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BRIDGING MORAL AND ETHICAL POLARITIES IN INCLUSIVE EDUCATION
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Two general philosophical positions regarding inclusive education have moved to the forefront of special education discourse since the promulgation of the right to non-discrimination based upon disability. One is a moral doctrinal position advocating full inclusion and contending that integration is necessary to maintain universal norms of nondiscrimination. The other is an ethical position advocating partial inclusion. This latter position argues that exceptional students should receive accommodations specific to their individual needs through a combination of general classroom instruction and specialized instruction within segregated settings. Taken to their individually reasoned ends, these two philosophical approaches represent opposing ideological views and suggest a largely irresolvable debate regarding how exceptional students are best served. This paper proposes that when viewed through Rawls' (1971) and Habermas' (1993, 1996) perspectives, the philosophical underpinnings of these polarities are indeed complementary. Moreover, these polarities are best conceptualized along a bi-directional continuum endorsing both moral doctrine and ethical principles that undergird the notions of equal opportunity and equal benefit.

INTRODUCTION
Students with disabilities have historically been excluded from the general education system (Lupart, 1998). Since the 1980s, however, the rights of students with disabilities have received increased attention. Indeed, with the patriation of the Canadian Constitution in 1982 and its embedded Charter of Rights and Freedoms (hereafter referred to as the Charter) the right to nondiscrimination was ingrained in the fabric of Canadian society (Government of Canada, 1982). Since the promulgation of the right to non-discrimination, advocates for students with disabilities (hereafter termed exceptional students) have lobbied their respective schools and school boards to give these young people access to the general education system. In response, Provincial Ministries of Education throughout Canada have developed and adopted inclusionary policies in attempts to ensure
that exceptional students are provided with access to the public education system in a manner equal to that of their nonexceptional peers.

Initially, inclusion policies consigned exceptional students to one of two school-based placements. Exceptional students were either admitted to (a) a self-contained special education classroom or to (b) shared time between a general education classroom and a special education classroom. Increased student advocacy, which viewed self-contained special education classrooms as analogous to segregation, initiated a move away from placements conceptualized as exclusive toward a focus on partial inclusion and in some instances on full-inclusion within the general education classroom.

From these transformations, two positions regarding the definition and practice of inclusion have emerged. On one side are proponents who contend that exceptional students have an equal right to be educated in the general education classroom with their same age peers. Arguing under the scope of the Charter and federal and provincial human rights legislation, these advocates criticize special education placements that place students exclusively in a special education classroom or partially in a special education classroom and a general education classroom. In response these advocates call for full inclusion of exceptional students within general education classrooms. Proponents for full inclusion argue that segregated settings are inherently discriminatory in that they conflict with the established equal rights decree of the Charter and human rights legislation and, as well, contradict provincial education policy.

On the other side of the debate are those who favour partial inclusion. Proponents of this position align themselves with the view that partial inclusion, and sometimes exclusive placement within a special education classroom, is necessary. In light of the challenges exceptional students face within school, accommodations necessary to support their meaningful participation and advancement within the educational system cannot be delivered effectively solely within a general education system. Rather, a level of segregation is necessary. Exceptional students, it is argued, need to receive curriculum and instruction—academic, social-emotional, and behavioural—adapted to their individual abilities, and such instruction is best delivered through a combination of participation in a general education classroom
and of specialized programs within a special education setting. Given that each exceptional student experiences a different level of impairment (even those with a similar disability, e.g., a reading disability) and that an exceptional student may experience more than one exceptionality (e.g., developmentally delayed and impaired speech), proponents of partial inclusion recognize that for these students the most effective educational context is a segregated placement within a special education classroom or a partial placement between a general education classroom and a special education classroom.

When one observes the arguments advanced by both sides of this debate—proponents for full inclusion and proponents for partial inclusion—it seems improbable for them to meet on a mutually supportive ground. This paradox is explored and a perspective is advanced that suggests that within the field of special education, each position perceives inclusion in terms of equality; however, each position argues for equality from a different conceptualization of equality. At one end are those that support equality based upon ethical principles, and at the opposite end are those that argue for equality based upon moral doctrine. When viewed through Rawls' (1971) and Habermas' (1993, 1996) perspectives, however, the philosophical underpinnings of these duelling polarities are indeed complementary. Moreover, these adversarial positions are best conceptualized along a bi-directional continuum that concurrently endorses both moral doctrine and equity principles that undergird the notions of equal opportunity and equal benefit.

