INCLUSION ACTION IN ONTARIO

AN INCLUSIVE EDUCATION IS THE FOUNDATION FOR AN INCLUSIVE LIFE

October 30, 2021

By Email to: educationSDC@ontario.ca

Re: Consultation: Initial recommendations for the development of proposed Kindergarten to Grade 12 education accessibility standards

Introduction

Inclusion Action in Ontario (IAO) is the leading voice in Ontario for the inclusion of students with disabilities in education and community. For over 30 years, we have been a parent and family led organization, working with families and school boards to break down barriers and see the full inclusion of ALL students in their neighbourhood schools and in their age-appropriate regular classrooms. We are grateful for an opportunity to comment on the Initial Recommendations for the K-12 Standards.

Kate's Story

During lock-down teaching, Kelly MacSporran Meissner, a grade 12 physics teacher, mused, "science is for everyone". This flowed from her online teaching experience, in which her daughter, Kate, participated in physics demonstrations for Ms. Meissner's online physics class.

Kate has just started grade 7. When most students with Kate's disability profile have long-since been segregated into special education classrooms, Kate, with the support of her school board, will continue to attend her regular neighbourhood school and age-appropriate classroom.

Consistent with Kate's experience, we at Inclusion Action in Ontario (IAO) work to ensure that students with disabilities can access the regular curriculum and that it is indeed, recognized, as being "for everyone".

Comments on the Initial Recommendations

As a volunteer-led and operated organization, IAO does not have the ability to provide in depth commentary on each recommendation. We do provide some more in-depth comments at **Attachment A** to this submission, particularly for Section Two, Three, Four and Five, along with some other specific suggestions.

In addition, we provide four key comments as follows:

1. **Universal Design for Learning truly must be for ALL learners**

The Report continues to reflect or support the concept of placements, differentiated instruction, and alternative curricula which only undermine the goals of universal design. UDL must truly be for all, or it will never be achieved or properly implemented.

2. **Entrenchment or expansion of alternative curriculum is antithetical to UDL and inclusion**

The Report recommends the expansion and formal entrenchment alternative curriculum. IAO is deeply concerned about recommendations which would do this. This is antithetical to universal design and barrier free education, and systematically ensures that not all learners are permitted to access the curriculum. This, along with special education classrooms, where alternative education is largely delivered, and where our most marginalized students are placed, offer no long-term benefits to students by any measure. Decades of research have established this.

To that end, we include as part of our submission **(Appendix B)**, a recent paper in the International Electronic Journal of Elementary Education [1], which explores the issue of alternative curricula and notes that, rather than eliminate barriers, alternative curricula *create structural barriers* by explicitly designating students as incapable of using the same curriculum as non-disabled peers. We support the paper's recommendations, including the following (at page 242):

> *Establish the general education curriculum as the default curriculum for all students. All students must benefit from the common set of concepts and skills established in the curriculum. This curriculum must lend itself to the principles of Universal Design for Learning and Project Based Learning and thus allow many opportunities for students to understand curricular content and express their knowledge and skills. Curricular expectations can be paired with individualized learning goals to allow for tailored and embedded instruction for students who need additional support.*

We strongly recommend the Committee and Ministry of Education review this paper and all its recommendations thoroughly, and redraft recommendations contained within the Report, as necessary, to reflect this research and the recommendations.

We also note that the Ministry in the past has attempted to move towards the creation and establishment of alternative curriculum or expectations, as recently as 2017. This was not further pursued after initial discussions indicated little support and a great deal of alarm.

[1] Hanreddy, A., & Ostlund, D. (2020) Alternate Curricula as a Barrier to Inclusive Education for Students with Intellectual Disabilities. International Electronic Journal of Elementary Education, 12(3), 235-247. Retrieved from https://www.iejee.com/index.php/IEJEE/article/view/1086

We would be extremely troubled to see any standards entrench a system of alternative curriculum and would consider it an ableist approach to education contrary to all best practice.

3. The Education Act must be reformed to move away from labels

This consultation relates to the development of standards under the *Accessibility of Ontarians with Disabilities Act* (AODA). However, AODA standards must function within the *Education Act* and of course, the *Ontario Human Rights Code*, as an overlay.

To achieve true equity for students with disabilities, reform is required in the context of the *Education Act*, itself.

The Committee recommends, at **Recommendation 54**, that the Identification, Placement and Review Committee process, which exists under the *Education Act*, should be reviewed to determine if it needs to be re-designed, retained or replaced. We support this recommendation, but ultimately would go further, as described more fully below.

The current *Education Act* framework for addressing the needs of persons with disabilities framework has not meaningfully changed in approximately 40 years. This is notwithstanding decades of research, better understanding of pedagogy and significant change in how we address difference and disability in society.

We alert the Committee and Ministry of Education to another recent paper (**Attachment C**),[2] which explores the IPRC's history and concludes that the *IPRC itself may function as a significant barrier to students' academic success*.

The paper notes that the IPRC is intended to address individual students, but its inflexible processes mandate the usage of crude categorizations of student ability and frequently place students in standardized placements, while simultaneously minimizing or excluding student involvement in the process (this can similarly be said for the development of the Individual Education Plan). The paper notes that the IPRC, on the logic of a medicalized approach to disability, is focused more on "fixing" or rehabilitating children than on ensuring rights of access for children with disabilities. At the same time, the IPRC cannot make decisions about critical elements related to a student's education, like programming, in-school accommodations or other supports needed to build relationships between peers and teachers.

Flowing from that, not only does IAO support a complete re-think of the IPRC, which system can be traced back to the institutionalization of persons with disabilities; but it supports a complete re-think of the "exceptionality" based approach to addressing the needs of students with disabilities, which permits separate placements based on types of disabilities for no appreciable benefit, and in fact, as a practical matter, is a fiction: the students within the classes are as

[2] Reid, L., Parekh, G., & Lattanzio, R. (2020) A Relic of the Past: Identification, Placement and Review Committees in Ontario's Education System. Canadian Journal of Educational Administration and Policy, 194, 51-63. Retrieved from https://journalhosting.ucalgary.ca/index.php/cjeap/article/view/69850

diverse as any other class, notwithstanding the identification they have been assigned. It is also stigmatizing to be a person with an "exceptionality".

Indeed, it bears reminding that no other community faces the prospect of a systematic removal from their neighbourhood school and community the way students with disabilities do, in some cases to the point of living away from home in provincial residential schools.

In sum, the *Education Act* regulatory scheme for "exceptional" students is antithetical to the entire framework of Universal Design for Learning and belonging. A complete revision of the *Education Act* approach to students with disabilities is required to place it on all fours with a system based in Universal Design. Without this, the goal of Universal Design is unlikely to be met, as a competing structure will prevent that, ensuring that all the good work of any standards continues to be undermined.

4.   **Individual Education Plans (IEPs) must be reimagined as inclusive & competency based**

The report does reflect on the need to use the IEP for social inclusion (**Recommendation 67**), but does not reflect on the need to meaningfully include the student, or their peers/friends, as possible/desired, in the development and implementation of the IEP. Peers, if given the opportunity to participate with the consent of the family or student, can be an invaluable resource in the development and implementation of an IEP. Students need to feel invested in their own learning. IEPs are not developed with this in mind at all.

To this end, **we recommend the Committee and province seriously reconsider how IEPs are developed and implemented in Ontario as a primary task and also consider the overall development and design of curriculum to reflect inclusive pedagogy.**

Shelley Moore's research and work in British Columbia has significantly impacted how British Columbia is now approaching the development and implementation of IEPs, including how to centrally include the students themselves in the process, and has resulted in the development of Inclusive & Competency Based IEPs. This student engagement is not limited to older students or students who are typical communicators. Appropriate accommodations and strategies must be applied to ensure this is possible. Efforts to include students and their peers/friends in the development of the IEP should be done as early as possible, with efforts beginning as early as kindergarten.

In Ontario, students remain on the sidelines of this and may not even know they have an Individual Education Plan. We continue to talk about disability in "hushed tones" and the classroom peers in which our students live and learn do not participate meaningfully in the implementation of these plans, failing to capitalize on the one of the greatest benefits potentially available to ALL students in the regular classroom: the development of social capital and the development of and respect for interdependence and difference.

We note that the structure of the IEP itself may be a barrier. We understand the forms are apparently drafted with drop down menus and limited or limiting options. **This practice should immediately cease in boards, along with ending the adoption of programming which is largely or completely based in alternative expectations.**

In sum, the overarching goals in the development of the IEP must be invested student learning, access to curriculum, and citizenship in the classroom and school community. This cannot be achieved without the active participation of the students and their peers. In keeping with current research and best practices, IAO strongly recommends that Ontario immediately take steps to modernize the framework for IEP development and structure, and develop appropriate standards for same under AODA, to achieve these goals.

Conclusions

IAO is supportive of all efforts to remove barriers and bring universal design and inclusive practices to the forefront of education in Ontario. To the extent that these recommendations take away from that goal, for example, alternative curriculum, IAO respectfully requests a re-write and re-think of the recommendations, as outlined above and in Appendix A.

We also strongly encourage the development of a more modern approach to the development of IEPs, with the deliberate and planned inclusion of the student for whom it is being developed, and their peers, as much as possible, based on the B.C. model of "Inclusive & Competency Based IEPs". This inclusion would be at both at the development stage and at the implementation stage.

Lastly, legislative reform is required as it relates to the *Education Act* system of "exceptionalities", "special education placements" and the IPRC process, if there is to be any hope of achieving a universally designed and accessible, barrier free system. The current framework is antithetical to those goals.

Yours Truly,

Paula Boutis, President

Inclusion Action in Ontario
Appendix A - K-12 Submissions

IAO submits the following comments:

Initial Proposed Long-Term Objective

We applaud the **Initial Proposed Long-Term Objective**: "**That by 2025, the publicly funded K-12 education system will be fully accessible, equitable, inclusive and learner-centered"[1] by removing and preventing barriers and providing accommodations.**

However, if the education system removes and prevents "barriers impeding students with disabilities from fully participating in, and fully benefiting from all aspects of the education system" as Part A states, reference to "placements" in Part B detracts from this.

"Universal Design for Learning", "universally accessible curriculum", "accessible quality education for all", "full participation", "barrier free", "equitable and inclusive" are mentioned many times in the Draft Standards – but not enough in the section on Curriculum, Instruction and Assessment, where these goals are most important and relevant.

It is not enough to aim for a system that can "better respond to students' diversity and needs related to disability"; it must be prepared to UNIVERSALLY respond, without exception.

It has been important for Ontario to establish Accessibility Standards for Transportation that ensure, for example, that every single TTC bus announces upcoming stops, to accommodate people with visual impairment. It would not be enough to make that accommodation available only on some buses.

Accessibility Standards must be set in ways that can totally eliminate the need for separate service provision.

Government did not want to require transit stop announcements, but the accommodation that was necessary for some commuters has proven better for all commuters, just as Universal Design for Learning can improve education for all students.

To address ableism, no person with disabilities should ever be seen "as being less worthy of respect and consideration, less able to contribute and participate, or of less inherent value" than another person with disabilities.

We must truly ensure that "the needs of students with low-incidence disability not be marginalized, sidelined or deprioritized".

If the education system retains barriers for some, it remains inaccessible to all.
To ensure that "public money is never used to create new barriers that negatively impact students with disabilities or to perpetuate existing barriers", the current system of IPRCs must be made unnecessary.

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[1] All quoted text is derived from the draft standards.

It is essential to ensure that "effective interventions" do not involve removal of some students from typical age-appropriate classrooms in their neighbourhood schools – anywhere in the province.

It is not just students (and their families), educators and school staff with disabilities who require this change, but that ALL students and ALL educators will benefit from an "accessible, equitable, and inclusive education system in Ontario". Planned "Research-informed, evidence-based programs, pedagogies, and policies" must benefit everyone – without exception and exclusion.

Guiding Principles

The guiding principles include emphasis on independence. When education focuses too much on *independence* and self-reliance, there is a risk that accommodations will be denied and ableism will persist. It is especially important that students with disabilities experience unconditional respect and belonging, especially because some will continue to require assistance from others. In fact, all students need to experience and learn *interdependence* – to build a stronger sense of community in classrooms, schools and society. IAO recommends reflection more of "interdependence" than "independence" or minimally, equal reflection of its importance to functional relationships and meaningful inclusion.

The opening paragraph does not include the OHRC "Policy on Accessible Education for Students with Disabilities" and should. This is an overlaying document that should be considered in all aspects of this report. It should be included as it is as important or even more important than some of the Ministry-specific documents listed.

The guiding principles (Statement 5, page 11) refer to "students with very high or complex needs who are marginalized or fully excluded from meaningful participation in their schools and communities". Please clarify that this is totally unacceptable and that resources must be directed to prevent marginalization and exclusion and ensure students participate and contribute meaningfully.

Glossary of Terms

Inclusive Design

The definition should incorporate attitudinal barriers. We recommend the following amendment:

Inclusive Design: taking into account differences among individuals and groups when designing something, to avoid creating barriers. *Inclusive design includes addressing attitudinal barriers and* can apply to systems, facilities, programs, policies, services, education, etc. (Teaching human rights in Ontario- A guide for Ontario schools, 2013)

Inclusive Education

The definition of inclusive education does not reflect a student's right not to be excluded from the general education system, in accordance with Article 24 of the UN Convention on the Rights of Persons with Disabilities or the definition developed by Inclusion Canada. IAO recommends the following amendments to the definition of Inclusive Education in the glossary.

Inclusive Education

- Means education based on the principles of acceptance and inclusion of all students. Students see themselves reflected in their curriculum, their physical surroundings, and the broader environment, in which diversity is honoured and all individuals are respected (Ontario's Equity and Inclusive Education Strategy, 2009).
- *Means persons with disabilities are not excluded from the general education system and are entitled to an inclusive, quality and free education on an equal basis with others in the communities in which they live with reasonable accommodations of the individual's requirements and the support needed, within the general education system, to facilitate their effective education*
- *Occurs when all students are able to attend and are welcomed into their neighbourhood schools in age-appropriate regular classes and are supported to learn, contribute to and participate in all aspects of the life of the school. As well, all students are challenged to meet their unique intellectual, social, physical and career development goals.*

Section One: Attitudes, Behaviours, Perceptions and Assumptions

Recommendations 1.1 and 1.2. Shorten the timeline from two years to six months. Two years is an unnecessarily long time to achieve these basic goals of information sharing and establishing networks.

Section Two: Awareness and Training

Recommendation 6: We agree that "a common Universal Design for Learning training be mandatory for all educators (senior administration, school administration, teachers, occasional teachers, educational assistants, and Professional Support Staff Personnel members) both at the pre-service level and on-going throughout the school year"

However, co-teaching and coaching models must be embedded into any system that hopes to establish universal design for learning or skilled teaching in diverse classrooms and training must not be limited to academic instruction. We recommend the following additional recommendation:

Training must include as a significant component actual practice opportunities with students in regular classrooms, appropriately supported through co-teaching and coaching models, with appropriate financial support from the Ministry for such staffing.

Section Three: Curriculum Assessment and Instruction

We agree that: "Curriculum, assessment, and instruction need to be culturally responsive and universally designed to ensure barrier free education for students with disabilities."

We agree that "all students across disabilities need to develop knowledge, skills, and attitudes enabling them to participate fully and actively in society."

However, it needs to be pointed out that this will not happen if they are removed to segregated special education class "placements". In fact, Ontario society will never promote the full

participation of people with disabilities if any such students are systematically removed from regular classrooms in our schools.

The goal of education for ALL students should be to promote future employment and to ensure universal access to it.

We agree with all recommendations about curriculum and instruction that ensure "full accessibility, equity and inclusion", "Universal Design for Learning" and "barrier free education".

Implementation of these recommendations should mean that "alternative curriculum for students with disabilities" (referenced in **Recommendation 9.5c**) is no longer required.

We understand expanded curriculum relates to students with vision loss and is not intended to derogate from the curriculum, but is intended to allow for access to the standard curriculum. Our review of relevant information available online reflects that this is intended to remove barriers to access the curriculum and to function with vision loss. IAO would support such expanded core curriculum.

Alternative curriculum, or life skills curriculum that is disconnected from the curriculum and taught out of context from where it is applied (e.g. the household tasks and chores), and which curriculum is typically applied to students with intellectual disability, is not appropriate if we genuinely intend to ensure that ALL curriculum is truly accessible, equitable and barrier free. Every student should be able to access the curriculum.

