

The Rights of Students Who Have Exceptionalities

Classrooms are full of children and teens who have diverse learning needs. Some of those students require specific accommodations and additional supports to access their right to an education.

- ▶ Some students are said to be “gifted,” meaning that they might learn more quickly or perhaps more easily than some other children. These students often require special programs and services to keep them motivated and stimulated.
- ▶ Other students may have one or more learning, emotional, or physical challenges or difficulties. These students also require carefully planned interventions so that they can be successful in school.

Whatever their specific characteristics ...

- All students are unique.
- All students are capable of learning.
- All students, whatever their special talents and areas for growth, have a right to an education program that is designed for them.

Education is a fundamental human right – for all students.

- ▶ On December 13, 2006, the United Nations General Assembly formally adopted the Convention on the Rights of Persons with Disabilities (CRPD). The purpose of the Convention is to promote, defend, and reinforce the human rights of all persons with disabilities. Ratified by Canada in 2010, Article 24 of the CRPD prohibits discrimination against children with disabilities and mandates the right to inclusive education. This provision is focused on removing barriers to participation in typical classrooms in public schools.
- ▶ Canadian laws and regulations also protect the equality rights of people with disabilities.

- ▶ The 1982 Charter of Rights and Freedoms prohibits discrimination on the grounds of mental or physical disability. Charter of Rights and Freedoms Section 15 (1) states: Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability
- ▶ Further, every child has the constitutional right to access the benefits of education. This means that a person or an organization fails to protect a child's right if they discriminate against the child, or if they don't give enough attention to that child's unique needs (www.aidecanada.ca).
- ▶ If your child attends a public school, under the BC School Act students have a right to:
 - learn in a safe and welcoming environment.
 - have their needs identified in a timely manner.
 - have their needs comprehensively assessed.
 - receive an appropriate educational program that responds to their strengths and needs.
 - when possible, contribute to planning of their education program, including transition planning.
 - help evaluate the services they receive, when possible.

Making sure that all students have their needs met is not a “nice to have.” It is a fundamental responsibility of schools.

Some Questions Parents Might Ask

Question: Should parents be blamed for their children having exceptionalities?

Answer: Absolutely not! A child's physical, intellectual, and emotional needs can be the result of numerous factors.

- ▶ Some exceptionalities are thought to result from differences a child has at birth. No one can control those factors.
- ▶ Other exceptionalities may be linked to environment factors, which means that prevention programs can be useful.

But whatever the reason, meeting the needs of all students is the only thing that matters. Parents, family members, teachers, other school staff, and education specialists should focus on what will help a student, *not* what caused their challenges.

Question: Does having an exceptionality mean my child cannot finish school?

Answer: No!! Some students with exceptionalities face specific difficulties. They also have many unique talents and gifts.

- ▶ Like all students, students who have an exceptionality may struggle with some parts of school and may require supports to help them find and make the most of their talents.
- ▶ However, many students with exceptionalities are very capable academically. Others have strengths in art, music, sports, or some other area that is of interest to them.

Students who have exceptionalities have a right to be accommodated by schools and the education system so that they can graduate. With the right help, this can happen.

Question: Can my child achieve success?

Answer: Absolutely YES! All students with exceptionalities can achieve success. What success looks like will depend on the unique strengths, challenges and interests of each student. But that is true for all students.

- ▶ You, your child, teachers, and specialists can all work together to help think about what success can mean for your child.
- ▶ Planning and implementing the most appropriate program means helping children set and achieve goals that are right for them.

