



June 1, 2021

Premier Blaine Higgs
Chancery Place
P. O. Box 6000
Fredericton, NB
E3B 5H1

RE: Bill 35 Amendments to the Education Act in New Brunswick

Premier Higgs,

As founder of Dyslexia BC, a parent-driven grassroots organization concerned about access to resources for students and adults with language-based learning disabilities in the province of British Columbia and former Director at Large of the Learning Disability Association, Fraser South Chapter, I am deeply concerned about Bill 35 and the proposed changes to the Education Legislation in New Brunswick (NB).

Every week, I receive phone calls and emails from parents and adults from all over Canada; with questions about learning disabilities like dyslexia. People ask me where and how to access resources for learning disabilities (LD) within their communities. They have questions about accessibility to education, public services, the workforce, and how to reach their potential. Consistently the complaints about access are the same. It is hard to access resources within our government services in Canada with a proper diagnosis of a learning disability (LD); and unattainable to gain access without a diagnosis anywhere in Canada.

Learning disability/disorder is an umbrella term for a group of diagnoses found within the DSM-5; that are categorized mostly by impairment in reading (dyslexia), writing (dysgraphia) and arithmetic (dyscalculia). Dyslexia is the primary learning disability and is 80% of all LD, which can be present in 15 to 20% of the population. Individuals with LD have average to above-average intelligence. The impairment is unexpected and not a result of poor instruction, a lack of access to education or socio-economic conditions. Learning disabilities can present in any combination and vary in severity from mild to severe and are lifelong. Since LD is not visible initially, there is a need to diagnose to gain equitable access to resources and intervention to live a fulfilling life. Individuals without a proper diagnosis most likely will not reach their potential and suffer mental health issues, underemployment, and social/societal issues as a consequence. Science shows us that intervention and identification of LD as early as

kindergarten gives the best chance for remedial success, with only 5% of individuals remaining with severe LD.

The human rights legislation in Canada and within each province properly entitles individuals with disabilities to support and equitable access.

A Psycho-Educational Assessment is needed to diagnose LD properly by a registered psychologist or a school psychologist. A single test like the Wechsler Intelligence Scale for Children (WISC) cannot diagnose a learning disability. There needs to be several tests administered for a complete psycho-educational assessment and may include tests and assessments for reading, writing, spelling, arithmetic, and focus on the child/adults personality, learning style, language and problem-solving skills and IQ (intelligence quotient).

I understand that the Ministry of Education in New Brunswick would like to reduce access times for timely psycho-educational assessments for the students in NB. A reduction in access times to psycho-educational assessment is expected from the proposed changes to Bill 35 - Amendments to the Education Act, which includes;

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 test results for developing a personalized learning plan for a pupil.

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).

If teachers with a master's degree, as proposed by the new amendments to Bill 35, administer a test such as a WISC prescribed by regulation, score and interpret the test; and apply the results of the test for developing an Individual Education Plan (IEP)/Personalized Learning Plan (PLP) Dyslexia BC's concern is as follows;

- 1) The misinterpretation that a learning disability has been properly diagnosed may occur for the family of the child with the learning disability;
- 2) The validity of the WISC test may lead to misdiagnosis and the implementation of incorrect intervention programs;
- 3) The inherent conflict of interest in the administration of the test.

Early diagnosis is necessary for early intervention; as discussed, a psycho-educational assessment cannot be performed with a single test like the WISC. Parents misinformed about their rights and LD, in general, may not realize that the WISC is not the same thing as a psycho-educational assessment.

Teachers may also assume that performing a WISC is sufficient for the diagnosis of LD without knowing some of the pitfalls of using one test to establish intervention goals accurately.

If teachers with a master's degree administer and interpret the WISC, most likely, they will not be trained on assessing other diagnoses that may affect learning, such as autism, fetal alcohol syndrome, anxiety, depression and ADHD. They might not have the experience and training necessary to recommend further testing. Which may lead to misdiagnosis and validity issues with the interpretation of the results. Psychologists have more training to recognize other disabilities and issues that might impact learning and can administer and interpret other tests that may give a complete diagnosis or better results for establishing remedial/intervention goals within an IEP/PLP. The WISC can only be used every two years and will interfere with the test results of a psycho-educational assessment if done within the two-year period. This also might not work out in the best interest of the child.

School budgets may restrict teacher assessment, and if the WISC is the only assessment available, it may be the only one used. The new regulation may impose a conflict of interest or test bias based on regulation or the teacher's place of employment rather than the child's specific needs. Teachers may choose tests based on the school district's budget constraints and what their employer and ministry suggest rather than working towards a complete diagnosis.

In conclusion, the diagnosis for LD is used for different reasons throughout a lifetime to get supports and services for education (both K-12 and post-secondary), the workplace, to access government benefits and access services within the community. Without a proper diagnosis by a qualified registered psychologist and a well-documented history of special needs support (usually triggered by assessments by a registered psychologist), students will not be able to move into post-secondary institutions gaining equitable access to the supports needed. Individuals with a learning disability should be entitled to reach their potential. Almost all post-secondary institutions in Canada and Internationally require a recent Psycho-Educational Assessment and a well-documented history of a disability (using IEP/APP information) to trigger the necessary accommodations.

School Districts/Teachers don't ever attempt to diagnose depression, anxiety, ADHD or Autism; it is unclear what the purpose would be to dilute the diagnostic process for learning disabilities. Students with learning disabilities should have equitable access to proper diagnosis just like other disabilities do. Perhaps teachers could use screening tools (such as the PAR or Dibels) to inform instruction, particularly in the early grades, and detect struggling readers and individuals at risk for learning disabilities. If early screening, early-targeted intervention were administered to target struggling learners, the need for as many Psycho-Educational Assessments would be less. Students and

individuals with an LD should have equitable access to a proper diagnosis to get the support, remediation and accommodations that they need.

Learning disabilities are not just about learning to read; they present in many ways. It would be poor practice not to give complete assessments to ensure that academic needs are fully supported!

Inclusive communities are places where all people have the equal opportunity to succeed and meet their full potential.

Sincerely,



Cathy McMillan, B.Sc.

Dyslexia BC

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The people who support this letter include:

Vicki Nelson B.Sc.; Executive Director of the Learning Disabilities Association Fraser South Chapter (LDAFS)

Cathie Camley; Former Board of Directors for Learning Disabilities Association of Canada (LDA Canada), Former Board of Directors for Learning Disabilities Association of BC (LDABC), Former Chair of Education Committee for LDA Canada, Former Chair of Education Committee for LDABC, Former Board of Director for the Federation of Invisible Disabilities (FIDS), Former Director for Special Education Coalition British Columbia

Jenn Prager B.Sc. B.Ed.; Founding Director of Decoding Dyslexia Nova Scotia

Cheryl Hoffman; Founding Director of KC Dyslexic Center in Manitoba, Founding Director of Friends of Dyslexia, Founding Director of Decoding Dyslexia Manitoba

Rick Moore; Advisor to Learning Disabilities Association of British Columbia (LDABC)