

EDUCATION

Ontario Parents suing for disability funds in religious schools

Ontario accused of shirking obligation to provide supports for children in private systems

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A group of parents is planning to launch a lawsuit against the Ontario government, alleging it is discriminating against their children by not funding supports for students with certain disabilities who attend private religious schools.

The families - whose children are either blind, deaf or learning disabled - say it is unfair that they do not receive assistance, even though private-school pupils with different special needs, such as speech impediments, get help.

"The government's on a slippery slope ... they have a legal obligation not to discriminate when they're providing funding for disabled children. And they're clearly discriminating now, and we've decided to call them on it," said Allan Kaufman, a lawyer involved in the case.

The lawsuit, which is being launched by a multifaith coalition and seven families and is to be filed this month, is a test case seeking a declaration from the Ontario Superior Court that the Charter rights of the children and their families have been violated.

- The parents also believe the government is discriminating against their children on the basis of religion, saying it is unjust to deny them what other children receive in public or Roman Catholic schools.

"The question is, why aren't they treating all disabled children the same?" said Norman Blustein, a pediatrician whose 12-year-old daughter Dayna uses a cochlear implant because meningitis left her deaf.

Last fall, the family switched Dayna from her private Jewish school to a public school, partly because she wasn't getting all the support she needed.

Under provincial government rules, all children - no matter the type of school they attend - are eligible for special-needs support if considered medically necessary, such as speech therapy, physiotherapy or occupational therapy.

But students who require what the province deems learning tools to help with visual impairments, hearing difficulties or learning disabilities get assistance only in the publicly funded system.

"It's really a matter of making sure that we have public dollars to the greatest degree possible, supporting our public system," said David Spencer, a spokesman for Health Minister George Smitherman.

In 2000, Mike Harris's Progressive Conservative government - which was more popular among voters who send their children to private school than is Premier Dalton McGuinty's Liberal administration - extended medically required services to students who were private- and home-schooled and set aside money to cover the aid. While the fund totals \$14.4-million a year, an average of just \$4.5-million is spent, Mr. Spencer said.

Ira Walfish, chairman of the coalition, which also wants equal funding for private faith-based schools, likened the province's distinctions between disabilities to "balancing on the end of a pin" and urged it to spend the allocated money. "There's a real injustice here. These kids really need these services," Walfish said.

Parents involved in the lawsuit say the issue is more about fairness than money. Suzanne and Arthur Birenbaum's 12-year-old son, Lewis, who attends a private Jewish school for children with learning disabilities, has a non-verbal learning disability and a sensory processing disorder.

Although tested as gifted, he can't grasp non-verbal cues, has trouble with handwriting and with focusing.

To help with organizing his thoughts, he uses a laptop computer that his parents bought for about \$2,500 - which could have been funded if he went to a public school.

"We're just asking for what we feel is fair," said Mr. Birenbaum, a public-school teacher. "... We just want a wrong to be righted."