, transitions, employment, and justice to various levels of government and other agencies. LDANB wishes to outline our concerns regarding the proposed changes to Special Education Plans (SEPs), specifically the elimination of Accommodated SEPs for students with “universal accommodations” as determined by the child’s teacher.

LDANB represents many students with varying learning needs and styles who are on accommodated SEPs. Without the accommodations mandated by their SEP, they would struggle in school due to problems in areas such as comprehension, fluency, processing speed, memory or vocabulary. Their SEP ensures that they are provided with the supports needed to maximize their learning in the classroom and optimize their potential including specialized instruction and assessment that is accurate and fair for the individual.

We believe that it is the legal obligation of the Province to provide the “specific” interventions for students with learning disabilities based on ongoing formative assessments. We feel that the proposed changes to SEPs fail to comply with human rights and provincial legislation. The Human Rights Code in New Brunswick defines “*mental disability*” as including “*any learning disability*”. Accordingly, the education system is mandated by law to accommodate these students’ particular needs. Further, Section 12 of the Education Act in New Brunswick specifies that by reason of diagnoses and educational attainment, an “*exceptional pupil*” is entitled to a “*special education program*” which is “*based on the results of continuous assessment and evaluation and which includes a plan containing specific objectives and recommendations for education services that meet the needs of the pupil*”. Our understanding is that the SEPs for those students with “universal” accommodations will summarily be dismissed at the end of the 2010 and 2011 school year.

LDANB also wishes to make comment on the plan for the classroom teacher to decide which assessments are “justifiable” and which are “universal”. We recognize that classroom teachers are increasingly responsible for a much more diverse group of students with a wide range of abilities and disabilities, making accountability for all students a challenge. We believe teachers need to implement recommendations for students whose needs may be complex and multifaceted that are thoughtfully planned to

promote positive outcomes, but having the classroom teachers make decisions on which accommodations are universal and which are justifiable, we see as problematic. Instruction needs to be specifically differentiated to the child's profile of abilities and needs as documented in a psychological assessment and based on the type, severity and complexity of the learning disability and requirements of the particular class.

LDANB raises concern that totally eliminating accommodated SEPs for those with universal accommodations will mean that many of our students with learning disabilities will no longer have documentation to ensure that they have continuous evaluations to assess how individualized accommodations are meeting their needs. Accommodations can change over time and adjustments may need to be made to ensure the child's continued success. LDANB believes that the teachers must be accountable to all of their students for providing every opportunity possible for them to achieve educational goals. Many of our students will flounder without a specific education plan and well-designed accommodations that allow them to access the curriculum and demonstrate their learning.

LDANB recognizes the premise for the proposed SEP changes is the introduction of Universal Design for Learning (UDL). If UDL is implemented in all classrooms as proposed, schools will then deliver a curriculum that will accommodate more diverse learner needs and transfer the burden of change away from the students. We trust this will translate to increased opportunity for all students, including those with learning disabilities, to access and participate in general curriculum.

LDANB feels that until such time that teachers have been thoroughly trained on how to apply the principles of UDL in classroom practice and are mentored to integrate these into their practice, it is premature to make changes to SEPs. Barriers exist in many classrooms for integrating an array of technologies and in representing some of the classroom materials in multiple formats. There is a pressing need to create new materials that are more UDL-oriented for children with varying learning needs. Existing technology to help students with learning disabilities (e.g., electronically enhanced versions of text materials) is limited, difficult to use and expensive.

While LDANB endorses the incorporation of UDL tenets and practices, as we believe UDL will create a learning environment that is responsive to the needs of children with learning disabilities, we cannot endorse the changes to SEPs. We feel changes in pedagogy and curriculum must be in place and then a thorough review of SEPs and the impact of any change should be made in consultation with parents and stakeholders to ensure that that the children have the supports that they need. We strongly believe that implementation of the principles of UDL does not eliminate the need for specific accommodations for students with learning disabilities.

LDANB also represents students at the post secondary level. We are distressed that our students will lack the necessary paperwork to obtain required educational supports to ensure their success when they leave the public school system for higher learning. Lacking this documentation, their unique learning needs will not be recognized and they

will struggle unnecessarily. In addition, without the paperwork to identify their learning disability, they will not qualify for tax deductions and education grants.

In conclusion, LDANB takes the position that policy makers and stakeholders in children's lives have a shared responsibility to promote open dialogue on the issue of SEP changes. LDANB requests that the Department of Education address the concerns we have raised by:

1. immediately putting the plan to eliminate accommodated SEPs on hold until adequate consultation and discussion has taken place with parents and stakeholders. The Department of Education must ensure that any changes made will not adversely affect the students and will continue to guarantee justice, equality and equity for our students;
2. working with New Brunswick universities to ensure that pre-service teachers are given teacher preparation coursework emphasizing the application of UDL and adequate practice to ensure they are able to implement UDL principles;
3. providing practicing teachers with professional development, resources (such as digital texts and assistive technology) and support to implement UDL.

Thank you for your consideration of our position and for recognizing the reality of each student's uniqueness. We welcome an opportunity for further discussion with you on this important matter.

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