

Whose education is this anyway?

Why the “public” in “public education” should mean the children, not the system.

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6 November 2007



Throughout its decade plus history, the Atlantic Institute for Market Studies (AIMS) has published extensively on public education in Nova Scotia and across the country. Drawing on this experience we would like to begin by raising a fundamental concern about the cost implications of the numerous recommendations contained in the report of the Minister’s Review of Services for Students with Special Needs published by the Department of Education. We know from public statements that the Department itself is cognizant of the lack of a definitive link between spending and improvements in student achievement and we would encourage them to apply that cautionary principle when reviewing the recommendations.

We also applaud past efforts on the part of the Department to find new and innovative ways of responding to the challenges of supplying the best possible education to every Nova Scotian child. We note in particular the presence of programs that, while not necessarily ideally designed or operating at optimum efficiency, at

least offered some options for parents and children looking for the best learning environment. In particular we would highlight the recognition of home schooling as a valid option, the historical presence of tuition agreements and, the latest innovation, the tuition support program (TSP).

We focus our response on the recommendation of the review panel to abandon this innovative legacy.

Specifically, of particular and far reaching concern is recommendation 3.0, which suggests the Minister of Education and government announce the end of the TSP effective June 30, 2010. The recommendation appears to be based on two quotes from the *Education Act*. The first passage reads,

“The purpose of this Act is to provide for a publicly funded school system whose primary mandate is to provide education programs and services for students to

enable them to develop their potential and acquire the knowledge, skills and attitudes needed to contribute to a healthy society and a prosperous and sustainable economy.”

The second passage referred to in the report regarding Recommendation 3.0 reads:

- “A school board shall, in accordance with this Act and the regulations,*
- (a) make provision for the education and instruction of all students enrolled in its schools and programs;*
 - ...*
 - (d) develop and implement educational programs for students with special needs within regular instructional settings with their peers in age, in accordance with the regulations and the Minister's policies and guidelines;”*

Additionally, the authors of the report specify that “the real issue for the review committee was the appropriateness of the Tuition Support Program as part of public education.”

Based on these passages, the report comes to the conclusion that “the Department of Education must adequately fund school boards to enable them to respond to the learning needs of all students, including those with special needs.” This conclusion is unreasonable for several reasons.

First, the purpose of the *Education Act* specifies only that the government’s responsibility is to provide a publicly *funded* school system. The *Education Act* does not specify that this publicly funded school system must be publicly *operated*, whether under the direction of a school board or otherwise. If the primary mandate of the publicly funded school system is being met by an operator or entity of any kind, public or private, then there is no need to exclude that operator from public

funding, such as the funding provided to private schools for special needs students by the TSP.

Second, the passage of the *Education Act* referring to the role of School Boards does not exclude public funding of privately operated schools in that it only states that a school board provide education to all students *enrolled* in its schools and programs. If a student is enrolled in a school outside of the jurisdiction of the school boards in the province, then this passage of the *Education Act* does not require the school board to provide services designed specifically for that student “within regular instructional settings with their peers in age”. In other words, school boards need not be responsible for all students, only those enrolled in their programs.

Finally, a student with special needs enrolled in a private institution that better meets the needs of that student is not only better served by that private institution, but the school board is also better able to focus its programs on the students it can best serve. Attached here in Appendix 1 are testimonials from parents who have seen first hand the beneficial impact of the tuition support program for their children, their families, their communities and their local schools.

It is clear from the reports of parents and administrators at the three Designated Special Needs Schools that the choice the Department faces is to support these children, their parents, their educators, and this very successful public education program, or not.

Given that the recommendation to announce the end of the TSP is based on an inaccurate interpretation of the *Education Act*, recommendation 3.0 of the Review Committee’s report should be rejected.

In fact, the evidence would suggest that instead of ending the tuition support program, the Minister should be looking at *expanding* the program to ensure the best use of resources



throughout the publicly funded education system. Note here that we refer to the publicly **funded** system as indicated in the *Education Act*, not exclusively the publicly operated system.

