

scheduled to take their case to court. However, counsel for the school board approached the Robichauds about agreement on a settlement, and, like the Elwoods, the Robichauds were able to reach agreement only days before their case was to be heard in court. The settlement provided that Nathalie Robichaud, like Luke Elwood, receive instruction in a regular classroom in a neighbourhood school with non-disabled peers. Unfortunately, the Robichauds, like the Elwoods, were left responsible for their legal expenses while taxpayers covered the costs incurred by the school board and their administrators.

The Robichauds were forced to turn to the courts because New Brunswick's francophone school boards and the francophone division of the department of education have been perceived as taking a more traditional approach to integration. The *Enoncé de principe sur l'intégration scolaire*, developed by department officials and issued to school boards, provides for a "continuum of service" based on the Cascade model mentioned above. It is most often interpreted to mean that a student may be integrated only when it is clear the student can "benefit" from the class. In other words, the burden of proof rests with the student who must show "readiness" for integration (Department of Education, 1988b).

Both the Robichauds and the Elwoods began their legal appeals after the equality rights provisions of the Canadian *Charter of Rights and Freedoms* came into effect in 1985. The *Charter* provided them with a legal basis for their demands that had not existed previously (*Bales v. Board of School Trustees*, 1984). Since both cases were settled out of court, their resolutions do not have the weight of court decisions. However, the fact that two different school boards in two provinces capitulated completely to parent demand at the eleventh hour seems to indicate their expectation that, faced with the *Charter*, they would lose in the courtroom. Additional litigation by parents in the coming decade will be necessary to establish clear jurisprudence in this contentious area.