In sum, **IAO strongly recommends the removal of references to alternative curriculum and/or making it very clear that it should never be a replacement to curriculum based education.** We refer you again to the paper at Attachment B for appropriate recommendations related to curriculum for students with intellectual disabilities for appropriate recommendations related to curriculum:

Hanreddy, A., & Ostlund, D. (2020) Alternate Curricula as a Barrier to Inclusive Education for Students with Intellectual Disabilities. International Electronic Journal of Elementary Education, 12(3), 235-247. Retrieved from https://www.iejee.com/index.php/IEJEE/article/view/1086

There may be some skills that we previously thought were pertinent only to students with disabilities that should be taught to ALL students, e.g. self-regulation, but now we accept that these are better learned when students with and without disability labels remain together in their age-appropriate classrooms.

ALL students need to learn "executive functioning skills (for example, emotional and physical self-regulation, working memory, self-monitoring, organizational planning and prioritizing, and task initiation)", to the best of their abilities and/or with support/accommodation as required, IAO supports the inclusion of these skills in **Recommendation 9.5(i)**.

We agree that curriculum should be "responsive to cultures, history, experiences and perspectives of students and communities". Anti-Black racist education is specifically mentioned in **Recommendation 9.5(e)**, and it is especially important that these Standards specifically require education related to our history and the persistence of ableism.

We agree that "a true measure of equity, access, and inclusion for all in our schools is how well students from diverse backgrounds and with disabilities achieve in schools." The fact is that most school boards maintain a separate system of special education that removes many students from the regular classroom without evidence of its effectiveness, or worse, with clear evidence of its ineffectiveness.

Regardless of what these Standards call "self-assessment", the voices of students in segregated class and school placements are rarely heard by other students and educators. Our history of institutions and segregated services has shown that they limit learning and also establish conditions conducive to neglect and abuse whenever people are "out of sight… out of mind" (as Pierre Berton wrote in the Toronto Star in January 1960)

Learning Resources and Self-Assessment Recommendations

Recommendation 11: ALL students require "meaningful, challenging learning opportunities and curriculum engagement", otherwise they become bored, frustrated and unhappy.

We recommend a modification to 11.2 as follows, bolded:

> 11.1 Ministry and Boards will ensure the design of instructional materials that are fully accessible on a timely basis for students with disabilities, including for example, **adapted multi-modal, plain language materials for grade level content[2],** materials that are accessible to those with vision and hearing loss, full captioned digital, visual accommodations, and non-verbal formats.

A danger of traditional special education with segregated classes has been that students are drilled repeatedly on the same tasks which they may find meaningless. If they don't achieve certain skills, it is assumed that they need more repetition or that goals should be lowered, when in fact they may need new and greater challenges.

Differentiated Instruction

It is not until **Recommendation 13** that the term "Differentiated Instruction" (DI) first appears. This is very confusing because all prior discussion promotes Universal Design for Learning.

DI is defined in **Appendix A** as "a process where educators vary the learning activities, content demands, and modes of assessment to meet the needs and support the growth of each child. DI provides different learning experiences in response to each student's needs (Tomlinson, 1999). It is a method of teaching that attempts to adapt instruction to suit the differing interests, learning styles, and readiness to learn of individual students (Learning for All, K-12)."

DI requires a classroom teacher to prepare and deliver multiple lessons and learning experiences. As a matter of practice this is both unsustainable and divorces a disabled student's experience from the rest of the classroom, impacting severely the goals of belonging. It also leads to segregated placements when teachers cannot see the point of students being in their classroom, because the instruction and curriculum is completely divorced from the curriculum others in the classroom are experiencing.

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[2] An example of pedagogical materials that have adapted such texts and books is the curriculum prepared by Readtopia. See: https://demo.myreadtopia.com/

These Standards must hold educators to the higher standard of **Universal Design for Learning**, which is defined in **Appendix A** as "a teaching approach that focuses on using teaching strategies or pedagogical materials designed to meet special needs to enhance learning for *all* students, regardless of age, skills, or situation. It is an educational framework based on research in the learning sciences, including cognitive neuroscience, that guides the development of flexible learning environments and learning spaces that can accommodate individual learning differences."

This requires a classroom teacher to design and deliver one lesson that provides suitable learning opportunities for all students.

The Ontario Human Rights Commission's Policy on Accessible Education for Students with Disabilities[3] does not endorse or even mention Differentiated Instruction but requires UDL. This Policy says:

> "*The United Nations' Committee on the Rights of Persons with Disabilities has expressed its support of UDL. It has encouraged States Parties to the CRPD to adopt the universal design for learning approach, which consists of a set of principles providing teachers and other staff with a structure for creating adaptable learning environments and developing instruction to meet the diverse needs of all learners.*"

We are concerned that reference to DI in these Standards actually limits accessibility.

IAO does not support **Recommendation 14.1,** which indicates that all teacher training and professional development should concern "Differentiated Instruction for all learners."

Recommendation 14.2 says that all school system leaders must implement both "Universal Design for Learning and Differentiated Instruction in their schools".

It is UDL that should be referenced in Recommendations 13 and 14, to be consistent with the expressed objective and other recommendations as outlined earlier in this paper.

It is especially problematic that the very next section of this paper (re "Student Voice") mentions only DI and not UDL. However, this section ends by equating UDL and Inclusion, as it should do consistently.

In sum, we recommend the removal of DI from any recommendations as an instructional practice that is both unsustainable and a barrier to learning.

Student Voice

The preamble to the section on "**Student Voice**" does not appear to be about student voice. It says "curriculum-based and clinical assessments" should inform teachers. It is helpful that this mentions students' "talents and strengths" but the reality remains that assessments too often focus on "needs". It is especially problematic that clinical assessments too often make invalid comparisons of students with diverse disabilities, means of expression and life experiences against artificial concepts of "normal".

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[3] http://www.ohrc.on.ca/en/policy-accessible-education-students-disabilities

We agree that assessments should never be used "as a means to prematurely 'remove' students from accessing the provincial curriculum/and or age-appropriate regular education classroom based solely on diagnosis and identification."

We agree that a "developmental gap argument based on assessments, continues to be made in schools, resulting in premature narrowing of pathways (alternative curriculum replaces the Ontario curriculum rather than a balance of both where needed) creating barriers to accessing credit-bearing courses, and post-secondary education destinations."

We appreciate that this section calls special education classes "segregated" and recognizes that streaming disadvantages students – but this does not just pertain to students from racialized or cultural minorities. It is necessary to refer to the ways segregation and streaming disadvantage any and all students. Effective inclusive education benefits everyone.

It is both illogical and unacceptable to follow this by saying that assessment should be used to inform "appropriate program and placement options (for example, Regular education placements; special class placements; special school placements, secondary pathways)". This does not mention due process and seems to condone placements that this Report has already recognized as segregated and disadvantageous.

The Ontario Human Rights Commission says: "*Where the best known universal design standards have been applied, and barriers continue to exist because it is impossible to remove those barriers at a given point in time, then, as part of the duty to accommodate, next best alternatives or temporary solutions for individual students must be explored and implemented, if to do so would not result in undue hardship.*"

Educators should never automatically channel students into segregated classes on the basis of exceptionality.

Please note also that segregated schools are not recognized by the Ontario Ministry of Education as a Placement option. There are only 5 or 6 Ontario school boards that operate segregated schools for students labeled/with developmental disabilities. What rationale can there be for their persistence, when 65 or 66 boards either never operated such schools or closed them many years ago?

We agree that "Inclusion and Universal Design for Learning principles extend beyond formal classroom learning to multiple experiences including outdoor and experiential learning, social and recreational activities, extra-curricular, community engagement".

However, we question whether alternative pathways - called "specialized" here - actually lead "to success". This sounds exactly like that "premature narrowing of pathways" that is described as a barrier in need of removal, 2 paragraphs above. It also contradicts **Recommendation 15**, which follows below. These Standards don't set the criteria for or definition of such "success". It is particularly inappropriate to make this reference in a section about "student voice" because in our experience when educators set dangerously low expectations some students have no choice at all.

We do agree with **Recommendation 15** which promotes "person-directed learning and transition plans, and full access to pathways/destinations". Education Accessibility Standards should promote the highest possible individualized learning expectations for ALL.

We agree with **Recommendation 16** – that assessments be "fair, equitable and barrier-free". However, this should also acknowledge that some assessments cannot be conducted without parent or older student consent. Parents and older students must not be criticized or disadvantaged in any way for exercising their right to refuse assessment.

Regarding **Recommendation 16.3**, it is important that "assessment policies and practices" be noted explicitly as needing to be anti-ableist as well as "anti-racist".

We do agree with **Recommendation 16.5,** which says students should have "full access to learning opportunities, ongoing feedback and diverse programming experiences offered in and beyond the classroom".

However, we are concerned that the "specialized programs" mentioned (but not defined) in **Recommendation 16.6** might segregate and disadvantage disabled students and lead to poor outcomes.

We recommend that "Special Education Program" should be clearly defined – as it is at the start of the Education Act – as the supports and services designed for one student at a time (like an Individual Education Plan). Accordingly, "Program" should never be the grouping of disabled students or the locations where they are grouped.

It is essential that all assessments be fair and unbiased, to remove and prevent barriers and improve understanding of students.

However, two parts of **Recommendation 17** mainly address the timeliness of assessments, and offer no specifics about their ability to assess persons with disabilities fairly. In our experience, the psychological assessments often done by school boards compare disabled students unfairly against those who have not experienced the same barriers. This is especially true when tests based on verbal scores are used for students who do not communicate with words, or who may have limited speech and language, or when tests involving motor skills are used for those with mobility and dexterity limitations.

If timely access is addressed but fairness is not, there is even more danger that inappropriate assessment tools will be used.

From what we have learned at SEAC meetings, for example, representatives from the Association for Bright Children and the Learning Disabilities Association advocate for psychological assessment and are concerned about delays. However, IAO has seen that families of students with cognitive and communication related disabilities are too often pressured to agree to inappropriate psychological assessments.

In the context of students with intellectual disabilities, these assessments have largely resulted in low-expectations, segregated pathways and are not used to develop barrier free, accessible education and access to the curriculum. The Standards should reflect that these assessments create barriers for some students with disabilities, rather than eliminate them.

We recommend that standards be developed to reflect that assessments must include appropriate accommodations, where possible, and that where this is not possible, these assessments must not be used.

We also recommend that when families or students decline assessments that this must not be used as a basis to refuse accommodations or known pedagogical best-practice methods of teaching.

As **Recommendation 17.3** states, schools must accommodate students even without psychological assessments and "many educational assessments including on-going evidence-based classroom assessments that can inform how a student learns best."

We recommend Recommendation 17.3 be redrafted as follows:

> 17.3 Pending a board initiated assessment's conclusion, or where such assessment is refused, the school board has a duty to accommodate and cannot refuse to accommodate a student. There are many educational assessments including on-going evidence-based classroom assessments that can inform how a student learns best.

We appreciate that this document goes on to say that schools must "recognize and celebrate students' voice, personal experiences, and family voices as authentic sources of (self) knowledge reflected in co-negotiated program and personalized planning, leading to progressive curriculum, assessment, and instructional design".

We support **Recommendation 19** – that "On-line learning environments and on-line resources supported by the Ministry and Boards facilitate learning and engagement with others". All students should be engaged with their classmates to maximize their learning.

Many disabled students' recent experience with virtual learning demonstrated the lack of accommodation for both learning and engagement. We were appalled in January and April 2021 when the Minister of Education said that some of Ontario's most vulnerable students could attend in person – in schools that were deemed unsafe for everyone else – because they could not be accommodated in virtual classes. If such students had been appropriately accommodated, safer remote learning should have been possible.

We support **Recommendations 20 and 21** for the sharing of accessibility resources. We particularly appreciate that the focus should be on students' strengths and individual "learner identities".

Teaching and Learning about Human Rights and Disability Recommendations

While **Recommendation 22** commits to sharing the "lived experiences of persons with disabilities", all curriculum should advance understanding of ableism and promote inclusion. This may be most obvious in history classes or in terms of books studied in literature. But it has come to our attention that Ontario biology classes may be perpetuating eugenics ideas when teachers discuss prenatal testing and selective abortion after prenatal diagnosis of Down syndrome. Such topics need to be carefully discussed, to include their eugenics based origins.

In addition, this recommendation does not seem to fully address the preamble under this section.

We recommend that Recommendation 22 be modified, including through the deletion of "alternative curriculum", as indicated:

22. To ensure all students benefit from the curriculum and understand human rights and disability issues, the Ministry and Boards must ensure that the curriculum includes instruction on disability rights, the *Ontario Human Rights Code* and *Accessibility for Ontarians with Disabilities Act.* Appropriate education will also include the history of eugenics and its ongoing influence in special education and medical communities. Appropriate instruction will also include the lived experiences of persons with disabilities.

Recommendation 23 refers to "core skills". It should be clarified that this does not refer to or condone "Alternative" curriculum such as Lifeskills K-courses. Core skills should be truly "Universal".

Recommendation 24.1 – about access to specialized programs requires "effective accommodations, accessible locations, instructional materials and program design that is accessible, and barrier free".

This recommendation does not make specific reference to Universal Design for Learning, despite its overall importance to these Standards. We recommend that this recommendation be modified as follows:

> 24.1 The Ministry set direction and Board required practices that ensure specialized programs are **universally designed for learning and** accessible to and effectively accommodate students with disabilities, in accordance with recommendation 11.1 [NB: as revised by IAO].

However, **Recommendation 24.2** says school boards must provide data on "inclusive designs for curriculum and instruction".

Mental Health and Well-being

Recommendation 25 promotes the effective inclusion of students with disabilities in Physical and Mental Health and Well-being curriculum and instruction.

Recommendation 25.4 reflects on the provision of Adapted Physical Education. The acronym "APE" is disrespectful and we recommend instead "Adapted PE".

Indigenous Education Recommendations

We agree with **Recommendation 26.1** so that "Indigenous curriculum is fully accessible and available for students with disabilities".

It is important to ensure that ALL students benefit. Currently, there are many students in segregated classes and schools where their Alternative curriculum will almost certainly NOT include such learning, further supporting our recommendations related to alternative curriculum.

Recommendation 26.3 is that "student achievement and wellbeing for Indigenous students living with disabilities be reconceptualized". However, Universal Design means such benefits – necessary for some - are available to all students, learning together.

It Is a problem that references to full participation, equity, inclusion and Universal Design for Learning are absent entirely from this section.

Specialized Alternative and Expanded Curriculum and Pathways Recommendations

As noted in our covering submission, we have great concern about the recommendations relating to alternative curriculum.

Alternative curriculum is antithetical to the stated objective of and undermines all the recommendations relating to inclusion, equity, full participation. "Alternative curriculum" is completely antithetical to the principles of individualization and universal design.

Despite all the preamble, it now seems as if the committee means that Universal Design for Learning does not actually apply to everyone. "All" can never really mean all; "full participation" can never be full, if some students are segregated and sidelined. The inclusion of alternative curriculum means the approved curriculum is not for everyone.

This section defies what was stated earlier about "narrowing of pathways, "barriers to accessing credit-bearing courses, and post-secondary education destinations" and the disadvantages of streaming. Placements are now called "specialized, learning centers", as if to justify the segregation that Accessibility Standards should prevent.

In reference to "students who participate in specialized and expanded programs", "programs" sounds more like groupings or places, not individually respectful and responsive activities of learning.

This is ableism, whereby some persons with disabilities are seen "as being less worthy of respect and consideration, less able to contribute and participate, or of less inherent value" than other persons with disabilities.

Therefore, we disagree with **Recommendation 27,** particularly in respect of alternative curriculum.

Recommendation 27.4 is confusing. It is unclear what is meant by inclusive. It also is addressed through Recommendation 11.1 (as revised by IAO).

We agree with **Recommendation 27.5** – to review certificates and graduation requirements and support "transitions to student's post-secondary programming, school to workplace and community opportunities".

We disagree with **Recommendation 27.6, at least as it relates to alternative curriculum.** It is not resources and training about "alternative … curriculum and learning expectations" that is needed. At this point, recommendations have reverted to previous practices that reinforce barriers rather than eliminate them.

This does not reflect the concepts of "Universal Design for Learning", "universally accessible curriculum", "accessible quality education for all", "Full participation", "barrier free", "equitable and inclusive".

To the extent that this recommendation would commit resources to training for segregation totally undermines **Recommendation 6** – that **"**a common Universal Design for Learning

training be mandatory for all educators (senior administration, school administration, teachers, occasional teachers, educational assistants, and Professional Support Staff Personnel members) both at the pre-service level and on-going throughout the school year."

