



SASKATCHEWAN  
HUMAN RIGHTS  
COMMISSION



**EQUITABLE  
EDUCATION**  
FOR STUDENTS WITH READING DISABILITIES

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# 1. CHIEF COMMISSIONER'S MESSAGE

Reading is a fundamental skill. Many would argue it is the most important skill, not just for academic pursuits, but for nearly all aspects of life. Education systems are responsible for ensuring that every student learns to read. All students, including those with disabilities, have the right to equitable access to education.

Being able to read is a factor in a person's quality of life, regular social interactions, access to employment, and income possibilities. Unfortunately, many students with reading disabilities are not learning this foundational skill, leading to immense challenges for both students and their families.

This report provides a thematic and objective view of survey responses, a legal summary, and a literature review on reading disabilities. It is not an exhaustive analysis of inequity experienced by students with reading disabilities or a full analysis of the practices and policies within the Saskatchewan education system(s). Rather, the intent is to gather and synthesize the concerns raised by students, parents, caregivers, teachers, and other professionals.

It takes trust, courage, time, and energy for people to share their experiences. The Saskatchewan Human Rights Commission is grateful to everyone who took the time to participate in this initiative through interviews, submissions, surveys and consultation. These contributions have added greatly to this report and in bringing these concerns to light.

The Commission considers this report to be the beginning of a process of collaborative improvement. The Commission is committed to working with stakeholder groups, through multiparty discussion, to respond to, address, and remove inequity and systemic barriers experienced by students with reading disabilities. Such collective efforts are required to achieve the goal of eliminating individual and systemic inequity.



**Barry Wilcox, K.C.**

**Interim Chief Commissioner**

**Saskatchewan Human Rights Commission**

## 2. INTRODUCTION

## The Saskatchewan Human Rights Commission

The Saskatchewan Human Rights Commission (the “Commission”) is mandated to forward the principle that every person is free and equal in dignity and rights without regard to religion, creed, marital status, family status, sex, gender identity, sexual orientation, disability, age, colour, ancestry, nationality, place of origin, race or perceived race, or receipt of public assistance. *The Saskatchewan Human Rights Code, 2018* (the “Code”) prohibits discrimination based on these personal characteristics. Discrimination in specific areas of social life, including in education and employment, which contravenes the *Code*, is illegal. The *Code* requires the Commission to respond to individual as well as systemic complaints of discrimination.

## What is Discrimination?

Discrimination is any unfair action, policy, or practice that puts a person or group at a disadvantage by treating them differently from others, or by applying the same rule to everyone, resulting in a person or group being unjustly denied opportunities or receiving fewer benefits in what are often called the social areas of life (e.g., education, employment, housing).

Discrimination can flow from prejudice, negative stereotypes, or a failure to consider the needs of others. Sometimes discrimination is deliberate and direct – such as the use of racial slurs or refusals to employ someone because of their race – but it can also be indirect or unintentional.

## The Systemic Approach

Allegations of discrimination can be addressed through the Commission’s individual complaint process. The Commission also has a legislated mandate to address systemic discrimination through Section 24(h) of *The Saskatchewan Human Rights Code, 2018*. The Commission uses systemic approaches, including multiparty dialogue, to address discrimination and inequity, including differential treatment, policies, rules, or actions that unfairly disadvantage an identifiable group.

The Commission’s systemic investigations examine systems to uncover subtle or hidden processes (policies, procedures, and practices – both official and informal) that may be contributing to unfair disparities and discrimination. Once problematic processes are identified, they can be reviewed and revised as required to eliminate and remedy inequity and other barriers. Such an examination also highlights any existing positive processes and notes past and current successes.

## The Reading Disabilities Systemic Complaint

In June 2020, the Saskatchewan Human Rights Commission received a group complaint on behalf of 29 families, all with children who have been professionally diagnosed with dyslexia. The families alleged that eight school divisions discriminated against their children on the basis of disability (dyslexia and other disabilities) and that the school divisions violated their children’s right to fair and equitable access to education. The families expressed their desire for a systemic investigation into the identification, treatment, and accommodation of students with reading disabilities in Saskatchewan.

Given the number of parents supporting the complaint, the Commission determined a systemic approach was more efficient and appropriate than pursuing each complaint individually. In this way, the Commission could take a broader view of the issues and present better systemic resolutions.

The scope of the systemic initiative includes the review of the parent submissions, conducting stakeholder interviews and meetings, the preparation of a legal summary, and capturing the comment, feedback, and input of individuals with reading disabilities, their families, and advocates, as well as educators and other professionals. The systemic initiative, and this summary report, are intended to be stakeholder engagement tools to help address the concerns of those affected by reading disabilities in Saskatchewan schools.

### **Reading Disabilities as a Systemic Human Rights Issue**

Reading is an important skill for nearly all areas of life. Addressing systemic barriers that exist for students learning to read has the potential to improve the lives of many individuals and the communities in which they live. Students with word-reading disabilities such as dyslexia and other learning disabilities, students from lower-income backgrounds, racialized students, and Indigenous students are all at a higher risk of falling behind their peers when it comes to early reading.<sup>1</sup>

The issues raised by parents in Saskatchewan are not unique to this province. The Ontario Human Rights Commission (the “OHRC”) conducted an inquiry which culminated in the publication of a substantive report titled “Right to Read: Public inquiry into human rights issues affecting students with reading disabilities.”<sup>2</sup> The report was released publicly in 2022.

There is congruence between the issues identified in the OHRC report, the concerns raised by parents here in Saskatchewan, and the Commission’s findings.

### **The Reading Disabilities Systemic Initiative**

From the start, the parent complaints the Commission received suggested the initial themes that helped determine the scope of the systemic initiative process. To further refine the process, the Commission consulted with individuals and stakeholder groups, including educators, professionals, and community-based organizations. In addition, the Commission met with the Ministry of Education and spokespersons for school systems.

Although the COVID-19 pandemic and related restrictions curtailed meetings between the Commission and in-person audiences, the Commission sought out and received public participation through two online surveys. One survey was designed for students/families who have lived experience with system navigation, accommodation, and other aspects of learning to read in the context of reading disabilities.

The second survey was designed for teachers, school administrators, psychologists, speech-language pathologists, occupational therapists, and other professionals who work with students who have, or may have, learning disabilities. Survey information was distributed with the assistance of the Ministry of Education, the Saskatchewan School Boards Association, and other organizations.

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<sup>1</sup> Ontario Human Rights Commission, *Right to Read: public inquiry into human rights issues affecting students with reading disabilities*, 6.

<sup>2</sup> Ontario Human Rights Commission.

## Stakeholders

The Commission is committed to working with stakeholders to ensure equitable access to education for students with reading disabilities. The array of involved individuals and organizations include:

- Students, their families, and caregivers who are currently navigating the education system (and will continue to navigate it in the future) are major stakeholders in the outcome of this report.
- The Saskatchewan Ministry of Education is ultimately responsible for education in the province. It provides funding to the various school divisions, sets the curriculum, and can set additional provincial standards.
- The Saskatchewan School Boards Association represents all 27 school boards in Saskatchewan. Each division has a great deal of autonomy to spend the funds provided by the Ministry to deliver education services. The Saskatchewan School Boards Association advocates for divisions across the province, which include 18 public school divisions, eight separate Roman Catholic school divisions, and one Conseil Scolaire Fransaskois.
- K-12 educators and professionals, including principals, teachers, special education teachers, early childhood educators, educational assistants, literacy specialists, and educational psychologists have specific roles and collaborative opportunities to engage with and support students with reading disabilities.
- Faculties of education play a key role in preparing teachers how to teach students early reading skills. The University of Saskatchewan and University of Regina offer teacher education in the province through a variety of different programs, including ITEP, SUNTEP, as well as other distance and online learning programs. Teacher training is recognized as a primary factor in the reading skills acquisition of students with reading difficulties and disabilities.
- Education sector partners such as the Learning Disability Association of Saskatchewan, College of Psychologists, College of Physicians and Surgeons, Dyslexia Canada, speech-language pathologists, audiologists, occupational therapists have specific experience in diagnosing and accommodating students with learning and reading disabilities.
- At a national level, advocacy organizations such as Dyslexia Canada and agencies such as the Ontario Human Rights Commission add to the informed stakeholder base by identifying how learning to read is a human rights issue, and not merely a budgetary or philosophical matter.

It is the hope of the Commission to work collaboratively with each of the above-mentioned stakeholders upon release of this report. The Commission intends to provide support and ensure the work yet to come remains focused on right to education that children in Saskatchewan inherently have and more specifically the rights of children with reading disabilities.



## 3. LITERATURE REVIEW

## Importance of Early Reading

Learning to read is a complex process. For most children, learning to read does not come easily or naturally from exposure to language or reading. Reading is a skill that must be taught.<sup>3</sup> Written language is a code that represents spoken language and students must learn to “crack the code.”

Literacy goes beyond the ability to read and write proficiently. It includes the ability to access, receive, analyze, and communicate information in a variety of formats, and to interact with different forms of communication and technologies.<sup>4</sup> The ability to read is a critical skill necessary to navigate life in school and beyond. Students learn to read in the early years of schooling, after which most are expected to read to learn.

Difficulties with reading early on inevitably affect the quality of education and type of educational experiences someone can have; consequently, reading difficulties affect a person’s desire or ability to stay in school to graduation and pursue post-secondary education. They also negatively affect future employment prospects, earning potential, a person’s mental health, and the lives of their immediate family and friends. Overall, quality and direction in life is directly affected by an individual’s ability to read.

Learning to read in the early years enables students to learn a skill they carry with them throughout their lives. The goal of reading is to understand and make meaning from what is read. Good reading comprehension requires being able to read words accurately and quickly. It also requires good oral language comprehension, including strong vocabulary and background knowledge.<sup>5</sup> For people who have successfully acquired this skill, it can be easy to overlook how challenging many areas of life can be for those who have a reading disability.

Health outcomes for people with lower levels of education and lower literacy skills are much poorer compared to people with high levels of literacy. The development of reading proficiency in childhood is also a public health issue; literacy is a determinant of health. The repercussions of low literacy move into the areas of social, vocational, and economic success of which those with lower rates of literacy also have much poorer outcomes than those with high(er) rates of literacy. Consequently, very few areas of life are comparatively unaffected by literacy rates.<sup>6</sup>

When it comes to reading disabilities the passage of time is one of the greatest enemies. The sooner remedial action can be taken the better the result. In this case, an ounce of prevention is worth a pound of cure. Not addressing the issues at a young age will add to the difficulty and expense of assistance later in life.

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3 Reid G. Lyon, “Why Reading is Not a Natural Process,” *ASCD.org*, Vol. 55, No. 6 (March 1, 1998).

4 Ontario Human Rights Commission, 4.

5 Ontario Human Rights Commission, 20.

6 Joseph Sanfilippo, et. al, “Reintroducing Dyslexia: Early Identification and Implications for Pediatric Practice,” *Pediatrics* 146:1 (2020) DOI: <https://doi.org/10.1542/peds.2019-3046>.

## Defining Learning and Reading Disabilities

Learning disabilities may present in different forms: reading, writing language, oral language, and mathematics. When a child’s ability to acquire or apply reading skills, such as phonetic knowledge, word recognition, comprehension, and decoding is chronically affected, that is defined as a reading disability.

The prevalence of dyslexia, for example, is estimated to be around 20% of the population and represents 80–90% of all those with learning disabilities. It is also the most common of all neuro-cognitive disorders.<sup>7</sup>

However, a lack of adequate surveying, reporting, and varying definitions and measurements mean that the percentage of the Canadian population with a reading disability, namely dyslexia, could be higher than current, formal numbers estimate.<sup>8</sup> Statistics Canada’s surveying shows that an estimated 3.2% of Canadian children have a learning disability.<sup>9</sup> However, changes are being made to their surveying process to gain a more accurate number.

Reading disabilities have varying levels of severity, ranging from mild, moderate, and severe. Individualized intervention, support, and accommodation are key factors in remediation and success. For example, a person with “double deficit” dyslexia exhibits impairments in both phonological processing and rapid symbolic naming skills. This is the most severe sub-type of dyslexia and the most difficult to remediate.

Effective instruction must include intensive phonological awareness training alongside explicit and systematic instruction in decoding and spelling.<sup>10</sup> An individual with any form of dyslexia, students that are diagnosed or are suspected to have attention deficit hyperactivity disorder (ADHD), or students that generally struggle with reading would benefit from adjustments to duration, pacing, and the behavioural supports that some reading pedagogies may highlight more than others.

The current Diagnostic and Statistical Manual of Mental Disorders (DSM-5) criteria for diagnosing a learning “disorder” requires that:

- The student experiences difficulties in reading, writing or math skills, which have persisted for at least six months even though the student has received interventions that target the difficulties;
- The difficulties result in the affected academic skill(s) being substantially and quantifiable below those expected for the student’s age. This is determined through standardized achievement tests and clinical assessment;
- The learning difficulty started during school-age years (or even in preschool), although it may not become fully evident until young adulthood in some people.

7 The Yale Centre for Dyslexia and Creativity, “Dyslexia FAQ,” 2022.

8 Dyslexia Canada, Dyslexia Basics, <https://www.dyslexiacanada.org/en/dyslexia-basics>.

9 Learning Disabilities Association of Canada (LDAC), Prevalence of Learning Disabilities, Prevalence of Learning Disabilities | LDAC | The Learning Disability Association of Canada (ldac-acta.ca).

10 AG Harrison AG, M. Stewart. “Diagnostic implications of the double deficit model for young adolescents with dyslexia,” *Dyslexia* (2019): 25:345–359.

It is important to note that a diagnosis of dyslexia and various other reading disabilities, is not an indication of intelligence. On the contrary, many people who live with dyslexia also have a variety of strengths, such as:<sup>11</sup>

- Brilliant spatial reasoning,
- Abstract thinking skills,
- Critical thinking skills,
- High levels of creativity and imagination,
- Excellent problem-solving skills, and
- High levels of empathy.

### Use of the Term Dyslexia

The terms dyslexia, reading disability, and reading disorder are often used interchangeably, but they are not synonymous. Dyslexia is a specific disorder that affects a person's ability to read. The core challenges for individuals with dyslexia include phoneme awareness, rapid automatic naming of symbols, phonic decoding, spelling, written expression, and automatic word reading (reading words seemingly "by sight").<sup>12</sup>

Dyslexia is considered the most common type of reading disorder. The *Diagnostic or Statistical Manual of Mental Disorders* (DSM-5) recognizes dyslexia as an appropriate term for referring to a pattern of learning difficulties characterized by problems with accurate or fluent word recognition, poor decoding, and poor spelling abilities.

The use of the term dyslexia has been abandoned by some; others consider the term controversial.<sup>13</sup> The Ministry of Education and many schools in Saskatchewan have moved away from using the term dyslexia, particularly as the education system has shifted away from a medical model to a needs-based approach of providing additional supports to students.

However, advocates and parents alike emphasize that dyslexia is well researched, understood, and recognized by the public. Using the term dyslexia to describe specific impairments, rather than simply using the umbrella term "reading disability," may also be advantageous in that it is more specific and can help to clarify what intervention is required.

