

A Study of Northern Manitoba Principals' Perspectives
Regarding New Special Education Legislation

by

Joan Darlene Zaretsky

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University of Manitoba
Winnipeg

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Abstract

In 2005, the province of Manitoba proclaimed the first ever legislation regarding the education of students with special needs, the *Appropriate Educational Programming Amendment* to the *Public Schools Act* (Manitoba Education, Citizenship and Youth, 2005). In the accompanying regulations and standards, school principals were legally designated as the educators responsible for ensuring the application of the legislation within their school settings. In this qualitative research study, 15 school principals in northern Manitoba were interviewed regarding their perspectives as to their abilities to comply with their legislative mandates. The findings detail the principals' perspectives regarding their knowledge and application of the legislation, their identified supports, and their challenges, including imprecise terminology, contradictory influences, the role of parents, and the provision of specialized assessment. Their beliefs regarding why they must comply, repercussions of non-compliance and recommendations to the Manitoba Government to monitor their compliance are also described. Through the development of a framework, "Enabling Conditions Supporting Principals' Compliance with New Special Education Legislation: A Shared Responsibility", the necessity for principals to collaborate with the provincial government, their school division and their parent community to successfully comply with the new legislation is revealed. The need for sustained effective professional development opportunities, for clarity of terminology, roles and responsibilities and for system accountability by divisions and the province are discussed.

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At this time, I would like to thank a number of individuals who have had an impact on my life and supported me as I endeavoured to complete the doctoral program. I consider myself very fortunate to have all these people as family, colleagues and mentors.

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Lastly, I want to offer my thanks and my love to my husband Rick, who was there by my side throughout the doctoral studies process. He is my "Rock of Gibraltar" and I could never have completed this program without his love and support.

Dedication

My one regret is that neither of my parents lived to see me reach my goal of achieving my doctorate. My Mom passed away in 1996 and my Dad this past May. I truly owe them so much gratitude for the values and attitudes that they instilled in me from the time they adopted me at 6 weeks of age. I was raised to believe that anything was possible if you only set your mind to it and it has been this attitude which has supported my many accomplishments, including this doctorate. I know that they are with me at all times in my heart and soul and that we will all celebrate together upon my completion of this worthy endeavour.

I would be remiss if I did not mention my two aunts who served as my mentors and role models. Auntie Louise taught school from the time she was 19 until she was 62 and then she only retired because she had a rare form of polio. The cure was found six months after she was diagnosed. She was an elementary school principal in two schools in what is now Seven Oaks School Division in the 1950s, at a time when it was unheard of for a woman to be a principal. She was a trailblazer in her own right and she was always there to encourage me and support my teaching career. Auntie Eva was an amazing woman who lived to be 100 years of age and passed away in 2009. She had an inner strength and will to live life to its fullest which she shared openly with me on my many trips to her home in Raleigh, North Carolina. These two aunts were instrumental in giving me the strength and courage to carry on at times when the going got a little rough.

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Map of Frontier School Division, Copyright obtained from the Chief Superintendent

of Frontier School Division 357

Chapter 1

The Context

In October 2005, the Manitoba government proclaimed the first ever legislation in the province regarding the education of students with disabilities. The *Appropriate Educational Programming Amendment (AEPA)* to the *Public School Act* (The Government of Manitoba, 2005) mandated school divisions to provide not only an education for all students, but appropriate educational programming for all students within their jurisdiction. This posed a challenge to school divisions to ensure that their students were being offered the “appropriate” services to assist them in reaching their potential. Aligned with the Canadian Charter of Rights and Freedoms, the equality rights of the students in Manitoba became the principle that schools must now use in developing programs. Addressing this issue, Williams (1999) described Black-Branch’s (1995) definition of equality rights as being, “equal opportunity, wherein every child is given the chance to develop to his or her maximum potential. It also ensures access to an educational program that includes adequate facilities, resources and personnel (p. 65).” (p. 17-18). With this new legislation, school divisions are held to a higher level of accountability to meet equality obligations for their students.

At the same time as the amendment to the *Public Schools Act* was proclaimed in October 2005, the Manitoba Government released a set of accompanying regulations, which carry the force of the law. The first ever educational standards document to be published in Manitoba followed shortly thereafter in January 2006 (Manitoba Education, Citizenship and Youth, 2006). These documents were developed to offer direction to school divisions, to serve as guidelines for implementing appropriate educational programming within their service delivery models. In both the regulations and standards, school principals, as the agents of each school division, were

legally designated as being responsible for ensuring the application of the legislation within their school settings. Principals were assigned specific responsibilities which they “must ensure”¹ are carried out related to the provision of specialized assessment, parental involvement, the development of individual education plans, and other explicit aspects of special education programming. It is the school principal that is the focus of this research study.

My overall research question in this thesis asked how principals learn about, implement, and ensure compliance with, new legislation within their schools. I endeavoured to determine what this process looked like for principals who are living and working in remote northern communities and how their compliance is monitored. These Manitoba principals have the same legal responsibilities as their peers in southern communities within the province but their challenges tend to be exacerbated as a result of their geographical remoteness. Schools tend to be smaller, educating students from a bussing radius of 30 or more miles, and are situated hours away from the major urban centers in southern Manitoba. Context is a key underpinning of qualitative research (Pugach, 2002) as, “local context is central to the understanding of the phenomenon” (p. 443). In this qualitative study, I will report on the perspectives of school principals in northern Manitoba regarding compliance with their mandated roles in providing appropriate services for students with special needs. I wanted to learn more about their context and how it affects the work they do.

Before proceeding, it is important to clarify the broad application of the term *special needs* as it is used within this study and the province of Manitoba (Proactive Consulting Inc, 1999; Manitoba Education, Training and Youth, 2001). Throughout the regulations and the

¹ “Must ensure” is the legal language used in the new regulations, in contrast to the more common language of “shall” or “may” used throughout the *Public Schools Act*.

standards, the term *special needs* is used to define all students who require supports beyond differentiated instruction, adaptations and modifications within their classroom and school context. Special needs encompasses all forms of exceptional learning needs, including intellectual, physical, social and emotional. It is used to describe students who are identified as gifted and talented, as “at risk” or “struggling” learners, or as having educationally relevant disabilities. Manitoba Education, Training and Youth² (METY) suggested several advantages to using the term special needs in all consultations and documentation regarding special education in Manitoba because it follows the common organizational structure for most school divisions and districts. METY accepted the term special needs because it separated activities into either curriculum or student services and it described a range of needs that is more diverse than just disabilities. Thus, this term will be consistently used in this study to refer to students with specialized learning needs which require specialized appropriate educational programming.

There are many terms used within special education that have specific meanings and connotations to special education administrators and educators. Definitions of key concepts are found in Appendix A.

The Problem

Within Manitoba, there are three perceived issues which informed the rationale for this research. First, there were changes made to the legal responsibilities of principals in meeting the needs of their students with special needs. In the implementation of the AEPA, principals are delegated primary responsibility for meeting regulatory requirements within their schools.

Second, it is a commonly held belief that if principals are to implement mandated changes,

² The Department of Education went through three name changes from 2001 to 2010. In 2001, it was entitled Manitoba Education, Training and Youth. In 2004, it became Manitoba Education Citizenship and Youth. In 2009, the name changed to simply Manitoba Education. I will use Manitoba Education, Citizenship and Youth throughout most of the document to reference activity and resources developed when that was the appropriate title. I will use Manitoba Education (ME) in referencing provincial actions during the time period of the last year.

opportunities for professional learning about the newly mandated expectations are required to assist them in carrying out their obligations with some level of understanding and confidence. Third, the lack of collected educational indicator data by the Manitoba government makes it very difficult, if not impossible, to assess how school divisions and principals are complying with their legislative mandates.

In this study, I will report on and analyze the perspectives of principals in northern Manitoba regarding their abilities to uphold their legislated roles within the first 18 months of the implementation of the new Appropriate Educational Programming Amendment to the *Public Schools Act*.

Changed Legislative Mandates for Principals

Prior to the enactment of the AEPA, principals were held broadly accountable for many educational duties as enshrined in the *Public Schools Act*, such as Part V, 28(1), including “all matters of organization, management, instruction and discipline” within their school building. This has not changed. However, the new regulations delineated additional legislative requirements for principals specifically designed to ensure appropriate education would be provided to all students. What changed was the specificity of the newly legislated duties pertaining to issues of appropriate education as written in the *Public Schools Act*, Regulation 155/2005 and the “Education Administration Miscellaneous Provisions Regulation, amendment” Regulation 156/2005 resulting from the proclamation of the AEPA.

An example of the specificity of the new regulations would be the responsibility of the principal to ensure that students are assessed. While Part V 28(1) of the PSA states that the principal is responsible for all matters of instruction, the *Appropriate Educational Programming Regulation 155/2005* expressed duties in greater detail. It delineated that the principal not only

“must ensure” that specialized assessment takes places, but that the specialized assessment must be done in a reasonably practicable time frame and required parental consent before proceeding with its administration. It also outlined who is acceptable to administer the specialized assessments.

In my review of the literature and research, both Delaney (2003) and Levin (2003) suggested that in order to meaningfully discuss mandated legislative changes, principals needed to first be made aware of the legislation. They suggest that principals ought to be able to knowledgably discuss their mandated responsibilities, if they are to acknowledge their supports and challenges to implementing the required changes within their own school context. As agents of school boards, principals find themselves in the hierarchical position deemed responsible to implement the regulations and accompanying standards (Daniel, 1997; Kluth, Villa, & Thousand, 2002; Smith & Colon, 1998; Stewart, 1998; Valesky & Hirth, 1992). Stewart (1998) argued that in an Australian context, it is necessary that all principals be made aware of new legislation, as well as the potential implications of the legislation on their current role as school leader. Williams (1999) commented that it is advantageous to principals to:

...explore the complex legal parameters of schooling such as the Constitution because legislation governs all aspects of our professional practice. As Hurlbert and Hurlbert (1992) remind us, publicly supported school systems in Canada are creations under the law. Consequently, few decisions made by school officials are without legal ramifications which may relate to constitutional, criminal, administrative or civil law. Therefore, it is imperative that educators increase their understanding of the legal parameters of their work (p. 22).

In Manitoba, teaching is a profession which does not itself control certification³, which has no requirements for recertification and has no standards of practice or competencies for school principals. This study was designed to investigate the professional development formats used to initially instruct principals about the AEPA legislation and to keep principals informed as new legislative issues and challenges arise.

Thus, for some principals, it was anticipated that the new legislation would require changes to their existing practices. Principals were placed in a situation whereby they were being held accountable for the implementation of this new legislation at the same time that they were working within the control and constraints of their school divisions and the broader Manitoba educational context.

The Dilemma for Principals

It was through the newly developed regulations and the accompanying standards that the provincial government made the school principal accountable for ensuring that specific appropriate educational practices were undertaken. A number of regulations were prefaced with “the principal must ensure” and some of the standards specified that “the principal is required to” (see Appendix C)⁴. While the amendment to the *Public Schools Act* required school boards to assume responsibility for guaranteeing every student is provided with appropriate educational programming, the regulations and the standards delegated that responsibility to the school principal.

³ In Manitoba, in accordance with Regulation 515/88, Manitoba Education grants certification to those students who have successfully met the admission criteria, have cleared the criminal records check and who have graduated from a Manitoba university which meets the qualifications to provide courses for a Bachelor in Education.

⁴ In Appendix C, only the specific regulations and standards which pertain to the principal are documented. I have included these documents to assist with understanding the specificity of the actual language used, especially considering that the regulations have the force of law.

In light of the preparation available at the time when principals took their undergraduate degrees, it is likely that many did not have any coursework to support their teaching experiences with students with special needs, and were evidently unprepared to manage the education of students with special needs⁵ in their schools. As well, in the past in Manitoba, there was inconsistent and unclear law and policy that resulted in variation across school divisions in how students with special needs were educated. There was not always a clear direction provided to principals as to their role in supporting the educational programming for students with special needs.

Leithwood and Earl (2000) discussed the assignment of responsibility and accountability for a person holding a hierarchical role within an organization. They suggested it is, “questionable whether a person or an organization should be held accountable for matters involving a shared, causal responsibility” (p. 5). In the case of the new legislation, principals are held accountable to provide the appropriate education for all their students as a result of their leadership position. As agents of their school boards, principals face the dilemma of being designated as the individuals accountable for compliance with the regulations while the allocation of facilities, resources, and personnel are not necessarily within their control. As Leithwood and Earl noted, it is unreasonable to hold an individual, regardless of his/her hierarchical stature, “accountable for expected performances that are impossible to satisfy” (p. 4), and further, “nor is it legitimate to hold a person solely accountable for expected performances requiring a shared influence” (p. 5). This was echoed by principals at all three rounds of regional consultation meetings (MECY, 2006) which were held around the province

⁵ In today’s Bachelor of Education program, Manitoba universities are required by the Minister, but not provided in law, to include a minimum of one inclusive education course to support teacher candidates in working with students with special needs. They are also required to include a course on diversity which may address some of the above issues.

prior to the proclamation of the legislation. Manitoba Education, Citizenship and Youth were consistently informed that school divisions and principals would be placed in an untenable position if this legislation were enacted without governmental support to provide the necessary resources for implementation. Perceived shortages of required resources, both human and material, were thought to pose a major problem for principals who were being held accountable for the implementation of the regulations and accompanying standards.

The Lack of Data Collected

The underlying foundation of the AEPA, according to Manitoba Education, Citizenship and Youth (MECY), was a philosophy of inclusion (MECY, 2006). All students are to be first and foremost included within the regular classroom, unless that placement is not demonstrably appropriate for the specific student. The placement of the vast majority of students within the regular classroom generates a number of important questions: “Who are the students with special needs?” “How many students are there with special needs?” “If the creation of an Individual Education Plan (IEP) qualifies as an indicator of special needs, how many students across the province, and within each division, have an IEP?” “How many receive special educational supports?” “How are special education services provided across school divisions within Manitoba?” While school divisions develop Student Services Reports (SSRs) and submit them to Manitoba Education once every three years, these plans provide aggregated data and descriptions of what divisions as a whole are offering their students with special learning needs. Specific outcomes regarding student learning and progress within individual schools are not outlined in these plans.

Manitoba is currently the only Canadian province which does not collect any specific indicator data, other than what can be found in SSRs, to serve as indicators of compliance with

provincial legislation such as the AEPA (McRuer, personal communication, March 2007). Other provinces, including Prince Edward Island (Minister's Directive NO MD 2001-08, 2001), Nova Scotia (Aylward, Farmer, & MacDonald, 2007), New Brunswick (MacKay, 2006), and Ontario (Ontario Ministry of Education, 2003) collect extensive data used to determine compliance with their respective special education legislative requirements. The data collected assists the provinces in identifying the divisions who are struggling to comply with their legislative mandates and in developing public policy and financial policy to support them in meeting their Charter obligations.

In Manitoba, there appears to be a number of commonly held beliefs in the field of special education. One such belief is that there is an increasing concern with meeting the needs of students with special needs⁶. Unfortunately, little provincial data are collected to support this belief. This perception was one of many described by VanWalleghem (personal communication, March 2007), then the Director of the Research and Planning Branch of ME, as a "known piece of wisdom" perceptions from knowledgeable professionals in the field that lack adequate formal evidence to support or detail their perceptions. VanWalleghem indicated further that within Manitoba, due to the noticeable lack of collected data by ME, there are many "known bits of wisdom" that are used presumably in educational planning and policy making. For example, from the perspective of McRuer (March 2007), the policy analyst of the Manitoba Teachers' Society (MTS), there is a perception that the number of Individual Education Plans (IEPs) has

⁶ For the purposes of this dissertation, the language used will always represent the child first preceding the label which denotes the disability. For example rather than the "special needs student", it will be written as the "student with special needs". This is more respectful and recognizes the student as an individual first with many different characteristics. It is also in accordance with the American Psychological Association Publication Manual (2009, 6th Edition) which states "Use people-first language, and do not focus on the individual's disabling or chronic conditions" (p.76).

increased. When questioned about this, VanWalleghem (March 2007) and Blais (personal communication, February 2010) both explained that the province does not collect IEP data because there are no clear provincial definitions as to who is eligible for an IEP. They indicated that different divisions identify students for IEPs differently across the province. They concurred with McRuer's perception, indicating they also believed that the number of IEPs being developed, and that the identification of students, were increasing but they had no data to support either of these beliefs.

The only available data with regards to any aspect of special education programming in Manitoba are found in the Financial Reporting and Accounting in Manitoba Education (FRAME) documents (see Appendix D for a more detailed definition and description of the funding process). These are public funding reports based on data which all divisions are obligated to submit to ME annually. McRuer has been analyzing trends in these funding documents for the past thirty years for MTS. In his 2007 analysis, he noted that the four northern school divisions selected for this study all reported increased spending on special education over the previous five years, and that their provincial funding allocations for students with special needs had increased. As well, the funding documents revealed an increased identification of students with specialized needs who met the funding criteria for Level II and Level III exceptionalities⁷ (McRuer, March 2007). However, the province can only track those students with profound and severe exceptionalities who receive funding using the FRAME data. The number who might be considered to be students with special needs is not reported in the funding document. It was my conclusion that there was a noticeable absence of special education data and an over abundance

⁷ ME allocates categorical funding for students who demonstrate exceptionalities. Those with severe disabilities are categorized as Level II and those with profound disabilities are categorized as Level III. There are descriptions of the criteria which must be met in order to qualify for each categorical level. See Appendix D for more detailed information.

of “known pieces of wisdom” lacking empirical documentation within the province of Manitoba. It appeared that ME was not tracking critical information about Manitoba students to determine if, and how, school divisions and principals were implementing the new AEPA. The law changed but there were no mechanisms in place to track compliance.

Thus, in most provinces, compliance with legislation can be determined by referring to the indicators and data which provincial governments collect. The indicator data collected are significant in documenting accountability on both the part of the divisions and the provincial government in meeting their legislated mandates. However, in Manitoba there is very little, if any, performance or outcome data collected in terms of student, teacher, parent or divisional indicators which can be used to determine compliance. In the absence of these data, it is very difficult to establish what divisions and principals are actually doing, or to document progress made, in their attempts to comply with their legislative obligations.

Issues Principals Face in Northern Manitoba

The amendment to the *Public School Act* mandated that principals across the province must comply with the legislated requirements to ensure that their students were being provided with their equality rights as outlined in the Canadian Charter of Rights and Freedoms. Northern school principals were selected in this study because the challenges associated with them becoming informed and well equipped to implement the legislated requirements appeared to be amplified as a result of their unique geographical location.

A highlight in my role as Staff Officer of the Manitoba Teachers’ Society⁸ working with the Council of School Leaders⁹ (COSL) was a one day workshop delivered in Cranberry Portage,

⁸ In my role as a Professional Issues Staff Officer with the Manitoba Teachers’ Society, one of my responsibilities is to work collaboratively with the chairperson of the principals’ organization, the Council of School Leaders, to design professional development opportunities which meet the needs of principals in Manitoba.

open to all public school teachers, held as part of their Northern Summer Leadership Program in 2006. As I listened to the stories of the many challenges faced by principals in northern Manitoba related to their geographical isolation, I was inspired to study principals within the northern context for my dissertation. Distance and logistical barriers restricted their participation in professional development opportunities if they wished to learn more about the legislation. The high cost of travel to a central location to attend face-to-face professional learning opportunities and the time away from their schools to allow their attendance posed obstacles. The high costs involved in flying a presenter to one of the three major northern centers and the fact there are not direct flights between the centers to accommodate the attendance of principals from neighboring divisions was challenging. Travel for these principals to attend meetings, consultations and workshops is at the mercy of the airline schedules, the flight costs and/or seasonal weather conditions which affected their ability to drive to the location of the event. Some principals work in year round fly-in communities while others can be reached by road which are functional only in the summer when they are dry and winter when ice roads are established across the rivers and lakes. During spring and fall, the roads are often not safe to travel. The result is that for some principals in the North, transportation is a major barrier. Broadband internet access may work effectively in the larger centers but for schools located in remote areas, it is often unreliable and inconsistent. In some communities in northern Manitoba, problems with basic telephone service were reported in past research (Martin, 2006).

Thirty years ago in her Master's thesis addressing the legislative needs of students in Manitoba, Quarry (1990) wrote of the effect of, "diseconomies of scale induced by a thinly

⁹ The Council of School Leaders (COSL) is an adjunct organization of the Manitoba Teachers' Society and is the provincial voice for school administrators across the province. One of its mandates is to provide professional development in school leadership appropriate for all school leaders including aspiring and current principals and vice-principals.

distributed population, distance and geography” (p. 119) on the education of students with special needs. She referenced rural/urban inequities in service delivery for students with special needs, noting they were “disturbingly obvious”. This same inequity could be extrapolated in today’s world, over three decades later, to the disparity between northern and urban service delivery in meeting the needs of their students.

In the ME consultations held prior to the proclamation of the new legislation, many principals from northern schools reported the noticeable lack of needed special education support services and staff for students with special needs. Well trained, certified teachers and clinicians are considered the backbone of all effective special education programs (Hockenbury, Kauffman & Hallahan, 2000). Principals expressed concern as to how they would be able to comply with the legislation with their current funding constraints and limited accessibility to much needed special education personnel. They expressed concern that parents may express dissatisfaction with the appropriate education that was being provided for their child, requesting additional services which they were unable to provide (Hutchinson, 2002). Young, Levin and Wallin (2008) commented, “increasing legitimacy is being given to the input of parents in school policy” (p. 118) and in advocacy roles for students with special needs. Canadian case law, such as Eaton v. Brantford Board of Education (MacKay & Burt-Gerrans, 2002; Winzer, 2008), has contended that educational professionals are in the best position to determine appropriate programming. Young, Levin and Wallin (2008, p. 117) cited the work of MacKay (1995), noting, “The courts have tended to give considerable weight to the opinions and the knowledge of professional educators”. With the new AEPA, parents may demonstrate strong advocacy within the newly legislated dispute resolution process developed to support their expression of dissatisfaction. While all of the concerns expressed by the consultation participants contributed to the known

wisdom of MECY and others attending, the lack of formal evidence collected in a systematic manner to support these beliefs was noticeable.

Educators in northern regions of Canada (Barter, 2010; Wallin, 2009) recognize the influence of their geographical isolation on the size of their student populations and the resultant multiple roles they were forced to play. Because of the small size of schools in the north, many principals have partial to full time teaching responsibilities in addition to their leadership duties. A new level of complexity is added when one individual is the classroom teacher, resource teacher, secretary and principal. As a teaching principal in a school with a total staff of four, there are further challenges when attempting to provide a full continuum of alternative placements for students with special needs. There are no private schools or schools of choice in northern communities. Therefore, students are placed in the only classroom settings available to them. When the *Standards for Student Services* document (MECY, 2006) suggests that students with special needs are to be provided a full range of options for placement and instructional groupings, it does not take into account most school settings in the north.

While it is the expectation that principals from across the province comply with the legislative changes brought about by the AEPA, northern school principals were selected for this study because their struggles to become informed and to comply were more difficult than other principals elsewhere in the province. They experienced multiple challenges in their attempts to implement new legislation and their challenges were more obvious, observable and extreme. They were at a much higher risk of visibly being unable to comply with the new legislation and therefore more easily challenged by parents and/or courts when they did not meet their legislated mandates.

The Purpose of the Study

Prior to the passing of the AEPA, there was a lot of anecdotal information presented by school principals in numerous discussions in meetings and consultations held across the province (MECY, 2006). It became apparent there was a noticeable lack of formally documented data or research to support or challenge the verbally expressed needs of the principals. One purpose of this study is to document the perceptions of principals attempting to comply with the new AEPA legislation. The perspectives of principals regarding their supports and challenges experienced in attempts to comply with the new legislation have been collected and analyzed.

Another purpose in conducting this research is to examine the need for shared responsibility. While principals are designated as educational leaders with additional responsibilities, such as to ensure compliance with the new legislation, they cannot meet their legislative mandates alone. The role of school divisions and the provincial government in collecting data and using that data to provide needed supports, services and new public and financial policy must be recognized.

It could be asked whether this new law is helpful for students with special needs and further, whether it has made a difference in the programs and services provided to these students? Attempting to answer this question is beyond the scope of this current research. This study will reveal some of the perceived issues principals reported as challenges in changing roles and behaviours to meet new legislative mandates. It will address the importance of collecting data in order to know what is, and what is not, happening when school principals attempt to comply with the legislation. It will examine the issue of principals being offered varied professional learning opportunities needed to learn the basic requirements of the new legislation before they are comfortable about implementing changes to current practices. The dilemma

many northern principals face in their attempts to fulfill their legal responsibilities taking into consideration their divisional constraints and their geographical isolation supports the need for this research study.

To summarize, the special education legislation has changed, mandating new responsibilities for school divisions and principals within the realm of providing appropriate educational programming for all students. Principals in northern Manitoba were selected because of the extreme challenges they face in their attempts to implement this new legislation. Manitoba Education (ME) is not currently monitoring the implementation of the new legislation nor collecting indicator data to ensure compliance with the legislation. This qualitative research study focuses on the documentation and analysis of the perceptions of northern Manitoba principals regarding the mandated changes to their roles and their school contexts in their attempts to comply with the newly proclaimed Appropriate Educational Programming Amendment. The principals' perspectives of the supports and challenges they experience in their role as school principals attempting compliance are examined.

The Research Questions

In this research study, the perspectives of northern Manitoba school principals' knowledge of the newly mandated AEPA legislation and their perceptions of their ability to comply with the new legislation are examined. The supports and challenges they perceived as having a significant impact on their ability to comply were documented.

Specifically, the main research questions in this study are:

1. How did principals in northern Manitoba learn about the requirements mandated by the AEPA?

2. What supports do principals believe are in place in their role as principal attempting to implement the new AEPA legislation?
3. What challenges do they see in their role as principal for their schools in meeting the requirements of the new AEPA legislation?
4. How did principals believe that compliance could be best determined and/or measured by the provincial government?
5. What did the principals perceive would be the consequences of non-compliance to ensuring appropriate educational programming?

Methodology

In-depth individual interviews were conducted in the natural home setting of the informants (Bogdan & Knopp Bicklen, 2003, 2007; Merriam & Associates, 2002) in this qualitative research study. The interview protocol (Seidman, 2006) was designed to focus specifically on the issues identified by the school principals as being significant to their capacity to comply with the new legislation.

Fifteen school principals were interviewed in the four school divisions recognized by ME as being northern divisions, including Flin Flon, Frontier, Kelsey, and Mystery Lake¹⁰. In order to ensure that there was representation from all four school divisions, a stratified random sampling strategy was used to select informants (Cohen, Manion, & Morrison, 2000). For each informant, the interview data was transcribed and analyzed using the constant comparison method (Bogdan & Knopp Bicklen, 2003; Grady, 1998; Kirby, Greaves, & Reid, 2007). Common themes surfaced after data reduction and a process of intensive categorizing and coding of the data. The themes and sub-categories are presented in the findings.

¹⁰ Permission has been received from divisional superintendents to use the names of the school divisions within this dissertation.

The Significance of the Study

This study will be of significance because of the current scarcity of Canadian research in special education in general, but especially regarding the role of the school principal and school divisions in complying with provincial legislation. Data are collected annually in some Canadian jurisdictions to support the provincial accountability in meeting the Constitutional needs of their students. In the United States, data regarding the American states' compliance with their federal *Individuals with Disabilities Education Act* (IDEA) are collected annually. Their data serves as a determinant in the Federal funding received by the state to support their programming for their students with special needs. The annual tracking of state compliance is the responsibility of the United States Department of Education (Daniel, 1997; Kluth, Villa, & Thousand, 2002; Quarry, 1990). The National Council on Disability (2000) analyzed the data and found, "every state was out of compliance with the requirements of the Individuals with Disabilities Education Act and that U.S. officials are not enforcing compliance" (Kluth, Villa, & Thousand, p.24). However, no research was found regarding the compliance of Canadian provinces with their specific provincial legislation supporting the appropriate educational programming of all students.

There is also a shortage of research regarding effective professional learning strategies for principals situated in geographically northern remote areas in Canada. The financial cost of travel for training, the workload repercussions of leaving the school for the days required for the travel and training, the inconsistent access to broadband internet access in northern Manitoba and other factors created barriers to receiving professional knowledge regarding the AEPA legislation and keeping open lines of communication as new issues arise. While some research has been conducted in the fields of medicine regarding the provision of continuing medical education to practitioners working in professional isolation (Engel, Browne, Nyarango, Akor,

Khwaja, Karim, & Towle, 1992; Laidlaw, Harden, & Morris, 1991; Shahabudin, 1990; Shahabudin & Edariah, 1991), there is little parallel Canadian research available in the field of education.

This study is of personal significance because of my work as a Professional Issues Staff Officer with the Manitoba Teachers' Society with the portfolio of Special Education. As a bureaucratic employee in a professional union, I am responsible for supporting the needs of our teacher and administrator members in the implementation of the AEPA. By proactively providing effective professional development to school administrators, many teacher welfare conflicts and personnel challenges have been avoided. It is my role to continue to support school principals across the province in their understanding, and their attempts to comply with, their newly mandated regulatory duties. As such, principals in the northern parts of the province provide the Society with the greatest challenge because of their isolation and their restricted funding for professional learning. I believe these factors impede their abilities to meet mandated requirements. Thus, this research is especially significant to support my ongoing union work and to provide some new directions for teacher unions across the country.

Given the mandated legal and policy changes in the job expectations of principals and the specific issues which principals in northern Manitoba face, qualitative research methods were selected for this study. As such, there will not be causal linkages explored but rather this study will attempt to contribute to a practical knowledge base and to add to the theoretical knowledge bases of inclusive special education, educational leadership, and policy implementation. Although the findings cannot be generalized across broad populations, they certainly reflect some of the possibilities of supports and challenges many principals face on a day to day basis in

attempting to provide appropriate educational programming for their students. Quarry (1990) noted:

The issue of the unmet needs of exceptional children has received substantial attention in Canadian journals and other publications whose audience is ‘special educators’ and, to a lesser degree, by Canadian writers interested in the larger field of human rights and children’s rights (p. 31).

Similar to Murphy’s (2000) explanation of the value of his work, this research dissertation will, “help to ground discussions about the changing vistas in this area and to provide some clues about important influences that will be at play” as special education in Manitoba “takes shape in the schools of the twenty-first century” (p. 80).

In conclusion, with the proclamation of the newly legislated “Appropriate Educational Programming Amendment” to the *Public Schools Act* and the accompanying regulations and standards, I conducted this qualitative research study in order to examine the perspectives and experiences of principals attempting to comply with their new legal mandates. Principals in northern Manitoba were selected as the informants because of their unique challenges in complying with the new legislation. The data collected and analyzed will be helpful in informing the educational community regarding issues in inclusive special education, policy implementation, educational leadership, and professional development which need to be addressed in order to ensure compliance with new legislation such as the AEPA in remote northern Canadian educational settings.

In Chapter Two, a more descriptive and detailed review of the literature surrounding the many issues explored within this study will be provided. These issues include the legislative structure of education in Canada, the history of special education in Canada and Manitoba, the

influences which support principals in interpreting their role, and challenges of rural and remote education in Canada. In Chapter Three, I provide a detailed outline of the research methodology used to conduct this study. The demographics of the informants interviewed, their schools and their divisions, the context of the research study, are examined in Chapter Four. In Chapter Five, the findings chapter, I present recurring themes in response to the interview questions. Chapter Six concludes the study as I introduce a framework collating the findings and its implications for practice and future research to further develop the issues which surfaced in this study.

Chapter 2

The Literature in Review

Ultimately, special education can only succeed as a concept, as a principle, and most importantly as a practice, through the actions of professionals who are committed to the belief that every student has the right to the best that schooling can offer (Weber & Bennett, 2004, Foreward).

In this literature review, I set the historical context upon which the research study was based, “linking between what is known in the past about the topic and what is discovered in the present research” (Glatthorn & Joyner, 2005, p. 17). In this chapter, I will discuss four aspects of the relevant special education literature that served to inform and frame this research. These are: (a) the historical development of special education in Canada and Manitoba, highlighting developments in three timeframes or eras; (b) the changing role of the school principal in the provision of special education programming; (c) factors which influence how principals interpret their leadership role; and (d) common issues and challenges in the provision of education to students in rural and northern geographical contexts. The brief discussions of these four topics reflect the major issues and lay the groundwork for understanding the perspectives of the principals in this study in their attempts to implement the AEPA.

An understanding of legislative terminology and the hierarchy of law is significant in setting the stage for conceiving the ultimate power held by the *Canadian Charter of Rights and Freedoms* within Canadian and provincial legislation. Appendix E describes the hierarchy of legislation, common legislative terminology and comments briefly on some important differences in legislative jurisdiction within Canada and the United States regarding governmental responsibility for education. As Young, Levin and Wallin (2007) have noted,

Canada is the only industrial country with no federal office or department of education. This fact has resulted in unique approaches to the development of educational legislation province by province. However, there is one important similarity between Canada and the United States - the Supreme Court rulings in both countries, “are of tremendous importance because they establish the legal standard for, and must be followed throughout, the entire country” (Yell, Ryan, Rozalski, & Katsiyannis, 2009, p. 69). Sussel and Manley-Casimir (1986) suggested that the Canadian Supreme Court may become recognized as the “National School Board” as they “set uniform national educational standards in areas traditionally subject to diverse provincial and local policies and practices” (p. 314). Sussel and Manley-Casimir make it clear, “the court, while recognizing regional, provincial or local variations in educational practice, will ask that essential constitutional requirements be observed” (p. 326). Thus, in order to facilitate the flow of this Chapter, an introductory presentation on legislation and legal terminology can be found in Appendix E.

The Historical Development of Special Education in Canada and Manitoba

Winzer (2008), commenting on the historical aspects of special education in Canada, noted:

...changes in special education are not always neat and may require many detours.

Policy implementation is not so much an event but a process that is slow, multifaceted, and incremental, one that is ongoing and influenced by many external forces that include legislation, politics, medicine, ethics and economics, to mention only a few (p. 39).

In this first section, I will briefly highlight some key milestones in the historical development of special education within Canada and Manitoba. There will be three timeframes or eras used to organize the historical events and practices: (a) Pre-1970 Exclusion and Segregation; (b) 1970-

1985 Parent Activism and the Mainstreaming Movement; and (c) Post 1985 Inclusion. This section will conclude with a discussion of the value of public accountability and compliance monitoring of legislative mandates. With this historical review, I provide the foundation upon which the new legislation was developed and offer some insight into the past experiences of school divisions and principals.

The History of Special Education in Canada and Manitoba

There were a number of common patterns which unfolded across Canada and Manitoba, but at different rates, with regards to the education of students with special needs. As Lupart (1998) noted, “Starting from the general position of separation and educational neglect at the turn of the century, students with exceptional learning needs have gradually become integrated into the regular education community” (p. 253). Legislative development and service delivery in Manitoba for students with special needs passed through the same stages as in other parts of Canada but at a slower pace than in other provinces. I will review these general trends and the historical legislative development by referencing events and practices within meaningful timeframes. It should be kept in mind that while:

...all the Canadian provinces and territories have policies regarding special education, it is difficult to make any broad statements about inclusive schooling across the whole of Canada. Not only is education a provincial responsibility, but on the Canadian vista the literature and research sources offering national perspectives on inclusion remain quite limited (Winzer, 2008, p. 48-49).

There is a noticeable absence of literature on the history of special education in Canada and Manitoba in particular, and so many of the references used in this section tend to be of a non-research basis. Generally the information has been gathered from undergraduate textbooks and

one special edition of *Exceptionality Education Canada* (2001) which highlighted the development of special education province by province.

Pre-1970: Exclusion and segregation. Burge, Ouellette-Kuntz and Hutchinson (2008), drawing on the work of Simmons (1982), commented the, “history of education for individuals with intellectual disabilities began in Canada in the 19th century when they were consigned to psychiatric hospitals, usually residential institutions” (p. 3-4). In the early decades of the twentieth century, Canadian children with special needs generally experienced exclusion from the regular school setting. Children with sensory impairments were often placed in institutions or raised at home by their parents (Winzer, 2008; Young, Levin, & Wallin, 2008). For example, children who were blind and/or deaf generally attended a residential school located within their province but not necessarily their home town or city. For some provinces, such as Manitoba, there were no provincial institutions available for students who were blind. Manitoba children who were blind were forced to reside in an institution in Brantford, Ontario. These students were sent away at young ages to attend schools in another province. These programs were governed by the provincial departments of education (Winzer, 2008). Weber and Bennett (2004) commented:

Although some of the teaching methods used in the institutions seem odd today, and although the language and terminology make contemporary educators wince, the mere existence of residential schools was a striking development for the time, especially in light of the fact that educating the so called “normal” population was still far from universal” (p. 8).

Andrews and Lupart (1993) noted it was not until the 20th century that school records reveal Canadian children with special needs were allowed to enroll in public schools within

segregated classrooms. In 1906, the first specialized day classes were set up for students who were “described in the parlance of the day as deaf and dumb, blind, and idiotic or feeble-minded” (Winzer, 2008, p. 66). Children with physical impairments were generally dealt with on an individual case by case basis. Some attended special segregated schools while others were placed within specialized classrooms within regular schools, depending upon the number of students clustered in one setting and their specific impairment. In the 1950s the polio epidemic and in the 1960s the rubella epidemic increased the demand for special education services (Winzer, 2008). In some cases, itinerant teachers were sent to the homes of those children who had experienced polio. Instruction for these students was generally aimed at providing “industrial training” with the ultimate goal being independence for the students (Weber & Bennett, 2004). There was the belief that those students who were profoundly or severely disabled were “seen as poor candidates for education on the premise that it served little purpose, and offered only minimal return to society” (Weber & Bennett, p. 9). Blais and Van Camp (2005) summed up the service delivery for students with special needs in the 1950s and 1960s with their comment that students “fit the system, left the system or were excluded from it” (p.4).

While the “societal benefit factor” may have been low as viewed by many of the public, a new humanism emerged in the 1950s which supported the concept of normalization. Weber and Bennett noted:

The principle of normalization was championed in Canada by Wolf Wolfensberger through the National Institute on Mental Retardation (now the G. Allen Roeher Institute). In essence, normalization argues against institutionalization and contends that persons with special needs should be viewed more by the points on which they are similar to others, rather than by those on which they differ. The philosophy of normalization holds

that once exceptional persons are integrated into mainstream society, they will take on the behaviours of the norm because they will have more normal models to follow” (p. 10).

In the 1960s and 1970s, teachers and school divisions began to recognize the need to move from the traditional medical model which emphasized the limitations of the student, and “student classification, standardized assessment and separate, remedial intervention” (Lupart, 1998, p. 254) to a more holistic model. Weber and Bennett discussed the move to:

...an ecological view incorporating the whole person, a perspective that takes note of what an exceptional student can do in addition to what is hard or impossible to do. Whereas in the medical model approach, a teacher is expected to defer to some greater, outside expertise, the ecological focus grants them the right to exercise their considerable intuition, knowledge and experience. An important consequence of the latter approach is that students with special needs are seen as educable entities, not as custodial, medical cases for whom intellectual development and learning are secondary to coping with a handicap (p. 10-11).

Philpott (2007) wrote of the move from the “diagnostic/prescriptive medical model view” to one which “empowers the classroom teacher with the knowledge and skills to identify the authentic learning needs of students and to differentiate instruction to respond to those needs” (p. 3).

While this shift started in the 1970s, its’ implementation is still in various stages across the country (Philpott, 2007).

Legislation development. In Manitoba, legislation prior to 1958 supported a service delivery model which could be depicted as a time of “exclusion and separatism” (Blais & Van Camp, 2005). Until 1958, there were two pertinent sections of the *Public Schools Act* which were relevant to students with special needs attending school, Section 237 (2) which stated:

Every person between the ages of six and twenty-one shall have the right to attend school.

and Section 291:

Where the board of trustees of a school district have reason to believe that a person attending a school of the district is a mental defective within the meaning of the *Mental Deficiency Act*, it may, by resolution, prohibit that person from attending or entering the school, and that person shall not be entitled to attend or enter any school of the district until he presents to the board a certificate from two physicians, or from the medial superintendent of the psychopathic ward as defined in the *Mental Diseases Act* that he is not a mental defective (Blais & Van Camp, 2006, p. 4).

It is interesting to note the language which was used at that time to describe students with special needs referred solely to intellectual disability. This legislation had the effect of excluding students rather than including them.

One of the first studies done in Manitoba by the provincial government that addressed issues related to special education was the “McFarlane Commission”. It was completed in 1957-58. One outcome of the Commission was that in 1959, school divisions were formed by consolidating the many small school authorities across the province, which “brought about much needed development” and “set the stage for change in education” (Blais & Van Camp, 2005, p. 4). The McFarlane Commission, as cited by Blais and Van Camp (2005) noted:

...existing services were totally inadequate...that school divisions should provide facilities and teachers for mentally handicapped students based on provincial grants and

that a supervisor of special education be appointed for the Department of Education (p. 4).

In 1965, Bill 16 was passed by the government of the day. Bill 16 was the first enacted legislation which changed the school division's obligation to educate students with special needs in Manitoba. This Bill repealed the section of the *Public Schools Act* excluding so-called mental defectives. According to Blais and Van Camp (2005), school divisions were given a grace period of one year to assume responsibility for the provision of educational services, defined as buildings and teachers, for students who were considered "mentally retarded". In 1967, as a result of Bill 16, provincial policy was developed which eliminated the segregation of 'mentally retarded' children and mandated mainstreaming within the regular classroom.

Parental and advocacy group support. Concurrent to the development of legislation, parents, whether advocating on behalf of their own children, or forming coalitions to support their views and beliefs, played a key role in the history of special education in Canada (Weber & Bennett, 2004) and in Manitoba. As Burge et al. (2008) noted, "The institutional era began to draw to a close with the rise of organized parental and other pressure groups in the 1950s (Brown & Radford, 2007)" (p. 4). The pressures exerted by Manitoba parents and families forced school divisions and the provincial government to justify how they were meeting the needs of their children (Lutfiyya & VanWalleghem, 2001).

Lutfiyya and VanWalleghem (2001) highlighted in the 1950s, "children either stayed at home with their families or attended a residential asylum or a private, parent run school" (p. 80). In the early 1950s, a group of parents in Winnipeg began to provide their own schooling for their children. Lutfiyya and VanWalleghem noted:

Incorporated in 1953, they were running three elementary classrooms by 1955. 173 pupils attended, most on a part-time basis. The parents carpooled the children to the school and often taught the classes themselves. They raised funds and built the Kinsman School in 1957 (p. 81).

The provincial government began to provide partial funding to support the education of these students. Parents were still required to contribute their own personal funds which were often offset by fundraising activities. There were many challenges involved in running these schools but the parents persisted and with the help of the then Manitoba Association of the Mentally Retarded, continued to offer day and summer programs for their children.

Blais and Van Camp (2005) observed that in the period 1958-1959, parents began to vocalize their concerns and demands for improved services for their children. They commented on the influence of families who were highly visible in the public eye in terms of their role in exerting pressure to support increased services for students with special needs. Winzer (2008) noted, "Canadian educational issues – legislative, administrative, and curricular – are directly influenced by events, philosophies and pedagogy from the United States" (p. 51). The publicity generated by the wealthy and influential Kennedy family, living in the United States, having a child who was disabled, served as a major influence all across North America to support children with disabilities. President John F. Kennedy, in response to his sister, struck the Presidential Committee on Mental Retardation. This Committee acknowledged and gave credence to the parental movement for improved community based services. His family provided extensive funding for research and made it easier to talk in public places about children and adults who were mentally retarded to use the language which was in place at that time.

In 1959, the Canadian Association for the Mentally Retarded (CAMR) was the first national advocacy group established by parents of children with intellectual disabilities. It was the first formalized parent advocacy group for children with special needs. It began with the mission to exert overt pressure on the school system to include their children in schools (Blais & Van Camp, 2005). This organization served, and continues to serve¹¹, as a support group to parents across Canada, with local chapters within each province.

In some cases, for students being educated in regular schools, there were some accommodations made to support their physical presence and their learning. In other settings, it was expected that these students would receive the same instruction and assessment as regular students. In whatever setting students were being educated, there was very little discussion of indicators or accountability as to whether or not the schools were meeting the educational needs of the students. Families generally accepted that their children were being provided with the best possible instruction in their day. Legislation was very permissive, generally stating that students between the ages of 5 and 16 had a right to an education. It did not specify any specific requirements regarding the quality of that education. In a span of twenty years, “government policies across the continent changed from building and expanding care-based facilities to strategies that saw these centres being closed and the residents being included in their communities” (Weber & Bennett, 2004, p. 10).

1970 – 1985: Parent activism and the mainstreaming movement. In general, children with special needs went from exclusion to attempts made to provide segregated programming on an individual basis according to their needs in the 1970s. There were some major attitudinal and philosophical shifts during this era (Williams, 2000). The Equality section of the *Canadian*

¹¹ It continues under its newer name, the Canadian Association for Community Living, which came into effect in 1985.

Charter of Rights and Freedoms was enacted in 1985 as a result of the repatriation of the Canadian Constitution. Provincial governments began to provide some funding for students with special needs and to recognize a responsibility to educate these students within the regular classroom with all other students. The focus was on “normalization and deinstitutionalization” (Williams, 2000, p. 5).

Legislative development. In 1971, the United Nations passed the Declaration of the Rights of the Mentally Retarded. This declaration supported the mentally retarded in being “given the same rights as other human beings, including access to education, instruction and guidance, which will help them develop their aptitudes and capabilities” (Poirer & Goguen, 1986). Even though Canada ratified this declaration, the declaration provided only guidelines with no binding legal authority for countries to follow it. Poirer and Goguen (1986) commented that “Canada does not customarily recognize international law as part of its internal law and education is a matter of provincial jurisdiction” (p. 233), resulting in selective provincial implementation of its suggested practices.

Williams (1999) differentiated between the two types of legislation developed to support these trends:

The provinces and territories have dealt with the right to education for exceptional learners in two ways: first, through mandatory legislation, which requires school boards to provide educational services to all children, regardless of their special needs; and second, through permissive legislation, which permits school boards to provide these education services. Prior to 1970, Nova Scotia was the only province to have mandatory legislation that required school boards to make educational provisions for exceptional learners (p. 46).

During the 1970s, Saskatchewan, Quebec and Newfoundland enacted mandatory legislation guaranteeing educational provisions for children with special needs. Between 1980 and 1989, Ontario, Manitoba, New Brunswick and Alberta passed permissive legislation mandating education for students with special needs under a specific school division's jurisdiction (Williams, 1999). Poirer and Goguen (1986) commented on the different in duties between school boards in provinces with permissive and mandatory legislation:

Even when money is scarce and budgetary restrictions and cuts are envisaged, school boards in provinces with mandatory legislation may not abandon their duties under these statutes unless the legislation is modified by the legislature whereas those in a province with permissive legislation is free to do so (p. 234).

Permissive legislation allowed divisions discretion in the services and programs they provided for their students with special needs. The result was differential treatment of students with special needs depending upon not only the province in which they lived, but also their geographical location within the same province (Burge, Ouellette-Kuntz, & Hutchinson, 2008; Winzer, 2008). Winzer noted, "provinces and territories have tailored programs to suit their particular philosophies and resources" (p. 49).

Andrews and Lupart (1993) completed a detailed analysis of the legislative provisions governing education for special education students within Canada. They reviewed the differences between the provisions of mandatory and permissive legislation province by province and specifically examined the legislation from the perspectives of appropriate education and right to resources. Following their critique, Williams (1999) suggested:

legislation which ensures the right of exceptional learners to an education does not guarantee that the education provided will be the most appropriate with regard to individual strengths or needs, or delivered in the least restrictive environment (p. 47).

There was a need to shift all provinces to mandatory legislation from the more lenient permissive legislation if the mandate of the soon to be enacted Equality section of the Charter was to be achieved. Provinces had a three year period from the passing of the Charter in 1982 to its enactment and the proclamation of the Equality rights section in 1985 to align their legislation with the new mandates.

In 1975, the Manitoba Legislative Assembly passed Bill 58 as a result of a special education working group who had studied the needs of students with special needs and recommended changes. Bill 58 established an initial legal framework for special education within the province of Manitoba. Lutfiyya and VanWalleghem (2001) noted it was recommended, "Every school board shall promote or make provision for the education of all resident persons who have a right to attend school and who require special programs for their education (p. 82). The passing of this Bill would have placed Manitoba in the forefront of many Canadian provinces in terms of establishing a legal framework for special education within the Manitoba public schools (McRuer, 2006). Many school divisions enlarged their service delivery for students with special needs by hiring additional qualified resource teachers and other clinical staff in anticipation of its proclamation. This Bill played a major role in stimulating divisions to provide specialized services which were not part of their regular classroom service delivery models prior to its inception. The Bill 58 Public Schools Amendment addressed many of the same key provisions as the major American P.L. 142 legislation which had recently passed in the United States (Quarry, 1990). Because school boards were concerned with their ability to

comply with the Bill, the government had agreed to give them five years to develop facilities and programs prior to the proclamation of the Bill. “During the five year enabling period before the expected proclamation of Bill 58, a discussion paper and two substantial surveys were published by the Department of Education and the interdepartmental working group” (Quarry, 1990, p. 138).

However, in 1977, a new government came into power. It abandoned Bill 58 and shifted the public policy stance from a legal framework to a fiscal framework (McRuer, 2006; Quarry, 1990). Quarry noted that “The Minister of Education identified a sense of financial jeopardy rather than an ideological position regarding exceptional children as the motivation behind the decision to repeal rather than to proclaim Bill 58” (p. 163). The new government chose to insert specific mechanisms for the funding of children with special needs within the provincial public school finance model of the day, to rework the Public Schools Act and to abandon the Bill 58 Amendments (Lutfiyya & VanWalleghem, 2001; McRuer, 2006; Quarry, 1990).

The integration of students with special needs within neighborhood schools was often viewed as an added responsibility for teachers and principals. A major change for educators was the integration of students with special needs from an inclusive perspective. Lupart, Loreman and McGhie-Richmond (2010) commented, “The onus for change had to shift from the individual student fitting into the school programs offered to schools making the necessary changes to ensure learning success for all students” (p. 3). As Hutchinson (2002) noted, there was a need to reframe the question from “how do I individualize for these students, an impossible task, to *how do I adapt my teaching to include these exceptional individuals?*”(italics in original, p. xvi). Winzer (2008) commented on the differences connoted between the terms mainstreaming or integration and inclusion:

Advocates of inclusive schooling argue that the social-cultural realities of mainstreaming and integration are that one group is viewed as the “mainstream” and one group is not; hence, one group has to “push in” to the activities and settings occupied by the other. In other words, integration and mainstreaming sought to change individuals to fit the existing system; inclusion seeks to change the system so that exclusion and marginalization are avoided (p. 43).

During this era, there were many improvements made to the education possibilities for students with special needs. Parents continued to be the watchdogs promoting change. Students were generally physically included within neighborhood schools as long as they fit into the school system. School divisions continued to be spurred by potential legislative mandates which never materialized. Between the years 1959 and 1998, a series of ten provincial studies were commissioned in Manitoba regarding the education of students with special needs (Quarry, 1990). These studies made multiple recommendations regarding legislation to address placement and programming, but none were formally legislated or developed into regulations to enforce the changes suggested.

Parent and advocacy group support. Despite these legislative changes, growing parental dissatisfaction with educational practices remained. Parents continued to push the government and school divisions to improve their service delivery and as of 1985, to recognize the Charter rights of all students, including those with special needs. Weber and Bennett (2004) commented “The strength and sophistication of lobbying efforts by groups...has been instrumental for decades now in motivating educational jurisdictions to improve the lot of exceptional students” (p. 11).

It was the parents of students with intellectual disabilities who first began to pressure the school system to acknowledge, accept, and accommodate their children. Advocacy groups such as the Canadian Association for the Mentally Retarded started to lobby schools and the provincial government for specialized services. They lobbied for special classes and certified teachers to ensure their children were given a proper education. There were a number of precedent-setting case law decisions resulting from the Charter of Rights and Freedoms, provincial legislation and the provincial Human Rights Codes. These cases informed provinces how to proceed with some issues. Winzer (2008) commented, “Litigation influence has altered public policy and the functioning of the school system in areas as diverse as architectural barriers, residential facilities, custody of children, life management and sterilization, inclusion, assessment and classification, and appropriate educational practices” (p. 55). In many cases, case law provided the provinces and territories with the impetus to update their practices and their legislation to accommodate the latest decision.

