

**Subject:** Inclusive Education  
**Effective:** September 17, 2013  
**Revised:**

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### 1.0 PURPOSE

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This policy establishes the requirements to ensure New Brunswick public schools are inclusive.

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### 2.0 APPLICATION

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This policy applies to all schools and school districts within the public education system in New Brunswick.

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### 3.0 DEFINITIONS

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**Accommodation:** measures that allow an individual experiencing an obstacle to learning to gain access to and achieve success in regular classroom learning activities. This may involve removing barriers, ensuring accessibility, using adjustments to instructional strategies, providing one-on-one assistance or allowing some extra time to complete a task. These, and similar strategies, help each student to reach their potential, both academically and socially.

**Age-appropriate peers:** students who are approximately the same chronological age.

**Alternative education program:** a program for high school students (Grades 9 to 12) who require a learning opportunity in an environment that is separate from the educational program provided in the neighbourhood high school. These programs are typically compensatory or supplementary, and operationally are in distinct physical locations. Alternative education programs may be the means for a student to complete public education or it may be transitory, with the student returning to the neighbourhood high school.

**Barrier to learning:** a circumstance in which the instruction provided within the common learning environment does not effectively meet the needs of the student as a learner. For example, these needs could be physical, sensorial, cognitive, socio-emotional, organizational or logistical.

**Classroom teacher:** a certified teacher employed in a New Brunswick school district who is assigned to provide instruction to a group of students in one or more subjects during the school day.

**Community agency:** an organization that provides direct or consultative services to students and their families.

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**Community-based learning opportunity:** additional learning opportunities within a community setting that enable students to meet prescribed learning outcomes through experiences that supplement classroom/school-based instruction.

**Common learning environment:** an inclusive environment where instruction is designed to be delivered to students of mixed ability and of the same age in their neighbourhood school, while being responsive to their individual needs as a learner, and used for the majority of the students' regular instruction hours.

**District Education Support Services (District ESS) Team:** the district level professionals, under the supervision of the Director of Education Support Services, who provide support to schools, teachers and school-based education support services (school-based ESS) teams in meeting the needs of students.

**Educational assistant:** paraprofessionals working in the public education system to support teachers in meeting the instructional and personal needs of students.

**Education support teacher:** a certified teacher working in the public education system to support classroom teachers in developing, implementing and evaluating instructional strategies to ensure student success in learning, as well as providing direct instruction to individuals or small groups of students where appropriate.

**Francization:** In Francophone schools, francization is a process allowing students speaking little or no French to develop their linguistic abilities, orally and in writing, in order for them to fully participate in their Francophone school, and contribute to the vitality of the Acadian and Francophone culture and community.

**Grade retention:** a process of having a student repeat a full year of instruction based on an evaluation and an individual student's progress.

**Inclusive education:** the pairing of philosophy and pedagogical practices that allows each student to feel respected, confident and safe so he or she can participate with peers in the common learning environment and learn and develop to his or her full potential. It is based on a system of values and beliefs centered on the best interest of the student, which promotes social cohesion, belonging, active participation in learning, a complete school experience, and positive interactions with peers and others in the school community.

These values and beliefs will be shared by schools and communities. Inclusive education is put into practice within school communities that value diversity and nurture the well-being and quality of learning of each of their members. Inclusive education is carried out through a range of public and community programs and services available to all students. Inclusive education is the foundation for ensuring an inclusive New Brunswick society.

**Neighbourhood school:** a local school that each student would normally be assigned to in his or her community, based on the school's catchment area.

**Parent:** includes guardian, as per the *Education Act*.

**Personalized learning environment:** any situation consisting of a variation of the common learning environment of a student where the student receives individualized instruction in the neighbourhood school but not in the common learning environment.

**Personalized learning plan (PLP):** a plan for a student who requires specific and individual identification of practical strategies, goals, outcomes, targets and educational supports that ensure the student experiences success in learning that is meaningful and appropriate, considering the student's individual needs.