After a diagnosis, an individual and their family can research and access the many resources available. They can also focus on what the diagnosis means, and how to move forward with what the child needs in order to learn.

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11 Eberli, Peng, and Rice (2021)

12 Louisa C. Moats, *Teaching Reading Is Rocket Science, 2020: What Expert Teachers of Reading Should Know and Be Able to Do*, 15.

13 Kim Calder Stegemann, "Learning Disabilities in Canada," *Learning Disabilities: A Contemporary Journal* (2016), 54.

## Barriers to Learning to Read and Impacts on Students

If not addressed early, barriers to learning to read can create frustration with, and a dislike for, reading as well as school in general. Difficulty or inability to read affects confidence in a child's learning abilities, academic performance, and overall mental health. From an early age, students can recognize what comes easily to their peers is difficult for them. Unfortunately, students with reading disabilities often underachieve academically. They are more likely to drop out of school, less likely to go on to post-secondary education, and tend to take longer to finish programs they enroll in.<sup>14</sup>

The Commission's own survey results<sup>15</sup> show that students experiencing reading disabilities may engage in protective defense mechanisms, such as avoidance. This can negatively affect a student's relationships and mental health. Some of the respondents from the parent survey stated that students who are told they don't work hard or don't apply themselves are often already working much harder than others to maintain their current level of reading. It was also shared that many of the respondents from the parents surveyed saw that their children also began to believe the negative things they heard about themselves, especially if it came from someone in authority, such as an educator. The result can be harmful to students who internalize difficulties with reading as their fault, or that they are less intelligent than their peers, when in fact they may just learn differently.

Removing barriers for students with reading disabilities may also benefit students with other disabilities such as intellectual disabilities, developmental disabilities, hearing disabilities, vision disabilities, autism spectrum disorder (ASD), and ADHD who often struggle with reading for many of the same reasons as students with reading disabilities.

## Barriers to Learning to Read and Lifelong Impact

While education and employment are obvious and major areas of an individual's life that would be impacted by a reading disability, particularly if that individual has not benefited from individual and adequate intervention or accommodation, all areas of life from reading a restaurant menu to texting and functioning online could be greatly impacted. Adverse effects can continue over the person's lifetime, leading to increased risk of under employment, relying on social assistance, poverty, homelessness, and criminalization.<sup>16</sup>

Research also shows that many people with reading disabilities tend to have more psychological problems, including depression, anxiety, and substance-use disorders than people who do not.<sup>17</sup>

## Broader Social Impacts

The broader impacts of low literacy on society have been well researched and documented. In 2007, the Roeher Institute prepared a report for the Learning Disabilities Association of

<sup>14</sup> Ontario Human Rights Commission, 10.

<sup>15</sup> Survey results are explored more fully starting on page 23.

<sup>16</sup> Canadian Association of Police Chiefs, *Literacy and Policing in Canada: Target Crime with Literacy* (May 2008), 8, 12, 16.

<sup>17</sup> ML Patterson, A Moniruzzaman, CJ Frankish, et al. "Missed opportunities: childhood learning disabilities as early indicators of risk among homeless adults with mental illness in Vancouver, British Columbia," *BMJ Open Accessible Research* (2012): doi:10.1136/bmjopen-2012-001586, 7.

Canada which estimated the direct and indirect costs that result for and from a person in Canada living with a learning disability.<sup>18</sup>

Costs arising from hospital and medical services, medications, miscellaneous health-related expenses, education services, criminal justice services, income transfers through social assistance programs, services provided by community agencies to assist with every day activities because of disability, reduced earnings of people with learning disabilities, reduced household incomes (forgone income related to taking care of persons with learning disabilities), equate to an estimated cost of \$1.982 million per person with a learning disability from birth to retirement.

It is important to note that 61.4% of that cost falls on the individual and their family, with the remaining balance being covered by public programs (38.5%), and 0.1% can be attributed to private sector insurers for medication costs. At that rate, if an estimated prevalence rate of 5% of the Canadian population has a learning disability, the overall cost of all unremediated learning disabilities add up to about \$707 billion from birth to retirement in year 2000 dollars (approximately \$1.12 trillion in 2023 dollars).

Statistics like these demonstrate the large repercussions, either positively or negatively, that even small variations in percentages of the population can have. The value of being able to read is substantial to society as a whole. So much so that it is estimated that even a 1% increase in graduation rates could save the Canadian economy \$7.7 billion per year (figures used were estimated in 2008). This equates to savings in the areas of health, social assistance, crime, labour, and employment.<sup>19</sup>

It would also serve to address the mental, physical, and emotional burden on those with a learning disability and those who function as their direct supports and advocates.

Research done by the Canadian Association of Chiefs of Police (CACP) has identified the benefit of improving literacy as a tool to combat crime.<sup>20</sup> The CACP report also recognizes the intersectionality between literacy and factors such as poverty, racism, being an immigrant, being Indigenous, and having a disability (including learning disabilities).<sup>21</sup> People with childhood learning disabilities are over-represented among homeless youth and adults and are also disproportionately involved with the criminal justice system and in correctional facilities.<sup>22</sup>

At the time the CACP report was written, an estimated 2.6 million Canadians that suffer from chronic low-income employment or unemployment require literacy support to improve their quality of life and raise themselves out of poverty and persistent unemployment.<sup>23</sup> Therefore, a change to our education systems may have major, long-term benefits not only to those directly affected by learning disabilities, but for the quality of life of millions of Canadians.

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18 Cameron Crawford for the Roeher Institute, "Learning Disabilities in Canada: Economic Costs to Individuals, Families and Society," *Learning Disabilities Association of Canada* (Modified 2007).

19 Ontario Human Rights Commission, Section 158.

20 Canadian Association of Police Chiefs, 23.

21 Canadian Association of Police Chiefs, 13.

22 Ontario Human Rights Commission, Section 136.

23 Canadian Association of Police Chiefs, 16.

Research into the life-long effects of not being able to read, societal costs, and options that exist to support people with reading disabilities, demonstrates the need to exercise a variety of methods to support those living with this disability. A primary preventative measure is equitable and quality education and enforcing changes that will benefit not only those with reading disabilities, but also their peers, teachers, educators, and specialists alike.

## Ableism

Ableism is a belief system, similar to racism, sexism, or ageism, that sees persons with disabilities as less capable or worthy of respect and consideration than others.

Whether intentional or unintentional, the lack of understanding related to reading disabilities has been seen to perpetuate the effects and damage of ableism. Lowered expectations for certain learners – including students with disabilities – have resulted in systemic failures in the education system.<sup>24</sup>

Lowered expectations for students who have reading disabilities and struggle with reading are a form of ableism. For students with dyslexia and reading difficulties, it is simply untrue and unacceptable to believe they will not read as well or meet grade level standards, similar to their peers, when they are provided timely and appropriate instruction and intervention.

There is an intersection between students with dyslexia and other disabilities, students from lower-income backgrounds, racialized students, and Indigenous students, that could also equate to subtle or overt forms discrimination based on race or class. This can create even greater barriers and challenges for these students to access and receive the supports they deserve and require, and their ability to feel they can advocate for themselves.

Public education systems have a responsibility to improve educational outcomes, which can form an equitable tool to find success in life. Modern definitions of literacy include the essential elements of being able to read and write proficiently, as well as the ability to access, take in, and analyze information. The ability to read can be a gateway to all other knowledge.

## Provincial Literacy Goals, Activities, and Outcomes

The Ministry of Education's 2019-2020 Annual Report outlined specific targets for students in Saskatchewan. These targets included having 80% of students at or above grade level in reading, writing, and math by June 2020. While this number may appear high, this means that 20% of students are not expected to be meeting the desired standards. This equates to one in every five students (or approximately 36,000 students) in Saskatchewan that are not expected to meet desired standards.

The 2019-2020 Annual Report also details the reading achievement of self-declaring First Nations, Métis and Inuit students, and the general population, for students in Grades 1-3 between 2013 and 2019.

<sup>24</sup> Ontario Human Rights Commission, 83-91.

The table below indicates the number of students reading at or above grade level remains below the 2020 target according to provincially developed benchmarks.<sup>25</sup>

### Performance Measure Results Reading, Writing, and Math Achievement

Percentage of grades 1, 2, and 3 students reading at or above grade level								
Grade		June 2013 (baseline)	June 2014	June 2015	June 2016	June 2017	June 2018	June 2019
Grade 1	Overall		65.8%	66.8%	66.3%	67.6%	68.0%	66.8%
	First Nations, Métis, Inuit		39.9%	41.4%	38.4%	40.6%	41.6%	40.0%
Grade 2	Overall		69.8%	71.0%	71.0%	70.5%	72.4%	71.5%
	First Nations, Métis, Inuit		47.3%	46.3%	45.6%	46.0%	50.4%	46.6%
Grade 3	Overall	65.0%*	70.0%	73.3%	74.4%	74.4%	74.8%	75.0%
	First Nations, Métis, Inuit		48.7%	52.0%	52.8%	53.0%	55.1%	55.5%

26

\*June 2013 results are based on available data from 13 school divisions.

Reading level groupings are based on provincially developed benchmarks. The percentages of students in each of the reading level groupings were found using the number of students with reported reading levels as the denominator in the calculations. Students who were excluded (including Learners of English as an Additional Language with language proficiency levels below B1.1 on the Common Framework of Reference (CFR), home-based or Grade 1 French Immersion) or who did not participate in the reading assessment were not included in the denominator for these calculations. Data include Francophone grades 1-3 and French immersion grades 2-3. Provincial results do not include students who attend a school administrated by a First Nation or by a Hutterite colony. Results are rounded up.

The Saskatoon Public School Foundation's 2020-2021 Annual Report aligns with the provincial data, stating that, each year 28% of Grade 3 students in Saskatoon schools do not meet grade level reading standards. This appears to be an ongoing statistic as this finding was previously cited in their 2017-2018 Annual Report.<sup>27</sup> This data suggests that a portion of the student population may go through their school years struggling to learn due to reading challenges. As described earlier, studies report that students facing such unremedied, year-after-year challenges are more likely to leave school early.

In its 2020-2021 Annual Report,<sup>28</sup> the Ministry of Education listed literacy as one of its six goals, calling literacy a community priority that "contributes to residents' lifelong learning and participation in the economy."<sup>29</sup> Key actions the Ministry has taken to make progress in this area include:

- Renewing the family literacy program,
- Supporting family literacy hubs and improving their services for Indigenous families,
- Supporting library programming for newcomers and people with print disabilities,

25 Consultation with various provincial and national stakeholders on the topic of provincially developed benchmarks, were met with the consensus that these benchmarks are not scientifically reliable and that other options exist that would provide greater reliability.

26 Saskatchewan Ministry of Education, *Annual Report 2019-2020*.

27 Saskatoon Public Schools Foundation, *Annual Report 2020-2021*.

28 Ibid.

29 Ibid. p.26

- Exploring the demand for more summer literacy programs,
- Focusing on accessible library services, and
- Distributing literacy kits during the COVID-19 pandemic.<sup>30</sup>

These goals do not address the need for a systematic and scientific review of currently practiced reading methods and classroom instruction, their effectiveness, or direction for improvement. They also do not address the need for a provincial curriculum review or update, which would ideally include greater detail and explicit instruction for teachers and educators to use as measurements of achievement for students.

The 2020-2021 Annual Report also outlines ways to improve literacy in the province. Potential methods include: improving access to books, promoting reading, working in connection with the province's libraries, summer reading programs, and promoting the value of reading in the community. Other literacy improving actions included:

- Eight hundred students participated in 20 summer literacy camps hosted in northern Saskatchewan,
- The use of evidence-based approaches being emphasized, and supports for school divisions to support these students,
- Supporting All Learners modules developed with the goal of supporting learners in an inclusive environment, and
- Eight school divisions participated in providing literacy programs to 1,032 students in 2020. The average daily reading time per participant was unavailable for 2020 due to the pandemic.

When reached for further detail on attendance and programming, a Ministry representative clarified that each of the eight school divisions (29 communities, mainly in the central and northern areas of Saskatchewan) make the choice as to which students will attend a literacy camp.<sup>31</sup> When asked how many spaces are reserved for children with severe difficulties reading or specific reading disabilities, it was indicated that would be arranged entirely by the individual school divisions.<sup>32</sup>

Literacy camps are a valuable tool to assist struggling readers and children with reading disabilities. However, they should not be seen as a replacement for quality instruction in the classroom and should strive to support students that fall into both Tier 2 and Tier 3 categories.

## Approaches to Reading Instruction

### Balanced literacy

Balanced literacy has a focus on the “balance between teaching based on the use of whole texts and teaching about the alphabetic code and other linguistic features. With this approach,

<sup>30</sup> Ibid. 27

<sup>31</sup> Interview with Ministry of Education Representative on Feb. 9, 2023.

<sup>32</sup> Interview with Ministry of Education Representative on Feb. 9, 2023.

the importance of comprehending the meaning of written language is balanced with the acquisition of a range of skills and knowledge. Lessons make explicit links between phonics teaching and other linguistic aspects using whole texts, which are often a combination of real books and reading scheme books with controlled vocabularies.”<sup>33</sup> Teachers “gradually release responsibility” by modelling, sharing, guiding, and then allowing students to read texts independently.<sup>34</sup>

To accomplish this, teachers may use a variety of approaches to instruction including word-solving strategies, word studies, interactive writing, and phonics lessons (although the systematic and sequential aspect of this differs from structured literacy). It may often employ the “three-cuing system”<sup>35</sup> which encourages students to figure out words using cues or clues from the context and their prior knowledge.

One of the most acknowledged methods of using and teaching balanced literacy is that of Fountas and Pinnell, which has a vast following within the educational sphere of North America and is regularly used within Saskatchewan.

Saskatchewan Reads, a companion document to the Saskatchewan English Language Arts Curriculum Grades 1, 2, and 3, emphasizes the use of balanced literacy. It showcases what it has identified as “promising practices that have proven successful in school divisions and First Nations communities within Saskatchewan.” Some examples include, Picture Word Inductive Model (PWIM), Reader’s Workshop, Balanced Literacy, Scaffolded/Guided Reading, Levelled Literacy Intervention and Running Records. The documents say the motivation to create Saskatchewan Reads came from the need to improve student reading in the province.<sup>36</sup>

## Structured Literacy

A structured literacy approach involves systematic, cumulative, and explicit instruction in the relationship between sounds in speech and the written word, phonics, the use of decodable texts, and varied age and skill-level appropriate literature. Structured literacy is the method of teaching reading with direct and systemic instruction in foundational reading that also benefits a student’s writing and speaking skills.<sup>37</sup> It does not focus on discovery and inquiry-based learning.

