



ldanb • taanb

Learning Disabilities Association of New Brunswick

Troubles d'Apprentissage – Association du Nouveau-Brunswick

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March 22, 2021

Hon. Dominic Cardy
Minister of Education and Early Childhood Development
Place 2000
P. O. Box 6000
Fredericton, NB
E3B 5H1

Re: Bill 35 Amendments to the Education Act

Dear Minister Cardy,

The Learning Disabilities Association of New Brunswick (LDANB) is a provincial organization that supports and promotes the abilities of persons with learning disabilities. We serve as a provincial authority on learning disabilities and together with the Learning Disabilities Association of Canada, we help empower those living with learning disabilities to achieve their educational, employment, health, and personal goals.

We are concerned that the department of Education and Early Childhood Development (EECD) tabled legislation impacting students with learning difficulties for a first reading without consultation with LDANB, the College of Psychologists of New Brunswick (CPNB), New Brunswick Association of School Psychologists (NBASP), and other key stakeholders. As advocates for individuals with learning disabilities, we at LDANB have grave concerns that the government would propose such an inadequate solution to the problems our province is facing regarding access to timely psychoeducational assessments for New Brunswick school students. The College of Psychologists of New Brunswick and the New Brunswick Association of School Psychologists have expressed legitimate reasons why this proposed legislative change is not in the best interests of children or the public. We urge the Minister and the members of the legislative assembly to pay careful heed to the objections encompassed in the letters presented by the CPNB and NBASP, as well as our own concerns delineated herein.

The specific sections of concern to LDANB within Bill 35 are:

11.1(1) A teacher who holds a master's degree approved by the Minister and completes the training approved by the Minister may administer a test

prescribed by regulation, score the test and interpret and apply the results of the test, for the purpose of developing a personalized learning plan for a pupil.

11.1(2) This section and the regulations made under paragraph 57(1)(o.1) shall supersede all other provisions in the Psychologists Act and any regulation made under that Act

25.1 For the purposes of section 11.1 of the Act, the test that may be administered is the Wechsler Intelligence Scale for Children (WISC)

While we laud the Minister of Education's goal to reduce wait time for psychoeducational assessments for New Brunswick students, the solution proposed in Bill 35 is dangerous on many fronts and we are joining other groups in voicing our strong opposition. This legislation will not empower school systems. It will place even more pressure on already overwhelmed teachers and create another barrier to the recruitment and retention of psychologists in New Brunswick. Currently, many children in New Brunswick at risk of, or diagnosed with, learning disabilities do not have access to adequately intensive intervention and evidence-based practices. Teacher's skills are best placed in the classroom and resource rooms, providing skilled interventions with children in need, not conducting psychoeducational assessments.

New Brunswick teachers are professionals with expertise in the education of children. Without a graduate degree in psychology and meeting the stringent requirements for licensing as a psychologist, even Master's level teachers with "training approved by the Minister" would be unaware of the limitations and potential pitfalls of cognitive and psychoeducational interpretations. These teachers will not only be placing children at risk for misdiagnosis and inappropriate treatment, but also opening themselves to liability. We are surprised that EECD may consider itself more capable of deciding the necessary educational requirements for such important assessments than the Colleges and Boards of Psychology.

To the layperson, a psychoeducational assessment may seem as simple as running a few tasks and getting some numbers, all with the admirable goal of wishing to help children in school. Children are much more than numbers achieved on an intelligence test on a single day and responsible care requires those who interpret these tests to have stringent psychological training and sufficient knowledge of the wide range of factors that can impact performance including developmental psychology, cognitive psychology, personality, individual differences, psychopathology, and behaviour.

"Specially trained" teachers may identify a child with low scores; however, they do not have the comprehensive education essential to be able to accurately determine the reason for the scores. To identify a weakness without understanding the underlying constructs is a grave and potential misuse of information and places children, and their futures, in jeopardy. We have serious concerns that students with learning disabilities will be misidentified as intellectually low by those whose training is not comprehensive enough to consider the full range of impacts. These students may then be inappropriately placed on adjusted or individualized personalized learning plans that

change the trajectory of their lives. Cognitive assessments conducted by individuals without adequate education in psychology will lead to a risk for students with learning disabilities being labelled with low intellectual ability when they may have anxiety, depression, an attentional disorder, or other complicating factors impacting their performance. These misidentified students may then be placed on adjusted and individualized personalized learning plans, rather than provided needed accommodations and timely interventions. This is an exceptionally serious likelihood – one that can significantly change children’s perceptions of themselves, the perceptions their teachers and parents have of them, and have significant academic and future work impacts. It is essential that it be understood that adjusted and individualized personalized learning plans impact a student not only in their current grade - but for life.

The Minister has explicitly stated in the news release regarding the proposed legislation that the purpose of having teachers complete psychoeducational assessments is to drive the development of personalized learning plans. The Minister wants data to help develop personalized learning plans, but this data, and the plans that follow, may not be valid. Additionally, these plans have serious, enduring impacts. Unlike children on accommodated learning plans, children on adjusted and individualized plans are not eligible for many post-secondary options. Furthermore, there are only a few seats available in select programs in community college for students that have been on these plans. This has lifelong consequences on physical and mental health, employability, and earnings both to meet current needs and for retirement.

Assigning psychoeducational assessments to teachers can mislead parents and the general public into thinking that their children are receiving adequate psychoeducational care. We cannot emphasize enough our concern that this legislation risks the misidentification of children, placing their education, well-being, and futures, in peril.

Finally, this proposed bill disproportionately places children of low-income and working-class families at greater risk, as they are the ones who more often must depend on the public school system to provide psychoeducational assessments, while those from more privileged families may continue to seek private evaluations from psychologists. All New Brunswickers deserve adequate care; this proposed legislation will increase the inequity based on social class.

The problem is not that we lack a sufficient number of trained psychologists in New Brunswick. In fact, there are many competent psychologists in the province, many of whom once worked in the public school system. Government efforts are better spent working with stakeholders to understand and address the exodus of psychologists from the school system, while working with them to ensure all New Brunswick children receive competent psychological care that does not reduce them to scores on a page.

A solution that truly empowers schools, teachers, and students will examine and address the ongoing conditions that have contributed to the current situation in the public school system for students with learning disabilities. The province is experiencing a serious mental health crisis. This legislation will exacerbate, not correct, the difficulty

recruiting and retaining school psychologists. A true solution will authentically engage and communicate with community partners to increase access to competent psychoeducational assessments, both in the short-term and in the long-term. It is past time for the government to authentically work with stakeholders to develop a solution that benefits students in New Brunswick schools. Our families in New Brunswick deserve better.

Regards,

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CC' Premier Blaine Higgs
Hon. Trevor Holder
Hon. Dorothy Shepherd
Deputy Minister George Daley
Deputy Minister Marcel Lavoie
Members of the Legislative Assembly