In 1970, the Canadian Enquiry into Learning Disorders in Children released a national report entitled *One Million Children* (Pivik, McComas, & Laflamme, 2002; Philpott, 2007). This report revealed that “large numbers of students were not being served appropriately by schools because insufficient efforts were being made to meet their particular needs” (Young, Levin, & Wallin, 2008, p. 239). Commissioned as a result of the lobbying efforts of parents and advocacy groups, the report “called for increased integration and improved programming based on individual rather than group needs” (Philpott, 2007, p. 4; Andrews & Lupart, 2000; Smith, Polloway, Patton, Dowdy, & Heath, 2001). Parents used the report to set in motion the need for schools and provincial governments to change their legislation and “provided the first real endorsement of the integration of students with exceptionalities into general classrooms”

(Winzer, 2008, p. 67). Students across the country were returned to their home neighborhood schools from their institutionalized settings. Pivik et al. (2002) commented that “this first step has led to the current laws of protection and equality detailed in the *Canadian Charter of Rights and Freedoms*” (p. 97).

In 1970, the Manitoba Association for Children with Learning Disabilities formed as an advocacy and parent support group and directed their efforts at the government of the day. Shortly thereafter, in 1971, advocacy groups such as the Council for Exceptional Children and Manitoba Association for Children with Learning Disabilities began to sponsor workshops and conferences for parents and educators to discuss the challenges of integrating students with special needs into regular classrooms and other educational issues.

In most provinces, school divisions developed a special education administrator position. In 1970, the Manitoba government increased their provincial funding to support the hiring of Special Education Coordinators in every school divisions. This individual was given the task of developing specialized programming and meeting with parents to report decisions made by the school division. Young, Levin and Wallin (2007) commented on other massive changes to the special education system in the 1970s:

New programs and classes were created for special-needs students. New categories of teachers, such as resource teachers and behavioural class teachers were also created with different certification requirements in some provinces. Extensive professional development programs were offered to teachers. Universities established special education programs and departments, journals began to publish and research programs developed. Provinces created special education branches and provided targeted funding to support special education programs and staff (p. 240).

In 1972, the Manitoba Government developed a categorical funding system, offering divisions specific funding allocations for student with severe to profound special needs (labeled as low incidence, Level II and III funding) as well as providing additional funding for those students with mild to moderate special needs (labeled as high incidence, Level I).

There were many inroads made in the service delivery and instructional practices for students with special needs during this period. Both pressure from parents and the many legislative changes supported the movement from segregation to integration and set the stage for inclusion to follow.

Post 1985: Inclusion. From the 1970s to the start of the next century, there were often competing philosophies affecting what services to provide students with special needs, how to best provide it, by whom and in which setting. There have been a number of litigation cases where there were differing perceptions between the school and the parents as to what constituted an appropriate program for their child. While some parents want their children placed within the regular classroom in an attempt to “normalize” their educational experience (Hutchinson, 2002; Winzer, 2008), other parents wanted their children placed in specialized classrooms which they believed could better address the unique special needs of their children (MacKay, 2002). Williams and MacMillan (2001) discussed the “polarized views on student placement” and the confusion it creates for the judiciary system attempting to grant equality rights when parents and advocacy groups are not consistently advocating for the same desired endpoint. As Burge et al. (2008) reflected:

A review of the educational policies and procedures in the provinces and territories in Canada shows that inclusion of students with disabilities in regular classrooms is a dominant policy (Hutchinson, 2007), although most jurisdictions maintain segregated

classes for those students who are deemed to benefit from such placements (Bunch & Valeo, 2004) or whose parents prefer such placements (Ontario Ministry of Education, 2000) (p. 2).

In 1995, the Emily Eaton case was a milestone case in that it went to the Supreme Court of Canada, where it was “decided that an individual child’s needs are to be considered to determine the most appropriate placement from a range of options” (Winzer, 2008, p. 56).

Today it is recognized:

Case-by-case decisions are consistent with the essence of special education; rather than a blanket policy, the special needs of each pupil must be carefully assessed and the most appropriate educational placement for that child judged. Opting for participation in any program is justified only if such programming meets the needs, wishes and interests of the student (Winzer, 2008, p. 49).

While the need for individual consideration for placement and programming has become accepted, the question still arises as to who should be responsible to fund some of the programming deemed appropriate for some students. This debate is ongoing when one considers the recent Supreme Court decision in Auton v. British Columbia (Young, Levin, & Wallin, 2008) in 2000. While for some autistic students, specialized programming is funded by the Department of Health during preschool years, the funding required to continue this programming is shifted to the Department of Education once the student enters the public school system. In the case of Auton, the cost of providing the Lovaas Autism Treatment posed a burden to the education system. In some provinces, there are intersectoral responsibilities assumed by different government departments but there is inconsistency across the country on this issue.

As teachers were expected to employ more adaptations and modifications to support students' needs, there was a general movement of students from segregated schools to segregated classrooms within regular schools to today's model where almost all students are physically included within the regular classroom in their neighborhood school. Canada, as a country, has witnessed a common sequence in the placement of students with special needs. Student placement has progressed at different rates through the stages of institutionalization, segregated schools, segregated classrooms, physical integration into regular classrooms and currently, the philosophical inclusion with almost all students in regular classrooms (Andrews & Lupart, 1993; Hutchinson, 2002; Winzer, 2008).

Legislation development. Layered on the above discussion is the role of provincial and territorial governments to develop special education legislation in their thirteen unique jurisdictions as well as by the Federal Government being responsible to support education for all First Nations students. Several writers noted the variation across these jurisdictions as each province and territory were allowed to develop their own unique legislation regarding specific educational rights including accessing and qualifying for supports regarding assessment, placement, appropriate curriculum and adaptations, clinical services, ancillary supports and professional development for educators (Hutchinson, 2002; Winzer, 2008). Winzer commented:

Each of the ten provinces and three territories has its own school system based upon provincial or territorial education legislation that springs from diverse sources – federal and provincial constitutional provisions, federal and provincial statutory law, administrative rules and regulations, and case law (p. 54).

Manitoba followed the same sequence in the placement of students within their educational system but at its own pace.

Following Bill 16 in 1957, there was more than four decades in which school divisions were basically given total autonomy to develop their own policies regarding the education of students with special needs, with little interference or direction from the Manitoba Government. McRuer (2006) referred to the period of 1980-2005 as the “Do the Best You Can” era. The policy and legal void meant that school boards across the province were given the flexibility to offer whatever they felt was just and affordable. There was no vision offered by the province to direct the actions of divisions.

Even after the repatriation of the *Constitution of Canada* and the proclamation of the *Canadian Charter of Rights and Freedoms* in 1982 and the enactment of the Equality rights, Section 15 of the *Charter*, in 1985, “Manitoba failed to change its legal provisions in the face of the constitutional requirements (the enactment of the *Charter of Rights and Freedoms*) to do so” (Lutfiyya & VanWalleghem, 2001, p. 84). The three year delay between the proclamation of the *Canadian Charter of Rights and Freedoms* and the enactment of the Equality rights section was a conscious move on the part of the Canadian Government to afford provinces the time needed to align their existing legislation with the new critical mandates (Williams, 1999). In Manitoba, these mandated changes did not happen. The result was a patchwork quilt effect continued to exist across the province as provisions for students with special needs varied from division to division. Lutfiyya and VanWalleghem commented that, as a result of the flexibility given to school boards, “to develop their own policies with little direction and no minimal standards”, there was the “potential for differential services and procedures across the province’s 55 school divisions” (p. 86).¹² The fact that the legal rights of the students to a non-discriminatory and

¹² There were 55 public school divisions and districts (not including private schools) in the province at the time that the article was written in 2001 and until amalgamation in 2002. Today there are 37 public school divisions and districts in the Manitoba provincial education system as well as the Federal First Nations system.

equitable education in accordance with the *Charter* were not adhered to, nor supported by many school divisions and the provincial Department of Education, was an issue which was not addressed (Lutfiyya & VanWalleghem, 2001). As a case in point, Lutfiyya and VanWalleghem commented:

Determining appropriate curriculum for students with special needs is left up to each school division, often with these decisions being made at the individual school level. While such local control may be seen by many as a positive thing, the lack of a clear provincial mandate and vision and minimal standards in special education are problematic. What actually happens depends on what the student's needs are, where the student lives and attends school, and who the educators are" (p. 90-91).

In 1985, the Equality section of the *Canadian Charter of Rights and Freedoms* was proclaimed. It serves as the final or ultimate source of law in Canada and provides the legal framework for legislation and judicial decisions at all levels of the Canadian legal system (MacKay, 1986; Poirer & Goguen, 1986). As such, "anybody exercising statutory authority, such as school boards, is bound by the Charter" (Poirer & Goguen, 1986, p. 234). At the heart of this legislation is the provision of an education which meets the needs of all students equally across Canada under the Canadian legal authority. Section 15(1) states, "every individual is equal before and under the law and has the right to the equal protection of the law without discrimination and in particular, without discrimination based on ... mental and physical disability".

Provinces "began to scrutinize the working of their relevant legislation ... each conducted a statute audit during the three year delay period for s.15 [the equality rights section]" (MacKay, 1986, p. 297). While they were required to bring their existing legislation into compliance with

Section 15 during the three year span, it did not happen consistently across the country. As was noted by McRuer (2002):

Over the timeline from the mid 1980's to the early 1990s, all Canadian provinces except Manitoba acted to align their public school statutes and regulations with the equality guarantees in the new Constitution Act of Canada. Such alignment saw the enactment of explicit laws upholding the educational rights of all students including those students presenting exceptional needs. Provincial statutes and regulations throughout Canada set out the expectations for meeting the special needs of students (p. 2).

In 1988, the Manitoba Department enhanced the autonomy of the school divisions regarding the education of the high incidence Level I students by changing the funding process to support this level of students with special needs. Given base funding, divisions were now in control of how they spent the funds and how they supported these students. It was also about this time that school divisions began to recognize the need for additional supports for teachers in the classroom with students with special needs and started to hire educational assistants. The Department acknowledged the value of having resource teachers who had received training in special education practices and issues. A Special Education Certification process was developed by the Department, outlining pre-requisites and coursework that were required to prepare resource teachers to better meet their students' specialized needs. The Department began to financially assist divisions who hired teachers with their Special Education Certificate. In some cases, resource teachers were hired with the stipulation that they had three years to complete their certificate if they did not already have it (Blais & Van Camp, 2005).

In 1989, the Manitoba Department released *The Policy and Procedural Guidelines for the Education of Students with Special Needs in the Public School System*. The "Green Book"

provided school divisions with the first major policy statement since the rejection of Bill 58 in 1975. As a policy document with no force of law, it could only influence the way school divisions planned their special education programs. A key educational practice that resulted from this document was the school division requirement to report to the Department via an Annual Divisional Action Plan regarding their specific programming for students with special needs. This reporting format became the basis for divisional accountability for the next decade until 2001-02.

Blais and Van Camp (2005) commented that by the early 1990s, “all provinces in Canada now made provision for the education of the physically and mentally disabled students to varying degrees” (p. 5). The provinces of New Brunswick, Newfoundland, Nova Scotia, Ontario, Alberta, Quebec and Saskatchewan all had some form of mandatory legislation in place granting students with special needs the right to an education. In some cases, these students were included in the legislation guaranteeing education for all children, while others had specific laws requiring special services for students with special needs. The remaining five provinces and territories had only permissive legislation in place.

In the early 1990s, Quebec, Ontario and Saskatchewan were the only provinces to have enacted legislation that sought to ensure that the education provided for learners with special needs was “appropriate” to individual needs. When reviewing access to resources such as transportation, funding, special teacher qualifications and school facilities, there was great variance across the country. In 1993, the Manitoba Department of Education withdrew the funding provided to school divisions to ensure that they were hiring teachers with special education certificates to support their students with special needs. From that point on and to this day, any regular classroom teacher can be given the job of resource teacher or special education

teacher, with no repercussions to the division. The result is that there are students with special needs being serviced by teachers who do not have any specialized coursework or training in order to fulfill their roles.

The Special Education Review. After more than ten studies in the past three decades, the one study that had the most impact on Manitoba's movement to legislation addressing the needs of students with special needs was "The Special Education Review". It was 1998 when the Manitoba Government began formally to recognize a need to provide school divisions with more direction and guidance. Ironically, it was the Department of Finance and the Department of Justice which were the instigators of the Special Education Review of services being provided for students with special needs, not the Department of Education. As a result of both the extensive funding which was being directed to special education each year and a fear of the potential for litigation resulting from the lack of legislation mandating students' Charter rights (McRuer, 2006), it was two other government departments which initiated the Review which led to the AEPA. Similar reviews were occurring across the country in Nova Scotia, New Brunswick, Saskatchewan and Alberta. The provincial review was initiated the same year that the Winnipeg School Division, the largest division within the province, had completed its own internal review.

The Special Education Review involved a comprehensive provincial review of service delivery and resources provided for all students with special needs. Eighty-four recommendations were developed. One recommendation (B5i.), which was expected to have the most influence on the delivery of services across the province, proposed:

The Province of Manitoba make changes to Manitoba's legislation in order to achieve consistency with the *Canadian Charter of Rights and Freedoms*, particularly to ensure

the right to equality as it is understood in Canada and relates to the right of access to education for exceptional children (Proactive Consulting Services, 1998, p. 458).

The authors of the Report strongly supported the need for both legal and policy frameworks to provide guidance and assistance to school divisions across the province. There was a growing recognition of the need to formalize programming requirements for students with special needs to be in accordance with the *Charter of Rights and Freedoms*. The authors also recommended the development of public accountability indicators for school divisions related to the programs delivered and the funding received. MacKay (2006) included a “Summary Table of Recommendations from Provincial Review Documents” in his report, which was prepared by AWML Legal Consulting in 2005. After reviewing the seven recommendations found in Manitoba’s Review, the bolded comment was added, “**Manitoba’s study contains an exhaustive review of services offered in other Canadian provinces prior to 1999**” (Appendix G, p. 1). Manitoba’s Review was the only one upon which the consulting company felt compelled to comment. The Review sparked changes to service delivery and resources which could be viewed as long overdue in relation to what was happening in the rest of Canada.

One major change resulting from the Review occurred in 2001 as the Student Services Plan was implemented to replace of the Annual Divisional Action Plan. This new plan required more anecdotal description in comparison to the former plan mandates. In 2002, the Student Services Plan was eliminated and it was mandated that specialized programming for students with special needs was to be integrated into all School Plans and Divisional Plans. The Student Services Report was not to be segregated on its own.

From the time of the Special Education Review in 1999 until the proclamation of the new legislation, MECY created a Special Education Review Initiative Advisory Committee to

determine the key elements which needed to be addressed in the regulations and standards. During 2003-2005, there were three rounds of regional consultation meetings across the province to gather input from school division personnel in the eight thematic areas which had been identified. For some principals, this was a major form of professional development as they received a preview as to what was expected with the new upcoming legislation.

In October 2005, the first ever legislation in the province of Manitoba which was designed to specifically address the rights of students with special needs was proclaimed (McRuer, 2006). Prior to this legislation, students between ages five and twenty-one were simply mandated to attend school, with no mention of conditions, educational benefit or specialized needs. After hearing from the stakeholders at the regional consultation meetings held across the province, on October 28, 2005, the Manitoba Government proclaimed and enacted “The Appropriate Educational Programming” Amendment to the *Public Schools Act*. This shifted the mandate for all schools within Manitoba from simply providing education to providing appropriate education to all students. The legislation stated, “Every school board shall provide, as may be directed or prescribed by the minister, appropriate educational programming for every pupil and resident person who has the right to attend school” (MECY, 2003, p. 2). At the time that the legislation was proclaimed, the regulations were released and the standards followed in January 2006. The Amendment and the accompanying documents provided the provincial policy framework as recommended in the Review.

Six years after the completion of the Special Education Review, the Appropriate Educational Programming Amendment to the *Public Schools Act* was proclaimed. The regulations provided divisions with more direction and minimum standards for service delivery. It was now the role of the school divisions to interpret the impact of the regulations on the

practices within their division and to ensure that they were providing services appropriate for each student, aligned with the Canadian Charter of Rights and Freedoms. Provincial government funding had increased every year since the Review started and continues to increase to assist school divisions in providing the resources and services needed. However, the provision of appropriate programming remains a challenge for many boards. Dworet and Bennett (2002) in their study of special education in Canada, commented:

Geographically, providing qualified teachers, as well as assessment personnel and support services such as occupational therapy, can be challenging. With shortages in larger areas, the waitlist for psychological assessment can be up to 6 months. Providing these services to northern and more remote areas can be difficult if not impossible (p. 98).

These continue to be challenges for many school divisions. It was this new legislation which served as the basis of this study.

Parent and advocacy group support. Across Canada and within Manitoba, concurrent to the development of legislation, there were many parent initiatives and advocacy groups forming to support the needs of their children. Burge et al. (2008) noted, “constituents from a variety of sources, including parents of children with intellectual disabilities, have been very vocal and forceful in their efforts to expand inclusive practices in education” (p. 14).

Quarry (1990) suggested that parents of children with special needs were very important to their children’s potential ability to get a quality education. She discussed the lack of a mandatory legislative framework at the time of her thesis as being significant in that it supported school divisions having the freedom to develop their own policies and to provide differing services dependent upon their local tax base and divisional values. It was the voices of parents that ultimately determined who received and who did not receive appropriate programming. She

commented how, “the piecemeal pattern of policy development provided the advantages of flexibility and responsiveness to local needs but it made more likely gaps and overlaps in services and risked catering to those children who had strong advocates while ignoring the needs of others” (p. 109). Strong vocal parents and advocacy groups, such as the Association for Community Living, served the role of watchdogs guarding their children’s service delivery to ensure they received what they deserved as citizens of Canada under the *Charter of Rights and Freedoms*. As MacKay (2006) commented, “Parents have a role, both as individuals and as members of advocacy groups, to make school officials accountable for the important task of education” (p. 17). Parents know and understand the needs of their children. Pivik, McComas, and LaFlamme (2002) used qualitative methods to seek the opinions of parents as to what the barriers were to their child’s education. The findings revealed, “although the majority of parents valued inclusive placement, concerns about class size, availability of therapeutic services, acceptance by other children, attitudes about the child’s disability, as well as teacher’s levels of training and experience were expressed” (p. 99).

In 1985, the Manitoba chapter of the Canadian Association for the Mentally Retarded was the first to change the name of the provincial association from the Manitoba Association for the Mentally Retarded to the Manitoba Association for Community Living. Shortly after, the Canadian parent organization made the change to the Canadian Association for Community Living. The Manitoba chapter, now known as Community Living Manitoba, “is a provincial, not-for-profit organization dedicated, through the mutual support and cooperation of Local Associations, to the building of dignified lifestyles and the full inclusion in the community of persons who live with a mental handicap” (Retrieved from www.aclmb.ca/Archives.html in October 2009). They have served as a strong advocate for students with intellectual disabilities

in Manitoba sponsoring evening meetings for parents to discuss and challenge the Ministers of Education over the decades regarding special education programming inadequacies. As well, Community Living Manitoba serves directly in the role of parent advocate for many parents at IEP meetings across the province. It offers parents educational sessions or advocacy skills to ensure their children's rights are being met.

In the 1990s, most provinces developed legislation to guide the role of parents in advocating for their children's education. Parent councils, under a variety of formats and different nomenclature, were given legal status as a means for parents to consult with educators and advise them on a wide range of issues including special education (Young, Levin, & Wallin, 2008). Young, Levin, and Wallin suggested that the rationale for the development of these councils included:

(1) the growing research literature that indicates that parental participation has positive effects on student learning; (2) social and political arguments that support parental rights to advocate on their children's behalf over matters of education; and (3) a pragmatic argument that suggests that the availability of resources necessary for public schooling in the future will depend increasingly on the political support of parents in the face of increased competition from other sources (p. 50).

Parents have continued to play a major role in pressuring the provincial governments and school divisions for improved services for their children with special needs through their voices on parent councils. Parent councils provided another forum for educators to be informed of parental desires.

In 1994/6, the Manitoba Government legislated mandates to guide parents who requested the creation of a Parent Advisory Council. While many parent councils had existed prior to this

legislation, there was more direction as to the role of the councils. Young, Levin, and Wallin (2008) described the legislation governing the Council as being permissive, while other provinces released mandatory legislation. Manitoba Education, Training and Youth released a document entitled “Advisory Councils for School Leadership: A Handbook for Parents, Teachers and Administrators”.

In 2003, the Manitoba Association of Parent Councils was established to offer support to Parent Advisory Councils, Parent Councils, other parent committees, and, “individual members who do not currently participate in an active parent group in their community” (Manitoba Association of Parent Councils, 2009, What is MAPC?, para. 1). Their mission statement is “to support, promote and enhance meaningful involvement and participation of parents in order to improve the education and well-being of children in Manitoba” (Manitoba Association of Parent Councils, 2009, What is MAPC?, para.2). In their position paper on “Bill 13/Inclusion” released May 05, 2006, they reflected on MECY’s inclusion philosophy. They interpreted it, “to mean that equitable service must be provided to each child no matter what school or division they attend” and went further to define:

parental involvement in the education of the special needs child. This includes, but is not limited to: a consistent standard of parental input in IEP/IBP Planning, parental inclusion in decision making regarding programming, placement and assessment, and an effective and accessible appeal process (Manitoba Association of School Councils, 2009, MAPC Position Statements, Bill 13/Inclusion, para. 3).

They have recently developed the “MAPC Advocacy Project” based on the premise that parents, “are the most effective advocate when dealing with an issue that affects their child’s school experience” (Manitoba Association of Parent Councils, 2009, The MAPC Advocacy Project).

They provide a vital service for all parents across the province, especially those parents with children who have special needs and who are struggling to maneuver within the system.

In 2004, MECY recognized that not all parents of children with special needs were familiar with the workings of the school system, the language used by educators or the procedures involved in getting the support for their children that they deserved. MECY released a support document for parents entitled a “Working Together: A Handbook for Parents of Children with Special Needs”. Although released prior to the proclamation of the legislation, the introduction noted that “ Students with special needs, including those with lifelong disabilities, require educational opportunities that are appropriate to their learning needs, age, and level of school achievement” (Retrieved from www.edu.gov.mb.ca/k12/specedu/parent/index.html). This comprehensive Provincial document was designed to offer support and encouragement to parents of children with special needs by introducing them to the identification process, assessment strategies, planning and programming process and the importance of open communication amongst all stakeholders. The document was also condensed into a pamphlet format to promote a wider distribution to parents and to inform them of the larger document which could be accessed at their schools or on the web.

Also in 2004, prior to the AEPA regulation outlining the appeal process, MECY released another support document to assist parents, entitled “Working Together: A Guide to Positive Problem Solving for Schools, Families and Communities”. This document was written to provide guidance to parents, educators and community members who may be involved in a dispute by providing, “cooperative, creative problem-solving processes of informal dispute resolution” (Retrieved from www.edu.gov.mb.ca/k12/specedu/parent/index.html). It proposes strategies to assist parents in working collaboratively with school divisions to ensure appropriate educational

practices for their children when a dispute may arise. This document is seen as a resource to be used by parents in the steps which precede the AEPA regulation regarding the Dispute Resolution Process. It should be noted, MECY developed a total of ten resource documents to provide direction to educators and parents between 1994 and 2004 (Blais & Van Camp, 2005).

With the new Appropriate Educational Programming legislation proclaimed in 2005, the government released “School Partnerships: A Guide for Parents, Schools and Communities”. Within this document, “Appendix B: School Partnership: Shared Roles and Responsibilities”, delineates the important roles and responsibilities of parents. It suggests the need for parents to:

provide parental perspectives that complement teacher skills, monitor homework and school projects, promote attendance, punctuality and instill a positive attitude towards education, provide information about their child’s beliefs, values and preferred learning styles, provide information about their culture and family beliefs (Retrieved from www.edu.gov.mb.ca/k12/specedu/parent/index.html , p. 30).

MECY (2005) acknowledged the primary role that parents play in their child’s education with a sidebar within this Appendix which noted:

As the first teachers in their children’s lives, parents and families pave the way for successful school experiences. Parent and family involvement in a child’s life experiences has a great effect on school learning and achievement. Beyond the essential bond of parent and child that is so critical for physical, social and intellectual well-being, is the need for cooperative interaction with other people (Retrieved from www.edu.gov.mb.ca/k12/specedu/parent/index.html , p. 3).

A review of the public Financial Reporting and Accounting in Manitoba Education financial documents showed that in 2005-2006, after the proclamation of the AEPA legislation,

over half the school divisions increased their divisional spending on special education. School divisions hired more clinicians, resource teachers and special education teachers. In an analysis of the provincially mandated annual Student Services Reports completed by McRuer (2006a), he noted that two priorities were evident: an increase in the number of formal IEPs developed and an increase in the provision of staff development.

Thus, in this brief review of the history of special education in Canada and Manitoba, I attempted to establish the great diversity of legislative approaches which developed across the country in response to the mandated equality rights as outlined in the *Canadian Charter of Rights and Freedoms*. Parents and advocacy groups played a major role in achieving more equitable education rights and services for children with special needs all across Canada. Each province highlighted specific aspects of student need in an attempt to address their government agendas and priorities. Hutchinson (2002) concluded:

We have arrived at our commitment to inclusive education through a complex set of circumstances that includes United Nations proclamations, repatriating our constitution during the International Year of the Disabled, protests, innovative legislation and human rights codes, and our idealistic notions of a multicultural, diverse and equitable society (p. 17).

Accountability and Compliance with the Legislative Framework

One of the responses of the provincial governments to the changes in legislation over the eras discussed above included the development of accountability models used to monitor compliance. Each provincial government, with the exception of Manitoba, selected a package of educational indicators which school divisions or districts use to guide their data collection in

reporting their efforts to comply with the newest legislation. This section will report on the compliance strategies employed in other provinces as well as Manitoba.

McDonnell and Elmore (1991) described mandates by a government as “policies intended to produce compliance” (p. 30). The new AEPA legislation proclaimed by the Manitoba Government may be viewed as such a policy, written to support service delivery which is compliant with the *Canadian Charter of Rights and Freedoms*. While Manitoba requires school divisions to complete Student Services Reports every three years with web surveys submitted in the other years inclusive, there have been no minimum standards of accountability or consequences formally specified. There is no formal recognition when divisions are unable to provide appropriate educational programming for all students nor consequences of non-compliance delineated.

While other provincial governments have been monitoring compliance of their school boards with their special education legislation through the collection of education indicators used to direct public policy and financial policy needs, this is not past or current practice in Manitoba. In the fall of 2009, the Manitoba government developed an internal Draft document entitled “Towards a Comprehensive Framework of Indicators of Educational Equity for Manitoba”. In the document, they recognize the value of collecting indicator data but also the challenges they face with data which is not collected centrally and the inconsistent usage and interpretation of terms making it difficult to compare and report accurate indicator data. In 2010, they constituted a special committee representing all the major educational stakeholders to “propose a small number of specific indicators which would provide a beginning point and a core for the ongoing development of a broader education indicators program” (2010a, p. 1). The Manitoba

Government has recognized the need to start this process in order to monitor the effectiveness of the Manitoba education system and to develop future direction.

In January 2010, the Auditor General of Manitoba conducted an audit of stakeholders and select school divisions regarding their compliance with the Appropriate Educational Programming Amendment to the *Public Schools Act*. This audit was not initiated by the Department of Education; however, Manitoba Education was involved in determining how divisions were faring in their compliance with the AEPA. There has been no public documentation released as to the outcome of this audit.

Compliance in other provinces. While Manitoba Education has not been developing indicators or monitoring compliance, other provinces across Canada recognize the value of the collection of data to share with the public to demonstrate the compliance of all school divisions with provincial legislation. In most provinces, accountability is reported to the provincial governments via an annual plan provided by the school division to their Department of Education. In Nova Scotia, mandated indicators that are currently used to monitor special education programming include the tracking and monitoring of expenditures, provision of resources, monitoring of student progress, resource teacher allocation, service caseloads, service ratios with special education coordinators and other data which their annual reports are mandated to include (Nova Scotia Department of Education, 2003). Divisions are also required to report on their desired future enhancements to service and funding levels to better meet the needs of all their students. In its “Response to the Report of the Special Education Review” (2003), the Nova Scotia Department of Education stated:

The annual submission of student services data by school boards will be monitored closely. These reviews will be used to determine how any future funding enhancements

will be distributed. The Department will ensure the Special Education Programs and Services Committee has an opportunity to review the results of these annual reviews. (p. 16).

Ontario Ministry of Education (2000b) sets out specific requirements relating to public accountability in its “Standards for School Boards’ Special Education Plans” document. Within this document, it was noted:

The school board’s Special Education Plan must be designed to comply with the *Canadian Charter of Rights and Freedoms*, the *Ontario Human Rights Code*, the *Education Act* and Regulations made under the Act, and any other relevant legislation. The board must include a statement in their plan confirming that the plan has been designed in accordance with this requirement (p. 5).

It is noted in the section for compliance regarding this specific standard, “The Ministry of Education will review each school board’s Special Education Plan to ensure the above information is included” (p. 5). As above, the “Individual Education Plans: Standards for Development, Program Planning and Implementation” (Ontario Ministry of Education, 2000a) document states specifically how compliance with each individual standard is to be reported in the school board plan. For example, regarding the standard entitled “Special Education Placements Provided by the Board”, “Compliance with the Standard” reads:

The ministry will review the school board’s special education plan to ensure that the above information is provided and that the content is consistent with ministry policy and the appropriate legislation, including Regulation 181/98 (p. 10).

Other provinces also have accountability mandates in place. “The Alberta Standards for Education” (Alberta Learning, 2004) noted that “accountability to the public is described as a

school board obligation” and requires that divisions report on school board policies and procedures, reporting to parents, and program monitoring and evaluation. The Government of Quebec (1999) in its “Plan of Action for Special Education” stated:

One of the main concerns of the Policy on Special Education is the evaluation of results. In order to help students with special needs to succeed, we must have the information required to make sound decisions and to improve and account for the results shown” (p. 13).

In British Columbia, the “Report of the Special Education Review in British Columbia” (British Columbia Ministry of Education, 2000) recommended that, “the minister of education should direct that evidence of the effectiveness of programs and outcomes for students who have special educational needs be included in school board annual reports” (p. 44).

All of the five provinces discussed above reviewed their special education programs between the years of 1998-2000 and all recognized the obligation to ensure school divisions were accountable to the public and in compliance with their provincial legislation. New Brunswick Department of Education, in their “Inclusive Education: A Review of Programming and Services in New Brunswick” (MacKay, 2006), discussed the significance of accountability in the “delivery of Government services”. MacKay (2006) commented:

Accountability and developing the proper framework for accountability are important topics for any organization, and educational institutions are no exception. Not only does the *Quality Learning Agenda* focus on the need for measurable results within New Brunswick, the topic of accountability and the challenges that it poses have attracted national attention in the education setting. Frameworks of accountability raise legal and equality questions as well as questions of administrative efficiency (p. 48).

As a result of his extensive study, MacKay recommended:

Amendments to the *Education Act* (or regulations) should require elements of inclusive education to be incorporated into school improvement plans, district education plans, school and district performance reports, and the provincial education plan. Provincial policy should be developed to provide guidance (p. 16).

MacKay went on to suggest some accountability indicators which may be useful in monitoring provincial progress towards an inclusive educational system, including:

- Parent, student and personnel happiness and satisfaction;
- Student demeanour and relationships with one another;
- Dropout rates, retention rates, suspension rates, rates of students not included in regular classes;
- Post school employment, opportunity and outcomes;
- Measures of competency, autonomy and independence of students;
- Levels of inter-departmental cooperation;
- Student achievement of academic and other goals;
- Sense of belonging;
- Reduced wait lists and greater availability of support services; and
- Levels of support for preventative and proactive approaches” (MacKay, 2006, p. 18).

A similar list of indicators could be used to determine accountability of the provincial government in providing appropriate educational programming for all students within Manitoba. Every province’s legislation and recent review documentation included statements regarding the

need for divisions to be publicly accountable to the citizens of their province through the collection of special education data.

Compliance in Manitoba. While the Student Services Report process has been in effect in Manitoba since 2002, participants at consultations prior to the proclamation of the AEPA frequently expressed their belief that its value as a compliance measure would increase as a result of the new legislation. It was a “known bit of wisdom” that school divisions and principals believed that the AEPA brought with it a heightened expectation for scrutiny of program and service delivery. This scrutiny may include each division demonstrating their service delivery models and specialized programs as well as the gaps in service delivery which divisions identified as needing to be addressed.

Beyond the requirement for divisions to provide an Student Services Report, the provincial government announced that program auditing would start in the fall of 2007 for all categorically funded grants. If school boards wished to continue receiving funding for programming for their students with special needs, they would be required to provide the data necessary to participate in this auditing program. Teams of provincial government auditors were to visit school divisions, with the specific goal being to review the divisional documentation and personally visit the specialty programs which were highlighted in divisional SSR plans. The complete program auditing process cycle was to take three years, with one-third of the divisions being audited each year. Thus compliance would be monitored not only by reviewing the SSR's each year, but would be enhanced by these intensive face-to-face program audits. Each school board was to verify their appropriate educational programs and services using indicators developed by MECY. This never happened. With changes in the internal bureaucracy of the

Department, this notion was dropped in 2008 and the Student Services Reports remained the only required documentation of accountability and compliance within Manitoba.

In the *Standards for Student Services* (MECY, 2006) document, MECY noted:

All policy and practice must comply with the *Canadian Charter of Rights and Freedoms* and *The Human Rights Code* of Manitoba, which specify that there must be reasonable accommodation of students' special needs unless they demonstrably give rise to undue hardship due to cost, risk to safety, impact on others or other factors (p. 3).

While there may have been cases in Manitoba where school divisions have claimed undue hardship in relation to meeting the appropriate programming needs of students with special needs, this is not public knowledge. To date, there have not been any cases of litigation where parents have challenged the Province for failure to provide appropriate programming services to their children. There have been cases in other provinces which set precedents for the provision of services all across Canada, but none have originated in Manitoba. When school boards claim undue hardship because of cost, they may be forced to look to the Supreme Court of Canada ruling in the Newfoundland Treasury Board v. Newfoundland and Labrador Association of Public and Private Employees (2004). The Supreme Court judge commented:

Courts will continue to look with strong skepticism at attempts to justify infringements of Charter rights on the basis of budgetary constraints. To do otherwise would devalue the Charter because there are always budgetary constraints and there are always other pressing government priorities. Nevertheless, the courts cannot close their eyes to the periodic occurrence of financial emergencies when measures must be taken to juggle priorities to see a government through a crisis (p. 2)

The educational approach to special education in the United States tends to influence what happens in Canada. In the United States, Kluth, Villa and Thousand (2002) commented that school divisions were held accountable by a similar restraint, noting, “School districts cannot use the lack of adequate personnel or resources as an excuse for failing to make a free and appropriate education available, in the least restrictive environment, to students with disabilities” (p. 24). A recent case in Milwaukee Public Schools (MPS) demonstrated for school divisions in the United States what may occur when they do not comply with their legal mandates. American school divisions need to be aware of the findings of this lawsuit:

A federal judge recently ordered Milwaukee Public Schools to launch a wide search for students who didn't get special education services they should have gotten between 2000 and 2005 and to figure out what needs to be done to make that up to them. ... US Magistrate Judge Aaron Goldstein ordered that someone from outside the system be hired to monitor work on providing education services to compensate the students or former students involved because MPS has not shown it will adequately remedy its problems in special education on its own (Borsuk, 2009).

The newspaper article suggested there could be thousands of students and it was impossible at this time to estimate of the costs for compensation. Court cases such as this one, which started in 2001 and concluded in 2009, are significant in emphasizing the importance of accountability indicators and compliance with legislated mandates. While this specific case law does not apply to Canadian jurisdictions, it is important that divisional administrators monitor what is happening across the country and the continent as there are often potential implications for Canada and provincial legislation.

The Changing Role of Principals in the Provision of Special Education Programming

The role of the principal has expanded as a result of the new Appropriate Educational Programming Amendment to the *Public Schools Act*. Manitoba principals are being held accountable for responsibilities associated with inclusion in regular classrooms, including placement options, appropriate assessment and curriculum, adaptations, clinical services and ancillary supports, all of which were not a legislated part of their repertoire in the past. As was noted by Lupart, Loreman, and McGhie-Richmond (2010):

Though top-down initiatives such as provincial legislation and policy have been effective in setting the direction and for establishing a framework for educational change, it is ultimately regular classroom teachers and educational administrators who are the front-line professionals who will have the major responsibility for making inclusive education work (Lupart & Webber, 2002) (p. 3).

There is little research published or articles written specifically about the role of principals in special education in Canadian education literature (Lupart, Loreman, & McGhie-Richmond, 2010). Most research reflects upon their role in the United States and Australia contexts because there principals have legally mandated roles. As a result, the literature reviewed will synthesize the perspectives and findings of principals who are working in a different legislative system than Manitoba. I will first review the role of the school principal in special education in Manitoba before and after the proclamation of the Appropriate Educational Programming Amendment to the *Public Schools Act*. I will continue with a review of the roles and responsibilities of principals outlined in other Canadian provincial legislation. I will conclude this section with an examination of the role of principals in the United States in the provision of special education.

The Role of Manitoba School Principals in Special Education

The legislated role of the school principal prior to the new legislation may be viewed as being very similar to the administrative roles after the proclamation of the AEPA. Prior to the new legislation, principals were legislated to perform many general duties related to their administrative role as reflected in Appendix B: “General Duties of the School Principal as Outlined in the Public Schools Act Prior to the Appropriate Educational Programming Amendment Regulations”. The first general duty outlined was:

5. 28(1) Subject to the *Public Schools Act* and the instructions of the school board, the principal is in charge of the school in respect to all matters of organization, management, instruction and discipline.

This statement guided principals in all their administrative roles. As a result of this all-encompassing statement, principals were frequently involved in many aspects of planning and programming for the educational needs of their students with special needs.

Many of the other duties listed in the legislation minimally referred to specific duties which are outlined in the new legislation in more detail. For example, the statute dealing with the discipline of all students during school hours:

32. The principal has disciplinary authority over the conduct of each pupil of the school from the time the pupil arrives at school until the pupil departs for the day, except during any period that the pupil is absent from school at the request of his or her parent or guardian.

This duty continues to apply after the new legislation, with a new twist to its application. The new regulation resulting from the AEPA states that a student’s disability must be taken into consideration when disciplinary actions are being allocated:

40.12 Every teacher, principal, superintendent and school board must ensure a pupil's special needs, if any, are taken into account when deciding whether to suspend, expel or otherwise discipline the pupil.

Thus, many of the responsibilities and roles which principals were legislated to fulfill did not radically change as a result of the new legislation. What did change was the language used in the legislation to acknowledge and highlight the interests of students with special needs.

With the proclamation of the new legislation and accompanying regulations and standards, the specificity of the mandate details which are to be enforced by principals increased. In Appendix C, "Appropriate Educational Programming Regulation 155/2005 Pertaining to the Role of the Principal", it becomes evident that the roles and responsibilities of school principals expanded, as did their need to work collaboratively with all school staff to guarantee or "ensure" they were meeting the legislative mandates.

While it is school boards that are held accountable for the systemic provision of appropriate educational programs and services within the legislative amendment, the regulations and accompanying standards specifically designate the school principal as responsible for the implementation of appropriate educational programming for students with special needs within their school. Prior to the new special education amended statute and regulations, the principal was mandated direct authority to carry out the responsibilities outlined in the legislation. The language of the new legislation within *The Public Schools Act* simplifies their role in that they are not directly responsible but only responsible for "ensuring" someone completes the tasks outlined. Many regulations are prefaced with "The principal must ensure that" while the standards state that "Principals are responsible for". David Yeo (personal communication, March 2007), Director of Education Administration Services with ME, indicated that ME had

consciously chosen the language “must ensure” rather than “the principal shall” when writing the AEPA. He commented that generally the principal is not the frontline educator primarily responsible to carry out the many tasks to ensure that the desired outcome is reached. Yeo expressed the belief that principals tend to delegate many of their responsibilities to classroom and resource teachers who possess the specialized knowledge and skills. The principal ensures all the desired outcomes are met by distributing their leadership to those staff in positions directly responsible for working with students.

Significant to understanding the new role for the principals is that the foundation of the new AEPA was a philosophy of inclusion. Of the research studies which have been conducted in the United States, regarding the role of the principal in supporting inclusion of students with special needs within their school, some have revealed principals typically express negative attitudes towards inclusion. Grider (1995) reported that principals much preferred the traditional pull-out system or segregated classroom approach to educate students with special needs rather than inclusion within the regular classroom. It appears that in schools where the principals embrace inclusion and are committed to ensure that an appropriate education is provided for all students, effective inclusion of all students is much more likely to happen. As was reported by Loreman (2001):

Principals’ attitudes and actions were a decisive factor in the successful inclusion of children of varied ages and disabilities. Those supportive of inclusion ensured that staff were provided with the necessary supports in an environment where no provision was made for the possibility of ‘opting out’ of inclusion. It seems as though effective leadership is a determining factor in inclusive settings (cited in Lupart, Loreman, & McGhie-Richmond, 2010, p. 5).

In conclusion, the specific duties of principals have increased in number and depth as a result of the new AEPA. Lupart, Loreman, and McGhie-Richmond (2010) cited the findings of Crockatt, Myers, Griffin, and Hollandsworth (2007), suggesting, “school administrators believed that their work lives became more complex when they were faced with the task of including students with exceptional needs. They had expanded responsibilities, increased demands from the teaching staff and heightened accountability” (p. 3-4). The same comments could be made for Manitoba principals as they endeavour to comply with the new legislation.

The Role of Principals in Special Education as Legislated in Other Provinces

In general, “must ensure” is the language found in other regulations and standards documents across the country, but this is not the case everywhere. Each province has its own legislation regarding special education and each delegated responsibility for fulfilling the legal mandates to the various stakeholders in different ways. In most provinces, the school board is the stakeholder named as being responsible for fulfilling the legal mandates regarding programming for students with special needs. It then becomes the responsibility of the school board to delegate the responsibility for special education to their employees who are in the best position to ensure it will happen.

In Prince Edward Island, the “Minister’s Direction NO. MD 2001-08 Special Education” (2001) provides a detailed description of the roles and responsibilities of the major educational stakeholders including the Department of Education, the school board and, “under the direction and leadership of the principal and subject to Department and board guidelines and policies, the school”. The language used in this legislation requires the principal to assume direct responsibility for actions such as providing special education programming, maintaining records, developing IEPs, implementing a transition Planning process, and other tasks.

In New Brunswick, the MacKay “Report on Inclusion” (2006) commented, “Both the consultations and my research suggest that the principal of the school is the critical person in making inclusion work at the practical classroom level” (p. 16). MacKay reviewed all the special education documentation of Canadian provinces but did not specifically refer to the legislative role of principals. In his 350 page document, there were few references to the direct responsibilities of principals except as written in Section 28 of their Education Act. These duties include responsibilities regarding the placement and programming of all students, and the development of school improvement plans (which are to address the differing needs of students).

In Nova Scotia, a “Minister’s Review of Services for Students with Special Needs” (2007) prefaced the report with “Nova Scotia’s policies and inclusive educational practice adhere to the *Charter of Rights and Freedoms* [15(1)] and recognize that systemic barriers can play a role in the education of students identified as special needs” (Aylward, Farmer, & McDonald, 2007, p. vii). In this report, the following recommendation was made:

10. The Department of Education and school boards should develop and implement a guide for teachers, administrators, and professional support personnel, clarifying the roles and responsibilities of all involved in the program planning process (p. 9).

This recommendation led to the development of “The Program Planning: A Team Approach” fact sheet designed to collate the roles and responsibilities as previously outlined in nine provincial guideline documents.

In the Ministry of Ontario document (2002), “The Standards for School Boards’ Special Education Plan”, the specific roles and responsibilities of all the stakeholders in special education are outlined, including the principal. Initial attention is given to all their overarching responsibilities, noting the school principal, “carries out duties as outlined in the Education Act,

regulations and policy/program memoranda and through board policies”. The term “ensures that” can be found as the preface for six supporting statements which follow. The duties are similar to the mandates as outlined for Manitoba principals in the new regulations.

In Alberta, their “Standards for Special Education” (2004) document places all the responsibility for educating students with special needs on school boards. It indicates, “School boards are required to provide each resident and enrolled student with identified special education needs with access to a special education program” (Alberta Learning, 2004, p.1). As such, the whole document is written indicating that “school boards must”. There are only two statements which allocate responsibility to principals,

11. School boards must:

- b. identify principals as accountable for the delivery and implementation of school-based special education programming and services
- d. ensure principals identify teachers whose responsibility it is to coordinate, develop, implement, monitor and evaluate student IPPs (Alberta Learning, 2004, p. 10).

Within their *School Act* in the relevant sections relating to special education, there is no mention of principals, only to school boards, as being legally responsible.

In the British Columbia “Policy Document: Special Education” (2006), school boards are the body designated as being responsible for all aspects of special education, with the exception of one statement. Within the “Placement” section, it states “A Board of Education must ensure that a principal offers to consult with a parent of a child who has special needs regarding the student’s placement in an educational program” (p. 2). In their extensive “Special Education

Services: A Manual of Policies, Procedures and Guidelines” (2008), “Section B3 Schools” asserts:

The powers and duties of the principal of a school are set out in regulations under the School Act. These include the implementation of educational programs and the placing and programming of students in the school (E.g.: sections 13(2), 20, 26, 27(3)(b), 74(2), and 166.4(1)).

Principals should ensure that teachers receive the information they need to work with students with special needs who are assigned to them, and that the school is organized to provide some first-line resource support on-site.

Principals should ensure that a school-based team is operational in the school, and facilitate the collaborative efforts of the team members in meeting the special needs of students (British Columbia Ministry of Education, July 2006, p. 9).

Thus, the language “should ensure” is found in policy in British Columbia when describing the role of principals in regards to their duties in supporting students with special needs.

From this brief review of legislative mandates of some of the provinces in the area of special education, it is evident that principals are generally held to a higher level of accountability and responsibility than are teachers and other staff. While some roles and responsibilities are enshrined in statutes and regulations, others are outlined in standards and policies. There is much overlap in the roles and responsibilities with the main difference being in the hierarchical level of legislation in which these roles and responsibilities are delineated. Because the duties of Manitoba principals are assigned in the regulations, they have the force of law and are more intense than other provinces where the duties are outlined in standards or policies only.

Factors which Influence How Principals Interpret Their Leadership Role

Many researchers have identified the significant role of the school principal in supporting the challenges of implementing special education programming. MacKay (2006) for example argues “There is universal agreement that the school principal is a key player in the implementation of inclusive education and that leadership shown in this position made all the difference in individual cases (p. 119). DiPaola, Tschannen-Moran and Walther-Thomas (2004) concluded that, in the United States, “good principals are the best hope that students with disabilities and others at risk of school failure have for academic success in the No Child Left Behind era” (p. 7). Similarly, Hutchinson (2002) commented:

Teachers effective in inclusive classrooms tend to have principals who believe that all children can and should learn in regular classrooms and that teachers should adapt teaching rather than expect exceptional children to adapt (p. 18).

The role that legislation plays in influencing principals’ leadership practices will be reviewed. Effective professional development plays a key role to facilitate the ability of principals to translate their legislative requirements into the realities of their day-to-day school business. The role played by Manitoba Education’s Administrator Certification requirements in assisting principals to understand their role as well as the licensing standards commonly accepted in the United States, the Interstate Leaders Licensure Consortium Standards and the Educational Leadership Constituent Council Standards, will be reviewed. The significant impact that past practices have on principals attempting to make changes resulting from the new legislation, as well as new leadership challenges which may emerge, will be discussed.

The Principal's Knowledge of Legislation

A number of authors have suggested that principals with an extensive knowledge and understanding of the implications of special education legislation found that it supported them in their day-to-day decision-making and leadership tasks (Bateman & Bateman, 2006; McLaughlin & Nicolet, 2004, Sage & Burello, 1994; Smith & Colon, 1998). It served to guide their actions and leadership behaviour.

Smith and Colon (1998) emphasized the importance of principals knowing and understanding the ramifications of special education legislation on their leadership practice when they commented:

Administrators are crucial to the success or failure of the special education process. They must know the law, for their failure to do so may result in expensive and time-consuming litigation. They should focus on key laws and understand them thoroughly, and keep abreast of special education court decisions. Using this knowledge to avoid inappropriate administrative practices, they can then model positive, appropriate behaviour and attitudes (p. 40).

This was also supported by Stewart (1998), an Australian special education researcher, who wrote, "while principals do not need law degrees, they do need, and are expected to have, an appropriate and adequate knowledge of those aspects of school law that impinge on their professional responsibilities" (p. 129).

Hirth and Valesky (1990) exposed in their research that many school principals lacked knowledge regarding the mandated requirements of the *Individuals with Disabilities Education Act* (IDEA) in the United States. They commented on the impact of principals not knowing the law:

At the school-site level, principals are responsible for implementation of P.L. 94-142.

Therefore, since principals' knowledge translates into proper or improper implementation of the law, the extent of their knowledge is a key factor in the assessment of potential liability and the identification of specific areas of knowledge that require clarification or remediation (p. 131).

Duchesne (2002) surveyed all school principals working within the Francophone school division in Manitoba prior to the proclamation of the AEPA. These principals expressed a desire to learn more knowledge and develop enhanced skills regarding their role in developing an inclusive school. They expressed a desire for more professional development on a variety of topics to support them in their role. Duchesne noted:

Administrators would like to develop a deeper knowledge and understanding of the "philosophy of inclusion" and its implications for the general functioning and administration of the school. This includes a better understanding of the rights of students and parents, the continuum of support (differentiated instruction, personal support, pedagogical adaptations, modified and individualized programming, IEP and BIP processes, etc.) and the roles and responsibilities of the school personnel towards creating and nurturing a more inclusive environment (p. 50).

A number of researchers including McLaughlin & Nicolet (2004), Sage & Burello (1994), and Smith and Colon (1998) have expressed a definite need for principals to have professional development opportunities designed to provide them with the needed knowledge about special education legislation and related leadership aspects. Lack of this knowledge can result in disgruntled parents activating the dispute resolution process outlined in regulations or ultimately, litigation against a school division.

Some researchers commented on the lack of influence which legislation has upon principals in fulfilling their mandated responsibilities (Beninghof & Singer, 1998; Dyal, Flynt & Bennett-Walker, 1996). Dyal et al. (1996) observed that many principals across North America have tended to view inclusion and special education as a movement which has been initiated by parental advocacy rather than a broader grassroots movement supported by teachers and other educators. Beninghof and Singer (1998) suggested that legislation is not always the most effective motivator for school principals. They outlined their concerns about the apparent lack of influence of legislation in motivating school administrators:

Inclusion is a philosophical and moral mandate. After all, while laws may motivate some to follow, for the most part they are poor motivators. Educators are usually more motivated by their understanding of the humanistic rationale for inclusion. In addition, laws can be widely interpreted and even misinterpreted. Even experts on the law can argue endlessly for diametric points of view. Educators do not have the time for this type of oratory (p. 7).

Bailey and du Pleissis (1997) suggested that it is at the local school level where the greatest movements towards an inclusive philosophy can be witnessed. As such, it is the role of the school principal to ensure the legislation is adhered to, and that the *Canadian Charter of Rights and Freedoms* is obeyed.

While many researchers have commented on the principal's need to know the legislation, few have commented on professional development strategies used to inform principals of the knowledge needed. It is generally recognized that principals need a deep and thorough understanding of how legislation translates into day-to-day practices in order to support their teachers and students in the provision of special education. Mason, Thormann, O'Connell, and

Behrmann (2004) studied priority educational issues of 15 educational associations in the United States, including five which were special education associations, and did not find legislation on their list of key topics. There is little specific literature that supports principals learning not only the operational aspects of legislation, but also their development of a deeper understanding of the transference of the legislative duty into daily practice.

The Role of Professional Development

Some of the recent special education reviews commissioned by Departments of Education across Canada have recommended that there be extensive professional development for principals because of the leadership role they play within their schools in promoting the necessary changes to comply with their newest legislation (Aylward, Farmer, & McDonald, 2007; MacKay, 2006).

In MacKay's Report (2006) regarding the special education services within New Brunswick, he made it clear that, "given the important role and function of the principal in the implementation of inclusion, the training and professional development of personnel in this position is critical" (p. 236). MacKay recommended new duties for the principal and changes to the Teacher Certification requirement for establishing the requirements of a Principal's Certificate in the province of New Brunswick. He also commented:

The most common Professional Development formats used in provinces across Canada include training sessions, conferences, demonstrations, simulations, workshops, seminars, observations, sponsorship, study groups, action-research and the mentor model. Different strategies for offering professional development include distance learning (on-line), local level mentorships, flexible hours, and off-campus courses and evening courses (p. 72).

He made no evaluation of the effectiveness of these formats but rather suggested the need to experiment with different strategies and to move “outside the box” in the provision of professional development for all personnel related to meeting the needs of students with special needs.

