



Supporting the Right to Read:

The Manitoba Human Rights Commission's Special Project on the Human Rights Issues affecting Students with Reading Disabilities in Manitoba's Education system

Terms of Reference

Background

On November 9, 2012, the Supreme Court of Canada issued a landmark decision confirming that human rights laws in Canada protect the right of all students to an equal opportunity to learn to read. In other words, the decision affirmed that **learning to read is not a privilege or luxury, but a basic and essential human right.**

The case involved Jeffrey Moore, a British Columbia student with dyslexia, a learning disability that required he receive intensive remediation support to learn to read. For the first couple of years of his education, he received a range of support services from his school district. However, due to funding cuts, his access to intensive remediation were eliminated. Jeffrey was advised by school officials that the intensive remediation he required could only be obtained by attending a private school.

Jeffrey's parents filed a human rights complaint with the British Columbia Human Rights Tribunal, alleging that he was being denied meaningful access to education, on an equal level with other British Columbia students, because of his disability. The Supreme Court of Canada agreed, finding that Jeffrey had a right to receive the intensive supports and interventions he needed to learn to read. The school board's failure to provide special education programs and services, including intensive intervention, denied Jeffrey meaningful access to education, resulting in discrimination under the British Columbia *Human Rights Code*. The Court said:

...adequate special education...is not a dispensable luxury. For those with severe learning disabilities, it is the ramp that provides access to the statutory commitment to education made to all children...

While the Supreme Court's decision in *Moore* is celebrated as a significant step toward advancing the equality rights of students with disabilities, in the ten years since it was released, the Manitoba Human Rights Commission continues to hear from students and families that they experience barriers in learning to read in Manitoba's education

system. The Commission remains concerned that Manitoba's public education system may not be upholding the equality rights of students with reading disabilities (dyslexia and other learning disabilities that affect reading), by failing to meet their learning needs. This special project will explore whether students with reading disabilities have meaningful access to education as required by Manitoba's *Human Rights Code (The Code)*. The United Nations *Convention on the Rights of Persons with Disabilities* also recognizes the right to an inclusive education system directed to the full development of human potential and sense of dignity and self-worth.

A reading disability, formally known as a specific learning disorder with impairment in reading, encompasses a range of difficulties that include word recognition, fluency, and reading comprehension. Depending on the person, it can be more or less severe and can affect reading fluency, decoding, reading comprehension, recall, writing, spelling, and sometimes speech. Dyslexia is the most common reading disability.

Reading disabilities can exist along with other related disabilities and affect approximately 10% of Canadians. Reading disabilities are the most prevalent disability among students with special education needs. There are students with reading disabilities in every classroom.

Dyslexia and other reading disabilities are due to brain differences and are **not** related to a person's intelligence. With scientific evidence-based and systematic instruction in reading, early identification, effective interventions and accommodations, the impact of a reading disability on a student's learning to read can be greatly diminished or resolved. Failing to offer the necessary supports has serious academic and life-long consequences for students and their families. Students can lose their sense of dignity and self-worth, develop depression and anxiety, and leave school. They may even be more likely to become involved in the criminal justice system, become homeless, or die by suicide. Parents may struggle to get assessments, interventions and accommodations for their children, and in many cases may be forced to pay for services privately, assuming they can and the necessary services are available where they live.

Our Mandate

The Manitoba Human Rights Commission is an independent agency of the Manitoba government, responsible for:

- enforcing the rights and responsibilities in *The Human Rights Code ("The Code")* through a complaints process; and
- engaging in policy and research initiatives and conduct education programs to assist the public in understanding human rights obligations and promote equality.

Our work is driven by the recognition of the individual worth and dignity of every person.

Project Scope

This special project will examine the potential human rights issues affecting students with reading disabilities in Manitoba's schools, including:

1. **Universal Design for Learning (UDL):** Whether Universal Design for Learning, an approach to education that meets the diverse needs of every student, is being applied within Manitoba's reading curriculum and in classroom teaching methods.
2. **Early Screening and Assessment:** Whether all students are being screened for reading difficulties at the earliest available opportunity using scientific evidence-based early screening tools, as well as the role of psycho-educational assessments and whether students have access to timely and appropriate psycho-educational assessments where needed.
3. **Interventions:** Whether students who have been identified as having reading difficulties through mandatory early screening or other assessment have access to timely, scientific evidence-based reading intervention programs.
4. **Accommodations:** Whether students who have been identified as having reading difficulties through early screening or assessment have access to timely and effective accommodation.
5. **Training and Ongoing Professional Development:** Whether post-secondary teacher training programs provide evidence-based instruction in how to meet the learning students of reading disabilities, as well as whether educators receive ongoing professional development in evidence-based instructional methodologies for students with reading disabilities.
6. **Monitoring and Evaluation:** Whether monitoring and evaluation strategies are in place to ensure that Manitoba's education system is meeting the needs of students with reading disabilities.

The Commission will also examine the unique challenges for students with reading disabilities who face other barriers such as living in poverty or being members of intersecting *Code*-protected groups including newcomer students, English-language learners (students who are learning English at the same time as they are learning the curriculum), Black, Indigenous and students of colour, students with other disabilities, etc.

Process

As part of this special project, the Commission will:

1. Conduct research on evidence-based approaches for supporting the needs of students with reading disabilities in Manitoba's education system.
2. Seek input from impacted individuals, including students, families, educators and administrators, through surveys and other means.
3. Targeted consultations with key stakeholders in Manitoba's education system.

The Commission will publicly report on its findings and make recommendations, where necessary, to ensure that all students in Manitoba have an equal opportunity to learn to read.

Privacy

The Commission recognizes the potential vulnerability of affected individuals and the sensitivity of information it will receive during the project.

The Commission will take all reasonable steps to conduct any surveys and consultations in a way that protects the security of the person and respects their confidentiality. The Commission will not disclose personal information of affected individuals without informed consent.

The Commission will take all reasonable steps to ensure that personal information that it obtains is treated confidentially and in accordance with statutory safeguards including the *Freedom of Information and Protection of Privacy Act (FIPPA)*.