**School-based Education Support Services (school-based ESS) Team:** a team led by the school principal that assists classroom teachers to develop and implement instructional and/or management strategies and to coordinate support resources for students with diverse needs. In addition to school administrators, the team is made up of Education Support teachers and other staff members whose primary role is to strengthen the school's capacity to ensure student learning. The membership of the school-based ESS team will be determined by the size, level and local context of the school.

**School personnel:** as per the *Education Act*, school personnel means a) superintendents, Senior Education Officers and other administrative and supervisory personnel, b) school bus drivers, c) building maintenance personnel, including custodians, d) secretaries and clerks, e) teachers, f) persons other than teachers engaged to assist in the delivery of programs and services to students, g) and other persons engaged in support areas such as social services, health services, psychology and guidance.

**Segregated program/class:** a learning environment based on one or more specific diagnoses/labels of disability or exceptionality, and typically used for a long term. Examples include life skills classes, segregated resource rooms and behaviour classes.

**Student:** includes pupil, as per the *Education Act*.

**Student-centered learning:** an approach to education that is focused on each student's needs, abilities, interests and learning styles.

**Universal Design for Learning (UDL):** a set of principles for classroom instruction and curriculum development that give all students equal opportunities to learn. UDL provides strategies for creating instructional goals, methods, materials, and assessments that work for everyone. This flexible approach to learning can be customized and adjusted for individual students.

**Variation of the common learning environment:** a situation where a student is removed from the common learning environment for more than one period daily or more than 25% of the regular instructional time, whichever is greater.

#### **4.0 LEGAL AUTHORITY**

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##### *Education Act*

6 (b.2) *“The Minister may establish provincial policies and guidelines related to public education within the scope of this Act ...”*

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#### **5.0 GOALS / PRINCIPLES**

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##### 5.1 Inclusive public education:

- Recognizes that every student can learn.
- Is universal – the provincial curriculum is provided equitably to all students and this is done in an inclusive, common learning environment shared among age-appropriate peers in their neighbourhood school.
- Is individualized – the educational program achieves success by focusing on the student’s strengths and needs, and is based on the individual’s best interest.
- Is requiring school personnel to be flexible and responsive to change.
- Is respectful of student and staff diversity in regards to their race, colour, religion, national origin, ancestry, place of origin, age, disability, marital status, real or perceived sexual orientation and/or gender identity, sex, social condition or political belief or activity.
- Is delivered in an accessible physical environment where all students and school personnel feel welcome, safe and valued.

5.2 A key element of sustaining an inclusive education system consists of the removal of barriers to learning as well as ensuring access to learning opportunities for relevant school personnel. The Department of Education and Early Childhood Development (EECD) and districts must establish and maintain a professional learning program to ensure that educational staff have the knowledge and skills needed to provide effective instruction to a diverse student population.

5.3 Inclusive education practices are not only necessary for all students to develop and prosper, but also critical to building a society that is inclusive of all people and their basic legal, civil and human rights.

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#### **6.0 REQUIREMENTS / STANDARDS**

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##### **6.1 Common Learning Environment**

It is the responsibility of all school personnel to ensure that the common learning environment:

- 6.1.1 Is enabling each student to participate fully in a common environment that is designed for all students. It is appropriate for the student's age and grade, is shared with peers in their neighbourhood school, and respects learning styles, needs and strengths.
- 6.1.2 Is a common environment where student-centered learning principles are applied (e.g., Universal Design for Learning, learning outcomes, instruction, assessment, interventions, supports, accommodations, adaptations and resources).
- 6.1.3 Is giving consideration to accommodations and implements them in a timely manner.

## 6.2 Supports for Inclusion

EECD, as well as school districts, must establish and maintain systemic supports for public education that make inclusion of all students a practical reality. These supports include personnel, as well as policy, funding and capacity-building strategies. They need to be systemic and ongoing.

