

# KSCL Parent Advisory and Advocacy Group

## February 2007 Newsletter



**Next meeting : Tuesday March 27, 2007 at 6:30 ~ 8 pm**

**Welcome to the KSCL Parent Advisory and Advocacy group newsletter. Our group's hope is to provide information, access to resources and support to parents, family members and /or caregivers of adults and children with special needs.**

Highlights of the February 20, 2007 meeting are as follows:

The public school system continues to be a hot topic with all parents of this group, Issues range from replacing absent Educational Assistants, educational consistency and overall funding issues.

Of particular interest is the process by which the school is replacing /not replacing educational assistants. We have at least two parents who have experienced the process by which the school requests that children are to return home from school as there are no replacements for absent EA's. One parent has expressed concerns that by refusing to take her child home the school has been put in the position of finding alternate support for her child but very likely at the cost of another child. That seems like an unacceptable solution. Are we really looking at an education system that has no other process other than to call down a list of parents of children who all need Educational Assistants to see who will consent to removing their child from school to make an Educational Assistant available for another child? On the positive side this same parent reports that when she expressed her concerns that another family should not bear the burden of the absent EA between the director of Special Education and the school principal, a creative solution was found - a win - win situation. This leads us to the next question - is this a one time deal or is there a formal process now in place to more effectively deal with the replacement of EA's? We hope that parents will report back at our next meeting and give us an update.

- a reminder to all parents with any issues relating to the education system/school to check the Ministry of Education web site to know what the commitment and obligations of the education system is for your child.
- web site: [bced.gov.bc.ca](http://bced.gov.bc.ca).
- if you have concerns regarding this or any other issue write to Bob Minouski the Director of Special education for this School District.

There have been other individuals and other communities where school based issues are being identified and resolved. An interesting one is regarding Educational Assistants to support individuals with Autism in the classroom.

The news release regarding one particular case has been included in this newsletter for you. Parents of children with Autism are finding this a very interesting article. News release on page 2.

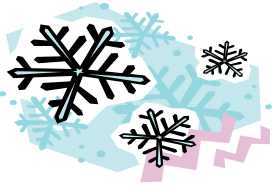
***Our group wants to hear from you !***

- What is the best day of the week for you to attend KSCL Parent Advisory & Advocacy Meetings?
- Is getting child care an issue for you on our meeting nights?
- What kinds of information are you interested in getting from this group?

***Call 365-2624 ext #1 with your ideas and input***

Full version of the minutes are available  
Contact KSCL  
365-2624 Ext #1

Email:[daykscl@telus.net](mailto:daykscl@telus.net)



## KSCL Parent Advisory and Advocacy Group

> Autism Society of British Columbia Discussion Forums: School Issues

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> By mike lewis on Wednesday, February 07, 2007 - 11:30 am:

> Below is a copy of a letter sent to each School District in the province

> The Autism Society of B.C. and Families for Early Autism Treatment of B.C. are pleased to be able to provide you with the following summary of the recent BC Supreme Court "Hewko" judgment relating to a child with autism within the Abbotsford School District.

This judgment is seen as a key precedent in education and school law in British Columbia. Our organizations urge you to distribute this information widely amongst your Board and staff.

> If you have any questions please feel free to contact FEAT of BC (Dr. Sabrina Freeman) at 604-534-6956 or the ASBC (Michael Lewis) at 604-434-0880

> School Districts have to Hire Aides with Child-Specific Training for Autistic Students B.C. Supreme Court Rules

> In November 2006 Madam Justice Koenigsberg ruled that the Abbotsford School District breached its duty to consult and accommodate when it repeatedly failed to provide a classroom aide who was capable of demonstrating instructional control of a student with autism, Darren Hewko.

> In this groundbreaking precedent, the Judge set out a number of steps that all School Districts must follow in order to meet their duty to consult with parents of children with special needs:

> ¶ Before any decision is made regarding the placement of a child within the school system and the persons who will have the responsibility to implement an IEP, the parents must be consulted.

> ¶ The depth of consultation and the concomitant obligations for the parties to accommodate the requirements of the other will vary with the known need of a child's requirement for a modified curriculum.