The “Minister’s Review of Services for Students with Special Needs in Nova Scotia” (Aylward, Farmer, & McDonald, 2007) proposed a number of recommendations which suggested the need to provide professional development opportunities to principals. One recommendation dealt with the need to develop general knowledge and skills:

5. The Department of Education, school boards, NSTU [Nova Scotia Teachers’ Union], and faculties of education should design and implement an annual institute to provide opportunities for education professionals to share and network effective/promising practices (p. 6).

While it is recognized in most provinces that professional development is significant to principals because of the primary leadership role they play in the implementation of special education programming (MacKay, 2006), there has not always been direct recommendations made to ensure they receive the professional development they want or need.

While considerable research has been conducted examining professional learning and its effectiveness for the classroom teacher (Borko, 2004; Caldwell, 1997; Lindstrom & Speck, 2004; Loucks-Horsley, Love, Stiles, Mundry, & Hewson, 2003), it would appear that little has been written regarding the specific professional development needs, designs and delivery formats which support effective professional learning for principals (McCay, 2001; Mohr, 1998; Peterson, 2002). Barth (1990) in his groundbreaking book, *Learning From Within*, devoted one chapter to “Principals as Learners” (p. 63-73). Lindstrom and Speck (2004) spent just one page

in their book highlighting principals' professional development needs to meet the ever increasing demands of special education on their leadership role. They emphasized that "the principal must be the lead learner in the school, fostering professional learning, but also take time to nurture his or her own learning" (p. 123). They listed ten delivery formats which principals may find as effective means to embark on their own professional development. They noted, "the principal's abilities to lead depends to a large part on keeping current, developing their leadership abilities and working with teachers to increase professional learning for all members of the school leadership team" (p. 125).

Fullan (2003) commented, "the farther you move up the leadership ladder, the less likely you are to engage in purposeful learning for yourself" (p. 92). He suggested that principals must carefully guard their sparse opportunities for professional development to ensure that they continue to grow as leaders and change agents in their schools. Professional learning opportunities need to be systematically built into daily, weekly and monthly interactions with colleagues to avoid being lost in the day-to-day management of the school (Fullan, 2003).

Some professional development research refers to the disjointed, ineffective and unproductive use of professional development time and funding (Beck, Hart, & Kosnik, 2002; Borko, 2004; Guskey, 2000). Guskey (2000) commented:

Harsh lessons from the past have taught educators that fragmented, piecemeal approaches to professional development do not work. Neither do one-shot workshops based on the most current educational fad. One reason for their failure is that, as a rule, they offer no guidelines on how the new strategies fit with those advocated in years past. This leads educators to see new ideas as passing fancies or simply "this year's new thing". Another reason for the failure of such approaches to professional development is that they are

unclear or misleading about the kind of organizational support needed for implementation. As a result, educators end up trying to implement innovations that they do not fully understand in organizations that often maintain structural or procedural barriers (p. 19-20).

What the professional development literature does reveal are some characteristics of professional development which support a more effective and efficient use of time, money and professional expertise. Guskey (2000) discussed three characteristics of effective professional development, viewing it as an intentional, ongoing and systemic process (p. 16). Two additional characteristics significant to the effectiveness of professional development are professional development as a social process (Brown & Duguid, 2000; Fullan, 2003; Guskey, 2000; Hargreaves & Fullan, 1992; Lieberman & Miller, 1999; Lindstrom & Speck, 2004; Stacey, 2001; Stephenson, 1994) and as a critically reflective process (Dana & Yendol-Silva, 2003; Farrel, 2004; Kuhn, 1970; Mezirow, 1990, 1998; Osterman & Kottkamp, 2004; Taggart & Wilson, 2005; Van Manen, 1977; York-Barr, Sommers, Ghere, & Montie, 2006).

MacKay (2006) commented how the development of his review involved holding a number of consultation meetings. He found:

...a universal theme is the appreciation people felt for the opportunity to dialogue with others about these difficult issues. The in-person consultations provided an excellent networking opportunity for many participants. People seemed to particularly appreciate dialogue in groups where different perspectives were presented (p. 113).

MacKay appeared to recognize the value of this social opportunity to discuss issues and applied this theme to his recommendations regarding the provision of professional development. The result was the Recommendation 19(a):

The Minister of Education should continue to provide for regular learning, sharing and networking opportunities dedicated to promoting inclusive education and excellent service provision to students in need of additional planning and/or support. These opportunities can be on a school wide, district wide and province wide basis where personnel come together to dialogue, share successful strategies and discuss difficulties (p. 234).

MacKay proposed professional learning which met Guskey's three criteria for effectiveness. It was (a) intentionally designed to promote learning about inclusive education, (b) ongoing as he suggested that it should occur on a regular basis, and (c) systemic in that it was offered at different levels (school, district and province wide basis). It was also social in that the format was one of dialogue and networking and was critically reflective in that he proposed that personnel talk, share successes and challenges and discuss potential solutions. This type of recommendation for professional learning addressed all five characteristics of effective professional learning and would support principals in attempting to interpret their responses to the implementation of new special education legislation.

As a final note, it is worth acknowledging that in Canada, there is no requirement for teachers to recertify. This is different than in the United States where teachers are required to take a specified number of hours of professional development in order to keep their teaching certificates current. There are no legislated requirements for teachers and principals to take any professional development in order to keep current or up-to-date on the latest trends and practices. Thus, there may be principals who have not taken any professional development to upgrade their knowledge, skills, and understanding of the new legislation and its impact on their practices. MacKay (2006) commented:

Many also noted that there is no mandatory requirement in New Brunswick for teachers to upgrade or continue to develop their skills and knowledge. It was confirmed that many personnel do engage in professional development through the means provided by their union or their employer as well as on their own, but, conversely, many do not. There are personal growth plans for teachers in the Anglophone sector that encourage professional development, but there are few incentives and teachers choose the area of growth that they will focus on (p. 128).

The Role of the Provincial Certification Processes

Several provinces have a certification process in place for school administrators which principals must complete, or be in the process of completing, prior to their assuming an administrative position. The certification program delineates for principals what each province believes to be the key knowledge, skills and attitudes required to become an effective school administrator. It is anticipated that the coursework required to complete the certification program will provide guidance and direction to aspiring principals. The Manitoba Education Administrator Certification Requirements will be reviewed, followed by the two standards adopted by many of the United States in certifying their school principals.

The ME school administrator certification requirements. In Manitoba, there is no mandatory principal certification. Data from the ME Certification Branch (Tataryn, personal communication, February 2010) revealed that in 2009, 47% of principals did not have their ME principal certificates and only 20% of principals had their Level II Principal Certificate. Because there is no mandatory certification, there are practicing principals who may not have taken any coursework or workshops on their legislated duties. So while the certification process may support some principals in understanding their legal obligation, there are others within the

province who would not necessarily refer to this certification program as having had any influence on their leadership role.

Manitoba Education has outlined the key competencies for aspiring principals which they believe are paramount to becoming successful principals. Within the Guidelines (2009) are the requirements to obtain a Level 1: School Administrator's Certificate and a Level 2: Principal's Certificate. The professional learning opportunities required to qualify for the certificates offer aspiring and current principals a variety of experiences in administrative practices and issues. There are four key areas identified: leadership, instruction, management and personnel. Each area is briefly described, with a listing of key topics encompassed by the terms. For example, the types of competencies to be developed in the area of Leadership entail coursework or professional development in the topics:

leadership style; change/implementation process; organization and policy development; use of research; problem-solving; program Planning; group processes; communication; student relations; community relations; mediation and conflict resolution (Manitoba Education, Citizenship and Youth, 2009a, p. 4).

The certification requirements are delineated in terms of the credit hours of university coursework, the approved university coursework and contact hours of eligible professional development approved for certification purposes. A total of 120 contact hours are required for a Level 1 certificate and 180 contact hours for a Level 2 certificate, with minimum 15 and 20 contact hours in each of the four competency areas respectively.

There are no written assignments required or written reflections as to the learning which occurs when aspiring administrators attend their professional development opportunities. There are no evaluations done as to the effectiveness of the offerings by various sponsors or as to the

effectiveness in terms of supporting the principal to institute the required changes in their school when they return home. As Champion (2003) noted, “counting ‘seat time’ has been our evaluation standard: trainees x the amount of time spent in workshops” (p. 13) and this does not necessarily translate into effective professional development nor result in the desired changes in school practices. Aspiring principals in Manitoba may look to the certification program to assist them in interpreting their roles, recognizing there is little accountability to ensure they are applying this knowledge in their roles as school administrators.

Much has been written about the limitations of using the personal dispositions and skills of principals as the measure of their success as a principal. The principal’s knowledge base regarding students with special needs is significant in his/her role as school leader (Crockett, 2002; Downing & Williams, 1997; Sage & Burello, 1994). Crockett (2002) noted that inclusive schools require ‘responsive’ leaders, defined as knowledgeable individuals in positions of influence. DiPaola et al. (2004) commented that principals have a role to play in developing the knowledge, skills and attitudes of leadership teams, not just themselves. The critical knowledge topics which school principals need to successfully implement inclusion were commonly referenced in the literature (Barnett & Monda-Amaya, 1997; Bateman & Bateman, 2001; Beninghof & Singer, 1995; Crockett, 2002; McLaughlin & Nolet, 2004; Sage & Burello, 2004), with three major categories of knowledge being commonly referenced: legal, leadership and pedagogy.

The fact that few principal preparation courses actually include special education law or extensive coursework regarding the legislation which guides the inclusion movement has been documented (Hirth & Valesky, 1990; Praisner, 2000; Kluth et al., 2002; Sirotnik & Kimball, 1994; Stewart, 1998; Valesky & Hirth, 1992). It should be noted that in the competency area of

Management in the Manitoba certification requirements, legislation and regulations are listed as a competency to be explored. However, because these topics are “suggested” does not translate into a guarantee that every principal who receives their Level 1 and/or Level 2 certificate has taken any coursework in educational law. They may easily have taken their Management hours in the other topic areas and avoided the legal perspective totally. When they do take workshops or courses in educational law, the coverage of the appropriate educational programming amendment may be minimal when combined with all the other legal mandates of principals.

In reference to the principal’s understanding of pedagogy, classroom accommodations and adaptations appropriate for students with special needs, some researchers have found that school principals lacked expertise and knowledge regarding the support necessary for students with special needs (Downing & Williams, 1997). Principals often felt ill-equipped to deal with pedagogical issues such as the academic and behavioural levels of performance of students with special needs, writing individual education plans, disciplining students whose disabilities affected their decision making and basic understanding of the nature and needs of students with special needs (Barnett & Monda-Amaya, 1997; British Columbia Superintendent’s Association, 2002; Duchesne, 2004; Guzman, 1997). The competency area of Instruction requires principals in Manitoba to explore many of the above pedagogical issues in an attempt to support them when they are faced with administrative decisions regarding pedagogy for students with special needs. The University of Manitoba has offered a number of Summer Institutes over the past few years that support principals understanding their many roles in supporting inclusive special education.

Maciariello (2006) commented, “knowledgeable executives are plentiful; effective executives are much rarer” (p. 52). He would support the understanding that it is the appropriate application of knowledge that makes a principal an effective leader. If aspiring principals

participate in the ME certification program, it is assumed and anticipated they will make reference to it in the future as they move into the role of principal.

Administrator standards adopted in the United States of America. Because of the differences in the certification process and educational legislative system between Canada and the United States, there may not be any direct application of this section to the principals within my study. However, it may be of some value to understand the extensive licensure requirements which are upheld in most states in order for principals to hold their position within the educational hierarchy.

In the United States, there are two performance standards used “to measure the success of school leaders and strengthen educational leadership as a whole” (Shipman, Queen, & Peel, 2007, p. xi). According to these authors, “43 of the states’ departments of public instruction that license or certify school principals now use the ISSLC standards” (p. xii). This supports consistency of training across the country. The Interstate School Leaders Licensure Consortium (ISSLC) standards were developed in 1995 when 24 state educational agencies and 11 professional development organizations consulted and collaborated to develop standards for the development of strong effective school principal leadership programs. The ISSLC is composed of a comprehensive guiding set of principles to offer direction for principals and assist them in interpreting their leadership role. There are seven standards incorporating the goals of vision, instructional culture, management, collaboration, integrity, fairness and ethics, understanding, responding to, and influencing the larger contexts and effective practice. Each of the seven standards is written as a statement, such as:

Standard 5: A school administrator is an educational leader who promotes the success of all students by acting with integrity, fairness, and in an ethical manner (Green, 2009, p. 6).

These standards came to be used by the Educational Leadership Constituent Council (ELCC) to develop their own standards to guide the quality of college and university preparation courses. A positive result of the creation and implementation of these ELCC standards is that “preparation programs are now being assessed on how well graduates of the programs are prepared to perform in the workplace, rather than the number of courses offered or objectives listed in the syllabi of professors” (National Policy Board on Educational Administration [NPBEA], 2002, p. 6). Green commented that universities:

...subscribe to the belief that performance standards assist individuals in acquiring the skills and attributes necessary to become effective school leaders. NPBEA (2002) advocates that school leaders and the professors who prepare them should strive to meet each of these standards (p. 7).

Both the ISLLC standards and the ELLC standards are very similar in their content. For example, the ELLC standard #5 states:

5. Candidates who complete the program are educational leaders who have the knowledge and ability to promote the success of all students by acting with integrity, fairness, and in an ethical manner.

The ELLC standards are written as outcome objectives for the coursework in which aspiring principals enroll. Together, “these standards have clear implications for practicing and aspiring school leaders and are informing leadership behaviour on a national level” (Green, 2009, p. 7).

The ISLLC standards are composed of knowledge indicators, disposition indicators and performance indicators.

The challenge always remains to transfer the knowledge of the standards into the daily practice of the principal. The United States tends to have a more elaborately designed certification process with accountability indicators built in to ensure that the graduating or emerging principals have a firm foundation in the many aspects of school leadership. As Green (2009) noted, “the challenge is the capacity of the leader and the faculty to understand the purpose of the standard, develop a process for its implementation, and to appreciate the benefits to be derived from meeting that standard” (p. 17).

There have been attempts within Canada to develop more detailed standards with limited adoption by Departments of Education across the country. Begley (1994) worked with practicing principals in Ontario to develop a School Leadership Profile. He noted:

Although principal preparation programs, or in-service courses intended for incumbent school administrators, can now be grounded in more than just context-bound practices or ‘theories-in-use’ (Argyris, 1992), several problems remain. The ‘rear view mirror’ perspective of most formal preparation programs, and the questionable pedagogy and relevance of some university and field-based professional development efforts, continue to compromise the participant perceived effectiveness of such programs (p. 2).

They identified five key dimensions of school leadership: Manager, Instructional Leader/Program Facilitator, School-Community Facilitator, Visionary and Problem-Solver. Sub-dimensions were listed for each of these five areas and a rubric with four stages was developed for each sub-dimension as practitioners move from unacceptable practice towards ideal practice. Within this framework, the dimensions and sub-dimensions are all very generic and in no way

reference any role to be played in the administration of special education. Under the dimension of the Principal as Manager, the profile highlights the stages of development moving towards ideal practice in the area of “Regulations and Policy”. It references the need for the principal to be aware, knowledgeable and ultimately, “to integrate the requirements/priorities of the Education Act/Regulations and Statutes into the daily operation of the school in a manner consistent with the school vision, goals and priorities” (p. 13). A document such as this could serve as a key document in assisting principals to interpret ideal leadership practices.

Common Issues and Challenges in the Provision of Education to Students in Rural and Northern Geographical Contexts

In this final section, I will explore some common issues and challenges significant to providing education for special education students in rural and northern geographical contexts across Canada and within Manitoba. In this section, the many challenges faced by principals in implementing, not only special education, but education in general for their students will be highlighted. Rural, northern and remote-dwelling Manitoba students are all citizens of Canada and as such, have the right to educational programming which meets their needs.

As was discussed in the opening Chapter, principals in northern Manitoba were selected for this study because of their unique and extreme challenges faced in the implementation process of AEPA. In this section, some of these challenges including the impact of working in an isolated setting, the influence of the demographics of the community, and the impact of resource allocation upon the provision of services will be discussed from the perspective of providing appropriate programming for students in rural and northern remote geographical regions. In addition, the use of technology to address some of these challenges will be reviewed.

These factors all have a role to play in the ability of principals to effectively implement the new legislation.

Wallin (2009) was commissioned by the Manitoba Government to review rural education in order to identify some key issues and outcomes which needed to be addressed. Her opening sentence reflects on all the above challenges and their impact on principals,

Much of the international research on rural education focuses on the challenges that rural settings face that deter educational excellence: isolation from specialized services (Cheney, & Demchak, 2001); limited accessibility to quality staff development and university services (Hodges, 2002); teacher shortages especially in the key areas of math and science (Lemke & Harrison, 2002); with little hope of recruiting new teachers who wish to live in larger metropolitan areas (Ralph, 2002); decreasing enrolments which leads to a decrease in funding (Ralph, 2002); a declining pool of qualified administrative candidates (Waddle & Buchanan, 2002) often due to little administrative support and an overburdening of community expectations, and educational funding formulae that do not meet the challenges of service delivery in rural areas. ... The limited Canadian research on rural education tends to concur with these findings (Canadian Council of Learning, 2006; Corbett, 2005, 2007; Dupuy, Mayer, & Morissette, 2002; MacKinnon, 1998; Harris, 2002; Looker, 2001; Tremblay, 2001; Wallin, 2008; Wallin & Reimer, 2008) (p. 3).

It would appear that there is a need for more research on educational issues related to rural areas and northern remote areas.

Isolation

Geographical isolation of northern Manitoba schools poses a number of challenges. The difficulty in accessing professional development suggests that there is a need to determine more

innovative means to provide educators with the new knowledge and skills they require to stay current. The difficulty encountered in attempts to recruit and retain specialized staff such as certified principals, resource teachers and clinicians pose challenges when school divisions are mandated to provide specialized services. Small school populations present a multitude of challenges including the multiple roles that any single educator, including the principal, may be assigned.

Access to professional development opportunities. Within Canada, there are three provinces - Alberta, British Columbia and the Northwest Territories - which released documents addressing the complex issues impacting on the professional development needs and the many predicaments that educators in rural areas find themselves when attempting to access professional development (Wallin, 2009). MacKay (2006) noted British Columbia's "Enhancing Rural Learning" report (2003) which "recommends investing in professional development for personnel in rural settings" amongst other recommendations. Wallin found in her review of documentation across Canada that most documents dealing with professional development, "focused on increasing teachers' knowledge about, and servicing in, specialized areas of classroom content, new programming or in special education" (p. 13). There was no mention of the need for professional development specifically identifying the school principal. She noted in her Manitoba study:

The focus on local professional growth was a priority for all the rural schools involved in this study. In fact, although external professional development was mentioned as a possibility, supported with some finances for staff (teachers and in some cases educational assistants), either as attendees or presenters, most of the commentary

suggested that the time, distance and cost factors related to attending them were often higher than the support that could be given (p. 20).

Wallin's informants suggested a number of alternatives to educators attending face-to-face meetings, including the development of action research projects and grade level, subject level, multi-age and multi-grade teams to explore the issues of relevance to their specific situations.

She specifically commented that:

the northern school divisions have designed a summer institute for professional staff so that the travel distances and time away from home are not as great as they would be if staff were to attend the Clear Lake Summer Institute or opportunities in either Brandon or Winnipeg (p. 20).

A personnel issue which surfaced in Wallin's study and which is another barrier to educators attending professional development events outside of their home communities was the shortage of substitute teachers to cover classes. She discussed the issue, noting, "there can be so much difficulty in accessing substitutes that teachers have had to forego taking time off for professional development" (p. 18). This can be an inhibiting factor for principals, especially those in teaching principal positions.

In conclusion, Wallin (2009) suggested that in her review of documents from across the country, "most ministries focused on professional growth in order to recruit, support and retain quality teachers and administrators" (p. 67). This leads to the next issue which remote and isolated schools in northern Manitoba face, being the difficulty school divisions have in recruiting and retaining quality teaching staff.

Recruitment and retention of staff, including certified and specialty staff. A common theme which resounds in the rural education research is the need to recruit and retain

not only classroom teachers, but all types of specialized personnel, including clinicians, to support students with special needs. Wallin found in her review of ministerial documents, “Difficulties in recruiting and retaining teachers in rural and remote areas were mentioned in the documents of four jurisdictions, British Columbia, Northwest Territories, Newfoundland and Nova Scotia” (p. 13). She noted that Newfoundland and Alberta proposed some possible strategies to improve this situation such as increased salaries and that Alberta assisted their staff in rural and remote areas by, “helping them find appropriate rural housing and aid with debt repayment” (p. 14). MacKay (2006) included a section on the “Challenges of Rural Living” in his commissioned New Brunswick report, concurring with Wallin that “difficulty attracting and retaining qualified personnel and specialists was also often cited as a challenge particular to rural areas” (p. 140). His suggestions in response to this challenge included isolation pay, signing bonuses and, “training incentives for people already living in rural areas” (p. 140).

One of the major barriers to the recruitment and retention of staff is the fact that in small isolated communities, a staff member may have to hold multiple roles (Barter, 2010). Wallin (2009) commented that the multiple roles of educators was one of the personnel issues most commonly cited across the country. In small schools with only two or three classes, it is not unusual for the principal to also be a classroom teacher and/or the resource teacher. Staff members are forced to fill many roles in order to support the programming for their students. For many remote communities, this poses an additional challenge to the desire of certified staff to take on all the responsibilities associated with their different roles. The multi-age, multi-grade situations in many small schools further complicate this issue (Barter, 2010) in that as a teaching principal, there are additional workload considerations in meeting the needs of the students in all

the grades. These are all significant factors to be considered when attempting to recruit teachers to remote communities (Wallin, 2009).

A particular barrier to the implementation of special education legislation in remote areas is the acknowledged shortage of clinicians and specialists. MacKay (2006) reported:

The lack of access to appropriate professional services for individualized programs and therapies emerged as a significant theme during the consultation process. Rural areas in both Anglophone and Francophone communities in particular have great difficulty in attracting to their communities and retaining professionals such as speech language pathologists, audiologists, psychologists, social workers, occupational therapists and physiotherapists. ... Wait times to see some professionals are reported to be long: some report waiting periods of six months to three years (p. 35).

Wallin concurred that specialty positions were very difficult to fill and keep filled. In the Manitoba context, she commented that some strategies included schools' attempts to:

... entice those already in the system with the appropriate skills to move into the specialty areas. Due to the fact that there are often difficulties accessing certified professionals for specialty positions, teachers are often hired with the expectation that they will begin working towards certification. ... In order to retain teachers and develop internal capacity for specialty positions such as administration or resource, school divisions have initiated mentoring programs that focus on new teachers, administration and/or resource, supported professional development, instituted buddy systems for school-based support and collaboration, and instituted staff recognition opportunities to demonstrate appreciation (p. 19).

She continued to comment that the respondents to her surveys:

... lamented the lack of specialty services for special education and mental health, such as occupational therapists, physiotherapists, speech language pathologists and social workers. Most often, these schools could access services intermittently, if at all, and service was inadequate. ... Resource teachers were commonly found in schools, though many were uncertified, often worked part-time as resource and part-time as regular classroom teachers and some were shared between schools (p. 19).

In an attempt to address the needs of students with special needs, Wallin found:

Monies accessed for multi-age/multi-grade projects as well as for special education are helping to fund full-time resource people rather than educational assistants, as classroom composition and more efficient use of educational assistant time is facilitated (p. 33).

In conclusion, the isolation of many remote schools has an enormous impact on the ability of staff to attend professional development opportunities and to recruit and retain not only regular and certified school staff, but also specialized staff so important to the implementation of appropriate educational programming for students in the north.

The Demographics of the Community

Wallin commented on the struggles which educators often face when teaching in small rural communities. She noted there is a, “balancing act in which rural schools engage as they attempt to mediate between mandated formal education and the needs of the community” (p. 28). Many informants in her study commented on the increased diversity of their student populations and their needs in order to accommodate those different sectors:

Respondents spoke of growing diversity in their schools, in terms of cultural diversity (increasing immigration, linguistic diversity and growing Aboriginal student populations), learning diversity (increasing numbers of funded students and students with

various learning needs) and socio-economic status (from highly variable to a very high proportion of low SES and single-parent families) (p. 17).

All of these characteristics of diversity influence the provision of appropriate programming needs if the students are to succeed. It is the classroom teachers, the resource teachers and principals who are instrumental in developing the programs to meet the students' needs. Some informants in Wallin's study also commented on the "influx of high needs foster children living away from home" (p. 18) and the special support that they demanded. Others referred to the ever increasing "English as an Additional Language" (EAL) students who were now an accepted part of many classrooms in rural areas.

All of the different 'diversities' impacted on the abilities of principals to provide appropriate educational programming for their student populations. Wallin commented, "educators are attempting to differentiate instruction to meet the growing diversity of student needs" (p. 25). Not only class size but also class composition is significant and some rural schools had put strategies in place to support the teacher workload inherent in meeting the diverse needs of its school population. Documents from the Northwest Territories specifically referred to the necessity to address the "needs of Aboriginal people through education" (Wallin, p. 14). MacKay (2006) recommended that the New Brunswick Government pay attention to a number of cultural groups in his final recommendations. He proposed:

- Exploration of the most effective and equitable ways to deliver high quality education in rural areas;
- Development of an education system that can respond to the needs of a more diverse immigrant population in New Brunswick;

- Evolution of a strategy for more effective Aboriginal education in New Brunswick (p. 63).

As is referenced in the research above, the demographics of the community impact upon the demands of the school principal and teachers in the provision of appropriate educational programming to address their needs. In northern Manitoba, there is a high Aboriginal population. Some of MacKay's recommendations, as stated above, could easily be transferred to address the needs of teachers and principals in northern Manitoba.

Resource Allocation and Funding

Wallin (2009) reviewed the educational funding mechanisms of the provinces and territories and found there were only three provinces (Saskatchewan, Manitoba and Quebec) as well as one territory (the Northwest Territories) where funding for education was determined by locally set school taxes combined with provincial funding allocations. She noted:

most utilize a combination of base funding based on student enrolment, along with categorical funding grants to offset differential needs. The funding formulae are in constant flux as provinces/territories and ministries attempt to align funding structures with changing demographics, economics and programming needs (p. 69).

Some of Wallin's informants discussed:

the need to recognize additional cost factors in rural (and particularly northern) schools that have limited infrastructures for revenue creation. Examples might include more support for travel for educational programming or events, for paying visiting specialists' travel costs and/or extra-curricular activities and curricular field trips (p. 35).

MacKay (2006) commented not only about the acknowledged shortage of human resources, but also the need for the New Brunswick government to change the formulas or

staffing ratios when it came to the provision of specialized staff for students with special needs. He noted that transportation costs are inflated in rural areas because of the extensive distances that buses must travel between school locations compared to bus travel in urban areas. He also discussed transportation costs in terms of the mileage allocated for daily travel of shared personnel between schools. He found, “there is no extra budget allocated to allow for this travel” (p. 140). When resource or other specialized clinicians are shared by schools within a rural division, there is considerable time and money spent travelling among the schools.

The Minister’s Review of Services for Students with Special Needs in Nova Scotia (Aylward, Farmer, & McDonald, 2007) recommended:

The delivery model and core service ratios for student services staff be based on identified needs, travel realities and the number of schools served.

Geography, availability of these specialists and an increased demand for support services are all variables that work against using ratios as the only guide for providing staffing in these support areas. ... It was in the area of speech-language pathologists and school psychologists that the most concern was heard from all parties. This was especially true in rural areas. Long wait lists for assessment and lack of access to direct service and specific programming were common concerns mentioned. Travel pressures on itinerant and board-level staff are significant impediments to delivering services.

Schools that have smaller enrolments and are far apart pose special challenges (p. 24-25).

Within the review, they published the current and recommended ratios. This section of the report concluded by noting New Brunswick tended to take rural realities and travel time into account.

Andrews and Lupart (1993) noted, “guaranteed access to both human and material resources is a crucial aspect of service delivery for exceptional learners in that an inadequate supply of resources often hinders the provision of an appropriate education” (cited in Williams, 1999, p. 48). They concluded there was great diversity across Canada in both the legislated educational provisions for students with special needs and the demonstrated degree of readiness of school divisions to meet the needs of their special education student population. Wallin found that the provinces which were, “most innovative in the support of rural education have a number of factors in common (p. 3). One of the common variables included was they have, “provincial/territorial funding structures deliberately designed to recognize differential economic, demographic and educational needs in rural areas” (p. 3).

The Role of Technology

As Wallin (2009) noted, “the use of ICT¹³ is growing, but is vastly uneven across the province [of Manitoba]” (p. 2). She commented that technology was viewed by many as the format which equalizes the remote and global world by allowing rural and remote communities to communicate with the outside world. She referenced the work of Hawkes, Halverson, and Brockmueller (2002) to support this belief:

Besides being able to help their schools overcome an inherent remoteness, rural educators see technology as a tool to improve the diversity of experience, develop leaders, provide national and global opportunities for students, and provide linkages and resources for the whole community (Wallin, 2009, p. 10).

Wallin referred to the work of Hawkes, Halverson, and Brockmueller (2002) and Mitchem, Wells, and Wells (2003) in reviewing the role of technology in rural settings. She concluded that, “rural schools have viewed technology not as a panacea, but as an equalizer to the

¹³ ICT is an acronym for Information and Communication Technology,

abundance of experiences, resources and options urban students receive over their rural counterparts” (p. 10).

Alberta and the Northwest Territories have documented the significance of technology in meeting their rural and northern educational demands. “Alberta seems fully aware of the power that access to ICT affords rural schools and teachers” (p. 14) while the Northwest Territories described their use of technology to “reduce barriers” and “overcome isolation issues”. Many informants in Wallin’s research suggested the use of technology was paramount to their ability to differentiate instruction. In her analysis of the infrastructure to support schools’ ICT programming, she found:

The use of technology to provide access, choice and variety in learning for students, professional development opportunities for educators, connectivity between stakeholders and resource provision were the common rationales for infrastructural development (p. 68).

The provinces of British Columbia, Alberta, Saskatchewan, Nova Scotia and Yukon have supported the use of ICT and technology capabilities by accessing funds from private and public partnerships to support the implementation of the needed technological infrastructure and to improve their broad band capabilities. It was noted that within Manitoba:

some school divisions have enlarged their band-width capacity and have created wide area networks in order to facilitate internet or teleconference possibilities. ... Other divisions have instituted interactive television (ITV), often in partnership with other school divisions, as a means of sharing coursework, providing professional development or facilitating meetings (p. 29).

This technology is central in this study if distance education is to be used by school principals as an alternative means of face-to-face professional development. While the infrastructure necessary to support networking and the internet is developed in some divisions, it is not consistently available across the northern divisions. Without the internet capabilities, technology as a professional development format is limited.

ME's Response to Two Rural Education Reviews

In 2006, the Manitoba Association of School Superintendents and The Manitoba Association of School Trustees jointly produced a document, "Rural Education in Manitoba: Defining Challenges, Creating Solutions". In this document, they outlined the many barriers which rural and northern educational jurisdictions face in attempting to provide quality education. They reviewed challenges in the areas of social values and public attitudes, infrastructure needs, recruitment and retention of qualified staff and jurisdictional and policy issues. They offered some recommendations to assist in addressing the many challenges they had identified. It was this documented review which prompted ME to commission Wallin to undertake her extensive review. Once the review was completed, ME responded with a "Rural Education Action Plan for Student Services".

The Minister of Education, Citizenship and Youth, Bjornson (2008), acknowledged the many barriers which have been addressed in this section of this dissertation:

Teachers in small and remote schools often have challenging workloads, teach several different subject areas, and are in multilevel classrooms without specialized or cluster programs for students with exceptional needs. Small schools also have more challenges when it comes to accessing opportunities for professional learning, recruiting and

retaining specialist teachers and highly sought-after clinical professionals, and maintaining a range of programming options in the face of declining enrolments (p. 1).

In the school year of 2008-09, the Minister of Education committed the province to undertaking three key projects in their attempt to address some of the issues. The three initiatives included:

- Expand existing support and services to enhance the delivery of programming for students who have exceptional needs;
- Offer expanded direct and online professional learning opportunities in partnership with rural and northern educators, Manitoba First Nations Education Resource Centre (MFNERC), and the universities; and
- Provide a bursary program to support the training of clinicians who will provide services in difficult-to-recruit areas (p. 1).

Bjornson (2008) commented specifically on their plans to expand the technological capabilities:

One exciting aspect of this initiative is the plan to establish three video conferencing classrooms, and to work with school divisions to ensure that, wherever possible, access to professional learning opportunities is available via technology. This could include web-based courses and live video conferencing, and would allow educators to receive training within their own communities on a flexible time schedule (p. 1).

It is the ultimate goal of ME that with these additional supports in place that “all students, no matter where they live in our province, can access appropriate educational programming” (Bjornson, 2008, p. 1). It must be recognized that these statements were made by the Minister and that as a politician, he was expressing optimistically what his bureaucratic servants hope to achieve.

Barter (2010) discussed the situation in Newfoundland whereby “there is a sense that rural education and rural communities are a burden to ‘progressive educational reform’ and informants in her study described a, “sense of disconnectedness from the remainder of the educational system” (p. 2). She referenced the difficulties encountered when rural communities are attempting to “live out policies which are shaped by a systemic urban mind-set” (p. 4) and suggested that there is a real need for “system administrators to understand the nature of, and value of, rural education” (p. 9). Her informants perceived:

a clear divide between themselves and the upper echelon administrators such as those at school district offices, the Department of Education and the University. There was a general consensus that there is a difference in understanding between the different parties when it comes to meeting the needs of rural schools (p. 9).

Barter concluded her research commenting, “the small school concept is constantly under siege from those who advocate a one-best system and who assume that improving rural schools means to make them more like urban schools” (p. 10).

Conclusion

There are a number of key themes which emerged in this chapter that have had an impact upon principals within this research study. Initially, students with special needs were totally excluded from attending public schools. It was the parents who served as their child’s advocate, always challenging the system to provide better educational services, who steered the stages of development from exclusion, to mainstreaming with special classrooms in regular schools, to inclusion of all students in regular classes in neighborhood schools. The changes in the educational system were driven by the parents’ lobbying efforts rather than coming from the grassroots. As a result, another key point is that for teachers and principals in the past decades,

and for many today, special education is viewed as an “add on”, a complication to teaching the normal regular students within the school. While principals may have a legislated responsibility to meet mandated expectations, they may not understand, or accept, their responsibility. Their accountability to the public, and the parents of students with special needs, is limited in that the province does not publicly appear to be monitoring school division or school compliance with the new legislation. The final key issue of significance to the informants within this study is the lack of effective initial service preparation and professional development. The legislative context in Manitoba makes professional development for principals a key influence in the effective implementation of legislation such as the AEPA. Principals need to reflect upon what they believe they need, what their view of the legislative situation is, and how they can meet the demands of both the parental advocacy and legislation. For principals in northern and remote areas, there are many other complicating factors to consider in their attempts to deal with these issues.

The many concepts and issues reviewed are relevant to the perspectives of the northern Manitoba principals collected, analyzed and synthesized in this research study. This review provides the foundation for understanding the many issues and challenges the principals face in their attempts to comply with the new legislation. All the issues presented in this section will be referenced in the findings (Chapter Five) and discussed further in the implications for future action (Chapter Six).

Chapter Three will provide a description of the research methodology used to conduct this research study, revealing the ethical considerations and indicators of the trustworthiness of the findings reported in Chapter Five. The data collection, analysis and synthesis will be discussed.

Chapter 3

Methods: The Design of the Study

The purpose of this study is to explore the perspectives of selected northern Manitoba school principals' knowledge of the newly mandated AEPA legislation, the supports and challenges they currently perceive as important to their role as principals, and their perceptions regarding their compliance with the AEPA legislation. In this chapter, the research methods used to collect, analyze and synthesize the findings from the interviews will be described.

Qualitative Research

Nietupski, Hamre-Nietupski, Curtin, and Shrikanth (1997) wrote of the need for increased qualitative research to be conducted in the area of inclusion of students with disabilities. They commented that there is much information which cannot be accessed using quantitative research alone. Sailor and Skrtic (1995) argued:

We need research that promotes understanding of how teachers interpret their practices in context, how those interpretations affect their practice, and the manner in which they change...A postmodern study of education transformations thus would seem to require a constructivistic approach, one grounded in qualitative or interpretivist research methods (p. 421).

Gersten, Baker, Smith-Johnson, Flojo, and Hagan-Burke (2004) commented:

Qualitative methods will continue to play a large role in special education research, especially in the probing of intricate issues and new areas of inquiry. ... These studies can be useful for building theory, helping shape interventions and understanding the target or focus of an intervention (p. 329).

Thus, this study is of a qualitative nature and draws on the commonly identified characteristics of qualitative research in its design.

Merriam and Associates (2002) suggested that qualitative research is defined by the presence of four key components: “the search for meaning and understanding, the researcher as the primary instrument for data collection and analysis, an inductive investigating strategy and a richly descriptive end product” (p. 6). Bogdan and Knopp Biklen (2003, 2007) concurred with the above components, adding one additional characteristic, that being qualitative research tends to be naturalistic. It takes place within the context of the experiences being studied. Each of these five components will be reviewed as they relate to this study.

Qualitative research is most frequently selected as a research method when there is a desire to understand the specific meanings which individuals have devised in order to make sense of their world around them. This study exemplifies an interpretative qualitative research approach as it was designed to study individual principal’s perceptions of reality from their personal frame of reference (Bogdan & Knopp Biklen, 2003). In this study, I report on the perspectives of principals living and working in northern Manitoba in implementing the Appropriate Educational Programming Amendment to the *Public Schools Act*. Patton (1985) noted:

Qualitative research is an effort to understand situations in their uniqueness as part of a particular context and the interactions there ... to understand the nature of the setting – what it means for participants to be in that setting, what their lives are like, what’s going on for them, what their meanings are, what the world looks like in that particular setting (p. 1).

A second characteristic of qualitative research is that the researcher serves as the primary instrument of the data collection and data analysis. As such, there are advantages to carrying out this role in that the researcher can “expand his or her understanding through nonverbal as well as verbal communication, process information (data) immediately, clarify and summarize material, check with respondents for accuracy of interpretation, and explore unusual or unanticipated responses” (Merriam & Associates, 2002, p. 5). The most common shortcoming discussed in the qualitative research literature is the biases of the researcher which can strongly influence the data collection and analysis processes. In this study, the qualitative research method offered me the opportunity to be flexible in the interviews in order to explore new topics when they arose as well as to explore the common and unique responses. Body language and tone of response of the informants¹⁴ were used to evaluate the need to continue with the current line of thought or to move on to the next question.

A third characteristic of qualitative research is that the data are generally analyzed in an inductive process. This infers that there are no predetermined theories or generalizations but that concepts, hypotheses or theories tend to evolve from the data collected (Grady, 1998). Merriam and Associates (2002) noted, “the key to understanding qualitative research lies with the idea that meaning is socially constructed by individuals in interaction with their world” (p. 3). It is this meaning which is interpreted by the researcher to create new insights into the topic. As Brantlinger, Jimenez, Klingner, Pugach, and Richardson (2005) noted, “Qualitative research is not done for purposes of generalization but rather to produce evidence based on the exploration of specific contexts and particular individuals” (p. 203). This qualitative study started by gathering the informants’ responses to broad, open-ended research questions through an

¹⁴ While individuals who are involved in research may be referred to by a variety of terms including participants, subjects, informants and others, I have selected to consistently refer to them in this study as either informants or principals in reference to their educational position.

interview process. Grady (1998) indicated, “one way of defining qualitative research is by its primary data-collection strategies” (p. 3). Interviews served as the main data collection strategy for this qualitative research, as they provided an effective means of, “understanding the lived experience of other people and the meaning they make of that experience” (Seidman, 2006, p. 9).

A fourth characteristic of qualitative research is that the data collected takes the form of words and pictures in contrast to numbers which are generated by quantitative research. The data provided rich description of the context of the research, the informants involved and their perceptions of their reality. This study resulted in the production of descriptive or procedural knowledge, responsive to the questions “What is happening?” and “Why or how is it happening?” (Shavelson & Towne, 2002), in relation to the implementation of the new special education legislation.

A final characteristic of qualitative research is that the research generally takes place within a naturalistic environment. All informants, but one, were interviewed in their school environment within their home community. The interviews occurred in the naturalistic northern school settings where the principals lived and worked, as this added to the comfort level of the informants. It supported more authentic responses when the principals sat at their desk where they could refer to documents, computer websites, and policies within reach.

One goal of this research study was that the data would be useful to inform policy implementation and practice for principals, not only in isolated northern remote communities, but in rural and urban settings as well. Thus, this study produced some very specific information of interest to stakeholders and researchers working in the areas of inclusive special education, policy implementation, accountability and compliance theory, and professional development.

Recommendations were forthcoming from the principals as to how to improve the current capacity of principals to comply with this new legislation.

Ethical Issues

When conducting any type of research, there are always ethical principles which must be upheld in order for the research to be acceptable to the research community. Bogdan and Knopp Biklen (2007) defined “ethics in research as the principles of right and wrong that a particular group accepts at a particular time” (p. 48). They indicated that research must be designed to address two key ethical considerations: informed consent of the informants and protection from undue harm. Berg (2001) added that research ethics should also deal with privacy and the confidentiality of informants’ responses when reporting the findings.

Human Subject Ethics Protocol Submission Form

Generally, every university has some type of institutional review board which regulates the ethical application of these considerations in research proposals prior to the start of the actual research. In the case of the University of Manitoba, Faculty of Education, approval was obtained from the Education and Nursing Ethics Review Board (ENREB) using the Human Subject Ethics Protocol Submission Form. This protocol assists the researcher in identifying all issues of potential bias and ensuring that there was informed consent of all informants. While it is impossible to remove all biases, I wanted to ensure that my data collected was trustworthy and that the identity of the informants was protected. ENREB required me, as the researcher, to commit to protection for informants from undue harm.

The ENREB application process involved the development of a letter to be sent to the Superintendent of each school division seeking his permission to interview his principals. A letter of consent was designed requiring the signature of each informant participating in the

research, outlining their requirements for voluntary participation in the individual interview process (see Appendix F). In all stages of this research, the informants were consenting adults working in the four northern school divisions and there was relatively little or minimal risk involved.

Confidentiality and Anonymity

Throughout the entire research process, every effort was made to maintain the confidentiality of the informants with the removal from the thesis of any identifying characteristics which would allow the informants to be recognized. Cohen, Manion, and Morrison (2000) defined the promise of confidentiality:

This means that although researchers know who has provided the information or are able to identify participants from the information given, they will in no way make the connection known publicly; the boundaries surrounding the shared secret will be protected (p. 62).

The ENREB application required that all measures be undertaken to ensure that confidentiality and anonymity were maintained. This was done by adhering to the methods submitted to ENREB, as outlined in Appendix F.

Informants signed letters of informed consent for their participation in the interview prior to the commencement of the study. These letters addressed the nature of the study and the potential dangers and obligations. Each interview was prefaced with the comment that all data collected would be kept in the strictest confidentiality and that all findings would be reported in general themes with no individual identifiers attached. Pseudonyms were used throughout the data collection, transcription of interviews and data analysis. Strict confidentiality and anonymity

were maintained throughout the entire research process to ensure that there was no possible means to identify the information reported by any individual participant.

Because of my job as a staff officer with the Manitoba Teachers' Society, ENREB insisted that I ensure that the data gathered were not to be used in an unethical manner in my day -to-day job. There have been a number of discussions where the findings of my study would have been beneficial to the Society; however, I have very consciously avoided contributing my findings. Other staff officers will vouch that I have been known to say "I would love to be able to tell you more based on my dissertation results, but I can't until it is published". As a staff officer, I am very conscious of confidentiality and anonymity of clients/teachers in my daily work. I have carried over my staff officer values and attitudes to the production of this dissertation. While the informants in this study may know each other, attend the same professional development events and even the same divisional principals' meetings, I have attempted to cleanse their responses to protect their identity.

Since my initial ENREB application was approved in May 2007, a request to renew the approval was submitted and approved in October 2008 and 2009. ENREB applications are to be renewed on an annual basis until the research is completed. As well, there were three amendments approved. The first amendment, approved in October 2008, acknowledged the change of my name as the principal investigator from Joan Darlene Martin to Joan Darlene Zaretsky. The second amendment, approved in December 2008, involved a new letter being sent to Superintendents to serve as a reminder of the involvement of their principals within this study. The final amendment to date was approved in July 2009 and involved a letter being sent to Superintendents requesting their permission to use their division name in acknowledging which divisions participated within this study. Superintendents were assured that all data reported

would be presented in an aggregate form, such that it would not be possible to determine the specific responses made by principals representing schools within their division. The actual names of the divisions are only revealed within Chapter Four, where there is a section on “Divisional Characteristics”, as well as in Appendix G where there is a brief description of each division and a map depicting the geographical expansiveness of Frontier School Division.

The Role of the Researcher

As a qualitative researcher, I served as the primary instrument for the collection and analysis of all research data. Brantlinger et al. (2005) described the instrumental role of the researcher in qualitative research step by step:

We come up with ideas to study and develop research questions. We clarify our theoretical or conceptual framework. We decide on the designs and techniques to address our research questions and problem conceptualization. We typically collect our own data by observing in the field and/or interviewing participants. We find relevant documents to examine. We sort through data, reading transcripts and field notes, to make sense of information collected. Finally, we “tell our story” of our research enterprise; we write the report for dissemination (p. 197).

It was my responsibility to remain neutral, flexible and unbiased in all data collection and analysis (Kirby, Greaves, & Reid, 2007). Researchers are not to contribute their perspectives, opinions, or personal experiences at any time within the interview process. It is their role to develop a rapport or relationship with the participants, as they play an active link in all interactions. Researchers need to concentrate on the balance between active participation and observation and need to take a reflective practitioner stance when it comes to their immersion

within their data collection and analysis. They are to dig deeper with objective questioning strategies.

Confronting Biases

Every effort was made to collect objective data using the indepth interview data collection strategy. Every researcher has their own biases and it is important that these biases be declared prior to starting the data collection. Creswell (1998) wrote that the researcher must attempt to reduce the influence of any prejudgments and in effect, bracket their past experiences. Prior to the start of the interview process in May 2007, at the request of my Committee, a written declaration of my biases was developed as a self-awareness process to help me in remaining as neutral as possible when collecting and analyzing the data.

While every researcher enters an interview with some biases as to the data to be collected, it is important to reduce or eliminate the opportunity for this bias to be revealed to the informants. Researchers should make all attempts to stick closely to the scripted questions and to offer positive support for the responses of the informants, whether or not they agree with those responses. If the data collection is to be as “pure” as possible, researchers must make every effort to keep their views and perspectives to themselves and not reveal them to the informants.

Being aware of my preconceived biases regarding the data to be collected, I consciously attempted to minimize the potential for bias in the development of the data collection and analysis processes. With the individual interviews, I served as an active listener, observer and prober to encourage informants’ indepth reflection upon the desired issues using the interview protocol to guide the discussion. I tended to offer body language, nods and short supportive statements of agreement that sought to promote the collection of data which accurately represented the beliefs and values of the informants. One principal in the study actually

commented, “It was impossible to detect your biases throughout the interview. All I know about you is that you are pro-kid” (Evie).

Identification and Recruitment of Informants

My initial proposal suggested a sampling strategy whereby letters of invitation would be sent to every principal of the 61 schools within the four school divisions. The selection of principals would be based on the first twelve responses received. Should there not be twelve or more principals expressing interest, I would send out reminder letters of invitation to participate in the interview process two additional times in order to get the numbers needed. My goal with this sampling strategy was to enlist participants who were knowledgeable in the area of Bill 13 and interested in participating. All principals would be given an equal opportunity to respond should they be interested in participating in the research. This strategy represents a simple random sampling approach.

Because it was the end of May when my ENREB application was approved and principals would only be in school for one more month, I revisited some suggestions from my Committee for alternative sample selection approaches. The resulting sampling strategy employed was a form of stratified random sampling. This sampling technique ensured that principals in each of the four school divisions were offered the opportunity to participate in a ratio reflective of the numbers of principals found within the four divisions. Four cans were used to represent the four divisions and appropriate principals’ names were inserted in their divisional cans. Because the sizes of the divisions differed, with one division containing over three quarters of the total principal population, for every principal whose name was selected to participate in the three smaller divisions, three names were chosen from the can of principals employed in the largest division. Once 15 names were drawn, the principals were selected on a “first come, first

serve” basis from those responding to a telephone survey. There were three principals who indicated that they were unable to participate for various reasons and so more names were drawn to reach the complement of 15 informants. The invitational “Draft Telephone Script” was developed for ENREB (see Appendix F).

All school principals in the four school divisions targeted for the research were actively employed by the school divisions. For the purposes of this study, vice-principals, department heads or other personnel were not included in the sample population.¹⁵ The names of the school principals and the telephone numbers were obtained from the school division websites. Informants were recruited using the “Draft Telephone Script”. I interviewed fifteen principals out of a possible 61 within the four school divisions.

Data saturation

While initially there were to be twelve informants selected, a total of fifteen interviews were conducted. This represents one quarter of the total principal population, as there were 61 principals employed within the four school divisions. This increased number was a result of a desire to achieve a higher level of data saturation. Data saturation has been defined as, “collecting data until no new information is obtained” (Morse, 1995, p. 147). Miller and Crabtree (2005) defined saturation as the point when there is enough data collected to support the development of an action plan addressing the common issues. It may be viewed that with every new interview, there are always some new unique concepts or nuances presented. However, there comes a point where the researcher must balance the practical benefit of doing more interviews with the cost and time of conducting additional interviews. As the scripted questions began to solicit the same or similar responses in the majority of the interviews, I determined that

¹⁵ There was one exception. One interview involved both the school principal and vice-principal at the request of the principal (Jim and Jane).

saturation had been reached. I had confidence that the responses of the informants represented the recurring themes had more principals been interviewed.

Data Collection

The data collection strategy used in this research study was open-ended semi-structured interviews. The interview protocol was first piloted with five principals to ensure the applicability of the questions and the appropriateness of the responses. The pilot interviews were not recorded but served to determine if any questions required clarification or rewording to support the subjects' understanding of the questions. No changes were made to the interview protocol as a result of the pilot interviews.

Fifteen interviews were then conducted with principals from the four school divisions. The interviews were scheduled to take approximately 60 to 90 minutes to complete and ranged in length from 17 to 83 minutes. All interviews were held in the home community of the informants, with the exception of one which was held in Winnipeg with the agreement of the informant. Over 215 single spaced pages of interview data were transcribed. Follow-up telephone interviews with fourteen of the fifteen principals¹⁶ yielded another 68 pages of transcription text. In total, thirty-four interviews with principals were conducted to gain their perspectives and 283 pages of single spaced prose text transcription were collected.

The purpose of these interviews was to seek the principals' perceptions of their knowledge of the new legislation, their access and opportunity to gain knowledge of the legislation, their supports and challenges to comply with the new legislation and their understanding of what compliance entails.

¹⁶ After many attempts, it proved impossible to schedule a follow-up interview with one of the informants. Thus, of the 15 informants initially interviewed, there were 14 who verified the reliability of their transcriptions and commented on some concluding questions which formed part of the follow-up interview.

Prior to starting the formal audio-taped interviews, informants completed two standard demographic and school data surveys. Demographic information was gathered after informants agreed to be interviewed. In accordance with my ENREB application, the data were to be reported in a table entitled “Compilation of Demographic Information regarding Responses to Invitation to Participate”. However, because of the need to maintain confidentiality and anonymity, this table has not been included in this dissertation. Rather, only aggregated data is presented. Chapter Four illustrates in greater detail the demographics of the study informants.

In order to maximize the data collection of the interviews, permission was obtained from informants for audio-taping to occur. Seidman (2006) wrote of the advantages of audio-taping interviews compared to taking observational notes:

The primary method of creating text from interviews is to tape record the interviews and to transcribe them. Each word a participant speaks reflects his or her consciousness (Vgotsky, 1987). The participants’ thoughts become embodied in their words. To substitute the researcher’s paraphrasing or summaries of what the participants say for their actual words is to substitute the researcher’s consciousness for that of the participant (p. 114).

He proposed that having transcripts provided a safety net for the researcher to refer to at later stages for various purposes, purporting, “if something is not clear in a transcript, the researcher can return to the source and check for accuracy” (p. 114).

Informants were encouraged to elaborate on their perceptions of their knowledge of the new legislation, their access and opportunity to gain understanding of their roles, their supports and challenges to complying with the new legislation and their understanding of the significance of compliance. The draft Interview Protocol can be found in Appendix F. Each question in the

draft interview protocol correlates with one of the initial research questions as indicated in Table One below.

