



*The right to learn, the power to achieve | Le droit d'apprendre, la possibilité de réussir.*

## **JEFF MOORE Case History**

- Jeffrey Moore has dyslexia, a reading disability. There are interventions available to support a person with dyslexia.
- Jeffrey received in-school support for his dyslexia, but it was not sufficient for him to be successful. Officials within the North Vancouver School Board recommended that Jeffrey would be better served by attending the District's Diagnostic Centre. However, before Jeffrey could receive those services, the Centre was closed because of budget cuts.
- The family remortgaged their home to put Jeff into a private school catering to learning disabilities.
- The Moore family initially complained to the British Columbia Human Rights Tribunal that their son, Jeffrey, had suffered discrimination because of the closure and the corresponding outcome of being unable to receive the intensive supports at the Diagnostic Centre. The Human Rights Tribunal agreed and ordered the District to pay for the costs that the family had incurred to place Jeffrey in a private school where he received the intensive supports he needed.
- The Tribunal judgment was appealed. The BC Supreme Court determined that the Human Rights Tribunal had erred by comparing Jeffrey to the general school population, indicating he should have been compared to other students with special needs. They concluded that there had been no discrimination. The Court of Appeal, in a split decision, upheld the judgment of the Supreme Court of BC. The Moore family appealed to the Supreme Court of Canada.
- The Supreme Court of Canada determined that Jeffrey had been the subject of discrimination, and reinstated the decision of the Human Rights Tribunal. In the decision, the Supreme Court of Canada indicated the issue was not access to special needs education, but to education generally and that latter point formed the basis for discrimination.
- The Supreme Court did not find systematic discrimination against the government, citing that it was not a Royal Commission.
- The Learning Disabilities Association of Canada (LDAC) participated in the Moore case as an intervener at every level from the Tribunal to the Supreme Court of Canada—a period of 12 years.
- The original decision of the British Columbia Human Rights Tribunal was made in December 2005.
- The decision of the British Columbia Court of Appeal was made in 2010.
- Jeffrey Moore completed his secondary school at a private school for learning disabilities and went on to postsecondary education. He is now working, very successfully, as a plumber in British Columbia.