

**AN IMPRESSION OF INCLUSION:  
PROBLEMATIZING THE BRITISH COLUMBIA  
MINISTRY OF EDUCATION'S INCLUSION POLICIES (2000-2017)**

by

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## INTRODUCTION

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**SPECIAL NEEDS STUDENTS ORDER Authority:** *School Act*, sections 75 and 168 (2) (t)

Ministerial Order 150/89 (M150/89) ..... Effective September 1, 1989

A board must provide a student with special needs with an educational program in a classroom where that student is integrated with other students who do not have special needs, unless the educational needs of the student with special needs or other students indicate that the educational program for the student with special needs should be provided otherwise.

Figure 1. Special Needs Students Order  
British Columbia Ministry of Education, “Special Needs Students Order”  
(Victoria, BC: British Columbia Ministry of Education, 1989).

The British Columbia Ministerial Order 150 (1989) appears to have furthered the movement towards inclusive educational programming. At first glance, we might have the impression of a clear pathway toward an improved inclusion policy. The silken language of this policy statement, like others of its kind, has masked the problematic social construction of disability systemic to the structures and sensibilities of those statements’ cultural settings. The impulse to sort students with diagnoses and designations (i.e., the Special Education Services categories recognized by the British Columbia Ministry of Education) into self-contained, specialized or streamed programs has been established since the turn of the previous century in this province.

## The Evolution of Inclusive Education in BC

Source:

Inclusion BC, *Implementing Inclusion in BC's Public Schools: Report on the Inclusive Education Summit* (Richmond, BC: Inclusive Education Summit, 2017), 3.

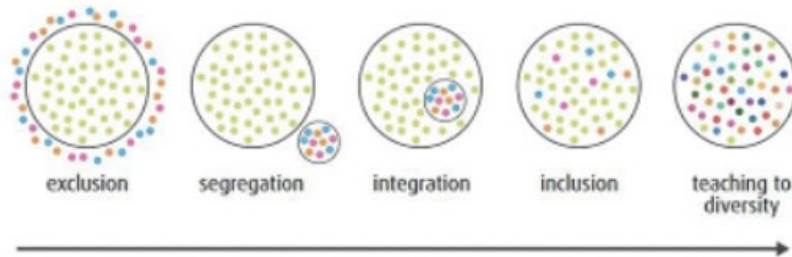


Figure 2. The Evolution of Inclusive Education in BC.

Inclusion BC, *Implementing Inclusion in BC's Public Schools: Report on the Inclusive Education Summit* (Richmond, BC: Inclusive Education Summit, 2017), 3.

Figure reproduced with permission from Dr. Shelley Moore.

The subsequent years through the middle of the twentieth century commonly involved the residential institutionalization of some individuals with disabilities; a consequence of which was their exclusion from classrooms as well as from the wider community. The logic of segregation that characterized the 1950s-1960s also applied to the educational programming for other individuals with disabilities, namely students with Special Needs, as evidenced by the self-contained schools across the province which were specifically designed for these pupils. Then, as a product of the tireless advocacy of parent collectives within British Columbia, a pedagogical shift toward integration took place in the 1970s-1980s and students with special needs attended specialized or streamed educational programs physically located within the same schools as their peers, but did not participate in the same classrooms as them. The language of inclusion became increasingly popularized in provincial policy texts throughout the 1990s as a result of both local and international endorsements, such as the Sullivan Royal Commission on Education in British Columbia (1987-88) and the Salamanca Statement & Framework for Action on Special Needs Education (1994) respectively. Nonetheless, the policy to practice effects of these inclusion

students for students, staff and other important stakeholders have been constructed, challenged and contested in the 2000s.

In this paper, I intend to explore the ways in which the intersection of equity and educational opportunity has been policed, politicized and problematized in British Columbia (2000-2017). The study in this paper is focused on one core research question related to the aforementioned timeframe:

- What are the characteristics and limitations of inclusive education policy, as provided by the British Columbia Ministry of Education (2000-2017)?

My conceptual framework filters my discussion through an approach to inclusion in the contexts of institutional presumptions and prejudices about the competencies and capabilities of individuals with disabilities. I will utilize discourse and document analysis to evaluate the following sources for emergent discrepancies among policy texts and their implementation: *The Salamanca Statement and Framework for Action on Special Needs Education* (UNESCO, 1994); *A Review of Special Education in British Columbia* (Siegel and Ladyman, 2000); *Special Education Services: A Manual of Policies, Procedures and Guidelines* (British Columbia Ministry of Education, 1995 and 2016); *Everyone Belongs in Our Schools: A Parent's Handbook on Inclusive Education* (Inclusion B.C., 2014); *Hewko v. British Columbia* (Koenigsberg, 2006); and, *Moore v. British Columbia* (McLachlin et al., 2012).

The insights revealed through this examination are significant because they showcase particular evidence that an illusionary impression was put forth about inclusive education policy in British Columbia throughout the early 2000s. This impression misrepresents the philosophical objectives and practical outcomes of provincial inclusive education policy, masking the reality that the individualized needs of students with disabilities are not adequately addressed.

Overwhelmingly, the literature relevant to my paper has been dominated by reviews, reports, and professional recommendations such as these ones: “A Canadian Perspective on Learning Disabilities” (Wiener and Siegel, 1992); *A Review of Special Education in British Columbia* (Siegel and Ladyman, 2000); “Principles, Policies and Practices in Special Education in British Columbia” (Perry, McNamara and Mercer, 2001); “Educational Provisions for Children with Exceptional Needs in British Columbia” (Pudlas, 2001); “British Columbia” (Lupart and Pierce, 2003); *Inclusion in British Columbia’s Public Schools: Always a Journey, Never a Destination* (Naylor, 2005); *Principles, Policy and Practice: Supporting Children with Special Needs in British Columbia* (Pivik, 2008); *Disability and Inclusion in Canadian Education: Policy, Procedure, and Practice* (Towle, 2015); and, “B.C.’s Inclusive Education Funding Gap” (Rozworski, 2018).

The scope of this inquiry stems from my professional interest and impressions as a specialist teacher deeply involved with inclusive educational programming in the British Columbia public school system. In this role, I have been responsible for case-managing secondary students with diagnoses and designations, consulting about how best to develop and deliver Individual Education Plans (IEPs), and collaborating with staff to ensure that adequate and appropriate supports are in place. This experience has allowed me to wrestle with the very real struggle of the application of inclusive education policies into practice for individual students as well as pedagogical strategies for my colleagues.

All in all, the study in this paper will be sequenced this way: In Chapter One, I plan to establish that the concepts ‘diagnosis,’ ‘designation,’ and ‘differentiation,’ each of which are instrumental to recent understandings of inclusive education policy and have historical underpinnings in the eugenics and neo-progressive movements. Little has changed substantively

in how “inclusion” has been formulated. In Chapter Two, I propose a close and critical reading of these central documents in order to evaluate inclusive education policy discourse in British Columbia: *The Salamanca Statement and Framework for Action on Special Needs Education* (UNESCO, 1994), *A Review of Special Education in British Columbia* (Siegel and Ladyman, 2000), *Special Education Services: A Manual of Policies, Procedures and Guidelines* (British Columbia Ministry of Education, 1995 and 2016), and, *Everyone Belongs in Our Schools: A Parent’s Handbook on Inclusive Education* (Inclusion B.C., 2014). By doing this, I seek to draw attention to the necessity of a universally accepted understanding of “inclusion” in order to implement effective policy. In Chapter Three, I demonstrate through an examination of two relevant court decisions, *Hewko v. British Columbia* (2006) and *Moore v. British Columbia* (2012), that ambiguous legal phrasing has prevented the implementation of inclusive education policy in British Columbia. The lack of legal obligation has led to too few trained specialized staff and allowed for deficient funding. Finally, in the concluding section of this paper, I pitch a series of considerations for a re-imagining of special education programming in the provincial public school system that resists the inequities and injustices concealed by an impression of inclusion.



## **CHAPTER ONE: THE CONCEPTUALIZATION OF INCLUSIVE EDUCATION POLICY**

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Regardless of any apparent changes made to, or increased public awareness about, special educational programming, the processes and procedures of schooling for students with disabilities and designations has changed very little.<sup>1</sup> In what follows, I explain that the original precepts upon which policy has been drafted have not radically changed, especially in terms of the processes and procedures that have been meant to contribute to the education of all students. Policy-makers have failed to deal with the principal issue of how inclusion was conceived in the twentieth century; in other words, current constructs about inclusion have a theoretical continuity with their earlier conceptions. The concepts ‘diagnosis,’ ‘designation,’ and ‘differentiation,’ which are instrumental to recent understandings about the objectives of inclusive education policy, have historical underpinnings in the eugenics and neo-progressive movements. Through this chapter, I will claim that formerly ill-conceived conceptualizations of and incompatible conditions for inclusive education have persisted as the foundational ideas upon which contemporary provincial policies have been constructed.