Trustworthiness

In order to ensure the validity of the data collected, member checks were used to allow the informants and opportunity to verify the accuracy of the interview transcriptions. Member checking is defined as, “taking data, analyses, interpretations and conclusions back to the participants so that they can judge the accuracy and credibility of the account” (Bratlinger et al., 2005, p. 203). Member checks are considered to be the most critical technique for establishing credibility of qualitative research findings and analysis (Lincoln & Guba, 1985; Mertens & McLaughlin, 2004)) as they reduce the risk that the conclusions drawn from the data reflect the systematic biases of the researcher (Glesne, 2006; Maxwell, 2005).

Table One: Correlation between Research Questions and Interview Questions

Research Question	Interview Question(s) Number
1. How did principals in northern Manitoba learn about the requirements mandated by the AEPA?	1, 2, 3, 4, 5, 7, 9
2. What supports do they believe are in place for them in their role as principal attempting to implement the new AEPA legislation?	12, 13
3. What challenges do they see in their role as principal for their schools in meeting the requirements of the new AEPA legislation?	14, 15, 17
4. How did principals believe that compliance could be best determined and/or measured by the provincial government?	16
5. What did the principals perceive would be the consequences of non-compliance to ensuring appropriate educational programming?	6

Once themes were identified within all of the transcriptions, each subject was offered an opportunity to participate in an audio-taped follow-up telephone interview. These interviews varied in length from 7 to 20 minutes. Each participant was emailed the transcriptions of the initial interview, as well as the follow-up questions prior to the telephone interview to allow them to be prepared for their upcoming responses. The goal was to ensure the accuracy of the transcriptions in capturing their perspectives as discussed in the first interview, as well as to offer informants an opportunity for further reflection.

In the follow-up telephone interview, informants had an opportunity to respond to the transcription as to whether or not it represented accurately what had been said, as well as an opportunity to add, or remove, any comments. Informants were given a chance to respond to some of the same questions which they had already addressed in the initial interview, after having an opportunity to read some of the other informants' initial responses. In most cases, the informants chose not to change their initial response to these questions. A few added some additional comments after having read the other informants' responses. Thus, these interviews served to confirm the findings from the transcriptions of the first interviews, as well as to elaborate on some of the questions from the first interview. There were no new questions which arose from the analysis of the transcriptions, only variations on the common themes which were presented in the data.

I offered to send the principals a summary of the findings of this study if they indicated an interest in receiving them. This was done by having them check off a box on the letter of consent. All principals expressed an interest in receiving this request.

The process of emailing the transcriptions to the informants and sharing the key themes in a follow-up interview are both means of ensuring the trustworthiness of the research findings

and analysis. Beyond member checking, there are other validity-testing strategies incorporated within this research study. The piloting of the interview protocol with a convenience sampling of school principals served as a means of ensuring the validity of the questions being asked such that they would solicit the desired responses.

Having two critical friends, a peer doctoral student and a professor in the Faculty of Education, provide collaborative procedural guidance when issues arose, served as a means of promoting increased credibility of the data collection and analysis processes. While not being privy to any of the data, these two individuals served as a semi-formal sounding board when new challenges developed in the initial proposal writing. Throughout the data collection process, they acted as my external reviewers asking objective questions to encourage my deeper analysis of the interview data.

The Length of the Data Collection Process

I believe that a comment is necessary at this time about the time gap between the dates of the actual interviews, the transcription of the results, the follow-up telephone calls and the transcription of the telephone interviews. The interviews were all held in June 2007 and the transcriptions were then sent off to be transcribed by an outside transcriber during July and August, 2007.

This process of transcription revision was interrupted by a medical leave from my program in the year 2007-2008. Over the course of 2007 and 2008, I spent time, when my energy allowed me, at irregular intervals amending the transcriptions and preparing them to be sent to the participants for the follow-up telephone interview. As a result, the follow-up telephone calls occurred sporadically during November 2007, October 2008, and January 2009, with the final one completed in April 2009.

Data Management

In order to manage all the data collected, I filed all the demographic information forms, the consent forms and the interview and telephone interview transcriptions within a binder, with alphabetical tabs designating the pseudonyms of the informants. This binder, the labeled audiotapes, and any other important documentation, such as signed letters by the Superintendents and ENREB approvals, were kept in a secure file cabinet in my home. Thus, close attention was paid to the labeling, filing and organization of documentation collected in this research to ensure its confidentiality as well as easy access for analysis and interpretation purposes.

Data Analysis

Data analysis involves content analysis whereby upon close inspection, the data collected yields common themes, trends or perspectives (Brantlinger et al., 2005). Data from the transcribed interviews were analyzed for commonalities and outliers according to the themes which were presented in the data. Brantlinger et al. commented, “questions might be modified or added to as preliminary evidence emerges” (p. 198) revealing similarities or differences as the researcher disaggregates the data (Kirby et al., 2007).

The constant comparison method of data analysis was employed (Bogdan & Knopp Biklen, 2003; Grady, 1998; Kirby et al., 2007). Grady (1998) described four steps in this type of data analysis. The first step involves the gathering of the data into a clear readable format. The second step sorts the relevant data from the irrelevant data, resulting in a “data reduction” process. The third step involves sorting relevant data into subcategories and the final step codes these files into categories according to commonalities and outliers. Grady noted, “the extent of categorization needed will be dictated by the volume and complexity of the data. The more data there is, and the more complex the data, the more elaborate will be the coding” (p. 30). While

the constant comparison method is a common methodology used in the development of theory, I did not create a theory but a framework to guide understanding and future research.

In this research, responses from the audio-taped semi-structured interviews were transcribed in a consistent format to support the detailed examination of responses. Initially, I read and reread the transcriptions, immersing myself in the data. As I read, I searched for emerging themes related to each of the research questions. I next codified the transcription data by hand, using different colored highlighters, according to the responses to each of the interview questions. I went back another round and wrote notes and codes in the margins. The codes focused on the informant's perspectives regarding the many compliance issues that arose during the interviews. I transcribed the coded notes and citations from the transcriptions into large tables, which were developed with key interview questions at the top and each informant's name down the side. The commonalities and the outliers became evident in the chart form. My first attempt at writing the findings chapter was simply an analysis and regurgitation of the responses in accordance with the five research questions proposed in Chapter One. This initial collation of the responses supported my thinking in order to more clearly delineate the themes that emerged. Four major themes emerged as discussed in Chapter Five.

Throughout this whole process, I maintained a journal which I used on a regular basis to record my reflections (brainwaves, jottings, and other brainstorming ideas), meeting notes, preliminary common issues and ultimately, basic themes. For example, on July 28, 2009, I listed eight recurring themes as well as outliers, detailing for each informant the transcription page number where their pertinent data could be found. Through the course of analysis, these eight themes were reduced to four major themes with supporting data categories. This journal served as my thinking tool as I worked to reduce the 283 pages of transcribed data to the key issues

which best described the perspectives of the informants in their attempt to comply with the legislation.

Conclusion

This dissertation was developed incorporating qualitative data collection methods. Upon the analysis of this data and the revelation of common themes, findings were reported.

Implications and recommendations are proposed which will be of special interest to the school divisions involved in the research, Manitoba Education, the Manitoba Teachers' Society, other provincial Departments of Education, teacher unions and other inclusive special education researchers across Canada and the United States.

The next chapter provides an understanding of the experiential background of the informants, their school contexts and their geographical characteristics. Demographic data are presented from the perspective of the individual informants and specific data relating to the characteristics of their schools they administered and the divisional context in which they were working. This sets the foundation for the upcoming chapters on findings and implications which follow.

Chapter 4

Introduction to the Informants:

Who are They?

This chapter has been organized to provide background information regarding the individual informants, their schools, and their divisional context. It is designed to provide an understanding of the informants' personal and school lives within the unique educational context of schools in northern Manitoba.

For the purposes of this study, I conducted an initial interview with fifteen informants, who were all practicing principals within northern Manitoba, during May and June 2007. The principals who made up this sample represents a wide range in terms of their ages, years of experience, current principal positions, school levels and school sizes. The following discussion of these characteristics offers an insight into the background of the informants who supplied the data for this study.

As discussed more fully in Chapter Three, the sample was selected by picking names of practicing principals in the four selected school divisions out of a can, telephoning the individuals chosen and inviting them to participate in the study. When fifteen individuals had agreed to be interviewed, I then coordinated my travel plans to visit them in their schools.

One informant was interviewed in Winnipeg in May 2007 when she attended a professional development opportunity. Three road trips were then scheduled in order to interview the informants in their home communities in June 2007. It should be noted that for the divisions of Kelsey, Flin Flon and Mystery Lake¹⁷, all their divisional schools are located within a single town or city, facilitating the interview process. One day was spent in each of the towns

¹⁷ Permission was received from divisional superintendents to use the names of the school divisions within this dissertation.

of The Pas, Flin Flon and Thompson interviewing the selected principals from Kelsey, Flin Flon and Mystery Lake School Divisions respectively. The two remaining road trips allowed me to interview Frontier School Division informants who were scattered in different areas of the division and the province.

While a number of principals spoke of their collaboration with either their vice- principal or their resource teacher to support them in their legislative obligations, only one informant insisted upon having his vice-principal participate within the interview process with him. Therefore, while all informants were assigned a pseudonym in alphabetical order based on the order of the interview (e.g., Anne was the first interview, Barb was the second interview, Carl, Dale, etc.), when it comes to the “J” interview, comments were recorded of both Jim and Jane, the principal and vice-principal of one of the schools.

Informant Demographic Data

Each interview was prefaced with the request for informants to complete two pages of demographic data to support an understanding of their experiential backgrounds and their current administrative roles in supporting the regulatory requirements of AEPA (see Appendix F).

Of the fifteen informants, two were from Flin Flon School Division, seven were from Frontier School Division, four were from Kelsey School Division and two were from Mystery Lake School Division. There were five women and ten men interviewed. In Manitoba it has been a belief that there are more men in administrative positions than women. However, the ME Certification Branch recently set up a program to determine gender and it became apparent that in 2009, there were almost an equal number of men and women principals in Manitoba (Evanchuck, personal communication, April 2010). While this study reflects the ratio of one

woman for every two men, because of the random sampling strategy employed, no attempt was made to select participants on the basis of gender.

Most of the informants were over 40 years of age as illustrated in the Table Three below.

Table Two: Ages of the Informants

Range of Informant Ages	Number within each Category
30 – 39 years	3
40 – 49 years	6
50 + years	6

In terms of their years of experience as a school administrator (either as a vice-principal and/or principal), the least years of experience was 5 years and the most experienced informant had been an administrator for 20 years. There was one informant who had formerly been a vice-principal and this was his first year as a principal. Table Four indicates the years of experience of the fifteen informants, as either a vice-principal or principal, within their educational careers.

Table Three: Years of Administrative Experience of Informants

Years of Administrative Experience	Number of Study Informants
5 years or less	1
6 – 9 years	5
10 – 14 years	6
15 – 19 years	2
20+ years	1

As is common in most rural and northern remote areas of Manitoba, principals are often asked to play multiple roles in their school (Barter, 2010; Wallin, 2009). There were five informants who were teaching principals. When asked what percentage of their weekly timetable was allocated for their principal role, the range was 2% to 87%. Schools with the teaching principals tended to be the smallest schools with student populations ranging from 41 to 120. The informant indicating 2% revealed that an uncertified substitute was called in when she attended divisional principal meetings and that formed her 2% (see Table Five). The full time principals tended to be those principals administering schools in larger centres with larger school populations.

Table Four: Percentage of Time Allocated to the Principal Position of Informants

Percentage of Principalship	Number of Study Informants
0 – 25%	2
26 – 50%	2
51 – 75%	0
76 – 99%	1
100%	10

The teaching experiences of some of the informants played a major role in the development of their personal philosophy and understanding of the implementation requirements of the new legislation. One might expect that prior teaching experience in the area of resource or special education to influence principals' personal philosophies and understandings of the new legislation.

School Characteristics

There was great variation in school demographics related to the isolation and location of the schools. The smallest school had 41 pupils ranging from kindergarten to grade six, with two teachers (one the principal) and two educational assistants. The largest school was a high school with 500 pupils and a staff composed of 44 teachers and 10 educational assistants. Most schools in the study ranged between 200 and 400 students (see Table Six).

Table Five: School Populations

School Size	Number of Schools in Study
Less than 100	2
101-200	2
201-300	4
301-400	4
401+	3

Schools were generally organized as either kindergarten to grade 8 or kindergarten to grade 12 in isolated locations. Within the town/city centers, there were more traditional urban school organizations of kindergarten to grade 6, grades 7-9 and grades 9-12. The range of grade levels is shown in Table Seven on the following page.

There were variations in the number of staff whom each informant was responsible for supervising, as illustrated in Table Eight on the following page. The term “staff” designates all educators whom the principal was responsible for supervision and evaluation, including part time teachers, specialists who did not necessarily have a home room (e.g., resource teachers, behavior specialists, curriculum leaders, guidance counselors, etc.), and educational assistants.

Table Six: Grade Levels

School Level	Number of Schools In Study
K-5	1
K-6	1
K-8	5
K-9	1
K-12	3
7-9	1
9-12	3

Table Seven: School Staff Sizes

Total Number of Staff	Number of Schools within Staffing Range
Less than 10	2
11-20	2
21-30	5
31-40	3
40+	3

Divisional Characteristics

Each of the four northern school divisions participating in this study had its own unique contextual factors which impacted on their ability to comply with the new legislation (see Appendix G for a description of the four school divisions as well as a map outlining the

widespread distribution of schools composing Frontier School Division). When describing the provincial geographical location of Frontier School Division (SD) on their website, they noted:

It is impressive to note that we are responsible for educating many students who live in this huge territory that covers approximately 75% of Manitoba. The narrow boundary lines outline our five areas as defined in provincial legislation (Retrieved from www.frontiersd.mb.ca/schools/mission).

What is significant to understanding the geography of the four divisions selected is that Frontier SD is not a self-contained area of the province, as are Flin Flon, Kelsey, and Mystery Lake school divisions. Flin Flon and Kelsey school divisions are located within the confines of Area 4 of Frontier. Flin Flon SD is located 51 kilometres northeast of Cranberry Portage on the Manitoba/ Saskatchewan border and Kelsey SD is situated 77 kilometres south in The Pas. Mystery Lake SD is located in Thompson, shown directly below the “Area 1” label on the map.

Appendix G presents a brief descriptive overview of some of the distinctive characteristics of each division relevant to the study. With three of the divisions being situated within a larger populated centre (The Pas, Flin Flon and Thompson), principals tended to be full time principals, as a result of the clustering of all divisional schools within the centre. Frontier is unique in that its schools are scattered in many isolated remote areas across the province. Thus, principals in Frontier SD tended to be teaching principals who were forced to undertake multiple roles within the school. All divisions had some Aboriginal Federal Band students enrolled within their schools, with Frontier having identified the highest percentage of Aboriginal students within their total student population (i.e., 56%).

Conclusion

The lived experiences of the study informants and the varied school and community demographics resulted in some very diverse perspectives to the issues which formed the basis of the interview questions. Many similar themes emerged from the data collected regardless of the school size – for both principals in small schools where they worked as teaching principals and for principals in large high schools with multiple staff employed to support their ability to ensure their legislated obligations. Interviews with the fifteen informants provided for an intensive review of the implications of the new legislation and the unique challenges it posed.

In Chapter Five, the themes which surfaced will be examined. While there were many common issues identified, there were some unique applications of the new legislation apparent from the lived experiences of the informants. The chapter will open with a discussion of the informants' awareness and knowledge of the AEPA legislation and regulations. The professional learning formats which were most commonly employed to provide this knowledge foundation are reviewed. This will be followed by a detailed investigation of the supports and challenges these principals in northern Manitoba endured in their attempts to comply with the new legislation. The final section of Chapter Five reviews the principals' perspectives as to the significance of their compliance with the AEPA legislation, potential consequences of non-compliance and proposed compliance monitoring strategies which the Manitoba government may employ to determine their division's and their school's compliance.

Chapter Five

Findings: The Inconsistency of It All

In this chapter, the recurring themes that emerged from the analysis of the data are presented in four distinct sections. In accordance with my research question as to how principals learn about, implement, and ensure compliance with new legislation within their schools, I will describe and discuss the principals' perspectives regarding (a) their knowledge and application of the Appropriate Educational Programming Amendment to the *Public Schools Act* and its accompanying regulations, (b) the supports upon whom they relied to ensure their compliance with the new legislation and (c) their challenges to define the meaning of the legislation and to determine what the desired legislation looks like in practice. The challenges identified are grouped in this chapter under the headings of imprecise terminology, contradictory influences on principals' practices, perspectives on the role of parents, and the provision of specialized assessment. The chapter concludes with (d) an examination of the principals' beliefs regarding why they must comply with the legislation, possible repercussions of non-compliance and their suggestions to the Manitoba government as to methods they could use to determine compliance at a divisional and school level.

Knowledge and Application of the AEPA and the Accompanying Regulations

Logically, in order to first implement the new legislation, principals must be aware of the legislation and the changes required to their current practices to comply. Smith and Colon (1998) emphasized the importance of school administrators knowing and understanding the ramifications of special education legislation on their leadership practice. This is supported by Stewart (1998) who wrote that, "while principals do not need law degrees, they do need, and are expected to have, an appropriate and adequate knowledge of those aspects of school law that

impinge on their professional responsibilities” (p. 129). In this study, it became evident that this knowledge and the resultant understanding were dependent on the provision of information provided by a variety of professional development formats and the opportunities for principals to access these opportunities.

Awareness of New Legislation and Regulations

The AEPA legislation was proclaimed in October 2005. These interviews were conducted in June 2007, a year and a half after the legislation came into effect. Intuitively, it might be assumed that all principals would have become aware of the legislation and their mandated duties and be in the process of implementing changes, where necessary, to support compliance. While most were aware of the legislation, there was inconsistency reported in its implementation.

In the telephone invitation to participate in the study, informants were queried as to their general awareness of the new legislation. In the interviews, principals were asked to determine their level of awareness by rating their knowledge level of the new legislation on the following scale:

Somewhat aware	Can describe 3 key aspects of the new legislation
Moderately aware	Can describe 3 – 6 key aspects of the new legislation
Very aware	Can describe 8 or more key aspects of the new legislation.

To set the tone for the remainder of the interview, informants were then prompted to discuss their understanding of six specific key aspects of the legislation: (a) specialized assessments, (b) parental involvement, (c) the individual education plan (IEP), (d) discipline, (e) pupil files, and (f) suspension and expulsion. Participants were further asked if there were any other issues they

recalled that were significant to their role as the principal upholding the legislation and regulations.

Table Eight illustrates that initially 11 of the informants expressed their perception that they were “somewhat aware”, three believed themselves to be “moderately aware” and only one selected “very aware” to describe her knowledge and understanding of the legislation. When an analysis of the interview data was completed, it became apparent that, with prompts, many of the informants had initially underestimated their knowledge based on this scale. As can be seen, the recorded responses of thirteen principals demonstrated a knowledge of three to six key issues when prompted, placing them in the “moderately aware” category. Only one “somewhat aware” informant did experience difficulty recalling the legislation when prompted with the six key issues. Barb was able to give scant details on two of the six key aspects prompted and in essence was not truly “somewhat aware” of the legislation. One informant, Evie, indicated that she was “very aware” and this assessment was substantiated in her interview as she easily recounted in detail more than ten key issues of significance to her in her role as principal.

Table Eight: Principals’ Predicted and Demonstrated Levels of Awareness

Levels of Awareness	Initial Awareness Responses	Demonstrated Awareness Responses
Somewhat Aware	11	1
Moderately Aware	3	13
Very Aware	1	1

The ten informants who underestimated their own knowledge and awareness appeared to experience a perceived lack of confidence in acknowledging what they knew. Kevin responded that he would “probably go to the lower end and feel comfortable talking about three aspects”,

while Mark laughed, noting, “maybe I’ll surprise myself and be able to talk about more but ah...I don’t want to say I can and not be able to”. Norma, one of the “moderately aware” informants, indicated, “I may be overestimating myself there but I’m thinking I could [discuss six key issues]”. Another informant, Pea, admitted that she, “still has to refer to the documents to make sure that I’m covering all the bases, so I’d say “moderately aware” would fit more closely to how much I’ve kept or retained but it depends on the situation”.

Many commented that they were aware of the new legislation, but they could not recall the key issues of the legislation and regulations without the prompts. Frank pondered:

Am I fully literate on it? Can I quote it section by section, I would say no. Ah... we did spend some time as a division going through it when it first came out. We talked about the implications of what was going to happen at our school levels but ah...you know other than going quickly through it and taking a look at what some of the language was, no I can’t quote it verbatim.

Dale responded regarding his knowledge of the regulations:

I’m ...aware of them somewhat. I wouldn’t say that I know them from cover to cover, from A – Z. I’ve heard about them. I’ve read the document and things like that but exactly what it implies in every situation, I don’t think I can say I’m an expert at it. But I know something about it.

Three informants, Henry, George and Jim, indicated they knew where to locate their print documents if needed, as opposed to having the regulations committed to memory.

Well, first of all, I know where to find Bill 13. I don’t have it memorized but we have it as a referral, a referral document and we know that there’s appropriate education for various [students]... for everyone and that inclusion is the basis of the legislation and the

right of education for all students with others who are the appropriate student age (Henry).

You see? I do know this information. I'm not memorizing it because it is available. I mean you can just open up the computer for the document and there it is. But you have to be careful. This is serious stuff. I guess you could get away with things until something isn't right and then you're called in (George).

After having indicated that he was "Somewhat aware", Jim revealed, "Now having said that, if you would put that Bill 13¹⁸ in front of me, I could comment on a lot of the things. But because I know it's readily available to me, it's not in the forefront of my mind."

Thus, all but one of the informants appeared to know what the regulations stated when prompted regarding six key concepts. They could verbalize the essence of the regulations and had some knowledge of their role in meeting the mandates. While some commented that they did not have them committed to memory, they were confident they could easily locate their documents to access the information when required to do so. This fits with the new views of student learning during the Information Age where students are often taught the skills they need to access the information they require, rather than being subjected to memorizing facts which tend to rapidly change over time.

How the Principals Learned About the AEPA

When asked specifically how they had learned about the AEPA, the principals reported that they had experienced a variety of professional learning opportunities, including Manitoba Education consultations and documentation, divisional principals' meeting discussions,

¹⁸ Throughout the interviews, the informants continued to use the term "Bill 13" to refer to the *Appropriate Educational Programming Amendment*. Some referenced the fact that they used the term because it was shorter and simpler. Others continued to use the term as the accepted name in lieu of the correct title. As was noted in Appendix E, all Bills are given a number when they are introduced into legislature. Once the Bill is proclaimed, the Bill and its corresponding number are dropped in favour of the name of the legislation.

individual initiatives and workshops. One principal discussed a “train-the-trainer” model that had been employed in his division. He described how one vice-principal had attended a two day Council of School Leaders (COSL) conference workshop and had become the expert, with the task of informing the other divisional principals regarding the changes to their mandates.

Manitoba Education consultations and documentation. Prior to the enactment of the AEPA and the regulations, Manitoba Education, Citizenship and Youth (MECY) held three rounds of regional consultation meetings in seven areas of the province. Seven informants indicated that they had attended one of these consultations and found them informative in helping them understand their requirements as the principal of the school.

Eleven informants related that written documents had been distributed by their school division and they had read these handouts. Frank noted that he was not given a copy of the actual regulations. He had received:

the “Readers’ Digest version”. It was the elements of the act that applied to us. And ...then we got a lot of handouts in terms of this is what this meant and so forth. These are what the definitions of the terms were, etc.

Three informants indicated that the Department had sent out materials which they had read.

Divisional principals’ meeting discussions. Twelve informants responded that their primary means of learning was a result of presentations and discussion held at their divisional principals’ meetings. Jim called this format, “the whole idea of principals talking to principals”. Oscar indicated that Bill 13 was a standing item discussed at the four Principal Meetings held annually within his division. Eight of the informants related that their knowledge regarding the meaning of their regulatory requirements was formed as a result of presentations at these meetings. The information was generally delivered by their student services administrator and/or

superintendents. It appeared that for some, their superintendent or central office administrators played a key role in ensuring that principals understood the legislation. Frank spoke highly of his superintendents' knowledge:

Our superintendents, both Joe and Jack, were really up on what was going on and they made a point of making sure the principals, resource teachers first, and then principals, knew what was going on. And if there were questions, then there were sessions held to clarify it [the misunderstood issues].

Mark recalled the role of his central office administrators, including their curriculum consultant, in informing principals regarding the legislation at a divisional principals meeting. He noted:

I heard about it at one of our principals meetings. I happened to be at one of the meetings, we knew it was coming down the pipe and then when it finally came in ... the divisional administrators got together and called us all together. They had a principals' meeting, vice-principals meeting and we had our...curriculum guy, the specialist guy that does the work at the board office. He came in with some of his colleagues and they went through the whole bill as to what was in it, what wasn't in it, what things may change, what things might not change and it is a work in progress. That some things work and some things don't. So, that's how we found out. They were aware of what was going on because they have to be. They informed the superintendents, the assistant superintendents got everybody else who needed to know together and then had their meetings specific to the schools – the principal, vice principal and resource staff. Those people in specific leadership roles learned what's going on and what's expected of them now and the changes that were going to be taking place. So, some previous actions or programs had to change.

It became obvious that the professional development format which most strongly influenced most of the principals within this study was presentations made by the central office administrators. When these central administrators returned to their divisions from the MECY consultations, they related their understanding of the new legislation and regulations based upon their “operationalized beliefs”, practices and situations specific to their divisional context. Kevin reported his perception that the role of his divisional student services coordinator, “is to work with schools and resource teachers and principals and see that legislation for appropriate education is brought in appropriately”. Norma noted:

We have a special services coordinator, so he’s relayed a lot of the information. He’s pretty knowledgeable about the document and so we’ve had different things all through the course of since it’s come out, about what our expectations are and what our responsibilities are in terms of Bill 13 and school principals.

Once the principals had been informed by their central office administrators, they were expected to share their new knowledge with others within their schools who were instrumental in supporting them in implementing appropriate education programming. Oscar commented:

There’s almost, I guess, a parallel dialogue going on between the division and the administrators and the resource teachers and just by default, as we came back from our meetings, the resource teacher and the vice-principal and myself, would be saying “you know, did you get this? Did you hear this? Did you guys talk about this?” So there was some professional dialogue going on post-meetings.

Individual initiatives. In this study, three principals responded that they had attended workshops or conferences designed to inform participants regarding the new legislation. Evie commented that she had attended “many seminars”. Barb indicated that she had learned about it

as part of a Summer Leadership Course at Clear Lake the previous summer and Henry had attended a Superintendents' conference to learn about Bill 13.

When asked specifically as to whether they had a chance to attend any designated workshops or conferences, most informants responded that they had not had this type of professional development opportunity. Some rationalized their lack of attendance at these types of professional development formats as being because of the high financial costs involved in attending them. Pea commented:

When you have only five professional development days throughout the year and the money that we get for professional development is greater than it would be in the city, but you still have to, in most cases, send people out because you can't possibly afford to bring the trained personnel in to train everybody, and so it's a very slow process, and I don't think with Bill 13 now being in place, that's a good idea. I think people need to have some knowledge much quicker. ... We all need more education and training and understanding of what's going on and therefore, we need more money.

She continued to delineate their divisional strategy for principals to become informed regarding the legislation:

When the documents first came out, even in draft form, as a leadership team, that means all the administrators and our superintendent in our division, we went through them and looked at them and... we sent teams out to the regional workshop to learn information and then they brought that information back and we revisited things.

It appeared the division within which Pea was employed had developed a collaborative approach to learning the regulations and their implications for practice within the fiscal restraints of their northern context.

Oscar expressed frustration with his own lack of knowledge and understanding of the implications of Bill 13:

I would like some more professional development structured on a division wide basis because most of the principals are in the same boat. And being that we're in northern Manitoba, we don't get the opportunity to travel, there aren't the funds there but we do get together as principals a few times a year and I think that would be an excellent opportunity to do some case studies of what some different scenarios of people in different situations or approaches or whatever. ... You know, I didn't have the knowledge though to do that [guide his staff] because I was not trained or given any in-services. There were actually a couple of provincial meetings that a couple of us principals tried to get out to and you know, we were told not to go because there already was divisional representation and so all we got was a briefing at a principals' meeting. But it wasn't enough, it wasn't what I needed to get my head around what was really happening, what was going on and what it all meant.

The train-the-trainer model. Len discussed a train-the-trainer model where a vice-principal within his division had attended a workshop given at a COSL conference. He was then given the task of teaching the information to the rest of the administrators within his division. Len indicated that there had been a session led by this vice-principal who "discussed different portions of the regulations that relate with our situation" but that he himself had not attended it. With regards to the regulations, Len suggested:

We've only been introduced to them. I did read some of it but there were a lot of implications. We had a session in February where one of our vice-principals who would know a lot more of the updated information, he attended and we also have discussed

different portions of the regulations that relate to our situation. But he [the vice-principal] has not been to our school. I was informed that I was the individual responsible for getting things done and he is well versed in that area, so he helps us with those pieces. Our special ed. resource teacher, or our resource teacher has put the documents together but she hasn't been given the final update or actual regulations. I know they're [the division] working on that.

It is significant to recall that the legislation had been proclaimed and was in effect twenty months prior to these interviews. In Len's case, he suggested that both he and his resource teacher had not received the documentation they required to learn about the regulations and their roles in complying with the legislation.

Additional Professional Learning Opportunities

Some principals suggested, even if they had had an opportunity to attend some type of workshop or consultation by MECY, or a presentation by their student services coordinator, they still required more clarification as to how to implement the regulations in their school setting. When asked to propose a recommendation for MECY to assist principals in implementing the AEPA, Norma suggested:

I would like a, not a big long drawn out document, but almost like a checklist of what they would like done, what needs to be done for these kids. Okay? I think in some cases, we're doing things to over protect ourselves and it's not necessary. Do I really need informed consent for a kid to be involved... I was understanding that kids couldn't be pulled out any more without parents knowing about it. Any time a kid is pulled out, like even if it's a resource teacher, it's not like I'm giving the kid to a stranger. Like a checklist kind of format of exactly what they want... So that's what I would like to have,

a checklist. Are we going a little overboard in terms of what we're required? ... I would like a checklist because I think maybe our special services people, this is just my opinion, maybe have taken Bill 13 in our district a little too extreme. Too far one way and there's a big paranoia that we're going to get sued for things. Maybe somebody reads too much American literature but I think that's what I would like. I would like a specific kind of checklist saying if you have kids that are doing this, this and this, then this needs to be done.

A number of informants discussed the desire to have an opportunity to discuss what the legislation and regulations actually look like in practice with their colleagues and/or with MECY. When asked if the regulations and legislation had been discussed at principals' meetings, Len responded:

It has not been detailed. So we haven't gone through each piece as far as that we do this or who's responsible for this or that sort of thing. It should be done for clarification and presentation by the vice principal, as he did go to the session and was trained in it.

The result was a lack of clarity as to how to put the regulations into practice in schools. Jim noted that even though someone from MECY had come to their town and delivered a workshop, "I think there's a gap between having that workshop and totally being aware of what we're...our responsibilities are and what the regulations really are." In their discussion, Jane responded to Jim's comments with her belief, "we should be looking at each of the standards and where the deficiencies are." Jim supported her comments:

We need to make sure that we talk about things, we need to reassess to make sure that we have moved along where we need to go. Do I think we have in many ways? Yes. But do

we have evidence? We need to gather that. We need to make sure that we are on the right track.

Mark proposed one of his major challenges:

...just not really having the time to get right into the nuts and bolts of the whole thing. Sometimes it's just some of the things that the kids or the programs that the resource people and the teachers come up with with the children, that's a challenge for me. Not being a resource teacher by trade, they know all of the ins and outs. I think for the most part for me, it's just not having the time, as much time to be involved with that programming, as I would like.

Frank commented:

We did spend some time as a division going through it when it first came out. We talked about the implications of what was going to happen at our school levels and you know, other than going quickly through it and taking a look at what some of the language was, I can't quote it verbatim.

In conclusion, all but one of the principals interviewed were able to readily discuss the essence of the regulations when prompted. They had experienced a variety of professional development opportunities, including MECY consultations (7 informants) and documentation (11 informants), principals' meeting discussions (12 informants), workshops (5 informants), individual initiatives (3 informants) and train-the-trainer (1 informant). While traditionally, professional development opportunities are conceptualized as being face-to-face, one shot workshops or conferences, it became apparent that this format was not the most common format accessed by these informants as the means to learn about the AEPA and its implementation. In

this research, the most common format revealed by the informants was discussions held at principals' meetings.

While the informants in this study, to varying degrees, understood the requirements of the new legislation and regulations, they expressed uncertainty as to how this translated into daily classroom practices in their schools. They expressed a need for additional opportunities to converse on the many practices, perspectives and philosophies that supported and challenged their implementation of the legislation.

Identified Supports to Assist Principals' Compliance

In the previous section, I reviewed the principals' knowledge and formats for learning about the new regulations. In this section, I will examine the supports which informants identified as being significant in promoting their ability to comply with their new mandates.

All principals in this study readily identified a variety of educators working in various roles and positions as well as other organizational supports as being valuable to them in meeting their newly mandated duties. In the initial face-to-face interviews, the principals identified a number of key players in implementing the new legislation. In the follow-up telephone interview, principals had an opportunity to review a list of all the supports suggested by the other informants and they were given the opportunity to retain their initial response, to add more supports to their initial response or to change their initial response to include one or more from the expanded list of suggestions. Some added additional supports to their initial responses as a result of having been exposed to other suggestions.

Human Resources

Human resources identified by the informants consisted of a number of educators in various positions and roles within their school and school division. All principals expressed

reliance upon the knowledge, skills and competencies of the many individuals within their professional circles. These included: (a) the in-school team including their resource teacher, (b) divisional special education administrators¹⁹, (c) specialized clinicians, (d) principal peers; and (e) classroom teachers and educational assistants. It was clear that most principals relied on other colleagues within their setting to ensure that the work of the appropriate educational programming was carried out. As Henry noted, “whether I personally see that it happens or I designate an individual within my staff to do it, it is my job to ensure that it happens.” Many suggested that they were not personally involved in the practices required to ensure the legislation was being implemented, but that they delegated their authority to others.

The in-school team including the resource teacher. In the follow-up telephone interviews, twelve principals referenced their reliance upon their in-school team, and more specifically, their resource teacher(s). These principals recognized the valuable input that was available to support them in their decision-making regarding their provision of services. Frank commented that as a result of the AEPA, “resource teachers became a lot more necessary”. He noted they have the expertise, devise the programming, do the necessary paperwork, and they understand the Act as well as “some of the nuances of the regulations, what works and what doesn’t work”. Frank described how he had reduced the number of educational assistants in his school in order to hire an additional resource teacher. He expressed his belief that his greatest supports were his, “two really good strong resource teachers and an assistant principal with resource background”. Henry noted, “in terms of the IEPs, the special ed. equipment and

¹⁹ There were a number of terms used to describe the divisional educator who was in charge of special education. Some principals referred to that individual as the assistant superintendent, the student services administrator, the special education coordinator, the “special education person in the division office” and others. Although the terms varied, the role of the individual was to coordinate and support principals and teachers across the division regarding their compliance with the legislation. For some of the individuals in this position, special education was only a small part of their total assignment. They were also responsible for other portfolios.

servicing, special ed. assessments, this is really the domain of the resource teacher”. Similarly, Oscar specifically identified his “qualified resource teacher” as a support because of his difficulty in hiring staff with special education certification. Mark referred to his vice-principal and resource teacher as being the “experts” and noted that he basically followed their lead because they knew what they’re talking about and had the knowledge and skills in this area.

Different principals identified different membership as constituting the in-school team. Norma outlined the members of her in-school team as consisting of her resource teachers, a counsellor, an Emotional Behavioural Disorder (EBD) specialist, an Early Language teacher and a speech and language technologist. Others in smaller schools relied on their part time resource teacher, classroom teachers and educational assistants to provide guidance and direction.

The only principals who did not reference their resource teachers were those in small schools where they found themselves in multiple roles, including being the resource teacher for the school. Instead of having an in-school team, these principals generally turned to their divisional student services administrator for guidance and direction.

Evie and Norma were the only principals who did not list their resource teacher as a positive influence and support. Evie had an itinerant resource teacher who had visited the school only twice in the year of the interview. In her case, Evie listed some unique alternative supports including divisional subject consultants, educational assistants who had been in the community all their lives, an elder in residence and older students. These supports were tailored to support her in her remote school context. Norma discussed her need to devote considerable personal time and energy to training her new resource teachers who were both inexperienced second year classroom teachers prior to being assigned the resource position.

Divisional special education administrators. All principals except one referred to their reliance on their divisional special education administrator. Most expressed an appreciation for their knowledge of not only legislation, but also practical strategies which could be implemented to support compliance with the legislation. Anne noted that her superintendent helped her the most when situations arose. Barb commented that she got a lot of help from her superintendent, "...all kinds of support from her. And she'll go back and check out the rules of what you can and what you can't do".

Specialized clinicians. Many principals discussed the support offered by the specialized clinicians who worked with their students with special needs and offered guidance and direction to classroom and resource teachers. They referenced speech and language pathologists, occupational therapists, physiotherapists, psychologists as well as social workers, home and school liaisons, and others. Len discussed the multiple members of his clinical support team as including Child and Family Services (CFS), mental health professionals, psychologists, doctors, nutrition services, health professionals and others as deemed appropriate for the individual student. In the telephone interview regarding the question about supports, Oscar noted:

For me, it was an "other". It falls under the category of clinicians. I guess you could call them divisional clinicians, although they weren't divisional employees. We had a couple of clinicians that were under contract, but they came to our school and they seemed to be the ones that personally provided me with the knowledge and help I needed. It was like a couple of lunch hour conversations but they provided the best background that I felt that I got.

Principal peers. Ten principals referred to the importance of their supportive relationships with other principal colleagues, whether within their own division or a neighboring

division/community. Anne spoke of her informal mentoring relationship with her former principal and that she did not hesitate to call him to discuss strategies for dealing with situations. None indicated that they were in a formal mentoring program or had a designated principal to coach them when seeking counsel.

One of the key themes that emerged when discussing the human supports amongst the principals was their dependency or reliance upon these fellow administrators. Four principals commented on the delegation of their special education duties to their vice-principals. Frank indicated that his newly hired vice-principal was hired because of her knowledge and skills in resource and that she was given the responsibility of ensuring that the special education program was meeting the legislated mandates in his school. Henry commented regarding the behavior programming and supervision, noting, “that’s not really my section but my assistant principal’s job”. As was suggested earlier, Jim would only agree to be interviewed if his vice-principal, Jane, could also attend to support and complement his understanding in responding to the interview questions. Jim acknowledged that Jane was in charge of all special education programming and generally came to him only when there were unusual situations which needed discussing.

Classroom teachers and educational assistants. A number of principals responded with the importance of having supportive staff, specifically supportive classroom teachers and educational assistants. Norma identified “flexible, adaptable teachers” as being her “number one support”.

Five principals made reference to their educational assistants (EAs)²⁰ as being of varying

²⁰ There are a variety of terms used across the four divisions and the province regarding educational assistants. Some other terms used include teacher assistants, teacher aides, paraprofessionals and educational aides. All these terms refer to individuals who are hired to support the teacher and generally, students with special needs, and who have no specialized training often beyond a Grade 12 diploma. They are not certified teachers.

support to their roles outlined by divisional policy. Kevin referred to the value of two of his EAs who were trained to develop PATHs [Planning Alternative Tomorrows of Hope] (Pearpoint, 1998) protocols with the student and their team. While EAs who were from the community and had lengthy experience within the schools were discussed as being a positive support, they were also referenced as being resistant to some of the changes in service delivery models which resulted from the implementation of the AEPA. Evie commented, “My two EAs are long timers here and are very reliable. They’re a major support but they’re having a bit of a hard time to meet some of the demands. Changing is very important”. Some principals perceived that their EAs needed additional training to be more effective. George referred to concerns he had when the, “TA is seen as the expert because they’re the one who works really closely with him [the student].” Three principals discussed new co-teaching delivery models becoming alternatives to the hiring of EAs. In these cases, the funding which would have paid the salaries of a number of EAs is used to hire an additional resource or classroom teacher. While there were some concerns with the current EA situation, the principals recognized that EAs did provide a valuable support to the students, teachers and principals within many schools.

Norma summed up the often expressed perspectives of many of the principals when she commented that she had, “a pretty competent group of people. These are the people that are teaching these kids every day. I trust that they are doing their jobs and they are.” She noted that for all decisions, “ultimately, I make the decision but the decision is based on all the valued opinions of the others on the team. I couldn’t do it alone”. Most principals recognized the expertise, experience and wisdom of their resource teachers and classroom teachers, some more subtly than others. Barb commented when discussing her role:

And I always tell them, it's my signature on there. I'm responsible because I'm the leader but be very careful, I always tell them, because I'm not going down alone. You know, we're a team. We got to work together. So I rely on them quite a bit and I've never had a problem with them. ... I think they're doing really good. And they're, if I don't understand, I'll ask. And if they don't understand, they'll ask. But I need to learn Bill 13 by myself. I'm sure they are all aware of it already.

Jim and Jane discussed the responsibility of the principal. Jim commented that ultimately the principal is responsible for what happens, but realistically:

I've always viewed that for me, it was not necessarily that I was ensuring that it was happening by having my hands on, but I was ensuring that it was happening by having somebody that had some experience taking care of this. And in some cases, it has been the vice-principal, as with Jane.

Jim discussed his belief that the AEPA did not really have a huge impact on his workload, but rather on the workload of his vice-principal, Jane.

In conclusion, Jim indicated that he doesn't "work in isolation". George commented, "right from the division office down, everybody is working on this together. It doesn't fall to being the responsibility of one person, not only the principal". As Carl noted, "you trust them as professionals that they're going to do what's best for the student". Dale expressed his lack of involvement with the whole process, noting, "really I have very little to do with that. You have the resource teacher and your other special ed. people who come in, so I have very little to do with it". He expressed some concern because he doesn't always know his EAs who are working with his students with special needs.

Other Supports

There were some other unique supports identified by some of the principals interviewed that were not related to professional colleagues. These resources included: (a) a specific planning process; (b) access to website information; (c) funding provisions; and (d) support in the student's home. In general, these non-human resources supplemented the support offered by the human resources discussed in the previous section.

A special planning process. George discussed a planning process which his superintendent had implemented which assisted him in ensuring he was meeting his mandates:

The superintendent came over and he said he's starting to plan for next year. How our team's working or what do we need and so we're sitting down after school tomorrow with the behavior support person, and our new resource teacher, and he's just getting us to think about ...where we are, what's our plan for next year, what are we going to continue and how are we going to make sure that our kids are looked after properly.

George expressed his perspective that this planning process served as a means of accountability for him and his staff to ensure that appropriate educational programming was being provided to all the students within his care.

Access to website information. Another unique support proposed by Frank was the readily available MECY website. He referenced the fact:

... there's a lot of stuff on the web if we need to pull it off. There's usually an answer to just about anything you're looking for on the Department site. With the web, there's always a contact person that you can phone and talk to someone about the specific issue.

Henry also referenced his use of the MECY website to access information when a situation arose and he was seeking support for his response. These principals were located in geographical

locations where the broad band infrastructure was reliable to access the internet on a regular basis.

Funding provisions. Two principals commented on the importance of the provision of funding to support service delivery. Barb and Pea discussed the availability of the funding provided by the division and MECY to ensure programming could be provided. While many others discussed inadequate funding in the interview questions seeking their recommendations to MECY, these two expressed appreciation for the funding which was provided to support their ability to comply with their legal mandates.

Support from the home. Only one principal discussed the importance of support from the home. Dale indicated that he desired more support as he believed that the home played a major role in supporting the students and the school by ensuring that their children attended school and valued an education. He suggested that these two actions were the underpinnings of the student's ability to reach their potential through the provision of appropriate education programming.

In conclusion, in all cases the principals readily identified a number of human resources who bolstered their ability to meet their specifically designated legal mandates. At no time did they express frustration at having to face their new legislative requirements on their own. They collaborated with many other educators, most commonly including their resource teacher, in-school team, vice-principal, divisional student services administrator, clinicians and their peers. While the legislation dictates "the principal must ensure" that tasks are undertaken, many principals appeared to readily acknowledge their dependence upon the knowledge, skills and expertise of others within their school and divisional contexts to fulfill their mandates.

Challenges to Principals' Compliance

The third theme which emerged incorporates the many challenges which the principals discussed as affecting their abilities to comply with the legislation. These challenges included (a) imprecise terminology; (b) contradictory influences on principals' practices; (c) perspectives on the role of parents; and (d) the provision of specialized assessment.

One of the chief objectives of MECY in the proclamation of the legislation was to improve the consistency of service delivery of special education across the province. MECY expressed this desire in the introduction of the *Standards for Student Services* document (MECY, 2006) which states, "This document promotes consistent and enhanced quality of educational practice within the province, so that irrespective of location, students can access appropriate educational programming and services" (p. 3). Informants were generally aware of this desired outcome for the legislation, which George succinctly verbalized when reflecting on the basis of the new legislation:

The basis is to ensure that we're protecting children's rights, that inclusive education is happening right across the board north to south in the province, that everybody's on board and that everybody is doing the same thing, so that there's consistency. I think there's the desire to make sure that students are provided the same opportunities in all the divisions, in schools across the province.

From the data provided by the informants, it became obvious that after a time period of eighteen months for implementation, the goal for consistency in service delivery had not been attained within the four divisions represented within this study. From the perspectives of the informants, there appeared to be a number of common factors which interfered with the implementation of consistent practices. They expressed confusion regarding the imprecise meaning of some of the

terminology used in the legislation as interfering with their ability to be consistent in their interpretation of the regulations. In some cases, principals were required by their local school division administrators to comply with practices which were based on unique and unpredicted interpretations of the legislation. Principals expressed concern that they were often in a quandary in dealing with appropriate educational programming situations as to which set of rules they should be adhering and how to interpret the legislation which was to guide their responses.

Imprecise Terminology

In order for the uniformity of services to increase across the province, there appears to be a need for clear and concise definition of terms such that all divisions, school division administrators and principals understand exactly what is necessary for compliance. Informants revealed a lack of clarity as to the exact meaning of various terms used in the legislation. Principals reported other principals as well as their divisional student services administrators, who were frequently the principals' primary source of guidance and support when controversial situations arose, often interpreted the terms in the legislation differently. The lack of clarity was seen to be interfering with principals and their divisions in providing the desired consistency of services across the province.

In this section, the principals' perspectives about the lack of clarity of the terms (a) appropriate educational programming; (b) specialized assessment; (c) individual education plans; and (d) parental involvement will be discussed. While principals could easily verbalize their legal responsibilities in discussing each of these issues, they expressed frustration in the ambiguity resulting from their narrow, and sometimes incomplete, understanding of the meaning of these terms when attempting to put them into practice.

Appropriate educational programming. Principals in this study struggled to understand and define the concept of *appropriate educational programming*. It did not appear that they were aware of the definition found in the *Standards for Student Services* document (MECY, 2006) as they did not refer to it at any time in the interviews. Instead they questioned who defined what was, and was not, appropriate for the students within their care, how appropriateness was determined and who was responsible for determining it. They recognized the desire by MECY to offer terms which could be used flexibly within different contexts, but they all expressed concern that their interpretation of appropriateness may be very different from the interpretation of others, with the result being inconsistency in programming and service delivery for students.

Two informants referred to the “looseness” of the definition of appropriate education and how this affected their ability to delineate and provide the services required by their students. Dale commented on the lack of a precise definition and the onus it puts on the principal and in-school team to create a program which may be biased, based upon their beliefs, experiences and divisional constraints. He questioned, “if there was some underlying reason as to why they defined it as simply saying appropriate education” and noted, “It could be a good thing. It could be a bad thing.” He expressed his concern that the result may be the in-school team providing programming which was limited by their perceptions and/or their restricted divisional resources and supports as espoused by their student services administrator and/or central office administration.

Evie also expressed concern with the use of the term, suggesting:

“Appropriate” is a pretty loose definition and I think... the legislation because it’s generalized...may not give enough specificity that it matches the reality of a small school

like ours. We can't always provide the best. ... I think the language of education is going through a transformation and probably the word "appropriate", while it's annoying at times, it's probably going to be the gateway. Because it...it has a lot of elasticity to it. The "elasticity", from her perspective, permits the principal and school staff to declare whatever they believe to be "adequate" as being "appropriate". This ambiguity promotes differential programming for students who move from one location to another. The student's programming becomes dependent on what funding is accessible and the skills and training of the classroom teacher, the resource teacher and other in-school team members.

Dale and Evie also commented on how the looseness of the definition supported the opportunity for parents to challenge the school's interpretation of the term. Evie, in discussing the role of parents, noted, "they don't understand that appropriate doesn't always mean...equal to what might have been done in a different school or a different grade setting or somewhere different". Dale commented:

What is appropriate programming? Well, I guess anybody could challenge anybody on any given day and say that's not an appropriate program for my child....because as I said, appropriate education is very, very loosely defined and on any given day, you're going to have a parent that's going to call you and say 'Hey what's going on? This is not happening. What's your principal doing there?' or whatever the case may be.

Evie took the term "appropriate" and stretched its usage to support her philosophy and beliefs regarding the inclusion of students with exceptional needs. She described a situation she encountered with a new student who had transferred into her school, noting:

He disrupts every classroom and it hasn't been fair. It hasn't been fair to the other students so I take that "appropriateness" even further than the disabled individual because

without the supports in place, they can disable the learning and then everyone becomes disabled.

While the term “appropriate educational programming” applies to all students with any specialized characteristic which resulted in them requiring differentiated instruction and adaptations to meet the regular curriculum standards, it was rare that the informants related the term to any other sectors of the student population beyond those students with special needs. Only two informants referenced providing special programming for gifted students, referring to them as those students “who excelled” (Carl) or “enriched learners. Programming for the above average student” (Oscar). Pea and Oscar applied the term to their programming for their “English as an Additional Language” (EAL) students. A few mentioned students with major social/emotional and/or mental health issues as well. Three informants, Dale, Frank and Jim, referenced their lack of knowledge and understanding as to how to deal with students who were hearing voices in their heads and their lack of access to mental health services when they needed them. However, it became clear that this legislation was almost universally viewed from the sole perspective of students with special needs among the informants, even though it is open to interpretation to address a multitude of other educational needs.

Specialized assessment. All but one of the informants talked about their responsibility to ensure that specialized assessments were done, that parental consent had to be obtained, and that the assessments were to be completed in a timely fashion. However, their understanding of what this meant or entailed was not evident upon further probing. There was not a clear understanding of what these assessments were, what their purpose was other than as support documentation for garnering provincial government funding, who determined what was needed, and the rationale for doing them. Oscar commented:

I just have to ensure that, the principal must ensure that, those services are provided or are attempted to be provided to the best of the ability, or the availability of the services, when they are required or deemed to be necessary.

One of the key responsibilities of principals outlined in the new regulations was that “A principal must ensure that a pupil is referred for a specialized assessment if the pupil’s teacher and resource teacher, guidance counsellor or other applicable in-school personnel” (Regulation 155/2005, 4(2), 2005) determine that a specialized assessment is required.

Specialized assessment was one of the key concepts that caused the most confusion and consternation for five informants. When they were asked directly about what the regulations stated regarding specialized assessments, they were uncertain as to the meaning of the term and asked questions for clarification, such as “Do you mean...?”. These five principals openly admitted they were unclear as to what was meant by the term. Oscar responded to the specialized assessment prompt with:

I don’t know if that’s what they mean by ‘specialized assessment’ but I know that we ... if you have kids that are not at grade level or significantly below grade level, they don’t get assessed with the remaining students. They have to be given an assessment which will give good and accurate information in terms of what they know based on where they’re at. Does that answer your question?

Many were uncertain if specialized assessments referred to classroom assessments, assessments done by resource teachers, or assessments done by clinicians. Kevin asked for clarification when given the prompt, asking if by specialized I was, “meaning reports from clinicians and psychologists?” Jim defined specialized assessments as any assessment which, “not all students would be tested on” and hence, they could be administered by the classroom teacher, resource

teacher or any other in-school personnel. He noted that “parental permission was required only for those situations where a student was singled out for special assessments to assist with their specific programming”.

Some questioned the need for specialized assessments and their value. Frank noted:

That’s one of the concerns I do have and I guess it ties back into when we’re building our appropriate programming, what you need assessments to do and the sort of stuff I guess that is involved in the assessment, like what kind of language and what kind of information comes into that and that’s probably the greyest area.

He queried the use of assessments for funding purposes, suggesting:

Some of the language that needed to be in the funding [applications] was some of the things that we talked about. Around like if you’re looking at going after your level IIs or IIIs, what do you need to have in there and what kind of data do you have to have supported? What agencies do you have to have involved?