This paper has four sections. In the first section, through an analysis of selective literature that critiques special education policy, a framework is drawn for understanding the two polarities in terms of how these opposing positions view the intentions and observed practices of inclusive special education policy. This section discusses two ideologies—moral doctrine and ethical principles—embedded within arguments for and against full inclusion. These ideologies are offered not only as appropriate methods for explaining emergent polarities, but as well, given that these ideologies can also be placed within a continuum, they offer a suitable foundation upon which to bridge these polarities. This is a bridge that allows both perspectives to maintain allegiance to their respective argument frameworks. The second section presents the Supreme Court of Canada decision Eaton v Brant
Board of Education (1997) (hereafter referred to as the Eaton case). Evidence from the decision is presented that allows one to synthesize the divergent arguments for full inclusion and for partial inclusion in special education placements. This case illustrates how an integration of the frameworks that undergird opposing views on special education placement can be used to meet mutually accepted outcomes of special education policy. The third section offers a conceptual and operational understanding for how one might bridge these duelling polarities. The fourth section discusses the implications of such a framework for special education policy and practice.

DUCKLING POLARITIES WITHIN SPECIAL EDUCATION

Smith and Lusthaus (1995) contend that debates surrounding access to education for minority students, whether in terms of inclusion of racial, ethnic, or special needs groups, can be viewed as arguments respecting quality and equality. Dialogue within such debates often results in taking positions at polar opposites on a linear continuum. To move toward one is to move away from the other; when you accommodate one, you do so at the other's expense" (p. 379). Within the field of special education, a similar discourse has arisen regarding the nature of inclusion of exceptional students within schools. Two general views seem to present a dialectical approach and suggest a largely irresolvable debate surrounding whether the needs of exceptional students are best served within a fully inclusive system or within a partially inclusive system. At one end of the continuum are those that argue for equality based upon moral doctrine. At the other end of the continuum are those that support equality based upon ethical principles.

MORAL DOCTRINE FOR FULL INCLUSION

Proponents of full inclusion insist that any policy or practice that restricts full participation in the education system is a violation of an individual's right to nondiscrimination. Arguing from a rights-based perspective necessarily requires that schools judge the merits of inclusion on decisions regarding adherence to fundamental rights and freedoms contained within the Charter. Practice and policy that place exceptional students outside the general classroom, even if for only a minimal part of the day, are
viewed as analogous to a intrusion on the student's rights as stated in the Charter:

15.(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Within public education settings, incidents of suspected inequality also fall under the scope of the respective Provincial Education Acts and Ministry of Education documents (e.g., in Ontario the Antiracism and Ethnocultural Equity in School Boards: Guidelines for Policy Development and Implementation, 1993). Provincial education documents observe universally accepted tenets contained within provincial and federal human rights legislation and the Charter. This is a powerful framework because it appeals to shared beliefs and responsibilities viewed as fundamental to the equal protection and equal benefit of individual rights.

When viewed through Habermas' (1993) philosophical lens, the discourse of proponents for full inclusion is analogous to a moral argument (Crux, 1989; Pearpoint & Forest, 1992). A moral perspective positions an individual within the context of maintaining or supporting the common interests of the citizenry (interests such as nondiscrimination), where individual perspectives and needs stem from the common interests of the general public. Habermas (1993) situates a moral doctrine within a framework that "represents the ideal extension of each individual communication community from within. In this forum, only those norms that express a common interest of all affected can win justified assent" (p. 13). In brief, a moral perspective aligns with upholding the common good by assuring that the individual is engulfed by the protection of universal norms while simultaneously enforcing the protection of the common good through maintaining the universality of individual rights by having the individual adhere to those rights. Said differently, the individual is both the product and supporter of their rights.