To achieve this outcome, the following expectations for school personnel are defined:

- 6.2.1 In providing leadership for inclusive schools, principals must:
  - 1) Allocate available resources to maximize assistance to classroom teachers to enable them to support the learning of all their students. This includes professional learning opportunities, support from Education Support Services (ESS) team members, as well as any other school personnel as appropriate.
  - 2) Ensure that school-wide academic and behaviour interventions are based on data analysis and evidence-based practices, and used systemically to respond to varied student needs.
  - 3) Ensure that a student's instruction is primarily provided by the classroom/subject teacher.
  - 4) Ensure homogenous groupings of students with similar needs are flexible and temporary, and their utilization is based on on-going assessment of student needs and successes. The use of homogenous groups requires targets, clearly identified short-term goals, and pre-identified strategies with defined, on-going assessment methodologies to monitor success.
  - 5) Ensure the assignment of educational assistants to support classroom teachers is done in an effort to achieve a balance between the needs of students in a classroom and the needs of a teacher for support.
  - 6) Ensure educational assistants and teachers are aware of and respect the guidelines and standards of practice for educational assistants.

- 7) Ensure the goals of the School Improvement Plan and of the school's Professional Learning Plan are aligned to support inclusive practices.
- 8) Support professionals and paraprofessionals in the use of flexible instructional strategies including Universal Design for Learning, differentiation and multi-level strategies to support student learning.
- 9) Ensure that all students have access to co-curricular and school-sponsored activities, including access to transportation in school vehicles.
- 10) Ensure that community-based learning opportunities meet the personal growth goals identified for individual students, and for those students who have a Personalized Learning Plan, that the community-based learning objectives are consistent with the PLP.
- 11) Monitor and communicate to the Office of the Superintendent the current and future needs regarding the provision of accessible physical environments, in order that inclusive practices are supported.

6.2.2 The following practices must not occur:

- 1) Segregated, self-contained programs or classes for students with learning or behavioural challenges, either in school or in community-based learning opportunities.
- 2) Alternative education programs for students enrolled in kindergarten to grade eight.

### **6.3 Personalized Learning Plan (PLP)**

6.3.1 Students must receive a Personalized Learning Plan when one or more of the following conditions exist:

- 1) Strategies beyond robust instruction are required.
- 2) Behavioural supports, as outlined in section 6.6 of *Policy 703 – Positive Learning and Working Environment*, are required.
- 3) The common learning environment is to be varied in accordance with section 6.4 of this policy.

6.3.2 A principal must ensure:

- 1) A PLP is developed by a planning team consisting of the school administration, teacher(s), relevant members of the Education Support Services (ESS) Team, as well as parents, the student, and educational assistants as appropriate, and support people from community organizations as required.

- 2) A PLP is developed based on the strengths, learning preferences and needs of the student, in consideration of requirements of the curriculum. It contains personalized goals consistent with the requirements of the curriculum with clearly identified teaching strategies and methods of evaluation.
- 3) A PLP provides for the full instructional hours of the student, based on his or her grade level. Exceptions regarding instructional hours – including student transportation arrangements impacting regular instructional hours – must be indicated and justified in the PLP.
- 4) Access to technological supports when appropriate and where needed to remove barriers to learning, in accordance with the assessment and recommendations of the ESS Team, and in accordance with protocols established by the New Brunswick Human Rights Commission on the school's duty to accommodate.
- 5) That in high school, particularly in the two-year period prior to the anticipated completion of the student's education, the PLP includes transition strategies developed in collaboration with the student, his or her parents and any representatives from community agencies that will be involved in the student's life following high school.

#### 6.3.3 Classroom teachers must:

- 1) Base the PLP on the prescribed provincial curriculum to the greatest extent appropriate for the student.
- 2) Develop, implement and update the PLP (whenever significant modifications are required) in collaboration with parents, the student, teachers, ESS Team members, including relevant educational assistants, professionals and representatives from community agencies as required.
- 3) Receive, review and update the PLP when a student transitions from another grade and/or school, in consultation with parents, the student, members of the ESS Team, including relevant educational assistants and other professionals as required.
- 4) Ensure lesson plans and instructional strategies reflect the requirements of the PLP.
- 5) Monitor and evaluate, on an on-going basis, the effectiveness of the instructional strategies identified in the PLP, as well as the appropriateness of the identified goals and outcomes.
- 6) Provide formal progress reports for students with a PLP on the same document (report card) and at the same time as this is done for all other students, as well as providing documentation of progress on the PLP to parents or independent students.