The purpose of policy is to, in theory, enact powerful improvements within society. The National Study of Canadian Children with Emotional and Learning Disorders (1966-1969) was, in fact, the first study of its kind to present a comprehensive picture of the care of children

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<sup>1</sup> It is noteworthy to add this observation offered by Slee (2014): “Lately, inclusive education has undergone a publishing and policy boom” (147). Roger Slee, “Education and the Politics of Recognition: An Australian Snapshot,” in *Contextualizing Inclusive Education*, ed. David Mitchell (Oxfordshire, UK: Routledge, 2005), 147. This holds political import. An analysis of inclusive education policy might highlight how, as Murray Edelman, “The Construction and Uses of Social Problems,” *University of Miami Law Review* 42, no. 1 (1987): 21, states, certain public problems become constituted as “fashionable”. See also: Karen P. DePauw and Gudrun Doll-Tepfer, “Toward Progressive Inclusion and Acceptance: Myth or Reality? The Inclusion Debate and Bandwagon Discourse,” 17, no. 2 (2000): 135-143.

including school systems and social services across the country.<sup>2</sup> A project of its size and significance has yet to be replicated; nevertheless, the presuppositions and paradigms contained within have relevance today. The ensuing report, called *One Million Children: A National Study of Canadian Children with Emotional and Learning Disorders* (1970), was authored by The Commission on Emotional and Learning Disabilities in Children (CELDIC), a collective body. It concluded that integration “created the myth of a promised land in which unacceptable children [would be] cared for by a devoted band of allegedly irreplaceable experts. It has thus tended to reinforce the notion that ‘different’ children do not belong in society, and that society is not able to deal with them.”<sup>3</sup> Slee and Allan echo this impression of reform: “[t]here is also a tendency to mythologize the present as progressing towards some idealised inclusive state, with statements like ‘not yet there’ [which] seems to create its own inertia, or at least removes the imperative for ‘thinking otherwise’”.<sup>4</sup>

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<sup>2</sup> The National Study of Canadian Children with Emotional and Learning Disorders (1966-1969) was spurred by the issues identified in September 1964 when several organizations, including the Canadian Association for the Mentally Retarded, the Canadian Mental Health Association, and the Canadian Rehabilitation Council for the Disabled assembled. Throughout the four years of its mandate, a committee of more than one-hundred multidisciplinary professionals convened to study the serious problems, and any possible solutions, associated with the inappropriate and inadequate support of children with diverse, demanding, and desperate needs. At this time, an estimated 1 million children in Canada, or twelve percent of the younger population, were diagnosed with an emotional or learning disorder (IV). Interestingly, few literature reviews have been published in response to *One Million Children* (1970). To that end, Dr. S.R. Laycock in the *Canadian Counsellor* (1970) provided a positive while pragmatic reflection of the plan, stating that it “contains a mine of information together with clear-cut recommendations for action. The path to its implementation will be a thorny one.” Dr. S.R. Laycock, “One Million Children: Review,” *Canadian Counsellor* 4, no. 4 (1970). This comment holds true fifty years later.

<sup>3</sup> The Commission on Emotional and Learning Disorders in Children, *One Million Children: A National Study of Canadian Children with Emotional and Learning Disorders* (Toronto, ON: L. Crainford, 1970), 92.

<sup>4</sup> Roger Slee and Julie Allan, “Excluding the Included: A Reconsideration of Inclusive Education,” *International Studies in Sociology of Education*, 11 no. 2 (2011): 180.

The core precepts of inclusive education policy in the early 2000s appear to be predicated on some of the principles of eugenics that influenced past educational campaigns to establish the parameters for compulsory school attendance. Throughout the early 1900s, special classes for “ineducable” students were instituted by public school systems as a means to address perceived problems of “mental defectiveness.”<sup>5</sup> These potentially challenging pupils were sorted out by way of clinical diagnoses that then streamed them into different placements for learning, if not excluding them altogether. As Ellis contends, the “reverberation of all of these categories [...] may still be felt in public schooling more than a century later.”<sup>6</sup> The following two components of contemporary iterations of inclusive education are directly and deeply informed by eugenics: initiatives to classify students with diagnoses; and ideas about their care through differential treatment.<sup>7</sup>

Although the categories may have since been sanitized, the increasingly popular practice of classifying students with exceptionalities has not changed substantively of late.<sup>8</sup> As a point of fact, this throughline has been pinpointed by Baker:

[there was] a shift from the moralization of disability to the medicalization of disability during the 20<sup>th</sup> century. ‘Learning disability’, for example, is a newer, medicalizing term that

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<sup>5</sup> Jason Ellis, *A Class by Themselves: The Origins of Special Education in Toronto and Beyond* (Toronto, ON: University of Toronto Press, 2019), 19-20.

<sup>6</sup> Ellis, *A Class by Themselves: The Origins of Special Education in Toronto and Beyond*, 51.

<sup>7</sup> Bernadette Baker, “The Hunt for Disability: The New Eugenics and the Normalization of School Children,” *Teachers College Record* 104 no. 4 (2002): 671.

<sup>8</sup> In “The Hunt for Disability: The New Eugenics and the Normalization of School Children” (2002) Baker comments the following: “Across the last few decades of the 20<sup>th</sup> century and into the 21<sup>st</sup>, there has been a proliferation of categories of educational disability used to mark students as outside norms of child development”. Baker, “The Hunt for Disability: The New Eugenics and the Normalization of School Children,” 676. In the early 1900s, these were “backward children”, “morons”, “idiots” and “imbeciles”. Ellis, “Early Educational Exclusion: ‘Idiotic’ and ‘Imbecile’ Children, Their Families, and the Toronto Public School System, 1914-50,” *Canadian Historical Review*, 98 no. 3 (2017): 489.

In the early 2000s, these included Category A, B, C, D, E, F, G, H, K, P, Q, and R. British Columbia Ministry of Education, “Special Education Services Category Checklists,” 2010.

has in effect acted to replace and modify the late-19<sup>th</sup> century term ‘feeble-mindedness’ [...] The terminology of learning disability shifts the frame of reference for ‘detecting deficit’ from the theological and moral considerations, however, to secular notions of skill retention, perception, or literacy.<sup>9</sup>

This thread of continuity about the purpose at the root of the practice of classifying pupils with special needs must be challenged because of the ways in which it might harm, rather than help, those affected. Slee proposes, “[I]n whose interest does diagnosis [or] categorization” serve?<sup>10</sup> On the one hand, labels entitle diagnosed students to specific learning accommodations and adaptations and, for many, empower them to advocate for their support. On the other hand, these categories continue to demarcate differences in damaging ways, such that, as Baker puts it, “disability [has become] reinscribed as [...] eugenic discourse in a new language that maintains an ‘ableist normativity’.”<sup>11</sup>

It is clear that recent envisioning for inclusive education further disserves students with disabilities by perpetuating initiatives to classify students with diagnoses as well as ideas about their care through differential treatment. Similarly, Ellis claims, “[r]elative to other educational reforms since the first half of the twentieth century, not least of all inclusive education policies themselves, it would seem that actual views on intellectual disabled children at school have changed relatively little over time.”<sup>12</sup> The legacy of labelling, a practice partly introduced by

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<sup>9</sup> Baker, “The Hunt for Disability: The New Eugenics and the Normalization of School Children,” 678.

<sup>10</sup> Roger Slee, “Education and the Politics of Recognition: An Australian Snapshot,” in *Contextualizing Inclusive Education*, ed. Roger Slee (New York, NY: Routledge, 2005), 146.

<sup>11</sup> Baker, “The Hunt for Disability: The New Eugenics and the Normalization of School Children,” 665. In her article, Baker cites one of her colleagues who similarly argued for “understanding 20<sup>th</sup> century discourse on disability as that which has shifted from the old eugenics to the new” (675).

<sup>12</sup> Ellis, “Early Educational Exclusion: ‘Idiotic’ and ‘Imbecilic’ Children, Their Families, and the Toronto Public School System, 1914-50,” 504.

eugenicists, continues to be linked with an orientation towards differential treatment of students with exceptionalities.

In all cases, ideas about normativity are not denaturalized nor disrupted; instead, they are accepted as the dominant paradigm. Normative expectations related to education are embedded with negative perceptions that extend from notions of normal and the Gaussian distribution curve. This statistical tool, which continues to be used to shape and show differences and standard deviations among certain school aged populations, is used to formulate disability in relation to a statistical construction of average. Although the normative distribution curve portrays a continuum for student potential and performance, in practice, educators develop and design learning activities and assessments suitable for those pegged as “average” and, occasionally, adapt those tasks to accommodate their atypical pupils. However, this practice acts against the politics of recognition of disability which, as articulated by Scully, “involves more than just making ‘reasonable accommodations’ of bodies that look or work differently.”<sup>13</sup> Lieberman problematizes another aspect of framing inclusive education policy around inclusion into regular classrooms and regular curricula: “It puts a priority on compensation for disabilities, almost to the exclusion of remediation. This is true even for special educators. Their most important role has become helping regular educators circumvent the disability of the student. It is all about supplementary aids and supports, not helping the student overcome his disability.”<sup>14</sup>

Conceptual conversations about inclusion focus on the aim that students with exceptionalities succeed, through being “brought into” mainstream classrooms that focus on the

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<sup>13</sup> Jackie Leach Scully, “Disability and the Pitfalls of Recognition,” in *Contesting Recognition: Identity Studies in the Social Sciences*, ed. J. McLaughlin, P. Phillimore, D. Richardson (London, UK: Palgrave Macmillan, 2011), 45.

<sup>14</sup> Laurence Lieberman, “The Death of Special Education,” *Education Week* (2001).

provincial curriculum. Similarly, Graham and Slee note, “[i]t would be reasonable to argue that there is an implicit centred-ness to the term *inclusion*, for it discursively privileges notions of the pre-existing by seeking to include the Other into a prefabricated, naturalised space.”<sup>15</sup> This point has significance for inclusive education policies, which were initially advocated for by parents as a protest against the problematic patterns of segregating and streaming students with exceptionalities into specialized programs. Increasingly, as put by Graham and Slee, “institutional attempts to ‘include’ through processes that identify the other result in an illusory interiority due to the adoption of discourses and practices that are both normative and confer exteriority.”<sup>16</sup>

Though perhaps no longer barred from classrooms, dependent on their label, designated pupils have endured and experienced barriers to their education because of poorly imagined and problematically implemented approaches to what became, and continues to be called, differentiated learning. The methodological practice of differentiated instruction means that teachers attend to and accommodate student learning profile differences by adjusting curricular content, process and products through individualized instructional strategies.<sup>17</sup> This core precepts of inclusive education policy in the early 2000s is rooted in historical language. The emphasis on a “child-centred” pedagogy resurged throughout the neo-progressive era (mid-1960s-1980) of educational reform in Canada.<sup>18</sup> Differentiated learning is an extension of the ideas about the

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<sup>15</sup> Linda J. Graham and Roger Slee, “An Illusory Interiority: Interrogating the Discourse/s of Inclusion,” *Educational Philosophy and Theory* 40 no. 2 (2008): 278.