> ¶ All necessary information in regard to either parties' position on a proper placement and IEP must be provided in a timely way so that each will have an opportunity to express their interests and concerns and sufficient time to ensure that their representations are seriously considered and wherever possible demonstrably integrated into the proposed plan.

> ¶ Each party to the consultation has an obligation to provide timely information and an obligation to make whatever accommodations are necessary to effect an educational program which is in the best interests of the child.

> ¶ The bottom-line requirement for each side in a meaningful consultation is to be able to demonstrate that the proposal put forward can produce instructional control of the child.

> The Judge found that there is a lack of training and expertise in Intensive Behaviour Intervention/Applied Behaviour Analysis (IBI/ABA) in School Districts and that as a result Districts may have to hire persons from students' home-based ABA/IBI therapy teams in order to meet their duty to accommodate autistic students.



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The Judge continued: Reasonable accommodation is an integral part of the duty to consult. Reasonable accommodation in this case involves providing the best available teaching staff for Darren Hewko in school. In Darren's case, as in that of all children, special needs or not, the best teaching staff are persons who can demonstrate instructional control of him. Any consultation with Darren's parents must include an accommodation of his home-based program - at least until instructional control is gained and maintained of him in the school setting.

I find that the school board failed to discharge its consultation obligation by failing ". to ensure that [the plaintiffs'] representations were seriously considered and, wherever possible, demonstrably integrated into the proposed plan of action." . Most importantly, the District through its proposals and by failing to seriously accommodate the Hewkos home-based program, failed to demonstrate it could produce instructional control of Darren.

> The Judge held that:

> ¶1607; There is a serious gap in the "expertise" of educators in the area of effective learning systems for children with autism.

> ¶1607; There is no evidence that ABA-IBI is not, at this time, the most tested and effective learning system for many children with autism.

> ¶1607; Learning "on the job" is obviously no substitute for having basic training.

> ¶1607; What is required to provide access to an education for Darren Hewko (and other students with autism) is strict adherence to an ABA based learning system and the availability of ABA-IBI programming and teaching assistants trained to carry it out.

> ¶1607; The parental/student appeal procedure set out under section 11 of the School Act is not an absolute bar to a subsequent hearing on the merits in the Courts.

> ¶1607; In the Hewko case, a reasonable apprehension of bias resulted from the way the section 11 appeal had been prepared and conducted and as a result the decision of the Trustees (upholding the District position) was of no legal effect whatsoever.

> This important case, *Hewko v. B.C.*, 2006 BCSC 1638, will remain a key precedent in education and school law in British Columbia. The decision was not appealed by any of the parties.

> School Trustees, District Administrators and Special Education Staff and others are urged to read this case and learn more about the details of the duty to consult and accommodate students with autism.

> The full Reasons for Judgment in *Hewko v. B.C.* can be accessed at:

> [www.courts.gov.bc.ca/jdb-txt/sc/06/16/2006bcsc1638err1.htm](http://www.courts.gov.bc.ca/jdb-txt/sc/06/16/2006bcsc1638err1.htm)



# KSCL Parent Advisory Group

## February 20th meeting notes continued

Another follow up from our last meeting was additional information on the Vancouver Foundation.

\*for the latest information on the Family Independence Fund visit the

Vancouver Foundation's website.

At : [www.vancouverfoundation.bc.ca/grantinformation](http://www.vancouverfoundation.bc.ca/grantinformation)



- We are happy to report that one of our families was successful in putting forward a request for a grant which would enable them to have modifications done on their home in order to address safety and security issues of their child.
- A reminder for anyone who may be interested in the Vancouver Foundation's grant is that it is not a requirement of the foundation that parents own the home they need modified. As long as there is documentation in place from the landlord giving them permission for the alterations, the funding can be put in place.

While we are on the topic of family homes - you may be interested in checking out to see if you are eligible for the Property Taxes Disability Credit. Contact your local city hall for information or check in with this group March 27 as we have parents who are inquiring into this rebate on our behalf.

