

Special needs cap would be unconstitutional, Greater Victoria parent advisory group claims

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Legislation that would limit the number of special-needs students in any B.C. classroom is discriminatory and violates the federal Charter of Rights, says a Greater Victoria school district parent group.

Capping the number of special-needs students in any one class at three could force students to be moved from classes, reduce choices for such students and even restrict them from attending neighbourhood schools, said the Victoria Confederation of Parent Advisory Councils.

The confederation will present a resolution at the B.C. Confederation of Parent Advisory Councils annual meeting Saturday in Vancouver saying such legislation, which was introduced last week, is discriminatory.

"Any time you identify a group and then restrict their actions based on that identification, that's discriminatory," said John Bird, president of the Victoria confederation.

The provincial government introduced the special-needs cap as part of Bill 33. It sets student limits of 30 per class in Grades 4 through 7, a move welcomed by all sectors. The limit of three special-needs students was an attempt to ensure class composition doesn't overload teachers or create a poor learning environment.

But Vincenza Gruppuso, mother of an eight-year-old boy with special needs in the Greater Victoria district, said Monday she is concerned the rule will limit her son Marc's opportunities for optional classes in higher grades and may even prevent him from attending a particular school.

"I'm assuming it's pressure from the [teachers' union] in trying to limit the number of students with special needs ... in the hopes of making the classroom more manageable," Gruppuso said. "But you can have one child without the proper supports and the classroom is no longer manageable."

Gruppuso calls the cap a "knee-jerk reaction" because student levels, in general, vary widely. "To say the problem is a student with special needs is like saying the problem with schools is that they need to teach students."

The Victoria confederation has sent its concerns to Education Minister Shirley Bond. Bird said the organization was surprised to see the special-needs student limit, because there hasn't been a good study on the issue.

"The issue is extremely complex and I saw nothing coming out of the [government's learning] roundtable minutes that suggested they'd had an in-depth discussion . . . Our society produces a mix of children. They're diverse, they have different needs, that's not going to change. And you can parse them any number of times you want, you still end up with the same problem: Do you have the right resources in your classrooms to teach the community's kids, no matter who they are?"

Only the BCTF wanted such a firm cap on special-needs students, Bird said.

Michael McEvoy, Greater Victoria board chairman, said the three-student limit is arbitrary. He doesn't feel comfortable singling out special-needs students when others, such as ESL students who also need extra support, are not.

But Bond stressed the cap can be overridden by the superintendent and principal, in consultation with the teacher. "That organization should go and actually read the legislation," she said. "The bill includes that kind of flexibility for that very reason, so that if it's in the best interests of those children and for that teacher to put four [special-needs] students in a classroom, that's absolutely possible."

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