In 2000, the US National Reading Panel released an influential report entitled: *Teaching children to read: An evidence-based assessment of the scientific literature on reading and its implications for reading instruction*. This report outlined five important aspects of teaching children to read. These aspects have been adapted to be more commonly known as the Five Big Ideas in Beginning Reading or The Five Pillars of Reading Instruction.<sup>38</sup> They are as follows:

33 Wyse, D. & Bradbury, A. “Reading wars or reading reconciliation? A critical examination of robust research evidence, curriculum policy and teachers’ practices for teaching phonics and reading,” *Review of Education*, 10 (e3314-3367), 2022

34 Ontario Human Rights Commission, 21

35 This system is also known as “MSV”, an acronym that stands for each of the three sources of information: meaning, structure/syntax, and visual.

36 “Saskatchewan Reads: A companion document to the Saskatchewan English Language Arts Curriculum Grades 1,2,3”, Student First, March 2015. [www.saskatchewanreads.wordpress.com](http://www.saskatchewanreads.wordpress.com)

37 Ontario Human Rights Commission

38 National Reading Panel.

- a) Explicit instruction in phonemic awareness.
- b) Explicit and systematic phonics.
- c) Teaching methods to improve fluency.
- d) Teaching vocabulary.
- e) Teaching strategies for reading comprehension.

The Canadian Language and Literacy Research Network Report, *Foundations for Literacy: An Evidence-based Toolkit for the Effective Reading and Writing Teacher*, 2008, noted that structured, systematic, and explicit teaching, with structured practice and immediate, corrective feedback is important in teaching all students, and is especially important in teaching students with dyslexia.<sup>39</sup>

Structured literacy is the instructional approach that advocates for students with dyslexia say is the most effective way to teach early reading.

### **Perspectives on Instructional methodologies**

Many parents who contacted the Commission, either with individual concerns or the group complainants, shared their frustration with current methodologies used when teaching reading to children with reading disabilities. Many told us that the balanced literacy approach to teaching reading, which is applied by the Ministry and most school boards in Saskatchewan, is problematic for children with reading disabilities. The Commission's own research and consultation from a vast array of sources has shown the science and research behind the structured literacy approach to be superior to the balanced literacy approach and has been proven to serve a wider audience of learners, including those with dyslexia. The Ministry of Education has previously maintained that balanced literacy covers all components of reading.

While balanced literacy appears to be the primary focus on learning throughout the province, with some exceptions and variations, the view of the majority of those surveyed by the Commission see benefit in adopting a change in method in order to better suit more students, including those struggling with reading.

“Children – particularly those who are not strong readers – are routinely subjected to teaching practices that have not been shown to be effective for children like themselves. These include teaching students to rely on context, pictures, and guesswork to decipher new words, instead of decoding the sound-symbol relationships.”<sup>40</sup>

Internationally, England, Australia and many US States have also moved away from using balanced literacy as their primary pedagogy. Some Canadian jurisdictions have moved away from this approach in recent years, including Ontario.

<sup>39</sup> Ontario Human Rights Commission, Section: 671.

<sup>40</sup> Louisa C. Moats, 20.

An excerpt of a press release from the First Nations School Board in the Yukon, released on February 8, 2023, stated:

“Since the FNSB was established in February 2022, they have been working on researching, developing, and implementing a Literacy Plan that addresses the urgent problem of low literacy rates among Yukon students, as described in both the 2009 and 2019 Auditor General’s Report on Education.

The science of reading, an extensive and proven body of research, shows that students best learn to read following very explicit methods, specifically, a structured literacy approach. This research also points to the problems with balanced literacy approaches, such as Reading Recovery and Fountas and Pinnell, both of which have been used across Yukon public schools for over a decade.”<sup>41</sup>

## Intersectionality

Students in Saskatchewan schools come from a wide variety of backgrounds. As the issues around learning to read are explored, it is important to note that not all students are equally situated. People are more than any single personal characteristic they possess (e.g., race). Every person’s identity is influenced by the culmination – or intersection – of many personal characteristics and identities (e.g., age, gender, disability). This is the doctrine of “intersectionality.”<sup>42</sup> In turn, an individual or group may experience discrimination based on the intersection of prohibited grounds such as sex (“sexism”), disability (“ableism”), or age (“ageism”).

Intersectionality has several practical effects on learning for Saskatchewan students. The challenges faced by students with reading disabilities can often be amplified for Indigenous students, multilingual students, students from lower income homes, racialized students, and students with more than one disability. Onus is placed on parents to work with children at home and this may be more difficult for some due to an intergenerational lack of literacy, reluctance towards the traditional school system, or a lack of understanding about how to navigate the system.

Some parents themselves may have learning disabilities that were never identified or supported. Socioeconomic standing and poverty may create even larger barriers to accessing assessments, assistive technology, or other types of accommodations. These barriers are amplified when students live in rural and/or remote communities.<sup>43</sup>

Families need to feel understood and supported when dealing with the confusion of managing a child’s educational needs and navigating a confusing education system in order to see their needs met. For a variety of reasons, not every child has the required support and advocacy to help them through this process. While familial support is a major benefit for a student with a reading disability, parents expect the Saskatchewan education system to function in a way that doesn’t leave any child behind.

41 First Nation School Board, “News release: Bold new literacy plan launched!” (Press Release, Whitehorse Yukon, Feb. 8, 2023) Literacy — First Nation School Board - Yukon (fnsb.ca)

42 Kimberlé Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics.” *University of Chicago Legal Forum*, 1989(1), 139-167.

43 Ontario Human Rights Commission, 13.

Students with other disabilities may also struggle to learn to read when approaches used in the classroom prove ineffective. Because of marginalization and structural inequality, racialized students, Indigenous students, Métis students, multilingual students, and students from low-income backgrounds are at increased risk for reading difficulties.<sup>44</sup> While there may be a very small percentage of students who ultimately may never learn to read, it is important to guard against this as a guiding assumption. Most students with reading disabilities can learn to read.

As mentioned earlier in this report, assuming that students with disabilities will never learn to read or read well is a form of ableism. Such an assumption can be used to justify maintaining systemic barriers instead of making necessary changes that will help all students learn to read.<sup>45</sup> It is important to note that having low expectations for students from *Code*-protected groups is a form of discrimination. It is also important to note that there is limited data in Saskatchewan connecting reading achievement with factors such as race, place of origin, gender, socioeconomic status, or other identities.

## Indigenous Students

### Bridging the gap and working towards greater equity

“At present, the goals of Indigenous literacy policy do not match with the linguistic, cultural and social contexts that young learners inhabit, particularly those living in remote communities, nor do they encourage or make space for such perspectives and partnerships to form. Rather, current settings endorse proscriptive programs of literacy learning, such as DI [Direct Instruction], which empty out the realities of context. While there are a multitude of suggestions that can be made for bridging the divide between education policy making and Indigenous literacy learning, the key is to be found through doing policy ‘with’ rather than ‘to’ communities.”<sup>46</sup>

For a variety of historical and current reasons, Indigenous students require and deserve recognition and support. Canadian history is marred by injustice, racism, bias, and mistrust between Indigenous peoples and the settler communities. Intergenerational trauma, residential schools, the 60’s Scoop, the ongoing pain of missing and murdered women and girls, disproportionate representation within the child-welfare system, as well as in the justice system, along with the ongoing systemic inequities that continue to be perpetuated create significant challenges in all areas of life for Indigenous peoples in Canada.

Education is no exception. For some Indigenous learners, a reading disability may subject them to another layer of discrimination. This is the concept of intersectionality.

Indigenous students in Saskatchewan have lower graduation rates and lower reading levels compared to their non-Indigenous peers. In 2016, research showed that 29% of Indigenous people in Saskatchewan had no certificate, diploma, or degree, which was higher than

44 Ontario Human Rights Commission, Section 276-285.

45 Ontario Human Rights Commission, 14.

46 Fogarty, W., Riddle, S., Lovell, M., & Wilson, B. (2018). Indigenous education and literacy policy in Australia: Bringing learning back to the debate. *The Australian Journal of Indigenous Education*, 47(2), 185–197. [hPps://doi.org/10.1017/jie.2017.18](https://doi.org/10.1017/jie.2017.18)

the overall Indigenous population within Canada (26%), and non-Indigenous people in Saskatchewan (10%).<sup>47</sup>

Furthermore, the 2023 Provincial Auditor of Saskatchewan's Report (Vol. 1), cited that in the Regina Public School Division, only 37% of Indigenous students were reading at or above Grade 3 reading levels in 2020-2021 as compared to the entirety of the Grade 3 population at 58%.<sup>48</sup> Data collection, statistics, and research such as this have been used to inform the Auditor's conclusion<sup>49</sup> to recommend the Ministry of Education:

- a) Expand measures and targets it sets for Indigenous student academic achievement beyond graduation rates.
- b) Require enhanced reporting from school divisions on Indigenous student success.
- c) Determine actions to address root causes of underperforming measures related to Indigenous student success.

Various efforts are ongoing to assist with this educational gap, but there is much more that can be done. Focusing on the implementation of culturally relevant universal screening, increasing access and funding for assessments, increasing data and reporting requirements, and creating ongoing supports and intervention for all students within our province could lead to a more equitable outcome for Indigenous students and their families.

Increasing a student's reading level and supporting them to graduate high school could provide an increased quality of life, which in turn benefits everyone that calls Saskatchewan home. Living without a completed high school education can be a significant barrier to attaining employment and places an individual in a life-long struggle for security of their basic necessities.<sup>50</sup>

"The content of the items in assessment tools that have been developed and normed predominantly on children of European-heritage in urban settings may reflect concepts, perspectives, and values that are unfamiliar to northern Indigenous children ...The assessment approaches may put the children in uncomfortable or upsetting positions (e.g., being expected to provide immediate responses to questions, rather than being allowed the time to respond that is considered appropriate within the children's culture)."<sup>51</sup>

The Saskatchewan Ministry of Education's 2020-2021 Annual Report outlines efforts to create an improvement in the three-year graduation rates for Indigenous students from 35% to 65%. However, the report does not include details as to how these outcomes are expected to improve or confirmation of achieved improved outcomes. Without addressing systemic concerns related to education inequity for Indigenous students and Indigenous students with

47 Clermont, Y. et. al., "Future contacts with the criminal justice system in Saskatchewan: A microsimulation study," *Statistics Canada*, Sept. 19, 2019, Future contacts with the criminal justice system in Saskatchewan: A microsimulation study (statcan.gc.ca).

48 Provincial Auditor of Saskatchewan, "2023 Report Volume 1: Improving Educational Outcomes for Indigenous Students" (Saskatchewan, 2023), pg. 27.

49 Ibid. pg. 31.

50 Government of Saskatchewan, *Inspiring Success: First Nations and Métis Pre K-12 Education Policy Framework*, June 2018.

51 Peterson, S.S., Eisazadeh, N., Hopkins, D., & Peltier, S., "Dynamic assessment and small-group play-based context supporting first nation children's standard English language development." *Canadian Speech-Language Pathology and Audiology*, 45(1), 1-13, 2021. Pg. 3.

reading disabilities, a significant percentage of students may not receive the help and support they need leaving them to struggle throughout their educational experience. Addressing the ways in which reading is taught and supported from the earliest grades may yield long-term benefits (for all students), with the goal of improving graduation rates.

The Ministry's *Inspiring Success: First Nations and Métis PreK-12 Education Policy Framework* cited The Truth and Reconciliation Commission's Calls to Action, including progress in the area of reconciliation outlined within Goal 1.<sup>52</sup> However, the report does not directly address funding issues that may lead to better outcomes for students with reading disabilities (Calls to Action 8 and 9) which directly discuss academic funding, reporting, and outcomes. Overall, the report contains limited information relating to reading levels and literacy of Indigenous students in Saskatchewan, both on and off reserve.

Within the Government of Saskatchewan's Inspiring Success Framework, it states that by June 2020:

"Children aged 0-6 years will be supported in their development to ensure that 90 per cent of students exiting Kindergarten are ready for learning in the primary grades."<sup>53</sup>

There is no clarification offered as to what constitutes "ready for learning in the primary grades" and whether this includes grade-level comprehension of key skills that assist with learning how to read in Grade 1 and beyond, or what supports will be included and developed. In its review of the Inspiring Success Framework, the 2023 Provincial Auditor of Saskatchewan's Report (Vol. 1) concluded:

"We found none of the goals within the Framework indicated how or when the Ministry plans to measure its success. Having measurable goals helps organizations monitor progress and whether changes are needed."<sup>54</sup>

This conclusion is shared by the Saskatchewan Human Rights Commission as the Inspiring Success Framework has failed to provide direction demonstrating how the Ministry plans to achieve the five goals outlined within the Framework, including how they will be measured and evaluated. As previously mentioned, the Saskatoon Public School Foundation's 2020-2021 Annual Report and 2016-2017 Annual Report state that each year 28% of students in Saskatoon schools have not met Grade 3 level reading standards.<sup>55</sup> While the statistics vary for location, there appears to be a gap in learning outcomes that takes place between Kindergarten and Grade 3, with consistency of reporting and data collection also being a barrier to program improvement and evaluation.

The Saskatchewan Auditor also recommended that the Ministry of Education change their evaluation processes and focus to more than just graduation rates and student achievement starting at Grade 10. To create the best outcomes and evaluate ongoing efforts to improve Indigenous student achievement, it recommended evaluations begin prior to Grade 7,

<sup>52</sup> Government of Saskatchewan, *Inspiring Success: First Nations and Métis PreK-12 Education Policy Framework*, 18.

<sup>53</sup> Ibid.

<sup>54</sup> Provincial Auditor of Saskatchewan, "2023 Report Volume 1: Improving Educational Outcomes for Indigenous Students" (Saskatchewan, 2023), pg. 33.

<sup>55</sup> Saskatoon Public School Association, *2019-2020 Annual Report*.

potentially decreasing the number of students that would have been struggling or have even left the school system by Grade 10.<sup>56</sup>

“When students read at grade level, it helps set them up for educational success in other subjects. The Ministry and school divisions identifying key educational outcomes (like reading levels) where Indigenous students are falling behind is imperative to making improvements early enough in their learning path.”<sup>57</sup>

In 2016-2017, 14.4% of students enrolled in Saskatchewan’s Kindergarten classrooms were either First Nations or Métis. The majority of Indigenous students (74.8%) attended off-reserve schools in the 2016-2017 school year.<sup>58</sup> Saskatchewan’s Indigenous population is predicted to rise significantly over the next decade to 240,000 people, or 24% of Saskatchewan’s total population, by 2031.<sup>59</sup> As shown earlier in this report, Saskatchewan-based data from the 2019-2020 academic year shows that only 55.5% of First Nations, Métis and Inuit students are meeting Grade 3 level reading, writing, and mathematics standards as compared to an overall average of 75% of students meeting grade level.<sup>60</sup>

This data demonstrates a massive gap in academic achievement between Indigenous and non-Indigenous students that needs to be actively addressed. It does not, however, provide relevant information as to the percentage of Indigenous students that may or may not have reading disabilities, or where they attend school. This information could be used to inform the needs and next steps of those working to address reading disabilities and literacy rates within Indigenous communities in Saskatchewan.