Under the umbrella of a moral doctrine, full inclusion is predicated upon a rights-based approach; placement of an exceptional student within a segregated setting is an act against that student's human rights. Inequality manifests through unequal
protection of the right to nondiscrimination. The results of this discrimination are twofold. Placement in a segregated setting is viewed (a) as restricting an exceptional student's access to the education system equal to that of his or her peers, and (b) as withholding the benefits of social and educational experiences that are offered to the peers.

Policy that supports segregated placements is perceived as operationalizing inequality. Two principal tenets emerge from this stance, one premised upon society's view of the student and another premised upon procedural policies adopted by special education; both have conceptual and operational elements. Proponents of full inclusion often argue that labelling students (e.g., learning disabled) and utilizing alternative instructional methods in special classes should be eliminated (Pearpoint & Forest, 1992). For instance, Crux (1989) argued that "labelling a child as exceptional in some way, we have legalized inequality," and "is clearly an example of legalizing the naming of children as deviant, in order to maintain social control" (p. 25). Labelling is seen as isolating exceptional students from their peers. Such practices, it is argued, result in the "transformation of students with learning disabilities into second-class citizens who are entitled to something less than other students, or who are thought of by others as 'less'" (Denti & Katz, 1995, p. 417).

A second perspective put forth by proponents of full inclusion is that there is an absence of rigour regarding the decision making process that places students in special needs classes. For instance, Denti and Katz (1995) argued that "special educators, for the most part, do not have a critical perspective on the dominant, taken for granted view of reality that undergirds this culture, and as a result, are not able to criticize their culture effectively or change it in fundamental ways" (p. 418). These researchers suggested that special educators do not take a critical perspective on issues that challenge their field, and that special educators should extract themselves from individual contexts and embrace a generalized perspective of the collective good.

To profess inequality through a blanket application of equality doctrine places the exceptional student outside his or her individual experience. Where a moral doctrine is to take precedence, its intention is to subsume the individual and protect him or her through a conceptual barrier where the individual is sheltered from infringements upon the right to equality of access.
and to equality of the educational benefits full inclusion provides. By privileging decisions for full participation, advocates for full inclusion propose an understanding of an exceptional student's intended experience that parallels the interests of the common good, an understanding that positions the exceptional student solely within the assumed experience of the citizenry.

ETHICS PRINCIPLE OF PARTIAL INCLUSION

Rawls (1971) contends that in a democratic society equality should be conceptualized as equal citizenship and equal opportunity. His notion of equal citizenship suggests that each of us can be characterized as having individual abilities, abilities that will not always parallel in type or level the abilities of others. Within this context, while each individual has different abilities, each holds a position on the same plane of social worth. Equality of opportunity concerns the liberty within the larger society for each individual to exercise his or her individual abilities. Supporters of partial inclusion contend that periodic placement of exceptional students in segregated settings is necessary for these students' educational and social-emotional development. For these students to have opportunities to experience social and educational benefits naturally afforded to their peers, exceptional students must receive individualized instruction that is developmentally appropriate (Fuchs & Fuchs, 1993). This position, when viewed through Rawls' (1971) philosophical lens, suggests adherence to an ethical approach when making decisions to place students within special education settings.

Arguments for privileging an ethical position for partial inclusion over a moral position for full inclusion are found where policy is enacted through procedure. Bachor and Crealock (1986) provide a helpful lens through which ethical principles are operationalized within processes that undergird procedures for identifying and accommodating the needs of exceptional students. These researchers viewed the transformation of special education policy into practice as a complex of psychoeducational procedures "which view both educational assessment of exceptional students and educational programming as a systematic problem-solving or decision making process" (p. 2). Contextual elements that inform these procedures are based upon interpersonal factors (e.g., social relationships) and intrapersonal factors (e.g., cognitive abilities).
These elements often come together through individual or classroom instruction.