<sup>16</sup> Graham and Slee, “An Illusory Interiority: Interrogating the Discourse/s of Inclusion,” 289.

<sup>17</sup> Carol A. Tomlinson, *The Differentiated Classroom: Responding to the Needs of All Learners* (Alexandria, VA: ASCD, 2014).

<sup>18</sup> Amy von Heyking, *Creating Citizens: History & Identity in Alberta's Schools, 1905 to 1980* (Calgary, AB: University of Calgary Press: 2006), 125.

Like the progressivist professionals that preceded them, the authors of *One Million Children* (1970) prompted the public to consider “*who* is concerned with the total child”? The

care of students with exceptionalities through differential treatment that came from eugenicists. The core precepts that structure the public school system are incompatible with the proposed solutions of inclusive education policy for the placement, programming and participation of students with exceptionalities.<sup>19</sup>

Inclusive education has failed to address the very problem that has created the need for it in the first place: a non-adapted public school system that marginalizes pupils with special needs. For example, in *One Million Children: A National Study of Canadian Children with Emotional and Learning Disorders*, The Commission on Emotional and Learning Disabilities in Children cautioned: “A closer examination will show that the special class, like the special school, depends in large part upon the inability of the existing system to deal with individual variations in [...] learning and behaviour.”<sup>20</sup> This poignant criticism about the deeply embedded inequalities and inadequacies of the public school system was not addressed by policy-makers after the report was published and the concerns expressed in that report have continued to be

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Commission on Emotional and Learning Disorders in Children, *One Million Children: A National Study of Canadian Children with Emotional and Learning Disorders*, 1. The progressivist phrasing of this quotation has continuity with previous recommendations, such as this one from *So Little for the Mind* (1953) by Hilda Neatby: “‘The whole child goes to school’ and when he arrives he is accepted as an individual of the first importance.” Hilda Neatby, *So Little for the Mind* (Toronto, ON: Clarke, Irwin & Co., 1953), 8. It also has continuity with more present advice. In *One Without the Other: Stories of Unity Through Diversity and Inclusion* (2017) Shelley Moore offers the following as counsel for educators: “If I leave you with one thing it is this: When you see students in your class, do not think of them as a category. Look at them as people who may need support [...] Think about the power in creating the supports and access for *all* students to be successful.” Shelley Moore, *One Without the Other: Stories of Unity Through Diversity and Inclusion* (Winnipeg, MB: Portage & Main Press, 2006), 73. The call to see all students holistically as children, not as cases, fully deserving of individualized care is not a novel one; it has existed for at least as long as the inception of compulsory education.

<sup>19</sup> The core precepts that I refer to are initiatives to classify students with diagnoses and ideas about their care through differential treatment.

<sup>20</sup> The Commission on Emotional and Learning Disorders in Children, *One Million Children*, 94.

relevant and unaddressed. For instance, Skrtic commented on the form of so-called inclusive education:

historically, the separate special education system emerged precisely because of the non-adaptability of regular classrooms and that, since nothing has happened to make contemporary classrooms any more adaptable [new initiatives] most likely will lead to rediscovering the need for a separate system in the future.<sup>21</sup>

Likewise, Slee asserted that “inclusion as a technical fix, through elaborate policy ensembles [has been intended] to assimilate disabled children into the unchanging field of regular schooling.”<sup>22</sup> Dei challenges the function of special education programming:

What does it say about the school system when there is a need for schools that speak to particular experiences? [...] How do the present confines of schooling and education require that separate, safe and supportive spaces are created for those who are socially marked as ‘different’ than some mythical norm in conventional schooling and education? [...] While there is a necessity for schools where students can feel a sense of belonging, how do these schools come to reproduce the demarcations of difference that are always already hierarchized in dominant society.<sup>23</sup>

Slee moreover argues:

activists have not secured a reconstruction of the social relations of disablement, despite the renaming of policy [or] programmes [...] The improvement of special schools and special educators is not inclusive education. Issues of professional power and parental choice are not adequately responded to. The relocation of special education to operate in neighbourhood schools does not challenge disablement.<sup>24</sup>

We are left with the impression of Thoreau’s improved means towards an unimproved end. The problem remains inherent in the social construct and supporting conditions of disability.

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<sup>21</sup> Thomas Skrtic, “The Special Education Paradox: Equity as the Way to Excellence,” *Harvard Educational Review* 61 no. 2 (1991): 160.

<sup>16</sup> Slee, “Education and the Politics of Recognition: An Australian Snapshot,” 141.

<sup>23</sup> George Jerry Sefa Dei, “A Prism of Educational Research and Policy: Anti-Racism and Multiplex Oppressions” in *Politics of Anti-Racism Education: In Search of Strategies for Transformative Learning*, ed. G.J.S. Dei and M. McDermott (New York, NY: Springer, 2014), 25.

<sup>24</sup> Slee, “Education and the Politics of Recognition: An Australian Snapshot,” 157.



Throughout this chapter, I have contended that formerly ill-conceived conceptualizations of and incompatible conditions for inclusive education have persisted as the foundational ideas upon which contemporary provincial policies have been constructed. An unexamined policy is not worth implementing. Consistently then, decision-making about inclusive education has not resulted in the disruption of, dissent from, nor disequilibrium of the historically dominant conceptualizations of inclusion and disability. Indeed, Bourassa surmises that “schooling has a troubled history of exclusion that is not remedied by forms of inclusion but is actually normalized, rationalized, and exacerbated by such strategies.”<sup>25</sup> The familiar sorts of stigmatizing and marginalizing assumptions are indicative of the set of social processes referred to as “normalization” by Young. These processes “elevate the experience and capacities of some social segments into standards used to judge everyone.”<sup>26</sup> Correspondingly, Bourassa writes, “[n]ot only do practices of inclusion make visible and underscore the marginality of those who are to be included [...] they also mar and normalize the practices, social relations, and policy formations that invest in privileged ontologies and epistemologies at the expense of others”.<sup>27</sup> In order to emphasize the power relations realized by streamed or specialized classes, Kelly reinforced that special education programming is “a particular dilemma of difference. By focusing on the differences [...] the program implicitly or explicitly calls attention to the otherwise unmarked standard (e.g., White, Eurocentric, English-speaking) of mainstream

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<sup>25</sup> Gregory Bourassa, “Neoliberal Multiculturalism and Productive Inclusion: Beyond the Politics of Fulfillment in Education,” *Journal of Education Policy* 36 no. 2 (2021): 272.

<sup>26</sup> Marion Young, “Taking the Basic Structure Seriously,” *Perspectives on Politics*, 4 no. 1 (2006): 95.

<sup>27</sup> Bourassa (2021), “Neoliberal Multiculturalism and Productive Inclusion: Beyond the Politics of Fulfillment in Education,” 254.

schooling against which everyone else is compared.”<sup>28</sup> Inclusive education policy is fundamentally built upon previously held and uncontested views about normalcy. Concepts such as ‘diagnosis,’ ‘designation,’ and ‘differentiation,’ which are instrumental to recent understandings of special education, have continued to be understood within the narratives of eugenics and neo-progressive movements. In a sense these views are mythic – they provide an explanation but also restrict the possibility of a different story being told.

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<sup>28</sup> Deirdre Kelly, “Alternative Learning Contexts and the Goals of Democracy in Education,” *National Society for the Study of Education*, 113 no. 2 (2014): 397.

## CHAPTER TWO: A CRITICAL POLICY ANALYSIS OF “INCLUSION”

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There are surely as many ideas about inclusive education policy as there are individuals involved in its design. These individuals, including policy-makers, educational practitioners, parents and pupils themselves, have had opposing ideas about the objectives that underscore inclusive education policy in British Columbia. Graham and Slee maintain that “the movement [towards equity and educational opportunity] is troubled by the multiplicity of meanings that lurk within the discourses that surround and carry” the term “inclusion.”<sup>29</sup> A few of these can be teased out through a critical policy analysis of several central documents. This methodological approach will serve to question the ways in which discourses in policy texts conceptualize inclusive education. For Naylor, “[m]essages on issues of inclusion from the provincial government to school districts are usually implicit rather than explicit” and are, in my view, thus especially suitable for critical analysis.<sup>30</sup> The discussion in this section derives from a close and critical reading of *The Salamanca Statement and Framework for Action on Special Needs Education* (UNESCO, 1994), *A Review of Special Education in British Columbia* (Siegel and Ladyman, 2000), *Special Education Services: A Manual of Policies, Procedures and Guidelines* (British Columbia Ministry of Education, 1995 and 2016), and, *Everyone Belongs in Our Schools: A Parent’s Handbook on Inclusive Education* (Inclusion B.C., 2014). Each of these sources directly contains or comments on the language that provides direction for inclusive education policy in the province. As if in concert, the UNESCO (1994) and British Columbia Ministry of Education (1995 and 2016) policy statements outline international and local

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<sup>29</sup> Graham and Slee, “An Illusory Interiority: Interrogating the Discourse/s of Inclusion,” 279.

<sup>30</sup> Naylor, “*Inclusion in British Columbia’s Public Schools: Always a Journey, Never a Destination?*” (Vancouver, BC: British Columbia Teachers’ Federation, 2005), 25.

parameters for special education, to which school districts must be accountable. An appraisal of the ways in which these have been interpreted is offered through the perspectives from *A Review of Special Education in British Columbia* (2000) and *Everyone Belongs in Our Schools: A Parent's Handbook on Inclusive Education* (2014). Siegel and Ladyman (2000), co-chairs of the British Columbia Special Education Review Team, are affiliated with the Ministry of Education, while Inclusion BC (2014) is a non-profit organization that advocates for equitable opportunities for individuals with developmental disabilities throughout the province. I will bring to the fore two decisive requisites for inclusive education policy to succeed in British Columbia: identifying clear language for relevant policy objectives, and interpreting consistent language for a responsible practice.<sup>31</sup>

All in all, the requisite of identifying clear language for the success of relevant inclusive education policy objectives matters tremendously because without a universally accepted operational definition of what is meant by inclusion, the practice of inclusion cannot be truly implemented.<sup>32</sup> Equally, Qvortrup and Qvortrup maintain, “[a] precondition for succeeding in the inclusive endeavours is that the concept of inclusion [is] clear. That a precise and commonly accepted definition of inclusion is missing is also recognised.”<sup>33</sup> This criticism has a continuity

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<sup>31</sup> I employ the term “practice” as defined as the process by which educational theory is embodied and exercised through practice in different educational environments.