Assessment and Accountability Recommendation

Recommendation 28 may not be achievable, depending on the specialized program, simply because certain students, particularly those with intellectual disabilities, who participate in specialized programs, typically means segregated, alternative programs, and would therefore not have access to the curriculum at all. We would rewrite this recommendation as follows:

28. Boards ensure students with disabilities **should be expected to participate in provincial curriculum based education. This may include** specialized **(e.g. Specialist High Skills Major)** and expanded programs **(Expanded Core Curriculum for visually impaired students). Students must** receive the required adaptations to instructional design and assessment practices so that they have every opportunity afforded them to earn a diploma albeit 16 credits for an Ontario Secondary School Certificate (OSSC) or 30 credits for the Ontario Secondary School Diploma (OSSD). It is in the design process where many students for example, with intellectual disabilities can achieve credits and pursue diploma pathways (for example, through apprenticeship programs and others).

Resources Development and Improvement Planning Recommendations

We would like to see "Boards as champions for all their students", but the focus of Accessibility Standards should go far beyond the "duty to accommodate students with disabilities". Inclusion and Universal Design for Learning go much further to remove and prevent barriers systemically and should be reflected in this preamble, as it otherwise is in the document.

We support "continuous review of practice and process, collaboration, and shared solutions" but that will not go far enough. These Accessibility Standards must mandate "real change in the practices and culture regarding accessibility within the school system", as the preamble states.

We support **Recommendation 29** as drafted, which takes these proposed Standards back to their essential goals of "full curriculum and assessment accessibility", "Universal Design for Learning instructional strategies" and "full participation in curriculum, experiential learning, physical and health education, outdoor learning, co-curricular learning".

Section Four: Digital Learning and Technology

IAO recommends the addition of the following:

1. **IAO recommendation section 35.14** (board level recommendation) for Textbooks in alternate formats. These textbooks are currently an afterthought by staff, often getting delegated, delayed and forgotten. It can take months for the staff to get copies of textbooks in alternate format and requires several follow ups by parents with staff.

> a. Teachers should be prepared to deliver all textbooks and materials in alternate formats to students who would benefit when they deliver regular

textbooks and material to their students. Textbooks should not be approved for curriculum if the publisher cannot supply the textbook in alternate formats. Format needs should be documented in the IEP so the teacher will be familiar with expectations and be prepared before the class where they will be used.

2.   IAO **recommendation section 38.6** (Ministry Level recommendation) for images in digital textbooks and the images contained within.

   a.   Textbooks and other material delivered in digital format that have images with text embedded in the image must be readable by text-to-speech readers along with a description of the image. This must apply to electronic copies of the textbook, audio versions and all online learning platforms approved by the Ministry.

3.   Part 6 Digital learning and technology platform barriers. IAO believes there needs to be Ministry leadership to ensure that all digital and technology requirements and all online platforms are accessible.

IAO recommends that instead of boards having a leadership or procurement role in this, that this function should be done by the Ministry. **Recommendation 35 should therefore be directed to the Ministry.**

Similarly, in relation to **Recommendations 39.1 to 39.4,** certification and the management of virtual classroom and meeting platforms be better if it was procured and centralized at the Ministry. If the platform has defects or requires enhancements, the Ministry is more likely to impress upon the provider the need to make changes than most school boards could. School boards should regularly provide feedback to the Ministry on issues their staff come across with platforms. **IAO recommends as a new recommendation, the following, in place of the current 39.1 and 39.2:**

   The Ministry must certify online learning platforms and meeting platforms that may be used by all school boards in the province. The school boards may rely on Ministry certification. The Ministry may issue restrictions on the certification to clarify the appropriate use such as French only, grade specific or subject/course specific. The Board will pick from those certified that they will use. Boards can recommend platforms to be certified by the Ministry.

4.   **In relation to Recommendation 38.4**, IAO recommends that TVO or the Ministry should at least 3 times a year verify that all curriculum related hyperlinks on all certified platform work and are accessible. They should update as needed.

5.   **IAO recommends adding this provision:**

   The Ministry of Education should regularly monitor and have tested the accessibility of curriculum platforms, shall make public the results of its reviews, and shall provide a list of approved accessible curriculum platforms to school

boards on a quarterly basis. The list should include that date of the last Ministry review of content and functionality.

6.   **IAO recommends the following related to SEA claims:**

All computer Special Equipment Amount (SEA) claims be completed within 30 days of the school principal's receipt of supporting documents if the IEP exists. If there is no IEP the SEA claim should be completed within 30 days of completion of the IEP. Annual reports should be presented to the Trustees and SEAC on the number of claims fulfilled within the 30 days and how many took longer for the preceding school year. If the number beyond the 30 days is significant, board staff should include a plan on how they intend to meet the 30 days standard in future.

Section Five: Organizational Barriers

The Report notes the many shortcomings of the IEP and we support the recommendations generally, including the recommendation to broaden the definition of accommodations in this context to be consistent with that term and concept as it is used under the Ontario Human Rights Code (**Recommendation 40.2**).

IAO **recommends modifying section 40.1** to explicitly include "any offered courses".

40.1 Ensure that no student with a disability is excluded from eligibility for **any offered courses,** programs and services, including special education programs and services, that they require due to definitions or criteria that are inconsistent with the *Accessibility for Ontarians with Disabilities Act*, the *Ontario Human Rights Code*, or the Canadian Charter of Rights and Freedoms.

For example, if a board has an arts program, to be enrolled the applicant must provide proof of their skills through an audition process or samples of their work and the first page of their report card that includes the students "learning skills". A high percentage of those in the entertainment industry and other arts fields are ADHD but if you select applicants based on their "learning skills" ADHD students may score poorly, and thus not be eligible for this program at the board. This creates a situation where a student who would most benefit from developing their skills offered in this arts program and which could lead to post secondary success in entertainment or other arts fields is barred from entry for a reason unrelated to the skills being developed in this program. Criteria for courses should be based on excellence or potential in the area being offered. Entrance criteria should be specific to the objective of the program, not learning skills. Another example is for a dance program, if the student has dance skills that warrant acceptance to the program, the fact they have poor learning skills, failed English or have an IEP should not be considered in the application process. If the student has the talent to be accepted, academic ability or history should not be a factor.

IAO **recommends the addition of section 40.4.**

The Ministry uses their annual reviews of Special Education plans to modernize school boards approaches to special education and promote inclusive practices and the protection of the rights of students with disabilities.

IAO **recommends the addition of section 40.5**.

School boards shall include in both their Multi Year Strategic Plans and Special Education Plans sections on how the board will improve system wide inclusion of students with disabilities in regular classes. The Ministry should monitor boards progress and make recommendations in this area using ONSIS, ESDW and reviews of the Multi Year Strategic Plans and Special Education plans.

IAO recommends that both the MYSP annual progress report and the Special Education plan include the number of students with a disability and placement.

It should be understood that in small boards and with some students with disabilities/placement combinations the number of students might present privacy problems. In those cases, an indication of less than 10 be indicated. 10 is recommended as it is used in other Ministry reports. Column and row totals should still be provided unless they themselves are under 10 or someone could use that total to determine the specific number in a field marked as less than 10 in the grid.

Accountability recommendations

IAO recommends the addition of a Section 42.9 Reporting

School boards going forward shall have all publicly available reports that show board wide results for students along with separate results for students with IEPs (excluding gifted) in the area of graduation rates, years to graduate, post-secondary acceptance rates or employment, EQAO scores, progressive discipline, etc… as a separate result but alongside the board wide results for all students.

The ministry should do similarly with any publicly available reports for the province and specific boards and publish them on their website.

Individual Education Plans

In addition to developing standards related to Inclusive & Competency Based IEPs (see cover letter related to Shelley Moore's work), IAO recommends the following:

IAO recommends section 49.4 be added to expand the scope of the 30-school day requirement for preparation of IEPs. Currently IEPs are required by legislation to be prepared in only 2 situations, as a result of an IPRC/SEAB/SET decision or at the beginning of the School Year or Term if the student currently has an IEP. There is no time requirement for situations when the parents and the Principal agree the student would benefit from having an IEP. The other situation is when new information is provided to the school should be included in the IEP from the parents or professionals that would benefit the student.

IEPs are to be completed within 30 school days of an IPRC/SEAC/SET decision, at the beginning of the school year or term, if the student currently has an IEP, or 30 school days from an agreement between the school and student/family, that an IEP is required; otherwise, reviews and updates should regularly occur, including if new information is provided that warrants an update to the IEP.

IAO recommends section 49.5 be added to ensure timely IEPs are created for students in Semester or quadmester schools. Currently all students get the 30-school day rule for the development and implementation of an IEP. In Semester schools the semester is usually slightly less than 100 days and in full year schools the school year is just under 200 days. This means a student in a semester school will be without an up-to-date IEP for more than 30% of the terms whereas a student in a full year program will be only be without an up-to-date IEP for slightly more than 15% of the time. Quadmesters are even worse as the student will be without an up to day IEP for over 60% of the term.

The 30 school day completion for an IEP should be pro-rated to reflect shorter terms for students enrolled in shorter programs, such as semester or quadmester programs, to ensure they have equal access and benefits of an IEP.

IAO recommends updating the IEP form to include a space for "date achieved". The teacher will update the IEP with the date that a goal was reached or at the end of school year or term, how close the student is to achieving it. i.e., 50% or 90%. A final copy of the updated IEP should be sent home at the end of the school year and a copy put in the OSR. This will update parents on how their child is progressing and by how much and advise the next year's teacher about where the student was at the end of the previous school year so they may plan accordingly and avoid duplication of work and assessments. All terms in the IEP should be in terminology parents can understand and relate to. Telling a parent their child is reading at "Level K" means little, on its own, without reference to a grade level.

IAO recommends all IEPs should indicate what Grade level the student is at for Reading, Writing and Math when written and at the end of the school year.

It is important to note that approximately half the students in the province are accommodated through the IEP process alone without an IPRC decision related to identification of an exceptionality. IAO recommends that boards prepare a Parents' Guide to IEPs, much the same way as a Parents' Guide to IPRCs exists. **Recommendation as follows:**

School boards must prepare "Parents Guide to IEPs in Special Education". The Ministry shall prepare a sample guide for use by boards. The IEP guide must provide for a dispute resolution process, related to both the development and implementation of the IEP. In the event of a dispute on parts of the IEP, what is agreed upon is to be implemented without delay. The board must not delay an accommodation or SEA claim or other support due to a dispute over an unrelated part of the IEP.

IAO notes that a dispute resolution process will become significantly less important if clear standards are established related to the process for development and implementation of the IEP

through standards development, and again recommends that the province modernize its
approach to reflect that of Inclusive & Competency Based IEP development.

Exclusions/refusal to Admit/reduced school hours

IAO recommends this section be expanded to **include recommendations surrounding
progressive discipline** issues as there is no section specific to this area.

To ensure board accountability on Progressive Discipline and Exclusions, **IAO recommends
adding a section the board's annual Safe Schools report that includes the number of
students with disabilities and/or identified with exceptionalities (excluding gifted) that
were suspended, days of suspension, local expulsions, board wide expulsions,
Exclusions as per Section 265.1.m of the Education Act and reduced hours exclusions.**

Although individual situations and reasons will vary with each disciplinary situation it is important
to note that a consistently high number of Progressive Discipline suspensions, expulsions and
Exclusions would indicate the board is doing a poor job accommodating students with
disabilities and/or applying mitigating and other circumstances incorrectly. Note if the board has
other policies such as "Fresh Start" or "Victims' Rights" or any policies that could force a student
from their home school, this should also be included in the annual safe school report along with
the number of special needs students moved to new schools by those policies.

IAO further recommends:

Boards must prepare and publish an annual report on their website, delivered to the Trustees at
a board meeting and SEACs for formal discussions and to the Ministry for publication on the
ministry website regarding exclusions and progressive discipline.

The Ministry must do an annual audit of 10 or more school boards for their use of Exclusions
using section 265.1.m and reduced hours exclusions, including modified days, to ensure they
are not being abused and appropriate documentation is being kept and policies are appropriate.
The audit results must be published on the Ministry Website and the individual school board
report and their follow up plans to any concerns or recommendations on their website. Trustees
must discuss their board's audit and follow up plans. All boards should be audited at least once
every 7 years. Boards with proportionally higher Exclusions rates should be audited more often.

School boards must update their attendance tracking systems to account for Exclusions under
Section 265.1.m and reduced school hours exclusions. Principals should keep documentation
related to and leading up to the Exclusion in the OSR for Ministry audit purposes if a current
student is the subject of the Exclusion. Separate files should be kept for adults who may be
issued exclusions and any related documentation for a period of 10 years.

The Board must keep in the Director of Education's office or legal counsel's office a list of all
Exclusions by year done under section 265.1.m for at least 10 years. It should include the
person's name, OEN, age, and grade for students, when the Exclusion started, the first day of
exclusion and ultimate date of return to school.

Data Collections recommendations

IAO recommends the Ministry provide public information on the types of data being collected in the Ontario School Information System (On SIS) and Elementary/Secondary Data Warehouse (ESDW) databases so the public, researchers and school boards know what is available to them for research purposes and to allow for the comparison of data from board to board.

IAO has found boards are completely unaware of how their neighbouring board's results compare or province wide results compare for boards to learn from one another.

IAO recommends the Ministry start a process of digitizing Student OSR files and key details within. This will allow easy transfer between schools and boards of OSR records and the accumulation and analysis data to help the Ministry and boards make better student focused decisions.

a.   This will require the standardization of common data across all 72 boards.

b.   Data transfer protocols are defined.

c.   Access portals and rules will need to be defined.

d.   System wide digital security and audit tracking will be essential.

e.   A long-term goal would be to allow parents of a student to review their OSR online.

Professional learning recommendations

IAO recommends the Ministry construct and distribute preferred Additional Qualification courses, and other programs that encourage teachers and teacher candidates to be better versed in how to accommodate students with disabilities in regular classrooms. Emphasis should be on universal design and Inclusive practices.

IAO recommends the Ministry set minimum standards and preferred experience, training and qualifications for applicants to principal, vice principal and other supervisory positions that oversee students. Applicants must have experience, training and qualifications in educating students in inclusive settings or a preference to work in such settings.

The Identification, Placement and Review Committee process. Process for a school board identifying and making the placement of student with disabilities recommendations

As more fully described in the cover letter, IAO supports **Recommendation 54:**

> **54.** The Identification, Placement and Review Committee process and regulation should be reviewed to determine if it needs to be re-designed, retained or replaced.

IAO again refers to this paper for this purpose:

Reid, L., Parekh, G., & Lattanzio, R. (2020) A Relic of the Past: Identification, Placement and Review Committees in Ontario's Education System. Canadian Journal of Educational Administration and Policy, 194, 51-63. Retrieved from https://journalhosting.ucalgary.ca/index.php/cjeap/article/view/69850

IAO supports the creation of an IPRC review panel (**Recommendation 55**). We recommend this panel includes students, their family members, disabled persons, and advocates who have also participated in SEAB and/or SET appeals so first-hand experience will be included in their recommendations.

To the extent the current system remains in place IAO makes the following recommendations:

IAO recommends the SEAB section of Regulation 181/98 be updated to prohibit former employees of the board and ministry being members of a SEAB committee. Currently the rules allow for a former employee of the board or Ministry who may have left only a few months earlier being selected to the committee. This familiarity with their respective organizations would bring into question the impartiality of the Committee's recommendations.

IAO recommends the Regulation 181/98 be updated to consider the failure of the board to meet prescribed timelines in the appeals process. If a board fails to adhere to the timelines in the Regulation the defense of the IPRC decisions is deemed to be abandoned. In those cases, the prior status quo prior to the IPRC decision shall be implemented. Currently there are only consequences for parents who fail to meet the deadlines imposed in Regulation 181/98. If they fail to meet those deadlines, they lose their right of appeal. There are no consequences for the school board if they miss those same deadlines in the appeal process. We make this recommendation to ensure the dispute is resolved quickly for the benefit of the student and does not get delayed unreasonably due to inaction of the board.

IAO recommends that Regulation 181/98 be updated to expand the 3-month rule on requesting subsequent IPRC meetings apply to both parents and the school boards. Both parties should be held to the same standard. Although there would-be good faith questions the regulation does allow staff of a board to hold a new IPRC immediately after an unfavorable decision whereas a parent is not afforded that same prerogative.

IAO recommends that Regulation 181/98 be updated to prohibit boards from circumventing the IPRC process with their own "in house" policies and processes. If a board feels there are inadequacies with the IPRC process that board should make their views known to the IPRC review panel or Minister of Education and communicate their recommended changes for consideration. The IPRC process significantly favors boards already. Boards should not be allowed to manipulate the process further in their favour.