We see guidance for understanding special education inclusion in terms of ethical principles through Dewey's notions of ethics and education within democratic societies. A literal interpretation of Dewey suggests that full inclusion for exceptional students best represents the argument presented by moral doctrine where freedom to wonder intellectually and to engage selectively with one's learning environment witnesses its full potential. However, contextual understanding, of the individual differences that characterize exceptional students and special education policy and practice with reference to these students, is embedded within Deweyan concepts. Dewey (1891) embraced the notion of "function" and "adjustment" to support his ethic of self-realization within a democratic society. These terms are useful in that each represents functional extensions of the ethical principles that support partial inclusion. Function describes how individuals perform and position themselves that enables them to maximize the development of their individual abilities (Westbrook, 1991). Adjustment provides the connection between the individual's abilities and the settings and contexts where they exercise their abilities. Importantly, adjustment is mutually supportive; settings and contexts as well as individuals adjust to facilitate ability development.

Vital to such pedagogical foundations are contextual elements that facilitate and inform ongoing assessment of a student's individual progress and teacher instruction. Educational accommodations for exceptional students are viewed "not in terms of the presence or absence of a handicap or advantage but in terms of his or her specific educational needs" (Bachor & Crealock, p. 2). Without due attention to individual needs and to individual lived experience, one runs the risk of not recognizing "the very real difficulties experienced by some children . . .

Similarly, the fact that categories of special needs are socially created and that the application of them to particular children is imperfect does not mean that the difficulties to which they refer are not real" (Croll & Moses, 1985, p. 20).

Habermas (1993, 1996) argued that ethics focuses upon individualistic notions of self-identity, self-understanding, and individual perceptions of how one positions oneself within the larger society. We extend ourselves into the larger world when we
envision ourselves as "members who, in the face of important life issues, want to gain clarity about their shared form of life and about the ideals they feel should shape their common life" (cited in Coulter, 2002, p. 93). Moreover, Habermas (1993) argued not for exclusivity of individual perspective, rather, for complementary perspectives informed by the introspective self and through dialogue with others. Referring to social issues, Coulter (2002) contends that contradiction between individual needs and societal norms arises when particular social issues are abstracted from context in order to facilitate universal discourse. He argues further, universal understandings apply to specific situations, they must not stem from specific situations. Moreover, discourse of social issues that adheres to context must follow a second tenet, "one in which the guiding principle is not universalization, but appropriateness" (p. 94). Within an ethical framework, therefore, universalization reflective of a moral doctrine approach and its loyalty to common interests is abandoned in favour of appropriateness that speaks to negotiations between the individual and the context and settings of individual experience.

In sum, both sides of the full inclusion debate frame their arguments in terms of equality. An ethical perspective extends from particular contexts and settings that identify individual experience, whereas morality ascribes experience and expands to form general notions of what characterizes and supports universal norms. Proponents of partial inclusion argue that full inclusion does not effectively advance the educational development of exceptional students, rather partial segregation is necessary to meet the individual needs—educational and social/emotional—of exceptional students. Proponents of full inclusion contend that segregated placements sustain systemic and institutional inequality. Under this rationale, exceptional students must be presented with full access to the educational system in order to be afforded full participation within and benefit from the education system. The Eaton case and its final resolution in front of the Supreme Court illustrates the tension between proponents and opponents of partial inclusion and provides a backdrop on which to view moral and ethical perspectives respecting special education placements. The next section details the genesis and decision of the Eaton case.
EATON V. BRANT COUNTY BOARD OF EDUCATION

CASE BACKGROUND

Emily Eaton was a 12-year-old girl with cerebral palsy who was unable to communicate through speech, sign language, or other assistive communication devices. She had some visual impairment and because of limited mobility needed the assistance of a wheelchair. Emily was identified as an exceptional student by an Ontario Identification, Placement and Review Committee (IPRC). These Ministry mandated and board managed committees provide for the identification of exceptional pupils, a determination of their needs, and the boundaries for their placement in an educational setting where special education programs and services can be best delivered. The specific program modifications and services required by each exceptional student are outlined in an Individual Education Plan (IEP). Parents and guardians, and the student (if they are 16 years of age or older) are involved in each phase of the process.

