



The right to learn, the power to achieve! • Le droit d'apprendre, la possibilité de réussir!

LDAC one of 17 Interveners in Moore case at Canada's Highest Court

March 8, 2012 (Ottawa) –The Learning Disabilities Association of Canada (LDAC) along with 16 other groups have been granted intervener standing in the appeal to the Supreme Court of Canada of Moore v BC (Ministry of Education) and School District 44 North Vancouver. The Appeal which is to be heard on March 22, 2012, at the Supreme Court of Canada (SCC) in Ottawa, concerns whether the School District of North Vancouver and the Ministry of Education of BC discriminated against Jeff Moore, a severely dyslexic student by failing to provide him with meaningful access to an appropriate education.

Jeff Moore suffers from dyslexia and when he was in elementary public school, between 1992 and 1995, his family believed that because of funding cuts for special needs education, Jeff was not receiving sufficient early intervention and a range of services which would have allowed him to become functionally literate. At the beginning of grade 4, Jeff was placed by his parents at their expense in an independent school specializing in teaching students with learning disabilities (LD). In 1997, the Moores filed a complaint with the BC Human Rights Tribunal, claiming that Jeff and other students like him had been discriminated against for the foregoing reason, seeking reimbursement for their education expenses as well as other remedies. Hearings between 2001 and 2005 resulted in a decision in 2005 by the BC Human Rights Tribunal that the Ministry of Education and the School District had discriminated against students with LD including Jeff, by cutting funding and services and by not providing meaningful access to public education services.

The BC government and the School District appealed the Tribunal decision to the BC Supreme Court and the BC Supreme Court overturned the Tribunal decision, finding that no discrimination occurred. The Moore Family appealed this decision to the BC Court of Appeal and the appeal was heard by a panel of 3 judges. Two judges, forming a majority, dismissed the appeal but the third judge gave a written dissent in favour of the Moores. The Moores were granted leave to appeal the BC Court of Appeal decision from the Supreme Court of Canada (SCC) in December 2011.

LDAC has appeared at every level of the Moore claim as an intervener, represented at each hearing by our volunteer lead lawyer, Yude Henteleff, C.M., Q.C., a prominent and nationally respected human rights expert and advocate. Mr. Henteleff has advocated at each hearing for the right of

children with LD to services which provide LD students with those resources that enables meaningful access to the education services provided to all other children.

The SCC hearing provides a unique opportunity to advance the rights of LD students across Canada and it is fundamental to the work of LDAC to participate. If successful, this appeal will hopefully assure meaningful access to educational services by such students across Canada. In any event, LDAC's position will come to the attention of governments and school divisions across the country who hopefully will initiate needed changes.

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Click below to link to the Supreme Court of Canada documents of Frederick Moore on behalf of Jeffrey P. Moore v. Her Majesty the Queen in Right of the Province of British Columbia as represented by the Ministry of Education, et al.

<http://www.scc-csc.gc.ca/case-dossier/cms-sgd/dock-regi-eng.aspx?cas=34041>

Click below for a link to the decision of the Court of Appeal of BC (October 29, 2010)

[British Columbia \(Ministry of Education\) v. Moore](#), 2010 BCCA 478

About The Learning Disabilities Association of Canada (LDAC)

Since 1963, the Learning Disabilities Association of Canada has provided leadership and support to Canadians with learning disabilities, as well as their families, their teachers and other professionals who work with them. LDAC is a volunteer-led association representing a network of 10 provincial and territorial Learning Disabilities Associations. From these extends a network of chapters in some 50 communities across the country with roughly 6,000 members.

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