There are several reasons to expand the TSP, including:

- Educational results for special needs children

Increasingly, the literature on vouchers is suggesting that the children who achieve the greatest return from access to publicly funded vouchers are the children most in need or most at risk in society.¹ The testimonials included in Appendix A suggest that this trend is holding true to form here in Nova Scotia. Children who were struggling not only in school but in their communities have literally had their lives altered by the opportunity presented to them by this publicly funded education program. This is by far the most important reason for continuing and expanding the TSP.

- Increased responsiveness to special needs children

Typically, special needs students in the public system are given an Individual Program Plan (IPP) which outlines individual outcomes for special needs children for whom the Nova Scotia Curriculum guidelines are deemed not attainable or applicable.² Within the public system it can take up to a year to develop such a plan. In a private

institution, however, the focus on students with special needs allows the student to immediately start working toward outcomes appropriate for that student, instead of falling behind while an individualized plan is being developed in the publicly operated system. Easing the criteria for entry to the TSP would address this delay and allow the Department to achieve far more with the resources currently available.

- Social results for special needs children

It is not clear from the report of the Review Committee that they considered the non classroom environment when making their recommendation in relation to the elimination of the TSP. We would encourage the Department to consider that, even were the same pupil to teacher ratios achieved in the classrooms of publicly operated schools as in the designated special needs schools, this would not materially affect the environment outside of the classroom.

Administrators at Churchill Academy have emphasized to AIMS the significance of the positive and reinforcing environment that is available to children attending their school both before and after school and during lunch and recess periods. The suggestion is that being able to socialize in an environment where they and their challenges are the “norm” rather than the “exception” allows an opportunity for these children to develop socialization and coping skills that they can then apply later in life to a more diverse environment (like that which they will find upon reintegration to the publicly operated community school once it is determined that the individual student is ready to reintegrate).

¹ Hoxby, Carolyn. *School Choice and School Competition: Evidence from the United States*. Swedish Economic Policy Review 10 (2003)

² Nova Scotia Department of Education. *Program Planning: A Team Approach*.
<http://www.ednet.ns.ca/pdfdocs/studentsvcs/ProgramPlanning.pdf>



- Best use of limited resources

Smaller private institutions that focus on the delivery of special needs education to very specific high needs cases must maintain a lower student teacher ratio because of their focus on students with special needs. It would be remarkably difficult and prohibitively expensive to attempt to replicate the required student teacher ratio at every publicly operated school where a high needs special student was in attendance. Forcing students who rely on the TSP back into the public system will only inevitably serve to return them to a learning environment that is not suited to their needs.

Further, there is evidence that TSP type programs actually have a net fiscal benefit for school systems. This usually results because the cost of educating special education students often exceeds the capacity of the system to support individual students at every school. By focusing the resources on groups of students at a limited number of schools, the entire intervention costs less and delivers more.³

- Leverage of resources

Beyond maximizing the limited resources available within the publicly funded education system, privately operated schools are actually able to leverage funds from the TSP in order to bring more funds into the system. The TSP does this in two ways. First, the TSP subsidy does not normally cover the full cost of a high

needs special education. Whether the parents subsidize their own child or whether parents who do not require a public subsidy subsidize all the children, the fact is that designated special needs schools have greater per pupil resources from tuition than publicly operated schools do.

Secondly, the capital expenditures of these privately operated schools come from sources outside the funds available to the Department of Education. In certain cases some or all of the “excess” tuition is allocated to capital costs (which would, admittedly, negate the funding advantage mentioned above) or (in an approach that is generally more common in private schools) capital expenditures are funded through fundraising and sponsorship activities. In any event, private designated special needs schools will generally have access to other resources in a more flexible manner than publicly operated schools do.