<sup>32</sup> In British Columbia, unlike other provinces in Canada, Whitley and Hollweck, through “Inclusion and Equity in Education: Current Policy Reform in Nova Scotia, Canada,” argue that its inclusive education policy “refers primarily to students with special needs.” Jess Whitley and Trista Hollweck, “Inclusion and Equity in Education: Current Policy Reform in Nova Scotia, Canada,” *Prospects (Paris)* 49 no. 3-4 (2020): 298.

<sup>33</sup> Ane Qvortrup and Lars Qvortrup, “Inclusion: Dimensions of Inclusion in Education,” *International Journal of Inclusive Education*, 22 no. 7 (2018): 806. For those interested, a complete reading of this article will provide considerations for a comprehensive definition of inclusion, which they argue, involves three dimensions: different levels of inclusion, different types of social communities of which to be included, and different degrees of inclusion.

with the past. Of the one hundred and forty-four recommendations proposed in *One Million Children* many were not realized. They were not realized, in part, because of problems with identifying clear language throughout the revised or reformed education policies of the time.

Ambiguities were first recognized in that very report:

The general principle that every child has the right to be educated has clearly been adopted by all provinces, and has been written into provincial statutes going back over many years. What is less clear is whether this right exists regardless of physical or mental disability in the child, and whether education is to be defined only in terms of a single one-track school that, in theory, at least, admits all children. It is not clear whether the definition can somehow be stretched to cover individual differences, and to include the provision of contemporary, remedial, and special educational services for children who have special needs.<sup>34</sup>

In the absence of clear definitions, problematic assumptions are regularly made. This perspective, which can be applied to the scope of this paper, is shared by Graham and Slee:

“[f]amiliarity with the terminology of inclusive education has grown considerably, however, there are various, competing discourses through which meaning and understandings differ. On the surface these differences are concealed by the continued use of these generalised terms within schooling vernacular.”<sup>35</sup>

British Columbia was slow to shift away from historically enabling and evasive policies about student support services. The wording within provincial policy texts did not require strict enforcement from school boards and was largely subjective – as evidenced by the frequency of the word “may” in contrast to “must” in its instructions.<sup>36</sup> Eventually, the Sullivan Royal Commission on Education in British Columbia (1987-88) proposed that the “rights of special needs learners and their parents be clarified.”<sup>37</sup> Consequently, legislation was revised to include

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<sup>34</sup> The Commission on Emotional and Learning Disorders in Children, *One Million Children*, 70.

<sup>35</sup> Graham and Slee, “An Illusory Interiority: Interrogating the Discourse/s of Inclusion,” 277.

<sup>36</sup> Judith Wiener and Linda Siegel, “A Canadian Perspective on Learning Disabilities,” *Journal of Learning Disabilities* 25 no. 6 (1992): 343.

<sup>37</sup> Wiener and Siegel, “A Canadian Perspective on Learning Disabilities,” 343.

Ministerial Order 150 (the Special Needs Students Order) in the *School Act* (1989). In part, Ministerial Order 150 mandated strict integration, that school boards “must provide a student with special needs with an educational program in a classroom where that student is integrated with other students who do not have special needs.”<sup>38</sup> As a result, the accepted definition for an accessible education for all students changed to become, at least, in impression, more inclusive.

Though this moment marked a hopeful stage in the history of special educational policies in British Columbia, the subsequent paradigm shift has not been very substantive. Through *Everyone Belongs in Our Schools: A Parent’s Handbook on Inclusive Education*, Inclusion BC holds, “[t]he language we use reflects [positive] changes but sometimes old terms linger and influence how we think about inclusive education.”<sup>39</sup> Likewise, Towle highlights the significant point that the “majority of special education policies in place across the country are more than 10 years old. While some provinces are beginning the process of conducting reviews or reports assessing their special education approaches, the fact remains that many of these policies are out of step with current practices around inclusive education.”<sup>40</sup>

Recent decisions about the physical placement of students with exceptionalities reflect the consequences of conflicting interpretations about the directives outlined in provincial inclusive education policy texts. A critical policy analysis of the sources I have selected flag three variations of verbs that contribute to declarative statements targeted at school districts. Each of these have been described by Inclusion BC: “the ‘musts’ which require compliance; the

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<sup>38</sup> British Columbia Ministry of Education, “Special Needs Students Order”, 1989.

<sup>39</sup> Inclusion BC, “Chapter One: Case for Inclusive Education,” *Everyone Belongs in Our Schools: A Parent’s Handbook on Inclusive Education*, 5. This source provides an example with the old term “integration,” which has influenced opportunities for inclusion but is not sufficient on its own.

<sup>40</sup> Helena Towle, *Disability and Inclusion in Canadian Education: Policy, Procedure, and Practice* (Vancouver, BC: Canadian Centre for Policy Alternatives, 2015), 31.

‘shoulds’ which encourage or provide incentives; [and] the ‘mays’ which are enabling.”<sup>41</sup> As a telling example, notice the differences in the 1995 iteration (fig. 3) and 2016 iteration (fig. 4) of the *Special Education Services: A Manual of Policies, Procedures and Guidelines* by the British Columbia Ministry of Education:

“Students with special needs should only be placed in settings other than a neighbourhood school classroom with age and grade peers when the school board has made all reasonable efforts to integrate the student.”<sup>42</sup>

Figure 3. Text from the *Special Education Services: A Manual of Policies, Procedures and Guidelines* Document 1995

“Students with special needs ~~should only~~ may be placed in settings other than a neighbourhood school classroom with age and grade peers ~~when the school board has made all reasonable efforts to integrate the student.~~”<sup>43</sup>

Figure 4. Differences in the *Special Education Services: A Manual of Policies, Procedures and Guidelines* Documents 1995 & 2016

In contrast to the 1995 version, the 2016 statement makes it more likely that students will be placed in streamed or segregated settings. The condition of “all reasonable efforts” has been removed, and “should only” has been reduced to “may”. Inclusion in the neighbourhood school classroom becomes less likely to be rigorously pursued. The ways in which “inclusion” as a philosophy and pedagogy have since been interpreted is the subject of the next section of this paper.

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<sup>41</sup> Inclusion BC, “Chapter Six: Policy and Legal Documents,” *Everyone Belongs in Our Schools: A Parent’s Handbook on Inclusive Education*, 17.

<sup>42</sup> Linda Siegel and Steward Ladyman, *A Review of Special Education in British Columbia* (Victoria, BC: British Columbia Ministry of Education, 2000), 12-13.

<sup>43</sup> British Columbia Ministry of Education, *Special Education Services: A Manual of Policies, Procedures and Guidelines* (2016): 2-3; Linda Siegel and Steward Ladyman, *A Review of Special Education in British Columbia* (Victoria, BC: British Columbia Ministry of Education, 2000), 12-13.

The call for inclusive education policy is also problematized by issues that revolve around the interpretation of clear and consistent language as it pertains to a responsible practice. To this end, Madigan suggests that “inclusion as an ideology is not contested. The problems occur at the level of interpretation and practice.”<sup>44</sup> Analogously, The Commission on Emotional and Learning Disorders in Children isolated such irregularities and indiscretions half a century ago:

In all Canadian provinces the recent trend has been to bring special services, including schools for the retarded, under provincial legislation, though not always under the Public Schools Acts, and to make provisions for an increasing number of exceptional children within the public school system itself. Yet the guiding principle remains unclear, and at present we are left with many anomalies; provisions existing in some school districts but not in others; or available for certain categories of handicapped children, but not for others.<sup>45</sup>

The ill-defined discourse about disability rights is a decades-long dilemma. Ellis holds that the “historical exclusion of idiotic and imbecilic children exposes practical limitations [by] officials [...] even at a time when they espoused an ideal of compulsory attendance.”<sup>46</sup> These very real concerns about the ambiguity, practical anomalies and other limitations associated with inclusion endure.

The evolution towards increasingly more equity throughout the provincial public school system is illustrated by a succinct summary of the development of inclusive education policy in British Columbia. Though the *School Act* was revised in 1996, the terminology associated with special educational programming had not readily been “demystified” for policymakers and the public at large.<sup>47</sup> In 1999, the Special Education Review Team in British Columbia was arranged

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<sup>44</sup> Susan Louise Madigan, *Policy-to-Practice Context for Inclusive Education in England, with Specific Reference to Moderate Learning Difficulties* (Coventry, UK: University of Warwick, 2011), 31.

<sup>45</sup> The Commission on Emotional and Learning Disorders in Children, *One Million Children*, 71.

<sup>46</sup> Ellis (2017), “Early Educational Exclusion,” 487.

<sup>47</sup> Siegel and Ladyman, *A Review of Special Education in British Columbia*, 40.



to investigate the practical applications of inclusive education policy by making sense of more than four-hundred and fifty statements and submissions it received from inter-ministerial groups, community organizations, administrators, teachers, and parents.<sup>48</sup> A key finding from the team's report was that despite "strong support for the provincial policy of inclusion this policy is not uniformly" interpreted or implemented among various jurisdictions across the province.<sup>49</sup> The authors expanded on this insight through sharing that "The Ministry of Education's policies and procedures in the document *Special Education Services: A Manual of Policies, Procedures and Guidelines* provide an excellent framework for the provision of educational programs for students with special educational needs, although the interpretation and application of these policies and procedures need to be more consistent."<sup>50</sup> In an effort to be more explicit about consistent policy for all students, they stressed that special education programming must not be approached as separate from issues pertaining to the wider public school system.<sup>51</sup> This proposal echoes the following phrase written by The Commission on Emotional and Learning Disorders in Children (1970) to prove a pattern of consistent concern: "we must provide special opportunities; but this is not synonymous with a special class or a special school."<sup>52</sup>

Yet, too often, segregated courses or classes for students with exceptionalities have been created in British Columbia because of conflicting interpretations of and contradictory statements within inclusive education policy. These differentiated spaces for schooling are made

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<sup>48</sup> Siegel and Ladyman, *A Review of Special Education in British Columbia*, 4.