With the expected growth of the Indigenous population, this issue requires immediate attention to lessen the number of students and families affected by reading difficulties and reading disabilities. Concerns related to on-reserve education, isolated and rural schools, and schools where Indigenous children are the majority should be seen as a priority to adequately address ongoing equity gaps. The Commission recommends a strong focus on collaboration with Indigenous communities, Indigenous experts in the area of reading and teaching, and Indigenous families in order to address these concerns and align with the Truth and Reconciliation’s Calls to Action number 10, in particular.

### Student and school access to Jordan’s Principle

One option for Indigenous families to access educational supports such as the need for a psychoeducational assessment in a timely manner, tutoring support, assistive technology and supports among other things is Jordan’s Principle. Jordan’s Principle, created in honour of Jordan River Anderson, is a child-first principle that aims to eliminate service inequities and delays for First Nations children.

The purpose and benefit of Jordan’s Principle is that it provides access to any public service that is ordinarily available to all other children and, therefore, must be made available to

<sup>56</sup> Provincial Auditor of Saskatchewan, “2023 Report Volume 1: Improving Educational Outcomes for Indigenous Students” (Saskatchewan, 2023), pg. 35.

<sup>57</sup> Ibid. Pg. 36.

<sup>58</sup> Government of Saskatchewan, *Inspiring Success: First Nations and Métis PreK-12 Education Policy Framework*, 13.

<sup>59</sup> Government of Saskatchewan, *Inspiring Success: First Nations and Métis PreK-12 Education Policy Framework*, 12.

<sup>60</sup> Saskatchewan Ministry of Education, *Annual Report-2019-2020*.

First Nations children without delay or denial, meaning the process to apply and receive the necessary educational supports can be faster than waiting for Saskatchewan's education systems to provide them.

While Jordan's Principle is an option for Indigenous families that qualify for funding, our survey results indicate that only one participant accessed and received support for the cost of a psychoeducational assessment that was not completed in-school due to the waitlist for the assessment was seen as too long by the student's parents. Schools have also accessed Jordan's Principle to provide assessments and ongoing supports in a timely manner.

While this has been approved for many schools on a regular basis, it highlights the need for more adequate funding in order to provide these resources to schools and students without having to access outside options such as Jordan's Principle for things that should be considered a necessity of any school within Saskatchewan. Not all schools are willing to go through the application process to access needed resources from Jordan's Principles, serving to further inequities within our education system and society as a whole.

## Reconciliation

It would be remiss to not acknowledge the importance of reconciliation and the value that has been placed on education within the Truth and Reconciliation Commission of Canada's 94 Calls to Action. An entire section of the TRC's Calls to Action is dedicated to Education and the amendment of current practices and areas of concern for Indigenous children. It is appropriate to quote the relevant section which refers to the educational concerns of Saskatchewan's Indigenous children and the ways that can serve to create better experiences for all students and work towards meaningful reconciliation:

### Education<sup>61</sup>

6. We call upon the Government of Canada to repeal Section 43 of the Criminal Code of Canada.

7. We call upon the federal government to develop with Aboriginal groups a joint strategy to eliminate educational and employment gaps between Aboriginal and non-Aboriginal Canadians.

8. We call upon the federal government to eliminate the discrepancy in federal education funding for First Nations children being educated on reserves and those First Nations children being educated off reserves.

9. We call upon the federal government to prepare and publish annual reports comparing funding for the education of First Nations children on and off reserves, as well as educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.

10. We call on the federal government to draft new Aboriginal education legislation with the full participation and informed consent of Aboriginal peoples. The new legislation would include a commitment to sufficient funding and would incorporate the following principles:

i. Providing sufficient funding to close identified educational achievement gaps within one generation.

ii. Improving education attainment levels and success rates.

61 Truth and Reconciliation Commission of Canada, *Calls to Action*, Section: Education, 2015.

*iii. Developing culturally appropriate curricula.*

*iv. Protecting the right to Aboriginal languages, including the teaching of Aboriginal languages as credit courses.*

*v. Enabling parental and community responsibility, control, and accountability, similar to what parents enjoy in public school systems.*

*vi. Enabling parents to fully participate in the education of their children.*

*vii. Respecting and honouring Treaty relationships.*

“Along with high-quality, evidence-based instruction on early foundational reading skills, First Nations, Métis and Inuit students need holistic approaches to learning and high-quality learning environments that are consistent with Indigenous world views. Educators need to connect with local First Nations, Métis and Inuit communities to find ways to incorporate their experiences and values throughout classroom content.”<sup>62</sup>

## 4. SURVEY RESULTS

The Commission gathered information about students with reading disabilities in the education sector. This included reviewing recent academic research and reports from Canadian jurisdictions.

As a stakeholder-based process, the systemic investigation gathered stakeholder perspectives, lived experience, and commentary. This occurred through interviews and two surveys. The interview conversations all occurred via videoconference. This work began in July 2020 and consisted of one-on-one or group discussions with more than 49 individuals and organizations. These conversations typically took the form of a free-flowing discussion based on a common set of questions. Participants were selected based on personal and/or professional experience, expertise and decision-making authority related to the topic of students with reading disabilities.

The two surveys were completed online by persons who self-selected, or chose, to participate. The surveys were disseminated by various stakeholder organizations to their individual networks. For the Parent/Student Survey, 183 people chose to provide information about their experiences and observations. The second survey, designed to be completed by educational and medical professionals, received 293 responses.

## Stakeholders Observations and Experiences

Participants provided both qualitative and quantitative data. This included detailed information about direct and personal experiences. While individual experiences varied considerably, there were areas of significant overlap and agreement. On several topics, themes emerged from the discussion where different stakeholders recounted similar experiences or observations. These themes are distilled into topics and sub-topics below.

The selection of quotations throughout this section of the report were selected from interviews or from survey comments to highlight aspects of the aforementioned common themes. They were provided by stakeholders on a confidential basis. Often, the particular sentiment or point expressed was repeated by more than one participant.

## Impacts on Students/Parents

When students have difficulty learning to read, it can negatively affect their confidence, their academic abilities, and their overall self-esteem. This, in turn, may lead to significant mental health concerns.

In the Parent/Student Survey, numerous parents provided the Commission with stories about how their children felt “stupid” and were often teased or ostracized because of their reading disabilities. Many said this resulted in high levels of stress and anxiety.

**There has been unending stress and a large emotional toll on our child, with significant damage to his mental health and self-esteem.**

**In school [our son] feels stigmatized. Does not enjoy school at all. Feels different all the time.**

A few students, who have since graduated from the K-12 system, reported similar experiences and described their lasting effects.

**The emotional trauma from school even now, two years out of it I am still unravelling The damage. When I look back at some of the experiences I automatically almost have a panic attack just thinking about it. The stress of being in a science class when I have a severe learning disability in reading in writing that I can hardly pick up a book ... that kind of stress shouldn't be added onto the normal stresses of high school. (sic)**

**Constantly being stressed and in flight or fight mode for 12 years can leave scars deeper than you realize.**

Of the parents surveyed, many said that having a child with a reading disability has created ancillary issues for the entire family. These issues range from heavy financial burdens to negative impacts on relationships and mental health.

Families who can afford private tutoring outside of school or fee-for-service learning programs reported investing substantial resources in helping their children learn to read.

**The financial burden has been overwhelming for our family ... It has cost us thousands in tutoring costs. Our son has to do hours of tutoring after school leaving him no time to socialize or have any enjoyable extra curricular activities because we cannot afford the money or time after the cost of tutoring.**

Many families surveyed indicated they spend a great deal of after-school hours working on reading instead of spending time with friends and other family members.

**It takes more time as a parent to sit with and assist the child with a reading disability to help them with their learning goals. On average this is done 5 times a week. When the child is young, it limits the amount of things they can do independently. We spend a great deal of time reading to our child every day.**

**We barely see our second child because we spend all our extra time helping our daughter do her school work.**

Several parents told the Commission they have given up employment to have the time necessary to support their child in learning to read. Some have made the choice to drive to different towns or cities each day in order to send their child to schools with programs that specialize in reading disabilities.

**We have had to remove our son from public school and take him to a private school that specializes in teaching kids with dyslexia ... He now goes to school in a completely different town than our other son and this is a real struggle to facilitate. We as parent now need to drive over two hours every day to get our son to and from school this takes away time money and energy from the rest of our family.**

Parents of children with reading disabilities reported experiencing significant stress and anxiety, as well as guilt, fear, shame, helplessness, frustration, disillusionment, and isolation.<sup>63</sup> This can cause tension in relationships between parents, affect mental health, and have further impacts on family dynamics. Many of the parents surveyed noted they expend significant time, money, and emotional energy trying to get help for their children.

**As a parent I have to see a psychologist because of the emotional trauma I went through trying to get my son help.**

**This is a heart wrenching process to go through. It causes years of pain for both the students and the families ... I have put in everything I have emotionally and financially (sic) into this struggle but it has been hard to do it year after year.**

## System Navigation

The Commission heard from numerous parents who experienced problems navigating the education system in search of help for their children. For some, these difficulties arose at the very start of the process.

**In the beginning, I didn't know where to go for help. I had to find our way through the system with no help from the school system. In fact, they often increased my stress by telling me I needed to accept that my son would never learn to read & that he wouldn't be able to graduate with a regular high school diploma.**

Even for stakeholders who had a general idea of how to navigate the system, many said that obtaining the proper supports at the proper time was still a lengthy and cumbersome process.

**... in my experience the children that NEED intervention normally do NOT receive it immediately. There are so many hoops, paperwork, applications and tests that the students ... do NOT receive intervention until well after the 5th month of school. There are many students left behind.**

To ensure students are not being left behind, parents felt they had to battle and advocate non-stop to have their children's needs met.

**My son and our family have been greatly affected by his reading disability mainly because we had to fight for everything he currently has and continue to do so every semester.**

**Our experience is horrific. I wish it was a one-off and not the norm, it isn't. My son continues to struggle through the system, our trust and faith in the education system is gone. We advocate and fight for every accommodation.**

<sup>63</sup> Ontario Human Rights Commission, 144-146.

The Commission also heard that this ongoing struggle in navigating the system can, at times, be compounded by external factors. One parent reported that the process of obtaining support for their child has been exacerbated by their own reading disability.

**It is a constant battle to get the necessary support, as a dyslexic myself navigating the information and internal self-doubt from my own time in the school system, was incredibly hard. There are so many barriers that families face when their child is diagnosed with a learning disability that impacts reading and writing and most of them are completely preventable.**

General reactions from the surveys show there appears to be a direct relationship between a parents' ability to advocate and access resources (often private resources paid for out of pocket) and the ability of a child to receive proper supports. Without parental advocacy and pressure, in many cases, support was not offered or had continued to be refused due to each school's limitations or behaviours that disqualify children from receiving adequate support and intervention such as not being seen as a disturbance in class.

Some parents who participated in the survey also mentioned they were unsure as to the general details of their child's accommodations, were not provided concrete information or updates and, in several cases, the child was given assistive technology without any individual or ongoing reading and learning support.

In these instances, parents feel better collaboration and communication between all parties is required.

## Screening

A screening measure is a quick and informal evidence-based test that provides information about a child's development in a specific area, such as possible reading difficulties.<sup>64</sup> This is not the same as receiving a diagnosis. Screening can identify students who are experiencing reading difficulties for the purpose of being able to provide those students further intervention and support where needed.

Experts in the area of literacy and learning to read recommend that screening be done as early as possible with continued screenings until students should be expected to read with fluency.<sup>65</sup> And while the parents, educators, and medical professionals surveyed by the Commission tended to agree with this approach, many said that in Saskatchewan this is often not the case.

Some parents stated it was difficult to get their children screened at school. Of the 183 people who completed the Parent/Student Survey, 53% reported that students had been screened at school for reading difficulties. Half of those students were only screened after a parent/guardian requested it. (see Appendix A1)

<sup>64</sup> G.N Davis, Endia J. Lindo, Donald L. Compton, "Children at risk for reading failure: Constructing an early screening measure," *Counsel For Exceptional Children*, May/June 2007, 32-33.

<sup>65</sup> Louisa C. Moats, 22-23.

According to professionals who completed the Education and Medical Survey, many of the problems associated with in-school screening arise because of insufficient resources.

**Resources and lack of funding for Education have made it almost impossible to adequately screen all children for a reading disability at an early age (prior to grade 2). We know the importance of early detection and intervention but are unable to provide it to the extent required due to budget (and therefore personnel) limitations.**

In instances where in-school screening does occur, screening tools vary.

Survey respondents indicated that along with screening tools, screening practices also vary between boards, schools, and even individual teachers. Many stakeholders believe it is time to reassess the way the education system screens students.

**Classroom teachers do F&P but this does not reliably tell us who may be at risk for reading difficulties.**

**There should be a systematic screening tool used province wide to target struggling students and the results follow them if the student moves.**

### *Early, Universal Screening*

Universal screening involves conducting common, standardized screening assessments on every student using evidence-based screening instruments. These instruments have established reliability and validity standards to increase confidence in their effectiveness and should be grounded in scientific research and evidence provided from a variety of sources, including experts in the area of reading disabilities. Cultural considerations and adaptations should also be included to ensure equity and reliability of the assessments.

One theme that was consistently reported by parents was how the “system is failing” children with reading disabilities in Saskatchewan. According to numerous professionals surveyed, one of the reasons this is happening is because many students are not being screened effectively or early enough.

**Early screening for reading difficulties is not completed enough in our province.**

**We don't have an early screening protocol, so I know we are missing many students who would benefit from early intervention. Our reading assessments reflect that too many students are reading below grade level. Students who do receive a reading intervention usually don't get this until grade 2 or 3 and because they are 'the weakest of the weak.**

**Early screening is a vital tool that we don't have the funding or training to appropriately implement.**

To make things more equitable, efficient, and effective, numerous stakeholders we spoke to stressed the need for early, universal, systematic, and evidence-based screening in Saskatchewan.

**I wish early screening for reading difficulties was a priority and done with a science of reading model and evidence-based tools that measured more than just reading fluency and reading comprehension. I wish the tools gave teachers and schools better information to help struggling readers.**

**If anything, we should have universal screening for SLP even more now, then before, with interventions embedded into the kindergarten and grade 1 curriculum.**

Ages four to seven are a critical window of opportunity for teaching children foundational word-reading skills and is when intervention will be most effective.<sup>66</sup> As such, it is important that students are screened early. It is equally important for these screenings to be universal with the possible inclusion of a brief assessment relating to measure of attention.

Adopting the practice of early, universal screening for children in Kindergarten and Grade 1 could lessen the stress and urgency faced by those who struggle with learning to read, and then fall farther behind their peers and expected grade level of reading.

Following that with ongoing, adequate, and individualized intervention plans and accommodations that adapt with the child's literacy and skill level would continue to reduce both barriers and impacts on the child throughout their educational career. Early, universally implemented screening – along with the necessary supports for these children – can also reduce the stigma faced by those with learning disabilities.

In addition, if implemented across the province, it would allow for better data collection to help inform decision making and equitable access regardless of geographical location.

From a human rights perspective, universally implemented screening – when used responsibly, in consideration of the diversity and demographics of the student community – is “necessary to protect the rights of all students, particularly students from many marginalized and *Code*-protected groups.”<sup>67</sup>

It offers protection by:

- Reducing the potential for bias,
- Facilitating early intervention, and
- Addressing the needs of students with both reading difficulties and disabilities.