In light of the above analysis, we would make the following recommendations with regard to the TSP:

1. The TSP should be expanded beyond the maximum three years of funding currently available to parents. Based on the experience of existing privately operated schools, some students are ready to return to the publicly operated system after one or two years while some are never able to return to the publicly operated system. Denying funding to those special needs students who are not ready to return to the publicly operated system or whose needs cannot be met in that system only means that some other intervention will be needed for that student later in their school years or later in life. Allowing students the opportunity to be educated in

³ Aud, Susan L. *The Fiscal Impact of a Tuition Assistance Grant for Virginia's Special Education Students*. Milton and Rose D. Friedman Foundation. April 2007



- an environment that better suits their needs without an arbitrary deadline maximizes the benefit for both the student and society.
2. Students should be tested at two or three year intervals to determine **whether** the student is ready to be reintegrated back into the publicly operated system, rather than testing students at the end of the three year period of tuition support to determine the best way to reintegrate the student back into the publicly operated system.
 3. The process for applying for funding under the TSP should be streamlined. Parents indicate that the process is both difficult and lengthy. As an example, we are told that when the TSP started, all students at Churchill Academy in Dartmouth who applied for funding were rejected. When decisions were reviewed it was determined that the students were rejected based on mistakes made in interpreting the legislation governing the program. In cases such as these, students whose parents do not have the means to pay for privately operated programs without the program are left in less than ideal conditions or simply fall further behind in the publicly operated system.
 4. The appeals process for students turned down by the TSP should also be streamlined. Parents complain that the appeals process is unnecessarily long and complicated. While making it easier for parents to apply for the program and making it less difficult for students to qualify for the program would go a long way in reducing the need for changes to the appeals process, those students who are turned down should have their appeals addressed quickly to ensure their educational needs are not left in limbo while appeal decisions are made.
 5. The province should actively encourage the formation of designated special needs schools in areas of the province not currently served by such a school. This does not mean building or subsidizing such schools. Expanding the program, easing the application and appeals process, and allowing children to stay in the program for as long as their individual case warrants are all ways to encourage new schools to apply for designation.

In closing we would like to reiterate that the review committee report based its recommendation to terminate the TSP on the erroneous assertion that commitment to a publicly **funded** education system requires that system to be publicly **operated**. The review committee also concluded that “There is consensus that children should receive their education in their community schools, in classrooms with their age peers.” This conclusion would seem to be refuted by the committee’s own report under Recommendation 3.0 where they state that parents of students in privately operated schools requested that time limits for the TSP be lifted, that there be more special education/private schools available, and that all costs be fully funded when school boards cannot meet a student’s special needs. Surely these parents would not agree that a consensus exists for their students to be educated in their community schools within the jurisdiction of the school boards in the publicly operated system.

The results generated for students using the services of privately operated institutions in the province would indicate that the best interests of these students are served outside of the publicly operated system. Additionally, the best interests of the public are served by not only keeping the TSP in place, but by expanding the program.



Expansion of the program provides a net fiscal benefit to publicly operated schools while allowing special needs students to thrive in educational and social environments that best meet their needs.



APPENDIX A

Parental testimonials in support of the TSP.⁴

This letter is in support of expanding the Tuition Support Program. For 10 years our daughter severely struggled in the public school system with her learning disabilities. She was very lucky in having some of the best teachers in the system and the most support we could convince the school to give her which was in resource as well as the learning center.

It was never enough.

Our daughter was in what we call "the grey area". She wasn't the average student nor was she severely special needs. The area the school system is not able to accommodate due to the class sizes, the lack of challenging one on one support, the lack of class structure meeting specific needs.

In grade 10 at Charles P. Allen High School our daughter was doing a grade 4 curriculum with IPP attached to every course.

She started grade 11 at Churchill Academy with the Tuition Support Program. She will be graduating from grade 12 this year. She is doing the curriculum of grade 12 and will graduate this year with a **real** High School Diploma.....not one course that has IPP attached.

⁴ During the 2007 AGM of the Progressive Conservative Party of Nova Scotia a resolution was debated that would endorse not only the continuation but the expansion of the TSP. The testimonials in this appendix were collected by the mover of that motion from parents of children who had benefited from the TSP. The testimonials were provided to the public with the express written consent of their authors. When originally released these letters were all signed. AIMS elected to remove the signatures out of respect for the parent's privacy. We would be happy to place the Department in touch with each author if that would be of value.

What has Churchill Academy given her? That is very obvious. She now has choices she now knows what she is capable of and demands that of herself. She is on her way to be a contributing member of society, a far different path she was heading down.

She should have been in Churchill Academy long before her year in grade 11. We constantly lobbied the Department of Education as well as the School Board for years to gain more support and to encourage the Tuition Support Program. It was an exhausting, demeaning struggle.