At her parents' request, Emily was placed on a trial basis in a fully inclusive placement at her neighbourhood school. A full-time assistant, whose principal function was to attend to Emily's needs, was assigned to the classroom. In the review conducted at the end of the third year of her placement, Emily's teachers and assistants concluded that the placement was not in Emily's best interests, and judged that, in some instances, this placement was detrimental to her educational progress. The IPRC determined that Emily should be placed in a special education class that was integrated with a general education class throughout the day. Emily's parents appealed the decision to the Special Education Appeal Board. They based their appeal upon section 15 of the Charter, and asserted Emily's right to nondiscrimination based upon her physical and learning disabilities.

The Special Education Appeal Board unanimously upheld the IPRC decision. Emily's parents appealed again, this time to the Ontario Special Education Tribunal, which also unanimously confirmed the IPRC decision. Following this decision, Emily's parents applied for a judicial review with the Ontario Court of Justice. The court dismissed the application. Again Emily's parents appealed the decision, this time to the Ontario Court of Appeal. This court allowed the appeal confirming Emily's parents' requests. Subsequently, the school board appealed the decision to
the Supreme Court of Canada. The Supreme Court affirmed the earlier Tribunal and court decisions, finding that Emily's right to nondiscrimination was not violated and supported the IPRC decision for a partial inclusive placement.

ASSESSMENT OF SPECIFIC NEEDS

In assessing the appropriate placement for Emily, the IPRC and subsequently the Special Education Tribunal considered the various categories of her needs relevant to the school's educational responsibilities. These categories parallel the procedures described by Bachor and Crealock (1986) noted above.

Intellectual and Academic Needs

The IPRC found that there was considerable evidence that Emily had a profound learning deficit, and that there was a wide and significant intellectual and academic gap between her and her peers. Given the modifications made to the curriculum for Emily and that instruction was conducted parallel to that provided to her peers within the regular classroom, the committee concluded that these practices were not effectively meeting Emily's needs. Rather, the committee felt that "when a curriculum is so adapted and modified for an individual that the similarity—the parallelism—is objectively unidentifiable, the adaptation becomes mere artifice and serves only to isolate the student" (Eaton v Brant, note 17). In contrast to a moral stance that suggests inclusion serves to protect exceptional students from isolation, the reverse was observed in the Eaton case. That is, placement in the regular class despite extensive modifications served to isolate Emily from her peers and from the general curriculum.

Communication Needs

Emily's ability to communicate meaningfully with her peers and teachers was severely limited due to her various physical and cognitive challenges. Both Emily's mother and Emily's educational assistant observed that for Emily to learn sign language she needed sustained, repetitive hand-over-hand instruction. The IPRC found that despite this approach, Emily could not communicate using sign language. The IPRC argued that Emily's ability to communicate effectively would be best realized through individualized and highly specialized one-on-one instruction. Because the need to communicate effectively and
meaningfully was so significant for Emily's classroom participation and educational progress, the committee concluded that a segregated special education setting would provide maximum opportunity for such instruction.

**Emotional and Social Needs**

The IPRC reported that Emily's teachers and educational assistant found that her classmates tended not to involve themselves with her in class or at play. The IPRC noted that while her social interaction in classroom and school settings was limited, she nevertheless might be receiving some unobserved benefit. However, Emily's classroom behaviours (i.e., crying, sleeping, and persistent verbal outbursts) seemed to be increasing over the three years and to be restricting opportunities for her to interact with others. As well, her outbursts interfered with her classmates' learning and presented challenges to her own learning.

**Physical and Personal Safety Needs**

The IPRC found that Emily's physical disabilities by themselves should not to be a deciding factor in evaluating whether or not her needs could be met best in a regular or in a special class. According to the IPRC, accommodations based upon physical access are reasonable and should be made to the classroom and school regardless of whether a special classroom may be better designed to address her special physical needs. Regarding her personal safety, the IPRC expressed concern with Emily's tendency to place objects in her mouth. The IPRC contended that it was not reasonably possible to structure a classroom where there were no small objects or to establish the level of adult supervision necessary for Emily to be present in a fully inclusive regular classroom.