## 6.4 Variation of the Common Learning Environment

- 6.4.1 Under specific conditions, a variation of the common learning environment may be necessary to address the needs of a student.
- 6.4.2 Prior to varying the common learning environment, it must be clearly demonstrated that the school's capacity to meet the needs of the student, even when supported by the school district and EECD, is not sufficient to achieve the learning outcomes of the student in a more inclusive environment despite all reasonable efforts to provide support and accommodation.

*“Demonstrated” means: based on review of available evidence, including documentation of progress on learning outcomes, and results of supports and accommodations provided. Such evidence must be reviewed by appropriate school personnel in consultation with parents.*

- 6.4.3 Decisions to vary the common learning environment must meet the following conditions:
- 1) A personalized learning plan respecting the requirements of section 6.3 is created for the student;
  - 2) When a student requires learning outcomes other than those of the provincial curriculum, his or her parents are fully informed of, and have consented to, the anticipated effects on the education of the student;
  - 3) A justifiable, rational connection is demonstrated between a student's needs/abilities, the learning program, the learning outcomes, and the assessment of learning;
  - 4) On-going documentation and monitoring of success in achieving each learning outcome are in place;
  - 5) Clear measures are established to ensure inclusion in the social life of the school, including co-curricular activities that provide the student access to a wide range of peers;
  - 6) Explicit statements are included within the student's learning plan of the expected duration of the time outside the common learning environment and the plan for the student's return to the common learning environment;
  - 7) Progress reports on the use of personalized learning environments and the progress of students, including the anticipated date of return to the common learning environment are provided by principals to the superintendent in November and March;
  - 8) A yearly summary of progress reports on the use of personalized learning environments is submitted by principals to the superintendent by June 30 and a summary of this information will be provided to the EECD by August 15.



- 6.4.4 If a student is out of school for an extended period (more than two weeks), and it is determined, through the personalized learning plan of the student, that home tutoring is the primary or only education received, the student must be offered a minimum of eight (8) hours up to a maximum of twelve (12) hours of tutoring per week, as appropriate.

## 6.5 Behaviour Crisis Response

A behaviour crisis is a situation where a student's conduct or actions pose imminent danger of physical harm to self or others.

6.5.1 To be prepared to respond to a behaviour crisis, a principal must:

- 1) Ensure that a School Positive Learning and Working Environment plan, as per section 6.2 of *Policy 703 – Positive Learning and Working Environment*, is in place to effectively manage any behavior crisis within the learning environment so that students are removed from the school only when all other options have been exhausted.
- 2) Establish practices that create a welcoming and supportive learning environment and promote, recognize and reinforce appropriate student behavior.
- 3) Implement evidence-based practices designed to teach pro-social behaviours for students with behavioural challenges.

6.5.2 When a behaviour crisis occurs, a principal must:

- 1) Ensure time-out procedures are in compliance with *Policy 703 – Positive Learning and Working Environment*, and any specific guidelines issued by EECD.
- 2) Ensure any removal from the common learning environment is temporary.
- 3) Ensure any removal from the common learning environment is never used as a punishment. School protocols and personalized learning plans must have measures in place to guard against the effect of humiliating or intimidating the student.
- 4) Follow guidelines and standards of practice about emergency physical intervention and supervised de-escalation, including requirements for documentation and reporting, as per relevant departmental policy.
- 5) Ensure that emergency physical intervention and/or supervised de-escalation are only used as a last resort in an emergency situation, when doing so does not endanger the student, and where continuous monitoring is provided.

## 6.6 Suspensions

A principal must:

- 6.6.1 Follow procedures for student suspension as permitted by the *Education Act* and *Policy 703 – Positive Learning and Working Environment*.
- 6.6.2 Develop strategies and interventions to minimize the need to suspend students from class or from school by utilizing the professional skills of the school-based Education Support Services (ESS) Team as well as the district-based ESS Team.