Regarding recommendation 56, IAO recommends that the following points be added to the IPRC process.

a.   Specific reasons for the recommendations be included with the decision by each committee member. The Provincial auditor recommended this many years ago, to date it has not been implemented.

b.   Minutes of IPRC meetings should be made and kept with the decision in the students' OSR. The Provincial auditor recommended this many years ago, to date it has not been implemented.

c.   Clear, reasonable and achievable demittance criteria need to be included in the IPRC decision if the placement is in a special education class. Criteria should allow for a student's disability. I.e., expecting a student with Tourette's syndrome to contain their outburst as a criteria for demittance would not be reasonable. Having demittance criteria will allow teachers in consultation with parents to plan on achieving demittance from a special education class.

IAO recommends that "Parents Guide to Special Education" be renamed to reflect what it actually is: "Parents guide to the IPRC process in Special Education". This is what is legally required guide in Regulation 181/98, i.e. it is specific to the IPRC/SEAB/SET process. The guide's current title implies it covers the broader area of Special Education when in reality it is specific to the IPRC/SEAB/SET processes.

IAO recommends with the invitation to an IPRC meeting a checklist be included of certain information parents that must be provided to parents. The parents are to acknowledge receipt of the "Parents Guide to Special Education" and Identification and Placement recommendations being made by staff and a date for delivery of a parent package that will include all documents being relied upon by staff and given to be given the committee to support their recommendations if the parents do not wave their attendance for the annual IPRC meetings. The parent package must include the last calendar year's report cards/progress reports, IEPs if they exist, meeting notes from any prior meeting, any professional reports in the OSR and their recommendations. If behaviour is an issue, records of progressive discipline steps taken over the past calendar year must be included. The parent package should be delivered to the parents at least 5 school days before the IPRC meeting.

At least one school board has a practice of holding "Special Education Placement and Review Committees", for the purposes of placing a student in a special education classroom or school prior to attending their neighbourhood school.

IAO Recommends that no school board should be permitted to make placement decisions into special education classrooms or schools prior to a student being enrolled in their neighbourhood school and the regular classroom, with appropriate accommodations and supports being made available upon arrival. Boards must ensure that their staff meet with the student and family prior to the start of the school year to ensure the proper supports and accommodations will be ready upon arrival at the student's home school.

A Relic of the Past: Identification, Placement and Review Committees in Ontario's Education System

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Abstract

The Identification, Placement, and Review Committee (IPRC) process has been long established within Ontario special education practice and provincial legislation. Borne out of advocacy for advancing the right to education for children with disabilities, the IPRC process is now being critically explored as to whether the process itself creates an infringement on students' access and rights to quality education. Drawing on historical and contemporary shifts in education policy and human rights in Ontario, this paper presents the case that the current structure of the IPRC is outdated and may function as a significant barrier to students' academic futures.

Keywords: disability, placement, identification, inclusive education, human rights

Identification, Placement and Review Committees (IPRCs) have a long history in Ontario's education system. IPRCs are enshrined in the *Education Act* R.S.O. 1990, c. E.2, as a means to identify students with disabilities and to secure their placements in schools (OME, 2016). However, over the past several years, the IPRC framework has increasingly come under fire for the antiquated manner in which it fulfills this role. The process has been charged with being resource-heavy, requiring significant ongoing contributions from education professionals, and with the fact that there is little monitoring as to whether the benefits for students warrant the expense.

Although the IPRC is intended to address individual students, its inflexible processes mandate the usage of crude categorizations of student ability and frequently place students in standardized placements, while simultaneously minimizing or excluding student involvement in the process. Additionally, the IPRC process largely relies on the logic of a medicalized approach to disability (Connor, 2013), an approach that focuses more on "fixing" or rehabilitating children than it does on ensuring rights of access for children with disabilities.

Many of these issues can be traced to the institutional history of the IPRC and the fact that many of the roles that it was initially intended to fill are no longer as relevant as they once were. This paper employs a critical disability studies approach to examine the history and the role that the IPRC process currently plays in the Ontario public education system. As a theoretical frame, critical disability studies employ an intersectional approach to engage in the politics of disability and to promote societal transformation (Goodley et al., 2019). As the IPRC process is used to identify, categorize, and respond to perceived capacity, critical disability studies provide an ideal investigative tool to critique this system and to identify key elements necessary for systemic transformation and the advancement of disability rights.

Using this approach, this paper will highlight several areas where the IPRC process is either no longer relevant or falls short of its stated objectives, and will query whether 'the process' is privileged over outcomes for students. In doing so, this paper will discuss the core values which should drive policy reform and will make some limited recommendations about how a more responsive framework can be developed to better ensure that the rights of students with disabilities are upheld.

A Brief Overview of the Process

As noted above, the IPRC process is used to both identify students with disabilities and to place them in a setting deemed 'most appropriate' depending on the committee's conclusions around the student's perceived ability. Despite the subjectivity involved in the assessment of student ability (Parekh et al., 2018), the IPRC process is highly regulated. In broad strokes, the IPRC typically involves a formal meeting held at the student's school, attended by stakeholders involved in the student's education. Meeting attendees can include the student's parents, teachers, members of the school administration, representatives from special education, relevant professionals (e.g., school psychologists, physiotherapists, speech pathologists, social workers, etc.), and at times, though rarely, the students themselves. Although programming and accommodations could be discussed at an IPRC meeting, there are only two legally binding decisions that can be made through this process: 1) the identification of an exceptionality and 2) the determination of a student's placement. Students can be identified with one or more of twelve possible Ministry defined exceptionalities[1] and placed in one of five Ministry determined placement options.[2] If parents are unhappy with the decisions made at an IPRC meeting, *Ontario Regulation* 181/98 lays out a process through which parents can formally appeal identification and placement decisions.

A Brief History of the IPRC Process

In many ways, the shortfalls of the IPRC are a direct result of its institutional history. The IPRC, in its present form, was developed in the context of great change in education across North America. Slowly but surely, students with disabilities were gaining the right to attend school across the continent, a right which had previously been denied to them in many jurisdictions (Dickson & McKay, 1989). Ontario was no exception to this trend, in part because various advocacy groups across the province were continuously pressing the government to provide more comprehensive access to special education services for students with disabilities (Zegarac et al., 2008).

It was under these circumstances that Ontario's Minister of Education finally announced in 1978 a long-awaited plan to ensure that every student, regardless of disability, would have the opportunity to benefit from Ontario's education system. This plan would ultimately result in the passage of *The Education Amendment Act, 1980 ("Bill 82"),* a piece of legislation designed to make it mandatory for school boards across the province to provide "appropriate" special education services to students with disabilities (some school boards were in fact already providing these services).[3] However, prior to the enactment of Bill 82, the Ministry of Education determined that as a first step, it needed to create:

> …an early identification program to ensure that the learning needs of every child entering the schools will be identified. (Stephenson, 1978)

The Ministry felt that such a system was "essential" if "remedial programs [were to] be provided promptly" to students (Stephenson, 1978). At this point, even though some of the school boards that offered special education services already had a provincially mandated "admissions board" for placing or admitting students, few of them had developed any sort of early identification system to assess student needs. With this in mind, the Government passed *Ontario Regulation* 704/78, which set up the *Special Education Program Placement and Review Committee* (SEPPRC), which was a direct precursor to the IPRC's that we know today. In many ways, the new SEPPRC was not a radically new mechanism for identifying and placing students but was instead a revised version of the admissions board (Keeton, 1979). Admissions boards were essentially three person panels which, true to their name, were primarily responsible for determining whether to "recommend the admission of a pupil" to a special education program.[4] Many admissions boards also had the dubious distinction of being used to determine whether

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[1] Learning Disability, Mild Intellectual Disability, Behavioural Exceptionality, Autism, Deaf or Hard of Hearing, Vision Impairment, Physical Disability, Gifted, Multiple Exceptionality, Developmental Disability, Language Impairment, Speech Impairment (http://www.edu.gov.on.ca/eng/document/policy/os/2017/spec_ed_2.html#categories)

[2] Regular class with indirect support, regular class with resource assistance, regular class with withdrawal assistance, special education class with partial integration, & full-time special education class (http://www.edu.gov.on.ca/eng/general/elemsec/speced/identifi.html)

It is important to note that extensive research has been conducted on the efficacy of self-contained special education and inclusive education programs and has resulted in support for ensuring students identified with special education needs have access to inclusive programs (see Mitchell 2010, 2015 for an international review of empirical evidence).
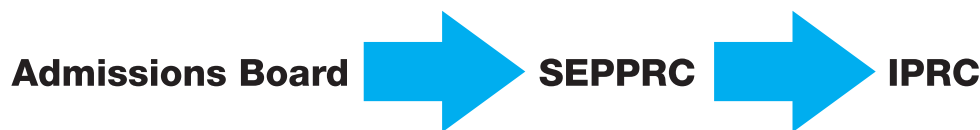
[3] See: *The Education Amendment Act,* 1980, SO 1980, c 61 at s. 2.

[4] See: RRO 1970, Reg 191 made under *The Department of Education Act* at s. 44.

students were "unable" to profit from instruction, a designation which essentially abrogated their right to education in its entirety (Smith, 1980).[5]

Figure 1
Evolution of Identification and Placement Mechanisms in Ontario.

In any event, the new SEPPRC process, while an improvement over admissions boards in some respects, suffered from many of the same flaws, which were, in turn, passed down to the IPRC process. For example, the SEPPRC preserved the heavily medicalized orientation of the admissions board and provided almost no meaningful opportunity for parental (or student) input into placement decisions. The important factor in all SEPPRC placement decisions was professional judgement, not the views or experiences of parents and students. While it provided limited opportunities for parents to "consent" to a placement decision (unlike the prior admissions board procedure), there was no meaningful appeal mechanism for parents to challenge placement decisions (Keeton, 1979).[6] When the IPRC was initially in development in 1981, it seemed to be on track to maintain this draconian format until a limited and somewhat ineffective appeal mechanism was finally "wrung from the government by the opposition during heated debates" (Elkin, 1982, p. 323).[7] It appears that after years of dealing with unaccountable admissions boards and SEPPRCs, parental advocacy groups were chaffing for a greater say in the new IPRC process (Hodder, 1984). However, even with this limited concession, the government appeared bent on maintaining the primacy of school boards in the new IPRC process, viewing the school boards as the appropriate final decision maker on these matters.[8] This point of view appears to be reflected in the somewhat anemic appeal procedures that were ultimately introduced by the Ministry in 1982.

Beyond the issue of the outsized role of professional opinion and the inadequate mechanisms to challenge it, the government also maintained one of the other primary flaws from the admissions board (and SEPPRC) in the new IPRC process. True to its origins, the IPRC remained an "admissions committee" which, by definition, could not make decisions about the type of programming, services, or accommodations that students could receive in a placement. Like its predecessor panels (see: Keeton, 1979), the focus is more on whether a student should be 'admitted' to a predefined program rather than whether the programming can be made to fit the student.[9] At its very root, the IPRC is a body that is designed to categorize students and fit them into the existing structures of the education system rather than a mechanism that is designed to provide individualized support for the student. As a result of these restrictions, the IPRC is unable to make decisions about many of the critical elements related to a student's education, including those decisions about programming, in-school accommodations, and other supports designed to facilitate building relationships with peers and teachers.

Administrative Convenience

Despite its problematic institutional legacy, there were good reasons for the introduction of the IPRC in 1981 - however, many of these were primarily administrative. As noted above, Bill 82 made it mandatory for school boards to provide special education services. This vastly expanded the scope of special education services in Ontario, and despite the existence of the SEPPRC in some boards, it appears that the Ministry of Education had only a rudimentary understanding of the scale of the project upon which

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[5] Pursuant to s. 34 of the *Education Act* (See also RRO 1970 Reg 204 at s. 2-3).

[6] See: O. Reg 704/78 at. s. 31

[7] The opposition (the Liberal Party and the New Democratic Party) were likely able to do this because they faced a minority government (Progressive Conservatives) at the time Bill 82 was passed.

[8] During the debates in the legislature about the proposed appeal mechanism, Minister Bette Stephenson expressed her support for the view that "one could not, on the one hand, hold education officials accountable and responsible for the education of exceptional children and, at the same time, remove from those individuals total responsibility for decision-making in that area." (Stephenson, 1978)

[9] In 1998, the IPRC regulation was amended to at least attempt to address this problem. It now allows the IPRC Committee to make a "recommendation" about the type of programming which should be in place. Although in practice it is rare that the IPRC would exercise this ability.

it was about to embark.[10] This is evident from the 5 year transition period mandated by Bill 82[11] and comments by the Minister indicating that the Government was not "omniscient" and that careful study was required in order to ensure that "educational programs [were available] for all exceptional children" (Stephenson, 1980, p. 4394).[12] The Government's lack of knowledge was perhaps inadvertently echoed by an MPP of the Liberal Opposition who on November 18, 1980 had only the vaguest notion of how many students still needed special education services:

> The best information I have is that there are between 80,000 and 100,000 students in this province who still need special education. (Sweeney, 1980, p. 2944)

The imprecise knowledge of the scale of the commitment the Government was making likely underscores one of the primary reasons for the development of the new IPRC process - namely that the Government had only a limited estimate of how many students might be recommended for special education services and the type of services those students might access. This meant that the first phase of any program to reform the delivery of special education services in the province required a systematic effort to identify who in fact was believed to need these services. This conclusion is reinforced by the fact that after the first IPRC regulation was developed (*O. Reg.* 554/81) and implemented, it was ultimately tied to the funding model for special education in 1982.[13]

Purpose of the IPRC

With this brief history in mind, we can glean three basic reasons for the existence of the IPRC model as it was originally developed. These can be summarized as follows:

1. To ensure that children with disabilities are identified early so that special education services can be provided to them promptly (see Minister's comments above);
2. To assess the scope of the special education services that were required to implement Bill 82 and to properly fund them on an ongoing basis; and
3. More controversially, to establish a more robust appeal mechanism for placement decisions.

Each of these will be discussed in turn with consideration towards whether it is still relevant today.

Early Identification and Prompt Provision of Programming

Identification

The history outlined above, as reflected in the comments of the Minister of Education, suggests that the early identification of children with disabilities is one of the primary reasons for the existence of the IPRC. This is reinforced by Program Policy Memoranda No. 11 (still in force), released in 1982 by the Ministry of Education, which explicitly puts forward this rationale:

> Each school board is required to have approved and in operation by September, 1981, [IPRC] procedures to identify each child's level of development, learning abilities and needs and to ensure that education programs are designed to accommodate these needs and to facilitate each child's growth and development…. (Ministry of Education, 1982, para. 1)

It is also important to point out that although the government emphasizes the significance of early identification and prompt services, in the early 1980s the IPRC was also making determinations about *eligibility* for the special education programs as well.[14] That is, it was functioning as a gateway to the right to access an 'appropriate' education. This is of some import because, when the IPRC regulations came into force, disability had only recently become a ground under the *Human Rights Code* (1981), and students did not yet have the same level of protection that they now enjoy under this legislation.[15] Students could not use the *Code,* or the rights therein, to bypass the IPRC process as they potentially

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[10] Indeed, as late as May 1980, the Minister was only then initiating "a study of education caseloads and class sizes…" (Stephenson, 1980).

[11] See: *The Education Amendment Act, 1980* SO 1980, c 61 at s. 17.

[12] This is also evident from the planning guide issued by the Ministry of Education which exhorted boards to develop a picture of the students they were currently serving and how many students they expected to serve as the mandatory requirement to provide special education services became operational (Ministry of Education (Ontario), 1981).

[13] See: *The Education Amendment Act, 1980* SO 1980, c 61 at s. 2(2) & Ontario Regulation 197/82 at s. 12

[14] Section 1 of *The Education Amendment Act, 1980*, defined a "special education program"

[15] See: *Re Lanark, Leeds & Grenville County Roman Catholic Separate School Board and Ontario Human Rights Commission et al.*, 1987 CanLII 4040 (ON SC) & *Campbell v. Toronto District School Board*, 2008 HRTO 62 (CanLII) at paras 47-53.

could today. This effectively meant that the only way to obtain these services was to be identified as 'exceptional' through the IPRC process.

Given the developments of the past forty years, we may now ask whether these objectives are still important. We should be asking whether the IPRC process is still necessary to facilitate early identification and prompt service delivery as well as determinations about eligibility for services.

With respect to early identification, when we examine data from Ontario's (and Canada's) largest public school board, the Toronto District School Board (TDSB), it is clear that students are being 'identified' and accommodated, at least by their teachers and schools, potentially years prior to engaging in the formal IPRC process (Brown & Parekh, 2010, pp. 14-15).