Our children are worth more. Our daughter has proved that.

The Tuition Support Program should be expanded to K-12. The funding is there for each student, this allows for VALUE in the same funding.

Lives are changed.

As a parent of a child with learning difficulties I am writing to state how important this program is as well as to inform you of the inadequacies in the public school system for special needs children.

Our daughter who is now 15 has well documented problems with distractibility and lack of focus since age 5. Despite our best efforts to get help for her it took almost four years to have psycho-educational testing done. Each time we requested testing we were told because she was not a priority (did not cause disruptions in the classroom) the higher priority children were placed ahead of her. It wasn't until age 13 when she was admitted to hospital on suicide watch that we were finally able to have this testing done.



After meeting with a Psychiatrist and Pediatrician our daughter was diagnosed with Inattentive ADD with resultant depression and generalized anxiety disorder. I can not begin to tell you the years of frustration and heartache our beautiful, talented child has suffered due to her inability to focus.

As parents we will always regret that we did not advocate more for our child. In all our meetings with her various teachers and school Principals all we ever did was ask for testing, thinking this was the logical first step. We were never made aware of any IPP options through her schools and only recently learned such a thing existed.

In late spring of 2006 the years of frustration had taken a toll on our family. We even discussed with our daughter the possibility of her entering foster care because we felt so unable to help her with her difficulties and the resultant behavioural issues that had developed. It was then we learned of Landmark East School. What a godsend! The improvements we are seeing are amazing. We now have a child who is proud of what she is able to do and cares about her future. This is evident by her tone of voice and ability to eagerly discuss her accomplishments. She has teachers who are able to help with her organizational and focus issues; she is no longer lost in the crowd.

We may never recover financially from the decision to enroll our daughter in LME School, however to know that we are finally able to offer her some glimmer of hope is worth every dollar. (We learned of the tuition support program too late to apply.) Although our family is separated by distance, her father working in the NWT to pay for her education we are closer now than we have been in a long time. Marleigh gets homesick at times and so does her Dad, however she admits she is doing better there than she would be at school here. As parents we are now realizing that perhaps it is not us who are failing her, but the public school system we pay for is failing her. Dad says he will stay up north as long as it takes

to help her get the education she deserves and we are continuing to make every sacrifice to ensure she can attend LME School until she learns the necessary skills to focus and function on her own. After all how can we put a price on our families and children?

Our story is having a son attending Churchill Academy who has progressed from failing at school and being a nuisance in the community to a kid who is now getting top grades and having the wherewithal to live apart from his family and on his own at age 17. The financial burden to his parents and by extension his siblings, the cupboard is bare, is substantial being not just full tuition but also the expense of accommodation and sustenance, approximately \$20k/yr.

Whatever the government can find it in its heart to contribute to alleviate this burden to families in similar circumstances and to support this facility of itself in its tremendous work is to the benefit of all.

I thank you for bringing this issue to the table and wish you success.

It is so important to make known the necessity of Churchill Academy. That this facility exists for children with learning difficulties is such an important addition to the Department of Education in HRM.

As a parent of a child with learning difficulties, it was very difficult to sit and watch my child "slip through the cracks" in the public school system. So, since my child was not supported in public school, the Government has a responsibility to ensure my child has a education whether in public school or in a private school such as Churchill Academy. Therefore, should be

financially responsible as well, thus extending the TSP, until graduation.

Last year the teachers in public school informed me that my son was at a grade 4 level in his math when he was in grade 7. This year, my son is in grade 8 attending Churchill and I was just informed today at a Parent/Teacher meeting, that my son is at the top of his class!!

It wasn't Public School that put him there. It was the wonderful work of Churchill Academy, and the dedication of the teachers.

Thank you for the work you do, and for lending your ear.

My 14yr old son is a student at Landmark East School. Unfortunately, the public school system was not able to meet his needs. He has a reading disability as well as a math disability. The public school system is not set up to teach him.

Although he was diagnosed in grade 1 he did not get the intense consistent help he needed to progress with his peers. Each year the gap between what his peers were able to do and what he was doing got wider. In grade 7 at the age of 13 he finally completely gave up on his ability to learn and was no longer able to drag himself to school. Or as he put it, "psych himself up to go to prison every morning".