<sup>49</sup> Siegel and Ladyman, *A Review of Special Education in British Columbia*, 4-5. It might be worth noting the official titles of Siegel and Ladyman – the former being the Dorothy C. Lam Chair in Special Education at the University of British Columbia, and the latter being the Superintendent of Field Liaison for the British Columbia Ministry of Education.

<sup>50</sup> Siegel and Ladyman, *A Review of Special Education in British Columbia*, 40.

<sup>51</sup> Siegel and Ladyman, *A Review of Special Education in British Columbia*, 5.

<sup>52</sup> The Commission on Emotional and Learning Disorders in Children, *One Million Children*, 4.

possible by a lenient reading of the sentence extracted from the *Special Education Services: A Manual of Policies, Procedures and Guidelines* (2016) deconstructed previously (fig. 3).

Alternate Education Programs themselves continue to exist in order to address “the educational, social and emotional issues for students whose needs are not being met in a traditional school program.”<sup>53</sup>

From my perspective, evidence of conflicting interpretations of and contradictory statements within inclusive education policy abound. Certainly, *The Salamanca Statement and Framework for Action on Special Needs Education* (1994) published by UNESCO incorporates both philosophical and pragmatic perspectives that are in tension:

- “The fundamental principle of the inclusive school is that all children should learn together, wherever possible, regardless of any difficulties or differences they may have;”<sup>54</sup>
- “For children with special educational needs a continuum of support should be provided, ranging from minimal help in regular classrooms to additional learning support programmes within the school and extending, where necessary, to the provision of assistance from specialist teachers and external support staff.”<sup>55</sup>

The placement of pupils with disabilities, or, in other words, their physical inclusion within the school community is, for this policy text, paramount. In light of the first subordinate clause in the first bullet point, the condition of “wherever possible” would lead its audience to believe that inclusion is not imagined as inclusion in classrooms with analogous peers *period* but rather integration *if particular circumstances apply*. To this end, a concrete articulation about the purposeful support for students with exceptionalities is obscured.

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<sup>53</sup> British Columbia Ministry of Education, (2009). Retrieved from: <https://www2.gov.bc.ca/gov/content/education-training/k-12/administration/legislation-policy/public-schools/alternate-education-program>. Web.

<sup>54</sup> UNESCO, *The Salamanca Statement and Framework for Action on Special Needs Education* (1994), 11.

<sup>55</sup> UNESCO, *The Salamanca Statement and Framework for Action*, 22-23.

As another exercise in critical policy analysis, I turn to a discrepancy in the implementation guidelines for inclusion penned in the *Special Education Services: A Manual of Policies, Procedures and Guidelines* of the British Columbia Ministry of Education:

- “A school board must provide a student who has special needs with an educational program in a classroom where the student is integrated with other students who do not have special needs, unless the educational needs of the student with special needs or other students indicate that the educational program for the student with special needs should be provided otherwise.”<sup>56</sup>
- “The emphasis on educating students with special needs in neighbourhood school classrooms with their age and grade peers, however, does not preclude the appropriate use of resource rooms, self-contained classes, community-based programs, or specialized setting.”<sup>57</sup>

The reason why these phrases are discrepant has been explicated by Inclusion BC: “While the Ministerial Order intends to ensure that students with special needs are included in regular classrooms, the second part of the section [...] indicates that there may be circumstances that require a student with special needs to receive their educational program in an ‘alternate setting’.”<sup>58</sup> Through comparing and contrasting the original and revised iterations of the *Special Education Services: A Manual of Policies, Procedures and Guidelines*, printed in 1995 and 2016 respectively, I have observed some glaring differences. The changes to the language used are not particularly transformative. As one example, the most recent publication added in the following stipulation that allowed for less integration: “[t]he practice of inclusion is not necessarily synonymous with full integration in regular classrooms.”<sup>59</sup> The authors also removed this text in

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<sup>56</sup> British Columbia Ministry of Education, *Special Education Services: A Manual of Policies, Procedures and Guidelines* (2016): 2.

<sup>57</sup> British Columbia Ministry of Education, *Special Education Services: A Manual of Policies, Procedures and Guidelines*, 2.

<sup>58</sup> Inclusion BC, “Chapter One: The Case for Inclusive Education,” *Everyone Belongs in Our Schools: A Parent’s Handbook on Inclusive Education*, 8.

<sup>59</sup> British Columbia Ministry of Education, *Special Education Services: A Manual of Policies, Procedures and Guidelines*, 2.

the block citation below about the parameters should the physical inclusion of students with exceptionalities not be achievable:

If alternatives to neighbourhood school classes with their age and grade peers are necessary [...] for some students with special needs, then placement in alternate settings should be done as part of a plan that is regularly reviewed and updated in consultation with parents and school-based teams (if applicable) with a view of returning these students to neighbourhood school classrooms as soon as it is feasible.<sup>60</sup>

The significance of this shift in policy discourse has been evaluated by Inclusion BC, which I cite at length:

The [original] intention of ministry policy is that placement in an alternate setting should be for a short period of time and for a specific purpose. Placement decisions should be based on a plan that is reviewed and updated, and should have the goal of returning the student to the regular classroom. However, this provision makes it possible for school boards and school personnel to place students in such settings on a long-term basis.<sup>61</sup>

Due to issues with conflicting interpretations of inclusive education policy in British Columbia, the challenge of which regulatory body is responsible for regulating the implementation of inclusive education policy demands further reflection. Interestingly, Inclusion BC drafted its own policy statement to call on the British Columbia Ministry of Education to be responsible for holding school districts accountable for implementing inclusive education policy. As will be argued in the next chapter, it has been through court case decisions that school districts have been held accountable for not adequately interpreting and thus implementing inclusive education policy in the province.

This chapter has provided a critical policy analysis of several central documents in order to comment that the popular approaches to inclusive education policy in British Columbia are problematic. *The Salamanca Statement and Framework for Action on Special Needs Education*

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<sup>60</sup> Siegel and Ladyman, *A Review of Special Education in British Columbia*, 13.

<sup>61</sup> Inclusion BC, "Chapter One: The Case for Inclusive Education," *Everyone Belongs in Our Schools: A Parent's Handbook on Inclusive Education*, 8.

(UNESCO, 1994), *A Review of Special Education in British Columbia* (Siegel and Ladyman, 2000), *Special Education Services: A Manual of Policies, Procedures and Guidelines* (British Columbia Ministry of Education, 1995 + 2016), and, *Everyone Belongs in Our Schools: A Parent's Handbook on Inclusive Education* (Inclusion B.C., 2014) bring to the fore two decisive requisites in order for inclusive education policy to succeed in British Columbia: identifying clear language for relevant policy objectives, and interpreting consistent language for a responsible practice. This includes a universally accepted operational definition of “inclusion.” For Naylor also, “[p]olicies alone are insufficient. For inclusion to become a more pervasive reality, systemic problems need systemic solutions.”<sup>62</sup> I argue that there are a couple of types of systemic complexities and complicities that have prevented the purposeful inclusion of students with exceptionalities in the British Columbia public school system. One is discursive in so far as equivocal language around equity and educational opportunity fails at what it purports to promote, namely, inclusion. Importantly, Packer voices the following perspective: “The universal mission of equity language is a quest for salvation, not political reform or personal courtesy [...] This huge expense of energy to purify language reveals a weakened belief in more material forms of progress. If we don't know how to end racism, we can at least call it *structural*.”<sup>63</sup> Through this filter, it would appear that if we do not know how to end inequity and injustice for students with disabilities, we can at least say we are being *inclusive*. The other type of systemic complexity and complicity is associated with decision-making and discipline administered by a governing body that directs school districts to implement inclusive education. As an excellent

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<sup>62</sup> Naylor, *Inclusion in British Columbia's Public Schools: Always a Journey, Never a Destination*, 26.

<sup>63</sup> George Packer, “The Moral Case Against Equity Language: What's a ‘Justice-Involved Person’?” *The Atlantic* (2023).

bridge to the subject of my next chapter, I cite Madigan: “If policy intentions are ambiguous, contain contradictions or omissions, or are particularly complex, it is possible for interested parties to place upon them their own interpretations, which may lead to unintended outcomes.”<sup>64</sup> Though, some might make a case that the damaging outcomes, which perpetuate the normalization processes of disability discussed earlier, are not unintended; the damage, regrettably, remains nevertheless done.

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<sup>64</sup> Madigan, *Policy-to-Practice Context for Inclusive Education in England, with Specific Reference to Moderate Learning Difficulties*, 74-75.

### CHAPTER THREE: APPLICATIONS OF INCLUSIVE EDUCATION POLICY

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In this chapter, I examine a pair of recent court cases in order to expose crucial problems with the extent to which inclusive education policy, procedures and practices have been implemented through relevant laws enacted in British Columbia. Not only has inclusive education policy in the twenty-first century faced problems with identifying relevant policy objectives, it has also faced problems with implementing clear and consistent language for recognized laws. Lieberman professed that “[s]pecial education is dead because of [...] how the law is being implemented in the public schools.”<sup>65</sup> So too, Qvortrup and Qvortrup propose, “[i]t is our fundamental assumption that inclusive education [...] lacks an operational definition of inclusion [...] and makes it [un]realisable in educational practices.”<sup>66</sup> The following landmark rulings reveal an ambiguity in the legal phrasing itself about accountability for the provision of student support services in the public school system: *Hewko v. British Columbia* (2006) and *Moore v. British Columbia* (2012). This ambiguity has prevented implementation. The lack of legal obligation has led to too few trained specialized staff and allowed for deficient funding.