Figure 2

New Individual Education Plans Assigned by Grade, over 2005-6, 2008-9. 2010-11 within the Toronto District School Board (Brown & Parekh, 2013, p. 19).
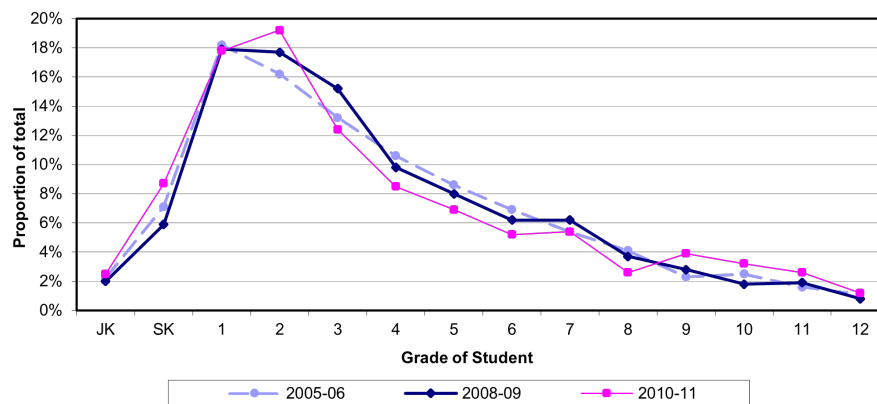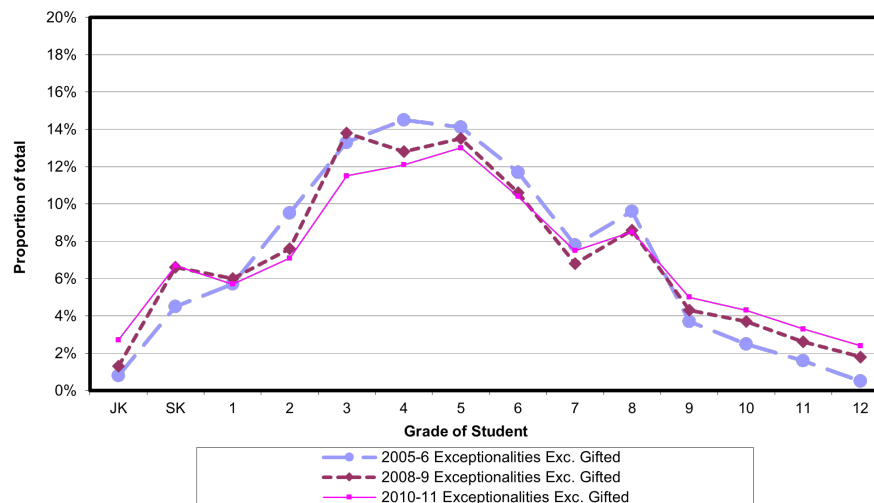

Figure 3

New Formal Exceptionalities Assigned by Grade, over 2005-6, 2008-9. 2010-11 within the Toronto District School Board Retrieved from (Brown & Parekh, 2013, p. 20).

As shown in Figure 1, the peak grades in which students are informally identified and receive an Individual Education Plan (IEP) are between Grades 1-3. Interestingly, the peak grades in which stu-

dents are formally identified and receive a formal exceptionality through the IPRC process are typically between Grades 3-5. As noted in the two figures, these patterns have been replicated over a number of years and may illustrate the time it has historically taken to move from informal to formal identification. However, it also begs the question, that if students can be informally identified and accommodated through an IEP, as well as placed in some self-contained special education programs (Parekh & Brown, 2019), what, therefore, does the formal IPRC process offer students and educators?

When it comes to determinations of eligibility for services, the IPRC has become hopelessly outdated. Changes in the legal landscape, including the evolution of human rights law and the development of a more fulsome right to equal access to education have made the IPRC effectively irrelevant when it comes to determinations about eligibility for special education services. The *Human Rights Code* now more clearly mandates that school boards must provide proper programming and accommodations to a student regardless of whether they have been identified by the IPRC process or not. This approach was confirmed to be the policy of the Ministry in 2010 when it reassured the Auditor General that Boards could provide "special education programs and services without a formal identification process" (Auditor General, 2010, p. 389).[16] In the TDSB, close to half of all students accessing special education services have not gone through the IPRC process (Brown & Parekh, 2013). This suggests that the importance of the IPRC process as a gateway to accessing education services has diminished significantly.

Despite the limited relevance of the IPRC as an eligibility mechanism to special education services, we might still ask whether the early identification process the IPRC regulations create still yield some benefit for students. That is, is there some substantive benefit that students receive when they are 'identified' with an exceptionality label and placed through the IPRC process? To answer this question, one would have to weigh the possible benefits against the established detriments of the IPRC process. The available evidence suggests that the answer to this question is no.

Benefits of Identification?

It is worth noting that even at the time the IPRC process was created, the categories of exceptionalities were deemed "unscientific" and lacking any empirical basis.[17] Those reviewing Bill 82 at the time suggested that it was unclear why these labels were used as they did not appear to convey much in the way of useful information to educators (Elkin, 1982).

Further experience appears to have borne out this concern. Educators and education researchers have noted that exceptionality categories encompass a great diversity and degree of impairment and that being labelled with an exceptionality does not necessarily convey to an educator how a particular student should be taught or accommodated (Mitchell, 2015; Ridgeway, 2017). For example, there are several forms of learning disabilities encompassed within the 'learning disability' exceptionality label. In this situation, teachers cannot assume that a particular pedagogical approach will work for all students who have a 'learning disability' identification. It is more important that teachers develop a relationship with students and learn how to functionally accommodate students in their classrooms. How teachers differentiate their instruction cannot be determined on the basis of an identification label. In fact, evidence demonstrates that designing a pedagogy based on a students' exceptionality label or perceived disability is not successful (see Mitchell, 2010; 2015 for an international review of empirical evidence).

The lack of useful information conveyed to a teacher through the IPRC process is further compounded by the fact that, in practice, IPRC decisions are not often adequately reported or justified, and that useful information to support teachers in the accommodation process is often unavailable through the IPRC.[18] The Auditor General made several recommendations to remedy this situation, including keeping better records and ensuring the rationale for their decisions is thoroughly documented. Although the Ministry has issued some guidance on this point since that time (Ministry of Education, 2017), it

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[16] "The Ministry also advised us that school boards have the flexibility to provide special education programs or services to address a student's needs without a formal identification process in order to achieve timely delivery of effective programming in a way that respects the integrity of the IPRC process and parents' rights while minimizing administrative requirements" (Auditor General, 2010, p. 389).

[17] Note that these categories should not be confused with the type of diagnostic labels used by the medical profession.

[18] "Identification, Placement, and Review Committees (IPRCs) make significant decisions regarding the education of students with special education needs, but do not adequately document the rationale for their decisions and the evidence they relied on. As a result, information that would be of use to IPRCs conducting annual reviews and to teachers in connection with the preparation of IEPs is not available." (Auditor General's Report, 2008, p. 366).

remains unclear how practice with respect to documentation and information sharing has changed on the ground in response to these policies.

Beyond their limited practical utility, the identification process also presents further problems because the exceptionality labels used on students can carry connotations that are stigmatizing (Brantlinger, 2006). They shape how students feel about themselves, and the perception others hold both within and outside the education system (Parekh, 2019). Labels can also influence teachers' expectations of students' abilities (Mitchell, 2010), resulting in reduced access to important academic opportunities.

This is especially problematic when we consider the fact that many children from historically marginalized communities are disproportionality represented in some exceptionality categories and special education programs (Connor, 2017; De Valenzuela, 2006; Parekh & Brown, 2019). Students who are racialized, male and/or live in lower income households are often overrepresented in some 'high incidence' or "judgmental" special education categories (Artiles et al., 2010). Scholars have argued that these outcomes exemplify the operationalization of negative beliefs about particular groups. All of this suggests that the 'early identification' process undertaken by the IPRC is of dubious value.

Benefits of Placements?

Even setting aside the value of the labels used by the IPRC process, we can also question the role it plays in placing students in self-contained special education classes, effectively propping up a segregated system of education. The IPRC mechanism is founded upon the principle that at least some students with disabilities will benefit from placement outside of the regular classroom. The IPRC is charged with selecting which students will in fact "benefit" from these segregated placements. However, the idea that children should be identified and streamed into segregated placements based on disability was controversial even in the early 1980s. Some commentators pointed out that there was no data to support the practice of segregating children into homogenous ability groupings (Elkin, 1982) and that many studies produced inconclusive results as to whether students with disabilities did better in segregated or regular classroom settings (Robichaud & Enns, 1980).

Since that time, a great deal of research has continued to focus on this same question - namely, whether it is better to place students in segregated environments or to educate them in inclusive classrooms. Generally speaking, the empirical research on the academic benefits of inclusive education so far has ranged from no observable differences between inclusive and special education placements to significant benefits for students taught in inclusive classrooms (Mitchell, 2010; Hehir et al., 2016). On the other hand, empirical research demonstrating the benefits of segregated special education placements is scant (Mitchell, 2010). In fact, the identification and segregation of students based on perceived ability have been attributed to the reproduction of inequitable social, class and racial stratification in broader society (Artiles et al., 2010; O'Connor, & Fernandez, 2006; Clandfield et al., 2014; Duncan-Andrade & Morrell, 2008) and there is a continuously growing body of evidence that supports inclusion for all students (Hehir et al., 2016; Krings, 2015; Burello et al., 2013). Furthermore, the OECD has noted that education systems that integrate their lower-achieving students perform better overall (OECD, 2012).

All of this suggests that even at the time the IPRC was developed, the system of placing students in segregated classrooms stood on shaky empirical foundations. Since that time, research has suggested that these foundations have become even more tenuous and that the implicit assumption built into the IPRC, that some students will benefit from segregated placements, is in fact, doing a disservice to many students when it comes to providing them with a meaningful education.

Properly Funding the Education System

Given that the IPRC is showing its age when it comes to whether it benefits students or assists teachers, we can now begin to ask whether the IPRC process still fulfills an important organizational role within the school system. As noted above, it was not clear in the early 80s that the Ministry understood precisely how many children with disabilities were going to require special education services. As such, it made some sense to create a revised process which they could use to identify children with disabilities (with convenient labels) and fund the services that they were presumed to require. The result was the IPRC, which was then linked with the funding mechanism for special education.

However, problems soon emerged with this model. The Ministry soon realized that when funding

was attached to the IPRC process, there was an observable spike in exceptionality identifications (Green & Forester, 2002) - an aptly named phenomenon termed 'diagnosing for dollars' (Rozanski, 2002). Beginning in 2006-7, the Ministry began moving away from a model that employed 'student-based claims' as an indicator for funding (MOE, 2006, p. 32). Instead, the Ministry implemented a hybrid funding model that employed the previous year's High Needs Amount divided by that year's Average Daily Enrolment. Following this, the Ministry transitioned to another model, the Special Education Statistical Prediction Model (SESPM) (MOE, 2010). This funding structure uses a statistical model to predict the number of students who have special education needs based largely on socio-demographic variables (e.g., parental occupation, education, income, immigration status, etc.). The goal of this model is to predict how many students require special education services, identified or not (MOE, 2011). In doing so, this model effectively sidesteps the IPRC process as the mechanism by which funding is distributed. All of this is to say that any role that the IPRC may have had in the funding or planning process for special education services has long since expired.

Establishing Appeal Mechanisms for Placements

The final potential use or purpose of the IPRC process is the one that was "wrung" out of the government during the debates about Bill 82, namely its role as a dispute resolution forum. Ironically, given the resistance of the government at the time, this function may be the one that still holds the most relevance. Many families still experience high levels of conflict in the special education system (Reid et al., 2018), and a path to appeal certain decisions (i.e., placement and identification) still exists within the confines of the IPRC process. However, the utility of this process is limited to a large extent by the jurisdictional limitations of the IPRC - that is, its inability to decide matters related to services and programming, one of the primary areas of disagreement between schools and families (Reid et al., 2018).[19] As discussed above, this is a limitation largely inherited from the predecessors of the IPRC and harkened back to a time when the focus of the process was solely on admission to special education programs. The Ontario Human Rights Commission (2003) has noted that this limitation has continued to cause significant frustration to many parents and student advocates and has played a significant role in hindering the effectiveness of the IPRC as a dispute resolution forum. This may, in part, explain why the Special Education Tribunal has seen very few new cases in the last decade (15 reported decisions as of May 2020).

To a limited extent, the Human Rights Tribunal of Ontario (HRTO) has taken up the mantle as a dispute resolution forum for special education, as it has a greater ability to deal with matters related to services and programming. However, the HRTO is not an ideal process for the resolution of this type of issue. Even with the expedited mediation timelines within the Child and Youth Division of the Social Justice Tribunals (SJTO, 2017), the process at the HRTO can be cumbersome and lengthy and may require the expenditure of significant resources on legal counsel. The HRTO has also demonstrated significant reluctance to wade too far into the enforcement of the *Education Act* and, perhaps rightly, is only concerned with whether school boards have broadly complied with *Code* guarantees.[20] Ultimately, this means that significant gaps exist within the available dispute resolution mechanisms.

While this is a discouraging situation for many families and suggests a significant need for reform, it does point to the fact that there may still be a place for either a completely overhauled version of the IPRC or a completely new process. In either case, the focus must be less on sorting and labelling students and more on providing students and families with an effective dispute resolution forum.

Reforms

Any effort to reform or replace the IPRC process should in large part, be guided by the goal of maximizing the rights of students with disabilities and better ensuring that they receive a meaningful education.

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[19] It should be noted that in the past the Special Education Tribunal has at times seen fit to address the issue of the programming or services when disagreements occurred about these in the context of a disagreement about placement. However, the Tribunal is clear that "when the parents' dissatisfaction is primarily or exclusively focused on such matters as programming, [and] services", they cannot expect a remedy from the Tribunal. See: *W. F. v. Ottawa Catholic District School Board*, 2008 ONSET 4 (CanLII) at para ii. Furthermore, it is clear that the actual IPRC and the Special Education Appeal Board do not have this type of jurisdiction under the regulation and are limited to making recommendations about these issues even in the event of a disagreement over placement.

[20] See: *Schafer v. Toronto District School Board*, 2010 HRTO 403 at para 71; *Sigrist and Carson v. London District Catholic School Board*, 2010 HRTO 1062 at para 68; & *U.M. v. York Region District School Board*, 2017 HRTO 1718 (CanLII) at para 97.

This goal is at the heart of Canada's international human rights obligations, embodied in Article 24 of the *Convention on the Rights of Persons with Disabilities*, which commits Canada to realize a fully inclusive education system that is geared towards ensuring that persons with disabilities develop to their fullest potential (UN General Assembly, 2007). *General comment No. 4 (2016) on the right to inclusive education* more fully elaborates on this commitment, highlighting, among other things, the necessity that States Parties:

1. Move progressively towards abolishing all segregated forms of education and move towards a fully inclusive system (para 40);
2. Provide individualized programming and accommodations for students with disabilities (para 28-30);
3. Afford students with disabilities with a substantive opportunity to express their will and preferences with respect to educational issues and ensure that these preferences are given due consideration (para 50, para 63(l)); and
4. Ensure that persons with disabilities "have access to justice systems that understand how to accommodate persons with disabilities and are capable of addressing disability-based claims" (para 65). (UN Committee on the Rights of Persons with Disabilities, 2016)

As noted above, and in part because of its institutional history, the IPRC largely fails to meet these requirements. Its very existence is premised on the idea that education is delivered in a segregated environment. Its "one size fits all" approach to placement virtually ensures that programming and accommodations issues are often ignored in this forum. Its regulations also limit student involvement to those over the age of 16 (see: s. 5 of O. Reg. 181/98), and it utterly fails to provide an appropriate forum to adjudicate accommodation or programming issues.

While a fulsome review of all of the possible policy responses to these shortfalls is beyond the scope of this paper, there are some obvious candidates for change or improvement in the current framework.

Eliminating Identification and Categorization of Students

As noted above, the identification and categorization of students in the current system has limited utility. From both the student and teachers' perspective, identification labels provide little benefit and, in many cases, are in fact harmful. As part of a systematic literature review exploring the barriers to inclusive education, one of the key barriers to emerge were systems of categorization (Parekh, 2013). Some may argue that the identification of exceptionalities serves other purposes in the education system, like funding processes or resource allocation. However, as noted above, Ontario's experience with a funding mechanism based on labelling children with exceptionalities highlights the drawbacks associated with this type of approach (i.e., 'diagnosing for dollars'). The fact that Ontario has already transitioned to a model that relies more on demographic variables to allocate funding indicates that the utility of these labels for funding is limited. This suggests that without concrete evidence as to how these labels actually benefit students, it is difficult to justify continuing this practice. With this in mind, the role of the IPRC process in labelling students should be brought to an end. Many jurisdictions around the world have been re-examining their processes of categorization and moving away from psychometrically defined categories through the adoption of non-categorical or broader categorical approaches (Parekh, 2013).