All the good intentions of teachers who don't have the time or the practical support needed to teach children with severe learning disabilities is a useless drain on everyone, the teachers, the other students in the class, the ineffective support staff and especially on the children who are not getting the education they are capable off in the proper environment. Our family had to take drastic action to save our son's self-esteem and prove to him that he can learn and is very intelligent by enrolling him at Landmark East

School. This is a very costly but necessary school for him. We missed out on the tuition support programme the first year simply because he was accepted after the deadline for application. The second year he was there we were denied simply because he was no longer in the public sector. The tuition support programme is not user friendly at all. The fact that it is only for 2 years is a mockery of the children who need specialist schools to grow into productive adults. I strongly urge you to fight so children get the tuition support for as long as they need it and not a set amount of years. Setting a 2 or 3 year limit of support or a deadline for application date has nothing to do with the child's needs.

My son attends Landmark East School, in Wolfville, NS. I can't express enough how wonderful this school is. Before attending Landmark East, he was a very unhappy person with low self-esteem. He did not interact with other kids his age. He's a happier young man and his self-esteem has improved. He isn't nervous or scared to interactive with other kids his age. He was always nervous that other kids would tease him about his disability, dyslexia.

He is attending a school where there's kids just like him. There's a 1:3 teacher student ratio. In public school the teacher to student ratio is 1:30. How are the students who have difficulties going to get the help they need. They aren't... One of his grade 5 teacher once said to his father and I, at a parent teacher meeting, "It's easier to help 28 students who know what their doing then to stop and take the extra time to help 2 that don't." How sad, but true and this is exactly what is happening our public school system.

The teachers and administration at Landmark East want to help those students and that is what they have done and are still continuing to do. The compassion that they have in their mission to



help those with learning disabilities is incredible. /They fight for these children and want the best for them. The sad thing is we only have funding for 2 years, half from the government and half from another corporation.

When he was assessed at Landmark, prior to getting accepted, they said he would need to be there for at least 3 years, if not longer. Prior to attending the school, his reading and spelling was a grade 2-3 level. He is 12 years old and in grade 7.

We have the confidence in the school to help him achieve his goals, becoming the best he can be. His father and I don't want those dreams to be destroyed by him not being able to attend the school for as long as he needs. He, right now, would not survive in the public school system, he would get lost in the crowd.

Thank You, and keep in mind the Landmark mark East School Moto: Inside Each Child: A Desire to Succeed....We Help Make It Happen. Which they do.

My son is in his 3rd and final year at Landmark East School in Wolfville. 3 years ago he failed grade 10 in the public school system. He was supposed to be getting help, was on an IPP, sat up front in all his classes, and met with all his teachers to explain his ADD and learning disabilities.

In June that year he was close to a breakdown from depression. He felt he was a failure. He knew how important it was to get an education but felt that he was too stupid to learn and not good enough for anyone to be his friend. He also knew that maybe Landmark East could help him. We had toured the school, talked to some of the students and teachers there and read all we could about their programs.

We had no money put aside for private school. We never expected that our son would not be able to make it in public school. He is very intelligent but learns in a different way than other students do. The first year wasn't too bad financially but the 2nd and 3rd years are Very tough.

Without tuition support he would not be there to finish his grade 12 and graduate with his classmates. He would probably not even graduate period as he knows that the public school system doesn't have the time to help him.

His grades at Landmark have soared. He went from 40s & 50s in the public school to 70s-90s at Landmark. He covers more work at Landmark than in the public school system (I have a nephew in the same grade who attends public school). Teachers make it interesting to learn and there is no competition between students. He is comfortable at Landmark - all the students there have problems similar to his.

We have worked closely with the school on anything from marks to behaviour to homesickness. The staff at the school are the most caring people I have ever met. They give so much to the students there.

I hope that my story along with other stories from parents like me will influence the government. I know in my heart that children like my son, who have failed in public school, are depressed and angry - those are the young people that end up on the streets or in jail.

These are just kids. Plain and simple. They are not all created equal when it comes to learning. They all deserve the best we can give them and if you go to visit Landmark East on parent days and speak to the parents you will see that Landmark East is the best we can give our children.



