Submission to

Draft General Comment no. 4

Article 24

The right to inclusive education

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The draft general comment presents a comprehensive review of principles and implementation considerations for inclusive education. The following commentary is presented with reference to specific points in the draft general comment and was developed with reference to Parekh and Underwood (2015) and the IECSS (2015).

**Feedback:**

**3.** The three cases that are made in point three are interconnected. It is important to be explicit about the interconnections since some of these cases in isolation can lead to policy and practices that exclude the other important outcomes of inclusive education. If one of these outcomes is not realized, then the other outcomes may not be valued. For example, the economic case (which has been used in other educational reforms, including in cases for universal child care), can lead to the belief that if we do not save money as a result of this reform, then it has not been successful. Likewise, the social case can lead to the belief that if children with disabilities are socially isolated, which happens in inclusive placement although to a lesser extent that in segregated settings, then inclusion has not been successful. These are inter-connected arguments and they are more complex than what is presented here.

Further, the social case does not acknowledge that the social norms are largely defined by the larger dominant cultural group, which can undermine disability cultures and lead to assimilation instead of cultural sharing.

There is also a danger in framing the ‘economic case’ as though economic dependence or the need of certain forms of care are burdens or are negatives. This perspective continues to perpetuate disability as something to deride. A more positive perspective would frame the ‘economic case’ as increasing economic autonomy and choice in terms of care.

**4.** Reference to isolation from peers assumes that children do not have peers in segregated settings. This is not the case. However, in segregated settings, children are not given choice of peers and they are isolated from some of their peers.

**5.** Other persistent barriers include how disability is used to justify the exclusion of students ‘perceived’ as disabled, disproportionately affecting students with historically marginalized identities, such as those living in poverty and students of colour (in a Western context).

**7.** The definition of disability should be expanded and understood in the context of world cultures. Disablement is a cultural concept that is not accepted in many cultural contexts, or is variable in different cultural contexts.

**9.** There are several lofty ‘vision statements’ in this point. They come across as overly simplistic but incredibly complex in terms of their implications…perhaps more expansion on the following statement would be helpful: “It seeks to enable communities, systems and structures to combat discrimination, celebrate diversity, promote participation and overcome barriers to learning and participation for all people”.

**11**. The reference to “appropriate supports” should be expanded. It is not only that children need supports to adapt to their environment but that all members of the classroom and school community need to adapt to each other. The supports are for the whole community to participate together. This point clearly draws a distinction between students with and without disabilities and does not take up the notion that the lines between what constitutes ‘disability’ or ‘impairment’ can be artificially constructed.

**12.** Reference to “strengths, needs, and learning styles” is a description of the individual child. These concepts should be explained in terms of how they come to be. Individual students develop strengths, needs, and learning styles as a result of their culture, experience, values, and demeanor as well as, but to a lesser extent, pathology.

Segregation is described as inherently discriminatory. This does not acknowledge that some settings are governed by people with disabilities themselves and have been important sites for cultural development. This is particularly true of Deaf communities.

**12, a** – This point should specifically include post-secondary institutions through which teachers acquire pre-service or in-service training.

**12, d,** talks about respect and valuing of diversity but this section is overly general, and does not reference the power dynamics that are inherent in social relations. Nor does it discuss the relationship between various identity characteristics and the construction of disability (e.g. race, language, economic status, lifestyle, etc.)

**12, g,** should reference organizations that promote and are grounded in disabled persons movements.

Overall, point number 12 should include reference to an ethic of care. Content and adaptation are important but inclusive educators need to think more broadly about their responsibilities. They go beyond content and interaction to include care tasks and relations. For example, toileting, feeding, and dressing are often used as reasons to exclude children. Classroom teachers often leave care tasks such as comforting, giving alternative instructions, etc. to assistants.

**16.** Defining a person in terms of impairment is a problem if it uses a deficit approach, but there are examples of impairment identities being positive, such as in the Deaf community, and Neurodiversity communities.

**18.** See comments under 12. Care should be included here. In addition, specific reference to exclusion on the basis of behaviour is important. In many cases, children exhibit what are deemed to be pathological behaviours, when the behaviours are a response to discriminatory, exclusionary, and/or culturally divergent practices within the classroom.

**20.** This point identifies the need to collect ‘accurate data’, however, it does not identify what kind of data would be deemed necessary to determine the nature and magnitude of programming required.

**27.** Specific reference to rural communities is warranted.

**30.** It is important to note that accommodation should be done even in the case where diagnosis has not been done. There are many difficult to diagnose categories and there are cultural differences in the preference for diagnosis.

**36.** Should refer to all school staff, not just teachers.

**38.** It should be noted that parents refusal to send girls to school is a culturally constructed action, and not necessarily an act of individual discrimination. I believe that this piece requires far more than a legislative approach, but rather a fulsome commitment to working with communities to ensure the safety of their children and establish trust.

**39.** Deliberately retrogressive actions should be explained.

**50.** Gender binaries should be challenged and expanded to be more inclusive, particularly in discussions of violence/bullying.

**51.** The meaning of the term community is variable and many people, including children, belong to multiple communities. The mechanisms for how education ensures people with disabilities have or experience community needs to be addressed.

**53.** Specific reference to early intervention should be made under this point.

**54.** This should happen with consideration of how it affects other forms of exclusion and participation in other activities of the child’s life. How do habilitation and rehabilitation services offered within an education system happen in an inclusive way?

**60.** While it is helpful that education ministries adopt inclusion, individual school districts can embrace greater inclusion with some degree of autonomy.

**69.** Data collection and analysis is critically important. Does this point suggest that data should be collected at the state or district level. Models of dissemination and access to state-collected data need to be identified.

**73.** A caution should be made about developing administrative structures that can be used to homogenize groups of children, and that may lead to less flexibility and greater barriers to creative teaching.

**73, c** While the point states that the primary role of the resource teacher is to support teachers, it leaves open the option of working with individual students through a withdrawal method. This seems like a contradictory approach to the tenets of inclusion.

**80.** Parent partnerships are quite complex and are fraught with power dynamics between teacher and parent, but also amongst parents in the community. Attention to these power dynamics is necessary for inclusive practice.

**References:**

Parekh, G., & Underwood, K. (2015). *Inclusion: Creating school and classroom communities where everyone belongs. Research, tips, and tools for educators and administrators*. (Research Report No.15/16‐09). Toronto, Ontario, Canada: Toronto District School Board

Inclusive Early Childhood Service System Project (2015). Policy Brief #3: Recommendations for creating an *INCLUSIVE* early childhood education and care system