Based upon assessments conducted over three years of Emily's needs within each of the areas highlighted above, the IPRC concluded that she needed an environment that maximized the possibility for educational outcomes, through highly specialized instructional (e.g., one-on-one instruction), technological resources (e.g., communicative devices), and a structured environment (i.e., small class size to minimize distractions). Considering Emily's various educational interests and taking into account her individual special needs, the IPRC concluded that the best possible setting was a partial inclusive
placement based from a special needs classroom. This placement was designed to accommodate Emily's social-emotional and academic development. In the morning, using a buddy system, Emily would follow the morning class cycle and participate in classroom activities. In the afternoon, within a special needs classroom, Emily would receive instruction designed to meet her various needs. Moreover, Emily was to undergo ongoing assessment in order that the educational contexts and instruction best match her individual needs.

BRIDGING MORAL AND ETHICAL DISCOURSE

Examination of the Eaton case reveals how both moral doctrine and ethical principles are each present within policy and practice that advocate full and partial inclusion. As well, these two philosophical positions are interconnected. In making its decision, the Supreme Court necessarily considered arguments supportive of both full inclusion and partial inclusion. The decision also illustrated the dialogue that characterizes moral doctrine and ethical principles. In arguing for full inclusion for Emily, her parents contended that partial inclusion was discriminatory based upon her physical and cognitive disabilities. Their rights-based position paralleled moral doctrine in that it ascribed to the IPRC's decision of partial inclusion the notion that Emily's rights are situated within a framework of equal treatment in terms of equal access and equal participation. Their argument stated that Emily should not be treated any differently from other students based upon her measured and observed difficulties. In sum, it would be immoral to segregate Emily from her peers, even for part of the day. In contrast, the IPRC decision contended that for Emily to benefit academically, socially, and emotionally from school she needed the intensive and individualized instruction offered within the special education placement. In sum, it would be unethical to allow Emily to continue in a setting that not only did not afford her opportunity to advance, but was actually deleterious to any educational outcome.

UPHOLDING ETHICAL AND MORAL FOUNDATIONS

With respect to an application of the right to nondiscrimination, the Supreme Court argued that there is a fundamental distinction among observed differences between students identified as exceptional and their peers and between
students belonging to racial, ethnic, or other selected groups as defined by the Charter (Eaton v. Brant, paragraph 66). The principal difference stems from the notion of individual differences. That is, among groups characterized by sex differences, there is no individual difference within these groups. For instance, there is no measurable variance of being any more of a male than another male. In supporting the IPRC's decision the Supreme Court concluded that it was the extent of Emily's special needs that provokes consideration of a special placement, and not the fact that her needs are different from the mainstream.

The Court asserted that "[t]he principles that not every distinction on a prohibited ground will constitute discrimination and that, in general, distinctions based on presumed rather than actual characteristics are the hallmarks of discrimination have particular significance when applied to physical and mental disability" (Eaton v. Brant, 67). Such an argument is not limited to legal doctrine. Indeed, the distinction of presumed rather than actual characteristics is one of the defining principles of special education assessments and perhaps should also be placed parallel to any decisions regarding the selection and utilization of instruction for students with special needs. Again, the Supreme Court supported this distinction, and thus the ethical principles which enact this within special education, when it upheld the IPRC's procedures that were used to identify Emily's various needs.

Concomitantly, the Court maintained the necessity of a moral doctrinal lens when it stated that the absence of reasonable and appropriate accommodations specific to the individual's needs represents an infringement upon their individual rights. The Court concluded that it is also important to take into account the true characteristics of individuals with exceptionalities in order to develop and introduce accommodations that facilitate full participation in society. In a legal framework, it is "the failure to make reasonable accommodation, to fine-tune society so that its structures and assumptions do not prevent the disabled from participation, which results in discrimination against the disabled" (Eaton v Brant, 1997). Thus moral doctrine is necessary, not only to support an ethical position (a stance that requires attention to individual experience), but also to provide a set of checks and balances to ensure that the rights of the student are protected.
MERGING ANTITHETICAL POLARITIES

In the Eaton case, there are substantive contextual differences that render ineffective and inappropriate a strict application of a moral equality principle. Standing alone, a moral approach does not address the educational responsibilities and imperatives of schools. While schools are public institutions, the scope of their responsibility extends beyond the legislative boundaries of human rights codes. Referring to decisions regarding the social-emotional and educational needs of children, the Supreme Court has held that such decisions are best formulated when they are not restricted by presumptions that favour one person or single setting over another. They elaborate, "[t]he operation of a presumption tends to render proceedings more technical and adversarial. Moreover, there is a risk that in some circumstances, the decision may be made by default rather than on the merits as to what is in the best interests of the child" (Eaton v. Brant, 79). We see such technical and adversarial arguments put forth by both sides of the inclusion debate.