I would like to see the tuition support program continued and broadened to include children such as my child.

My son had severe ADHD, and requires approximately 196 mg of Concerta daily. His condition is so severe that he receives the Federal and Provincial Disability tax credit and has been approved to receive this until at least age 18. My son also has a diagnosed and documented phonological and auditory processing disability.

He is currently in his second year at Churchill Academy. We have never been approved for funding under the tuition support program, even though we have applied and appealed two years now. The first year it was because he was never on a public school IPP the second year we applied, even though he was in Churchill, the same reason applied along with the fact that he was not applying/coming directly from the public school system. We were told that "your child has nothing intellectually wrong with him and therefore does not meet the criteria". Each year there seems to be something in the fine print that can be cited as a reason that we do not meet the criteria.

After two years of applying and appealing, we feel the situation/process is so hopeless and stressful that we are not even applying this year. Even thinking of this issue in the context of composing this email is upsetting and stressful.

Removing our son from the public school system before attending grade seven was a necessity because he was not achieving to his maximum level and his behaviour was a constant issue at school and he spent the better part of some of his academic classes sitting outside the office because his teachers could not handle/teach to him.

When privately tested at the IWK my son scored above average to superior intelligence in almost all categories. He was a C student at best in the

public school system and we had to home school/tutor him nightly in an effort to maintain even these marks. He was never on an academic or behavioural IPP in the public system because we worked with him everyday to keep passing and we also had him on a behavioural modification program initiated by us and used at home. We did the right thing by him, and we are now being penalized to the tune of \$6,800/year. The public school system was unable to get him to the level of achievement that Churchill has. He is now an B+ to an A student and the public system couldn't even manage to teach him to read (we spent thousands of dollars at Spell Read to achieve this).

We are now facing our third year of trying to come up with the \$10,500 in tuition, so he can attend Churchill again next year. This is where he wants to finish out high school. This is the best learning environment for him. We are having an increasingly difficult time coming up with the funds required and could benefit greatly from the Tuition Support Program if somehow we could fit into its very strict requirement.

Where does my boy fit in to this whole plan. The children who are just passing in public school but could achieve so much more at a specialized school such as Churchill.

What happens to all the other children in his position who do not have university educated parents capable of tutoring them at home in junior high and high school subjects, or those parents unable to afford even one year at private school.

We all know what happens to these children.

Integration does not work for every child. Let those it works for attend public school and allow those it doesn't work for easier, funded access to private specialized schools. It seems a pretty simple straight forward solution doesn't it?



My son is in his second year (grade 7) at Churchill Academy. He has failed to qualify for the tuition support program despite being diagnosed with ADHD (in grade 1) and a learning disability (diagnosed in grade 5 by an outside consultant). When I decided to move him to Churchill Academy at the beginning of grade 6, he was writing at the grade one level and reading at the grade 9 level. The public school system did not see this as a pressing or serious issue. He received 2 ½ sessions per week to address this problem. He was in a split class with 25+ students, not an environment for a child with his needs. Year after year, the public school system failed to provide the resources required to properly address his learning disability and medical condition.

He is half way through his second year at Churchill Academy and for the first time is doing well at school. This is because they have provided him with an IPP and have placed him in a learning environment that recognizes his ADHD and his learning disability. In 1.5 years at Churchill he has brought his writing level up to the grade 6 level. This is because the classes are structured to address the children's needs. The public school system does not have the resources

to help these children. I firmly believe that if I had left him in the public school environment, he would not be succeeding in school.

The recommendations made by Justice Nunn in his review of the Archie Billard case are clear, if society does not intervene to help children with special needs early in life, the outcomes can be devastating. I have done my part in seeking out medical and specialist advice on behalf of my child. The government must do their part through directing the funds required to educate him appropriately.

We have 4 children, finding the \$10,500 to fund his early education has not been easy, but it is necessary. He deserves the opportunity to learn, denying access to the proper resources is denying access to an education. He has a right to an adequate education.

I urge the government to consider changes to the tuition support program that include expanding this program across the province, making it easier to qualify for the program, and permitting children to access the program for their entire k-12 education experience.

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