In the ensuing discussion following the prompt, I generally referred to specialized assessments as those done by personnel or agencies beyond the school level. This would involve any assessments done by clinicians and outside service providers including health, social services and others. My understanding and perception of the meaning of this term is based on my years of involvement in special education circles and what Eblie-Trudel (2009) termed “operationalized beliefs”. These beliefs, right or wrong, are the underpinning of practices which have developed over time. In accordance with the *Standards for Student Services* (MECY, 2006) definition, “individualized assessment conducted by qualified practitioners” could mean simply a special test administered by a classroom or resource teacher. Dale was one of the informants who concurred with my understanding in the discussion of the term, when he noted, “if there are

specialized assessments, if the assessments are going out of the school building, like for example the school psychologist, then the principal must ensure this is done ”.

If it is accepted that specialized assessments can be done by classroom and special education/resource teachers, then questions arise as to the special training and certification needed to administer some of the appropriate tests. Norma discussed the required qualifications of the resource teacher administering some assessments, indicating that it was difficult for her to carry out her mandated role to provide specialized assessments if assessments:

...must be done by somebody's who's certified. Like you need a certified resource teacher if you're conducting things like the Connor Scale or doing DIAL testing or Key Math or all of those diagnostic types of things. You can't just ask somebody who's in the resource position, who actually doesn't have a resource certificate or specialty.

Norma's concern was that the division, “can't get certified resource teachers. We're offering resource support but we don't have certified resource teachers. Certified resource teachers are being snapped up down in Winnipeg. They don't want to move to (name of town)”. It is Norma's perception that in order for resource teachers to be qualified to administer some assessments, they should have their special education certificate. It was her perspective that having resource teachers without their special education certification influenced her ability as the principal to provide the specialized assessments required to assist with the provision of appropriate programming for her students.

The definition of specialized assessment was defined differently, which contributed to the lack of consistent understanding amongst my informants as well as myself. It would appear that there is a need to further clarify the use of the term specialized assessment if principals are to understand the significance of administering these assessments to the provision of appropriate

educational programming for students within their schools and to provide the assessment services. Additional issues surrounding the provision of specialized assessments will be discussed in more detail later in this chapter.

Individual education plans. All fifteen informants were well versed and could verbalize the regulatory responsibility of principals in ensuring that individual education plans (IEPs) were developed and implemented. Where informants appeared to be confused was regarding the multitude of plans with different designations which were endorsed and required by their school divisions. Where their division employed the terminology of individual education plans (IEPs), the principals readily recognized their responsibility. When their division supported plans with alternative names, such as Behavior Intervention Plans (BIPs), Individual Behavior Plans (IBPs), Adapted Personal Plans (APPs), Alternative Program Plans (APPs), Individual Adaptation Plans (IAPs) and At-Risk plans, principals appeared uncertain as to their responsibility. Kevin was the only principal who referenced the use of a PATH [Planning Alternative Tomorrows of Hope] (Pearpoint, 1998) as a planning tool to assist his students in setting goals and commented on his involvement in this process. Principals used the different acronyms interchangeably in discussing their responsibility to ensure that appropriate educational programming was in place for students within their care. However, the different terminology and the different eligibility requirements for the diverse plans could be viewed as contributing to the lack of consistency of programming and services provided by the schools and their divisions within this study.

Within the Glossary of the *Standards for Student Services* document (MECY, 2006), there are four different plans defined²¹. An individual education plan was recognized as

²¹ There were three other plans defined in the Standards document which were not referenced at all during any of the interviews: the individual health care plan (IHCP), the individual transition plan (ITP) and the personalized transportation plan (PTP). These three plans were not referenced in any of the regulations, nor was their responsibility assigned to ensure their development and implementation.

encompassing, “other acronyms such as an adapted education plan (AEP), behavior intervention plan (BIP), assisted learning plan (ALP) and so on” (p.26). From the definition offered in the document, it would appear that the term individual education plan is generic and includes plans by other names such as those suggested by the informants. The informants were not clear regarding the diversity of names which were encompassed within the regulatory term of IEP. They often referenced the IEP as being the formal plans and the others are being informal or of lesser status than the detailed IEP plan.

Informants also discussed different eligibility requirements for students to be designated as requiring an IEP. Evie indicated that within her division, formal IEPs were only written for those students who were designated as Level II or III funded students. For all other students, whom she labeled as Level I students:

...kids that, let’s say, just had some gaps and were requiring resource support, which meant not so much the Level II support but just needing resource support or differentiated instruction within the classroom”, APPs or Alternative Program Plans are developed. All formal IEPs and APPs require parental consent before any specialized classroom assessments or specialized assessments by outside clinicians are administered.

Still others, such as Norma, noted that IEPs were written for all students, including, “our identified Level I²² students”. It should be noted that there are no common funding definitions or any definition to clarify “Level I” students and there are no expectations that plans are written for these students. It has been estimated that 2% of students in Manitoba and other jurisdictions

²² As discussed in Chapter One, the levels referenced above refer to the terminology associated with educational funding for students with exceptional needs in Manitoba. The intellectual, physical, behavioural and other domains are used to determine qualification for Levels 2 and 3 funding allocations. Level 1 is frequently referenced as a funding term when in reality, it is not defined and there is no specialized categorical funding attached. There is base funding to accommodate the needs of these “at risk” students.

across Canada could be considered as being at the Level I level of functioning and as such, that would entail the writing of an additional 10,000 IEPs across the province (McRuer, 2005).

There is an absence of data documenting the number of IEPs developed on a yearly basis in Manitoba. VanWalleghem (2007), the former Director of Research and Planning with MECY, noted that the then current IEP support document, “Student Services Individual Education Planning: A Handbook for Developing and Implementing IEPs” (MECY, 2007), lacked a clear definition as to which students were mandated to have an IEP. Different divisions identified students for IEPs differently across the province. Norma commented, “everybody’s using all kinds of different documents in terms of how they’re doing APPs and IEPs and using all kinds of different language.” It would appear that the new legislation and regulations have not clarified this designation and that there continues to be differing divisional requirements as to who qualifies for an IEP and who qualifies for other plans with different terminology associated with each plan.

Manitoba Education (ME) has recently released a new support document “Student-Specific Planning: A Handbook for Developing and Implementing Individual Education Plans (IEPs)” (ME, 2010). It was hoped this new document would assist principals in their understanding of IEPs, with more specific guidance offered to school divisions as to who qualifies. However, the definition in the new document is similar to what was found in the previous document, as is the designation as to who must receive an IEP. As a “support” document, the new handbook has no legal force requiring divisions to follow the direction offered. Until it is defined within a legal regulation, divisions may continue to adapt and alter their IEP requirements to meet their local “operationalized beliefs” and past practices.

Parental involvement. The involvement of parents will be explored in more depth in an upcoming section of this chapter. In this section, I will discuss only the need for a more concise definition as to what parental involvement entails. Many principals recognized the value of having the parents “on board”. They also questioned the gap within the regulations regarding the assignment of responsibility to the parents in the provision of appropriate educational programming. Each division defined parental involvement and the legal mandate for garnering consent in their own unique manner. This led to differing expectations for principals within this study.

Obtaining consent. Some discussion centered around the critical decision to be made in obtaining consent, which entailed determining who was legally designated to act on behalf of each student. Frank discussed, “the question of who signs the forms and who do you get permission from for the extra testing and stuff”. He spoke of difficulty experienced, “just figuring out who’s legitimately the guardian and that goes back into more of a funding issue, and then it also ties back into this trying to get people to identify in terms of ancestry”. When he referred to ancestry, he was recognizing that students of Aboriginal descent are legally “wards of the Federal Government” and require collaboration with different agencies than the provincial Child and Family Services. The ancestry of the students determined if the principals were working with Manitoba Child and Family Services (CFS) department or the Federal Government agencies in the case of Aboriginal students from the Federal/First Nations Schools. Norma talked about the inconsistent role played by Manitoba CFS when they were acting on behalf of parents and were required to sign forms and attend meetings. She noted that they often did not appear at IEP meetings when their presence had been requested.

It should be noted that not one principal commented on the ability of the students themselves to provide consent once they have reached the age of 18, which is considered to be adulthood in the province of Manitoba, if they are deemed competent. The principals tended to reference gaining consent only as being from the parents or guardians of the child.

Involvement of parents. The extent of the parental involvement and the perception of the required level of parental involvement varied from principal to principal, reflecting diverse attitudes and beliefs of the informants regarding the role of parents in the appropriate educational programming process. There were very different levels of involvement discussed ranging from a simple signature required on a consent form, to parents being an equal partner in the decision making stage in the IEP process, to trading information with the parents regarding successful practices as to what works at home and what works at school, to the simple approval of a written IEP which had been totally developed by the school staff with no input from the parents. Again, there was a lack of clarity in understanding the concept of parental involvement and the role of their involvement at various stages of the programming process. This led to inconsistent application of the regulations.

Contradictory Influences on Principals' Practices

A second challenge for the informants was the inconsistent messages they were receiving from different sources or influences regarding the provision of appropriate educational programming. It could appear that the lack of consistency of service provision across the province for students with special needs is a result of the many different influences providing different direction to principals. In some cases, the direction offered is contradictory and places principals in a quandary as to whose set of rules to obey or follow. In other cases, there may be some slight variation in the interpretation of the regulations and their implementation, which

principals must consider when responding to situations. As a result of the many sources which offer guidance and direction to principals, there is an increased likelihood of inconsistent practices.

Some of the confusion experienced by principals may be explained by the fact that there are legal mandates, policy requirements, union collective agreement requirements, advocacy group expectations and community and school cultural presumptions. The provincial government legislates that school divisions and hence, principals, follow the statutes and regulations of the *Public Schools Act* and *Education Administration Act*. They encourage the alignment of practices with their *Standards for Student Services* document (2006), which presents guidelines to the minimum standards desired across the province. There are also any other support documents, such as the “Student-Specific Planning: A Handbook for Developing and Implementing Individual Educational Plans (IEPs)” (Manitoba Education, 2010), which provide direction to school divisions and principals. Principals are contractually obligated to follow their divisional policy based upon the divisional staff’s interpretation of their legal mandates and their local context. They are instructed to follow articles outlined in their collective agreements, as well as policy, practices and recommendations made by the Manitoba Teachers’ Society (MTS) as their professional organization. They are offered advice by their Council of School Leaders (COSL), their professional principal association. They can be strongly influenced by the ideas and beliefs presented by various advocacy groups, such as Manitoba Association of Parent Councils, Community Living Manitoba, Council for Exceptional Children and others, in meetings and workshops presented across the province. One of their strongest influences may be past practices within their school culture and community regarding the provision of appropriate educational programming and services for students with special

needs. It is not surprising principals were sometimes confused as to who was directing their actions when they forced to make decisions regarding special education. There can be contradictory messages delivered by two or more of these many influences. Principals are faced with similar, but often slightly different perspectives, directing their courses of action depending upon which mandated version they choose to follow.

A number of informants referenced their knowledge of their school division policy as being paramount in explaining their actions when prompted to explain their regulatory requirements. Dale noted, “We have to know what’s in our policy manual, which states to a certain degree how students should be treated”. George stated, “I do say that in our school policy, we always try to deal with kids as individuals and situations as individual. So I think that the policy’s spirit is what they were trying to get at in Bill 13” when referencing a common approach to discipline proposed by both. Others questioned how the regulations were aligned with their divisional policy, making statements such as Jim’s comment, “there is a regulation that also addresses suspensions and expulsions but I’m not sure if it relates to our policy”. Oscar referenced his Code of Conduct when discussing inclusion and differential discipline based upon disability, noting, “Our Code of Conduct actually has language in it to reflect that, even before that language became mandatory”. Barb discussed her school division, noting “it’s very hard to learn all the rules and responsibilities that they have in place for you. So, we’re still learning.” She referred to the division’s policy manual as being, “just like a divisional bible we have to learn, so there’s lot of stuff that you have to know and learn.”

IEP meeting attendance. An example of an issue which was discussed by a number of informants was the attendance of the principal at all IEP and special education team meetings. Principals struggled to know their responsibility as there were different directions offered and

they struggled to determine whose influence to follow. While there was no mention within the regulations regarding the principal's attendance at IEP meeting, some expressed their belief that they were required by law to attend all meetings. Others, such as Mark, Norma and Oscar, believed that their attendance at every meeting was mandated by their divisional policy or their division's interpretation of Bill 13. Oscar commented, "I don't know if my presence is actually required through the legislation itself, but I am supposed to be at every meeting. That is the expectation and so I am there." Mark indicated that either he or his Vice-Principal made an effort to attend every meeting, but because his Vice-Principal was only half time and taught classes the other half time, it was not always feasible for one of them to be there. "You just can't be at every meeting". Others indicated that they believed that they could not possibly attend all meetings. In the initial interview with Norma, she commented:

I don't attend all of them. I just couldn't, really. I mean I think I've read all of them [IEPs] and I've signed off on all of them but to attend every meeting for every one that was developed, I couldn't say that I'd done that. I have some competent people who work for me.

During the follow-up telephone interview, she related the latest requirement by her division was that she was to be in attendance at every meeting:

Now they want me at every meeting. I'm being told by some of our special services people that it has to be the principal, which I do not believe is in the legislation. I believe that it can be someone that I designate in my position. There's no possible way. My argument was there's no possible way that throughout the high school system, the principal can attend every single meeting. That's all they would do. You know there are

more than 1000 kids in that building. I'm sure, at least I assume that they assign the vice-principal and sometimes the resource teachers to sit in on behalf of the principal.

Jim, Mark and Norma all expressed that they believed it was okay to designate an alternative administrator to attend some meetings. Henry indicated:

In terms of our IEP meetings and parent meetings, I'm not as involved in the IEP meetings as I have been in previous schools because I have 38 kids. And if you're meeting twice a year, that adds up. That's a lot of meetings and if there are some that are having, or require special attention, or we need some extra authority, I sit in. But if it's a regular program meeting with the parents and the resource teacher and classroom teacher and teacher assistants all there working together, then I'm not. I'm not involved, but the legislation mandates that there is a student services support team in place.

Dale and Norma strongly maintained that they were unable to attend all these meetings, because they were teaching principals and often teaching at the time of the meetings. They expressed their confidence in their in-school team to make decisions without their presence. Many of the informants actually questioned if the regulations stated a requirement to attend every meeting and barring that, they expressed their belief that it was a divisional requirement as outlined by their student services administrator. They were not always able to identify where their beliefs came from and they lacked clarity as to what they were actually mandated by law or policy to do.

Influence of the divisional student services personnel. Of their new regulatory responsibilities, it became evident that for many, their knowledge and understanding had been filtered by their receipt of information from their student services administrator and the superintendent's office of their school divisions. As was discussed in the first section regarding the professional development of informants, eight informants suggested that their primary source

of information was their student services administrator and/or their Superintendent. Four commented on the role that their superintendent or central office administration played in ensuring the principals understood their legislated requirements. Frank spoke highly of his superintendents' knowledge and their desire to respond to principals' questions regarding practices and procedures. Mark recalled the role of his central office administration, specifically the "curriculum guy" in informing principals in his division regarding the legislation:

They went through the whole bill as to what was in it, what wasn't in it, what things may change, what things might not change and it is a work in progress. That some things work and some things don't. So, that's how we found out. ... Those people in specific leadership roles learned what's going on and what's expected of them now and the changes that were going to be taking place. So some previous actions or programs had to change.

It was evident that the student services administrators and the central office administrators played a key role in shaping the informants' understanding of their responsibilities resulting from the new legislation. The values and beliefs of these administrators regarding what was possible and desirable within their local divisions influenced the principals' views of their role in implementing appropriate educational programming. Again, while the principals could verbalize their regulatory requirements, their interpretations as to how these requirements played out in reality, "what things may change, what things might not change", "what was working and what wasn't working", were referenced as a direct result of the direction provided by their divisional administrators.

Principals within this study rationalized their responses to the new legislation and regulations as being guided by a number of sources including the actual legislation and

regulations, their divisional policy, their divisional central administration's interpretation of the implementation requirements, their past practices, and others. At times, the principals questioned where the direction was coming from, whether or not they had to legally adhere to it, and how they were going to adhere to the sometimes unrealistic expectations. The different influences could be viewed as another factor promoting inconsistent service delivery as well as inconsistent application of the new legislation across the province.

Perspectives on the Role of Parents

Much discussion during the interviews was stimulated by informants discussing their perspectives regarding the roles and responsibilities of the parents. Theoretically, all principals seemed to welcome the involvement of parents in all assessment and IEP decision making processes as well as other programming discussions. However, practically and realistically, some informants were frustrated with the difficulty they experienced attempting to contact parents, resulting in the parents being totally left out of any decision-making regarding the appropriate educational programming of their children. Five informants expressed that they believed that disgruntled parents served as the spark to enact this legislation and that they sought an avenue to express their discontent. Many openly questioned the acknowledgement, and acceptance, of responsibility by the parents in supporting the school in providing appropriate educational programming for their children.

The variation of interpretation regarding the involvement of parents in the education of the children with special needs could be viewed as another factor supporting the inconsistent implementation of the legislation and accompanying regulations. Parents, who may choose to move to a different community within these four school divisions, may experience very different

expectations and levels of acceptance resulting from divisional policy and practice inconsistencies.

The value of parental participation. All principals talked about their regulatory requirements to obtain parental consent for assessments and parental involvement during the IEP process. All but one informant recognized the value of involving parents in all aspects of the student's programming. They expressed their view that generally parents serve as their child's chief advocate. Anne noted, "They're an integral part of the team and when we're developing the programs for special needs children, they need to be involved as much as possible". Generally, principals discussed parents in very positive terms, such as Carl's comment that parents acted as, "a valuable partner in the decision making and coming to a consensus". Mark referenced the supportive role that parents played in helping teachers to program positive experiences for the child:

We rely on them to give us valuable information on the kinds of things that they do at home. What is successful, what works so that we can sometimes know more of the answers than what we do and therefore, it's always been that kind of atmosphere. They like to be included. They feel that's one of the times when they can be a part of a team and they feel that they're giving something valuable to the success of the student and the school.

He openly expressed his desire for parental involvement when it came to specialized assessments:

When we're doing specialized assessments, the parents have to be involved, the parents have to be aware, they have to be on board and there has to be informed awareness. They can't just be told about it. They have to understand what's going on so we have to have

meetings with them, face to face, and have them sign off on things that we do with their children.

Norma concurred with this noting, “they need to be involved as APPs are developed, they need to be informed then where the kids are at, they need to be informed when changes are made to them and they need to be informed of their progress and so these meetings need to take place.”

While the principals expressed their belief that the parents needed to be involved in the IEP process and to sign the IEP prior to it being implemented, Dale expressed his very unique perspective that parents need not necessarily be involved in the writing of the document. His “operationalized belief” and practice ran contrary to his regulatory requirement when he commented:

I’m assuming that probably if an IEP is required, then parents would have some input into, not necessarily what’s in the IEP, but at least approval or knowing what’s happening after the IEP has been done by the school team or whoever else is involved.

He downplayed the role of the parents in the IEP writing process and believed that it was adequate to obtain their consent and to make them knowledgeable about what the school team had delineated in the IEP.

The power of disgruntled parents. Four informants related beliefs about the fundamental role parents played in driving forward the enactment of the legislation. These informants believed that parents who were involved with their children’s educational programming wanted more for their children than what was being provided by schools. They believed these were the parents who had strongly advocated for the development of legislation. Len expressed it clearly when he expressed his belief, “some parents were proactive in not thinking that their children were given a proper education”. Norma spoke of parents not being

informed of what was happening with their children in schools as being a driving force. She recalled, "I've heard things where kids were having psychological assessments done by psychologists and their parents weren't informed or even notified that those types of things were happening" and she concluded that the basis of the legislation was to ensure that schools, "are informing parents of what is happening with their children within our buildings, in terms of the child's education". Norma added a unique perspective that schools, "were taking too many liberties as educators to stick their children into this program or that program, and not really informing the parent of what the program was, or what our reasons for doing it were".

Five informants discussed the role of the dispute resolution process for parents as a means of expressing discontent with the school's programming as set out in the IEP. George noted, "Parents need to be involved. Parents also need to have some kind of dispute resolution process if they don't agree with what's going on." Frank indicated that if the parents, "don't agree with what's happening, there are other avenues open for them in terms of, I'm going to call it, the dispute process", with the conclusion, "they do have some recourse". Some of the informants recognized that not only must parents be involved, but that they could choose to obtain an objective opinion from a review committee when they felt their children deserved more than the principal and the division were offering.

Attempts to gain parental consent. While most informants recognized the need for parental involvement, some discussed the difficulty which they had in getting consent when parents were not accommodating in signing documents. Mark commented:

I know that there's timelines for some things that we have to have in to the department at a specific time and you know we have a hard time getting parents in sometimes. And they just want us to do it. If we can't get the parents in, we let them know by letter that

we need them to come in, a registered letter. That's so that we know that they have to sign to get it, that they have seen it. If we don't get any kind of feedback from them, we make our own best informed decision and go with the decision that we made, and ah...do it for the child. Because it's with the best interest of the child, and we just keep a record that we have phoned, we have sent a letter, we have sent a registered letter. We document all the attempts that we have made to get informed consent with the parents or with guardians.

Norma expressed great frustration in attempting to get parental consent for students to receive resource support, a requirement of her division. However, she recognized that, for some her parents, there were many factors contributing to their inability to come to the school to sign appropriate documentation. She was not judgmental regarding these parents as she recognized that it was not easy for some of them to come to the school to sign forms when requested. She commented:

I've got many, many parents without phones. I have many, many parents who I very rarely see. I mean I've got a lot of parents in this building who...are single parents and have four or five kids at home and they have two or three little ones. They have no vehicle. They don't have babysitters...so yeah, it frustrating. So what I've eventually done is I now...I just sign off. I'll say I've tried to contact this parent on such and such a day, had the school contact the home for a home visit on such and such a day and I just say as a principal, I give the authority to put this programming in place. It's my understanding that I have the right to do that.

When consent was required, Oscar noted that conventional letters being sent home didn't work in his school and that, "usually our resource teacher, vice principal, or myself will actually leave

the school with the forms, and go to the house, and explain what is going on, and then get the signature there and then bring it back”. While dissatisfaction was expressed in attempting to get parents to sign consent forms, the principals revealed some of their strategies employed to ensure someone had signed the form for appropriate assessments and programming.

Perceived responsibility of parents to support their children. When prompted about what the regulations said about parental involvement, a number of informants related their concern that principals and teachers seemed to be held to a higher level of responsibility than any other stakeholder within the education of the students. This is a direct result of their legislated professional duty to care for the students in their charge. They expressed frustration in the new AEPA with the lack of onus placed upon the parents to support the school in the provision of appropriate educational programming. They felt the expectations were not equally distributed when the education of the student is supposed to be a partnership. Carl commented:

I think we need to stop taking responsibilities from the parents. We are all stakeholders and giving to the schools. In our staff meetings and as a staff, we’ve had some talks and we just feel that things are being pulled from the parents and thrown down to the schools and here everybody just sighs deeply and responds with ‘Here’s another thing. And here’s one more. But where are the parents?’ Where is their responsibility? Where is their accountability? It’s easier to make us accountable because we’re working for them. But I guess, how do you make parents responsible? So, there needs to be some kind of a balance and I think that right now the scale is shifted to where I believe schools and the staff are overloaded. The scale is just uneven.

The lack of follow-up and support offered in the home to the students was a concern expressed by a number of informants. Oscar noted, “I just remember that my comment as we

went over it [Bill 13] with a group of administrators at our meetings was pretty much that there wasn't a lot of responsibility put back on parents in the Act". While he discussed that the parents of students in his school were not an obstacle in terms of giving consent for the school to offer any specialized programs to their children, he commented:

We usually get signatures, no problem whatsoever. Actual support like when a psychologist makes recommendations to the parents in terms of how they can support the programming, or myself or the resource teacher or the speech pathologist, I don't think very often that ever comes through and taking that one step farther back, in terms of the supportive parents, never mind the sort of specialized help, I don't even think the general help gets done in terms of a quiet place to do homework. You know, someone to read to the kids, that sort of stuff. So, I'd say in that sense, no, we don't have supportive parents but they don't interfere with what we do with their student, our students and their children.

Carl commented he, "assumed that parents make sure that they are doing everything possible that they can to support their kid at home, to support the school, their kid at school and to support the school with their academics and just in their school life" but this is not always happening. He continued, adding the following concerns:

... kids not having enough to eat, kids not getting enough rest, not being mentally and physically prepared to come to school. You hear of the drugs and all that sort of stuff, they are all major issues. Difficulties when families break up and all that sort of stuff. I mean families having big families and the older ones raising the younger ones and ... those are all issues.

Dale discussed the unstable home lives of his students as not being conducive to learning and commented, "education is not a high priority" in his community. He concluded that home life

and support from the home are two of his biggest challenges in providing appropriate educational programming for his students. Oscar concurred with Dale, indicating that his desire for supportive parents was his one and only wish in order to improve the success of his students with special needs in his school:

If I could have my one wish that's totally "pie in the sky", it would be parents who would kind of, well not even just act on our recommendations, but parents that would be responsible and attentive parents. Because I think a lot of our special needs kids that are two and three years below grade level can be attributed to their parents. They're just not there. They're absent, they're just totally absent and homework is not getting done, kids aren't going to bed, they're coming in late, they're not being read to at home. Make your whole list but if we could get some responsible attentive parents, you know a lot of the kids would just fall off our list because they're really not special needs. They were created as special needs.

Three informants indicated that a major barrier to the provision of appropriate educational programming was absenteeism and questioned the responsibility of the parents to get their children to school each day. Carl questioned:

if kids aren't coming to school for whatever the reason, and it's not suspension or expulsion, then, where's the responsibility on the parent in all this? ... Sometimes this is passed on from generation to generation, or family to family, where they don't come to school. Who's responsible in making sure that parents get their kids up? It's the parents that make sure that their kid gets on the bus. If there's no valid reason, if the kid is not being harassed or is not sick, and you know if they are, let's deal with the issues and get on with it. But if they're not, then they should be in school. If we don't provide adequate

educational programming, we can be disciplined. Who has the responsibility or the accountability for the parents?

Dale discussed what he saw as the lack of responsibility assumed by parents when he has parents calling the school looking for their children, "I'll get parents phoning in the morning saying 'Is my kid in school today?'" They do not appear to know where their children are at different hours of the day."

George discussed the effect of consistent transiency upon his students and his staff's ability to develop a sense of trust with the parents. He noted that families were often dealing with a variety of issues including abuse, alcoholism and others, such that they move into town for counseling and move home when their counseling is completed:

There's always that transition and maybe the biggest challenge is that initial process where kids are coming in to the school and the parents want to get them into school because they want to deal with the issues they've got to deal with. So these are all the issues. You just get programming going and last year, we had a child come in and he was severely autistic and really, really aggressive and loud. And we just got all that in place and you know what happened, then he left. So those are the big challenges. We think when we have kids here for an extended period, they start to calm down. They start to feel comfortable and then they go away. So they're here but they're maybe two or three years behind and they're at risk and probably for no other reason than they just haven't been at school for periods of time. They don't stay for any length of time in one place.

Norma conferred with the frustration of getting programs established for students who were transient when they were in need of specialized assessments and appropriate programming. She recalled one student:

So now I have this one kid on a waiting list to see Speech and Language and they're on the referral list to go to psych [the psychologist] and you know, and we're looking to get them into the EBD program, and we're looking at setting up Level II funding for them, and poof they're gone. And they may be gone for 2 months, 2 weeks, 3 weeks, we're moving, then bingo, they're back again. And you'll see with these kids, you look at their cum files and some of them have been in 10 or 15 schools and they're like in Grade 5. And you'll see where exactly, where the ball was dropped every time. Like you'll see that there was a request here for that district psychologist, the kid moved and they've put in a request for a psych assessment, you know what I mean and that's why nothing happens and they wonder why, how come this kid's never had any support? They've never stayed long enough to get any of the supports in place.

As was noted, there were different attitudes and interpretations regarding the involvement of parents in the education of the children with special needs. Some principals commented that they wished they had the time to sit down with their peers and discuss these issues and clarify the role of the parents in the provision of appropriate educational programming.

The Provision of Specialized Assessment

The last challenge to be discussed in this chapter refers to the perceived struggles principals experienced in their attempts to provide specialized assessments for their students with special needs. As noted earlier in this chapter, some principals experienced difficulty in clarifying the meaning of the term specialized assessment. The term engendered all ends of the spectrum from specialized classroom assessments being administered by the classroom teacher and/or resource teacher to assessment administered by divisional and contracted support personnel to assessments administered by social service agency personnel. Specialized

assessment was yet another term which required additional clarification and explanation to assist principals in ensuring that they were able to appropriately address the intent of the regulation.

Also, as was discussed earlier, almost all principals could verbalize the regulation which stated that they were responsible for ensuring that specialized assessments were administered when deemed necessary by the classroom and resource teachers. These assessments are to occur after the in-school team members have carried out regular classroom assessment, practiced differentiated instruction and provided adaptations in order to support the student in meeting the desired outcomes. They generally understood the rationale for specialized assessment, recognizing that additional information was necessary in order to provide appropriate educational programming for some students. They acknowledged that the additional data were significant to writing effective IEPs and for submitting successful funding applications to the provincial government. As Henry noted, “Without that testing and the stamp of a school psychologist, it doesn’t matter what I say, the Department [ME] doesn’t believe it.”

Many informants commented about the part of the regulation regarding the timeliness of the assessment, “A principal must ensure that a pupil is assessed as soon as reasonably practicable if he or she is having difficulty meeting the expected learning outcomes” (Regulation 155/2005, *The Public Schools Act*, Section 4(1), Part 2). Jim concluded, “the whole idea here is that the school should be, or the school division, should be able to access specialized assessment on behalf of a student. Be responsible for ensuring that it’s available after having gotten parental support.” While principals appeared to clearly understand their mandate for specialized assessment, in all but three cases, they expressed frustration regarding their inability to comply with their regulatory obligations.

Regarding the provision of specialized assessments in a timely fashion, there were a number of issues which informants' perceived as preventing them from complying with the regulatory requirement. The school division's denial of principals' requests for assessments was a common issue. The implications for principals regarding the shortage of resource teachers who held their special education certificates and of specialized clinicians external to the school division were discussed. The inevitable effect of the shortage of clinicians was the delayed timeliness of the administration of assessments desired to support teachers and other in-school team members in developing strategies for student progress. As well, principals were placed in the position of having to select which students were going to receive an assessment within a given year. This resulted in ethical dilemmas as principals were offered no criteria to use in making their selections from their extensive lists. The overall perception for most principals was they were placed within an impossible position when attempting to comply with this regulation.

The denial of services. Oscar succinctly expressed a common belief among the informants regarding access to specialized assessments. He noted, "the principal must ensure that those services are provided or are attempted to be provided to the best of the ability, or the availability, of the services when they are required or deemed to be necessary." Many principals held the perception that if they were providing specialized assessments in accordance with the capacity of their division, they were meeting their regulatory mandate. Principals expressed their desire to increase their ability to provide the specialized assessments when deemed necessary but recognized that they were limited by what their school divisions were capable of providing, or willing to provide.

Most principals accepted their imposed divisional restrictions as setting the guidelines for their maximum capacity to provide services. Other principals, such as Jane, discussed the need

to document their requests “even if you think you’re not going to get them but you think they are needed.” Oscar mentioned a number of times that he consistently documented requests for services which were denied by his school division. He noted:

Physical therapists? We have had, over the years that I have been here, three students who probably could have had significant advantage from those services, but never had the opportunity to get them in the school. One question that I’ve raised over the last couple of years is occupational therapists. You know we have kids that need the services of an occupational therapist and I’ve asked questions about it and I’ve been told by the special services team that, because we hire outside the school division, that service just won’t be found. But I do regularly request that service.

In terms of the divisional psychologist, Oscar was “allocated four half-days a year. Our time was limited and that time clearly was earmarked for assessments for funding applications. They were working with our highest needs students, so that left others without the proper assessments being done.” The principals described the lack of clinician time to fulfill their specialized assessment needs. They tended to equate the need for specialized assessment with the successful application for funding. They did not discuss the significance of the assessment recommendations in terms of assisting teachers and in-school teams in developing improved instructional strategies and programming for the student. They reflected upon their inability to access relevant clinicians to support the specialized needs of some of their students.

Resource teachers²³ holding their Special Education Certificate. One of the key stumbling blocks expressed by most informants in terms of the principals’ abilities to comply

²³ The term resource teacher is just one of many different terms used across the province to designate the teacher who is responsible for assisting classroom teachers with specialized programming, assessments, IEP planning and other duties. Other names for this teacher include special needs itinerant teachers (SNITs), special education resource teachers (SERTs), itinerant resource teachers (IRTs), special education teachers (SETs) and others.

with the assessment regulation was the shortage of certified resource teachers available in the remote northern areas of the province²⁴. Three principals commented on the difficulty their divisions experienced in attracting resource teachers who held their Special Education Certificate and the problems resulting from the shortage of certified resource teachers to carry out some assessments which only qualified resource personnel can administer. In the case of Evie's small school, the divisional consultant was the, "one who is stated to be our resource teacher. She was here in October and then, because of a crisis, was here again yesterday [June]. So that's our number one challenge. ... You don't come in June, two weeks before the end of the school year to do the IEP that should have been done in October."

While Kevin's resource teacher was certified, Kevin expressed concern because his resource teacher is also a classroom teacher and unable to carry out all her duties. Because of her heavy workload, "it was shared with me that we were only able to put one student in for funding. That's not going to get us very far, right? We have so many more than need it. Time is of course the barrier." She was unable to accommodate the administration of appropriate specialized assessments and writing the funding applications in addition to her busy teaching schedule.

External clinicians and specialists. There was a general shortage of external clinicians and support personnel to administer specialized assessments discussed in most interviews. Some of the principals addressed the unmanageable caseloads of psychologists, speech and language pathologists and other clinicians. For some students with specialized disabilities such as those students who are blind, hard of hearing, autistic and others, ME provides provincial services to

²⁴ While resource teachers cannot legally administer most types of specialized assessments (without the appropriate training), they are instrumental in the administration of classroom tests which are pre-requisites in identifying the need for more specialized assessments.

support the specialized assessment and program development. Some principals reflected upon the inability to access the provincial services in a timely manner. Many discussed the need for more support in identifying and assessing students with specialized disorders which could only be administered by social workers and mental health workers. The general shortage in the north of physiotherapists, occupational therapists, pediatricians, doctors in general, nutritionists and other health professionals important in the assessment of students' physical, environmental and health needs were discussed. As well, the decreased access and availability of curriculum specialists, so important in assisting teachers in the development of adaptations, modifications and planning appropriate educational programs, were all mentioned as key players in the process. Pea remarked:

I think we're fortunate in our community that we've been able to obtain some of the services for our kids but we don't have the amount of services and personnel needed. We don't have access to the specialized psychiatric resources that we need for a lot of our children. Our social services agencies are underserved now and a lot of the personnel have no training and no expertise. So it does hamper us in the north because you look at the child or children and you can think up solutions but you have no access to them, so your hands are tied and then where do you go? That can become very frustrating. It's okay if it's one or two children but when it becomes twenty or thirty children, it's very time consuming and discouraging.

Later in the interview, Pea suggested one of her greatest challenges in implementing the new legislation and regulations was the provision of services to her students when the specialized personnel responsible for assessment and programming were overloaded. She noted:

The challenge would be the number of students that require the services. I have 410 students in the school and the speech caseload is probably half of the student population and the OT is probably one-quarter, and we're finding more and more of them. And then you add to that the other handicaps that students may have, and it becomes overwhelming for everybody, that there are so many students that need so many services that everybody just feels stretched so thinly that you don't feel like you can ever succeed sometimes.

Three principals mentioned their need for support in the area of mental health and the value of the assessment data done by these clinicians to support them in determining programming and also in responding to episodic situations which arose. Frank commented their, "caseloads were phenomenal" when referring to the unavailability of the mental health workers in his community. The irony of this is that Jane commented, "we have some services in the community that I know I can access if I can find a way of making it [the problem] look like a mental health issue". She noted that she has, "kids whose assessments are pending and have been pending for a significant period of time" but if she can build in a mental health component, she can quickly access services for assessment. There are many inequities across the four divisions and within the many communities represented.

The timeliness of assessment administration. Principals could not guarantee that their students would be assessed to determine appropriate educational programming within a reasonably practicable timeframe. Jane noted, "everybody is eventually seen, it's just not in a timely fashion. sometimes we actually have to complete another referral because they typically are outdated and sometimes they've gotten lost in the process." It was the general perception that most of the clinicians available, whether employed directly or contracted by the school divisions to do assessments, have unmanageable caseloads and long insurmountable

waiting lists for students who require their services. Norma commented, “it’s difficult especially here when you’re contracting out say a district psychologist and then he’s got a waiting list that’s a mile long.” She discussed attempts she had made to access help and assessments for students who she believed to be clinically depressed:

I think just because of where we live, the resources aren’t accessible. Like to get mental health or psychological assessments done, it takes months and months and these kids are suffering in the mean time. Like nothing’s being done. Trying to get an appointment with a pediatrician if you’ve got a kid with ADHD , it’s 6 months.

Principals questioned what would be considered a reasonably practicable timeline. Again, this imprecise terminology allows school divisions discretion to determine their local abilities to meet the mandated needs. Len’s school was allocated only four psychological assessments per year. He indicated there were twenty students on his list requiring these assessments. He questioned if four per year was reasonably practicable and questioned the impact on the other sixteen students waiting for their rightly deserved turn. George discussed students who are waiting up to two years for Speech and Language assessments. He questioned what effect this was having, not only on their school success, but their lives in general. The principals in this study were talking about students waiting years for assessments because of restricted divisional allocations resulting from obvious clinician shortages.

Selecting students for specialized assessments. Because principals and their in-school teams have identified more students than they can expect to be assessed within a one year time frame, they are frequently being placed in a position whereby they must prioritize which students are assessed first and which students must wait for years to come. Oscar commented:

We're always playing a game. And some of the questions that we ask ourselves is do we give the services to the kids that need them the most or is that little bit of service even going to serve a purpose in that scenario or do we give them to the student where we think it might actually provide some assistance? Do we give them to these students because we see them starting to kind of teeter on the edge and before they go over, we want to get them back? We ask questions of ourselves all the time with who gets the services and you can make a case for any one of those groups of kids and who do you give them to? It's almost like you're playing God because it's not enough to go around. You know somebody gets it and somebody doesn't and you have to pick. It's near impossible.

Principals were regularly being forced to give some students precedence over others whereby all students should be receiving the services they require on an "as needed" basis.

Principals were being obliged to make some ethical decisions regarding the allocation of the available resources. By promoting some students to receive assessments years in advance of others, they are affecting the educational career of those students being denied timely service. If a student is being forced to wait four years for an assessment, how appropriate is his/her programming for the three years prior to the assessment? As Oscar noted, they are playing a game with the lives of their students as pawns in the process.

In the follow-up telephone interviews, I asked principals to comment if they were being forced to prioritize students and if so, what were the factors they used to determine who would get the services first. There was a real range of responses as to the variables they used in determining who the successful candidates are each year.

Oscar responded both theoretically and realistically when he commented:

Well the decision is based on need in theory but often that turns into who would be the easiest student to complete the necessary data for the funding application form. Often students with inappropriate behavior, obviously they are very high on the list, especially if there are safety issues. Ultimately, they just are the priorities. The reality is that some students who needed assessments for academic reasons are left – that was the way it is.

Other principals, including Anne, concurred with Oscar in that their first priority in selecting students for assessments were those students, “who we can get funding for. They get done first.” Some principals referenced the support in the home and the students’ acceptance of responsibility for learning as being key factors in their selection of students. Dale referred to the significant role of the student’s home environment and suggested that the first factors he and his team look at is whether, (a) the home environment is supportive or non-supportive; (b) they believe that the student is working to his/her potential; and (c) the student is taking some ownership for their success at school.

While I had anticipated that the primary determinant would be academic need, only three principals, Evie, Henry and Jane, responded with academic need or functionality. Many principals reflected upon their school’s desire to understand and strategize for appropriate behavior of students. They made their selection based upon their students whose behavior negatively affected the learning of others and were a safety threat (Evie, George, Jane, Len and Oscar). George expanded upon his response to suggest that where there were behavior crises situations, students were given priority for assessments to assist the school in protecting the rest of their student body. Frank made selections based on where there was the biggest benefit and where the school was able to provide, “programming without an awful lot of extra things”. He

also noted that sometimes, they are assessed in the order in which their name is placed on the list, because they, “already had alternatives in place” to support programming of many students.

Kevin offered a unique consideration when determining the priority criteria for students to receive specialized assessments:

The likelihood of that student being here. Like it’s not that we don’t want to help other places out but we want to be able to provide services to our own students first and foremost. So we do consider if that student will be around long enough so that we can give them the help they need. Who needs the help and assessments are considered first and then, secondly, are they likely going to be around.

Thus, the principals suggested a number of different approaches to determining who would receive the limited assessments allocated to their schools each year.

The consequences of clinician shortages. The result of the shortage of the human resources for the principals in this study who require their services is forced non-compliance with the new regulations. Evie concluded that with regards to assessments being done in a timely fashion, “that’s not always possible. There are things that are sometimes beyond our control.” Below is a telling conversation between a Jim and Jane, the principal and vice-principal:

- Jim: Now we can’t get anybody [access to psychologists]. It is so difficult. I mean, if you really want to know, here’s the dilemma. We’re supposed to, as principals, ensure that, we have the responsibility to ensure that, testing takes place if a student needs it. Well how can we do that if we don’t have somebody who can do it? So how can I be held responsible for the fact that, and I know that I am, but is it fair to hold me responsible for the fact that we can’t get a psychological assessment done by a divisional employee?
- Jane: And we contract it out so we, virtually, what we do is we prioritize who we will have done.

Jim: So now the issue becomes “in a timely fashion”. Right? And it’s probably ...

Jane: It’s not possible here.

Jim: It’s an inequity throughout the province because we can’t do that.

Jane: We have to make choices as to who gets done in what order.

These same two informants discussed the provincial certification requirements for clinicians in light of the availability of a school psychologist trained in Saskatchewan. Their school board was advised not to hire this psychologist because she was not certified in Manitoba. Their solution was to contract out assessments to be done by other Saskatchewan certified psychologists. It appeared that the certification processes are different between the two provinces; however, Manitoba would allow the division to contract out some assessments to be done by psychologists who were certified in Saskatchewan. Jane commented, “We contract two people from Saskatchewan to do our assessments. I mean that’s how stupid it is. Right? They’re already certified there and we can contract them but this girl who had the same training couldn’t be hired here because Manitoba Education wouldn’t accept it.” They expressed frustration and proposed one solution to the shortage was to offer support to local teachers who may have expressed an interest in making a career change. They suggested that divisions need to offer local educators sabbaticals and financial support to get the training if they are interested. Jim and Jane stressed their belief that their school division needed to focus more on training the educators they have living in their local community rather than trying to recruit individuals who were not from the North. Jane proposed that perhaps two divisions could work together jointly to provide some funding for training, noting, “with some support between school divisions, we could do that, one person between two would be light years ahead of where we are now.” This would presume there is someone who meets the criteria for entry into the school psychology program and is willing to spend the time and energy to complete the coursework.

Obstacles to accessing available clinicians. There were only three principals who indicated that there was not a shortage of service personnel when it came to doing specialized assessments for their students. Two of the three principals were from the same division. Mark commented that the clinicians were always available and at his school on a regular basis. However, Norma, who is a principal within the same division, expressed her concern that while there was not a shortage of clinicians, whenever they were requested, the paperwork and bureaucracy requirements in preparation of assessing her students were outlandish. She commented:

I wouldn't say a lack of clinicians. I think you have to jump through a billion hoops to get the clinicians to work with children. I find that the clinicians here put up a lot of roadblocks to assessing the kids. You have got to make a formal referral and then you have got to meet with them and then you have got to phone them and then, it is just ridiculous. Like there's about a million steps to getting somebody to see a clinician, on top of getting parental consent.

While most of the principals commented that they were doing everything possible to comply with the new legislation, they would concede that they were unable to provide many of their students with needed specialized assessments in a reasonably practicable time frame. The shortage of clinicians forced twelve principals to be placed in the position of triaging students to receive specialized assessments. Thus, the scarcity of specialized clinicians and the resultant restrictive divisional allocations compelled most of the informants to be non-compliant.

In conclusion, it appeared that the provision of timely specialized assessments provided a major stumbling block to most principals in meeting their new mandates. Generally, the conditions preventing them from meeting their requirements were seen as being beyond their

control. As a result of the limited availability of clinicians, the dictated annual allocation of specialized assessments by the divisions, and the perceived obstacles to obtaining such services, the principals found themselves in positions of having to make ethical decisions regarding who would receive specialized assessments. This was the most contentious issue for principals and the one area of non-compliance which caused principals to report the most stress in their attempts to comply with the new legislation.

The Requirement for Compliance

While the principals revealed their many supports upon which they depended to assist them in compliance with the new legislation, they also discussed many challenges which interfered with their ability to comply with the new legislation. These challenges included their understanding of why they must comply with the new legislation, the consequences of non-compliance and what they perceived would be appropriate measures for the province to employ to determine school division and individual school compliance.

The Rationale for Compliance

The *Appropriate Educational Programming Amendment (AEPA)*, regulations and standards were proclaimed in Manitoba because of a need to align our legislation with the equality section of the *Canadian Charter of Rights and Freedoms* enacted in 1985. It would appear that most informants in this study did not understand the power and overarching authority which the *Canadian Charter of Rights and Freedoms* legislation grants to Canadian citizens and the potential consequences of not providing appropriate education when legislated to do so.

Principals' understanding of the Charter as the basis of the legislation. The principals reported being uncertain as to the underlying basis of the new legislation, the rationale which led to the development and enactment of the new legislation. Frank reflected well what

others expressed, “I guess I don’t know why it was passed. I guess the basis is...”. George proposed that the underlying motivation of the legislation was the protection of children’s rights:

Well, my understanding is that to ensure that, you know, we’re protecting children’s rights, that inclusive education is happening right across the board north to south in the province, that everybody is on board and that everybody is doing the same thing and ah...so that there’s consistency. I think there’s a desire to make sure that students are provided the same opportunities in all the divisions, in schools across the province.

Jim spoke of human rights as being the foundation of the legislation, recalling, “a lot of the focus was on the rights if I remember correctly, much of the discussion when we were talking about things came back to the human rights”. Other principals offered possible rationales for the proclamation of this new law. Dale proposed that the legislation was created because of students being suspended without adequate cause. He expressed his belief that a lot of students with special needs were missing school because of being suspended for behavior which was beyond their control. Many attributed the creation of the legislation to parents of students with special needs who were dissatisfied with current programming provisions. As was noted earlier, they believed that disgruntled parents have a lot of power in making change. Oscar reflected upon the rationale for the legislation as resulting from the government’s need to be more accountable to parents and the public, which supported Frank’s suggestion that there were school deficiencies in the provision of services for all students. The perspective of six principals regarding the rationale for the legislation was, “it’s good for kids”, because the needs of kids were not being met. Not one of the principals made reference to the new legislation aligning with the *Canadian Charter of Rights and Freedoms* or the *Manitoba Human Rights Act* by name.

Consequences of Non-compliance: “It’s Going to Catch Up with Me”

When the principals were asked about possible consequences if they did not comply with the new legislation, a number of informants were taken aback. Pea summed up the beliefs of many of the informants’ when she stated, “I think we’d be in big trouble”. Carl denied ever contemplating not complying with the new legislation:

I’m not sure how to answer that one because I...it’s something that I would never ever approach it that way. You know if it’s mandated, if it’s something directed from the department or school division, something that we have to follow and if I wasn’t following it, then I would expect that at some point I would be held accountable for that. It maybe, I may be able to get away with it for a short period of time but I think at somewhere along the road, it’s going to catch up with me.

Mark commented that he was not aware of, “something specific that’s written; I haven’t read that”. He questioned where it was written in the regulations.

For some, this was the first time that they had been asked this question and they had to ponder while composing their initial thoughts. Jim expressed his beliefs, “I’m not sure. It could mean...it’s a concern”. Barb gave no answer, simply shaking her head indicating she had no idea. Henry responded:

That thought never crossed my mind. If school principals are mandated to, or the schools are mandated to, follow this Bill and they’re not following it, there would be...repercussions from our divisional office stating that you need to be following the *guidelines* as set out by the Department of Education and set in school plans or otherwise. And I would hear from my superintendent and to do so, it could lead to...it could lead to suspension or expulsion.

The word *guidelines* is italicized because it is worthy to note that Henry and other principals referenced the regulations using this term, implying they did not necessarily recognize the status of the regulations in law. They appeared to confuse the relative importance of documents released by Manitoba Education (e.g., *guidelines*, policies, support documents, mandates and regulations and others) directing school boards and principals how to implement appropriate education practices.

Jim and Jane were the only informants to reflect upon the fact that the legislation was based on human rights. Jim responded, “human rights could be raised as a result, and then any action that’s taken by the Commission, where it could actually go that route, might be stressful whatever their mandate is. I’m not sure what they can do and what they can’t do.”

A number of informants commented on the possibility of legal action resulting from non-compliance with the legislation. Jim and Jane both recognized that it’s a “matter of time” before a human rights case goes forward and sets the precedent. Kevin commented, “my job could be in jeopardy certainly and probably legal cases will certainly set a precedent as to what happens with administrators that are not following the *guidelines*”. (This is another example of where an informant used the term *guidelines* in reference to the AEPA legislation.)

If principals do not comply with the policies set by their school division, most informants predicted that a progressive discipline process would be implemented by their superintendent. Carl suggested the stages of progressive discipline which a school board may employ including a verbal warning or talk, a friendly reminder and finally a letter in your file. Others, including Len and Oscar, related non-compliance to the role of the school board, suggesting that principals would most likely be reprimanded. Oscar believed that his superintendent would be the individual dealing out the discipline for non-compliance, proposing the consequences as being,

“whether I was removed from my position, put back in a teaching role in the school or sometimes a letter put in my file saying disciplinary action had happened...the whole possible range of progressive discipline [was possible]”. He noted he “would be breaking the law” and as such, it would be dealt with “through the division, the superintendent or board or those who hired me”. Mark concluded that he could “lose his job” and that would, “send my career into a major tailspin because it’s hard to get a job after, that is if you’ve done something real wild and woolly, and you’ve been sent back into a real classroom or removed from the position”.

Only one informant, Dale, expressed fear as to the consequences of not complying with the legislation. His fear stemmed from the incident becoming exposed to upper levels of administration and even the press:

I’m assuming once some place along the way because of all the issues we have to deal with and because, like I explained earlier, time wise that I’m 50% here and 50% there and whatever else have you, I’m assuming that one of these days a parent is going to pick up the document and lay this in front of my face and go to the Minister of Education or go to my school board and say ‘hey, look... the principal must do this or is responsible to do this, and he didn’t. Are you going to do something about it or do I have to go to the press or whatever?’ That’s my biggest fear.

He did not relate it to progressive discipline or what may be the consequence to his principal position but his fear that parents would skip the normal protocol and report directly to his supervisors and expose the situation to the public at large.

While the informants recognized their responsibility to comply, they were often at a loss to outline what the possible consequences could be if they did not comply. Few questioned who

would monitor this compliance or how their non-compliance would be detected, other than be parents who were not satisfied with their children's education.

Principals' Rationale for Non-compliance: While They were Supposed to, They Didn't.

Some informants believed that if they could prove that they had done the best that they could with the available resources, they would be vindicated for not complying with the AEPA.

Evie commented:

I would spend a lot of time in the penalty box. What are the legal consequences? None because if you can show that you are doing the best with what you're given and that ...you're not treating every child exactly the same, that for each child you are adapting, you are modifying, you are differentiating, you are changing location, you are changing activity length, you're just doing everything and anything possible...you apply it to the best of your ability.

She believed that she would be covered legally. George recognized, "it could be you've given all of your best efforts and you could still go through something "including court proceedings". Carl related a discussion he had had with a set of parents when he was not able to provide appropriate programming for their child. He described the situation:

After sitting down with Mom and Dad and getting the cum [cumulative] file and the reports from the past school, I sat down with the parents and I said this school here was not able to do all this. I told them 'We're a very small school with just over 100 kids; we don't have these types of programming for your child. I would strongly suggest that you go here. And you know, if you want your child to come here, we'll do our best but I'm telling you right now that we don't have the resources available to provide the same type of programming as what your child was receiving. Now if you want me to help you and

support you in getting your child to go to a different school that can provide a better variety of programming, I will help you'. And both parents agreed.

Carl exhibited no inhibitions in admitting that the resources were not in place for this student to attend his/her local school with his/her peers in the home community, and to recommend that the parents must choose between the best programming available for the child in another geographical location or lesser programming in the home community school. He noted that he was always, "upfront with the parents in saying this is what we're doing. This is what we can do". Henry supported this concept, noting, "we don't have the special ed. training in order to provide them with the best education. And so that's a primary concern in a smaller community."