Expanding Dispute Resolution

The current version of the IPRC process has many flaws from both a jurisdictional standpoint and with respect to the fairness of the process. Any replacement for, or reform of, the IPRC process should be geared towards minimizing these flaws.

With respect to the issue of expanding the jurisdiction of the IPRC, this paper has canvased this issue at length, so it is sufficient to say that any potential dispute resolution forum should be able to address the full range of accommodation, programming and service issues that are often at the heart of disputes over the education of students with disabilities. If policymakers opted for overhauling the IPRC, this would involve altering Ontario Regulation 181/98 and s. 57 of the Education Act to ensure that the revised process had the appropriate powers to make decisions about these issues.

Maintaining a Rights-Based Framework and Improving Procedural Protections

Irrespective of the type of forum or process created, significant protections must be in place to ensure that all decisions made in this new forum are done in a procedurally fair manner and in accordance with a robust human rights-based legal framework. The creation of a responsive new dispute resolution process, or a revised IPRC process, must be driven by student needs, in particular the need to obtain appropriate, expert, holistic and timely resolutions within an accessible and procedurally fair process. New processes with the capacity to deal with a greater number of issues should not be an excuse to water down school board obligations to their students.[21]

With this in mind, a number of procedural shortfalls in the existing IPRC process should be born in mind when it comes to future reform. For example, as it presently stands, school boards appoint all of the decision makers at the early stages of the IPRC process.[22] Given that the dispute is typically between parents and the board, allowing the board to appoint the decision makers in the case of the IPRC does not engender trust in the process. The Centre for Appropriate Dispute Resolution in Special Education (2010), in a review of effective dispute resolution mechanisms in the United States emphasized that one of the key features of many successful systems was the presence of an impartial decision maker or mediator. The presence of an impartial decision maker or mediator ensures both greater trust in the process and ensures that any potential bias in decision making is eliminated. Any reformed process needs to include a compliment of impartial decision makers or mediators.

Other procedural shortfalls in the current process include ineffective disclosure requirements and a lack of supportive resources to allow students and families to play a more meaningful role in the process. Remedying these flaws would mean creating a stronger disclosure requirement than that which currently exists (see: s. 15(8) of O. Reg. 181/98) and introducing a wider range of resources to support proper advocacy. This could take many different forms, including perhaps the reinstatement of an expanded child advocate. Other possible resources could include the option to obtain Independent Educational Evaluations much like those provided under the *Individuals with Disabilities Education Act* (IDEA) in the United States, which according to some, has been a positive resource for some families when it comes to maintaining certain types of accountability (Schrank et al., 2006).

Unfortunately, a thorough analysis of all of the procedural shortfalls and necessary reforms to the IPRC process is beyond the scope of this paper. However, these suggestions should at least be illustrative of the fact that far more could be done to ensure a fairer, more equitable dispute resolution process.

Eliminating Barriers to Student Participation

As it stands, students under the age of 16 have no legal entitlement to participate in the IPRC process. A new or revised process should abolish this requirement. In its place, a new participatory right should be created with no age limitation. Student's should be allowed to participate to the extent that they are able to do so, and educators should be required to give their views due consideration in the education planning process.

A More Inclusive Education System

Although these more specific reforms would be positive steps for students with disabilities, they will mean little in the absence of broader and more systemic change within the education system. Simply replacing the IPRC system with something more effective at resolving disputes will not achieve meaningful change unless students have a more substantive right to inclusive education. To this end, the reforms discussed above must occur in the context of a wider reimagining of education policy in Ontario, one which explicitly prioritizes discarding the old institutional legacies of our segregationist education system and provides the necessary funding and resources to create classrooms that are truly inclusive of all students.

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[21] Against this backdrop, a great deal of thought would need to be dedicated to defining the interactions between this new process and the HRTO and dealing with res judicata issues which may arise from potentially overlapping jurisdictions.
[22] O. Reg. 181/98: *Identification and Placement of Exceptional Pupils* at s. 11

Conclusion

In light of this last observation, it appears clear that the institutional legacies of the IPRC are just a small part of the larger more systemic problems that students with disabilities face when they are trying to gain access to education. However, this analysis demonstrates the IPRC still plays a clear role in preventing many students with disabilities from accessing a meaningful education. It is now incumbent on current policy makers to face up to the historical legacies of Bill 82 and redesign the current framework in the education to transform it into something that acts less as a barrier to education and more as a mechanism that preserves the rights of students with disabilities.

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Alternate Curricula as a Barrier to Inclusive Education for Students With Intellectual Disabilities

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Abstract

Although intellectual disability is a culturally defined and often fluid concept, individuals with this label are often at the greatest risk of isolation and low expectations, particularly within school environments. Despite institutional narratives on educating and raising expectations for "all" students, the use of alternate curricula for individuals with intellectual disabilities creates a structural barrier that explicitly designates students as incapable of using the same curriculum as nondisabled peers. Through exemplars in the United States and Sweden, the authors argue the use and expansion of alternate curricula is an international trend with troubling short- and long-term consequences for students. In Sweden, a national alternative curriculum is required for all students with intellectual disabilities. In the United States, adoption of alternate achievement standards varies by state; yet, the use of alternate curricular materials in self-contained classrooms is widespread despite questionable alignment to general education standards. In addition to the challenges posed by a separate curriculum for students with intellectual disabilities, approaches to promoting authentic engagement and learning in the context of general education settings and curricula are discussed.

Keywords: Inclusive Education, Alternate Curricula, Intellectual Disabilities, Curriculum Access

Introduction

Through several years of conversations, shared time in schools in both the United States and Sweden, and professional work in teacher education, the authors have found the implementation of alternate curricula to be a systemic challenge to inclusive practices in each of our respective countries. Despite the many distinctions between the United States and Sweden in population, cultural practices, educational systems, and teacher preparation, we contend the common challenges we face, and the recommendations to address these challenges, may have relevance beyond our two countries. Our experiences with educators from other countries around the world demonstrate that, although inclusive approaches to teaching students with intellectual disabilities (IDs) have been documented in some places on a national level (Andriichuk, 2017; Carnovali, 2017), these institutionalized structures remain the exception rather than the rule. This troubling international inclination toward exclusion points to the need for additional dialogue to understand better the systems sustaining segregation of people with IDs worldwide. In this conceptual paper, we first examine our historical contexts, respective policies on inclusive education, and literature on current practices. Next, we provide analysis of key issues and barriers related to alternate curricula and inclusive education. Finally, we propose recommendations for how these barriers might be addressed systematically in the areas of educator preparation, pedagogy, and policy.

Intellectual Disability and Segregation in the United States and Sweden

Individuals with IDs share a complex and difficult history in the United States and Sweden (Barow, 2009; Carey, 2009; Noll & Trent, 2004; Östlund, 2012). This history includes institutionalization, sterilization (Brantlinger, 1995; Laughlin, 2004), exclusion from public schooling, and segregation in public schools (National Council on Disability, 2018). A variety of labels, definitions, and classifications have been invented and adapted over time to describe perceived cognition and potential (Keith & Keith, 2013). More recent descriptions of

ID emphasize the interaction between an individual and the environments in which they participate (Shogren, Luckasson, & Schalock, 2014; Shogren et al., 2017), consistent with international definitions of disability which similarly emphasize the interaction between an individual and their environment (United Nations General Assembly, 2007; World Health Organization [WHO], 2001).

In response to the stigma and prejudice faced by people with IDs for centuries, individuals with IDs and their families, advocates, and allies have engaged in advocacy to secure their rightful places in neighborhoods, schools, and the workplace. For example, individuals with IDs were instrumental in the self-advocacy movement of the 1970s, during which they spoke out about experiences in segregated settings, organized protests and sit-ins, and participated in legislative advocacy (Grim, 2015; Pelka, 2012). In both the United States and Sweden, the principle of normalization helped initiate, change legislation, and lay the foundation for ideas found today in documents such as the International Classification of Functioning (WHO, 2001) and the UN Convention on the Rights of Persons With Disabilities (United Nations General Assembly, 2007). More recently, individuals with IDs have engaged in media campaigns to promote acceptance and address stereotypes (e.g., "Not Special Needs"; McClammy, 2017). Despite many gains, school-age students with IDs remain largely segregated from students without disabilities in both U.S. and Swedish schools (Kleinert et al., 2015; National Council on Disability, 2018; Swedish National Audit Office, 2019; U.S. Department of Education, 2018).

Legal and Policy Frameworks Related to Access to General Education in the United States and Sweden

In both Sweden and the US, several policies have been in place for many years that are consistent with the principles of normalization and inclusive education. In both countries, the movement towards inclusive practices began with the right to education for all school aged students, and was expanded with legislation delineating expectations for learning.

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Access to School

The vision of inclusive education and "a school for all" was formed early in Swedish education policy (Swedish Government Official Reports, 1948:27). Despite this vision, in the 1950s and 1960s, some students—those considered "noneducable"—continued to be referred to institutions without opportunities for education. It was not until 1967 that all children with disabilities were granted access to schools (SFS 1967:940).

Prior to 1973 in the United States, some students with IDs received educational services in public schools, institutions, or local religious institutions, but school-age students with IDs were not yet guaranteed the right to participate in public schools in their communities. The Rehabilitation Act (1973) outlawed discrimination on the basis of disability in programs that receive federal funding, including public schools, and Section 504 of this law provided some protections for students seeking accommodations to access public school settings. In 1975, the Education for All Handicapped Children Act (EAHCA, later the Individuals With Disabilities Education Improvement Act, IDEIA) was passed. Prior to this legislation, approximately one million school-age children with disabilities in the United States did not attend public schools (West, 2000).

Normalization

In response to the institutionalization people with IDs faced during the 19th and 20th centuries, legislation in Western countries the past 50 years has been more closely aligned with the principle of normalization formulated by Bengt Nirje in the 1960s (Nirje, 2003). The principle is based on eight points that must be met for good support: (a) normal daily rhythm (i.e., regular meals and a daily rhythm that does not deviate from that of nondisabled individuals); (b) normal weekly rhythm (i.e., most people live in one place and have their work or their education in another); (c) normal annual rhythm (i.e., to experience weekends and holidays, get vacations, and travel); (d) normal developmental stages (i.e., the importance of experiencing the different developmental stages of life: childhood, adolescence, adulthood, and old age); (e) have their requirements respected (i.e., the importance of making their own choices and wishes that must be respected); (f) staff of both genders in both care and nursing; (g) normal economic standard (i.e., access to normal economic and social security shall apply to all); and (h) normal building standard (i.e., the same standard should apply to people with disabilities as to other community citizens, including better opportunity for integration; Nirje, 2003).

Least Restrictive Environment

The concept of least restrictive environment (LRE) was introduced in the United States with the passage of the IDEIA in 1975 (EAHCA, 1975). This legislation provided definitions for 13 disability categories, including mental retardation, which would later become intellectual disability. While some argue the IDEIA provided the structure and necessary regulations to ensure access for students with disabilities (Katsiyannis, Yell, & Bradley, 2001), others argued this legislation created a second, separate system for serving students with disabilities that led to labeling, segregation, and stigma (Ferri & Connor, 2004). In alignment with Nirje's (2003) normalization principle, the IDEIA uses the term least restrictive environment to describe the mandate that students should be educated with children who do not have disabilities "to the maximum extent appropriate" (IDEIA, 2004). The IDEIA also mandates school districts to provide a continuum of placement options, from those considered "most restrictive" (e.g., hospitals and special education schools) to those considered "least restrictive" (e.g., general education settings).

According to the most recent data, 425 000 students in the United States receive special education services under the label of intellectual disability (National Center for Education Statistics [NCES], 2019). Despite a clear preference for the LRE, approximately 76% of school-age students with IDs in the United States are educated in self-contained special education classrooms on general education campuses for the majority of their school day (Kleinert et al., 2015; NCES, 2019). Although there has been some increase in the number of students with IDs spending 80% or more of their day in general education since 2000 (from 13% to 16%), most of this change occurred from 2000 to 2006, with minimal change in placements among students with IDs from 2006 on (Morningstar, Kurth, & Johnson, 2017; NCES, 2019). Currently, 50% of students with IDs spend less than 40% of their day in general education, 27% are in general education from 40%-79% of their time, and 16% spend 80% or more of their school day in a general education class (NCES, 2019).

The Swedish Education Act (SFS 2010:800) states all children should receive their education by attending compulsory schools. In the Swedish compulsory school system for students ages 6-16, there are four different educational programs (SFS 2010:800): one for compulsory school, one for compulsory schools for students with intellectual disabilities (CSSIDs), one for special schools that teach students with visual impairment or hearing impairment, and one for students of Sami origin. In all four programs, there are common curricular elements fundamental to all students—for example, the school's mission to educate about democracy, the equal value of all humans, and values in line with the content of the Convention on the Rights of the Child (United Nations, 1989). The main differences between the four syllabi are the emphases within each subject, the learning objectives, and the knowledge in which the students are assessed.

According to the latest statistics from the Swedish National Agency for Education (2019), the number of students in CSSIDs is increasing. During the 2018-2019 school year, 10 612 students attended CSSIDs, an increase of almost 7% compared to the previous school year. The largest increase for the 2017-2018 school year was in the "training school" CSSIDs established to meet the needs of students with moderate to severe IDs. In that group, there was an increase of 9% compared to the previous school year (2016-2017). The training school had 4 567 students in the 2017-2018 school year, which is 43% of all students in CSSIDs. The majority of students in CSSIDs—six out of 10—are boys. There is an inflow of students in the higher grades, and the majority of the students who have a mild ID are switched to a CSSID late in their school career. They often begin in the compulsory school but are offered a placement in the CSSID upon experiencing difficulty achieving the academic expectations in that setting. These students are then identified as having an ID via a medical, psychological, social, and educational assessment.

Inclusive Education

Although placement data are readily available for each of our countries, physical placement does not adequately address the degree to which students access and benefit from their education. Despite the promises of individualization and support in special education settings, several researchers have established that self-contained settings offer a high level of distraction, fewer opportunities to respond to instructional cues, and a lack of tailored instruction for individual students (Causton-Theoharis, Theoharis, Orsati, & Cosier, 2011; Kurth, Born, & Love, 2016). In contrast, general education settings offer increased opportunities to learn, benefit from targeted instruction, and interact with typical peers (Hehir et al., 2016 McDonnell, Thorson, & McQuivey, 2000; Taub, McCord, & Ryndak, 2017).

Inclusive education has been defined in many ways, but these definitions consistently describe the critical role of placement in general education settings; support to access the environ-

ment and curriculum; and accessible, shared experiences and instruction for all students (Skrtic, Sailor, & Gee, 1996; Olson, Leko, & Roberts, 2016; McLeskey, Waldron, Spooner, & Algozzine, 2014). Benefits of inclusive education for students with disabilities include improved literacy, language, and math skills compared to students educated in segregated settings (Buckley, Bird, Sacks, & Archer, 2006; Hehir et al., 2016; improved social competence (Fisher & Meyer, 2002); improved communication skills (Ryndak, Ward, Alper, Storch, & Montgomery, 2010); and improved outcomes related to employment and community involvement as an adult (Wagner, Newman, Cameto, Levine, & Garza, 2006). Several studies have indicated students without disabilities benefit from inclusive education through positive impacts on academic achievement (Staub & Peck, 1995), growth in social understandings and empathy (Janney & Snell, 2006), and greater understanding of differences (Lyon, Blue-Banning, & McCart, 2014).

In a recent report, the European Agency of Special Needs and Inclusive Education (2018) indicated a link between inclusive education and social inclusion in education, employment, and living conditions; factors that either promote or hinder inclusion include the quality of inclusive practice, social policy, structures and attitudes in society, and events in the life of the individual. The research findings mentioned in the review suggest schooling in the CSSID reduces opportunities for social inclusion in the short term and in the long term. According to the report, there is a correlation between schooling in self-contained settings and poorer study and vocational qualifications, sheltered employment, financial dependence, poorer opportunities for independent living and poorer social network after completing schooling (European Agency of Special Needs and Inclusive Education, 2018). To sum up, the report points to the long-term consequences of teaching students with disabilities in self-contained classrooms or segregated settings, which contribute to inequality and exclusion in society.

Alternative Curriculum

Although the term alternative curriculum is increasingly aligned with specific educational programs for students with IDs, this practice lacks alignment with the principles of LRE and normalization described in educational policy documents in each country. In this section, we propose common definitions for relevant terms and examine implementation of the alternate curriculum in both policy and practice in each country.