When opponents of partial inclusion attempt to operationalize special education policy, they interpret the intent of such legislation as imposing inequality upon students defined as having special needs. Such inequality, it is argued, arises from a lack of strict adherence to universal norms of equality embedded in human rights legislation. Here equality is paralleled with morality. That is, for an action to be deemed equal it necessarily must also be moral. The reverse position is also suggested. Recourse for perceived unequal treatment most often finds itself within human rights tribunals or within the justice system. Once within these systems, discussion on either side moves away from philosophical discourse and becomes more closely aligned with legislative and legal dialogue (Smith & Lusthaus, 1995).

Legal equality is, however, different from philosophical equality. Smith and Lusthaus (1995) suggest that legal equality does not necessarily equate with philosophical equality (i.e., treating everyone alike); rather, legal equality is intended to meet the pragmatic needs of the general public. The doctrine of nondiscrimination in the Charter carries with it two bi-directional parallel responsibilities; one that endeavours to prevent discrimination based on the attribution of stereotypical characteristics to individuals, and a second that affirms the need to ameliorate injustices that cause groups within society to suffer
disadvantage through exclusion from mainstream society (Eaton v Brant, paragraph 66). Thus while a moral doctrine provides a definition of one's individual rights within society, the doctrine also establishes the boundaries of responsibility and remedy. In discussions of suspected discrimination, human rights legislation and the Charter mandate that there is always a presumption in favour of acceding to or creating circumstances that halt the discrimination. These presumptions undergird a moral doctrinal response to perceived inequality experienced by exceptional students.

Within the arguments presented by opponents of partial inclusion there seems to be a tendency to grasp an a priori reasoning that special education policy is inherently inequitable. That is, any decision to place a student with a disability in a special education class for part or all of the school day is an infringement upon their right to nondiscrimination. In defence of this position, a strict adherence to nondiscrimination doctrine will advance a belief that anything short of full inclusion is analogous to segregation and, in turn, represents an exercise in discrimination. A difficulty with such a doctrinal approach is that when it is carried to its supposed end, special education students are viewed as being placed in a position of inevitable harm. What is not addressed by this framework, however, is a foundation of educational policy which supports special education placements that rest upon a foundation of both nondiscrimination legislation and empirically supported educational remediation.

The same Charter section that is used by advocates for full inclusion to characterize partial inclusion as discriminatory provides the foundation for proponents of partial inclusion to uphold their responsibility to advocate for partial inclusion of exceptional students. Subsection (2) of section 15 of the Charter states:

Subsection (2) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

While section 1 of the Charter upholds exceptional students' individual rights "to equal protection and equal benefit of the law without discrimination," the moral doctrine, the subsequent
subsection, supports the ethical principles that necessitate remediation for exceptional students.

Divergent perspectives on the needs of exceptional students held by opponents and proponents of full inclusion can be unified under their common interests in the exceptional student within a framework that embraces an interactional process whereby moral doctrine and ethical principles run parallel yet intersect at shared points of concern. Indeed, as the Eaton case suggests, moral doctrine that supports full inclusion and ethical principles that support partial inclusion are complementary aspects of special education policy and practice. Neither alone is sufficient to advance full educational opportunity for exceptional students. The presence of each is not only necessary for the existence of the other; each must inform the rationale of the other in order for any decision to have meaningful and longstanding effect.

Partial inclusion is not only compatible with contemporary initiatives respecting the maintenance of basic human rights of exceptional students; it is a necessary component of the larger special education mandate of the public school system. In the Eaton case, the Supreme Court's decision supports and, indeed, further operationalizes the rights of exceptional students while also supporting the responsibility of educators to attend to the individual needs of these students. Accommodations to the school and classroom with respect to teacher instruction, to the curriculum, and to the social and physical environment necessarily stem from the individual needs of the students. As moral doctrine illustrates, however, the very notion of the need to accommodate originates from long-standing challenges to everyday practices that fall outside universal norms of nondiscrimination.