<sup>66</sup> Ontario Human Rights Commission, 31.

<sup>67</sup> *Ibid*, 233

### Responding to Screening

Another concern raised by parents and students who completed the Commission survey was the way in which schools used the results of initial screenings. While approximately 42% of the respondents said students received reading interventions and/or accommodations, only 27.47% said students were referred for a psychoeducational assessment (see Appendix A3).

Some described the actions taken after the initial screening as insufficient, ineffective and, at times, detrimental to student progress.

**[Our child] was put in a reading program that did not address dyslexia.**

**They sent our child to “resource” which did nothing to build her self-esteem or assist her.**

**Didn’t have to enough people to help and eventually school didn’t provide help until I was in grade 12. Even then the teacher wasn’t trained to help me and it was just a quite place for me to do my homework.**

Other parents reported no post-screening response whatsoever.

**The school said there was nothing they could do.**

**Nothing happened. We switched schools in the same system but nothing ever happened.**

### Program Intervention

In the education field, including in Saskatchewan, Response to Intervention (RTI) is a widely accepted framework to support student success. RTI includes three tiers:

- Tier 1 – all students are taught core curriculum that is evidence-based and scientifically researched.
- Tier 2 – students whose knowledge and skills do not meet the expectations of Tier 1 instruction receive intervention in small groups with increased intensity.
- Tier 3 – supports for the very small percentage of students whose reading levels don’t meet the expectations of Tier 1 and Tier 2. These students are at a high risk of not learning to read. This tier incorporates more intensive use of Tier 2 intervention programs, or more specialized programs, often with smaller groups and more explicit instruction. (see Appendix A4)

In **Tier 1** intervention, instruction for all students occurs in whole-class, small group, and individual settings.

- The teacher knows his or her students, has developed positive relationships with them and created a supportive, nurturing environment that celebrates each student’s uniqueness.

- The teacher utilizes ongoing, authentic, formative, and summative assessment along with the Saskatchewan curriculum to determine the needs of the student and differentiate within the instructional approaches.
- The teacher provides instruction designed to meet the specific needs of students in the classroom.
- The teacher uses the four high impact instructional approaches: modelled reading, shared reading, scaffolded/guided reading, and independent reading.<sup>68</sup>

In **Tier 2** intervention and instruction, students that have been identified through ongoing and frequent formative and summative assessment receive additional opportunities to improve comprehension, fluency, and engagement.

- Once students have been identified, a collaborative team approach is crucial to planning supports for students.
- Tier 2 intervention and instruction does not replace the instruction that happens in Tier 1. Instead, it offers additional support so students can meet curricular outcomes. The intervention should align with the classroom instruction.<sup>69</sup>

A detailed description of **Tier 3** intervention was not able to be found on the Saskatchewan Reads website.

The move towards evidence-based pedagogies, proven to work with students that have and do not have reading disabilities, for core instruction (Tier 1), would mean that there would be less children classified as both Tier 2 and 3. This shift in instruction would provide more children with the explicit skills required to reach grade-level reading and remain there. This would result in fewer children requiring Tier 2 and 3 resources, therefore, making their instructional intervention more effective and efficient.

The sooner instruction can be improved, along with remedial action taken, the better the result. Not addressing these issues at an early age will add to the difficulty and expense of assistance later in life and throughout a child's academic career.

Research shows that the earlier children with reading difficulties receive effective interventions, the more likely they are to fully catch up to their peers in foundational reading skills that are essential for making continued yearly gains in reading.<sup>70</sup> Intervention is most effective when delivered in Kindergarten (or earlier in some cases), Grade 1, and no later than in Grade 2.<sup>71</sup>

68 "Saskatchewan Reads: A companion document to the Saskatchewan English Language Arts Curriculum Grades 1,2,3", Student First, March 2015.

69 Ibid

70 Joseph K. Torgesen, Joseph K., "The Prevention of Reading Difficulties," *Journal of School Psychology*, Vol. 40, no. 1(2002): 7-26.

71 Ontario Human Rights Commission, 37

Students who do not receive effective teaching and intervention from an early age are more likely to struggle as time goes on and require more intervention later to improve their grade-level reading. This process places undue hardship on students, their families, and those within the education system that want to see students succeed.

With science-based approaches to reading instruction, early screening, and intervention, it is estimated that Saskatchewan could expect to see only about 5% of students still below grade level expectations on word-reading accuracy and fluency.<sup>72</sup> Approximately 3-5% of students will have word-reading problems that are aren't responsive to even effective interventions.<sup>73</sup>

### *Approach to Reading Interventions*

A consistent theme the Commission encountered in its surveys and interviews with stakeholders had to do with an inadequate approach to reading instruction and intervention, particularly with students struggling with reading.

In general, educators we heard from felt there is a lack of – and dire need for – early, evidence-based reading interventions in the province.

**Almost all reading interventions being used are not ground in the science of how reading is learned. I have had to come to this on my own – I did my own research and paid for courses to re-train myself as I was frustrated that the reading interventions I was using weren't working ... ALL of them followed balanced literacy and whole language. NONE had any grounding in the science of reading.**

**If classroom teachers followed a Science of Reading approach to tier 1 instruction, rather than a balanced literacy approach with incidental instruction, we might actually have enough time to meet the needs of students who needs extra.**

**In my experience I have yet to see a school or school district (separate, public or private) use science based reading interventions. They instead rely upon LLI and guided reading.**

Many parents also expressed concerns with the use of Leveled Literacy Intervention (LLI) in Saskatchewan classrooms, especially for students with dyslexia.

**Leveled Literacy Intervention is not only ineffective, but damaging to students with phonological deficits because it encourages compensatory strategies wherein the student is bypassing the orthographic mapping process. It disables dyslexic readers further.**

<sup>72</sup> Ontario Human Rights Commission, 15.

<sup>73</sup> Ibid, 41.

It must be noted that not every school in Saskatchewan uses LLI, nor do they uniformly provide classroom instruction, screening, and interventions based solely on three-cueing and/or balanced literacy. The Commission heard from numerous people who worked in schools and divisions that – to varying degrees – provided early, evidence-based, and accessible reading interventions to students in need.

Regardless of what type of interventions were used, many stakeholders expressed concerns that they are being provided too late. As mentioned earlier, the critical window for intervention is no later than Grade 2. However, numerous educators surveyed indicated this window is being missed – with many reporting that intervention often doesn't begin until Grade 3.

**Every inquiry I have ever made towards resource teachers and administrators has not led to possible intervention, with the explanation that our Division does not intervene until Grade 3.**

**Basically if they are illiterate in grade 3 then it's bad enough to warrant the use of those resources [reading interventions]**

**The school division I work for places a great amount of stress on letting students from kindergarten to grade two “be” and then beginning assessments and interventions in grade three. I believe that early interventions are important. If we can target students skills that are diagnosed and specific to their needs, those students will have more time to grow as readers as opposed to struggling for their first few years of their learning journey. Those students will always be behind.**

### *Limited Resources*

Another prevalent theme stakeholders brought to the Commission's attention in their survey responses was the lack of time and resources available to provide proper reading interventions for students with reading disabilities. We heard from educators (special education teachers, resource teachers, classroom teachers, etc.) who said there are simply not enough hours in the day to provide effective interventions.

**Teachers and special ed. Teachers are hard pressed to have that kind of time to be that effective. It appears that they are stretched beyond what they are able to do. The need for reading interventions is far greater than the trained person power that is available. One or two class periods in a 5 day cycle is a “bandaid” solution.**

**Our resource teachers are overloaded and unable to provide as much instruction as needed; it is not provided in a timely way. I have several kids in grade 1 on a “wait and see” list and are now tremendously behind.**

Stakeholders cited large class sizes, an increasing number of students who need intervention, and lack of funding as some of the main reasons why educators are stretched so thin.

**Schools are faced with the unfortunate decision of prioritizing the few resources they have to provide reading intervention to struggling students. The amount of students we can provide literacy intervention to today compared to 5 years ago is much lower. Budget cuts and increased special needs student complexity have meant fewer resources available for reading support.**

**There are more students who need individual help than there are teachers who are able to do so because of funding cuts ... More funding would allow for more care and dignity for our students.**

Geography was also mentioned as a factor in obtaining the resources necessary for reading interventions. Families and educators who live in more rural and remote areas reported extra challenges in accessing supports.

**I work at a school in the far north so we do not have as many resources and staff members to be able to provide our students with the interventions they might receive if they attended a school in a larger city. Because of the remote location we only have specialists (SLP) visit every few months for only a day or two at a time meaning only are most at risk students receive any support from them.**

### *Lack of Province-wide Consistency*

Because many schools have limited resources, the demand for reading intervention services tends to exceed the supply. This can result in a “wait and see” approach that increases intervention wait times for students with reading disability.

Many parents said they were exasperated by these extended timelines. In numerous cases, those who could afford it indicated they have given up on the public education system and have decided to pay for private services. Some parents surveyed reported having been asked by the school to hire a tutor for their child because the school did not have the resources to provide extra help. Many families reported paying out of pocket for private services and going as far as to change schools or move to accommodate their child’s disability.

**Since the school could not provide us with the needed appropriate support we needed to seek outside support. We had to cash out his RESP’s to pay for some of his intervention. We are nearing \$40K spent on interventions and he is only in grade 5.**

**It has also been extremely difficult on us as parents. Worrying about how we were going to be able to find him the help he needed, are we doing enough, how will we be able to pay for it, how can I talk to the school about doing something different. The list is endless. We have spent over \$50,000 on intervention for him. This has come at a significant financial impact to our family. However, I recognize that most families do not have the means to put this investment into their children.**

Students who come from families who cannot afford to pay or do not have adequate private services in their communities must navigate a complex system to try and find out whether their school offers interventions, and if so, how to advocate to have their child receive them. Even then, the intervention offered may not be evidence-based. This leads to unequal access to education for students with reading disabilities whose families cannot afford private services. Essentially, it creates a two-tiered system for families who can and cannot afford private services. Unequal access to assessment and intervention services for students with reading disabilities creates an imbalance and could potentially discriminate against some students in their access to education.

Another area in which stakeholders expressed concern was in the use and application of reading interventions. In Saskatchewan, there is no standardized, province-wide mandate in our approach to interventions. Many survey respondents feel this lack of consistency is having a negative effect.

**I feel like my division has spent thousands of dollars on interventions and then drop programs for new ones. There seems to be no consistency or a willingness to give a program time to work. Or when one was, suddenly a new program is introduced and thousands of dollars of interventions (read boxes of interventions sitting around) is thrown away. I quit resource because I was tired of the constant changes. It is always a band-aide situation and no proper time to give the children who need it most.**

**I have taught in multiple divisions and there is great discrepancy between the guidelines. In my current division, there is a standard intervention (Roadways to Reading) but in my previous ones, it was up to the resource teacher to create and prescribe.**

**There is a lack of consistency across Saskatchewan and too many interventions are not based on current best practices. Teachers don't have access to quality, evidence based tools or training, nor are they provided time. Many teachers and superintendents are still operating under a whole language approach.**

## Accommodations

Accommodation on the basis of disability is distinct from reading interventions. It is important to note that both reading interventions and accommodations (potentially ongoing) may be necessary for students with reading difficulties. Accommodations for one individual may be very different from another. Students with more than one disability may also require varying and special considerations when it comes to adequate and supportive accommodations.

The ultimate goal of accommodations is to assist the student to learn to read to the best of their ability independently, and for accommodations to assist their existing and growing skill set.

Of the parents and students we heard from in our surveys, most (78.8%) reported receiving accommodations (see Appendix A5). They told us that the most common reading-related accommodations they received were in-class work, assignments and/or tests, and assistive devices such as a computer, tablet, or smart phone.

Other accommodations respondents reported included screen readers, note takers, speech-to-text software, sitting in close proximity to a teacher, using a reader for exams, having EA support, and the opportunity to provide verbal responses when possible.

And while the Commission heard about numerous accommodation success stories, parents, students, and educators also described numerous perceived challenges and shortcomings they've experienced with accommodation within our survey findings and interviews.

### *Communication and Information Sharing*

Parents were concerned with the lack of communication about accommodations from teachers and schools. Many said they did not know if their child's accommodations were being met.

**Parents are often left in the dark. We have not been given any information on how they have accommodated my child.**

**I am unsure of her access to these [accommodations] and how often she is able to use them. I cannot get this information from the school, despite requests.**

### *Human and Material Resources*

For educators, a common theme was the lack of access to human and material resources. These educators cited class size, insufficient time, lack of help, and budget cuts as issues standing in the way of accommodation.

**Our class numbers are so high, the needs are so great, and the funding is so low that it feels near impossible to provide what each student needs when they need it. Teachers are drowning and students are suffering.**

**Tools like assistive tech are difficult to get funding for and there is very little to no training available for the student or the teacher.**

**I try my best to provide students and families with what they need but I feel like I am constantly failing and just staying afloat because I have so many students in my class to begin with and there are so many needs that it is a full time job just managing accommodations let alone my job as a classroom teacher.**

Without adequate resources, many educators said they feel as though their ability to effectively accommodate students with reading disabilities has been restricted.

**Teachers are given very little support for accommodations to be implemented effectively with fidelity.**

**Easy accommodations are more likely to be implemented (special pen provided by family for ex.) [sic]Students with multiple accommodations (colored paper, reduced work, scribe, more time, tech etc.) often only receive 1-2 even though they require almost all simply because of lack of time/resources.**

**This varies from school to school but in my experience, students are rarely given effective, timely accommodations to meet their individual learning needs.**

### *Inconsistent Accommodations*

Parents and students, as well as teachers, described a fundamental lack of consistency when implementing accommodations for students with reading disabilities. For some, problems arose at the classroom level where they say accommodations can be sporadic and uncertain.

**They couldn't get me an iPad it costed the school to much so my father bought me one so I could have things read to me but I didn't get that until I was in grade 5: (sic) there was a few late assignments I was able to had in but it wasn't often they provided that.**

**My child receives [accommodations] sometimes, but not always. For example, in the IIP it states someone is needed to ensure they have read questions on exams correctly, but that only happens from time to time.**

Others described accommodations as being teacher dependent.

**Some teachers are good at providing accommodations and some are not. It is a roll of the dice.**

**It is inconsistent from teacher to teacher. Some teachers do it naturally, other don't know how to meet them where they are at. (sic)**

Another issue raised by stakeholders was the lack of consistency in accommodations and information sharing when students are in transition, meaning when they move up a grade or change schools.

**There is no standard or effective system of reporting needed accommodations across our schools.**

**To provide access to accommodation, teachers require information regarding student need, which is sometimes not provided by previous teachers, and, more particularly, in some files. (sic)**

**[Accommodations] were offered in Elementary school but not high school. In high school as a parent I had to advocated and contacts the LST to make sure that teachers were making accommodations. (sic)**

According to the Commission's survey results, there appears to be a direct link between the ability to advocate and a student's success in accessing accommodations.