Common Definitions

Curriculum in Sweden is defined as a government-established policy document learning goals in Grades 3, 6, 9. For students with moderate to severe IDs educated in the self-contained training schools, there are no standards for grading the students, and it is not possible for the student to get a grade. Instead, they receive a written assessment that tells them what knowledge they have gained in relation to learning objectives (SFS 2010:800).

In the United States, the term standard refers to "learning goals for what students should know and be able to do" (National Governor's Association Center for Best Practice, 2010, About the Standards, para. 2). The term curriculum is generally used to refer to what happens in the classroom to meet the learning goals defined by the state. This includes lessons, assignments, and materials teachers use (Oliva, 1982). Although many educators in both special and general education develop their own curricula, the rise of standardized assessments following No Child Left Behind has led to an increase in prepackaged curricula (often in the form of textbooks with teachers manuals providing suggested

learning activities and online materials) in general education settings.

For discussion in this paper, we use the term alternate curriculum to refer to expectations for learning established by state/national agencies in each of our countries, expectations for students with IDs that differ from expectations for students without disabilities, and approaches to meeting these expectations. We refer to specific software, workbooks, textbooks, or other resources as curricular materials.

Policy Foundation of Alternate Curricula in the United States and Sweden

In the United States, prior to the reauthorization of the IDEA in 1997, there was no federal requirement that students with significant disabilities be included in large-scale assessments of academic performance, and alternate curricula had not been established on a national level. Following the passage of the No Child Left Behind of 2001 (NCLB, 2002), later replaced by ESSA (2015), all students in the United States must participate in statewide accountability measures, regardless of disability status. These assessments were recently aligned with the CCSS in most states. These standards serve as the basis for the skills and knowledge students are expected to acquire through participation in public education and are used in the development of curricular materials adopted by each state. Due to the continued federal requirement that all students must participate in testing (ESSA, 2015), alternative assessments have now been developed by most states to assess the progress of students with significant support needs for whom IEP teams feel the standardized test is not an accurate measure of their progress.

To align learning objectives with alternate assessments, in 2003, regulations allowed states to set alternate achievement standards. In 2007, an analysis of alternate standards (for the states that had them) found, in comparison to established standards for general education students, alternate achievement standards included no meaningful progression of skills from elementary to high school (Towles-Reeves, Kleinert, & Muhomba, 2009). With the adoption of the CCSS in 41 states and the District of Columbia, some states and collaboratives have developed a newer set of alternate achievement curricular standards that reduce the complexity of the CCSS while maintaining alignment to essential elements of the standards (Dynamic Learning Maps, 2016; National Center and State Collaborative, 2014). These alternate standards and assessments are meant to form the curriculum learned by students with the "most significant cognitive disabilities" (U.S. Department of Education, 2003, 34 C.F.R. pt. 200), and participation is determined by IEP teams on an individual level. Consistent with the emphasis on individualization throughout the IDEIA, whether a student is held accountable for the alternate or core curricular standards is a separate decision from their educational placement.

In Sweden, the first official curricula for students with severe IDs was established in 1973 and included all students with IDs. Since the 1970s, the CSSID in Sweden has been using this curriculum (SFS 1967:940), but students with ID are not required to participate in nationwide accountability measures. Since there are not any nationwide accountability measures for students with IDs, it is the responsibility of local school authorities to assess students' progress. In 1990, the curriculum was reformed, but just four years later it was replaced with a combined curricula for all four school types in Sweden, the result of a quest for a "school for all" in the Swedish school politics. In 2011, there was a new reform dividing the curricula into four separate programs again (Östlund, 2012, 2015).

There are different educational paths for students with IDs in Sweden, according to the Swedish Education Act (SFS 2010:800). Each student's guardian/parent has the right to decide which curricula and learning objectives will be used for their child's education. When the students are offered schooling in the CSSIDs, a pedagogical assessment is performed to determine which educational program to recommend for the student. Individual teachers assess whether students have met the standards and learning objectives in the curriculum—there are no standardized tests for students with IDs. Students in general education take national standardized tests in Grades 3, 6, and 9. Getting a grade as a summative assessment is optional for students with mild ID in Grades 6-9. The four pathway options are as follows:

> 1. Fully included in general education settings following general education curricula,
>
> 2. Fully included in general education settings following the CSSID curricula,
>
> 3. In a self-contained classroom in a school following the CSSID curricula, or
>
> 4. In a special school with its own campus following the CSSID curricula.

Current Practice: Alternate Curricula in the United States and Sweden

The entrenchment of alternate curricula as the default standard for students with ID in both US and Sweden in recent years has served to reify the legislative and structural foundation for separate systems of general and special education in each country. Although the separateness of these structures are deep-rooted, there is significant variability in implementation of alternate standards for teaching in the US (Thurlow et al, 2017) while in Sweden, the alternate curriculum is implemented in a relatively uniform manner.

United States

With the release of the CCSS in 2010 and subsequent adoptions in 41 of the United States, several sets of alternate achievement standards were developed that more closely aligned with general education standards compared to the previous emphasis on functional skills. These included "essential elements" (Dynamic Learning Maps, 2016) and "core content connectors" (National Center and State Collaborative, 2014). Although some guidance on implementation of these alternate standards has been provided in professional conferences and presumably within teacher education programs, it is not clear how these alternate standards align with the variety of alternate assessments implemented by states.

As alternate assessments and achievement standards have been developed, there has been a proliferation of prepackaged curricular materials designed for implementation in self-contained special education settings (Taub et al., 2019). Special education teachers are increasingly encouraged or mandated to use these prepackaged curricular materials that purport alignment with the standards (Taub et al., 2019). One of the largest companies marketing alternate materials, n2y, markets the Unique Learning System (ULS), a curriculum estimated to be used in approximately 60 000 classrooms in the United States (n2y, 2019a). Implementation of ULS is mandated in several districts across the United States, including the Los Angeles Unified School District (n2y, 2019b).

United States example: The Los Angeles unified school district

In the Los Angeles Unified School District in California, beginning in kindergarten (age 5), students who receive special education services are determined to be working toward either the "alternate curriculum" or the "core curriculum" based on an assessment conducted by district staff. Students determined to be working toward the alternate curriculum may be offered a range of placements by the school district. Most often, the offer of placement for students working toward alternate achievement standards is a self-contained special education class comprised of other students with IDs (97%), although some students (approximately 2%) are educated in general education classes with support determined by their IEP, and a small number of students attend special education schools (A. Hanreddy, personal correspondence, July 9, 2019). District wide, the school district has implemented the ULS—a mandated, prepackaged curriculum for students with IDs in language arts, math, social studies, and science. The ULS curriculum is used in approximately 860 classrooms with approximately 9,000 students (n2y, 2019b). When students who are working toward alternate achievement standards in the Los Angeles Unified School District are included in general education for 80% or more of the day, the general curriculum is used as the foundation for instruction, with adaptations to the curriculum provided as needed (Los Angeles Unified School District, 2017).

Sweden

In Sweden there is only a very small selection of teaching materials adapted for the CSSIDs, and it is the responsibility of every teacher to adapt materials and assessment to suit students with IDs. In a recently released report, the Swedish National Audit Office (2019) criticized the Swedish National Agency for Education and the Agency of Special Needs Education in Sweden for not assisting CSSID teachers with assessment support and in interpreting how standards in the alternate curriculum should be assessed. In total, teachers in primary school subjects have access to materials to support assessment in three of 13 subjects, and these materials have existed for a relatively short time—since 2014. In comparison, teachers in compulsory schools in Sweden have access to assessment support in all subjects. The large difference in the number of assessment materials shows teachers in CSSID have a significantly poorer ability to assess students' knowledge than teachers of the compulsory school.

Swedish example

Compared to the variability of policies and implementation in the United States, the Swedish system is implemented on a national level. Students with IDs who are not expected to achieve the learning objectives set by the curricula for the compulsory school are most often educated in the CSSID. To get access to education within the CSSID curriculum, a student must have undergone a medical, psychological, social, and educational assessment that clearly shows the student has an ID. This compulsory school program has been adapted for students with IDs and teaches mostly the same subjects as in the regular compulsory school but with its own scope and sequence. Students with mild IDs study subjects such as Swedish language, math, arts, English language, sports, natural sciences, social sciences, home economics, and handicraft. Students with moderate to severe IDs get education in five subject areas: communication, aesthetic activities, perception of reality, everyday activities, and motor skills.

The education in CSSID is organized in various ways in different municipalities. Twenty percent of the students with mild ID are included in general education classes for at least 50% of their time in school. This number has been constant since the beginning of the 1990s. However, no statistics are collected on how many students with moderate to severe ID are integrated into ordinary school classes. In Swedish research (Östlund, 2015), there are no examples of students with severe to moderate IDs with an alternate curriculum integrated into classes with typically developing students (Swedish Schools Inspectorate, 2016).

Analysis: Alternate Curricula as a Barrier to Inclusive Approaches

The establishment of separate learning standards for students with ID in both the US and Sweden has led to several barriers that compound the previously existing separate structures for teaching and learning. These include an emphasis on life skills instead of broader academic skills, reduced access to the content and skills taught in general educaton setting; the implication that a separate setting is required in order to teach the separate curricula; and less preparation to live and work in inclusive settings as an adult.

Life Skills Over Academic Skills

There is a long tradition of teaching students with IDs functional skills rather than academics in segregated settings in both United States and Sweden (Anderson & Östlund, 2017; Thompson, Walker, Shogren, & Wehmeyer, 2018). The National Council on Disability (2018) refers to this tendency toward the status quo as an "organizational tradition" (p. 35). The teaching in the CSSID in Sweden has been criticized since the late 1990s for being too focused on "care" at the expense of students' knowledge development (Swedish National Agency for Education, 2002; Swedish National Audit Office, 2019). The most recent review (Swedish Schools Inspectorate, 2010) showed similar patterns. The audit showed teaching in the audited schools often lacked sufficient knowledge challenges. The review also highlighted deficiencies in teachers' assessment of students' knowledge development. All schools in the survey also lacked compilations and analyses of students' knowledge outcomes in various subjects. Thirty years of research (Arvidsson, 2016; European Agency of Special Needs and Inclusive Education, 2018; Östlund, 2015) and evaluations (Swedish Schools Inspectorate, 2010; Swedish National Agency for Education, 2002) point to barriers that arise from the structure of separate schooling for students with IDs. From a teaching perspective, research points to shortcomings in the expectations of learning for students. Regarding the long-term implications of this model, studies have showed students educated in self-contained settings are less likely to get a job, attend education programs as young adults, and be socially included in society as adults than students without disabilities (Arvidsson, 2018; European Agency of Special Needs and Inclusive Education, 2018).

Similar to criticisms of the Swedish alternate curricula for lacking adequate challenge or analyses of student learning, self-contained classes in the United States have also been criticized for spending too little time on instruction as well as an emphasis on skills taught out of context (Causton-Theoharis et al., 2011; Kurth et al., 2016). As in Sweden, there is a tradition in the United States of prioritizing "life skills" over academic skills (Browder et al., 2004; Timberlake, 2014). For example, the popularity of "task boxes" that contain manipulatives or laminated cards focused on a specific skill (e.g., sorting, sequencing, or counting), often used in self-contained settings, is evidenced by the over 3 400 results displayed on Teachers Pay Teachers (2019), a popular site for teachers to share resources with one another despite no available evidence on their effectiveness. This practice, among others, stands in sharp contrast to the rich curricular units that comprise most of the general education core curriculum (Lee, Wehmeyer, Soukup, & Palmer, 2010; Taub et al., 2017).

Access to the General Education Curriculum

Access to general education curriculum and access to general education settings are correlated, but not analogous, concepts. Legal mandates in the United States (Every Student Succeeds Act, 2015; IDEIA, 2004) emphasize access to

the general education curriculum regardless of the setting where students are educated. These mandates were created to address achievement gaps between students with and without disabilities and are based on the presumption that access to the same curricular expectations and inclusion in accountability systems (i.e., state testing) will ensure teachers hold high expectations for students regardless of disability labels (Lowrey, Drasgow, Renzaglia, & Chezan, 2007).

The IDEIA (2004) defined general education curriculum as "the same curriculum as for nondisabled children" (34 CFR §300.320(a)(1)(i). According to the same law, students who receive special education services are also entitled to adjustment of the curriculum "to address the unique needs of the child that result from the child's disability and to ensure access of the child to the general curriculum" (34 CFR §300.39(b)(3)). These adjustments, often referred to as adaptations (Lee et al., 2006), are described in an individual student's individualized education program (IEP). Thus, although students must access the general curriculum, special education law in the United States provides school teams the flexibility needed to promote this access.

Despite an unambiguous definition for general education curriculum in legislation in the United States, there remains disagreement among special and general educators on the enactment of access to the general education curriculum (Dymond, Renzaglia, Gilson, & Slagor, 2007). In fact, most special educators appear to interpret this access to include significant adaptation and an emphasis on life skills within the curriculum (Dymond et al., 2007; Timberlake, 2014), while a few place emphasis on both the setting (general education class) and the same materials as students without disabilities (Cosier, Causton-Theoharis, & Theoharis, 2013). Further, there is evidence special education teachers serving students with IDs are often not provided with the same materials as those used in general education classes (Taub et al., 2019).

Although it might be implied that emphasis on access to the general education curriculum promotes access to general education settings for students with IDs, data on educational placements of these students do not support this assumption (U.S. Department of Education, 2018. Since its initial passage in 1975, in addition to requirements related to general education curriculum, IDEIA (2004) has emphasized access to general education settings. The law states school teams must ensure "access to the general education curriculum in the regular classroom, to the maximum extent possible" (20 U.S.C.§1400(c)(5)(A)), yet there has not been a marked increase in time spent in general education for students with IDs since the reauthorizations of ESSA and IDEIA.

Sweden has had "a school for all" as an overall education goal for the past 70 years. Everyone who works in a school is expected to prevent discriminatory behavior, and schools must take into account differences in students' abilities and provide appropriate educational support. In the Swedish education policy, there has been a clear inclusive intention since the 1980s; in recent years, the goals of a physically and socially accessible school have also been clarified. In 2014, this perspective was strengthened when lack of accessibility in schools became a basis for discrimination in Swedish legislation. Regardless, this idea has not yet reached far enough to include students with IDs. If students are following the alternate curricula of the CSSIDs and included in general education, the required time on various subjects differs. For example, in CCSIDs, students are expected to have 5 times as many lessons in home economics as students in general education and twice as many lessons in crafts. To meet the mandated hours, these students, then, are required to leave general education to get the right "hours" following the curricula for the CSSID, which becomes an obstacle to

including the student in general education. Something we noticed in the latest review (Swedish National Audit Office, 2019) is that no national analyses are conducted of students' results within CSSIDs from the National Board of Education. This is noteworthy and is an indication the system of special schools and self-contained classrooms for students with IDs contributes to segregation both in the short and long term.

Separate Curricula, Separate Spaces

It is evident from the policy and practice foundations described previously that there is a strong connection between segregated learning environments and lower expectations for students with IDs. Beratan (2008) defined institutional ableism as "discriminatory structures and practices, as well as uninterrogated beliefs about disability that are deeply ingrained within educational systems" (p. 338). Given our history of segregation on the basis of perceived ability, it is the responsibility of antiableist educators to view traditional approaches for educating students with IDs through a critical lens. Other authors (Halle & Dymond, 2008; Jackson, Ryndak, & Wehmeyer, 2008; Ryndak, Moore, & Orlando, 2008) have explored whether students with IDs could adequately be taught general education curriculum while maintaining separate settings and have emphasized the importance of context in accessing the curriculum. That is, emphasis on only the content of the curriculum does not provide full access. Further, by interpreting "access to the general education curriculum" as access to general education content, while allowing students to continue to be educated in separate settings, ignores the intent of inclusive educational practices and serves to strengthen divisions between general and special education.

As access to the general education curriculum for students with IDs is further distorted to become a set of alternate learning expectations, learning materials and expectations in self-contained settings remain substantially different from those in general education. Thus, a structure is created and reified in which "alternate" standards are the responsibility of the special educator. As such, time spent in general education may be viewed as a "waste" or an interference with the special educators' time and ability to address the learning expectations they are responsible for teaching.

Long-Term Impacts of Alternative Curricula

Given the goals of inclusive education are stated by many to be greater levels of community participation, employment, and self-determination in adulthood (Ryndak et al., 2010; Slee, 2011), it is reasonable to examine the long-term impact of alternate curricula and associated separate schooling. As illustrated by the shared histories of marginalization and exclusion in the United States and Sweden, students with IDs have long been subjected to segregation and lowered expectations in school settings. The outcomes for adult life following an education on the alternate curricula in self-contained settings indicate adults with IDs continue to follow the trajectory of dependence and isolation established throughout their schooling experiences (Bouck, 2012; Ryndak et al., 2010).