### **Parent list of available resources video's & websites**

for information and insight into special needs / Downs Syndrome

#### Olly takes Fiddle to the Hospital - by Phyllis Lysione

- ♦ a book to help children/parents with the anxiety & fear of the medical world

#### \*Woodbine House

-a source for books on disabilities...[www.woodbinehouse.com](http://www.woodbinehouse.com)

#### \*Voices

-a magazine written by and for people with Down syndrome

[www.cdssvoices.ca](http://www.cdssvoices.ca) ( in co-operation with the Canadian Down Syndrome Society )

#### \*The Gift of Martha - by Claire Canning

-a family tells of life with their daughter / sister who has Down Syndrome

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### Resource List cont'd

Our brother has Down syndrome - by Shelley Cairo

- sisters Jasmine and Tara write about life with their little brother Jai who has Down syndrome

Band of Angels - [www.bandofangels.com](http://www.bandofangels.com)

-an amazing site dedicated to " celebrating life with Down syndrome "  
with calendars , photo and outreach program info available

\*Angels Do - by Musician / Goodwill ambassador to the Down Syndrome Research Foundation, Rick Scott...who is a grandfather of a young woman with Down syndrome

-a beautiful song / music video celebrating life with Down Syndrome

If you are interested in borrowing any of these resources please contact

Karina Allis

or Kari Burke

Phone: 365-2624 ext #1

Phone:365-3071

Do you have resources (books, video, games, learning tools etc.) that you would like to share with other families? Contact Karina Allis with ideas or a list of what you have available. Thank you!



The KSCL Advisory Group has been following the "Have a Heart" campaign and are pleased to see it's success.

A summary of the project and it's impact have been included in this newsletter for your information

**Subject:** BCACL Have a Heart Initiative a huge success

**Importance:** High

The BCACL Board of Directors and staff join me in sending a **GREAT BIG THANK YOU** to all of you who were able to support our *Have a Heart* Initiative.

By all accounts, it was a wonderful day! Please share this message and extend our thanks to your members who contacted their MLA's and/or came to Victoria on Wednesday.

Every one of the provinces 79 MLA's was contacted by someone from their constituency leading up to the day, and then received a greeting card and a bottle of 3,150 red candy hearts representing the adults on the CLBC waiting list on February 14th. The package also contained information about the thousands of children waiting for supports and services.

About 75 self advocate, families, volunteers and staff from some of your associations traveled to Victoria and delivered the packages to their MLA's in the legislature. A small group of people were able to meet with their MLA's, some attended and were introduced in the legislature, and more appointments for follow up meetings in home communities were secured. At times throughout the day, the entrance to the legislature was filled with our wonderful team carrying red and white balloons and bottles of candy hearts.

We are updating our website - at [www.bcacl.org](http://www.bcacl.org) with photos and media.

You can help continue spreading the word until February 20<sup>th</sup> when the provincial budget is announced.

Ask your members to contact their MLA and share our message that waitlists for children and adults with developmental disabilities are unacceptable.

On our website, we've also posted a flyer that can be included in your next association newsletters or posted on your website. Please feel free to distribute this to your local media outlets and let us know if we can help with any additional follow up in your community. Two articles from Friday's Times Colonist in Victoria are also attached.

We'd appreciate receiving any photos, stories or reflections about the day and any details about follow up meeting with your MLA.

**THANKS AGAIN. WE COULD NOT HAVE DONE THIS WITHOUT YOU!**

**Norma John**

**President**

BC Association for Community Living

Tel. 604-875-1119

[www.bcacl.org](http://www.bcacl.org)



## Next Meeting

**Tuesday, March 20<sup>th</sup> - 6:30- 8:00pm**  
**meet downstairs at KSCL**  
**Address: 2224- 6th Ave Castlegar**  
**at the Community Options space**  
**- access door in rear of parking lot.**



We are looking for parents  
who might be interested in becoming  
FSI Resource Parents.

Castlegar has one person right now who would love  
to have another parent or two to share contacts and  
resource information with.

FSI is putting on a training weekend in April.  
This is a great opportunity to become involved !

For more information please contact  
Denise at 365-2295