**So much of it depends on how willing/able parents are to advocate for their child. Without pushing, there are rarely additional supports put in place.**

**The school does not provide [accommodations] unless pushed by parents. We need to continually remind the school that [our child] needs supports.**

**[A]ccommodations were only made because our daughter, in high school, became a tremendous self-advocate and advocated successfully for her needs.**

## Professional Assessment

Professional assessments refer to assessments conducted by psychologists and speech-language pathologists. Assessments by psychologists are referred to as psychoeducational assessments.

The majority of stakeholders indicated that students who needed a psychoeducational assessment received one. The ways in which they received these assessments and the ease with which they were accessed, however, varied greatly. (see Appendix A6)

Some people reported that in-school psychoeducational assessments were done in a timely, effective manner.

**We currently have adequate staff to complete assessments and a team that understands dyslexia and other reading challenges well, and can usually provide services in a timely manner.**

**Our experience was quite good. The psychologist was very friendly and she did not have to wait long to have the assessment done.**

Others described obtaining an in-school assessment as a constant struggle.

**I had to fight for her to be tested, school didn't want to do it.**

**My mom and my kindergarten teacher battle for two years to get me tested.**

A significant percentage of parents that responded to the survey (42.52%) said they had a professional assessment done outside of the school system. Some reported obtaining outside help because the school their child attended didn't have assessments available to offer; others noted that the school/teachers didn't feel as though an assessment was necessary. The vast majority of parents who opted for a private psychoeducational assessment, however, cited long wait times as their primary reason.

### *Wait Times and Outside Help*

According to Commission surveys, wait lists for in-school psychoeducational assessments can range from several months to up to five years. In these circumstances, many parents and/or caregivers ended up searching for answers outside of the school system by commissioning private assessments and supports.

**We chose not to wait for school psychologist for two reasons – wait time as well as access to the full report. It was indicated by other parents and professionals that parents do not get access to the full report when completed by the school.**

**We had to get the education psychologist assessment privately, and have had to pay for weekly one-on-one tutoring for the last 5 school years. We have spent about \$13,000 to date.**

The costs associated with private assessment can create an imbalance – an unequal access to education for students with reading disabilities. Some families we heard from reported they were fortunate enough to have the financial capacity to pay out of pocket.

**We just feel that we are lucky we could afford it. The school didn't provide anything for us. A lot of kids probably slip through the cracks because the assessments are so costly.**

Others, however, could not (and cannot) afford private services.

**I have a friend who does not have the financial means to pay and have one done for her son. So many hoops to jump through and no one takes her seriously about her concerns for her son.**

Another problem area associated with wait times and imbalances involved the behavior of children. More than one family mentioned within the Commission's survey that their child was put on a years-long wait list for in-school assessments because they did not have behavioral issues.

**I requested several times why he hadn't received the assessment yet, however, I was told since he did not have any behavior problems he was not a priority.**

**We were told that he was not "bad enough" to be deemed a priority. They only can assess a certain number of students a year.**

## Referrals

A common concern reported by parents and education professionals pertained to referrals and the affect they had on a student's ability to receive in-school psychoeducational assessment.

While some educators and parents told the Commission that assessments were available between Kindergarten and Grade 2, many stakeholders indicated that schools wouldn't refer a student for psychoeducational assessment until later.

**We were told that it couldn't be done til Grade 3 or 4 due to policy.**

**Students aren't even considered for these evaluations until grade three, which means they have often struggled for 3-4 years before an assessment is done.**

Respondents also expressed concerns about the evaluation system used to determine who receives in-school assessments. They said that students with learning and reading disabilities were being left behind while others with intellectual disabilities were being prioritized.

**The current model requires extensive failing before a psych assessment.**

**Students do not get Psycho-educational assessment in our division for reading difficulties. ONLY for students with multiple needs who are need to go to specialized programs.**

**Students who may have an intellectual disability are prioritized, which leave few LD query assessments.**

It is the view of the Commission that a review of the psychoeducational assessment process within the school system requires evaluation. It is also important to note that students should not be denied or receive delayed intervention, accommodations, or support due to a lack of assessment completion.

## Teacher Training

The Commission heard from numerous educators and parents who believe there is a need for more teacher training and ongoing professional development in the area of reading and reading disabilities. Parents implied that many teachers do not seem to have the necessary tools, training, and resources to teach students with reading disabilities.

**It is atrocious how there are so little teachers who actually have any training to accommodate any child with a learning disorder and yet the administration continue to fill classes to overcapacity ...**

**Teachers receive no training regarding learning disabilities. Some teachers chose to learn and provide better support for students, some don't.**

Education professionals who responded to the survey agreed. When surveyed, most admitted they lacked the knowledge and skill to identify and effectively respond to struggling readers (see Appendix A7). Many teachers suggested they need more training in the areas of screening, interventions, and accommodating students with reading disabilities.

**There aren't many professionals (I would include myself here) who have really good training and understanding of how children learn to read, or how to support them when they are struggling. It's quite defeating when you give any consideration to how many students it seems that we fail.**

**There needs to be significantly more training in teacher preparation programs. There needs to be offerings of PDs or anything to prepare teachers to support students w/reading disabilities. In my early elementary cohort I have received zero professional training outside of maybe 1 or 2 lectures on reading in classrooms and if I had a student with dyslexia, I would panic.**

Some teachers we heard from also described a need for more assistive technology training.

**Learning to use the technology efficiently and to it's maximum potential requires training which is lacking. Teachers want to support their students but don't know how ...**

**Adequate training of teachers on the learning tools on the computer, which seem to be the most appropriate in the real world context and creating independence, is lack. Teachers do not know how to use these tools ...**

Both parents and educators indicated that some of the issues rest with the teacher education programs and not the system. They expressed the need for an upstream approach to training and suggested that universities should play a larger role in training teachers to identify and remediate reading disabilities in students. Many also cited the need for structured literacy to be taught at the university level.

**It is absolutely necessary for things to change at every level in order to meet the needs of ALL students – starting with our teacher training at the University level.**

**Start at the University level. Educate all teachers with what reading disabilities look like ... no only the “specialists” All teacher need to know what to look for, how accommodations or adaptations can help ... Make it common knowledge and we will do better!**

**University classes that train teachers in the use of structured literacy is key.**

## Reading Instruction

One of the most common themes the Commission encountered throughout this initiative was a push for Saskatchewan to embrace a structured literacy approach to reading, at least in the primary grades (see Appendix A8). This approach is sometimes referred to as the “Science of Reading.”

At the moment, Saskatchewan teachers have a lot of freedom and discretion to choose the methods they see fit to help students achieve the outcomes of the curriculum. And while some educators told the Commission they are using structured literacy in their classes, schools, and divisions, there were more who said didn’t or couldn’t.

**The damage done to my child through the school system is unrepairable. The science exists on how to support children with learning disabilities that impact reading and writing but schools don’t follow it and activity harm the students and their families when the ignore it.**

**We are failing our students here. Science of reading is not being used. Some teachers are starting to do this on their own in their own classrooms throughout Saskatchewan.**

Many educators surveyed believed the implementation of a universal, province-wide, scientific approach to reading would be better for students as well as teachers.

**If classroom teachers followed a Science of Reading approach to tier 1 instruction, rather than a balanced literacy approach with incidental instruction, we might actually have enough time to meet the needs of students who need extra.**

**Structured literacy is explicit and systematic. It is based on science and all children can benefit from this type of instruction.**

**Structured literacy is the only way that 50% of our children will learn to read. Another 10% will need structured literacy taught in a small group to increase the intensity. The remaining 40% will learn to read more efficiently with increased comprehension with structured literacy.**

## French Immersion

Although most of the stakeholders who completed the Commission surveys did so with a focus on English-language education, we also heard from some educators and families of students in French Immersion programs. For the most part, these respondents reported that outside of benchmarking very few screenings, assessments, interventions, and reporting is done within the French system.

**In French immersion there is no recommended intervention program.**

**Aside from benchmarking, there is no formal assessment for diagnosing reading disabilities ... for students in the French Immersion.**

One Saskatchewan family, whose primary language is French, told us they had to leave the province to receive the required assessment to be done in French.

## Funding

It is of interest to note that while conducting research for this section of the report, the Commission visited the Conseil des Écoles Fransaskoises (CEF) website which stated that despite their curriculum starting to teach English in Grade 4:

“the average of the learning results of the CÉF students exceeds the average of the results of the majority in reading comprehension in English according to tests administered by the Ministry of Education to students of this level in the provinces.”<sup>74</sup>

Students with learning disabilities were explicitly referenced. The website describes contracts with speech language pathologists, occupational therapy, and school psychologists among others. Although there could be numerous reasons or multiplicity of reasons for this circumstance, our investigation indicates that one possibility that the reading results would be higher in the francophone school division versus the other divisions in the province is the unequal access to funding and the subsequent resources that funding allows for. When comparing the instructional budget of all of the divisions in the province, the CEF had the highest instructional budget per student in the province.

It must be noted, however, that Saskatchewan’s Prekindergarten to Grade 12 Education Funding Distribution Model does not calculate operating grants based on a per-student rate. The funding model uses a series of calculations based on school division cost categories, including enrolment. This funding model recognizes that school divisions have justifiable cost differences. The funding model includes an adjustment in recognition of cost differences in providing education in rural, northern, and francophone schools.

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74 Conseil des Écolés Fransaskois, *Student Services* (Website).

## Per Student Estimated Instruction Funding in Saskatchewan

SCHOOL DIVISION	INSTRUCTION BUDGET (\$) 2020	ENROLMENT 2020-2021	INSTRUCTION \$ PER STUDENT
Regina Public	170,901,749	23,840	7,169
Prairie Spirit	83,429,458	11,320	7,370
Sun West	45,485,073	5,952	7,642
Prince Albert Catholic	22,374,849	2,912	7,684
Regina Catholic	89,513,105	11,611	7,709
Lloydminster Catholic	22,482,626	2,857	7,869
Christ the Teacher (only 2019 data available)	14,162,354	1,767	8,015
Saskatoon Public	205,404,147	25,622	8,017
Holy Family	10,388,540	1,292	8,041
Prairie South	55,395,947	6,881	8,051
Holy Trinity	18,067,551	2,236	8,080
Saskatoon Catholic	158,558,322	19,469	8,144
Light of Christ	15,737,915	1,844	8,535
Saskatchewan Rivers (Prince Albert Public)	71,577,876	8,345	8,577
Good Spirit	52,257,183	5,998	8,712
North East	40,565,933	4,622	8,777
Lloydminster Public	36,106,936	4,100	8,807
South East	73,122,056	8,147	8,975
Prairie Valley	75,484,070	8,388	8,999
Chinook	52,834,146	5,836	9,053
Living Sky	46,803,200	5,108	9,163
Horizon	57,011,129	6,188	9,213
North West	40,978,395	4,417	9,277
Northern Lights	44,238,984	3,871	11,428
Creighton	4,660,638	407	11,451
Ile a la Crosse	4,272,489	355	12,035
Conseil des ecoles fransaskoises	24,603,245	1,774	13,869
<b>TOTALS</b>	<b>1,536,417,916</b>	<b>185,159</b>	<b>240,662</b>
<b>AVERAGE</b>			<b>8,913.407407</b>

**Note:** All information selected was taken from 2020-2021 academic years. When information for individual years was available, instructional budgets were taken from 2020 academic years and enrollment from 2020-2021 academic years. The exception being Christ the Teacher school division, where 2019-2020 student enrollment numbers were used. It is important to note that public sector accounting rules apply to each division when their funding is distributed, however after those rules are followed accordingly, it is discretionary to the division as to how the budget is allocated. Most of the funding provided through the funding model for education is unconditional and is not intended to prescribe how boards of education should spend their funding dollars. Each board of education makes individual expenditure decisions based on their own divisions budget priorities combined with what they believe meets local needs. The boards can then choose to spend more or less on each category, however how they report it in their financial statements is prescribed by public sector accounting principles.<sup>75</sup>

The instructional budget breaks down into school administrator salaries, teacher contract salaries, supportive instructional salaries (which include central office curriculum coordinators, resource-based learning consultants, special education coordinators etc.), program support salaries (staff hired under a teacher contract as an educational psychologist, social worker, speech/language pathologist, etc.), substitute salaries, and various benefits such as employment insurance and Canadian Pension Plan among others.<sup>76</sup>

<sup>75</sup> Information related to financial statements and reporting directly provided by Erin Kiefer, A/Executive Director of Education Funding, Ministry of Education, Government of Saskatchewan. (Information provided on Wed. Aug 17, 2022).

<sup>76</sup> Government of Saskatchewan, "Chart of Accounts (COA)," *Education*, [Publications Centre \(saskatchewan.ca\)](https://publications.ca)

## 5. LEGAL ANALYSIS



## LEGAL ANALYSIS

The rights of persons with reading disabilities to access education are affirmed by provincial laws relating to human rights and education. Education is a provincial matter under section 92 and 93 of the Canadian Constitution.<sup>77</sup> While human rights codes and education legislation may differ slightly from province to province, jurisprudence from around the country is clear when it comes to the test for discrimination and the rights of persons with disabilities.

The relevant laws and judicial precedents that affirm, promote, and protect the rights of persons with disabilities illustrate the responsibilities of school divisions and governments to accommodate persons with disabilities to the point of undue hardship.

### *The Saskatchewan Human Rights Code, 2018*

*The Saskatchewan Human Rights Code, 2018* (the “Code”) promotes the recognition of the rights and dignity of everyone.<sup>78</sup> The Code prohibits the discrimination of anyone in occupation, accommodation, education, employment, among other areas, on the basis of any prohibited grounds. The prohibited grounds listed in the Code include “disability”, which includes reading disabilities.<sup>79</sup>

The Code provides that every person and every class of persons has the right to education in any school without discrimination on the basis of a prohibited ground, including disability.<sup>80</sup> The Code also prohibits anyone from discriminating or denying people with disabilities services, facilities or accommodations that are customarily available to the public.<sup>81</sup> Such discrimination may be direct or constructive or by omission. Applying the same standards generally without taking into consideration the needs of people with disabilities may also be a form of discrimination.

### *The Education Act, 1995.*

According to *The Education Act, 1995* (the “Act”), all students in Saskatchewan have the right to education and the right to attend school in the school division where their parents or guardians reside.<sup>82</sup> The Act states that no school official shall deprive or attempt to deprive a student access to education services provided by the board of education or the conseil scolaire. In addition, every person between the ages of six and twenty years has the right to receive instruction appropriate to that person’s age and level of educational achievement.<sup>83</sup> This implies that the right to receive educational instruction is not only subject to a student’s age but also to the student’s level of comprehension.

The right to education extends further when applied to students with intensive needs. Boards of education or the conseil scolaire are obligated to provide educational services and reasonable accommodation to students with intensive needs in the regular program of instruction. If, after taking into consideration the prescribed factors, the board of education or the conseil scolaire determines that the student cannot be reasonably accommodated in

77 *The Constitution Act, 1867*, 30 & 31 Vict, c 3

78 *The Saskatchewan Human Rights Code*, c S-24.2, SS 2018.