## 6.7 Grade Retention

- 6.7.1 New Brunswick public schools must not use grade retention as a standard educational practice.
- 6.7.2 While grade retention is not a standard practice, if the school and/or parents consider it appropriate in an individual case, the superintendent must:
  - 1) Ensure teachers that are familiar with the student's progress and instructional needs complete an instructional assessment;
  - 2) Explore alternatives with the ESS Team and the parents;
  - 3) Inform the parents of research and data regarding the impacts of grade retention;
  - 4) Arrive at a decision, in collaboration with the student's parents, if possible; and,
  - 5) Sign and maintain a record of the decision and supporting documentation.
- 6.7.3 When grade retention is supported, the principal must ensure a PLP is created, indicating how the teaching strategies, approaches and supports will be different in the upcoming school year than in the past to address the student's learning needs.
- 6.7.4 The superintendent must monitor and review grade retention records to ensure grade retention is not used inappropriately, and inform parents of their right to appeal the decision if they are not in agreement.

## 6.8 Graduation

- 6.8.1 In accordance with *Education Act* and *Policy 316 – Graduation Requirements*, a single version of the New Brunswick High School Diploma must be granted to students who successfully complete a program of studies prescribed by the Minister. This includes completion of an individually prescribed PLP.
- 6.8.2 Any graduation ceremony must be consistent with the principles of respect, equity and inclusion.

- 6.8.3 Distribution of diplomas at a graduation ceremony must proceed in an equitable order without any division of students based on performance.
- 6.8.4 Sections 6.8.2 and 6.8.3 do not preclude the presentation of awards and prizes at graduation ceremonies.

### **6.9 District-Based Education Support Services (district-based ESS) Team**

- 6.9.1 Each superintendent must establish a district-based ESS Team, led by the Director of Education Support Services, which includes district education support teachers (resource, literacy, numeracy and francization), subject coordinators, psychologists, speech language therapists, social workers and other district-based staff that provide support to school-based ESS Teams. The work of the district-based staff will be coordinated through the respective Education Centre. Where appropriate, this would include connecting with the Integrated Service Delivery (ISD) Child and Youth Development Team.
- 6.9.2 The purpose of the district-based ESS Team is to support the school-based ESS Team as follows:
- 1) Ensure the capacity-building and skill development initiatives of the district and EECD are linked to the needs of school-based staff.
  - 2) Liaise with school-based ESS teams to identify the effectiveness and success of teacher and student supports.
  - 3) Support the school-based ESS Team to identify the needs of school staff for professional growth and skill development.
  - 4) Ensure that specialized expertise of district staff is appropriately utilized to assist school-based staff to develop programs and strategies that facilitate student success in learning.
  - 5) Focus activities and work plans on strengthening the capacity of the school-based team to solve problems and remove barriers to student success.
- 6.9.3 District-based ESS Team members must be available to support school-based ESS Teams and review written records or attend meetings periodically to support the work of the team.
- 6.9.4 The superintendent must review the work of the district-based ESS Team at least on an annual basis to ensure that it is effectively meeting the outcomes described above.

## 6.10 School-Based Education Support Services (school-based ESS) Team

- 6.10.1 The principal must establish and operationalize a school-based ESS Team to provide systemic support (e.g., coordination) to classroom teachers.
- 6.10.2 The school-based ESS Team must operate under the leadership of the principal and consist of school-based staff, including education support teachers (e.g., resource, guidance, literacy, numeracy, and francization) and others as appropriate.
- 6.10.3 The school-based ESS Team must meet on a regular basis, preferably once a week but at least every 10 school days, to develop strategies to support teachers in meeting students' needs and to reduce barriers to students' success in learning; solve specific problems; address systemic issues as well as those issues that are teacher- or student-specific; and maintain written records of their meetings.
- 6.10.4 Professionals from other government departments should participate, as needed, including members of the Integrated Service Delivery Child and Youth Development Team. Involvement of external professionals must be in compliance with the *Right to Information and the Protection of Privacy Act* and the *Personal Health Information Privacy and Access Act*.