The British Columbia Ministry of Education has no legal obligation to implement inclusive education policies. The *School Act* (1989), as a policy, has never directly stated a legal presumption favouring the integration of students with exceptionalities in mainstream classrooms.<sup>67</sup> Other provinces do have a clause of this nature in their equivalent education acts. Legal challenges have led courts to determine that a “court cannot compel enforcement of a

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<sup>65</sup> Lieberman, “The Death of Special Education.”

<sup>66</sup> Qvortrup and Qvortrup, “Inclusion: Dimensions of Inclusion in Education,” 804.

<sup>67</sup> *Hewko v. British Columbia*, L042181 (BCSC 1638, 2006), 92 + 107.

policy.”<sup>68</sup> In looking specifically at British Columbia, MacKay discovered the “absence of legislatively mandated integration.”<sup>69</sup> And yet, the Canadian Charter of Rights and Freedoms (1982) has opened the possibility for courts to issue rulings with powerful consequences for the inappropriate and inadequate provision of student support services for learners with exceptionalities. Wiener and Siegel maintain that s. 7 and s. 15 of the law suggest that “even in the absence of mandatory special education legislation [...] or where the legislation does not indicate that an appropriate program is necessary, the Charter may provide that right.”<sup>70</sup> It is interesting to add that when this article was published, no Charter cases related to students with disabilities had yet reached the Supreme Court of Canada.<sup>71</sup> The authors wrote, “there is considerable debate about how the Charter will be interpreted” within an educational framework.<sup>72</sup> The legal arguments in Canada have had to address the roots of inclusion found in The Commission on Emotional and Learning Disabilities in Children (1966-1969), for “society has an obligation to provide equal opportunity for education to all its children”.<sup>73</sup> The extent to which this obligation is understood as a legal one is the focus of this section of my paper. With respect to s. 15 of The Canadian Charter of Rights and Freedoms (1982), a plaintiff must

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<sup>68</sup> Hewko v. British Columbia, 93.

<sup>69</sup> Wayne A. MacKay, “Human Rights and Education: Problems and Prospects,” *Education and Law Journal* (1996-1998): 3.

<sup>70</sup> Judith Wiener and Linda Siegel, “A Canadian Perspective on Learning Disabilities,” 344.

<sup>71</sup> Wiener and Siegel, “A Canadian Perspective on Learning Disabilities,” 344.

<sup>72</sup> Wiener and Siegel, “A Canadian Perspective on Learning Disabilities,” 344. According to MacKay in “Human Rights and Education: Problems and Prospects,” it was not until *Eaton v. Brant Board of Education* (1996) that the protections accorded by s. 15 of the Charter were applied to a case about equity and education law. MacKay, “Human Rights and Education: Problems and Prospects,” 4.

<sup>73</sup> The Commission on Emotional and Learning Disorders in Children, *One Million Children: A National Study of Canadian Children with Emotional and Learning Disorders*, XXXIII.



establish that they were differentially treated compared to their analogous peers in order that their claim would be constituted as discrimination.<sup>74</sup>

A comprehensive reading of *Hewko v. British Columbia* (2006) highlights the consequences of long-standing specialist staff insufficiencies across the province in preventing a thorough implementation of inclusive education policy. This court case effectively revolved around remediation for a young student with Autism Spectrum Disorder (ASD) who had, repeatedly, not received “reasonable accommodation” (as per The Canadian Charter of Rights and Freedoms) to address his designation. Madam Justice Koenigsberg determined that “reasonable accommodation in this case [involved] providing the best available teaching staff for Darren Hewko in school.”<sup>75</sup> Throughout his schooling, Hewko was not supervised or supported by a capable classroom aide, credited with an Applied Behaviour Analysis (ABA) or Applied Behaviour Analysis-Intensive Behavioural Intervention (ABA-IBI) certification, which, in one view, ultimately breached his right, as a “low-incidence” student, to “reasonable accommodation”.<sup>76</sup> Nevertheless, “reasonable accommodation” is not, according to s. 1 of The Canadian Charter of Rights and Freedoms (1982), an absolute right if “undue hardship” can be proven.<sup>77</sup>

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<sup>74</sup> “Analogous Grounds,” *Centre for Constitutional Studies*, 2020. This section is more commonly referred to as the “equal rights guarantee” but *who* constitute a plaintiff’s “analogous peers” has been a problem. In the British Columbia context, *Bales v. Central Okanagan District No. 23* (1984) set a tendency and tradition for courts to assume that the onus ought to be on the plaintiff to prove that special education placement decisions for students with disabilities have been and continue to be discriminatory and damaging. MacKay, “Human Rights and Education: Problems and Prospects,” 3-4.

<sup>75</sup> *Hewko v. British Columbia*, L042181 (BCSC 1638, 2006), 111.

<sup>76</sup> *Hewko v. British Columbia*, 111-112.

<sup>77</sup> Wayne MacKay, “The Lighthouse of Equality: A Guide to Inclusive Schooling” in Michael Manley-Casimir and Kirsten Manley-Casimir, eds, *The Courts, the Charter and the Schools* (Toronto, ON: University of Toronto Press, 2009): 43.

The primary issue in this case has a continuity of connection with the past; precisely, how ill-equipped educators have contributed to a lack of inclusive education procedures and practices in the public school system. As an early example, specialist staff shortages were cited by The Commission on Emotional and Learning Disorders in Children: “In a 1965 survey in British Columbia it was found that fewer than thirty percent of special class teachers had taken even one course in special education or remedial teaching.”<sup>78</sup> A pattern of unsatisfactory professional preparation about inclusion for this province is made apparent through other sources published later. For Siegel and Ladyman, “few [school districts] are attending to systematic training or certification” of student support services teachers.<sup>79</sup> Subsequently, Naylor, on behalf of the British Columbia Teachers’ Federation, claims that “[p]re-service training in Canada offers a limited focus on inclusive approaches. There appears to be little evidence that universities are addressing the issue of teaching to the diversity in every classroom, preferring to consider diverse learning needs as an elective or as a minimal part of mandatory course requirements.”<sup>80</sup> This trend is given some context by Lupart and Webber who contend that “[a]s general education began to shift towards these more inclusionary practices, it became increasingly apparent that regular classroom teachers and administrators were insufficiently prepared and ill-equipped to effect the multidimensional and complex changes that inclusive education reformers had envisioned.”<sup>81</sup> The evidence provided shows that there are challenges, as put by Siegel and

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<sup>78</sup> The Commission on Emotional and Learning Disorders in Children, *One Million Children*, 98.

<sup>79</sup> Siegel and Ladyman, *A Review of Special Education in British Columbia*, 19.

<sup>80</sup> Naylor, *Inclusion in British Columbia’s Public Schools: Always a Journey, Never a Destination*, 23.

<sup>81</sup> Judy Lupart and Charles Webber, “Canadian Schools in Transition: Moving from Dual Education Systems to Inclusive Schools,” *Exceptionality Education International* 22 no. 2 (2012): 18.

Ladyman (2000): “[m]oving the concept of an interface from abstraction to implementation is not an easy task, especially with staff who admit to a lack of appropriate training.”<sup>82</sup>

As has been the case previously, there were allegedly not enough specialist staff qualified to administer specific intervention programs (like, ABA or ABA-IBI) in British Columbia at the time of Hewko’s enrollment in elementary school.<sup>83</sup> This fact negatively affected the case against s. 15 of The Canadian Charter of Rights and Freedoms (1982), or the equal benefit guarantee.<sup>84</sup> In the view of the presiding judge, there were too few credited classroom aides in the public school system “such that the scheme of the *School Act* failed” Hewko but that that fact “[did] not even approach the threshold of discrimination” on the basis of his disability.<sup>85</sup> Perversely, in comparison to any peers in similar circumstances with similar conditions (ASD), Hewko was not perceived to have received adverse treatment. None were provided with “reasonable accommodation” to access the education to which they were entitled.<sup>86</sup> Therefore, the complaint was dismissed because what is called “prima facie” discrimination was not proved. The Abbotsford School District successfully claimed that it suffered undue hardship in its attempts to support Hewko given the climate of specialist staff shortages.<sup>87</sup> Accordingly, Koenigsberg aptly pronounced: “It is clear that there is an infrastructure gap.”<sup>88</sup> The gravity of this has not been lost

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<sup>82</sup> Siegel and Ladyman, *A Review of Special Education in British Columbia*, 15.

<sup>83</sup> Hewko v. British Columbia, 110.

<sup>84</sup> A useful article to further explore challenges regarding the interpretation of s. 15 in this context is “The Charter of Rights and Special Education: Blessing or Curse?” by MacKay: “Section 15 undoubtedly will spawn arguments that all persons in all parts of the province should have access to proper and well-funded special education programs. Section 15, like all Charter provisions, is subject to reasonable limits under section 1.” MacKay, “The Charter of Rights and Special Education: Blessing or Curse?” (1986): 12.

<sup>85</sup> Hewko v. British Columbia, 100.

<sup>86</sup> Hewko v. British Columbia, 100.

<sup>87</sup> Inclusion BC, “Chapter Three: Advocacy Skills,” *Everyone Belongs in Our Schools: A Parent’s Handbook on Inclusive Education*, 24.

<sup>88</sup> Hewko v. British Columbia, 100.

on Mackay: “forms of accommodation require a commitment of human and financial resources that move beyond mere positive rhetoric about inclusion.”<sup>89</sup>

There are three compounding factors that might explain the scarce number of student services educators characteristic of British Columbia in the early 2000s. Firstly, an important recommendation made by co-chairs of the Special Education Review (2000), Siegel and Ladyman, was never followed-through on: “The Ministry of Education should provide tuition rebates to teachers who undertake advanced study in special education.”<sup>90</sup> Another reason is found in the statistics from the 2005 British Columbia Ministry of Education Form 1530, which lists an eighteen percent reduction in special educators across the province.<sup>91</sup> This cutback in staffing might be attributable to the removal of ratios when the BC Liberal Party “stripped” the teachers’ collective agreements of classroom composition language in 2002. Finally, consistent career burnout among student services positions has been caused by the sheer burden of responsibility assigned to them by administrators who expect them “to step in and fill those gaps caused by inadequate funding and a lack of support services for inclusive education.”<sup>92</sup>

Regrettably, the saga of systemic issues with special education in the public school system of British Columbia described above would find its sequel with *Moore v. British Columbia* (2012). This court case concerned recognition that an elementary-aged student with a severe dyslexia diagnosis had been denied suitable and substantive interventions with respect to his designation. In primary school, Jeffrey Moore was advised to enroll in the Diagnostic Centre

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<sup>89</sup> Wayne MacKay, “The Lighthouse of Equality: A Guide to Inclusive Schooling,” 43.