79 *Ibid* at section 2(1)

80 *Ibid* at section 13(1)

81 *Ibid* at section 12

82 *The Education Act, 1995* c E-0.2, SS 1995

83 *Ibid* at sections 141 and 142

a regular program, they have the responsibility to provide educational services to meet the learning needs of the student through a special program.<sup>84</sup>

A goal of publicly funded education is to give every child to access education without cost. *The Education Act, 1995* states:

“ ... services approved by a board of education or the conseil scolaire with respect to students who are eligible for the special educational services mentioned in section 178 or who are otherwise entitled to services of benefit to their general health and well-being, are to be provided without cost to those students or their parents or guardians.”<sup>85</sup>

The *Act* outlines in detail the requirements of the board of education or conseil scolaire to undergo assessments of students with intensive or potentially intensive needs which includes cognitive disabilities (which would include a reading disability such as dyslexia), the right of the student and their family to reasonable accommodation, and an appeal or review process for families that disagree with the school board or conseil scolaire’s decision based on an assessment or requirement of an assessment.<sup>86</sup>

Although the board of education and conseil scolaire are respectively responsible for organizing instructional components of schools, the Ministry of Education has the discretion to develop a guideline respecting assessment of students with intensive needs for boards of education and conseil scolaire to apply.<sup>87</sup> Therefore, the board of education and conseil scolaire are responsible for determining the learning needs of students and accommodating students with special needs.

If the board of education or conseil scolaire decides that a student with intensive care requires a special program, they remain responsible for the payment of all or a portion of the cost of the student’s special program, whether the special program is located within or outside Saskatchewan.<sup>88</sup>

## Application of Case Law

Canadian courts and tribunals have addressed and confirmed the human rights of persons with reading disabilities in education, public services and employment, among other areas. The following cases also reiterate the duty of educational institutions, employers, and government agencies to accommodate persons with reading disabilities to the point of undue hardship.

### *Moore v British Columbia (Education)* <sup>89</sup>

As a child, Jeffrey Moore was diagnosed with severe dyslexia and required intensive remedial support in order to learn how to read. For the first couple of years of his education, the

84 Ibid at sections 178

85 Ibid at section 146

86 Ibid at section 178

87 Ibid at subsection 178(2)

88 Ibid at subsection 178(15)

89 *Moore v British Columbia (Education)*, 2012 SCC 61 at para 70, [2012] 3 SCR 360 [Moore]

Vancouver School District operated a diagnostic centre that provided services for students with severe learning disabilities. Due to financial problems, however, the program was cut while Jeffrey was still in elementary school. As a result, Jeffrey's parents had to enroll him in a private school that specialized in learning disabilities and were required to pay the cost of tuition themselves.

Jeffrey's father filed a complaint with the British Columbia Human Rights Tribunal alleging that the school district's decision to close the program, without replacing it with an appropriate alternative, denied his son the right to the type of education he required – which constituted discrimination. After months of deliberation and testimony of expert witnesses, the Tribunal ruled that Jeffrey had been discriminated against and had not been properly accommodated. Financial compensation for the family was awarded. However, both the reviewing judge and, subsequently, the British Columbia Court of Appeal overturned the Tribunal's decision.

Moore was granted leave to appeal to the Supreme Court of Canada.

On November 9, 2012, the Supreme Court unanimously decided that the Tribunal's original "finding of discrimination against Jeffrey Moore by the [School] District should be upheld, as should the individual orders, which reimburse the Moores for the cost of private schooling and award them damages."<sup>90</sup>

Before rendering its decision, the Supreme Court was asked to consider two key issues:

- a) What is the appropriate test to be applied to statutory human rights claims?
- b) Was the school district justified in closing the diagnostics centre?

In its treatment of the first issue, the Supreme Court confirmed the traditional test for establishing discrimination formulated in *Ontario Human Rights Commission v Simpsons-Sears*, [1985] 2 SCR 536 [O'Malley]. According to the Supreme Court, in order to demonstrate *prima facie* discrimination a complainant must show that:

- they have a characteristic protected under a statutory human rights code,
- they then experienced an adverse impact, and
- that the protected characteristic was a factor in the adverse impact.

Once this has been established, the burden shifts to the respondent to justify the claim.

In its treatment of the second issue, the Supreme Court found that "adequate special education ... is not a dispensable luxury. For those with severe learning disabilities, it is the ramp that provides access to the statutory commitment to education made to *all* children in British Columbia."<sup>91</sup>

The argument of budgetary concerns was not seen to be sufficient, in that the obligation to ensure that the school district planned and adequately provided for the complainant's continued remediation and support should have been prioritized, planned for, and undisrupted

90 Ibid at para 70

91 Ibid at para 5

regardless of budgetary concerns. The Supreme Court found that whether or not the school district intended to discriminate was irrelevant; the focus is on the effect of the respondent's actions.<sup>92</sup>

Expert witnesses stated that unremedied learning disabilities can and do create significant, life-long consequences for students that require intervention and accommodation, emphasizing that students with disabilities need to receive adequate and individualized support. In upholding the Tribunal's decision, the Supreme Court ordered that the Moore family be reimbursed for the costs related to attendance at private school, half the costs of transportation to and from school, and \$10,000 for injury to dignity, feelings, and self-respect.<sup>93</sup> It also ordered costs to the Moore family throughout, since they were successful in upholding the central finding of discrimination.

#### *R.B. v Keewatin-Patricia District School Board*<sup>94</sup>

*R.B. v Keewatin-Patricia District School Board* helped establish the application of *Moore* in other provinces, in a decision that dealt with a student who was excluded from attending school and a fractured relationship between school and parent.<sup>95</sup> The student, R.B., was diagnosed with ADHD, a developmental delay, and an intellectual disability. R.B. also had a history of behavioural issues in the classroom.

R.B. had a full-time educational assistant (EA), who was reduced to half-time when he entered Grade 2. Protracted conflict between the mother and school resulted in the school board banning her from school property or contacting the school. R.B. was then withdrawn from the school for medical reasons by his family physician, who asked that ongoing educational assistance be provided while R.B. was at home. The next fall, he was excluded from school due to behavioural outbursts and was required to complete a psychological assessment before he could return to school.

The applicant was successful in establishing that her son had been denied meaningful access to education when his EA support was cut in half in Grade 2, when he did not have an appropriate behaviour management plan from Grade 2 onward, when he was excluded from school without appropriate educational instruction, and when the communication ban denied his parent the opportunity to meet with teachers and EAs to ensure his needs were being met.<sup>96</sup> Remedying these issues was not seen as an undue hardship on the school board. The Ontario Human Rights Tribunal found that the school punished R.B. for his mother's actions and refusal to "resolve" the human rights complaint.<sup>97</sup>

The tribunal ordered that the respondent pay R.B. \$35,000 for injury to dignity, feelings and self-respect. There were also non-monetary orders related to R.B.'s educational supports and plans.<sup>98</sup>

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92 Ibid at para 33

93 Ibid at paras 56, 70-71

94 *R.B. v Keewatin-Patricia District School Board*, 2013 HRTO 1436 [R.B./Keewatin]

95 Ibid.

96 Ibid at para 255

97 Ibid at paras 261 and 263

98 Ibid at para 281

*L.B. v Toronto District School Board*<sup>99</sup>

In *L.B. v Toronto District School Board*, the Ontario Human Rights Tribunal found that the school board failed in its duty to accommodate a student's learning disabilities and mental health disabilities when it did not provide educational services and supports that were appropriate and available.<sup>100</sup>

The student, L.B., had ADHD, anxiety, and depression and struggled with learning and attendance in a large school environment. The school agreed to explore potential supports, such as peer mentoring, peer tutoring and providing L.B. with some sports leadership-related opportunities that might motivate him, but this never went anywhere. As a result of lack of accommodations, the mother removed the student from the school and enrolled him in a private school with a sports program and accommodations that helped to improve his attendance and learning.

The school division claimed that the accommodations sought by the applicant called for services that were outside of the legislated mandate of a school board in Ontario, which the Tribunal agreed with. However, the Tribunal found that the applicant still established a *prima facie* case of discrimination despite the fact that the school did not directly discriminate against the child:

"I agree that this case is not analogous to the Moore and R.B./Keewatin cases. In both those cases it was indeed the direct action of the school board that resulted in discrimination. However, it is my view that this does not mean that, if a school board omits to provide access to specific and needed services and accommodations that are within its mandate to provide, it is not discriminating against the student, i.e., discrimination through omission as opposed to direct discrimination. In this case, L.B. did not receive access to educational services offered by the respondent and one or more of his disabilities were a factor in this. As such, the applicant has established a *prima facie* case of discrimination.

This view has been supported by the courts. For example, in *Eldridge v. British Columbia (Attorney General)* 1997 CanLII 327 (SCC), 1997 3 S.C.R. 624, the Court held that the provision of an accommodation, in that case sign language interpretation, is not an "extra ancillary service, but rather the manner by which meaningful access to the provided benefit can be achieved."<sup>101</sup>

The Tribunal found that the school board failed in its duty to accommodate to the point of undue hardship. L.B. did not receive access to educational services and his disabilities were a factor in this treatment. The school board failed to provide educational services that should have reasonably been available, such as counselling, special education support, and alternative school placements. The Tribunal stated that this omission can be deemed discriminatory, since substantially delaying access to these services can amount to a substantive breach of the *Ontario Human Rights Code*. The Tribunal ruled that the school board would be required to pay L.B. \$35,000 for injury to dignity, feelings and self-respect.<sup>102</sup>

99 *L.B. v Toronto District School Board*, 2015 HRTO 1622, 82 CHRR 310

100 *Ibid.*

101 *Ibid* at paras 120 and 121

102 *Ibid* at para 180

The Tribunal also upheld the following principles (from an interim decision) in the context of a school board accommodating students with disabilities:

- school boards have an obligation under the *Code* to accommodate students with disabilities to the point of undue hardship, regardless of whether or not the students are receiving any medical treatment in the community;
- school boards have an obligation under *The Education Act* to provide appropriate special education placements, programs, and services to their exceptional students;
- parental conduct or lack of parental authority cannot be used as a justification for not meeting an exceptional student's needs; and
- a parent's "fierce advocacy" for their child must not and cannot prevent a school board from accommodating the child's needs to the point of undue hardship.<sup>103</sup>

The application of *Moore* in educational settings has also been confirmed in: *U.M. v. York Region District School Board*, 2017 HRTO 1718; *JS v. Dufferin-Peel Catholic District School Board*, 2018 HRTO 1284; *HB v. Halton District School Board*, 2018 HRTO 1729; and *DB v. Toronto District School Board*, 2021 HRTO 991

#### *University of British Columbia v Kelly*<sup>104</sup>

*University of British Columbia v Kelly* details an instance of the University of British Columbia (UBC) failing to accommodate a medical resident in family medicine. When Dr. Kelly asked for accommodation of his ADHD and learning disability, UBC denied his physician-suggested accommodations, and he was dismissed from the program. Dr. Kelly successfully complained against UBC to the BCHRT under services and employment. The Tribunal found that UBC discriminated against him based on learning disabilities and mental disabilities and did not prove a *bona fide* reasonable justification or operational requirement. It said that UBC should not have acted on impressionistic beliefs that particular accommodations could not be implemented without checking.

The Tribunal ordered Dr. Kelly's reinstatement, damages for lost earnings (\$385,194) and injury to dignity (\$75,000). UBC sought judicial review and the chambers judge reduced the award for loss of dignity. UBC appealed that decision, and Dr. Kelly cross-appealed the reduction in award. The cross appeal was allowed, and the Court of Appeal found that the BCHRT correctly analyzed the *prima facie* discrimination and could make an award outside the range of past awards for loss of dignity due to Dr. Kelly's unique position.

103 Ibid at para 77

104 *University of British Columbia v Kelly*, 2013 BCHRT 32, aff'd 2016 BCCA 271

## The School Division's Duty to Accommodate

Courts have set a high threshold for satisfying the duty to accommodate. There are innumerable accommodations that could be possible, and while students are not entitled to perfect accommodation, the duty on the school division to accommodate extends to the point of undue hardship. This means that some hardship is expected. Undue hardship is generally defined as an unbearable financial cost or a considerable disruption to business, or an interference with the rights of others. The size of the school division may be considered, as well as safety considerations.

Accommodations do not have to be perfect, but need to be reasonable, effective, and timely. Delayed accommodation can amount to discrimination because demonstrable, long-term harm can and does occur from lengthy delays that students and their families face. These standards exist regardless of the language of instruction (for example, French or English).

School divisions are required by legislation and common law to accommodate students' disabilities to the point of undue hardship. An education provider can claim undue hardship only in very limited cases where there is excessive cost (factoring in external sources of funding), or where there are significant health and safety risks. The effective implementation of learning accommodations requires procedural and substantive measures.



## 6. ISSUES TO ADDRESS

## Issues to be Addressed

Overall, the combination of community and stakeholder consultation, research, and both surveys have yielded greater insight into the lived experiences of students, families, educational professionals, and medical professionals that support those with reading disabilities. Moreover, the surveys captured how they view and navigate the current system and some ways in which the current practices can be improved upon. Some of the most consistent themes demonstrated throughout the process of creating this report is as follows:

1. Negative impacts of reading disabilities on students and families, emotionally, socially and financially;
2. Insufficient screening for reading disabilities;
3. Complicated processes and systems for parents to navigate;
4. Inadequate reading instruction and specialized intervention;
5. Inconsistent accommodation;
6. Long waits for professional assessment;
7. Lack of teacher training and professional development regarding reading disabilities;
8. Disproportionate reading outcomes for Indigenous students; and
9. Lack of supports and limited resources.

Research, survey analysis, and stakeholder consultations also suggested specific approaches to address these issues. These approaches are not an exhaustive list of preferred improvements, but a compilation of ideas presented during the first stage of this initiative. These suggested approaches can form the basis for further dialogue:

- **Adopt universal screening strategies to detect reading disabilities or areas of potential concern related to reading acquisition, including an optimal screening period with early detection and intervention as key considerations.**

- a) Develop consistent practices, procedures, policies, and evaluation of the program.
- b) Include universal screening of foundational literacy skills for all students K-3.
- c) Utilize this screening process 2-3 times per school year.
- d) Acknowledge that not all students will respond equally and accurately to the same screening method(s). Incorporating Indigenous cultural norms, nuances, ways of knowing, language, and recommended ways of implementation into a chosen method is key to Indigenous student success and reconciliation.
- e) Acknowledge that newcomer students also bring with them their own ways of knowing and cultural norms, and that further adaptation of screening methods may be required to gain accurate information.

- **Ensure follow-up testing and assessment, as requested by parents or teachers, are as accessible and timely as possible.**

- **Review and update the current provincial education curriculums to include more detailed and explicit instruction on:**

- a) Scientifically based methods of reading instruction with the goal of enhancing Tier 1 intervention success rates for the majority of students and, therefore, allowing for more resources to be available for students in both Tier 2 and 3 interventions.

- b) Specific and clear achievement standards and skills for students at each grade level.

- c) Acknowledging children with varying disabilities to cement a commitment to education equity.