Pea discussed the role of the appeal process in dealing with non-compliance. She noted that the appeal process, "states that to the best of the division's availability of resources and possibility of providing services" as the rationale for non-compliance and her belief, "the appeals process would give us some leeway and understanding that we are doing the very best that we can do with what we have". It is interesting to note that there is no such statement in the dispute resolution regulation.

Provincial Monitoring of Compliance

When informants discussed their ability to comply with the appropriate educational needs of all their students, no one asked the most vital question: Who monitors and checks to ensure school division compliance with legislated requirements? Manitoba Education monitors "input accountability" through their development of legislation such as the AEPA, through their allocation of funding and funding tracking mechanisms, the development of support documents, and program and professional development opportunities. However, currently they have no established means of monitoring output accountability. They receive annual school plans and

Student Services Reports (SSRs) but there is no follow-up each year to ensure the written plans are adhered to by the schools or school division, or that the outcomes are ever achieved. In a recent “School and School Division Planning and Priorities” report (2009c), it was reported “written plans are submitted to Manitoba Education, Citizenship and Youth (MECY) and reviewed on a three-year schedule. During the intervening years, schools and school divisions submit their current priority areas using a web survey” (p. 1). It could appear that monitoring accountability is not a high priority on the Department’s agenda when plans are submitted on an intermittent basis.

Principals were asked to provide their perspectives as to how the province could monitor compliance of school divisions with the new legislation. Their responses were varied. Norma commented, “I really don’t know to say how anyone would *police* that in schools”. The connotations surrounding the use of the word police are such that Norma appeared to recognize the legality of non-compliance.

Some discussion centered on the use of the divisional annual Student Services Report with the recognition that the plan represents the actions of the whole division and does not single out one school. Ann noted:

Our Superintendent would be in charge of that for our entire division. I haven’t ever seen our plan. I just know we all have bits and pieces that we have to do that feeds into it. I don’t know if that’s enough to make a division accountable.

Oscar referenced his individual school’s plan and questioned the accountability demonstrated to date with MECY’s review of school plans. He commented on his school plans over the past seven years:

It's probably read by somebody at the Department but the only thing they may question there is my integrity. You know, did I fill out my report honestly or did I lie in my report? And in the seven years of doing that, no one's even blinked at my school plan. You know regardless of the quality of the work that I've done, even though I always strive to do a good job by being honest in my results, even when we haven't achieved them, but how would anyone know? Right? And I really think at this same level, how is anybody at the department going to know about special education unless there are red flags going up from other sources?

A number of principals talked about the role of data, but no one really discussed the kind of indicator data that are being collected by other provinces. Barb expressed her belief that the collection of data was sufficient as a means of proving accountability and compliance. Evie suggested the need for:

an online ongoing database. that they have a "key word" or a key action database set up and do it through the Student Services. Track it. Collate and find out. Don't tell them what they're looking for ... but give them some guidance. ... I would say that if they could track the activity and then set a profile of what actions are being carried out. Not what the policies are, not what they would be, should be, could be but what's actually happening. I think that could be useful.

Henry indicated, "data tells you nothing", while George responded to the probe regarding means of monitoring compliance with the comment there has to something more than just, "asking for the data or phoning." Frank expressed concern that if providing this data meant more paperwork, "that would mean that resource teachers would lose some more time from working with the kids" and he was not in favour with that happening. He also commented that if MECY

was going to, “do some data analysis, then it’s going to have to be, we’re going to have to ‘label’ students” and he noted that this practice runs contrary to the desired inclusive philosophy espoused by MECY. Jim discussed the collection of data as part of “a regular audit that the Department does”, with the first step being to collect some baseline data as difficult as that would be, “Somehow data has to be collected in this area and the challenge is creating the baseline data unless there are things that are out there, some divisions that already track and have a starting point.” Jim and Jane went on to discuss that once you have the data regarding the IEPs being written in a division, then you “need some evidence” that they are being implemented and that the programs are in place to address needs.

A number of informants proposed that MECY could send someone to physically visit the division and its schools. Frank responded to a question about provincial monitoring using the health care system as a model whereby they carry out, “an onsite review to do an accreditation observation where they come in with a team and take a look at how you are doing stuff. That would give only a snapshot of your program”. Len proposed that MECY:

send out divisional inspectors who would meet with our assistant superintendent or somebody to go to schools and have a meeting with the principal and the parents. We would need a briefing by someone on our side so that we understand the expectations and what to expect.

As Oscar responded:

I don’t see how the province is really going to do a checks and balances on that without actually coming into schools and doing sort of the forensic audits that maybe, that exists in the States. You know, at a huge expense. A huge expense. So, I would say that a lot of the accountability is going to come from people in the system themselves.

Henry suggested that it was necessary to, “assess the individuals who deliver programs” and that MECY consultants should travel to the schools and write reports, “reporting what they would advise for the school. That could be one means of determining if the program is working. Like there will be situations in which data tells you nothing, unless you get a personal hands-on to check it out.” This was confirmed by Kevin who noted:

You have to have a visit. I don't think you can determine compliance through paper work. I think somebody would have to sit down and have a discussion with the principal, the resource teacher and you know, determine what the current practice is, what the plans are, have been over the previous years and I think MECY...they are planning to follow up and probably do a visit with us. They're starting that 3 year tracking system I believe and I think that's a good plan because it actually adds to the accountability. ... data speaks highly of what a school is doing and I think we need to rely on data. ... we really need to substantiate how we're spending our money, we need to substantiate what we're doing to benefit kids. Data need to be kept for things like that.

A number of principals believed that there was a need for Department representatives to travel in person to the schools and assess their compliance from the data available within the Student Services Report.

No one questioned what would be the consequence if they were not compliant. George questioned the rationale for the school visits to determine if divisions were demonstrating compliance or not. He noted:

I guess it all depends on what you're trying to do. If you're trying to help divisions...if it's just an evaluation thing, they need to know what they're doing and that's enough. Or maybe that's not what you want, maybe you want to say 'How can we help you get to

where you need to go?’ That’s a more valuable use of information. I think to document, what are the resources needed, what can we do to help you get where you want to go, is important because I think that’s the goal of all education. Everyone wants children to succeed. We want our kids to all be part of the school. And we want every one of them to be inclusive and enrolled and to have access to everything that everybody else has, including their parents. It’s not always easy but maybe asking ‘What more can we do to get to that?’

Mark suggested that if MECY sent out representatives, that they should speak with the central administration and establish, “the things that we’re missing”, and “if there’s something that we’re not doing right in a procedure or process, let us know that. Let us know what it is so we can change”.

Oscar was the only principal to conjecture on what may spark an investigation into a division’s compliance, noting:

I think if parents start to begin to question, you know, maybe their children aren’t getting what they deserve and that sort of goes up to the hierarchy at the provincial level where things get questioned beyond the board level and the school division. The province might be able to do some tallies on how come these school divisions are obviously the ones that are getting the complaints that can’t be solved at the school division level.

No one asked the obvious question, that is in terms of compliance to what standards. They did not ask who it should be that determines what is acceptable and what is not. There are many options in that schools could be monitored for compliance to their school division policies, the legal mandates of the Manitoba Human Rights Commission, the regulatory mandates of Manitoba Education, Citizenship and Youth, the provincially legislated mandates of the

Manitoba Government or the federally legislated mandates of *The Canadian Charter of Rights and Freedoms*. George commented, “we’re trying to be compliant and we’re a division that’s trying to make sure that we’re doing exactly what we’re supposed to do and it comes right from the division office”. He also expressed concern about the government’s attempts to monitor compliance, asking:

How much supervision should the government be doing? You know, people checking up on divisions, if they’re compliant with Bill 13 and I don’t think you can. I don’t know, I just don’t think you can hover and have compliance. You have to trust people who are in place and I don’t think there’s anything wrong with saying ‘now we’re coming up to see what you’ve got in place’ and stuff like that. But I think if you start to hover over people, I think what Covey talks about work as a course of least resistance when you start to do that kind of thing.

Open Defiance of Regulations

While the informants appeared to understand there were consequences to their failure to comply, some informants openly discussed their defiance of some of the regulations. They referred to the incongruence of their beliefs and philosophies when compared to their school division and the regulations and their non-compliance based upon their past practices. For example, Dale did not support the regulatory practice that schools must continue to offer educational programming to students who are suspended or expelled. He expressed his disagreement with this regulation based upon his past experiences:

I do have a problem with that one and I know when I read it a couple of times, and even I know, my staff has a problem with it. It’s just with a suspension, generally, you know, and I’m talking averages here, probably 75% of the suspensions are students who number one

aren't doing the work when they're here. I hate to put it this way but they generally won't do the work when they're at home. It just doesn't happen. Just a little while ago our special services coordinator really kind of, not got after me, but kind of we had a real frank discussion about a student that we sent home and she said you know you've got to be providing work and so on and so forth. And I said well okay we're providing work in this sense. I've given her a package of homework and I said I'm not giving you another package until such time as I get this back to mark it. And she said no, she said you still, even though that work is not coming back, you still should be providing her or him with the work at home. So I had a little bit of trouble with that. But that's just me. That's just my perspective. So yeah I understand that we're supposed to and even, you know with the teachers, and that it's very difficult. I've asked the teachers if they'll prepare packages of work because this is what we must do. They, a lot of them, feel the same way as I do, that it is dependent on the circumstances that the student is suspended for, depending on the kind of student, the nature of the student and whatever else have you. Like I've gotten, I teach regular social studies, I just got a new series of textbooks. I won't let them out of the classroom.

So if they didn't want to work here, are they going to work in the home? No. With my experiences I think over the years I've probably had maybe one or two students that actually completed work at home and actually brought it and came back to school ready and raring to go. That's just been my personal experience.

Three other principals supported this belief and expressed concern with implementing the same regulation. They commented on the effort they had expend to convince their staff that this was a legal mandate because of the lack of cooperation common among teachers. If a student is not

engaged at school and doing their work, what would motivate them to do their schoolwork at home? Jim indicated that because text books are rarely returned to the school when they are sent home, his division has looked at alternative methods of educationally supporting students on suspension or those who have been expelled. He noted:

If the students look like they're doing all the right things, which probably happens in 95% of the cases, we're then getting the school work completed by having the student work with one of the guidance teams or home and school liaison workers or our guidance counselor during home visits. Trying to ensure that students have access to staff to help them and collect their assignments. We've had other situations over the years where the suspensions have been more ongoing and the division has provided an alternative setting and provided programming for the student.

Jane concurred:

Special arrangements are made in the cases where they can't come onto our property. Special arrangements happen during exam time or when there are presentations that need to be made....those kinds of things because you want them to come back and not to have lost ground.

Jim commented that the need, "to look for alternate solutions is a necessity in special education. We would not be providing anything for people in the area of special education if they didn't have failure". He discussed the need for creative problem solving to support students with special needs to promote a positive self concept and their experiencing a feeling of success in their program.

In conclusion, I have reviewed the perspectives of the informants regarding (a) the creation of the new legislation; (b) how the rights enshrined in the *Canadian Charter of Rights*

and Freedoms has an impact upon their implementation of the new legislation; and (c) their personal consequences if they were deemed to be non-compliant with the legislation. They proposed methods which MECY may adopt in order to monitor compliance. Some principals openly defied the regulation, which made schools responsible for providing programming to students who were suspended for more than five days or expelled. The variation of responses to these issues represents the diversity of beliefs and access to required resources which influences the informants' capacity to comply with the legislation.

Conclusion

There were four distinct issues that make up the participants' perspectives regarding their compliance with the new AEPA legislation. These four distinct discussions were found in this chapter. The first is the principals' awareness and knowledge of the new legislation as well as the formats which were most commonly used to educate principals. Second, the human resources and other supports considered instrumental in defining the principals' ability to comply with the legislation were discussed. The third section described the many challenges the principals were facing in their attempts to comply with the new legislation. While all principals reported trying to comply to the best of their abilities, most of them spoke of their inability to access the human resources needed to accomplish the required tasks. The last section outlined their beliefs as to the rationale for the legislation, their need to comply, the repercussions of non-compliance and suggested methods as to how the province would ever determine if a division was not in compliance.

In the final chapter, I will present a framework which addresses the many supports and challenges outlined in these findings. The relationship of the framework to the purposes of this

study as established in Chapter One will be examined. The implications of these findings for practice and future research will be proposed.

Chapter 6

I Know What to Do, I Just Can't Do It:

The Final Analysis

As I discussed in the previous chapter, most of the informants in this study were very well versed in the actual regulations in the new *Appropriate Educational Programming Amendment* (AEPA) legislation enacted in 2005. Most principals could recall the essence of the regulations when prompted but expressed concerns when it came down to their implementation. It appeared that they knew what needed to be done but struggled as to how to proceed to ensure they were complying with the legislation. The principals fell into three distinct groups or represented three scenarios in terms of their perspectives as to how to comply with the regulations. Some informants were unsure how to translate the regulations into practice, others were unable to put them into practice because of divisional funding and human resources constraints, while in some cases with some regulations, they were simply unwilling to make the changes mandated by the regulations.

There were many factors which the informants discussed which had an impact on their inability to implement the legislation and resulted in their non-compliance. Some of these included the shortage of clinicians to administer specialized assessments, the shortage of resource teachers with their special education certificates, staff who were resistant to change, the sometimes flawed interpretation of the regulatory requirements as developed by the division's central administration, and an inconsistent understanding and application of the terminology and regulations to name a few. When the informants were asked if they had any recommendations for their student services administrator, their superintendent and Manitoba Education, the most frequent request expressed to assist them in their compliance was for additional funding to be

used for the purpose of hiring additional human resources and providing professional development opportunities for all educational staff working with students with special needs. The second most frequent request was for supportive responsible parents who send their children to school on a regular basis in an effort to eliminate the absenteeism and transiency issues they confront on a daily basis. While some of these issues are unique to principals in northern settings, others are universal across the province of Manitoba to all principals legislated to ensure the implementation of the regulations. As the solitary Professional Issues staff officer with the portfolio of Appropriate Education, I hear some of these same challenges and issues discussed by principals in all corners of the province, as well as urban and suburban Winnipeg. Based on my daily work experiences, it is my belief that some of the issues identified apply to a vast number of principals, but they were more exaggerated by the geographical contextual constraints affecting the ability of the northern principals to put the regulations into practice.

In this chapter, I will reflect on the perspectives of the informants regarding their general inability to comply with the new regulations. Their findings will be depicted by a framework found on the following page, “Enabling Conditions Supporting Principals’ Compliance with New Special Education Legislation: A Shared Responsibility”. This framework represents the multi-faceted issues which the informants described as being influential in their abilities to comply with the legislation. From their perspectives, the supports they discussed are most definitely enabling conditions to enhance the principals’ abilities to comply with the legislation. Using a backwards design process, the challenges they discussed are addressed in the framework in the form of positive ideal conditions which would eliminate their roadblocks and support their compliance. Backwards design describes a planning process whereby you begin with the end in mind (Covey, 1989) by focusing on the big picture and framing the essential questions (McTighe

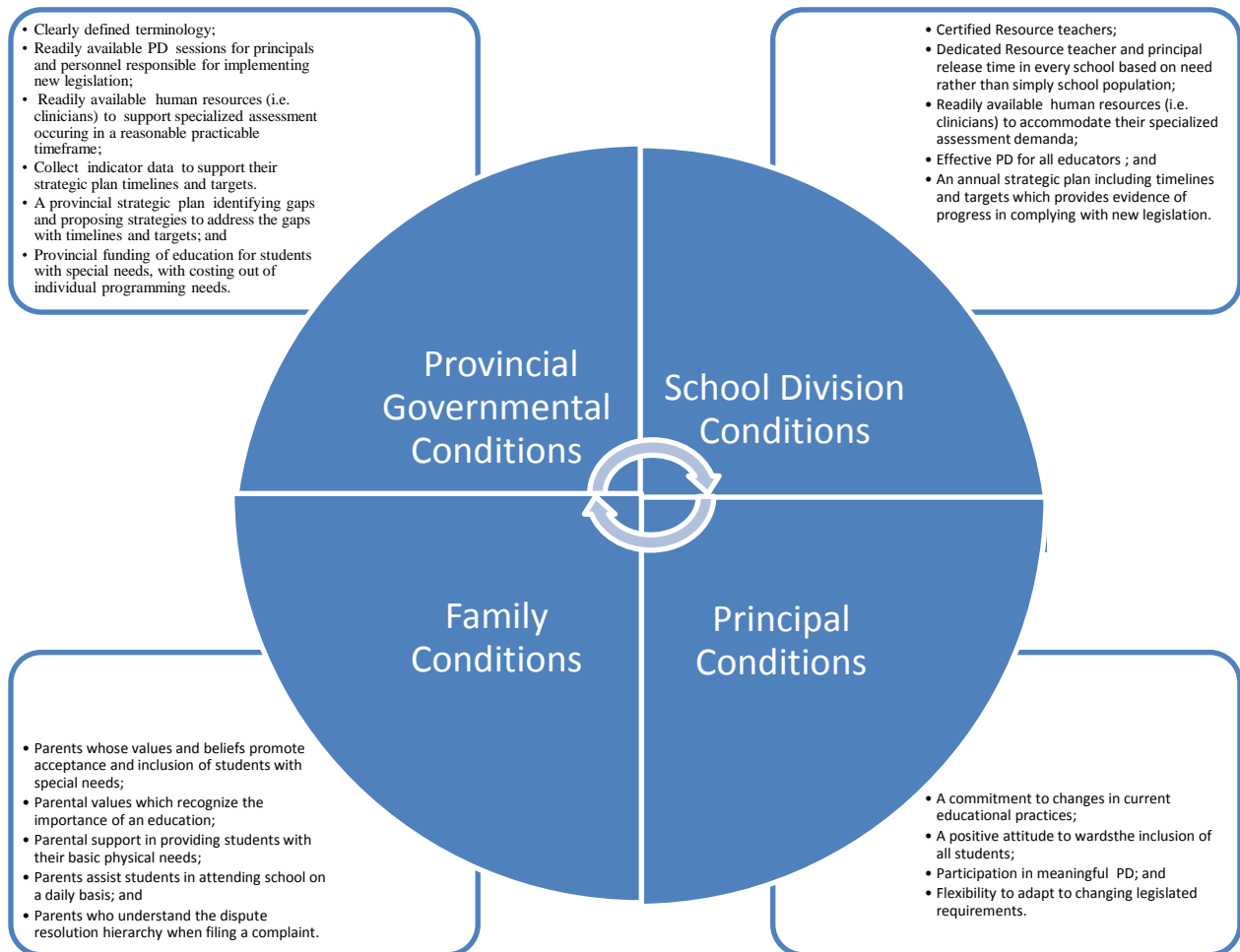
& Wiggins, 2004) and then working to establish what needs to be done to reach that goal. In the context of this study and the development of this framework, the ultimate goal would be compliance for all principals in the province of Manitoba. The enabling conditions are the means to achieve that goal.

Based on my analysis of what the principals reported, the ideal enabling conditions fell into four areas of stakeholder responsibility: (a) those conditions which the provincial government may enlist to support compliance; (b) school division conditions which school boards can address to support divisional and principal compliance; (c) family conditions which support the school's ability to comply with the legislation and appropriately meet the needs of their children; and (d) the personal principal conditions which elicit compliance when dealing with students with special needs. While the listing of enabling conditions in this framework is not exhaustive, it portrays the specific issues which principals reported in this study. It provides a starting point for future development and research.

In this section, I will provide a detailed discussion of each of the four components of the framework: (a) provincial government conditions; (b) school division conditions; (c) family conditions; and (d) principal conditions. The role of the framework as it relates to the purpose of the study will be followed by limitations of the study. Implications for practice as well as future research will complete the chapter.

I would like to note here that, while I could conclude that most of the informants reported they were non-compliant in one or more regulations, non-compliance was not a term which informants used in the interviews as they described their challenges to implement the regulations. I would expect that the principals interviewed would be shocked if I were to suggest that they were non-compliant in following the regulations. They expressed their opinions that they were

Figure One:
Enabling Conditions Supporting Principals’ Compliance
with New Special Education Legislation: A Shared Responsibility



working to the best of their abilities within the constraints of their knowledge, skill sets, context and divisional constraints. Generally, it was the perspectives of the principals that they were doing what was possible but not necessarily what was ‘appropriate’.

Enabling Conditions Supporting Principals' Compliance with New Special Education

Legislation: A Shared Responsibility

From the findings of the informants within this study, it became apparent that the provincial government, the school division as well as the parents all have a role to play in supporting the principals' abilities to comply with the new legislation. This sparked the design of this framework with the four quadrants representing the four stakeholders' contributions. In this section, I will provide a brief description of the role of each of the four stakeholders contributing to compliance as found in the framework: (a) Governmental conditions; (b) School Division conditions; (c) Family conditions; and (d) Principal conditions. The framework represents the conditions which principals in northern Manitoba expressed would assist them in their compliance with the requirements of the AEPA.

The First Quadrant: Provincial Government Conditions

Manitoba was the last province or territory in Canada to enact mandatory legislation to specifically address the learning needs of students with special needs. There were six provincial government conditions which principals identified as playing a significant role in their abilities to comply with the new legislation. The six conditions were: (a) clearly defined terminology; (b) readily available ongoing PD sessions for all principals and educators²⁵ responsible for implementing new legislation; (c) readily available human resources (i.e. certified resource teachers and clinicians) to support specialized assessment occurring in a *reasonably practicable* timeframe; (d) the collection of indicator data which would offer direction to the principals; (e) a provincial strategic plan identifying gaps and proposing strategies to address any gaps with timelines and targets; and (f) provincial funding to support the many challenges of educating

²⁵In this chapter, the term educators is used to refer to all those involved with educating students with special needs, including the vice-principals, classroom teacher, resource teacher, educational assistants and other specialist positions found within the school setting.

students with special needs living in northern Manitoba. Each of these six conditions will be discussed in detail in relation to the concerns expressed by the informants in this study and their effect on the ability of the informants to be compliant with the new legislation.

Clearly defined terminology. As discussed in Chapter 5, there were a number of terms which the principals expressed lacked clear definition when they were prompted for a more indepth description of their practices. These terms included appropriate educational programming, specialized assessment, reasonably practicable timeframe, individual education plans and parental involvement. Two key terms which will be discussed here are appropriate educational programming and individual education plans.

The one term which was fundamental to the implementation of the legislation was the term *appropriate educational programming*. Many informants struggled with outlining how appropriateness was established and who determined the appropriateness of actions and practices.

The province offered the following definition in the *Standards for Student Services* document (2006):

The consultation process defined appropriate educational programming as:

A collaborative school-family-community process where school communities create learning environments and provide resources and services that are responsive to the lifelong learning, social and emotional needs of all students (p.1).

Not one informant in this study made reference to this definition. Instead they appeared to flounder to explain the concept and their understanding of its application.

In the United States of America, the term appropriate educational programming has been around for decades. Individual state legislatures were held responsible for defining the term in

their state law as early as 1975 when the Education for All Handicapped Children Act (EHA) was reauthorized introducing the concept of the right for all children to a *free appropriate public education* (FAPE). For example, the state of Colorado defined appropriate education:

5.01(2) “Appropriate” education shall be the provision of educational services that meet the individual needs of children with disabilities as identified on the individual educational programs (IEPs) (Colorado Department of Education, Code of Regulation 301.8, Regulation 2220-R-5.01(2) Provision of Services, 2000).

Turnbull and Turnbull (1986) commented, “the cornerstone of the principle of appropriate education is the individualized education program (IEP)” (p.179). They discussed four approaches to defining appropriate education: “(a) by the language of the law itself, which requires individualization and relies greatly on the IEP; (b) by the process definition; (c) by the “reasonable opportunity” rule; and (d) by the availability of related services” (Turnbull & Turnbull, 1986, p.182). The legislative definition aligns with the EHA definition of appropriate education as being, “one that is provided at public expense, under public direction and supervision, without charge; meets the standards of the state educational agency; includes preschool, elementary, and secondary school education; and is provided in conformity with the requirements for the IEP” (p.180). The process definition, which they discussed resulted from a United States Supreme Court decision in the case of *Board v. Rowley* (1982), indicated that appropriate education was being provided to a student when:

(1) they [the educators] make a non-discriminatory evaluation; (2) they develop an IEP with the proper people, at the proper times, and in a proper way, using the evaluation results; (3) they place the student in the least restrictive environment; and (4) they grant parents rights to due process and to participate in the student’s IEP development (p.181).

While these are American definitions, it should be noted that these definitions were all determined in the early to mid 1980s. These operational definitions were developed to assist those administrators responsible for implementing appropriate education and hence, complying with the EHA and IDEA. They clearly spell out for the principals in American schools what are the essential components of an appropriate education. While it is not always wise to simply adopt definitions and practices developed in other contexts, the clarity of these definitions could serve as a basis for Manitoba Education to develop a more operational definition which would support principals in understanding how they are to meet their responsibilities around this term. A number of principals expressed a desire for a more concrete and concise definition, such as these that were available for the past three decades in the United States.

The question still may arise as to who determines the appropriateness of goals and objectives within the IEP. If parents are not satisfied with the programming or placement of their child as written in the IEP, Section IV of the new AEPA Regulation 155/05, describes the applicable Dispute Resolution Process to assist them in challenging the provisions made by the school division. Having more clarity as to the definition of appropriate educational programming may better enable principals to understand their role, or at least what is expected of schools and therefore, what they need to guarantee.

The other term which will be discussed in this section is the lack of clarity as to what constitutes an *individual education plan*. When Manitoba Education released its newest document entitled “Student Specific Planning: A Handbook for Developing and Implementing Individual Education Plans (IEPs)” (2010b), it was anticipated that there would be more clarity as to what is required for a plan to be considered an IEP. In the glossary of the new document, an IEP was defined:

A global term referring to a written document developed and implemented by a team, outlining a plan to address the unique learning needs of a student; the written IEP may range in length from one page documenting student-specific adaptations developed by a student's teacher(s) in consultation with the parent(s), to a lengthier documentation of a student's programming outlining student-specific outcomes developed by a larger team that may also include resource, clinical, and other student services supports; the term IEP is inclusive of other acronyms such as adapted education plan (AEP), behaviour intervention plan (BIP), assisted learning plan (ALP), and so on (p.86).

From this definition, a one page listing of adaptations required by a student is acceptable as an IEP even though it does not contain goal statements and may not be signed by parents. The definition requires consultation with the parents but not necessarily that they sign off on the document. This could be viewed as contrary to what is regulated in the AEPA, depending if parental consent can be verbal or must be written. The new IEP definition supports the current inconsistency across the province. It is this lack of clarity and inconsistency which created some confusion in the minds of the principals as to what plans they were legally responsible for developing and implementing.

In Saskatchewan, Ontario and Newfoundland, the provincial governments developed a standard provincial-based electronic Personal Program Plan (ePPP). When students require additional programming supports to develop to their potential, educators access the consistent standard ePPP template found on the provincial Government website. In the "Saskatchewan Government's Indicators Report" (2008, 2009), it was noted:

A Personal Program Plan is developed and implemented by a collaborative team that includes parents. Every plan sets out high priority student outcomes for the year. It must

include student background information, strengths, weaknesses, and current levels of performance; short-term objectives and strategies; annual outcomes; and plans for evaluation (Saskatchewan Ministry of Education, 2009, p.82).

They clearly outline for all Saskatchewan educators what must be included in a Personal Program Plan and the fact that parents must be involved in the process. The definition of the PPP contents is concise and transparent to all involved in its development and implementation.

In Ontario, the Ministry of Education provides sample IEPs on their website which are designed to support their educators responsible for developing and implementing IEPs. They commented the, “use of the template is voluntary; however, school boards are expected to have a template which enables them to meet their regulatory requirements and Ministry standards regarding the development of IEPs” (Ontario Ministry of Education, 2009, p.14). This provides clarity to principals in Ontario who are responsible to monitor IEP development and implementation.

In Manitoba, there are no data collected regarding IEPs because of the inconsistent application of the term across divisions (VanWalleghem, 2007) regarding the many plans which may or may not constitute an IEP, inconsistent determination of who qualifies for an IEP, and other potential rationales. If principals are to understand their role in ensuring that IEPs are developed, implemented and evaluated on an annual basis, they requested more clarity in the application of the term.

Inconsistency and confusion will continue to abound in the absence of more direction and guidance forthcoming from the Manitoba provincial government regarding the clarity of these two terms and the others listed earlier, all of which the principals struggled to translate into practice.

Provision of PD opportunities for principals. Manitoba Education annually provides a large number of professional development sessions. In this study, informants expressed the need for specialized PD opportunities to be delivered directly by the Government bureaucrats to all school principals and resource teachers. They also indicated a desire for the provision of ongoing PD to promote increased understanding of key issues challenging compliance.

While some of the informants had attended MECY consultation meetings prior to the proclamation of the legislation and regulations, not one mentioned attending professional development activities provided by Manitoba Education since the legislation was proclaimed. Oscar commented on the denial of his request to attend a MECY consultation to facilitate his knowledge and understanding of the new legislation.

A major influence in the provision of professional development for the principals in this study was the cost factor in sending principals to conferences and workshops in Winnipeg or other parts of the province. The limited divisional professional development budgets restricted the number of participants who could attend events external to the division. The need for more opportunities for principals to discuss in depth and breadth the regulations and their implications were not afforded the principals in this study often because of perceived limited professional development funding.

Most principals commented on the cost of attending professional development opportunities both for themselves and for their staff to support the implementation of the AEPA. Because of the geographical barriers, including limited road access and long drives of six to ten hours under ideal road conditions, additional time required for travel was often an added concern. Carl, Len, Oscar, and Pea talked about the cost in terms of time out of their school, as it affected their inability to attend these functions. The time required out of their schools

contributed to the overall cost of attending professional development events, as substitute teachers, acting principal stipends as well as accommodation costs for the professional development participants resulted in additional funding required. This is in contrast to principals in Winnipeg or other rural centres who could access professional development within the day it was being offered. Len discussed a lone vice-principal who had attended a session at a Council of School Leaders (COSL) conference. This vice-principal was then expected to use the information from this session to inform other principals within the division (i.e., the train-the-trainer model).

The perspectives presented by the principals in this study aligned with the research done by Wallin (2009) regarding the enormous cost in time, energy and funding to support professional development opportunities external to the division. It was expressed that it was just not worth it to spend three days away for a three hour workshop.

Readily available human resources. Almost every principal taking part in this study commented on the paucity of human resources, including clinicians and resource²⁶ teachers with their Special Education Certificate. These human resources are vital to meeting the mandates of the legislation and principals expressed concern over the jeopardy they found themselves in as a result of the obvious scarcity of these specialized individuals.

Prior to 1992, the Department of Education required resource teachers across the province be certified in order to hold that specialized teaching position. Provincial Government funding was allocated to school divisions based on the number of certified resource teachers

²⁶ As was noted earlier, the term resource teacher is just one of many different terms used across the province to designate the teacher who is responsible for assisting classroom teachers with specialized programming, assessments, IEP planning and other duties. Other names for this teacher include special needs itinerant teacher (SNIT), special education resource teacher (SERT), itinerant resource teacher (IRT), special education teacher (SET) and others.

employed. This was discontinued in 1992 with a change of government. Some divisions in Manitoba, such as the Winnipeg School Division, have maintained this requirement in order to ensure their students were receiving the best services that a certified resource teacher could offer.

Currently, there are large numbers of teachers enrolled in Inclusive Special Education Post Baccalaureate and Masters programs in the Faculty of Education at the University of Manitoba and graduating with their special education certificate requirements. I contacted the Certification Branch of ME to obtain some statistics as to the number of teachers who had applied for their Special Education Certificate. Evanchuck (2009) responded 341 teachers were granted their Special Education Certificates between the years of 2005 (when the legislation was enacted) and 2009. She also indicated 221 resource teachers who possessed a Special Education Certificate were currently employed across the province, a province with approximately 750 schools.

When asked for the composite number of certified resource teachers employed in the four northern divisions involved in my study, Evanchuck noted that there were a total of 41 in 2009-2010. Considering there are 61 schools within the four divisions and that some of the larger schools employ more than one resource teacher to service their students, these data suggest there is a shortage of resource teachers holding their special education certificate within these four school divisions.

All but three of the principals expressed their perspective that there was a major shortage of clinicians. This shortage and the resulting lengthy waiting lists forced educators to continue delivering programming which may, or may not, meet the appropriate student learning needs until an opening for an assessment is available. Jane and Oscar were the only two principals who indicated they documented their written requests for clinical services which their divisions were

not supplying. For the twelve principals who commented on their inability to provide specialized assessments in a reasonably practicable timeframe, the impact of their non-compliance was that they were being forced to prioritize students as to who received the allocated assessments year to year. They were being placed in the position of having to make ethical decisions based on factors beyond their control which had an impact on the future lives of their students. When asked how they made these decisions, the twelve principals indicated many varied responses. While academic and behavioural needs were the obvious responses, others proposed more pragmatic rationales for the selection of students to receive assessments prior to others on the waiting lists. It was clear that principals in this study perceived a need for additional clinicians in order to support their compliance.

A collection of indicator data. A number of the principals indicated that they would like to have more direction from Manitoba Education regarding their roles and responsibilities in enacting compliance with the AEPA. They suggested that ME needed to collect individual school and school division data to identify where gaps in compliance existed. They speculated that this information would be instrumental for ME to use to determine those schools and divisions that needed extra support. Barb proposed that ME could collect attendance data, suspensions, IEPs and other data as a means of monitoring compliance. Jim queried how the province would establish their baseline data, noting that “data has to be collected and the challenge is creating the baseline data unless there are things that are out there, maybe some divisions that track already and have a starting point”. Because of the lack of consistency and clarification surrounding the use of terminology, such as was discussed with IEPs and other terms, the informants expressed their belief that the province would struggle to assemble the

information in a meaningful manner. The lack of data collection in Manitoba was one of the rationales for this study as discussed in Chapter One.

In the recent “Report of the Special Committee on Education Indicators” (Manitoba Education, 2010a), the section on appropriate education is of special interest to this study. The sub-committee suggested:

The quantification of programs, services and staffing resources is one way to assess appropriate education. Student/teacher ratios, numbers of resource and specialist teachers, technology resources, course offerings, student support services inventories, individual education plans, wait times for clinical assessments²⁷, etc. are significant considerations for practitioners and for policy makers alike (p. 4).

The role of the province in the collection of data was believed to be of significance to principals in helping their division and the province to give them more specific direction as to what they needed to do to ensure compliance.

A provincial strategic plan. Jim and Jane discussed the need for Manitoba Education to do some strategic planning. They suggested ME, “needs to provide direct services to educate individuals throughout the province in areas that support what they want to see happen”. In addition to the absence of an indicator package with baseline and annual data reported, the province of Manitoba does not make publicly transparent any type of strategic plan to support improvements in service delivery for students with special needs. Without a strategic plan, the province does not offer educators and citizens any direction as to what they believe are the next steps to improve compliance with the new legislation.

²⁷ It is noteworthy that currently there are waitlists published by provincial governments in the area of health care only. No province publicly reports waitlists for special services for students with special needs. Ontario is the only province who requires each school board to report on their wait times in the district Special Education Plans (SEPs).

Provincial funding for education of students with special needs. The need for additional funding was related to both general provincial educational funding as well as the categorical funding applications for students with special needs.

Today, in 2010, Manitoba remains the only province without full provincial education funding (McRuer, personal communication, May 2010). In all provinces, with the exception of Manitoba, education taxes are set by the province rather than the individual school divisions. Frank suggested that because he and his Superintendents lived in their school community, it was awkward and more difficult to raise the taxes of friends and family when more funding was needed, which could have a positive impact on the quality of education delivered.

The principals in this study held the general perception that the Manitoba Government enacted the AEPA requiring additional resources which were often not available and/or affordable by many divisions responsible for implementing the legislation. Almost every principal suggested that a major challenge for themselves and their division to compliance with the legislation resulted from the lack of funding offered by the province to support the necessary resources. As Pea noted:

I think right now that what we need to focus on is the resources for the special needs students. The regulations are great. They are a first step. Now let's put the resources there so that we can see the benefits.

Evie commented, "If they want the appropriateness, they have to appropriately fund". Frank noted that funding, "seems to be the challenge and the most difficult one that we keep coming across. The dollars and the manpower to do it. It's the old thing with new legislation, give me the dollars to put it into place."

Most principals related the need for funding to the shortages of support staff, services and professional development. Kevin suggested that ME needed to provide, “more funding to support more resource teachers within the school without making the class size unmanageable”. Len suggested there was a need for funding for “training pieces” and for “special education personnel and services in the province”. He also commented specifically on the need for resources to support students who were visually impaired, as having to order Braille materials from Toronto was very costly, as well as time consuming for their preparation and shipment. He concluded, “They expect us to provide programs with resources that aren’t there”.

While most principals referenced the insufficient allocation of provincial funding as a challenge, others talked about the need to review the categorical funding application process for individual students with special needs. Oscar commented there was the need to review:

...the whole funding application process. I’d like to think that people in the Department are knowledgeable about what’s happening in northern Manitoba. I really think the Department needs to have a look at the northern population’s Aboriginal communities, there’s the social conditions that exist in First Nations communities, or in fairness, the core area of Winnipeg, and these situations need to get special attention in terms of this legislation.

Mark was frustrated with the funding application process when applications were returned on June 21st and the deadline to respond was June 25th, with a weekend in between. He noted, “they need to change the guidelines a bit or the timelines so that we have a full week to work on changes. Make things a little bit easier at the end of the year. Perhaps they need to hire more people to read the applications that are coming in [to improve the expediency of the returns]”. It appeared that the time required for mail delivery in the northern communities was not taken into

account by ME. He was also frustrated by ME's request for "new and different information" without defining what they were looking for. He questioned, "What is their guideline? What does 'new and different' mean to them? Give me an example."

Thus, funding was a common challenge proposed by most principals within this study in relation to the provincial funding provided to their school divisions for education in general and the categorical funding provided for individual students with special needs.

The Second Quadrant: School Division Conditions

A second stakeholder group which principals within this study perceived as having a role to play in their abilities to comply with the new legislation was their school division. As divisions were named as the educational authority responsible for implementing appropriate educational programming in the actual statute, the *Public Schools Act Amendment (2005)*, they have a role to play in supporting principals to implement the regulations. Currently parents are not filing lawsuits claiming their children's Charter rights are not being met; however, this may change in the future. School divisions need to be prepared and to have documented all their efforts to comply with the new legislation, such as their provision of professional development opportunities for principals, the newspaper postings advertising unfilled clinician positions, the additional hiring or efforts made to train teachers to become certified resource teachers and clinicians, the specialized programs developed, the specialized equipment made available to students and other accommodation factors. A five year action plan which outlines how the division plans to improve their current service delivery practices with targets and timelines could assist their case when they are summoned to respond to their rationale for not providing the services which parents perceive are instrumental to their children's progress. Divisions need to ensure their principals are making every effort to comply, not defying their regulatory

requirements, and that they have documented the division's attempts to meet the appropriate educational programming needs of their students with special needs.

It would be unrealistic to expect all divisions to be exactly the same in the issues identified below. Each division does have its unique characteristics as discussed in Chapter Four. The fact that each division takes the same legislation and creates quite different policies and procedures in order to put it into practice leads to inconsistency across the province. If the goal of the legislation was that students transferring from one division to another could expect a minimum of transition upheaval and a similar minimum level of service delivery as outlined in the *Standards for Student Services* document (MECY, 2006), then there is a need for school divisions to attempt to fulfill their enabling conditions for compliance.

There were five conditions which principals in this study revealed as school division factors influencing their ability to comply with the AEPA. The five conditions were: (a) certified resource teachers; (b) dedicated resource teacher and principal release time in every school based on need rather than the total school population; (c) readily available human resources (certified resource teachers and clinicians) to accommodate their specialized assessment demands; (d) effective professional development for all educators including principals, resource teachers, clinicians and educational assistants; and (e) an annual strategic vision/plan including timelines and targets which provides evidence of progress in complying with the new legislation. Each of these enabling conditions will be reviewed in relation to the issues identified by the principals in this study.

Certified resource teachers. For some principals within this study, including Evie, Norma and Oscar, the shortage of resource teachers with a special education certificate was a challenge, especially considering their perceived inability to attract certified resource staff to

their school and their division. The result of having resource teachers on staff who have not attained their special education certificate was the limited role which they could play in supporting many of the regulatory demands. Norma expressed frustration with the fact that her resource teachers were unable to administer a number of key assessments which could play a vital role in determining the students' appropriate educational programming needs for their IEPs. She commented:

It's my understanding that with specialized assessments, they must be done by somebody who's certified. Like you need a certified resource teacher if you're conducting things like the Connor Scale or doing a DIAL test or KEY Math or all of those diagnostic types of things. You can't just ask somebody who's in the resource position who actually doesn't have a resource certificate or specialty.

She continued in the interview to add:

We can't get certified resource teachers here. Like we're offering resource support but we don't have certified resource teachers. So that's the other end of things. Certified resource teachers are being snapped up in Winnipeg. They don't want to come to [name of town]. We're getting to that point now where there's a shortage unlike when I first started teaching here.

It would appear that this is an issue which divisions need to pursue in the future by attempting to determine what needs to change in order to entice qualified resource teachers to the community. In the absence of certified resource teachers, placing experienced teachers in this specialized position would be advantageous compared to placing "new to the profession" or beginning teachers in this specialized role. Norma commented on the difficulty she experienced 'tutoring' her new resource teachers and supervising them in their new role. She commented, "all my

resource people are new and they're not trained. So I've probably been more involved now than I was last year, just because I was confident in the ability of the person I had in that position last year." She also reflected on the fairness of expecting these new teachers with limited classroom experience and limited specialized training in assessment to be placed in positions whereby they were advising veteran classroom teachers of the programming requirements for their students with special needs, "My resource teachers, some of them have only been teaching two years, while I've got teachers in the classroom who've been teaching 25 years." Principals, in some cases, were being forced to provide additional time and support to these new uncertified resource teachers, which added an additional burden to their workload in implementing the AEPA.

Dedicated resource teacher and principal release time in every school. A factor that was discussed by Anne, Carl, Norma and Oscar was the need for divisions to review their staff ratio policies, taking into account not just the number of students within a school but also the composition of the student body. They suggested that where the number of students is the sole factor governing the number of full time equivalent teachers, the percentage of resource teacher time and the percentage of principal release time, their divisions were ignoring the demographics of the school community and the needs of their students. Anne indicated that she had 23 identified students in her school community of 55 and she was not allocated any resource teacher time. As a teaching principal, she was expected to provide resource programming and to complete all the paperwork required to access funding and specialized services.

Thus, principals commented on their school demographics in relation to the student: staff ratios. Although a school may be quite small, it may have more students or the same number of students with special needs as a much larger school. Both school size and school composition and the demographics of the school community influences the ability of the principals to provide

the resources required for the provision of appropriate educational programming for their students with special needs.

Readily available human resources. Many informants commented on the shortage of clinicians to support them in meeting their legislative mandates. The term ‘clinicians’ was used to describe all the specialists hired by the school division including the psychologists, social workers, occupational therapists, physiotherapists, mental health workers, child and family liaison workers, and others (see Appendix A for a complete glossary of terminology).

Many associated the shortage of clinicians with their inability to provide specialized assessments to support teachers’ programming for students with special needs. The new regulation designated the principal as being responsible for ensuring assessments are accessed and provided within a reasonably practicable time frame. All but three principals in this study were placed in a position of having to make choices as to which students would be assessed each year when caps were placed on the total number of assessments possible. Evie commented that she would like to be able to assess all her students needing assessments; however, “that’s not always possible. There are things that are sometimes beyond our control”. It appeared from the perspective of the principals in this study that there were a lot of desired human resources and associated services which were unavailable and ‘beyond their control’.

In other provinces, there are specific guidelines offered as to what represents a reasonably practicable timeframe. For example, Alberta regulations suggest that assessments are to occur within 5 to 8 weeks after the decision has been reached that a specialized assessment is required. In Ontario, each school district/division is responsible for including information about their wait times in their divisional Special Education Plan (SEP). For example, in the District School Board Ontario North East, a northern school division, they reported:

Wait times for external agency assessments vary depending on availability of specialists and are available by calling the agency's main office. Educational assessments completed by Board personnel have an average wait time of 6 to 8 weeks. The Board contracts psychological assessments. For the 2008-2009 school year, the Board entered into a contract with a psychologist for ongoing service, which has shortened the internal wait time for psycho-educational assessments to fewer than 6 months in most cases (District School Board Ontario North East, 2008-09, p. 16).

In the Financial Reporting and Accounting in Manitoba Education (FRAME) system used in Manitoba, school divisions must report the number of clinicians who are divisional employees as well as the number contracted out for services. When using only the clinicians employed by the divisions, the four northern school divisions studied in this research all have a higher service ratio of clinicians:students enrolled than the provincial average of 1:502 (McRuer, 2010a). In fact one of the division's service ratio is as high as 1:1,326 students (McRuer, 2010b). This division does contract out an additional clinician quarter-time which lowers this ratio somewhat, but does not alleviate the immensity of the clinicians' caseloads and their ability to ensure assessments occur in a reasonably practicable time frame.

Readily available clinicians were a concern of almost all principals as they expressed the recommendations for both the student services administrators and their superintendents to hire more clinical staff to decrease the wait list time and increase the services available to students with special needs in their schools.

Effective ongoing PD for all educators. Three issues were forthcoming from the principals in relation to the role of the school division providing effective ongoing PD for all educators. First, many were concerned because they received all their information regarding

their roles and responsibilities from their division's central office staff rather than ME or other PD service providers. Second, some questioned the flawed interpretation of their regulatory requirements as developed by their division's central administrators. Lastly, many expressed a desire for more intensive discussions, including scenarios and case studies, to guide their actions in responding to their new duties.

The majority of the informants were informed of their new duties by their student services administrators and/or superintendents. Because most learned of the implications of the new legislation and the divisional expectations via presentations by their divisional personnel, their professional learning was often limited to receiving the interpretation of the school division administrators. This may explain why a number of principals indicated that nothing had changed as a result of the new legislation, being told, "we're doing it all already". Jim noted, "It didn't raise any alarm bells. So therefore, I didn't in my personal view, feel that I had to do a lot in terms of getting our school up to speed". They were given the impression that they were complying with the legislation and the regulations prior to the enactment of the new legislation. Some principals commented that Bill 13 simply put into writing what divisions had been doing all along. It did not challenge them to change their current practices. Mark commented their divisional administrators informed them, "this is what it says, this is what needs changing, this is what we're doing already". Their knowledge and exposure to the implications of the new AEPA was limited and the changes required were frequently minimized.

Norma commented on how easily it is for different individuals hearing the same message to take away completely different interpretations. She discussed her process of checking with other principals within her division to ensure her interpretation is accurate:

I'll phone. I can guarantee you, I am on the phone with another principal probably about one issue or another three to four times a day just to see what their take on it is or if I'm reading it right. We could all be in a meeting where you have 12 people at the table and something is said, and their interpretation of what was said and my interpretation of what was said is way off base. So sometimes I'll phone around just to say, 'Okay, did I understand this right? This is my understanding on this. What is yours?' So yeah, I consult with other principals all the time.

In general, the interpretation of any educational change is influenced by the educator's past experiences, current context and availability of resources and services within their division. The interpretation of the legislation by school division central office administrators was also influenced by their past experiences, their current context, and the current limited divisional availability of resources and services. Their interpretation had an impact on the direction they gave to their principals in determining the changes necessary to meet the mandated demands of the legislation. The divisional staff's interpretation of the changes to practice necessary for compliance may have been flawed and this may have influenced the principals' understanding of their roles in implementing the legislation. Norma expressed concern, commenting that she was not always willing to follow the direction of her special services coordinator. She noted her philosophy of the service delivery for the resource program in her school, which supports her compliance, does not align with her special services coordinator's beliefs. She commented:

We have very different philosophies. I think that's part of the issue. The special services department has a very different philosophy than I'd say a lot of administrators have about delivering special education programming. And then, because this person is in that role, he's really trying to push that philosophy on all of us. He can't understand that you can

have different philosophies that work in different settings. There's a lot of different ways of approaching things. There's no one right way.

Principals discussed various divisional policies that varied from division to division such as the student discipline policy, principal attendance at IEP meetings, attendance policies, staffing policies and parental consent policies and questioned if their division's interpretations were always accurate.

Pea suggested that more education and more training for her teachers and educational assistants translated into better understanding of the needs of her students with special needs.

She noted:

It's all very well for us to say that you have an FASD student in your class and that these are the things that you should be doing but if you don't understand what FASD is, that's problematic in itself. So I think we need to do a better job and then how do you do that when you have only 5 professional development days throughout the year? The money that we get for professional development is greater than it would be in the city [Winnipeg], but you still have to, in most cases, send people out because you can't possibly afford to bring the trained personnel in to train everybody. So, it's a slow process and I don't think with Bill 13 now being in place, that's a good thing. I think people need to have some knowledge much quicker. We all need more education and training and understanding of what's going on and therefore, we need more money and where does that come from and how does it impact everything else in the budget that people can't afford to lose either?

From the frequent comments made by the principals within this study, they wanted and needed more opportunities to discuss in detail the many implications of the new regulations. To ease the

role of the principal in ensuring compliance, this ongoing PD needs to be made available not only for principals, but for all educators who work collaboratively to provide appropriate programming and services to students with special needs, including classroom teachers, resource teachers, clinicians and educational assistants.

With regards to offering PD to classroom teachers, ten principals commented on the resistance they encountered by staff members who were being expected to change their practices as a result of the new legislation. Much of the discussion centered on the inherent expectation within the regulations that all teachers were differentiating instruction to meet the different learning styles and needs of their students. Some conversation focused on the fear, especially by high school teachers, that if they started to adapt and modify coursework for their students, then they were lowering their standards. These teachers were proud of their high standards of excellence they upheld in their courses. Principals reflected on the need for PD for these teachers to understand the philosophy of inclusion and to learn differentiated instruction strategies, adaptations and modifications.

An annual strategic vision/plan. There were a few principals who mentioned the roles that they played in their divisional plans. Ann commented that every school contributes to the plan but that principals were not privy to reading and accessing the final version of the divisional plan. She noted, “Our superintendent is in charge of that for our entire division. I haven’t even seen our plan. We all have bits and pieces that we have to do that feeds into it.”

There have been a number of developments in the divisional plan requirements over the past two decades in Manitoba. Initially school divisions were required to produce an Annual Divisional Action Plan (ADAP), reporting on the student services and programs provided for their students with special needs. These plans were to be available to the public, although some

divisions were reticent to share this information with their community citizens. As a result of a recommendation in *The Special Education Review* (Proactive Consulting Inc, 1999), Student Services Plan were implemented to replace the Annual Division Action Plans. These plans tended to be more anecdotal than former plans, with less statistical data included. These plans existed until 2002, when the province mandated that specialized services and programs were to be included in all School Plans and general Division plans and not segregated out as a separate Student Services Plan. The Student Services Report is one of the four reports which are now required in the divisional plan. These reports are submitted once every three years to ME for approval.

In the “Supporting Inclusive Schools: School-Based Planning and Reporting: A Framework for Developing and Implementing Annual School Plans and Reports²⁸” (Manitoba Education, Citizenship and Youth, 2004), there is a template for the inclusion of information regarding a “Student Services/Division/District Planning Report”. This document suggests that divisions are required to submit their plans to Manitoba Education annually and make them publicly available to their citizens. This does not happen consistently across the province. In terms of individual school plans, Student Services priorities may be reported separately on a third page template or integrated in the overall school priorities using the generic two page template. The two page template does requires the provision of some human resources indicator data, such as the number of resource teachers with and without their special education certification, the number of clinicians in each of the areas of occupational therapists, physiotherapists, psychologists, reading clinicians, speech-language pathologists and social

²⁸ While all other provincial indicator documents and strategic plan documents reviewed were generally representing data from 2008 – 2010, it is interesting that ME has not updated its school/divisional planning document since 2004.

workers, the number of paraprofessionals (i.e. educational assistants) and other student services and the number of each (e.g., nurses).

While school divisions are required to submit divisional plans, some of the principals in this study commented they were not always aware of what was reported and were not given an opportunity to discuss or to see the completed plans. They tended to view the planning process as a paperwork activity with little value in the real world in which they practiced.

The Third Quadrant: Family Conditions

I have already discussed the roles and responsibilities of the parents in the review of the literature and in the findings of this study. According to the perspectives of the principals, when parents become disgruntled regarding the education of their child, the teachers and principals often viewed the parents as being adversarial. When parents were very cooperative and contributed to the school's ability to meet the needs of the child, then the teachers and principals viewed the parents as an advocate for the student. Parental involvement may be deemed to be supportive or challenging depending upon the role the parents play and the responsibilities they assume.