<sup>90</sup> Siegel and Ladyman, *A Review of Special Education in British Columbia*, 42.

<sup>91</sup> Naylor, *Inclusion in British Columbia’s Public Schools: Always a Journey, Never a Destination*, 17.

<sup>92</sup> Andrée Gacoin, “The Landscape of Inclusion: How Teachers in British Columbia Navigate Inclusive Education Policy and Practice” (2020): 5.

in the North Vancouver School District for targeted reading interventions because that remedial support was not available at his local school.<sup>93</sup> Shortly thereafter, the North Vancouver School District closed that specialized program, with the district claiming cyclical education budget cuts. Moore's father believed this decision was grounds that his son had been denied a "service [...] customarily available to the public."<sup>94</sup> Perhaps what is most troubling about this case is the false story of scarce funding for the public school system that it promotes. A thorough investigation might turn to the research presented by Ellis, which indicates a considerable spending increase over time.<sup>95</sup> And yet, the bureaucratic choice not to allocate expenditures towards student support services conveys both implicit and intentional messages about equity and educational opportunity.<sup>96</sup> Clearly, these have not been priorities for the districts.

The persistent issue with inadequate inclusion funding in British Columbia throughout the early 2000s is derived in the Ministry of Education's preference for a "block funding" model of a per-pupil funding formula instead of the increasingly favoured by other provinces "statistical-predictive funding" model of the statistical prediction of the prevalence of students with exceptionalities. As a foremost consequence of the "block funding" model, the student support services funds that flow from the British Columbia Ministry of Education to the school districts themselves are often miscalculated and occasionally mismanaged as I will corroborate in what follows. For instance, Rozworski reported that throughout the early 2000s, "school districts

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<sup>93</sup> Moore v. British Columbia, 34040/34041 (SCC 61, 2012), 361.

<sup>94</sup> Moore v. British Columbia., 361.

<sup>95</sup> Jason Ellis, "A Short History of K-12 Public School Spending in British Columbia, 1970-2020," *Canadian Journal of Educational Administration and Policy* 196 (2021): 118.

<sup>96</sup> It is important to note that the Ministry of Education differentiates between Alternate Education Programs in contrast to Schools of Choice (i.e., Fine Arts Schools, French Immersion, etc.) in directing its funding. The Final Operating Grant Summary Forms from the British Columbia Government website appear to list the amounts allocated toward Alternate Education Programs but not toward Schools of Choice.

received in special education grants on average 53 percent of what they spent on special education in each of those ten years” amounting to an annual shortfall exceeding \$328 million dollars.<sup>97</sup> The reality of this issue was further captured in his article: “By underestimating how much school districts need for special education, the provincial government is making inclusion more difficult and forcing school districts to make tough decisions.”<sup>98</sup> One of the most detrimental and damaging policy decisions related to the funding of special education was the one made by the Ministry of Education to not allocate money for “high-incidence” students. In other words, no funding beyond the basic amount per pupil was and continues to be apportioned for students with the following exceptionalities: learning disabilities, moderate behaviour issues, moderate mental health issues, giftedness or mild intellectual disabilities.<sup>99</sup> The financial repercussions of this are shocking. Data from the Ministry of Education Funding Allocation document (2002) noted that \$230 million dollars were “removed from targeted Special Ed funding and districts [were] given discretion of whether to spend on High Incidence Special Education” or divert the dollars elsewhere.<sup>100</sup> Rozworski (2018) documented that, “[w]hile the share of children with special needs designations has been relatively stable at between 10 and 11 per cent of the school-age student population since the late 1990s, the distribution between ‘low-

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<sup>97</sup> Michal Rozworski, “BC’s Inclusive Education Funding Gap” (2018): 1. The statistic included conceals the variations between school districts, particularly the inequities for rural and remote ones.

<sup>98</sup> Rozworski, “BC’s Inclusive Education Funding Gap”, 1.

<sup>99</sup> The term “high-incidence” subsumes students with these exceptionalities: Category Q (Learning Disability), Category R (Moderate Behaviour Support/Mental Illness), Category P (Giftedness), and Category K (Mild Intellectual Disability). Due to the fact that there is a higher prevalence of students with these categorizations compared to other designations, the term “high-incidence” is commonly used. British Columbia Ministry of Education, (2002). Retrieved from: <https://www2.gov.bc.ca/gov/content/education-training/k-12/administration/legislation-policy/public-schools/k-12-funding-special-needs>. Web.

<sup>100</sup> Naylor, *Inclusion in British Columbia’s Public Schools: Always a Journey, Never a Destination*, 17.

incidence’ and ‘high-incidence’ designations has shifted.”<sup>101</sup> The political choices not to fund support for these learning needs has not meant that they have disappeared; those choices have magnified the complexities and challenges associated with the learning needs of “high-incidence” students.

A decade or so after the initial complaint at the British Columbia Human Rights Tribunal, which was advanced to the level of the British Columbia Supreme Court, the Moores’ claim reached the Supreme Court of Canada. The decision was precedent-setting insofar as it stated that special education programming is not just a specialized service, “it is the ramp that provides access to the statutory commitment to education made to all children.”<sup>102</sup> Justices McLachlin et al. cited an essential line from the *School Act* (1989) in order to contradict the “separate but equal” logic of the previous court cases. If Moore was “compared only to other special needs students” as was Hewko, “full consideration cannot be given to whether he had meaningful access to the education to which *all* students in British Columbia are entitled.”<sup>103</sup>

In this way, the Supreme Court of Canada determined that special educational programs, like the Diagnostic Centre in the North Vancouver School District, are the means by which students with

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<sup>101</sup> Rozworski, “BC’s Inclusive Education Funding Gap,” 3-4. According to the British Columbia Ministry of Education website, the students with exceptionalities that are considered to be “low-incidence” – meaning that a relatively low incidence of these pupils make up the population – are the only ones who qualify for Special Needs funding. These designations are: Category A (Physically Dependent), Category B (Deafblind), Category C (Moderate to Profound Intellectual Disability), Category D (Physical Disability or Chronic Health Impairment), Category E (Visual Impairment), Category F (Deaf or Hard of Hearing), Category G (Autism Spectrum Disorder), and Category H (Intensive Behaviour Interventions or Serious Mental Illness). British Columbia Ministry of Education, (2002). Retrieved from: <https://www2.gov.bc.ca/gov/content/education-training/k-12/administration/legislation-policy/public-schools/k-12-funding-special-needs>. Web.

<sup>102</sup> Moore v. British Columbia, 362.

<sup>103</sup> Moore v. British Columbia, 362.

exceptionalities get meaningful access to general education, or, to the same education that students without disabilities receive.

However, there was much contention about who Moore’s “analogous peers” were. The ultimate determination was that they were all other students, not just those with comparable diagnoses. Importantly, the Supreme Court of Canada decided that the necessary “ramp” for Moore was targeted reading interventions provided through a separate educational program. This decision is at odds with the call for inclusive education policy that emphasizes same setting over specialized support. Several scholars have offered an insight akin to this one. For example, Lieberman challenged the push for general education:

Special Education has been swallowed by the beast: the school system, with its mandated curriculum, mandated tests, and mandated standards. Now, children with disabilities are entitled to – no, are practically required – to have the same education as every other child, regardless of whether or not that education is of high quality or is appropriate for a child with a disability.<sup>104</sup>

Similarly, for Henteleff:

full inclusion is a discriminatory concept, because it limits the choices concerning placement and approach that some people with disabilities wish to make [...] separate provision of educational services can in some cases provide a better option than full inclusion, especially in educational systems when minimal levels of training, conditions, and funding are rarely adequately realized.<sup>105</sup>

Overall, the Supreme Court of Canada endorsed remedies that would allocate funding to ensure the provision of appropriate and adequate student support services.<sup>106</sup> Through this paper, I offer the criticism that *Moore v. British Columbia* did not deliver in full on its promise as a precedent-setting court case since the arbitrators did not uphold the recommendation that the funding

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<sup>104</sup> Lieberman, “The Death of Special Education”.

<sup>105</sup> Quoted in Naylor, *Inclusion in British Columbia’s Public Schools: Always a Journey, Never a Destination*, 8.

<sup>106</sup> *Moore v. British Columbia*, 386.



diverted from special educational programming be redirected.<sup>107</sup> Though Justices McLachlin et al. concluded that special, and in some situations, separate, education services are essential and, as Henteleff claims, more effective than inclusion, they did not require that the Diagnostic Centre in the North Vancouver School District, or an equivalent program, be reopened. After all, The Commission on Emotional and Learning Disabilities in Children (1966-1969) noted long ago that “education appropriate to every child’s need must be recognized as a basic human right and should be provided at public expense.”<sup>108</sup> The scant allocation of funding for special education programming in British Columbia by the provincial government shows that implementing purposeful inclusion is not a priority. Moreover, the message from the judiciaries is consistently a cautious one about guiding systemic changes to the provincial public education system.