Decisions regarding the need and selection of accommodations for exceptional students must not be based solely on adherence to moral doctrine. Such decisions must be filtered through ethical principles that address what is in the best interests of these students. Moreover, individual needs must address the students' immediate and long-term needs. This is not to suggest that exceptional students' experiences should not be limited implicitly or explicitly with the educational services offered. Rather, one needs to be aware that the functional benefits of many educational interventions—instructional and curricular — will
necessarily, at times, place exceptional students in contexts and situations different from their general classroom peers.

CONCLUSIONS

Schools represent a unique contradiction for exceptional students. Schools serve as both the setting where the nature of exceptional students' difficulties is distinguished from their peers, and schools serve as the setting where exceptional students receive remediation for their difficulties. On the surface, there seems to be fundamental incompatibility between those who argue for full inclusion and those who argue for partial inclusion or exclusive placement in a special needs setting. The philosophies that undergird contentious battles between these two camps are indeed complementary to the intended outcomes of each. This paper has attempted to bridge an apparent paradox between the arguments espoused by opponents and proponents of these two policies. The Supreme Court decision, Eaton v. Brant (1997), provides a useful setting to illustrate the moral and ethical nature of partial inclusion in general and the IPRC process in particular.

Within special education, segregation can both serve to protect equality and to infringe upon equality. As illustrated above, students with disabilities were initially granted access to the public education system through placement in special schools or to special education classes within the school. Successful challenges to these placements were based upon arguments stemming from application of the nondiscrimination clause in the Charter and from provincial and federal human rights legislation. The courts have affirmed this position arguing that "[w]hile integration should be recognized as the norm of general application because of the benefits it generally provides, a presumption in favour of integrated schooling would work to the disadvantage of pupils who require special education in order to achieve equality" (Eaton v. Brant, 69).

Moral doctrine suggests that full inclusion is necessary to maintain universal norms of nondiscrimination. When considering the implications of a strict observation of equality we run the risk of forsaking equality of opportunity for equality of experience. Advocates of full inclusion typically perceive partial inclusion through creating vignettes of experience drawn from a literal application of human rights legislation without due attention to context. In so doing, such advocates create sketches of daily life
that are far removed from the day to day experiences of exceptional students. The current interest in asserting the moral imperative of full inclusion, irrespective of individual needs, places such students in a position where their educational (academic and social-emotional) needs are compromised due to allegiance to notions of a common good. It is attention to individual differences that allows for the selection and utilization of educational practices that facilitate the attainment of equality of opportunity.

Any presumption that places the wishes of an external advocate, even parents, over the counsel of the IPRC must be questioned on the grounds of an ethic of equality supported by rigorous educational foundations and through the lens of moral doctrine. A decision that defers decisions to parents over the judgement of the IPRC risks displacing the educational needs of the student. This is not to suggest that an IPRC decision should necessarily override challenges stemming from a moral doctrine. A decision which flows from strict adherence to ethical principles, without due consideration to inequality based upon a perceived disregard for moral responsibilities, is equally injurious.

Embracing moral doctrine with respect to the right to nondiscrimination of exceptional students was necessary to establish the policy and practice of inclusion. With the declaration of the right to inclusion in the Ontario Education Act the establishment of group rights applied to students identified with exceptionalities—the moral doctrine of equality for these students was ingrained in the public school system. What was left was the need to develop policy and define practices that ensure that the philosophy of inclusion moves from full entrance into the general education system to full and meaningful participation. The difference between entrance and participation is more than the difference between two levels of policy implementation. Rather, full and meaningful participation requires a higher degree of specificity that addresses connections among individual needs, individual capabilities and specific educational practices. So long as we conceptualize decisions regarding inclusion upon strict moral foundations or strict ethical standards there seems little escape from ongoing or emerging dilemmas within special education. Such dilemmas will necessarily place advocates calling for full and impartial inclusion at odds with special education
professionals calling for allegiance to the individual experiences and abilities of exceptional students.

References