- **Align reading intervention plans with evidence-based practices that have been demonstrated to be effective and necessary for reading development. These should be created and implemented as soon as possible.**

- a) When a reading disability is diagnosed, individual accommodations and intervention are required.

- b) If a student's diagnosis is delayed or questioned, adequate and quality supports should be implemented to support the student until a finalized diagnosis is confirmed.

- c) Adopt methods of evaluation for reading intervention plans.

- **Inform and support families with children who have been diagnosed with reading disabilities about options regarding the different modes of intervention and accommodation available to their children.**

- a) These supports should be provided within the school system and not require families to seek outside assistance.

- b) Establish supports and resources for families seeking guidance and understanding of their child's learning differences.

- **Provide information to families regarding their student's progress on a quarterly basis. Create formal progress tracking procedures for each child requiring intervention.**

- a) More effective ways of communicating a student's progress, setbacks, accommodations, and ongoing needs are required to provide adequate information to families and caregivers.

- **Implement best-practice literacy and reading acquisition strategies that meet the needs of each child, not only those with reading disabilities.**

- **Address gaps in supports received by elementary students transitioning to high school or to other school divisions. Supports, accommodations, and intervention should last as long as the student requires – from kindergarten to high school graduation.**

a) Create a province-wide system that collects student information related to disabilities so that accommodation and supports are met without delay should the student move from one school, or division, to another.

- **Address assessment, support, and accommodation needs for rural and northern communities where fewer options to access assistance outside of the education system exist.**

a) Technology can be used to bridge any gaps in creating universal and centralized systems of support for students with reading disabilities.

b) Education staff working in remote areas should have opportunities to pursue professional development that strengthens their knowledge of best practices on supporting students with reading disabilities.

- **Offer sustained professional development for teachers in the area of teaching reading and supporting students with reading disabilities. This may also include a coaching model and a multi-step approach, as has been implemented in other provinces.**

a) Provide further training in accommodations and modifications.

b) Provide professional development and anti-oppressive education training opportunities that feature anti-ableism and anti-bias training for student teachers and current teaching staff.

c) Utilize and adapt existing methods of providing information and training to teachers. For example, online learning modules supported by coaching or access to experts for inquiry and follow up.

- **Explore how to better support teachers and educational assistants in providing necessary accommodations to students.**

- **Encourage teachers-in-training to pursue specialties related to reading disabilities.**

a) Cooperation between post-secondary institutions, the Ministry of Education, and organizations that specialize in learning disabilities would be an asset.

- **Increase training and knowledge related to reading disabilities into post-secondary curriculums for students entering an educational profession.**

- **Encourage the use of accurate, non-ableist language and terminology (e.g., dyslexia) to help families and children better understand brain function, and to support learning differences.**

a) Utilizing correct terminology may be an opportunity to create plans of action to assist students, their families and caregivers, as well as their teachers to learn the best ways to support specific learning needs.

b) Increase public awareness of reading disabilities, including dyslexia.

- **Enhance data collection throughout K-12 education to better understand the relationship between methods, programs, and policies and their impact on improving the reading levels and literacy rates of children within Saskatchewan.**

a) Disaggregate data of Indigenous students, students with reading disabilities, students with learning disabilities, newcomers etc. should be included in this data collection.

- **Build upon existing reconciliation strategies to include and consult with Indigenous community members in the areas of education and learning.**

a) Acknowledge that curriculum development with Indigenous consultation and input is key to this process becoming a success.

b) Address the needs of federally run schools in Saskatchewan, primarily attended by Indigenous students, by working in collaboration to ensure evidence-based learning pedagogies, are available to all students regardless of jurisdiction.

c) Provide adequate supports, intervention, and accommodation to Indigenous students, without the need to apply for assistance from programs such as Jordan's Principle.

- **Review and evaluate the psychoeducational assessment process, policy, and procedures within the school system.**

## Conclusion

*The Saskatchewan Human Rights Code, 2018* requires equitable access to education for students with disabilities, including reading disabilities. The long-term goal of this systemic initiative is to ensure compliance with the *Code* and to address the needs of those most affected by systemic discrimination, in this case, the students with reading disabilities.

While the Saskatchewan Ministry of Education has a responsibility to address barriers to education, obstacles can only be removed through the participation and engagement of stakeholders, including those with lived experience. These stakeholders include educators, healthcare providers, educational psychologists, advocates, researchers, senior levels of government, non-governmental organizations, families of individuals with reading disabilities and the people themselves that live with these disabilities.

The Commission recognizes that the very nature of this subject is deeply complex, multi-faceted, and that there is not a singular solution to the concerns raised in this report. The Commission is committed to ensuring that the intention of supporting students and their right to quality education remains the primary focus for all involved in this long-term process.

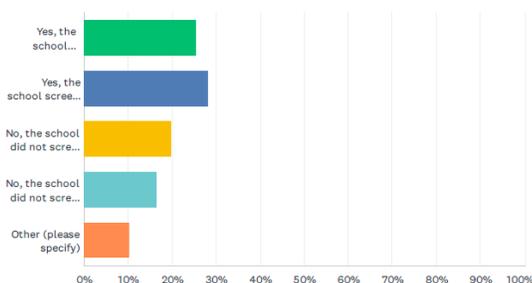
This report is a step toward engaging collaboratively and cooperatively with these organizations and individuals.

## APPENDIX A: CHARTS

Chart A1

Q26 Was the student screened at school for reading difficulties?

Answered: 146 Skipped: 39



ANSWER CHOICES	RESPONSES
Yes, the school initiated a screening of the student for reading difficulties.	25.34%
Yes, the school screened the student for reading difficulties, but only after a parent/guardian request.	28.08%
No, the school did not screen the student for reading difficulties.	19.86%
No, the school did not screen the student for reading difficulties, even after a parent/guardian request.	16.44%
Other (please specify)	10.27%
TOTAL	

Chart A2

Q30 Please choose the tool(s) that you believe should be used and the tool(s) that are currently used to screen students early for reading difficulties.

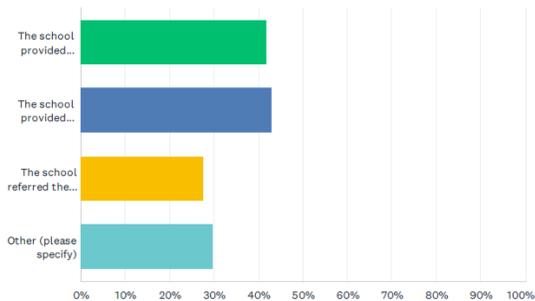
Answered: 231 Skipped: 65

	SCREENING TOOL SHOULD BE USED:	SCREENING TOOL IS CURRENTLY USED:	UNSURE	TOTAL RESPONDE
Developmental Reading Assessment (DRA)	27.47% 50	13.74% 25	67.03% 122	
Fountas & Pinnell Benchmark Assessment System (BAS)	12.22% 27	87.78% 194	9.96% 22	
PM Benchmarks	11.05% 19	23.26% 40	70.35% 121	
Observation Survey of Early Literacy Achievement	27.13% 51	12.77% 24	69.15% 130	
Running Records	25.00% 50	60.50% 121	24.50% 49	
Oral Language Assessment (OLA)	42.13% 83	12.69% 25	50.25% 99	
Dynamic Indicators of Basic Early Literacy Skills (DIBELS)	40.61% 80	4.57% 9	58.30% 115	
Comprehensive Test of Phonological Processing (CTOPP)	42.27% 82	13.92% 27	50.52% 98	
GB+	4.52% 8	28.25% 50	69.49% 123	
Alpha Jeunes	2.98% 5	3.57% 6	93.45% 157	
Le Sondage d'Observation	3.66% 6	1.83% 3	95.12% 156	
TOWRE	7.78% 13	0.60% 1	92.22% 154	
Woodcock-Johnson	19.10% 34	29.21% 52	55.62% 99	

Chart A3

Q30 How did the student's school use the results of the screening?

Answered: 91 Skipped: 94



ANSWER CHOICES	RESPONSES
The school provided reading interventions	41.76% 38
The school provided reading accommodation	42.86% 39
The school referred the the student for a psycho-educational assessment	27.47% 25
Other (please specify)	29.67% 27
Total Respondents: 91	

Chart A4 <sup>105</sup>

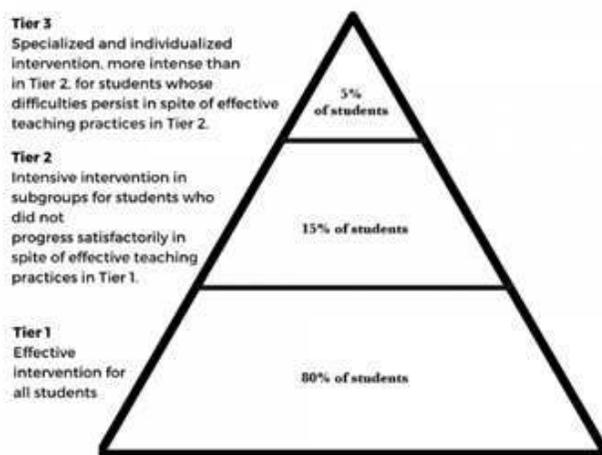


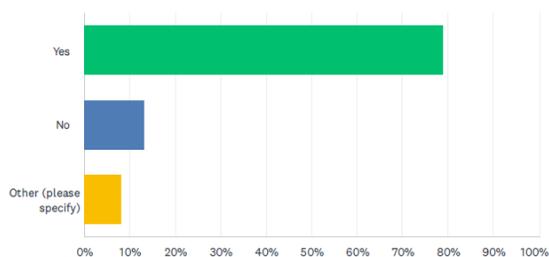
Figure 1. The Tiered Approach to Intervention; commonly referred to as Response to Intervention (RTI). Adapted from: Ontario Ministry of Education, 2011; Matattall, 2008; Katz, 2012.

105 Kyle Robinson, Dr. Nancy L. Hutchinson, "Tiered Approaches to the Education of Students with Learning Disabilities," LDAOeng (Aug. 16, 2014), Tiered Approaches to the Education of Students with Learning Disabilities - LD@school (ldatschool.ca).

Chart A5

Q45 Did the student need an accommodation to help with their reading difficulties?

Answered: 137 Skipped: 48

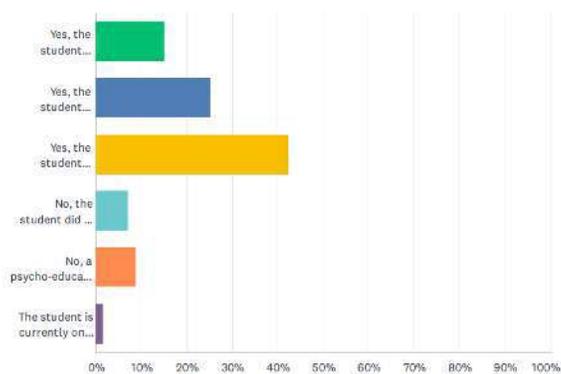


ANSWER CHOICES	RESPONSES
Yes	78.83% 108
No	13.14% 18
Other (please specify)	8.03% 11
TOTAL	137

Chart A6

Q54 Has the student received a psycho-educational assessment?

Answered: 127 Skipped: 58

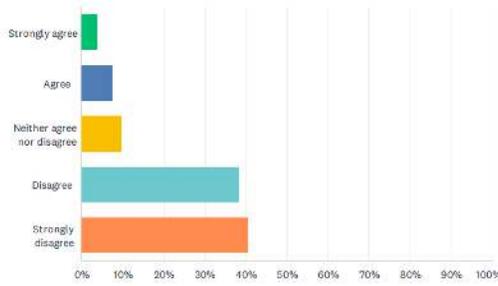


ANSWER CHOICES	RESPONSES
Yes, the student received a psycho-educational assessment through the school.	14.96% 19
Yes, the student received a psycho-educational assessment through the school only following a parent/guardian request.	25.20% 32
Yes, the student received a psycho-educational assessment, but not through the school.	42.52% 54
No, the student did not receive a psycho-educational assessment even though the parent/guardian requested it.	7.09% 9
No, a psycho-educational assessment was not requested by the parent/guardian.	8.66% 11
The student is currently on a waiting list for a psycho-educational assessment.	1.57% 2
TOTAL	127

Chart A7

Q11 After completing your Bachelor of Education, do you agree that you have the necessary skills to teach children with reading disabilities to read? If currently a teacher candidate, do you agree that you have the necessary skills to teach children with reading disabilities to read?

Answered: 214 Skipped: 82

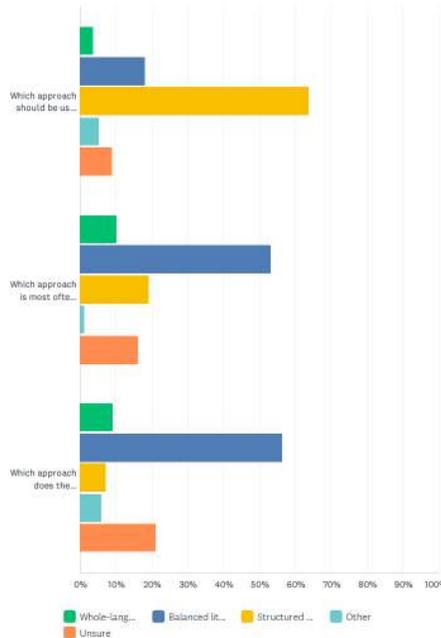


ANSWER CHOICES	RESPONSES	
Strongly agree	3.74%	8
Agree	7.48%	16
Neither agree nor disagree	9.81%	21
Disagree	38.32%	82
Strongly disagree	40.65%	87
<b>TOTAL</b>		<b>214</b>

Chart A8

Q49 For each question, please choose one approach and explain your choice. If you choose "other", please name that approach:

Answered: 166 Skipped: 130



	WHOLE-LANGUAGE	BALANCED LITERACY	STRUCTURED LITERACY	OTHER	UNSURE	TOTAL
Which approach should be used in the primary grades?	3.61% 6	18.07% 30	63.86% 106	5.42% 9	9.04% 15	166
Which approach is most often used in the primary grades?	10.24% 17	53.01% 88	19.28% 32	1.20% 2	16.27% 27	166
Which approach does the current Saskatchewan language curriculum follow?	9.09% 15	56.36% 93	7.27% 12	6.06% 10	21.21% 35	166

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- Holy Trinity RCSSD #22
- Horizon S.D. #205
- Ile A La Crosse S.D. #112
- Light of Christ RCSSD #16\*
- Living Sky S.D. #202
- Lloydminster RCSSD #89
- Lloydminster S.D. #99
- North East S.D. #200
- Northwest S.D.#203
- Northern Lights S.D. #113
- Prince Albert RCSSD #6
- Prairie South S.D. #210
- Prairie Spirit S.D. #206
- Prairie Valley S.D. #208
- Regina RCSSD #81
- Regina S.D. #4
- Saskatchewan Rivers S.D. #119
- Saskatoon S.D. #13

- St. Paul's RCSSD #20
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*\* Light of Christ RCSSD #16 was incorrectly referenced as North West RCSSD #16 in the initial publication of this report.*

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