It was not surprising that almost every principal discussed the role of the parents in supporting their children's education. When parents could see that their children were not receiving the appropriate education that they desired, they would approach the teachers and principals for some explanation and/or justification for the placement and/or programming choices. If they were not satisfied with the response at the school level, they would approach the Superintendent and the school board to challenge the abilities of the principals in meeting their legislative responsibilities. This was the rationale for the development of Section IV: The Dispute Resolution Process section of the new regulation. Prior to the new legislation, parents

who continued to be disgruntled were left with no official means to advocate for improved educational practices for their children once they had unsatisfactorily expressed their concern at the school board level. The new regulation outlines the route to follow whereby there would be an objective review of the data surrounding the parents' complaint and an objective decision reached in favour of the parents or the school division. It should be noted that the Dispute Resolution Regulation applies only for students who already have an IEP in place and only addresses placement and programming. There have been eight complaints filed in the past four years which have challenged the school division's provision of appropriate educational programming (Harley, personal conversation, 2009). In situations where the parents believe that their child needs an IEP and increased services to meet the child's needs, there still remains no official means to proceed beyond the level of the school division. Harley commented that often there are calls identifying other issues, such as the need for an IEP, and that he attempted to assist the parents and the school to reach an amiable agreement.

In 2003, MECY developed six provincial priorities, which have remained on their website since that time. "Strengthening links among schools, families and communities" was one of the six provincial priorities. Over the past seven years, they have released a number of support documents to encourage the participation of parents in their children's education. For the sake of clarification of terminology however, in reviewing the many documents, I was unable to find a definition of parental involvement and found only clarification in the documents that the term parents may refer to either parents and/or legal guardians. Edwards (2009) discussed the importance of schools taking the time to develop their own definition of parental involvement. She defined parental involvement as, "the participation of parents in every facet of children's education and development from birth to adulthood, accompanied by the recognition that parents

are the primary influence in children's lives" (p. 8). Ascher (1988) acknowledged that the term may engender different meanings to different individuals within different settings.

In this section of the framework, there were five enabling conditions which were identified based upon the findings of the principals within this study. These five conditions included: (a) parents whose values and beliefs promote acceptance and inclusion of all students in all aspects of community life; (b) parental values which recognize the importance of an education; (c) parental support in providing students with their basic physical needs such as breakfast and lunches, regular bedtimes, homework assistance, etc.; (d) parents who assist students in attending school on a daily basis; and (e) parents who understand the dispute resolution hierarchy when filing a complaint.

Parents whose values and beliefs promote acceptance and inclusion. Many principals expressed that the most difficult aspect of enforcing the regulation which states that disabilities must be taken into account when students are being disciplined was dealing with the parents of the "regular" students. Parents did not appear to realize the affect of some disabilities on the judgment of the students with special needs and were most irate when their normal students were given what they considered to be harsher punishment. Many principals espoused the belief that "fair" does not mean equal treatment of all students. When they espoused this belief to the disgruntled parents, sometimes there was little success in explaining why situations were handled as they were. It was their perception that many parents needed to be educated about inclusion and the acceptance of students with special needs into the regular system. In most small remote schools, there were no placement options. Students with special needs were forced to be placed in their grade equivalent classroom with their peers as there were no alternative placements available. In some cases, the school community was very tolerant and accommodating of these

students because the families knew the parents and the child from birth but in others, the acceptance was not there.

Parental values regarding the importance of education. Ann, Barb, Dale, Evie, George, and Kevin commented on the importance of the parental attitude to education. These principals often expressed frustration as to which direction to take and what they could do to improve the education for some of their students. The extent that this affected the education of some children was truly revealed with Oscar's comment, "If we could get some responsible, attentive parents, a lot of the kids would just fall off our list [of identified students and those requiring specialized assessments] because they're really not special needs. They were created as special needs."

Parents who were not available when they were requested to attend meetings (to ensure parental involvement as required in the regulations) or when the school required signed consent of parents to provide additional services posed a real challenge for some principals in this study. The difficulties they experienced in attempting to get consent sparked many of them to question, and seek clarification, regarding the roles and responsibilities of the parents in the provision of appropriate educational programming for their children. Mark talked of the process he went through to get signed consent including letters sent home with the student, telephone calls, registered letters and visits to the students' homes. In some cases, Child and Family Services (CFS) had taken charge of the children and were considered the legal guardians who must give consent and/or be involved in the IEP planning process meetings. Norma noted that often they experienced difficulty getting the CFS workers to attend meetings, because of their overburdened caseload and workload. For some of these students, it appeared that neither their parents nor CFS were available to ensure the parental involvement mandated by the regulations.

Manitoba Education, in a recently published report on “School Attendance in Manitoba” (2009b) commented on the significance of parents valuing education. They noted:

One of the most influential factors for promoting school attendance is for parents and students alike to value education. The expressed view was that if parents do not place a value on going to school and do not associate negative consequences with repeated absenteeism, then educators cannot do much to fix the situation. Such values tend to be passed from generation to generation ... attitudes about education and the importance of attending school can easily be transmitted to the child (p. 31).

This supports the frustration that some principals expressed in their attempts to ensure that students were attending school on a regular basis.

Parental support in providing students with basic physical needs. The most common response by the principals in this study regarding parents was their frustration with the “absentee” parent, the parents who do not support their children’s physical needs of food and shelter, nor their school needs. Dale commented how many of his students were raising themselves. There were real challenges for principals, and educators in general, who were attempting to provide effective programming for students who were hungry, tired, absent, moving and/or just not enthused about being at school. Carl commented that it seemed that schools were assuming more and more responsibilities for students:

Things are being pulled from parents and thrown down to the schools. Where are the parents? Where is their responsibility? Where is their accountability? How do you make parents responsible? There needs to be some kind of balance and right now the scale is shifted to where schools and staff are overloaded. The scale is just uneven.

Principals talked of running breakfast programs and other handouts in lieu of these being provided by the parents. They appeared somewhat frustrated by the lack of basic care that was being provided to their students and the resulting special needs that developed because of the lack of parental responsibility for their children.

Parents assist students in attending school on a daily basis. Almost every principal commented on their concerns with absenteeism and transiency and their effect on students who would otherwise have been able to effectively function in a regular program. As Ann noted, “the number of identified kids is increasing because these kids aren’t in school enough”. Carl talked of the need to bring back truancy officers. His conclusion was, in his school, they needed more administration time and more resource teacher time based on his school dynamics, but that after a while, you “stop asking, stop complaining and just keep doing what you’re doing”. Oscar noted, as described previously, that it was his belief that many of his identified students would be normal students if they had attended school on a regular basis. He commented that many of his students with special needs were created by the parents who did not send their children to school.

Norma discussed her concerns in terms of the provision of specialized assessments for her students:

Kids are put on waiting lists for psych assessments and then they leave just prior to having the assessment. In their cum files, some have been in 10 or 15 schools by grade 5 and have always moved prior to any type of assessment occurring to support their needs.

Each principal had some comments regarding the need for parents to ensure that students were in school every day. Ann noted that for some students, they phoned home or made home visits to wake the family up in the morning to ensure that students came to school. She also

commented that over half her school population was generally absent on Friday afternoon, even though she and her teachers had developed special programming to entice their attendance.

The MECY report on “School Attendance in Manitoba” (2009b) gathered information which will be used to develop an action plan to address attendance and absenteeism issues. The goal of the plan is to work collaboratively with all stakeholders to reduce absenteeism. The principals in this study would welcome any action taken by the government to assist them with ongoing absenteeism issues.

Parents who understand the dispute resolution hierarchy. A few principals expressed concern when parents went immediately to their superintendent or Manitoba Education when they were not satisfied with their child’s placement, programming or other issues. Dale’s greatest fear was that a parent would go directly to the press and suggest that he, as the principal, was not doing his job. For his recommendation to his superintendent, he suggested that when a parent calls with a complaint, that the superintendent should instruct the parent to talk with the principal first. George’s recommendation was that his superintendent should be “very responsive to parents” and their concerns. While the *Standards for Student Services* document (MECY, 2006) indicates that each school division is responsible for making parents aware of the dispute resolution process and the hierarchy of who to contact when there is a question or complaint, some principals expressed that this was not happening to their knowledge.

In conclusion, these are the five parental conditions found in the third quadrant of the framework developed to outline the conditions which would support principals in their compliance with the new AEPA legislation. All principals discussed the influence that the parents of the students with special needs and all school community parents played in their successful compliance.

The Fourth Quadrant: Principal Conditions

To complete the quadrants of the “Enabling Conditions which Support the Principals’ Compliance with New Special Education Legislation” framework, the final quadrant addresses some of the principals’ comments regarding their own personal attitudes, values and beliefs. While principals may not have overtly spoken about these specific conditions, they often made comments which could be construed to demonstrate the effective conditions for success in meeting their new legislative mandates.

The four enabling conditions which support the principals’ abilities to comply with the new legislation included: (a) a commitment to changes in current educational practices; (b) a positive attitude to the inclusion of all students within the community school; (c) attendance of meaningful PD in order to learn about all aspects of appropriate educational programming from an administrator perspective; and (d) flexibility to adapt to changing legislated requirements. These four enabling conditions will be discussed based on the responses of the principals in this study.

A commitment to changes in current educational practices. A number of principals mentioned the need for their staff to become more familiar with differentiated instructional strategies, assessment strategies and the development of strong early literacy instructional methods. They appeared to have embraced the need to provide all students with special needs with individualized adaptations, modifications and specialized programs to meet their needs. They generally made reference to this attitude when discussing the need for more professional development for all educators responsible for programming for students with special needs.

A number of principals expressed some concerns when dealing with classroom teachers with non-supportive attitudes to students with special needs. Two principals in particular, Jim

and Frank, discussed the resistant attitudes of some of their experienced staff in adapting and modifying their curriculum to support the learning needs of students with special needs.

Generally, these teachers believed that by providing adaptations and modification, they were compromising their standards of excellence. Both principals discussed their leadership role in confronting these beliefs and attitudes, emphasizing the need to offer educational supports to students who require them to be successful. While these two principals had bought into the newer philosophies and educational practices, they experienced supervision challenges in convincing some staff members to accept the current views of special education.

A positive attitude to the inclusion of all students. While few principals used the term inclusion or discussed the philosophy of inclusion which Manitoba Education had promoted, most recognized that all students can learn and learn best when included in a regular classroom as much as possible to appropriately meet their needs. When asked for a recommendation for his student services administrator, Jim responded, “That we take kids as they are and not try to make them all equal”.

There were three principals who subtly hinted the former philosophy that the students and their families needed to change to adapt to the school system rather than the school system adapting to meet the needs of the student. They tended to blame the students’ attitudes, values and upbringing for their inabilities to experience success at school. These principals tended to be frustrated with the lack of responsibility assumed by parents and appeared to feel a sense of hopelessness in attempting to meet the needs of some of their students. Dale discussed his negative experiences with some parents who believed that their child was “special” and as a result, should be allowed to have some discretion in terms of their behaviour. His response was, “Certain things are non-negotiable”, regardless of the student’s inability to comprehend

consequences of his/her behaviour. Where principals talked about their strategies to include and accepted students' with special needs, there did not appear to be the same sense of frustration.

Attendance of meaningful PD. Every principal discussed their need to learn about all aspects of appropriate educational programming from an administrator perspective in order to better understand all the implications and innuendos that school principals needed to know.

Oscar captured the essence of what most principals expressed when he described his recommendation for his superintendent:

Make the principal stronger and credible as a leader. Right now I'm a manager. I put all the pieces together. I get the people with the knowledge in place. I make sure the meeting time is set. I'm there to ensure that the meeting is focused, but I don't really feel that I'm significantly contributing other than managing the situation. If they get off topic or if the conversation gets negative as it sometimes does, I make sure that it's refocused in a positive, productive direction but I really don't feel that in terms of special education, I'm a strong leader. That type of leadership really falls to our resource teacher in terms of making innovative or creative suggestions or having a rich background on what's worked in the past or maybe applying it to a new situation. I personally would like to be more credible in that role.

Many principals related how they looked to the leadership provided by their resource teachers because they did not feel that they had sufficient PD and experience to provide the leadership which is required. Oscar suggested to his student services administrator that he was not the only principal requesting professional development support:

[We need] more structured PD on a division wide basis because most of the principals are in the same boat. Being in northern Manitoba, we don't get the same opportunity to

travel. There aren't a lot of funds there but we do get together as principals a few times a year and I think that would be an excellent opportunity to do some case studies and different scenarios of principals using different approaches. Just anything so that when they [his staff] need more of an expert, that I could come back and speak to my staff with credibility and become a stronger leader in that area.

Dale suggested that principals be allowed to attend resource teacher meetings run by the student services administrator. As he noted, "there is a gap between the resource part of the school and the admin part of the school. I want to know more about what they are doing that is good". As Barb concluded, "I just need to learn more about it [Bill 13]." As was noted in three of the four quadrants of the framework, the need for principal PD was a concern expressed by all principals.

Flexibility to adapt to changing legislated requirements. This last enabling condition is included as a result of the principals who appeared to choose non-compliance to the new legislation rather than adapting to their new mandates. As was discussed in the last chapter, there were some principals who chose to defy the regulation regarding the provision of education for students who had been suspended or expelled. Jim and Jane discussed how, even though they had some of the same concerns regarding sending home textbooks and resource materials, their division had come forth with an alternative method of supporting these students. While some principals seemed stuck in their old paradigm of sending home school property, other principals were supported by their divisions and looked outside the box to set up conditions which ensured the principals were complying with the regulations.

In conclusion, I have highlighted the perspectives of the principals within this study that led to the development of the framework "Enabling Conditions which Support Principal Compliance with New Special Education Legislation". Each of the four quadrants represents a

stakeholder who has influence in supporting the principals' abilities to comply. The provincial government, the school division, the parents and the individual principal themselves all have a collaborative role to play. The successful implementation of the conditions in any one of these quadrants would not guarantee compliance without the benefit of all the other conditions in the other quadrants. In the upcoming section, I will relate the development of the framework to the purpose of this study.

Relationship of the Framework to the Problems and Purposes of the Study

In reviewing Chapter One after having been immersed in the data and findings, I was pleased at how the framework addressed the proposed problems and the rationales offered for the purpose of this study. In Chapter One, three major problems were identified which I hoped to accomplish with this research. The fact that principals had informally expressed concerns that they were unable to meet their mandatory requirements without the support of their school community, their division and the provincial government was one problem. The findings reflected in the framework provided formal validation to support the need for collaboration. The need for more professional development opportunities to improve their understanding and credibility with staff when attempting to introduce any required changes was the second problem addressed in the framework. The third problem which sparked this research was the lack of educational indicators collected by the provincial government, which principals believed was a prerequisite to assessing how their schools and school divisions were progressing in their compliance with the legislation. All three problems were discussed in the framework reflecting the formal research data collected in this study.

In terms of the purpose of the research, there were three rationales developed in Chapter One for conducting this study. The noticeable lack of formally documented data was achieved

through the collection of the interview data and its analysis regarding the supports and challenges experienced in the principals' attempts to comply with the legislation spurred the development of the framework. The framework represents the need for shared responsibility for compliance with new legislation of this magnitude, the second rationale. The final rationale was to reveal some of the perceived challenges which principals face in changing practices to meet new legislative mandates. The framework, with its accompanying discussion, revealed the many challenges which were converted to enabling conditions to support principals in the future.

The framework, "Enabling Conditions Supporting Principals' Compliance with New Special Education Legislation: A Shared Responsibility", fulfills the examination of the problems to be developed in this study as well as the purposes of completing this study. It serves as a basic framework which can be used by future researchers to further explore the requirements for compliance with any new legislative mandate.

Limitations of the Research

As with any research study, there are always some limitations which restrict its generalization to other populations during other timeframes in history. I will discuss four limitations: (a) the lack of a clear definition as to who constitutes a student with special needs; (b) the small number of informants; (c) the time gap between the initial interview and the follow-up telephone interview; and (d) the questions not asked which may have been beneficial in hindsight.

When setting the stage for the interview, at no time did I offer, or ask for, clarification as to who qualifies as being students needing special education. I could have restricted the definition to only those students who currently received Level II and III funding; however, I chose to let the informants discuss their students based on their perceptions of students with

special needs. As I indicated in the footnote in Chapter One and the definition in Appendix A, students with special needs is a much more inclusive definition. The informants tended to expand their definition to include those students who were “at risk” and other disabilities which are common in schools but are not recognized for funding purposes.

In selecting my sample, I chose to interview 15 informants to provide the research data I was seeking. As there were 61 principals in May 2007 in the four divisions, the sample represented the perspectives of 24.6% of the total population. For more accurate data, a larger number of interviews may have been conducted. As well, because three of the four divisions selected as being northern are geographically situated in single larger centers, in hindsight, I believe my data may have been different if I had only selected principals from Frontier SD for my sample. There are more schools situated in truly remote settings within Frontier and I believe that the findings may have presented a bleaker reality within their northern contexts.

A third limitation may be the time which elapsed between the initial face-to-face interviews and the time of the follow-up telephone interview, when informants commented on the accuracy of their transcriptions and reflected on some of their initial responses. The initial interviews occurred in June 2007 and the last of the telephone interviews took place in April 2009. For some, it was difficult to place themselves back in their June 2007 context. Some did comment that they appreciated the opportunity to reflect back to June 2007 and to realize how their practices had changed since that time. Had the follow-up interviews occurred earlier, there may have been some additional responses or different responses to the reflection questions.

There are some questions which surfaced which I wish I had asked the informants as part of their background information. I would be very interested in learning how many of the principals had their Level I: School Administrator’s Certificate and how many had their Level II:

School Principal's Certificate. I would also have liked to know how many had taken any coursework in school law, or attended workshops on school law in general. This data could have served as a focal point in terms of their expressed desire to participate in additional professional development opportunities.

Because of the above limitations and the qualitative nature of this study, it needs to be reinforced that findings of this study contribute to the practical knowledge base and the theoretical knowledge base in the areas of inclusive special education, educational law, policy implementation and professional development. As was noted, the findings cannot be generalized to broad populations in other contexts or in other timeframes. As was noted by Murphy (2000), the findings could be found to "help to ground discussions about the changing vistas in this area and to provide some clues about important influences that will be at play" (p.80) as school principals attempt to implement new legislation.

Practice Implications of the Research

While there are many practical recommendations which could be made, I will present three major implications of the findings of this study. The three areas which will be discussed are: (a) the need for additional professional development which effectively addresses the needs of the principals; (b) the need for clarity in terminology, roles and responsibilities of principals; and (c) the need for system accountability.

The Need for Effective Professional Development

Almost every principal reflected upon the value of professional development in supporting their needs as well as the needs of other educators in their schools. In 1956, Bloom devised his taxonomy of educational objectives, suggesting six levels of cognitive learning (Gronrud, 1985). He emphasized that effective learning for students involves more than simple

recall of facts. Yet, for many of these principals, the simple recall of the regulations was their current level of learning. Many did not appear to have the deeper understanding of the application and implications of the regulations for change. For professional development to be effective, recent literature has emphasized the need for it to be, “based on careful needs analysis linked to evidence of existing practice and thus, targeted training” (Craft, 2000, p. 13).

Principals need to have sustained PD opportunities which address their needs and concerns based upon their contexts. As Oscar suggested, being able to discuss scenarios or case studies assists principals in furthering their understanding of how to implement the regulations in a variety of settings and situations. In MacKay’s Report (2006), he devoted an entire Appendix to “Strategic Professional Development”. He emphasized the role of the Minister of Education and school divisions in the provision of strategic PD topics which were identified in his consultation process. He listed not only topics, but also the goals and the proposed audience. For example, he listed that principals and resource teachers needed PD on “Individual Education Plan or Intervention Plan Writing”, a topic which many principals in this study identified as being desirable because of its significance in effectively implementing the IEP regulations.

Yell, Ryan, Rozalski, and Katsiyannis (2009) developed four principles which, “administrators need to understand and follow to ensure that they are in compliance with the IDEA [Individuals with Disabilities Education Act] and deliver special education programs that confer meaningful educational benefit” (p. 74). They emphasized principals needed to understand their responsibilities and, “to receive meaningful and sustained inservice training programs in new research-based practices and other developments in special education” (p. 75). Of their four principles, two called attention to the need for multiple professional development

opportunities for principals and teachers to discuss and internalize their roles and responsibilities in meeting the needs of their students with special needs.

Within the north, because of the high costs associated with attendance of professional development activities in southern Manitoba, it may be most efficient for Manitoba Education to send presenters to the three major centers. These bureaucrats could not only discuss roles and responsibilities with principals and resource teachers, but offer them an opportunity to reflect upon the potential impact of these changes within their context. As an initial presentation of the roles and responsibilities of principals as outlined in the regulations, ME may consider developing a DVD presentation. This technology could prove useful in that all principals across the province would receive the same message delivered by the ME personnel who were responsible for the development of the regulations and standards document. This could help principals struggling with the contradictory directions being offered by various stakeholders and improve the consistency of services across the province.

As was noted, a number of informants believed that they needed time to reflect and discuss, at a deeper level, the implications of the legislation on their roles within their setting. As was noted by Yell et al. (2009), there is a need for “sustained inservice training programs” to support principals’ needs to delve into how their new regulatory requirements translate into daily practices within their school contexts.

In conclusion, effective professional development, which offers participants an opportunity to brainstorm, discuss, to critically reflect upon, and develop their meaning perspectives (Meizerow, 1998) regarding the necessary changes to their current practices with the new legislation, was perceived as a high need by most informants in this study. Principals requested additional time to just ‘talk’ about the impact of the regulations with their colleagues

and other principals across the province to deepen their understanding of their role in the implementation process. Both ME and school divisions have some responsibility to ensure that these principals have a thorough understanding of their legislative mandates. Both ME and school divisions have a role to play in providing principals with effective professional development to support them in ensuring their compliance with the legislation.

The Need for Clarity of Terminology, Roles and Responsibilities

Throughout the findings and the discussion of the framework, it has been emphasized principals perceived a need for more clarity of terminology and clarity as to the roles and responsibilities of all the stakeholders in supporting appropriate educational programming for students with special needs. The principals throughout the course of the interviews reflected upon a number of terms whereby there were different interpretations offered. They also expressed a desire for clarification not only of their specific roles and responsibilities to ensure compliance with the legislation, but also the roles and responsibilities of the school division, the parents, the teachers, the clinicians and other educators. Many appeared unsure as to how all the pieces of the puzzle fit together in meeting the needs of the students and felt that they were often left holding a larger load than others. There is a need for both school divisions and the provincial government to provide leadership to develop the clarity which is needed in both terminology and role expectations. This could be done through extensive professional development opportunities whereby clear concise operational definitions are devised and related to daily practices, and a mutual understanding of roles and responsibilities are developed among all involved in the provision of appropriate educational programming.

The Need for System Accountability

In this section, I am using the term *system* to include both the school division and provincial government. The principals discussed the need for the system to be more accountable to students, parents and the public in general. The public has a right to know how their educational tax dollars are being spent to support the education of students with special needs in accordance with the *Canadian Charter of Rights and Freedoms*. In the past, school divisions have been reticent about sharing their Annual Divisional Action Plans (ADAPs) and their Student Services Plans. Today, it is often difficult to obtain a copy of the divisional plans from school board offices. This is contrary to what is happening across the country. Other provinces have strategic plans outlining for their citizens their goals regarding meeting the needs of these students.

In Ontario, all school boards are mandated to post their Special Education Plans (SEPs) on their websites and the Ontario Ministry of Education has a section on their website which provides a link to every single district's SEP. There is transparency for anyone who wishes to know what the school districts are doing to accommodate the needs of their students with special needs. Also in Ontario, there is an annual report developed entitled "Closing the Gaps for Students with Special Education Needs in Ontario: Research Trends and Capacity Building" (Ontario Ministry of Education, 2009). In the overview, the Ontario Ministry of Education commented:

The Ministry of Education is committed to meeting the needs of a wide range of learners, and has focused, in special education, on a student achievement agenda, including:

- Improving the outcomes for students receiving special education programs and services;

- Increasing the capacity for schools to meet the needs of a variety of learners in settings ranging from regular to self-contained classrooms;
- Ensuring that programming in the Individual Education Plan (IEP) is linked to the Ontario curriculum and the Provincial Report Card;
- Improving the balance between a focus on teaching and learning, and the need for appropriate process, documentation and accountability; and
- Closing the gap (p. 3).

The document referenced the value of using “evidence-informed decision making in setting priorities for special education” (p. 3) and it proceeded to provide data regarding: (a) Students with Special Needs in Ontario; (b) Changes in School Board Planning; (c) Classroom Complexity; (d) Outcomes and Indicators; (e) Funding; (f) Stakeholders; and (g) Links to Research. It described “Closing the Gap Strategies” and “Challenges”.

The Saskatchewan Ministry of Education publishes annually, on their website, their “Student Support Services Directions”. In this report, they comment on their “Leadership in Research and Gap Analysis, Policy Development for Programming and Funding, Accountability and Evaluation and Data Management” with regards to special education. The Saskatchewan Government outlined their annual goals in ten areas including service delivery, funding review/costing, immigration and other key topics. The Government made transparent their commitment to their educators and citizens to improve the current level of service delivery.

On the Manitoba Education website (2010), there is a section entitled “Overarching Goals”. Two of their five goals are:

2. To ensure that educational practices and policy in Manitoba is guided by the principle of inclusion.

3. To significantly increase achievement levels of those students who have been historically less successful (Retrieved from <http://www.edu.gov.mb.ca/edn/mandate.html> 2010).

They provide their Priority Action Areas, including, “2. Education for low income communities; 4. Education in rural Manitoba; and 5. Education in northern communities”. These are highly desirable goals and priorities, but there is no further elaboration as to desired outcomes, actions, targets or timelines outlined for the achievement of the goals. In the concluding section of “The Report of the Special Committee on Education Indicators” (Manitoba Education, 2010a), the sub-committee commented on the lack of transparent, publicly-accessible reports which demonstrate to Manitoba citizens the effectiveness of the public school system in meeting the needs of their students. There is a need for the province to become more accountable by collecting educational indicators data, developing a strategic plan for the implementation of the *Appropriate Educational Programming* legislation (2005) and sharing this information with all educators and citizens of Manitoba. If Manitoba Education has developed a detailed strategic plan, it is not forthcoming or easily attainable by educators, parents and citizens of Manitoba who want to know what the government is committed to doing to support students with special needs. Other provinces indicate that they use their educational indicator data and research to devise plans and support divisions and schools where gaps exist in meeting their legislative requirements. More transparent information is required to support educators and citizens in their understanding of the current desired educational outcomes and goals.

Leadership also needs to be provided by the provincial government to support the accountability of school divisions in complying with the legislation. There are a number of unanswered questions surrounding the compliance of divisions. In the absence of monitoring

compliance, collecting indicator data and/or providing some form of motivation to comply, divisions may choose to continue what they have been doing all along. One possible motivator which the provincial government may use as an incentive to support divisions to become more compliant is the development of special funding entitlements. This has been used in the past to increase the number of teachers holding their Special Education Certificate, as specialized funding was allocated to those divisions who met their targets and timelines for increasing their certified resource teachers. Currently, school divisions are entitled to a special allocation of \$85,000 if their Student Services Administrator holds a Special Education Coordinator certificate (Manitoba Education Schools' Finance Branch, 2010a, Appendix A, p.2). ME may consider special categorical funding for northern school divisions to be used to hire additional human resources, to provide the professional development required by teachers to obtain their special education certificate, or to meet whatever the division establishes is a targeted goal within their context to address their compliance needs.

Another option to support divisions who are unable to hire clinicians to meet their demands may be a strategy which had been in place in the past. The province could employ a resource pool of clinicians from which school divisions could contract services when they were finding their waitlists were too long. While there were pros and cons to this approach, this may be one short term strategy to support divisions until the shortage issue can be addressed more permanently.

The data of this study would support the need for the province and the school division to work collaboratively to offer incentives to teachers interested in meeting the requirements for their special education certificates and/or to ensure that new hires are certified or in the process of taking the required coursework to certify. As well, there is a need for Manitoba Education to

provide additional supports and entitlements to support the certification of principals in northern Manitoba. Manitoba Education has recently awarded bursaries to school divisions in rural and northern Manitoba who have identified teachers who have shown interest in taking coursework to become clinicians. There needs to be incentives for teachers who are interested in taking the required coursework and professional development activities to achieve their Special Education certificate as well as those teachers interested in obtaining their School Administrator's and Principal's certificates. The province and school divisions need to recognize the jeopardy they are promoting for all involved when beginning teachers are placed in the positions of resource teachers and principals have little or no knowledge or understanding of the legal mandates of the role.

Implications for Future Research

There are a number of implications for future research resulting from this study. I will suggest nine research topics which could be explored to confirm the findings of this research or to offer additional insights and enabling conditions to support principals in complying with legislation governing the education of students with special needs. These research topics include:

1. Research in the northern divisions of the three prairie provinces regarding the supports and challenges of principals attempting to comply with their provincial legislation governing appropriate educational programming for students with special needs. This research could confirm similar enabling conditions and perhaps contribute additional enabling conditions which were not forthcoming in this study.

2. A comparative study of the appropriate educational programming legislation in every province across Canada, relating compliance with this legislation to the rural education challenges outlined in current research journals.
3. The creation of a comprehensive historical document outlining the development of special education programming and legislation across Canada. There was a noticeable absence of such a Canadian resource when I developed my review of the literature. Our history is quite different from the United States because of the federal legislative authority of the United States Government when it comes to individuals with disabilities.
4. A comparative study of the Individual Education Plans development and implementation processes across Canada as written in provincial legislation and policy documents. This could be related to the numerous names, policies and requirements of the many varied specialized plans found in policy and practice across Manitoba school divisions.
5. A comparative study of the legislated roles and responsibilities assigned to principals across Canada to meet the specialized needs of students with special needs.
6. A comparative study of the funding structures in place across Canada designed to support appropriate educational programming and their effectiveness in meeting the needs of students with special needs.
7. A comparative study of the certification processes across Canada for resource teachers and principals, highlighting the specific aspects relating to special education law. A special interest here would be who holds the right to grant certificates (provincial government, colleges, and so on) and the structure of the certification processes.
8. A study of principals in northern regions regarding their delegation or distribution of their responsibilities to other educators found within their schools, such as the resource

teachers, counsellors, special education teachers, and others. The concept of distributed leadership as a means of compliance with legislation could serve to contribute to the enabling conditions of the principal quadrant.

9. A study as to what professional development principals have attended which supports their abilities to make ethical decisions. This study could interview principals within one province or across Canada where it has been established that waitlists are extensive and human resources to assess students are limited.

These are just a few of the many research studies which could be conducted to support or elaborate on the findings of this study.

Conclusion

While compliance with legislation is relatively low on the scale of educational leadership responsibilities, it is a starting point when new legislation is enacted and the school principal is delegated responsibility for ensuring its implementation. In this research study, I examined the perspectives of principals in northern Manitoba regarding their regulatory mandates to provide appropriate educational programming for their students with special needs. It became apparent that few principals were in a position whereby they were able to comply with all their regulatory mandates. They required the collaborative support of the Manitoba Government, their school divisions and their parents and as many of these enabling conditions as possible if this were to happen.

I do want to acknowledge that school divisions do not have bottomless pits of funding to purchase all the services that they require. I believe the school divisions in this study are attempting to balance the appropriate educational programming needs of their students with all the other educational demands placed upon them. Having said that, there is still the need to work

towards improving their abilities to provide the specialized assessments in a shorter timeframe, to recruit and retain more clinicians, certified resource teachers, and certified principals and to provide professional development to principals, resource teachers and other staff to assist all the stakeholders attempting to support compliance with the new legislative mandates. When all is said and done, the question becomes, “Are students’ appropriate educational programming needs being met?”

When I began this study, I held the preconceived notion that if the principals had attended professional development designed to inform them of the new legislation, they would learn the regulations and, with some self-initiated alterations to their current practices over time, this would translate into their compliance with the legislation. My concrete sequential thinking patterns led me to believe that the relationship could be represented by the following equation:

$$\text{Attend Professional Development} = \text{Learn regulations} = \text{Apply changes necessitated by the new regulations} = \text{Compliance with regulations.}$$

It very quickly became obvious to me, that for the informants, there was nothing simple about translating the regulations into compliant practice, as witnessed by the informants. The informants in this study described a “knowing-doing” gap (Pfeffer & Sutton, 2000), which in most cases resulted in their non-compliance with certain aspects of the legislation. As Pfeffer and Sutton (2000) wrote, “Knowing ‘what’ to do is not enough.” (p.1). In their book, *The Knowing-Doing Gap*, Pfeffer and Sutton addressed the issue of how businesses struggle to transform their knowledge into action. In this study, I have found this same struggle from the perspectives of the principals attempting to implement the new legislation and regulations.

Providing appropriate educational programming for all students is an undertaking which requires the support of all the stakeholders identified. It became obvious with this study that the

many stakeholders are attempting to meet their legislative requirements, but they are struggling. It is hoped in the future there will be improved provision of professional development, clarity of terminology, roles and responsibility and system accountability to assist in upholding the new legislative mandates in Manitoba. My ultimate goal for the future can be summed up with a Latin quotation “Esse Quam Videni” which means “To be, rather than to seem”. I look forward to the day when compliance with the legislation will *be*, rather than *appearing to be happening* as was perceived by the principals in this study.

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Appendix A
Glossary of Terminology

Appendix A

Glossary of Terminology

Within this appendix, there are a number of definitions of terms used within this dissertation. While some of these definitions contain my personal anecdotes reflecting on their use in this study, most of these definitions come directly from Manitoba Education documents representing the provincial government interpretations of the terms.

Aboriginal Peoples: This term encompasses three groups of Aboriginal people – Indian, Inuit and Metis peoples – and is spelled out in Section 35 of the *Canadian Constitution Act* of 1982 (Chippeway, 2009). There are four different classifications of Aboriginal Indians including Status or Registered Indian, Treaty Indian, Non-status Indian and Non-treaty Indian. A Status or Registered Indian is a person of Indian or Aboriginal ancestry who is registered as an Indian under *The Indian Act*. A Treaty Indian is an individual member of a First Nation Band whose ancestors were a signatory or a Treaty with the Government of Canada. Approximately 50% of registered Indians in Canada are Treaty Indians found mostly in the Prairie Provinces. A Non-status Indian is a person of Indian ancestry who is not registered as an Indian. There are various reasons why persons of Indian ancestry are not registered such as those Indians who lost their entitlement through marriage to non-Indians before 1985. A non-treaty Indian is a person who is registered as an Indian whose ancestors were not signatory to a treaty. Metis individuals are those people of mixed ancestry, usually of European and Aboriginal descent. Inuits are Aboriginal peoples of northern Canada who generally reside in the Northwest Territories, Nunavut, Northern Quebec and Labrador. *The Canadian Constitution Act*, Section 91(24), extended to the Inuit peoples to right to be included in the section on “Indians and Lands

reserved for the Indians”, even though they are not included in *The Indian Act* (Chippeway, 2009).

Students who are Status Indians or Treaty Indians have the right to an education on their reservation property. The educational jurisdiction for these students is a Federal Government of Canada. Schools which are located on reservations are run by the local Band Council and hence, in this document, the schools are referred to as Federal Band Schools. When these students choose to attend a provincial school, as is the case of students attending school in all four of the school divisions in this study, the Federal Government transfers the educational funding to the school district to assist with their education. It should be noted that the funding provided per student by the Federal Government does not match the amount that the Manitoba Government currently provides school divisions and districts for the education of provincial students.

appropriate educational programming: “A collaborative school-family-community process through which school communities create learning environments and provide resources and services that are responsive to the lifelong learning, social and emotional needs of all students” (Manitoba Education, 2010b, p. 85).

at risk: “Describes students with socioeconomic challenges, such as poverty, that may place them at a disadvantage in achieving academic, social or career goals. Such students are deemed at risk of failing, dropping out, or “falling through the cracks” at school” (Editorial Projects in Education, 2009, p. 9).

attendance: The concept of attendance refers to the presence of a student “in the school or classroom “on days when [he or she] is supposed to be” (Manitoba Education, Citizenship and Youth, 2009, p. 12).

absenteeism: This concept refers to “whether or not students are not physically present in the school or classroom” (Manitoba Education, Citizenship and Youth, 2009, p. 13).

behaviour intervention plan: “An intervention plan developed by a team to meet a student’s social/emotional and behavioural needs” (Manitoba Education, 2010b, p. 85).

clinician: “An individual trained in the provision of support services within the school setting who provides services for students with exceptional learning needs and consultative services for school personnel and parents; and certified under the *Teaching Certificates and Qualifications Regulation 515/1988*, as speech-language pathologists, school psychologists, school social workers, occupational therapists, physiotherapists, or reading clinicians” (Manitoba Education, 2010b, p. 85).

differentiated instruction: “A method of instruction or assessment that alters the presentation of the curriculum for the purpose of responding to the learning diversity, interests and strengths of pupils” (Manitoba Education, 2010b, p. 85).

educational indicators: Indicators have been defined as “types of information, usually in the form of single or composite statistics, which help to describe the performance of a system or some key feature of a system over a period of time, across groupings and/or with an established standard” (Manitoba Education, 2010a, p. 4). In some provincial indicator reports, such as the Saskatchewan Education Indicators Report (2009), there are different types of indicators identified:

- Context indicators describe the social, economic and demographic influences on the education system;
- Process indicators provide information about the operation of the education system, including descriptions of policies, resources and activities; and

- Outcome indicators provide information about results (p. 7).

Each government providing public reports selects a model which fits their needs and is user-friendly to their public in describing the educational context.

Financial Accounting and Reporting in Manitoba Education (FRAME): MECY allocates categorical funding for students who demonstrate exceptional needs. Those with severe exceptionalities are categorized as Level II and those with profound exceptionalities are categorized as Level III. There are extensive descriptions of the criteria which must be met in order to qualify for each categorical level.

While allocations specifically designed for students meeting Level I criteria no longer exist, that label is still commonly used to describe the students who require adaptations or modifications to the regular curriculum. The funding model changed in 2006 such that MECY now allocates “student services support”, which is defined as “support provided to assist pupils with mild to moderate learning and behavioural difficulties or considered at risk due to social, emotional, behavioural or physical factors that impact on their ability to succeed in school” (Public Schools Act, Regulation 259/2006).

As well, MECY allocates base funding for regular programming for *every* student enrolled within a division, inclusive of the individual students designated as Level II and III. For more information, see Appendix D.

inclusive education: “Providing all students with the supports and opportunities they need to become participating members of their school communities” (Manitoba Education, 2010b, p. 86). This philosophy formed the basis upon which the regulations and standards were developed for the implementation of the *Appropriate Education Programming Amendment (AEPA)*.

individual education plan: “A global term referring to a written document developed and implemented by a team, outlining a plan to address the unique learning needs of a student; the written IEP may range in length from one page documenting student-specific adaptations developed by a student’s teacher(s) in consultation with the parent(s), to a lengthier documentation of a student’s programming outlining student-specific outcomes developed by a larger team that may also include resource, clinical and other student services supports; the term IEP is inclusive of other acronyms such as adapted education plan (AEP), behaviour intervention plan (BIP), assisted learning plan (ALP), and so on” (Manitoba Education, 2010b, p. 86).

in-school team: “Consists of the core team (student, parents, teachers) and other school staff, such as the resource teacher and/or school counsellor; the key decision maker in the student-specific planning process” (Manitoba Education, 2010b, p. 86).

Northern Manitoba: For the purposes of this study, northern Manitoba will be considered to encompass the geographical area contained within the four school divisions: Flin Flon, Frontier, Kelsey and Mystery Lake.

placement: “A school or an alternative learning environment chosen for a student; determined by school and school division policy and in consultation with the school team, including parents” (Manitoba Education, 2010b, p. 85).

resource teacher: “A teacher whose principal duties are to determine individual educational difficulties, to identify appropriate strategies for use by teaching staff, to give direct assistance to teachers and students, and to provide school personnel and parents with consultative services” (Manitoba Education, 2010b, p. 85).

school principals: All school principals targeted for this research study were active practitioners at the time of the interviewing process. School principals were limited to designated principals

employed by the school divisions. For the purposes of this study, vice-principals, department heads or other personnel were not included in the sample population as subjects.

special education certificate: “A person may be issued a special education certificate where the person

- (a) holds a valid Manitoba professional certificate;
- (b) has two years of approved teaching experience while holding a valid Manitoba teaching certificate issues in a jurisdiction outside of Manitoba and recognized by the minister; and
- (c) completes 30 credit hours of approved post-baccalaureat courses in special education
 - (i) with a minimum of six credit hours in each of the following Sections
 - (A) Section A – The Dynamics of Exceptional Behaviour,
 - (B) Section B – Diagnosis and Programming Special Education,
 - (C) Section C – Areas of Specialization in Special Education, and
 - (ii) With 12 additional credit hours in any of Sections referred to in subclause (i), or in Related Professional Development Courses in Special Education, or a combination of them (*Educational Administration Act*, Manitoba Regulation 32/1993, PART VI, 20, p. 16).

special needs: the term *special needs* describes the student population under study in this research. This is the time-honored term used within the Manitoba educational community. While MECY expressed the belief that the commonly accepted use of this term was a direct result of its use in the Special Education Review (1998), some would say it has been in use since 1992 when the first policy document was released. *Special needs* is a broad term that refers to

any learner need that is not adequately supported by standard delivery of the provincial curriculum. Manitoba Education, Citizenship and Training (MECT) (2001) referred to students with *special needs* as being those who require the following:

- Personalized adaptations to participate in the provincial curriculum (special equipment, transportation, teaching methods, assessments, organizational strategies, time allotments, physical or social environments, etc.);
- Personnel supports beyond the classroom teacher (resource teacher, guidance counsellor, clinicians, therapists, educational assistants, nurses, etc.);
- Redesigned (modified or enriched) content in their courses; or
- Individualized programming (p. 6).

The term *special needs* is used to describe students who are identified as gifted and talented, as “at risk” or “struggling” learners, or as having educationally relevant disabilities.

MECT (2001) suggested several advantages to using the term *special needs* in all consultations and documentation regarding special education in Manitoba because it follows the common organizational structure for most school divisions and districts by separating activities into curriculum or student services that address special needs and it describes a range of needs that is more diverse than just disabilities.

specialized assessment: “Individualized assessment conducted by qualified practitioners across a variety of domains and specific learning contexts to provide additional information on the exceptional learning needs of students; includes assessment of exceptional learning, social/emotional, behavioural, sensory, physical, cognitive/intellectual and adaptive, communication, academic or special health-care needs relevant to students’ learning and performance” (Manitoba Education, 2010b, p. 87).

student services administrator: “A teacher employed by the school division to coordinate and support the student services needs in schools” (Manitoba Education, 2010b, p. 87).

student support services: “The education programs and services comprising the “Student Support Services” provided by the 38 Manitoba school divisions and districts are uniformly defined by the FRAME reporting system of the Government of Manitoba.

The staff positions employed in relation to Student Support Services are also uniformly defined by the FRAME reporting system.

Student Support Services consists of seven parts:

- Administration/coordination
- Gifted education
- Clinical services
- Special placement
- Regular placement
- Resource services
- Counselling and guidance

Student Support Services is the section of FRAME which largely encompasses the appropriate educational programming mandate enacted by *The Public Schools Act of Manitoba* in 2005” (McRuer, 2010, p. 1).

Appendix B

General Duties of the School Principal as Outlined in the Public Schools Act Prior to the
Appropriate Educational Programming Amendment Regulations.

Appendix B

General Duties of the School Principal as Outlined in the Public Schools Act Prior to the
Appropriate Educational Programming Amendment Regulations.

Public Schools Act: PART V

RESPONSIBILITIES OF PRINCIPALS AND TEACHERS

RESPONSIBILITIES OF PRINCIPALS

Principal's general authority

28(1) Subject to the *Public Schools Act* and the instructions of the school board, the principal is in charge of the school in respect to all matters of organization, management, instruction and discipline.

28(2) The principal is responsible for the supervision of staff, pupils, buildings and grounds during school hours.

28(3) The principal is responsible for placing pupils in classes and issuing statements of their standing, subject to the approval of the superintendent where one has been appointed.

Information provided to parents and others

29(1) A principal must provide pertinent and meaningful information about the school and related educational matters to parents and the community.

29(2) A principal must ensure that parents are provided with information on their children's individual achievement on a regular basis.

29(3) When a pupil transfers out of a school and transfers into another school, the principal must provide the new school with the pupil's cumulative record or file.

Discipline during school hours

32 The principal has disciplinary authority over the conduct of each pupil of the school from the time the pupil arrives at school until the pupil departs for the day, except during any period that the pupil is absent from school at the request of his or her parent or guardian.

Discipline outside school hours

33(1) The principal has disciplinary authority over all pupils of the school

- (a) on their way to and from school, in terms of their conduct towards one another; and
- (b) while they are being conveyed to or from school, in a division or district that provides transportation.

Appendix C

Appropriate Educational Programming Regulation 155/2005

Pertaining to the Role of the Principal

Appendix C

Appropriate Educational Programming Regulation 155/2005

Pertaining to the Role of the Principal

THE PUBLIC SCHOOLS ACT–

PART 2

APPROPRIATE EDUCATION

Assessment

4(1) A principal must ensure that a pupil is assessed as soon as reasonably practicable if he or she is having difficulty meeting the expected learning outcomes.

4(2) A principal must ensure that a pupil is referred for a specialized assessment if the pupil's teacher and resource teacher, guidance or other applicable in-school personnel are

- (a) unable to assess why the pupil is having difficulty meeting those outcomes; or
- (b) of the opinion that differentiated instruction and adaptations are insufficient to assist the pupil in meeting those outcomes.

4(3) A principal must ensure that the pupil's parent is informed before the pupil is referred for a specialized assessment, and no interviewing or testing as part of the assessment may occur without the parent's consent.

4(4) A specialized assessment must be

- 40.** coordinated by a person who has been designated by the school board, or, if the board has not designated such a person, by the principal; and...

Individual education plans

5(1) A principal must ensure that an individual education plan is prepared for a pupil who has requirements identified under clause 4(5)(b). The plan must identify

- (a) how the pupil's requirements for meeting or approximating the expected learning outcomes are to be addressed, where it is reasonable to expect the pupil to meet or approximate those outcomes; or

(b) where it is not reasonable to expect the pupil to meet or approximate the expected learning outcomes,

- (i) the learning outcomes the pupil can reasonably be expected to meet, and
- (ii) how the pupil's requirements for meeting those learning outcomes are to be addressed.

5(2) The principal must ensure that a pupil's individual education plan

- (a) is prepared with the assistance of the pupil's teacher and other in-school personnel, as directed by the principal;
- (b) takes into account a pupil's behavioural or health care needs, if any;
- (c) is consistent with provincial protocols respecting a pupil's transition to and from school; and
- (d) is updated annually or sooner if required by a change in a pupil's behaviour or needs.

5(3) The principal must ensure that the pupil's parents, and the pupil if appropriate, are given opportunity to

- (a) participate in preparing and updating the pupil's plan; and
- (b) be accompanied and assisted by a person of their choosing when doing so.

Transition into school

6(2) When differentiated instruction methods and adaptations are likely to be insufficient to assist an eligible person in meeting the expected learning outcomes,

- (a) a principal must ensure that the person is referred for a specialized assessment; and
- (b) if required, the principal must ensure that an individual education plan is prepared for the person;

and sections 4 and 5 apply, with necessary changes, to the assessment and plan to be done under this section.

THE EDUCATION ADMINISTRATION ACT –
“Education Administration Miscellaneous Provisions Regulation, amendment”
Regulation 156/2005
Pertaining to the Role of the Principal

Manitoba Regulation 468/88 R amended

1 **The *Education Administration Miscellaneous Provisions Regulation, Manitoba Regulation 468/88 R*, is amended by this regulation.**

2 **Subsection 29(3) is replaced with the following:**

29(3) The principal must provide the pupil file of a pupil who has transferred to another school to that school within one week of the school requesting it.

40.9 Every principal must

(a) develop categories of the reasons for which a pupil may be suspended; and

(b) ensure that

(i) each suspension is accordingly categorized, and

(ii) for each category, the total number of pupils suspended and the duration of suspensions are tabulated.

Where suspension exceeds five days

40.10 A principal must ensure that educational programming is available to a pupil who has been suspended for more than five days.

Special needs of pupil to be taken into account

40.12 Every teacher, principal, superintendent and school board must ensure a pupil’s special needs, if any, are taken into account when deciding whether to suspend, expel or otherwise discipline the pupil.

Appendix D

Financial Recording and Accounting in Manitoba Education

(FRAME)

Appendix D

Financial Reporting and Accounting in Manitoba Education

(FRAME)

The following description of FRAME is taken directly from the “Introduction to the FRAME Manual” (Manitoba Education Schools’ Finance Branch, 2010, p.1.1). It offers a neophyte a basic understanding of the FRAME reporting and accounting responsibilities of school divisions in Manitoba.

“Section 1: Introduction

The FRAME (Financial Reporting and Accounting in Manitoba Education) manual was originally produced in 1982 to meet the need for standardization of accounting terminology and financial reporting as recognized by school divisions and the Department of Education. This standardization allowed for a common basis of information for use by the Department, school boards, school management and other interested groups. FRAME was based on generally accepted accounting principles with some exceptions (the treatment of capital assets and of interest on debenture and other long-term debt).

In 1992, the FRAME manual underwent considerable revision, including the removal of several sections that were no longer relevant. The entire manual was reissued in November 1992.

In 2007, the FRAME manual was updated to reflect the adoption of Public Sector Accounting Board (PSAB) standards as generally accepted accounting principles for all Manitoba school divisions, effective July 1, 2006. PSAB is the body of the Canadian Institute of Chartered Accountants that sets the financial reporting standards and

generally accepted accounting principles for governments in Canada. FRAME users should note that the adoption of PSAB includes key accounting changes from previous FRAME accounting policies regarding amortization of assets, full accrual accounting (particularly debt interest), and the consolidation of controlled entities.

PSAB has become the accounting standard for governments across Canada. The Province of Manitoba adopted the PSAB standard and became fully compliant effective with the 2007/08 fiscal year. Part of that compliance required the consolidation of controlled entities, including school divisions, into the provincial financial statements. A report by the Office of the Auditor General in December 2005 (2004/05 Public Accounts) on school division accounting in Manitoba strongly supported adoption of PSAB standards by school divisions. It is for these reasons that PSAB was adopted for school divisions.

PSAB standards are contained in the *CICA Public Sector Accounting Handbook (Handbook)*. The standards specify the type and format of the financial statements; the information to be reported and disclosed; and the basis of accounting that specifies when revenues, expenses, assets and liabilities should be recognized in the financial statements. The standards also provide criteria to determine if related organizations' financial information must be included in the school division's financial statements. PSAB continually updates the *Handbook* based on a rigorous review process including input from stakeholders.

FRAME allows for a common basis of information for use by the Department, school boards, school management and other interested groups using a multi-dimensional accounting code structure. The FRAME coding structure allows expenses to be defined

not only on the basis of what was purchased (Salaries, Services, Supplies etc.) but also why or what they were purchased for (Regular Instruction, Student Support Services, Divisional Administration, Instructional and Other Support Services, etc.). The FRAME structure has been maintained and revised where appropriate to reflect new PSAB requirements.

School divisions must follow PSAB accounting standards and other reporting policies as set out in this manual including fund accounting, and object and function/program definitions. In addition, a division may develop a more detailed coding and financial reporting for its own internal needs.

The FRAME manual is intended to be a dynamic document that will receive ongoing updates and revisions reflecting significant PSAB revisions and changes to the account coding structure. A FRAME Committee, comprised of secretary-treasurers, Department staff and representatives from stakeholder groups, meets regularly to provide recommendations to the Department on changes to the FRAME system” (Manitoba Education Schools’ Finance Branch, 2010).

In the Regulation 259/2006, Funding of School Program Regulation, there are a number of significant terms explained in the “Definitions” section of Part 1 Introductory Provisions. These may also assist understanding the terminology specifically relating to the funding for students with special needs.

“Regulation 259/2006, Part 1.1 Definitions

“level II pupil” means a pupil who is severely multi-handicapped, severely psychotic, deaf or hard of hearing, severely visually impaired or very severely emotionally or behaviourally disordered, or has a diagnosis of a moderate Autism Spectrum Disorder.

“level III pupil” means a pupil who is profoundly multi-handicapped, profoundly deaf, blind, profoundly emotionally or behaviourally disordered, or has a diagnosis of a severe to profound Autism Spectrum Disorder.

“student services support” means support provided to assist pupils with mild to moderate learning and behavioural difficulties or considered at risk due to social, emotional, behavioural or physical factors that impact on their ability to succeed in school” (The Public Schools Act, 2006, p. 11 & 16).

It should be noted that there is no particular definition of Level I learning conditions under a Manitoba regulation. Level I learning needs are considered to manifest a relatively higher rate of incidence, approximately 10% to 12% of the total student population. Level I includes the array of learning disabilities, gifted students, and less severe emotional or behavioural disorders.