To conclude, I contend that the court cases discussed in this chapter, *Hewko v. British Columbia* and *Moore v. British Columbia* have not ensured a legal obligation that districts implement inclusive education. Or, as Naylor states, these “‘marathon’ court cases” have “not clarified the legal responsibility of school districts to provide inclusive educational approaches.”<sup>109</sup> Through this section, I examined the aforementioned court cases to demonstrate that, because of the systemic problems with staffing and funding, inclusive education policy in British Columbia has been inadequately implemented in the public school system. The absence of any legal obligation means, in practical terms, that there are simply too few trained staff, there is inadequate training for those roles, and there is insufficient funding to support inclusive education programming. To this end, I have included substantial evidence that not only have

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<sup>107</sup> “Moore v. British Columbia,” *Right to Education Project*, 2017.

<sup>108</sup> The Commission on Emotional and Learning Disorders in Children, *One Million Children*, 70.

<sup>109</sup> Naylor, *Inclusion in British Columbia’s Public Schools: Always a Journey, Never a Destination*, 8.

inclusive education policies in British Columbia been inconsistently articulated but also applied. This is not an accident. As Naylor states, “[r]emoving the funding and staffing required to create the conditions that are argued as necessary to support inclusion [...] are actions that collectively amount to a systemic attack by government on inclusive educational approaches.”<sup>110</sup> This criticism has also been matched by concerns expressed by the British Columbia Teachers’ Federation: “To build a truly inclusive K-12 education system in British Columbia, we will have to dedicate sufficient resources and identify the needs that these resources should be targeted to meet.”<sup>111</sup> Given the inadequate levels of staffing as well as funding, the message from the provincial government is a powerful one – inclusion is not an issue of particular importance. Therefore, the implementation of inclusive education policy has not only been inadequate, inconsistent and ill-conceived; it has strayed from fundamental considerations of equity and educational opportunity

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<sup>110</sup> Naylor, *Inclusion in British Columbia’s Public Schools: Always a Journey, Never a Destination*, 16. This statement has an important context. One of the principal rulings from *British Columbia Teachers’ Federation v. British Columbia* (2016) re-counted limits to class size and composition – the number of students enrolled per class, including specific regulations about the number of enrolled students with designations. If classes were over-composed, affected teachers were awarded ‘remedy’. This sort of response has been taken up by Edelman in “The Construction and Uses of Social Problems” (1988): “Labels like ‘remedy’ and their accompanying actions become buttresses of the problems they purport to solve.” Edelman, “The Construction and Uses of Social Problems,” 27. An unsatisfactory solution has been the Classroom Enhancement Fund, which has been used to temporarily hire almost certainly unqualified teachers to provide in-class learning support for integrated students with disabilities.

<sup>111</sup> Naylor, *Inclusion in British Columbia’s Public Schools: Always a Journey, Never a Destination*, 7.

## CONCLUSION

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In this paper, I have analyzed the theoretical construction and troubling context of inclusive education policy as it has pertained to pupils with disabilities in British Columbia's public school system during the early 2000s. Through a close and critical reading of central documents and court decisions, I have endeavored to share several considerations that might challenge the interpretation, implementation and implications of provincial inclusive education policy. The first chapter of this study established that the ill-conceived conceptualizations of and incompatible conditions for inclusion have been inherited from the eugenics and neo-progressive movements. The construct of "inclusion" has yet to be reformulated substantively.

The second chapter challenged the problematic language of provincial inclusive education policy overviews and objectives. Significantly, without a universally accepted operational definition of "inclusion," effective policy has not been adequately implemented.

The third chapter considered the landmark rulings of *Hewko v. British Columbia* (2006) and *Moore v. British Columbia* (2012) to reveal ambiguous legal phrasing, which has prevented the implementation of inclusive education policy in British Columbia. The lack of legal obligation has continued to result in too few trained specialized staff and allowed for deficient funding. All in all, inclusive education policy, as provided by the British Columbia Ministry of Education (2000-2017), has insufficiently, from conceptualization to implementation, addressed the individualized needs of students with exceptionalities. In what follows, I will explore a set of concepts pursuant to a re-imagining of special education programming for the provincial public school system that resist the inequities concealed by an impression of inclusive education policy.

The complexities and complicities relevant to the issue of inclusive education policy are the symptoms of structural and systemic social inequities. MacKay conceives of the movement

towards inclusive education policy as a metaphor for a lighthouse beam shining through a thick fog:

The glare is the call for individual accommodations to ameliorate the situation of people with disabilities and other manifestations of diversity in social institutions that are not designed to include them. Many equality advocates have attempted to push the boundaries of this glare as far as it can reach. But the reflection, which is the call for an analysis of the barriers inherent in the operations of societal institutions, is not so easy to see. This systemic reflection has too frequently escaped notice in its implications as well as in its promises for reducing the efforts needed to accommodate individually. If the rules are changed to be more inclusive, then there is less need to accommodate to the rules.<sup>112</sup>

Also importantly, Bourassa contends:

crucial questions are foreclosed when inclusion is presumed to be unequivocally beneficial. One such question is, 'inclusion into what?' Moreover, consideration of the terms and conditions of inclusion is crucial in white supremacist, settler colonial, heteropatriarchal, ableist, and capitalist contexts. Without a critical line of inquiry troubling the practices and conditions of inclusion, understandings of deeply entrenched relations of domination and subordination are easily glossed over, and a sense of who gets to include whom into what can either escape consideration or be taken-for-granted as a normative arrangement. In fact, a lack of attention to these dynamics might contribute to assumptions that inclusion is a benign and benevolent process that benefits all involved.<sup>113</sup>

Structural and systemic opposition to purposeful inclusive education policy continues to be a problem. For Skrtic, "the failure of public education to be either excellent or equitable can be understood in terms of the inherent contradiction between democracy and bureaucracy in the modern state. Special education, then, can be understood as the institutional practice that emerged to contain this contradiction in public education."<sup>114</sup> The shift towards more inclusive

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<sup>112</sup> Wayne MacKay, "The Lighthouse of Equality: A Guide to Inclusive Schooling," 61.

<sup>113</sup> Bourassa, "Neoliberal Multiculturalism and Productive Inclusion: Beyond the Politics of Fulfillment in Education," 254.

<sup>114</sup> Thomas Skrtic, "The Special Education Paradox: Equity as the Way to Excellence," *Harvard Educational Review* 61 no. 2 (1991): 153. This point is important because draws attention to the dilemma of who makes the decisions about inclusive education policy. Are they being made on the part of the Minister of Education, as the elected representative of the democratic provincial government, or, the Deputy Minister of Education and other civil servants who may not have the same pedagogical insights?

education policies has been concurrent with the prioritization of standardized assessments rooted in attitudes about achievement, accountability and competition. Likewise, Naylor argues the following:

[t]he exploration of ‘excellence’ and ‘equity’ is important in considering the evolution of inclusion, because inclusion stresses equity and the academic and social development of all students in schools. The argument for ‘excellence,’ in contrast, has arguably focused on developing a meritocracy, where some students succeed while others fail. Accountability systems that promote ‘excellence’ may limit support for inclusion because many students with exceptionalities will not reach the standards required.<sup>115</sup>

To this end, it would appear that inclusive education policy further concretizes implicit power relations and also conceals the intentions behind the statement. Relatedly, Levinson et al. advise that “the way to unpack policy analytically is to see it as a kind of social *practice* – specifically, a practice of wielding power.”<sup>116</sup> Too frequently, political decisions reflect and reinforce existing inequalities and inequities. In light of this understanding, I underscore the importance of inviting further study which focuses on the pluralistic testimonies held by students with exceptionalities that are too often not heard. As stated by Taylor, “people with intellectual disabilities frequently experience injustices that undermine their status as epistemic agents [who can create and communicate knowledge] in producing the social meanings that dictate not only their civic and social positioning but also the education that they receive.”<sup>117</sup>

In crafting more authentic counter-stories about the diverse experience of students most affected by special educational programming, additional research might take inspiration from

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<sup>115</sup> Naylor, *Inclusion in British Columbia’s Public Schools: Always a Journey, Never a Destination*, 6.

<sup>116</sup> Bradley A. Levinson, Teresa Winstead and Margaret Sutton, “Theoretical Foundations for a Critical Anthropology of Education Policy,” *The Anthropology of Education Policy: Ethnographic Inquiries into Policy as a Sociocultural Process* (New York, NY: Routledge, 2018): 26.

<sup>117</sup> Ashley Taylor, “Knowledge Citizens? Intellectual Disability and the Production of Social Meanings within Educational Research,” *Harvard Educational Review* 88 no. 1 (2018): 3.

other methodologies and methods, including the “sensing policy” approach articulated by Wiebe (2016), and the theorization of “educational consciousness” advanced by Bellingham et al. (2019). The “sensing policy” approach challenges hierarchical and unidirectional power relations that influence the policy process, including inclusive education policy (Wiebe, 2016, p. 183). The study of “educational consciousness” casts light on alternative views about and valuing of legitimate forms of knowledge and education (Bellingham et al, 2019, p. 79). Together, these academics encourage practitioners to think relationally in order to reposition the lens through which we might envision possible and positive changes to inclusive education policies. This emphasis on the politics of recognition is also extended by Slee: “Unless inclusive education [policy] builds on the timbre and pitch of disabled voices, it threatens to provide a vehicle for maintaining oppressive social relations of disablement.”<sup>118</sup> In doing so, we might highlight the humanity of “oppressed” or “othered” students through deconstructing, decolonizing and divesting from the systemic and structural power relations at the core of special educational programming. Douglas Biklen imparts this as critical hope: “[c]an schools include people with disabilities in a way that values the person and yet does not ignore the effects of disability or the cultural experiences of people with disabilities?”<sup>119</sup> By re-designing and re-imagining our understanding as well as our practice, we may yet develop equitable educational practices for all learners. The successful integration and inclusion of students with distinct learning needs demands individualized and differentiated instruction. An educational model that moves beyond inclusion necessitates institutional change to support (as Figure 2 illustrates) teaching to diversity. The needs of those with exceptionalities demand that all of this be done.

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<sup>118</sup> Slee, “Education and the Politics of Recognition: An Australian Snapshot,” 158.

<sup>119</sup> Douglas Biklen, *Schooling Without Labels: Parents, Educators and Inclusive Education* (Philadelphia, PA: Temple University Press, 1992), 180.

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