## 6.11 Guidelines and Standards of Practice

A superintendent must ensure:

- 6.11.1 Members of the district- and school-based Education Support Services (ESS) Teams adhere to the standards of practice established by EECD for their respective positions.
- 6.11.2 Education support teachers - resource (EST-Resource) - must have the necessary experience, competencies, skills and knowledge to perform their duties, consistent with the standards of professional practice established by EECD.
- 6.11.3 EST-Resource must adhere to the following time allocation over the course of the school year, recognizing that the percentage of time spent on administrative duties will be higher in the first and last month of the school year:
  - 1) Minimum of 60% of time spent on directly supporting and collaborating with classroom teachers. For example, classroom observation, co-planning of instruction, initiating and supporting instructional strategies, problem solving, modeling, co-teaching, coaching and associated activities.
  - 2) Maximum of 25% of time spent on direct instruction or intervention with small groups of children, and occasionally, with individual students, but in all cases with specific entry and exit criteria, and documentation of outcomes achieved.

- 3) Maximum of 15% of time spent on administrative duties directly associated with supporting teachers and students. For example, work on personalized learning plans, working with educational assistants, consulting with other professionals, meetings and performing other related functions.

## **6.12 Funding**

A superintendent must:

- 6.12.1 Ensure that funding allocated for Education Support Services is used solely for that purpose.
- 6.12.2 Utilize the funding norms established by EECD to provide staff allocations that are equitable in providing essential services and supports, based on identified school needs and priorities.
- 6.12.3 Distribute ESS staff, including education support teachers and educational assistants, among district schools based on school enrolment and an assessment of relative needs and priorities.
- 6.12.4 Ensure that consideration is given to enhanced supports for individual schools to meet identified needs that are evidence-based and objectively defined.
- 6.12.5 Maintain appropriate funding sufficient to meet student and teacher needs that may not be anticipated prior to the start of the school year, and that require additional resources.

## **6.13 Accountability**

- 6.13.1 The superintendent must monitor and evaluate the performance of each school based on appropriate performance indicators for inclusive education.
- 6.13.2 On-going professional development for administrators, teachers, educational assistants, and other professionals is essential to the implementation of inclusive education and is reflected in the school improvement plan and the district education plan.

## **6.14 Protection of Privacy**

The sharing of personal information about a student must be in compliance with the *Right to Information and Protection of Privacy Act* and the *Personal Health Information Privacy and Access Act*.

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**7.0 GUIDELINES/RECOMMENDATIONS**

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**8.0 DISTRICT EDUCATION COUNCIL POLICY-MAKING**

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A District Education Council may develop policies and procedures that are consistent with, or more comprehensive than, existing provincial policies.

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**9.0 REFERENCES**

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Education Act (<http://laws.qnb.ca/en/BrowseTitle>)

Policy 703 – Positive Learning and Working Environment (<http://www.qnb.ca/0000/policies.asp>)

Policy 316 – Graduation Requirements (<http://www.qnb.ca/0000/policies.asp>)

New Brunswick Human Rights Act (<http://laws.qnb.ca/en/ShowPdf/cs/2011-c.171.pdf>)

Canadian Charter of Rights and Freedoms (<http://laws-lois.justice.gc.ca/eng/const/page-15.html>)

United Nations Convention on the Rights of the Child (<http://www.pch.gc.ca/ddp-hrd/docs/crc-eng.cfm>)

United Nations Convention on the Rights of Persons with Disabilities

(<http://www.un.org/disabilities/convention/conventionfull.shtml>)

Government's Response to the Recommendations: Strengthening Inclusion, Strengthening Schools

<http://www2.qnb.ca/content/dam/qnb/Departments/ed/pdf/K12/Inclusion/InclusionActionPlanReport.pdf>

*Strengthening Inclusion, Strengthening Schools*

<http://www2.qnb.ca/content/dam/qnb/Departments/ed/pdf/K12/Inclusion/Inclusion.pdf>

*Standards of Practice for Education Assistants*

*Standards of Practice for Education Support Teachers*

*Standards of Practice for School Psychologists* *Standards of Practice for Social Workers*

*Standards of Practice for Speech Language Pathologists*

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**10.0 CONTACTS FOR MORE INFORMATION**

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