Appendix E

A Primer on Legislative Terminology

Appendix E

A Legislative Terminology Primer

School principals are now faced more than ever before with implementing educational practices as dictated by legislation (Daniel, 1997). Stewart (1998) noted that “the increase in legislation affecting education, as well as the decisions reached in a variety of courts, have considerable impact on the life of the school and require of principals unique administration and management expertise” (p. 129). Part of this expertise includes principals being aware of the hierarchy of law, the terminology of legislation (statute, regulation, standard and policy) and who has the jurisdiction to enshrine these legislative mandates into existence.

The Hierarchy of Legislative Jurisdiction

Figure 1 provides a schematic representing the current hierarchy of legislation within Canada (Smith and Foster, 1996). This hierarchy depicts the different levels of school law with differing degrees of scope and legal force (MacKay and Sutherland, 1992). In this system, the top layers supersede the lower layers regardless of the province or territory. The federal government assigns certain authorities to the provincial governments, which in turn assign certain authorities to lower levels of government such as municipalities or school boards.

This hierarchy denotes that the Constitution of Canada, of which the *Canadian Charter of Human Rights and Freedoms* is part, is the ultimate law in the country. Before the Constitution could be repatriated in 1982, it was necessary that all provinces were supportive of the changes. The Constitution takes precedence over all provincial legislation. The Constitution Act sets out areas of federal and provincial responsibility. Within their sphere of authority, provincial governments develop legislation, including their specific Human Rights code, their Acts,

Figure Two:
Canadian Legislative Framework

Federal Parliamentary Jurisdiction

The Constitution of Canada

(Including the Canadian Charter of Human Rights and Freedoms)



Provincial Legislative Jurisdiction

The Provincial Human Rights Code



The Education Act or Schools Act



Provincial Regulations



Ministerial Directives



Divisional Jurisdiction

School Board By-laws and Resolutions

(depiction based on written description, Smith and Foster, 1996)

regulations and policies. At the bottom of the hierarchy depicted in Figure 1 are the policies that are developed and mandated by school boards. In relative terms, school division policies have the least legal authority on service delivery. This hierarchy forms the basis for case law in that courts make decisions based upon to the primacy of the legislation, regulation or policy in

question. It should be noted that Parliament does not have exclusive authority over either the Constitution or the Charter. The Constitution can only be amended subject to its amending formula (which requires varying degrees of provincial consent); and section 33 of the Charter does not allow provinces to formally disregard sections 2 and 7-15 (which is a “notwithstanding” clause).

Nicholls and Wuester (1989) noted:

No statute can contain sufficient detail to ensure certainty in its application to all day-to-day activities within society. Those applications are so varied, with some unanticipated at the time that the statute is written and approved, that an agreed upon mechanism must exist to make binding interpretations of statutes in cases where their meaning is not certain. In Canada and other countries that follow the rule of law principle, this mechanism is the judicial system whereby courts, arbitration boards or other quasi-judicial bodies make determinations on the law’s application in the event of a dispute (p. 3).

Within the ambit of provincial legislative jurisdiction, there are statutes, regulations and standards which dictate the actions of educational authorities within a province. In Manitoba, *The Public Schools Act* and *The Educational Administration Act* are the statutes of specific relevance to K-12 education. Notable regulations falling under these two statutes include the Education Administration Miscellaneous Provisions Regulations (468/88) and the Appropriate Educational Programming Regulation (155/05). Other laws of general application to education include *The Freedom of Information and Protection of Privacy Act* (FIPPA), *The Personal Health Information Act* (PHIA), *The Workplace Safety and Health Act*, *The Human Rights Code*, *The Teachers’ Pension Act*, *The Labour Relations Act*, *The Child and Family Services Act*, and *The Municipal Councils and School Boards Election Act*. Federal law, such as the *Criminal*

Code, *Youth Criminal Justice Act (YCJA)*, and *Copyright Act*, are also of consequence to the daily operation of schools. In combination, these statutes and regulations outline the roles and responsibilities of provincial and local authorities, as well as of principals, teachers and other personnel in the provision of education.

Legislative Terminology

Below are brief definitions and explanations of the commonly used Canadian legislative terms including statute, regulation, standard and policy.

Statute (Often Referred to as an “Act”). According to Gifis (1998):

a *statute* is an act of the legislature, adopted under its constitutional authority, by prescribed means and in certain form, so that it becomes the law governing conduct within its scope (p. 469-470).

In the Manitoba legislative context, a Bill such as Bill 13, is tabled in the Legislative Assembly by the appropriate minister, in this case the Minister of Education, for reading and debate and, after Second reading, formal public hearings are held by Legislative Committee. Once approved at Committee, it is returned to the Assembly for passage at Third Reading. If it is then given Royal Assent, it has the force of law immediately or upon proclamation (a later date to be set by the Government). Statutes can only be created or amended through this formal legislative process. *The Public Schools Amendment Act (Appropriate Educational Programming)* in 2004, (formerly known as Bill 13 prior to its proclamation), governs school divisions and their employees in the provision of education to Manitoba students with special needs.

Regulations. Regulations are a form of subordinate delegated legislation. They provide far greater detail with respect to administration, eligibility criteria, and other programmatic requirements than can a statute. When a statute is developed or amended, if it contains a

regulation making power, it gives authority to a body other than the Legislature itself to create a regulation – either the Lieutenant Governor in Council (Cabinet) or the Minister responsible for the statute. Regulations address matters that are subordinate to the main principles of an Act. They cannot override acts or statutes. Decisions on regulations are made by Cabinet or the Minister responsible. In the case of special education regulations in Manitoba, the task of development was delegated to the Minister of Education, Citizenship and Youth. The result was the creation of the Appropriate Educational Programming Regulation (155/2005) and an amendment to the Educational Administration Miscellaneous Provisions Regulation (156/2005, amending 468/88).

Consequently, regulations are easier to change than legislation. Waddams (1998) commented:

By this process, detailed provisions need not be debated in the legislature, and flexibility can be maintained to enable the government to act quickly to meet an unexpected case without initiating new legislation. ... Then the regulations can be quickly and easily enacted, amended and repealed as experience suggests. The regulations when passed have the force of the statute itself (p. 96).

A court can declare a regulation invalid if it goes beyond the authority granted by its governing Act. While most regulations are applicable to all areas of the province (McRuer, 2004), some have provisions specific to certain geographic areas within a province such that they do not always have general application (Yeo, personal communication, February 2009).

Standards. While standards do not necessarily have the force of law, they are strong statements of minimum provincial expectations backed by regulations and statutes. Standards are written into documents that prescribe province-wide criteria that school boards must try to

meet when developing, implementing and monitoring particular programming services.

Standards generally provide direction for compliance and promote a standard of educational practice that is consistent throughout the province.

The Manitoba document, *Appropriate Educational Programming: Standards for Student Services* (2006), reflects the base or minimum practices and services that shall be available to all students with special needs in each school division/district in Manitoba. The Manitoba Standards document was developed reflecting a unique approach, as the legislation and regulations upon which the standards are based are included as references within sidebars or the text of the standards. While Manitoba has had standards in daycare and family services in the past, this standards document was the first ever education standards document to be introduced within the province (MECY, 2006). Ontario and Alberta both have developed standards documents in the area of special education planning.

Policy. Policies may be loosely defined as “a general approach to things, intended to guide behaviour and which has broad implications within a particular setting, whether it be a country, province or school” (Levin & Young, 1998, p. 60).

MECY has developed some policy documents for a variety of issues surrounding students with special needs. For example, the “Guidelines for Early Transition to School for Children with Special Needs” serves as a support to inform school divisions of their role in meeting the transition needs of students with special needs. Each policy document has a specific purpose and directs those divisional personnel responsible for enacting the policy requirements.

School divisions and districts also devise their own policies to govern their actions and behavior. All divisions and districts have a policy manual which dictates the roles and responsibilities of educational personnel within their employment. Policies are often based on

legislation, designed to provide consistency of application, and ensure that school divisions or districts are acting in accordance with law of greater primacy within the hierarchy as previously described. An example would be the policy created by a division to inform employees regarding the appropriate use, access to, and storage of pupil files. This policy is mandated to be written in accordance with provincial privacy legislation (FIPPA and PHIA) as well as the relevant provisions of *The Public Schools Act*, and are outlined in the provincial *Manitoba Pupil File Guidelines* (2004) document.

Legislative Jurisdiction

Education is a provincial jurisdiction in Canada as established in the British North American Act and the Constitution of Canada in 1867 (Williams & MacMillan, 2005; Hutchinson, 2007). Each province in Canada has the responsibility to determine its own legislation.

One exception to the provincial jurisdiction regarding education which has an impact on school divisions in northern Manitoba is for children of status Indians of Aboriginal descent. They come under federal legislation and Treaty Rights across the country. The responsibility for their schooling is held in law by Band Councils. These Band Councils may exercise their responsibility by purchasing enrolment and services for their students within provincial public schools. The funding for these students transfers to the public school divisions and districts to provide the educational services.

The United States of America education legislation. In the United States, education in general is a state responsibility in accordance with the Tenth Amendment²⁹, with the exception

²⁹ The Tenth Amendment is part of the Bill of Rights which makes up the Constitution of the United States. The Tenth Amendment states that "Powers not delegated to the U. S. Federal government by the Constitution are reserved to state governments and to the people" (retrieved from www.america.gov/constitution.html, November 2009).

of when equal protection principles are an issue in accordance with Section 504 of the Rehabilitation Act (Sage & Burello, 1994). As a result of this Act, students with disabilities have more guarantees to an appropriate education than do undisebled students. In the name of protecting the rights of students with disabilities, in 1975 the United States Congress stripped the states of their unilateral authority and provided federal legislation, namely the *Individuals with Disabilities Education Act* (IDEA). In the case of Congress passing the IDEA legislation, it needs to be noted that “such specificity, entailing such intrusion on previous autonomy, was a significant change in intergovernmental relations in the educational domain” (Sage & Burello, 1994, p. 95). If each state wants to receive federal funding for education, they must be in compliance with not only the Rehabilitation Act but IDEA as well. Federal control of special education legislation has not happened in Canada yet, with the result being what Quarry (1990) described as a “chaotic spectrum of services” for students with special needs across the country and within each province. As was discussed in Chapter One, one of the major rationales for the proclamation of the AEPA was the desire to create more consistent programming and placement practices across the province. While in the United States, there are federal litigation cases, in Canada we have thirteen provinces and territories each with their own unique individual legislation to which they must adhere. In Canada, we must rely on the provincial court system, human rights tribunals and provincial legislation to serve as the tools to enforce compliance with the Canadian Charter of Rights and Freedoms within each of the provinces.

Canadian educational legislation. In Canada, the provinces and territories were required to align their provincial legislation with Section 15 of the Canadian Charter of Rights and Freedoms following its repatriation in 1985. The Canadian Charter of Rights and Freedoms and the Constitution of the United States serve a similar role in that each serves to, “establish the

primary legal basis to which all other sources of control must adhere” (Sage & Burello, p. 77).

As the last province in Canada to proclaim mandatory legislation to meet the Charter mandates, Quarry optimistically proposed that “Manitoba is in a position to take advantage of the body of knowledge which has accumulated in the United States and in Canadian educational settings over the past two decades as to the most effective and efficient ways to meet the individual needs of exceptional children through a mass education public school system” (p. 14).

Appendix F

ENREB Approval Forms and Letters

Appendix F

ENREB Approval Forms and Letters

April 5, 2007.

Margaret Bowman,
Human Ethics Secretariat
208 - 194 Dafoe Road
University of Manitoba
Winnipeg, Manitoba
R3T 5V6

Dear Ms. Bowman,

Re: **Perspectives of Northern Manitoba Principals About New Special Education Legislation**

Please find enclosed my completed Ethics Protocol Submission. As a doctoral student, the data collected will inform the writing of my dissertation. I am hoping to get my letters sent out in as soon as possible so that my research interviews can be completed by the end of this school year. I appreciate your attention to this application.

In the event that you require further information, please do not hesitate to contact me by phone (204) 885-3253 or email jmartin@mbteach.org. Dr. Jon Young, my Doctoral Committee Supervisor, can be contacted by phone at the Faculty of Education (204) 474-9009 or youngjc@umanitoba.ca.

Thank you in advance for your consideration of this ethics protocol application.

Sincerely,

Joan Martin,
Doctoral Student,
Faculty of Education,
University of Manitoba.



UNIVERSITY
OF MANITOBA

Fort Garry Campus Research Ethics Boards
CTC Building, 208 - 194 Dafoe Road
Winnipeg, MB R3T 2N2
Phone: (204) 474-7122
Fax: (204) 269-7173

Protocol # _____
(Assigned by HES Admin.)

FORT GARRY CAMPUS RESEARCH ETHICS BOARD PROTOCOL SUBMISSION FORM

Psychology/Sociology REB

Education/Nursing REB

Joint-Faculty REB

Check the appropriate REB for the Faculty or Department of the Principal Researcher. This form, attached research protocol, and all supporting documents, must be submitted **in quadruplicate** (original plus 3 copies), to the Office of Research Services, Human Ethics Coordinator, CTC Building, 208 - 194 Dafoe Road, 474-7122.

Principal Researcher(s): Joan Darlene Martin

Status of Principal Researcher(s): (please check):

Faculty Post-Doc Student: Graduate Undergraduate WRHA Affiliate

Other Specify: _____

Address (to receive Approval Certificate): 115 Woodchester Bay, Winnipeg, MB R3R 3E5

Phone: 885-3253 Fax: 831-0877 Email: jmartin@mbteach.org

Project Title: Perspectives of Northern Manitoba Principals About New Special Education Legislation

Start date April 2007 Planned period of research (if less than one year): April to August, 2007

Type of research (Please check):

Faculty Research

Self-funded Sponsored

(Agency) _____

Administrative Research

Central

Unit-based

Student Research

Thesis Class Project

Course Number: _____

Signature(s) of Principal Researcher(s): _____

For student research: This project is approved by department/thesis committee. The advisor has reviewed and approved the protocol.

Name of Thesis Advisor _____ **Signature** _____

(Required if thesis research)

Name of Course Instructor: _____ **Signature** _____

**Ethics Protocol Submission Form
(Basic Questions about the Project)**

The questions on this form are of a general nature, designed to collect pertinent information about potential problems of an ethical nature that could arise with the proposed research project. In addition to answering the questions below, the researcher is expected to append pages (and any other necessary documents) to a submission detailing the required information about the research protocol (see page 4).

1. Will the subjects in your study be **UNAWARE** that they are subjects? Yes No
2. Will information about the subjects be obtained from sources other than the subjects themselves? Yes No
3. Are you and/or members of your research team in a position of power vis-a-vis the subjects? If yes, clarify the position of power and how it will be addressed. Yes No
4. Is any inducement or coercion used to obtain the subject's participation? Yes No
5. Do subjects identify themselves by name directly, or by other means that allows you or anyone else to identify data with specific subjects? If yes, indicate how confidentiality will be maintained. What precautions are to be undertaken in storing data and in its eventual destruction/disposition. Yes No
6. If subjects are identifiable by name, do you intend to recruit them for future studies? If yes, indicate why this is necessary and how you plan to recruit these subjects for future studies. Yes No
7. Could dissemination of findings compromise confidentiality? Yes No
8. Does the study involve physical or emotional stress, or the subject's expectation thereof, such as might result from conditions in the study design? Yes No
9. Is there any threat to the personal safety

- of subjects? _____ Yes x No
10. Does the study involve subjects who are not legally or practically able to give their valid consent to participate (e.g., children, or persons with mental health problems and/or cognitive impairment)?
If yes, indicate how informed consent will be obtained from subjects and those authorized to speak for subjects. _____ Yes x No
11. Is deception involved (i.e., will subjects be intentionally misled about the purpose of the study, their own performance, or other features of the study)? _____ Yes x No
12. Is there a possibility that abuse of children or persons in care might be discovered in the course of the study?
If yes, current laws require that certain offenses against children and persons in care be reported to legal authorities. Indicate the provisions that have been made for complying with the law. _____ Yes x No
13. Does the study include the use of personal health information? The Manitoba Personal Health Information Act (PHIA) outlines responsibilities of researchers to ensure safeguards that will protect personal health information. If yes, indicate provisions that will be made to comply with this Act (see document for guidance - <http://www.gov.mb.ca/health/phia/index.html>). _____ Yes x No

Provide additional details pertaining to any of the questions above for which you responded "yes." Attach additional pages, if necessary.

In my judgment this project involves: minimal risk
 more than minimal risk

(Policy #1406 defines “minimal risk” as follows: “. . . that the risks of harm anticipated in the proposed research are not greater nor more likely, considering probability and magnitude, than those ordinarily encountered in life, including those encountered during the performance of routine physical or psychological examinations or tests.”).

____/____/____
mm yr

Signature of Principal Researcher

dd

Notes re: **Ethics Protocol Submission Form
(Basic Questions about the Project)**

3. While I did check “No” for this question, there is some need for clarification. I am not in a position of power per se over the research subjects. I am not in a position whereby I supervise or evaluate the subjects nor influence their daily work in any way.

When I am not on sabbatical, I am a Staff Officer in Professional Issues with the Manitoba Teachers’ Society. As such, I plan professional development opportunities for aspiring and current school administrators. I do not work in areas of Collective Bargaining for school administrators nor influence their working conditions other than supporting their professional learning.

The data which I collect will not be used in my role with the Manitoba Teachers’ Society in any way. I have indicated in the letters to the Superintendents and the subjects that the data collected will only be used for the purposes of this research study. The Manitoba Teachers’ Society will not have access to the specific data in any form other than my published dissertation upon completion or any published articles which I go on to write in the future.

5. The subjects will be signing their names in response to the invitation to participate within the study. However, once the interviewing starts, all interviews will be transcribed using pseudonyms. At no time will there be any identifying names used within the research study. All data reported will be collated and reported in an aggregate format. There will be no data reported in the final dissertation what will identify individual participants in the research study. Confidentiality will be maintained at all times.

Ethics Protocol Submission Form

1. Summary of Project

In 2005, the Manitoba provincial government enacted the first ever legislation regarding the education of students with exceptional needs (McRuer, 2006). The “Appropriate Educational Programming Amendment” (AEPA) to the Public School Act requires school divisions to provide appropriate educational programming for all students within their jurisdiction. While school divisions were named as the body mandated to provide this education, school principals, as agents of the school division, were legally designated within the regulations and accompanying standards as accountable for ensuring compliance. As such, principals across the province are currently seeking information about the impact of the legislation to their present leadership situation.

In this qualitative dissertation, I will document, analyze and synthesize: i. the perceptions of Northern Manitoba principals regarding their knowledge of the AEPA; ii. the perceptions of principals regarding the mandated changes to their current practices in contrast to the actual changes made; and iii. the supports and challenges principals are currently experiencing in their role as they attempt to comply with the AEPA. The data will be gathered by conducting a minimum of twelve indepth open-ended interviews with school principals in four school divisions in Northern Manitoba – Flin Flon, Frontier, Kelsey, and Mystery Lake during the months of May to July, 2007. Participants will be solicited through purposive sampling, with the Superintendent and/or Student Services Administrator of each division nominating principals who are aware of the AEPA and are engaged with special education in the division. Once named, an initial phone call to elicit their interest will occur, followed by an invitational letter of consent to participate in the research study.

It is speculated that the data collected could reveal new insights in the theoretical frameworks of inclusive special education, educational leadership, policy implementation, ethical decision-making and role dissonance as experienced by principals. This research study will fulfill my requirements for my doctoral dissertation.

2. *Research Instruments*

In this research study, subjects will be interviewed using qualitative indepth interviews of approximately one hour in length. Participants will be asked to complete a one page data sheet regarding some demographic and school data. The Interview Schedule, as well as the School Data Sheet, are attached to this summary. As the primary researcher, I will be conducting all the interviews.

3. *Study Subjects*

All school principals in the four school divisions targeted for the research will be active practitioners. School administrators will be limited to designated principals employed by the school divisions. For the purposes of this study, it will not include vice-principals, department heads or other personnel as school administrator subjects. The names of the school principals will be provided by the Superintendent and/or Student Services Administrator of each division and addresses to mail out the letters of invitation and consent will be obtained from the divisional website.

The selection of principals involved in these indepth interviews will be on a first come, first serve basis from those responding to an invitational telephone call. (An invitational Telephone Script is included.) Calls will be made rotating among the four school divisions inviting principals to participate. Names from each division will be placed in a can and selected randomly for the calls. There will be one drawn from each of the three smaller divisions and

three drawn from the larger division. The first twelve who express interest and some self-proclaimed knowledge of Bill 13 will be mailed letters of invitation and consent. If more participants are needed at a later date, the same process will occur, with the names being selected randomly from those remaining in the can, to solicit the required participants.

The data collection strategy of this research study involves follow-up semi-structured interviews with a minimum of twelve principals. The number of interviews, and hence the number of subjects, will be dependent upon how long it takes until data saturation is reached.

As the completed consent forms arrive in the mail, they will be entered into the table on the following page in an attempt to see the demographics of the participants. A minimum of two principals from each division will be interviewed in the first twelve interviews. An attempt will be made to ensure that all levels of schooling are represented as well as both genders.

4. *Informed Consent*

The appended letters of invitation and consent forms will be used to obtain written permission from Superintendents and from principals to participate in this study. All participants will be adults and not from vulnerable populations. No confidential records will be consulted in the course of this study.

5. *Deception*

There will be no deception in this research study.

6. *Feedback and Debriefing*

Upon completing my first round of interviews, I will be conducting follow-up telephone interviews approximately 30 minutes in length. These interviews will serve to confirm the findings from the transcriptions of the first interviews, as well as to elaborate on some of the questions from the first interview. In the event that new questions arise from the analysis of the transcriptions, these new questions will be submitted to ENREB for approval prior to the start of the follow-up interviews.

Each participant will also receive a copy of their transcriptions from the first interview. The transcriptions will be mailed with a one page feedback form and self-addressed stamped envelope to encourage their response. The goal here is to ensure the accuracy of the transcriptions in capturing their perceptions as discussed in the first interview as well as offer an opportunity for further reflections.

I will also offer to send the principals a copy of pertinent chapters of my completed dissertation if they indicate interest in receiving them. This will be done by having them check off a box on the letter of consent.

7. *Risks and Benefits*

There will be no presumed risks to any of the participants. There will be no information used in the final dissertation that will identify individual participants in the research study. The school division will not receive information as to which principals of those nominated actually participated within the study.

I do recognize that three of the four divisions have a very small sample size and it may be possible to recognize the participants responses based on the smallness of the data sample. I will endeavour to maintain confidentiality in reporting all the results.

The potential benefits of this research study are that participants have an opportunity to discuss their beliefs, fears and challenges regarding the implications of the new legislation in a confidential setting. It is hoped that the final published results will be helpful to the divisions and the province in supporting the identified needs of these principals.

8. *Anonymity and Confidentiality*

Confidentiality and anonymity will be maintained in a number of ways. Pseudonyms will be assigned to the participants' interview responses. There will be no data reported in the final dissertation that will identify individual participants in the research study. At no time throughout the research results will the participants' responses be identified in accordance with a specific school division, which could foster identification of an individual. Where there is any vulnerability that subjects from within the four school divisions may be individually identified, the data would either be restated in a more general format or not be reported in the final dissertation. Where there is only one participant who fits within a specific demographic category, that category would not be referenced in reporting the results.

The demographic information would be collected to look for common trends among the participants in responding to specific issues. There would not be more than two demographics discussed at any one time in an effort to maintain the confidentiality of the participants. For example, “While elementary females responded ..., elementary males responded...” or “Principals over the age of 40 responded ... in comparison to principals under the age of 40. There would be recognition that the small sample size limits generalization to other populations. The ethical appropriateness of reporting the findings would be taken into consideration at all times.

The data would be “cleaned” to remove any references which might identify the subjects. Sharing my writing of the dissertation chapters with a critical friend prior to submitting it to my Committee, as well as the review of the chapters by my Committee are both strategies to ensure that the data reported would be anonymous and support confidentiality of all participants.

There will be no confidential records consulted in the course of the research. All data will be secured in a locked location and will be destroyed five years after the completion of my dissertation.

9. *Compensation*

There will be no compensation for participating in the research study. However, participants may receive complementary refreshments during the interview. The school division may allow the principals to be interviewed during their regular school day rather than after school hours as compensation for their involvement in the study.

Draft Interview Protocol

Introductory Welcome

I want to thank you for accepting the invitation to participate in this interview. This interview may last between 60 and 90 minutes. Everything that is said in this discussion will be held in strict confidentiality by me and I need you to make the same commitment. Your participation is voluntary and you may choose not to answer any question you wish. This discussion will be audio-taped but only for my information in completing my dissertation research.

As you know from your signed letter of consent, this research is looking at the perceptions of principals in Northern Manitoba in complying with the newly mandated “Appropriate Educational Programming Amendment” or Bill 13. Thus, most of the questions will be seeking your understanding of how Bill 13 has impacted on your role as a school principal as well as the changes in inclusive practices in your school. I also want you to know that there are no right or wrong answers. Please feel free to express your opinions freely.

Demographic Information

The first part of this interview, I am going to ask you to complete the following sheet of demographic information. Then we will move on to the interview questions.

Interview Questions

1. Are you aware of the new regulations and the accompanying standards resulting from the proclaimed Bill 13 or “Appropriate Educational Programming Amendment”?
 - If no, continue with questions 2, 3, 8 – 19.
 - If yes, go to question 4 and continue with all remaining questions.
2. If no, if you have not heard of Bill 13 or don’t know much about it, why do you think you are not more informed about it?
 - Are you already doing what is required? Are there no changes mandated to your current practices?
 - Do other staff members, such as the classroom and resource teachers, support you by assuming responsibility for implementing any changes?
3. If you believe that you are already doing what is mandated by the legislation, what is the basis of this belief? From whom did you get this feedback?
 - Student Services Administrator
 - Resource Teacher
 - Parents
 - Based on student successes

- Go to Question 9 if the subject has little or no knowledge of Bill 13.
4. If yes, how would you rate your awareness on the following scale based on your knowledge of the regulations?
 - Somewhat aware – I can tell you about three key aspects of the regulations.
 - Moderately aware – I can tell you about six key aspects of the regulations.
 - Very aware – I can tell you about more than eight key aspects of the regulations.
 5. What is your role as principal outlined in the regulations with regards to:
 - Specialized assessments?
 - Parents?
 - The IEP?
 - Discipline?
 - Pupil Files?
 - Are there other issues you believe are significant to your role as the principal?
 6. What do you believe will be the consequences if you do not comply with the regulations and standards as outlined?
 7. How did you learn about the new regulations and standards?
 - Written documents given to you (by whom?).
 - Discussion at a principals' meeting
 - Meeting with the Student Services Administrator
 - Sharing of knowledge with the Resource Teacher
 - Attended conference/workshop
 - Other professional development opportunities?
 8. What is the basis of the new legislation? Why do you believe it was passed?
 9. What does the newly mandated legislation mean to you in your role as a principal?
 - New leadership responsibilities?
 - Changes to how you work with students with special needs in your school?
 - No changes are required as your school is already doing it all?
 10. If there are changes mandated by the new legislation for you as principal and your school context, what are the changes?
 11. If you have any questions or a situation which emerges in your school regarding special education, how do you generally deal with it?
 - Make decisions on your own?
 - Discuss the situation with your team?
 - Talk with other principals?

- Call the Student Services Administrator?
 - Other?
12. What supports are currently in place to support your capacity to fulfill the requirements of Bill 13?
13. What other supports do you believe would help you better fulfill your role as principal in implementing Bill 13 in your school?
14. What challenges prevent you from fulfilling your role in ensuring appropriate educational programming for all your students with special needs?
15. What recommendations would you make to improve your capacity to meet the needs of your students?
- To your Student Services Administrator?
 - To your Superintendent? Board?
 - To Manitoba Education, Citizenship and Youth?
16. How do you believe that the province can best determine if school divisions are actually complying with the new regulations? What would be some indicators?
17. Sometimes it is not always possible to provide appropriate educational programming to your students with special needs. Can you think of a time when you felt a student needed more than you were able to provide? Can you describe that situation to me?
18. When you were unable to meet the needs because of different challenges such as the example you gave, how did you deal with this dilemma?
- Blame others for the challenge?
 - Deny there is a problem?
 - Find a way to meet the challenge and provide the services?
19. Is there any other information you would like to include related to the supports and challenges for principals in complying with Bill 13?

Concluding Question and Comments

I would like to thank you for your time and for sharing your knowledge and wisdom in support of my dissertation research. I will be summarizing the important issues that were discussed here today and sending you a copy. I value your feedback on the survey. Once again, thank you and have a great day!

Demographic Data

Pseudonym: _____

1. Gender: _____ male _____ female

2. School Division: _____

3. Age: _____ 20 – 29 years _____ 30 – 39 years

_____ 40 – 49 years _____ 50+ years

4. Years of administrative experience: _____

5. Are you a teaching principal? _____ Yes _____ No

If yes, what percentage of your time is dedicated to being a principal? _____

6. Your decision-making style: _____ I make decisions on my own.

_____ I make decisions with input from others staff members.

_____ I make decisions with input from other administrators.

_____ The staff and I make team decisions.

_____ I delegate decisions to the special education resource team to make based on their specialized knowledge and skills.

School Data

1. Level of school: _____ elementary Grades: _____
 _____ middle years Grades: _____
 _____ highschool Grades: _____

2. Number of students in your school: _____

3. Number of staff in your school: _____

4. Staff who work to implement special education: _____

5. Any special programs run in your school: _____

6. Any other comments you would like to make about your school? _____

Thank you for this data.

Joan Martin

115 Woodchester Bay
Winnipeg, MB
R3R 3E5

May 2007

Mr. Superintendent,
Xxx School Division,
Winnipeg, MB.

Dear Mr. Superintendent,

I am seeking your cooperation with a research study which I am undertaking to complete my doctoral dissertation in Inclusive Special Education at the Faculty of Education, University of Manitoba. Dr. Jon Young is supervising the study.

As you are aware, in 2005, the Manitoba provincial government enacted the first ever legislation regarding the education of students with exceptional needs. The “Appropriate Educational Programming Amendment” (AEPA) to the Public School Act requires school divisions to provide appropriate educational programming for all students within their jurisdiction. While school divisions were named as the body mandated to provide this education, school principals, as agents of the school division, were legally designated within the regulations and accompanying standards as accountable for ensuring compliance. As such, principals across the province are currently seeking information about the impact of the legislation to their present leadership situation.

In this qualitative dissertation, I will document, analyze and synthesize: i. the perceptions of Northern Manitoba principals regarding their knowledge of the AEPA; ii. the perceptions of principals regarding the mandated changes to their current practices in contrast to the actual changes made; and iii. the supports and challenges principals are currently experiencing in their role as they attempt to comply with the AEPA.

The data will be gathered by conducting a minimum of twelve indepth open-ended interviews with school principals in four school divisions in Northern Manitoba – Flin Flon, Frontier, Kelsey, and Mystery Lake during the months of May to July, 2007. Participants will be solicited through an invitational telephone call and a follow-up invitational letter to participate in the research study.

Please recognize that information gathered in this research study will be published and may be presented in public forums. However, names and other identifying information will not be used or revealed. Despite efforts to keep personal information confidential, absolute confidentiality can never be guaranteed. Personal information may be disclosed if required by law.

While I am a Staff Officer with the Manitoba Teachers’ Society when not on sabbatical, I want to inform you that none of the data collected will be accessible to MTS. The collated data will

only be used for the purposes of this research study. The Manitoba Teachers' Society will not have access to the data in any form other than my published dissertation upon completion or any published articles which I go on to write in the future.

Dr. Jon Young and the Education/Nursing Human Research Ethics Board at the University of Manitoba may review records related to the study for quality assurance purposes.

Researcher: Joan Martin
115 Woodchester Bay
Winnipeg, MB
R3R 3E5
Phone: 885-3253
Email: jmartin@mbteach.org

Committee Advisor: Dr. Jon Young
Phone: 474-9009
Email: youngjc@umanitoba.ca

The Education/Nursing Human Research Ethics Board at the University of Manitoba has approved this research. If you have any concerns or complaints about this project, you may contact any of the above named persons or the Human Ethics Secretariat at 474-7122.

With this letter, I am requesting your consent for xxx School Division to participate in a study that examines the issues of compliance of principals in Northern Manitoba with the "Appropriate Educational Programming Amendment" Act through an interview process with your school principals. I appreciate your attention to this study and your nominations of appropriate research subjects.

Thank you for your cooperation.

Sincerely,

Joan Martin,
Doctoral Student
Faculty of Education
University of Manitoba.

Your signature on this form indicates that you have understood to your satisfaction the information regarding participation and agree. In no way, does it waive your legal rights nor release the researcher or involved institution from their legal and professional responsibilities. You are free to withdraw from the study at any time, and/or refrain from participating in any stage of the research study without prejudice or consequence. Your continued participation

should be as informed as your initial consent so you should feel free to ask for clarification or new information throughout your participation.

Superintendent's Name: _____ Date: _____
(Please print)

Superintendent's Signature: _____

Researcher's Signature: _____ Date: _____

Joan Martin
115 Woodchester Bay
Winnipeg, MB
R3R 3E5

May 2007

(Name),
Principal,
School,
MB.

Dear (name),

Thank you for agreeing to participate in a research study which I am undertaking to complete my doctoral dissertation in Inclusive Special Education at the Faculty of Education, University of Manitoba. Dr. Jon Young is supervising my study.

As you are aware, in 2005, the Manitoba provincial government enacted the first ever legislation regarding the education of students with exceptional needs. The “Appropriate Educational Programming Amendment” (AEPA) to the Public School Act, commonly referred to as “Bill 13”. This legislation requires school divisions to provide appropriate educational programming for all students within their jurisdiction. While school divisions were named as the body mandated to provide this education, school principals, as agents of the school division, were legally designated within the regulations and accompanying standards as accountable for ensuring compliance. As such, principals across the province are currently seeking information about the impact of the legislation to their present leadership situation.

In this qualitative dissertation, I will document, analyze and synthesize: i. your awareness of the issues addressed in the AEPA; ii. your perceptions regarding the mandated changes to your current practices in contrast to the actual changes made; and iii. the supports and challenges you are currently experiencing in your role as you attempt to comply with the AEPA.

The data will be gathered by conducting a minimum of twelve indepth open-ended interviews with school principals in four school divisions in Northern Manitoba – Flin Flon, Frontier, Kelsey, and Mystery Lake during the months of May to July, 2007. This letter is your personal invitation to participate in the research study.

Please recognize that information gathered in this research study will be published and may be presented in public forums. However, names and other identifying information will not be used or revealed. Despite efforts to keep personal information confidential, absolute confidentiality can never be guaranteed. Personal information may be disclosed if required by law.

While I am a Staff Officer with the Manitoba Teachers’ Society when not on sabbatical, I want to inform you that none of the data collected will be accessible to MTS. The data which I collect

will only be used for the purposes of this research study. The Manitoba Teachers' Society will not have access to the data in any form other than my published dissertation upon completion or any published articles which I go on to write in the future.

Dr. Jon Young and the Education/Nursing Human Research Ethics Board at the University of Manitoba may review records related to the study for quality assurance purposes.

Researcher: Joan Martin
115 Woodchester Bay
Winnipeg, MB
R3R 3E5
Phone: 885-3253
Email: jmartin@mbteach.org

Committee Advisor: Dr. Jon Young
Phone: 474-9009
Email: youngjc@umanitoba.ca

The Education/Nursing Human Research Ethics Board at the University of Manitoba has approved this research. If you have any concerns or complaints about this project, you may contact any of the above named persons or the Human Ethics Secretariat at 474-7122.

With this letter, I am inviting your participation to in my research study entitled "Perspectives of Northern Manitoba Principals About New Special Education Legislation".

I am hoping to be able to organize face-to-face interviews as I am very willing to travel to a variety of central Northern locations. We may have to revert to a teleconference if face-to-face is not possible. Thank you in advance for your consideration of participating in this research study which I believe will benefit principals in Northern Manitoba in the future.

Thank you in advance for your cooperation.

Sincerely,

Joan Martin,
Doctoral Student
Faculty of Education
University of Manitoba.

Your signature on this form indicates that you have understood to your satisfaction the information regarding participation and agree. In no way, does it waive your legal rights nor

release the researcher or involved institution from their legal and professional responsibilities. You are free to withdraw from the study at any time, and/or refrain from participating in any stage of the research study without prejudice or consequence. Your continued participation should be as informed as your initial consent so you should feel free to ask for clarification or new information throughout your participation.

Participant's Name: _____ Date: _____
(Please print)

Participant's Signature: _____

Researcher's Signature: _____ Date: _____

Research Project Title: **Perspectives of Northern Manitoba Principals About New Special Education Legislation**

Researcher: Joan Martin
 115 Woodchester Bay
 Winnipeg, MB
 R3R 3E5
 Phone: 885-3253
 Email: jmartin@mbteach.org

This consent form, a copy of which will be left with you for your records and reference, is only part of the process of informed consent. It should give you the basic idea of what the research is about and what your participation will involve. If you would like more detail about something mentioned here, or information not included here, you should feel free to ask. Please take the time to read this carefully and to understand any accompanying information.

Purpose of the Study

As you are aware, in 2005, the Manitoba provincial government enacted the first ever legislation regarding the education of students with exceptional needs. The “Appropriate Educational Programming Amendment” (AEPA) to the Public School Act, commonly referred to as “Bill 13”. This legislation requires school divisions to provide appropriate educational programming for all students within their jurisdiction. While school divisions were named as the body mandated to provide this education, school principals, as agents of the school division, were legally designated within the regulations and accompanying standards as accountable for ensuring compliance. As such, principals across the province are currently seeking information about the impact of the legislation to their present leadership situation.

In this qualitative dissertation, I will document, analyze and synthesize: i. your awareness of the issues addressed in the AEPA; ii. your perceptions regarding the mandated changes to your current practices in contrast to the actual changes made; and iii. the supports and challenges you are currently experiencing in your role as you attempt to comply with the AEPA.

This study is being undertaken to fulfill my dissertation research requirements of my doctoral program. Data collected may be used to present to educators at conferences and other speaking engagements upon completion. Dr. Jon Young will supervise the work.

Study Procedures

If you agreed to participate, you will take part in an indepth individual interview. The interview should take between 60 - 90 minutes to complete and will be held in a location which is mutually acceptable to yourself and me as the researcher.

To ensure that the interview discussions are reported accurately, the interviews will be audiotaped. The tapes will be transcribed by myself as the primary researcher and will be stored in my home in a locked file cabinet drawer. The tapes and transcriptions will be destroyed five years after completion of the research study.

Risks

The perceived risk of participation in this study is considered to be minimal. Despite efforts to keep your personal information confidential, absolute confidentiality can never be guaranteed. Your participation is voluntary and you may withdraw from the research study at any time or refuse to answer questions which you feel may be linked to you personally.

Confidentiality

Information gathered in this research study may be published or presented in public forums; however, your name and other identifying information will not be used or revealed. Despite efforts to keep your personal information confidential, absolute confidentiality can never be guaranteed. Your personal information may be disclosed if required by law.

Dr. Jon Young, my committee advisor, and the Education/Nursing Human Research Ethics Board at the University of Manitoba may review records related to the study for quality assurance purposes.

Feedback

Within one to two months of your initial interview, I will be conducting a follow-up telephone interview approximately 30 minutes in length. This interview will serve to confirm your findings from your transcriptions, as well as to perhaps elaborate on some of the questions from the first interview.

You will receive a copy of your transcriptions from the first interview. The transcriptions will be mailed to you with a one page feedback form and self-addressed stamped envelope to support your response. The goal here is to ensure the accuracy of the transcriptions in capturing your perceptions as discussed in the first interview, as well as to offer you an opportunity for further reflections.

I will also offer to send you a summary of the findings if you are interested in receiving them. Please check off the box at the end of this consent form.

Statement of Consent

Your signature on this form indicates that you have understood to your satisfaction the information regarding participation in the research project and agree to participate as a subject. In no way does this waive your legal rights nor release the researcher or involved institutions from their legal and professional responsibilities. You are free to withdraw from the study at any time, and/or refrain from answering any questions you prefer to omit, without prejudice or consequence. Your continued participation should be as informed as your initial consent, so you should feel free to ask for clarification or new information throughout your participation.

Please contact Joan Martin by phone (204)885-3253 or email jmartin@mbteach.org or Dr. Jon Young by phone (204)474-9009 or email youngjc@umanitoba.ca .

This research study has been approved by the University of Manitoba Research and Ethics.

If you have any concerns or complaints about this project, you may contact the researcher or her advisor as above or the Human Ethics Secretariat at 474-7122 or email margaret_bowman@umanitoba.ca . A copy of this consent form has been given to you to keep for your records and reference.

I am interested in receiving a copy of the chapters of the completed dissertation which discuss the pertinent findings from my interview.

_____ Participant's Printed Name	_____ Date
_____ Participant's Signature	_____ Phone Number
_____ Participant's Email Address	
_____ Researcher's Signature	_____ Date

Draft Telephone Script

This is a draft telephone script which will be used to solicit the nominated subjects to participate in the study. This script may change depending upon the questions and responses of the respondents. Once the participants agree to take part, a letter of invitation and a consent form will be mailed to the subjects.

Hello. My name is Joan Martin.

I am a doctoral student at the University of Manitoba in the Inclusive Special Education graduate studies program.

I am calling you today to invite you to participate in a research study which I am undertaking to complete my doctoral dissertation.

My study involves interviewing principals from Northern Manitoba in the school divisions of Flin Flon, Frontier, Kelsey and Mystery Lake.

As you are aware, in 2005, the Manitoba provincial government enacted the first ever legislation regarding the education of students with exceptional needs. The “Appropriate Educational Programming Amendment” to the Public School Act, commonly referred to as “Bill 13”.

This legislation requires school divisions to provide appropriate educational programming for all students within their jurisdiction.

Are you aware of this new legislation?

Do you believe that you are knowledgeable regarding this new legislation?

While school divisions were named as the body mandated to provide this education, school principals, as agents of the school division, were legally designated within the regulations and accompanying standards as accountable.

As such, principals across the province are currently seeking information about the impact of the legislation to their present leadership situation.

For my research, I would like to interview you to learn about:

- i. your awareness of the issues addressed in the new legislation;
- ii. your perceptions regarding the mandated changes to your current practices in contrast to the actual changes made; and
- iii. the supports and challenges you are currently experiencing in your principal role as you attempt to comply with the new legislation.

Dr. Jon Young of the Faculty of Education is supervising my study.

Your participation in this study involves a 60-90 minute interview, hopefully face-to-face, which I would do in your local community or in Winnipeg if you are coming to Winnipeg in the upcoming month. We would make arrangements for the interview to be held at a time which is convenient for you. The initial interview will be followed by a telephone interview within one to two months which may last up to 30 minutes.

I am calling to seek your agreement to take part in my study.

If you are interested, I will send you a letter of invitation and a consent form to sign indicating your agreement to participate.

Do you have any questions?

Can I count on you to be part of my study?

(Regardless of the response, Yes or No): Thanks for your time and I look forward to working with you in the future.

Follow-up Email and Telephone Interview Protocol

Hi (real name), alias (pseudonym),

First, I want to thank you again for taking part in my research regarding "The Perspectives of Northern Manitoba Principals Regarding New Special Education Legislation". I learned so much from you in the interview. I apologize for the lengthy time between the interview and this follow up but I had some health issues which took me longer to recover from than expected.

I have enclosed the transcription of the interview. I hired a trustworthy graduate student to type the transcriptions over the summer. They are typed in 'transcription format' with many incomplete and run on sentences in accordance with what was recorded during the interview.

I would like to set up a taped telephone follow-up interview which should take approximately 15 to 20 minutes. Below is a listing of the times and dates when I am available to call you. Please send me the time when you would be free for the interview and also the telephone number at which you wish to be contacted. I am available (list three or four dates). Once I hear back from you, I will send you a confirmation of the time, date and telephone number.

The following are the questions to be addressed:

1. Is everything in the transcription accurate? Please refer to a page number and position on a page (top, middle or bottom) if there are some changes which need to be made.
2. Is there anything you would like to add?
3. What is your most significant change to your role as principal in implementing Bill 13?
 - increased workload re meetings
 - increased paperwork re IEP's, behaviour plans, funding applications, etc.

- increased supervision of special education in-school staff
- increased supervision of inflexible traditional staff members
- increased involvement/obtaining consent of parents
- other
- no change

4. What/who is your greatest support in implementing Bill 13?

- in-school team - resource teacher, counsellor, classroom teacher, behaviour teacher, etc.
- Student Services/Special Education Coordinator/Administrator
- other principals
- Principal meetings
- divisional clinicians/staff
- provincial clinicians/staff
- Manitoba Education, Citizenship and Youth (MECY)
- PD training
- other

5. What is your greatest challenge in implementing Bill 13?

- absenteeism
- transiency of students
- lack of clinicians/service providers/staff
- lack of training/availability of training/cost of training
- large class sizes
- obtaining parental consent
- insufficient resource time/staff
- lack of direction from MECY
- other

6. Please estimate the % of your school day/week that you devote to the special education program/students in your school. Has this changed with the implementation of Bill 13?

7. In terms of decision-making, please estimate the % of your contribution compared to you in-school staff when making decisions about assessment, specialized assessments, programming, specialized equipment and service, writing IEP's, behaviour plans, funding applications, etc. Has this changed with the implementation of Bill 13?

8. Some principals discussed being placed in a position whereby they had to prioritize students who received specialized assessments, in most cases due to a shortage of clinicians and divisional/provincial staff. Is this true in your school? If so, what are the factors you consider in deciding which student(s) you select?

9. Do you have any additional comments you would like to add?

That's it for the new questions. I am looking forward to talking with you soon.

Sincerely,

Joan (Martin) Zaretsky

Joan Zaretsky

18 Marksbridge Drive
Winnipeg, MB
R3P 2K5

January 6, 2009.

Superintendent,
Xxx School Division
xxxMB

Dear Mr. Superintendent,

I am writing this letter to jog your memory regarding a research study which I am undertaking to complete my doctoral dissertation in Inclusive Special Education at the Faculty of Education, University of Manitoba. Dr. Zana Lutfiyya is supervising the study.

As you may recall, you signed a consent form allowing me to interview some of your principals in June 2007. I did complete fifteen interviews at that time. Unfortunately, I have been off on a medical leave for the past year, undergoing chemotherapy for cancer. As I am now 'cancer-free', I am back to my studies and trying to continue where I left off. I will be contacting your principals to complete any follow-up telephone interviews which have not occurred to date.

In this qualitative dissertation, I will be analyzing the data collected from the interviews with regards to: i. the perceptions of Northern Manitoba principals regarding their knowledge of the AEPA (Appropriate Education Programming Amendment); ii. the perceptions of principals regarding the mandated changes to their current practices in contrast to the actual changes made; and iii. the supports and challenges principals are currently experiencing in their role as they attempt to comply with the AEPA. The data were gathered by conducting indepth open-ended interviews with school principals in four school divisions in Northern Manitoba – Flin Flon, Frontier, Kelsey, and Mystery Lake during the months of May and June, 2007.

Please recognize that information gathered in this research study will be published and may be presented in public forums. However, names and other identifying information will not be used or revealed. Despite efforts to keep personal information confidential, absolute confidentiality can never be guaranteed.

I am writing to inform you that I will be prepared to meet with you, your principals and any other staff who may be interested in the results when my study is completed. I am hoping to complete my dissertation by September 2009. It is my goal to make this research readily available to those school divisions who participated by sharing the common themes which emerged and implications for improvement to our educational system. Two relevant bodies of theoretical knowledge which have surfaced and will be reviewed include distributed leadership models and ethical decision-making/leadership.

Dr. Zana Lutfiyya and the Education/Nursing Human Research Ethics Board at the University of Manitoba may review my records related to the study for quality assurance purposes.

The Education/Nursing Human Research Ethics Board at the University of Manitoba has approved this research. If you have any concerns or complaints about this project, you may contact Dr. Lutfiyya, myself or the Human Ethics Secretariat at 474-7122.

I am looking forward to sharing my dissertation results with xxx School Division in the future. I appreciate your support with this study. Thank you for your cooperation.

Sincerely,

Joan Zaretsky,
Doctoral Student
Faculty of Education
University of Manitoba.

Joan Zaretsky

18 Marksbridge Drive
Winnipeg, MB
R3P 2K5

August 13, 2009.

Mr. Superintendent,
Xxx School Division
Xxx MB

Dear Mr. Superintendent,

I am writing this letter regarding a research study which I am undertaking to complete my doctoral dissertation in Inclusive Special Education at the Faculty of Education, University of Manitoba. Dr. Zana Lutfiyya is supervising the study.

As you may recall, you signed a consent form allowing me to interview some of your principals in June 2007. I did complete fifteen interviews within four divisions at that time and have since completed all my follow-up telephone calls.

At this time, I am analyzing and synthesizing my findings. It has been brought to my attention that I did not receive your permission to use the actual name of your division, xxx School Division, within my final dissertation. I am seeking your permission to do so. I would like to use the proper name in order to publicly acknowledge your division's participation within the study. All data reported would be presented in an aggregate form such that it would not be possible to determine the specific responses made by principals representing schools within your division. If you are willing to allow this, please sign the enclosed consent form and return it to me in the stamped addressed envelope. If you are not in agreement with allowing this to happen, I will use very general descriptors when referring to your division and the others in the study.

Please recognize that information gathered in this research study will be published and may be presented in public forums. However, names and other identifying information will not be used or revealed. Despite efforts to keep personal information confidential, absolute confidentiality can never be guaranteed.

Dr. Zana Lutfiyya and the Education/Nursing Human Research Ethics Board at the University of Manitoba may review my records related to the study for quality assurance purposes.

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I am looking forward to sharing my dissertation results with xxx School Division in the future. I appreciate your support with this study. Thank you for your cooperation.

Sincerely,

Joan Zaretsky,
Doctoral Student
Faculty of Education
University of Manitoba.

Your signature on this form indicates that you have understood to your satisfaction the information regarding your participation and agree. In no way, does it waive your legal rights nor release the researcher or involved institution from their legal and professional responsibilities. You are free to withdraw from the study at any time, and/or refrain from participating in any stage of the research study without prejudice or consequence. Your continued participation should be as informed as your initial consent so you should feel free to ask for clarification or new information throughout your participation.

Superintendent's Name: _____ Date: _____
(Please print)

Superintendent's Signature: _____

Researcher's Signature: _____ Date: _____

Appendix G

School Division Descriptions

Appendix G

School Division Descriptions

Description of Four School Divisions in Northern Manitoba

Flin Flon School Division

Flin Flon School Division is located in the town of Flin Flon in northwestern Manitoba. It has three K to 8 schools, one high school and currently one off site program for students who have dropped out or have difficulty in the regular high school setting. The off site program is scheduled to move into the safer half of a school building which has been condemned for demolition by MECY. They also school a number of students who are out of resident students who reside in the Frontier SD catchment area. However, a bussing/financial arrangement has been worked out between the divisions and parents. There are 1,197 students enrolled in Flin Flon School Division.

Kelsey School Division

Kelsey School Division is situated in the town of The Pas also located in northwestern Manitoba. After a recent school reorganization, there are two K to Gr. 5 schools, one middle years Gr. 6 to 8 school, one high school 9 to 12 and one offsite alternate high school program. There are 1,664 students enrolled in Kelsey School Division.

Mystery Lake School Division

Mystery Lake School Division is located in the city of Thompson. There are eight K-8 schools, one high school and one off site high school program. There are 3,385 students enrolled in Mystery Lake School Division.

Frontier School Division

Frontier School Division offers education services to 41 schools in 38 northern and remote communities spread over more than one-half the area of Manitoba. Communities within the division range in size from Norway House, with a student population of over 1,500 students located in three schools, to Red Sucker Lake with a total of two children in a one room facility. Students in the division are primarily First Nation or Metis descent, although in mining centres such as Gillam and Snow Lake, the majority of people are non-Aboriginal. Frontier is divided into 5 areas, with offices located in each area supporting an area superintendent, consultants, a special needs coordinator and a business manager. Frontier School Division is governed by its own unique legislation regarding its governance by school committees in place of a school board. Its total K-12 enrollment is 6,098 students. Of their total enrollment, 3,419 or 56% of the students are from federal band controlled schools located on the surrounding reserves.

On the following page is a map depicting the location of the Frontier School Division schools across the province of Manitoba. Thompson, which houses the offices for Area 1, is also the home of Mystery Lake School Division. Just 51 kilometres northeast of Cranberry Portage (located on the west side of the province in the top third of the map) is Flin Flon, the home of the Flin Flon School Division. And finally, about 77 kilometers south of Cranberry Portage is The Pas, the home of Kelsey School Division.

Figure Three: Map of Frontier School Division

