

Let's Chat... *about* *Inclusive Education*

Hosts Gordon L. Porter, Jacqueline Specht and Diane Richler



Guest: **Ken Pike**

***Lawyer & Director of Social Policy
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Ken Pike has served as Director of Social Policy for the New Brunswick Association for Community Living for over 25 years and has been an advocate in the Community Living movement for over 30 years.

Ken completed a B.A at Mount Allison University and a M.A. at Queen's University before receiving his LL.B. (Law) at Dalhousie University in Halifax. Ken is a retired member of the Law Society of New Brunswick and a member of the Canadian Bar Association.

Through his work with NBACL, Ken has worked on many issues facing people with an intellectual or developmental disability and the consequence for their families. He has also worked extensively on public policy issues affecting people with a disability including social assistance reform and poverty, disability support programming, housing, employment, health and inclusive education.

Ken has also authored or co-authored several books, resources, discussion papers and policy briefs on disability issues. He is the recipient of the 2008 New Brunswick Human Rights Award. In 2017 he was inducted into the Bertha Wilson Honour Society at the Dalhousie University Schulich School of Law for his work on promoting a more inclusive society for people with a disability. In 2021, Ken was inducted into the Order of New Brunswick, the highest civilian recognition in the province of New Brunswick.

Key Issues in this Chat Session:

1.Law Contributes to Inclusion: Ken asserts that legislation that mandates inclusion makes a significant difference and is the foundation on which school inclusion has been built in New Brunswick. He shares his personal involvement in that process in the 1980s.

2.Legislation is Crucial, But Policy is As Well: When New Brunswick introduced legislation (Bill 85 in 1986) that mandated inclusive practices within schools, it was not accompanied by clear policy guidelines. As a result, each of 42 school districts developed their own approach to implementation. While similarities did exist, they were a source of uncertainty and confusion. Ken explained that community and parent advocacy groups can help close the gaps between legislation and the policy and practices needed. New Brunswick's first system wide ministerial policy (N.B. Policy 322) was signed in September 2013, more than 25 years after the legislation was passed.

3.In Canada, Legislation and Case Law Have Not Delivered Inclusion: While legislative changes in New Brunswick were instrumental in producing the movement towards inclusion, the same has not been the case in other Canadian provinces and territories. Ken reviewed several of the key legal cases in which court decisions failed to support families who were challenging schools to be inclusive. This failure, along with the time and cost of litigation have discouraged advocates of inclusion to use the courts to push for inclusive practices in Canadian schools.

4.Monitoring Inclusive Practices: Ken explained that even when inclusion is mandated, meaningful inclusion of students does not always occur. Inclusion requires leadership, hard work and resources, and there are too many occasions when there is a gap between what is needed, and what actually happens in the school or classroom. Parents and advocates must monitor and assess practices to ensure that learning happens for every child.

5.Inclusive Schools as a Model for an Inclusive Society: Ken connected inclusion in New Brunswick schools to improvements that have been made in community and society. The experience in schools serves as a foundation of inclusion in employment, housing, post-secondary education, and more. Community and parent organizations are able to use this success as they advocate for greater change and equitable outcomes.

Potential Discussion Questions (before viewing):

1.How can lawyers play a role in the movement towards inclusive education?

2.What are the gaps between inclusive education legislation and inclusive education policy and practices? What stakeholders can help close these gaps?

Potential Discussion Questions (after viewing):

1. To what degree do you think legislation and policy should mandate programs and practices that ensure inclusion is a reality in communities across Canada?
2. What kind of accountability would be feasible to ensure that schools that have not become inclusive do so. Might specific consequences and penalties for failure to be inclusive be possible?
3. Might teacher education programs that result in new teachers with better training for inclusion diminish the need for legislation and policy?
4. What does the Canadian Charter of Rights and Freedoms offer to the effort to make schools inclusive?

More from Ken Pike:

- United Nations Convention on the Rights of Persons with Disabilities. Summary on: *General Comment Number 4 - Article 24: Right to Inclusive Education and New Brunswick's Progress on Meeting Treaty Expectations*. New Brunswick Association for Community Living (NBACL). December 2019.
- **Resources created for Inclusive Education Canada**
 - Some Thoughts On The Moore Decision: <https://bit.ly/3xqNZdG>



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