In a large-scale Swedish research study, Arvidsson (2016) followed up on 12,269 students with IDs to gain knowledge of what kind of postschool occupations young adults with IDs had. Results from the study showed 47% participated in daily activities; 22.4% were employed, most of them with some type of wage subsidy; 6.6% participated in various forms of education programs; and a large group (24%) was described as being "elsewhere" (not in any of the other three types of occupations; Arvidsson, 2016). Arvidsson (2016) stated the large number of young adults with IDs having an occupation "elsewhere" was unexpected. From an inclusive education perspective, these results indicate the CSSID prepares students for a life in the margins rather than preparing them for a life in an included society. According to the Swedish welfare system,

adults with IDs are entitled to participate in daily activities, so the welfare program helps them gain employment after school. For many, the only option is for students to transfer from the CSSID to "daily activity," which is a service for working-age individuals with IDs who are not gainfully employed or studying. By providing only segregated options, the welfare system contributes to a structural segregation of students with IDs.

Alternate Curricula and Teacher Preparation

Reliance on seperate curricula in separate spaces for students with ID has led to minimal preparation or expectation among general education teachers to teach these students. With special educators in short supply, this means that many students with intellectual disabilities are taught by teachers who are less qualified than their general education peers.

General education teachers

The establishment of separate learning objectives and separate materials for students with IDs, combined with the lack of trained special education teachers, may lead to reluctance on the part of general education teachers to include students who they do not feel prepared to teach (Swedish National Agency for Education, 2019). The Swedish school system has a 150-year history of organizing education in dual systems—a system for students in general education and a separate system for students with IDs. Although general education teachers have the ability to teach students with IDs in an inclusive setting, they often question their ability to differentiate their own teaching. Instead, they may recommend the special student be placed in a special setting, with a special curriculum with a special teacher.

General educators in both the United States and Sweden currently receive minimal training and information on special education and IDs. Although teacher training programs vary significantly, general educators in the United States report feeling unprepared to teach learners with disabilities (Blanton, Pugach, & Florian, 2011). It is common in both countries for teacher preparation programs to include only one course on special education for general education teacher candidates, and this course may emphasize characteristics of disability labels rather than strategies for curricular access (Blanton et al., 2011). Since most students with IDs are currently not taught in general education settings (Kleinert et al., 2015; NCES, 2019), they may be considered only peripherally in such courses. When teacher credential programs do not adequately prepare candidates to meet the needs of students with IDs, there is a risk these teachers will advocate for segregated settings where students with IDs can receive assistance from a special teacher who they perceive as more knowledgeable about the separate curricular standards and materials taught in those spaces.

Special education teachers

A shortage of special educators in Sweden and the United States has resulted in limited access to quality instruction in self-contained settings. In Sweden, there is a significant shortage of special educators serving students with IDs. Only 20% of special educators have the correct credential, and some have no credential at all. While the shortage of special educators in the United States is not as dire as in Sweden, 49 states report a shortage of special educators, and the caseloads of existing special educators continues to rise (Samuels & Harwin, 2018).

When students are taught by unqualified staff in settings lacking accountability, it is inevitable students' access to equitable learning conditions will be limited. The Swedish Schools Inspectorate (2010) examined teaching in 28 schools with self-contained classrooms following the CSSID curriculum and found teachers often neglected active reading instruction for

the older students and prioritized self-care and a good emotional climate in the school instead. Many teachers did not take into account the strengths and needs of each student, and the tasks for many students lacked adequate challenge. In higher grades, it was common for teachers to read aloud to students. It was rare, however, for teachers to support students' listening by discussing material and engaging in dialogue on the content of texts. In schools, students were allowed to borrow books based on their own interests, but they were rarely given opportunities to reflect on the reading with a peer or teacher. This study reflects the fact that school authorities have long neglected the teaching of students with IDs. For many years, there were no guidelines for special education credentials, and it was not until 2012 that specific training for teachers with specialization in IDs was established. It is also a consequence of the fact that CSSIDs have, for a long time, lacked and still lack state assessment support to helps special teachers assess students' knowledge development.

Implications

There are many similarities between the US and Sweden in both policies and practices related to alternate curricula that have served to maintain segregated education. In Sweden, there is a nationally mandated alternate set of learning expectations for students with IDs. In the United States, there is a nationally recognized set of learning goals for all students (Common Core), adopted in 41 states, and a national mandate for students with disabilities to make progress toward the core curriculum (ESSA, 2015; IDEIA, 2004). Despite these differences in policy, the practical lives of students with IDs in school remain remarkably similar. Most students with IDs are educated in self-contained settings, and most students are taught using materials and approaches that differ markedly from those used in general education, with drastically different learning goals established by teachers. Unsurprisingly, outcomes for these students are also similar in our countries. Adults with IDs in both countries experience high rates of unemployment and thus poverty and reliance on governmental supports (Arvidsson, 2016; Bouck, 2012; Wagner et al., 2006).

We have established that the struggle to achieve access to both general education curriculum and general education settings is rooted in a history of entrenched ableism. This ableist structure promotes the notion of alternative learning goals and spaces in the spirit of care and individualization, despite strong evidence this approach is not only inherently inequitable but leads to poor outcomes (Anderson & Östlund, 2017; Bouck, 2012; Causton-Theoharis et al., 2011; Cosier et al., 2013). Alternative curricula, therefore, should be viewed with suspicion and as a mechanism of segregation. As an education community, it is time to revisit this issue in teacher preparation, instructional approaches, and policy as we work towards broader ownership, raised expectations, improved access, and enhanced long term outcomes for students with ID.

Educator Preparation

General education teachers in the United States and Sweden often feel unprepared to provide students with IDs meaningful access to the general education curriculum (Anderson & Östlund, 2017; Da Fonte & Barton-Arwood, 2017). To promote meaningful access to all elements of the general education curriculum for students with IDs, these teachers must feel well prepared to foster learning environments that are welcoming and accessible to all students. Rather than limit instruction related to disability to one university course, preparation to foster inclusive learning environments and effectively teach students with IDs (and other disabilities) can be embedded throughout candidates' training. For example, when studying pedagogy for mathematics

instruction, candidates can learn to incorporate multiple access points and to adjust instruction to address foundational skills while also introducing new concepts. Similarly, programs preparing special educators must ensure their graduates are prepared with the skills to teach in inclusive (rather than segregated) settings and to individualize instruction in these settings while ensuring access to the curriculum. In the United States, some states have started to identify increased areas of overlap between what general and special educators must know and be able to do by the end of their credential programs, and some credential programs have started to offer concurrent programs for earning both a general and special education credential (Reese, Richards-Tutor, Hansuvadha, Pavri, & Xu, 2018; Young, 2008).

Students with IDs often receive at least some support from a paraprofessional during their school day, and some students receive all or most of their instruction from a paraprofessional (Giangreco, Suter, & Hurley, 2013; Östlund, 2012). Despite the important role these individuals play in a school setting, they often receive minimal training in preparation for their role (Giangreco, Broer, & Suter, 2011), leading to a host of unintended negative consequences (Giangreco, 2010). By expanding the role of special educators in general education settings through coteaching and individualized supports, individual students will become less reliant on the support of paraprofessionals as proxies for special educators. In addition, training specific to the role of a paraprofessional in supporting access to the general education curriculum for all students will support raised expectations as well as engaged and purposeful learning for students with IDs.

Pedagogy

General education curricular reforms in recent years have played a role in moving instruction from rote practice to an emphasis on developing conceptual understandings, using language to articulate learning, and identifying connections across the curriculum (Alberti, 2012; Swedish National Agency for Education, 2018; Yilmaz & Topal, 2014). These pedagogical practices stand in contrast to those in self-contained settings for students with IDs in which the expansion of "alternate curriculum" has maintained focus on concrete understandings, isolated skills, and self-care tasks (Östlund, 2015; Taub et al., 2019. This division between the emphases of learning goals and teaching materials for each population of students solidifies the misconception of special education as a practice incongruous with general education settings. Pedagogical practices that promote access to general education settings for students with IDs include universal design for learning (UDL), project-based learning (PBL), embedded instruction, culturally responsive teaching, and formative assessment strategies. Each of these practices can be considered as critical components in school change efforts to promote the inclusion of students with IDs.

Universal design for learning. To promote meaningful access to general education settings and curriculum, instruction in these settings must shift to models of accessible instruction that consider the variety of learning strengths and needs among all school-age students. Universal design for learning is a set of principles that draws upon the basic learning processes of recognition, expression, and motivation, and incorporates student voice and choice into instructional design (Center for Applied Special Technology, 2019). The guidelines emphasizing multiple means of representation, expression, and engagement are designed for implementation in general education settings, and training related to these principles have become more common in recent years (Jiménez, Graf, & Rose, 2007; Scott, Thoma, Puglia, Temple, & Aguilar, 2017). Although UDL is already beginning to benefit students with high incidence disabilities (Capp, 2017; Katz, 2013), it will be critical for school teams to

ensure UDL implementation occurs in tandem with increased inclusion of students with IDs, and that instruction is designed with consideration of the needs of these students.

Project-based learning. To ensure inclusive pedagogy in general education while addressing the wide range of skills students need in the 21st century, we must shift our traditional instructional model to one in which student learning begins with the end in mind. For example, PBL is an instructional model in which students work to develop a solution to a real-world problem (Bell, 2010). By shifting our focus to project-based and other inquiry-focused models, students naturally incorporate multiple disciplines and see the interconnections between subjects traditionally taught in an isolated manner. The applied nature of these instructional approaches supports both critical thinking and "real-world" understandings (Mkrttchian, 2018). When students work from a problem-solving approach, they can leverage strengths more effectively than models that rely on isolated skills.

Embedded instruction. Although many special education approaches continue to be based on a model of remediation in an effort to help students with disabilities "catch up" to their "typical" peers, this approach is often framed in terms of students' perceived deficits. For students with IDs, using a remediation model carries the potential of playing a never-ending game of catch up. Instead, analyzing the "mismatches" between an individual student's current skills and the skills needed to participate in a given learning activity allows school teams to take action to promote greater access. Using this ecological approach, mismatches can be remediated by making changes to the activity (e.g., providing many ways for students to demonstrate their learning), curricular adaptations, or individualized embedded instruction (Downing, 2010; Johnson, McDonnell, Holzwarth, & Hunter, 2004).

Culturally responsive teaching. As classrooms in both United States and Sweden serve students from increasingly diverse socioeconomic and cultural backgrounds and whose primary home language is not English, we must further examine pedagogy with attention toward culturally and linguistically diverse (CLD) students with IDs. These students appear to face more challenges than typical CLD peers or peers with IDs who are not CLD related to access to general education curriculum, access to services to address their unique needs, and partnerships with families (Mueller, Millian, & Lopez, 2009; Mueller, Singer, & Carranza, 2006; Rivera et al., 2016). Rivera et al. (2016) identified a framework for aligning existing evidence-based practices for teaching CLD-typical students with the unique needs of CLD second language learners with IDs. This model builds upon previous approaches that emphasize a safe learning environment, primary language support, and the use of systematic instruction (Sanford, Brown, & Turner, 2012; Sobul, 1995) but places additional emphasis on UDL, the integration of culture, multiple opportunities to respond, technology, and self-determination (Rivera et al., 2016). Although this model was proposed to meet the unique needs of CLD students with IDs, the additional emphases are consistent with the needs of all learners in diverse general education classrooms and are consistent with evidence-based practices for inclusive teaching approaches in general education.

Formative assessment strategies. Current attempts at identifying a uniform set of simplified expectations in the form of an alternate curriculum fail to account for the vast heterogeneity of students with IDs. Meaningful access to general education curricula for students with IDs will require teachers to recognize the diversity of students by tailoring instruction and learning goals on an individual level. To adequately gauge students' skills and understanding of material, teachers must become skillful in their use of authentic data to measure student performance. Formative assessment refers to the various ways teachers gather information on student learning throughout the learning process to provide feedback and adjust and

plan instruction. The strategic use and analysis of formative assessment approaches is a well-supported practice (Bell & Cowie, 2001; Hattie, 2012) that can provide a "snapshot" of the learning strengths and needs of students relative to clearly identified objectives. For students with IDs, formative assessments consistent with UDL provide many ways for students to express their understanding of "big ideas" or target skills in a curricular unit. For example, students might demonstrate understanding of key events in a piece of children's literature through comments in a small group discussion, illustrations on an art project, use of collage or selecting pictures, or through written responses.

Policy

Given our history of segregation of students with IDs, without structural changes, progress toward improved access to general education curricula and settings will not be sustained over time. As previously established, the current general and special education systems in both the United States and Sweden are deeply entrenched and will continue as such unless educators and families begin to question the validity of the current approach. We have established in this paper that alternative curricula, materials, or standards for any population of students on the basis of a disability label serves to maintain segregation and institutionalized ableism. Rather, we must affirm the value of inclusive educational approaches and shift the conversation from one about placement to a dialogue on the instructional practices that make an environment inclusive. From a policy perspective, recommendations aligned with inclusive practices are already well established and being implemented internationally, although infrequently (Booth & Ainscow, 2011; Choi & Park, 2018; Shogren, McCart, Lyon, & Sailor, 2015). International policy resources such as the UN Convention on the Rights of Persons With Disabilities (United Nations General Assembly, 2007), the WHO's (2011) World Report on Disability, and the International Classification of Functioning (WHO, 2001) provide frameworks for examining access in terms of civil rights. On a more practical level, the Index for Inclusion (Booth & Ainscow, 2011), a tool for self-evaluation of evidence-based practices in inclusive education, has been translated and adapted for use in many countries. Aligned with these recommendations, we propose the following:

• Affirm the general education class as the default setting for all students and develop accountability measures to evaluate implementation. This presumes students do not need to "earn" the right to be taught in a general education class and will set the expectation that general education curriculum will be accessible. Despite the fact this policy is already in place in the United States, students with IDs remain largely segregated.

• Expand expectations for general and special educator training programs to emphasize inclusive pedagogy across the curriculum. Rather than one isolated class on special education for general educators, strategies for making curriculum accessible must be embedded throughout the program. Similarly, special educator programs must not assume graduates will teach in self-contained classes; rather, programs should prepare them to coteach, adapt curriculum, and provide embedded instruction to students with a variety of support needs.

• Establish the general education curriculum as the default curriculum for all students. All students must benefit from the common set of concepts and skills established in the curriculum. This curriculum must lend itself to the principles of UDL and PBL and thus allow many opportunities for students to understand curricular content and express their knowledge and skills. Curricular expectations can be paired with individualized

learning goals to allow for tailored and embedded instruction for students who need additional support.

• Provide structures within school systems that support collaboration among teachers and allow the time needed to work together to proactively plan for students and adjust instruction using formative assessments. These structures include planning time counted as part of a teacher's work day and coordinated schedules that allow general and special educators to work together.

• Develop systems to support coteaching approaches in which special and general educators deliver instruction together on a regular basis to their shared students. These systems must include teachers of students with IDs and must ensure parity is maintained between teachers. One teacher is not the "helper" while the other is the "leader." Rather, both are seen as having equal status, and both are responsible for the learning of all students.

• Use accountability measures of teachers and schools that focus on qualities of inclusive teaching and progress for all students in the curriculum. Although in the United States, all students are now included in standardized assessments, this is not the case in Sweden. Further, evaluations of teachers and schools rarely consider evidence-based practices related to inclusive education. To ensure systematic implementation of inclusive approaches, these practices must be included in teacher accountability systems.

Conclusion

In this concept paper, we have established that despite some unique policies and practices in the United States and Sweden, our two countries share a history of segregation and exclusion, which is further maintained by the separation of general and special education systems. Despite national policies espousing an emphasis on access for "all" students, through our cross-cultural examination of systemic barriers to inclusion, we have noted an international trend toward exclusive mindsets and practices related to curriculum access for students with IDs. The use of separate, lowered, or drastically simplified learning objectives, practices, and materials for students with IDs further reifies entrenched systems of segregation. These alternate curricular expectations have resulted in inequitable access to instruction and opportunity in each country and have resulted in poor outcomes among adults with IDs. Despite efforts by advocates for inclusive practices around the world, many countries maintain separate and exclusive systems for the education of students with disabilities. As this is an international issue, efforts to address these ableist structures must take place internationally. Dialogue and cross-cultural work, the enactment of international principles for disability equity (e.g., the UN Convention on the Rights of Persons With Disabilities) at the policy level, and the translation of these principles to practice at the regional and local levels will be essential in advocacy for access and inclusion. Coordinated changes must occur in the areas of educator preparation, pedagogy, and policy to support a shift toward substantive access to general education settings and curriculum for all students as the default rather than the exception.

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