 **Special Education and Section 23 Department Update**

Executive Superintendent Uton Robinson

SEAC Meeting of November 6, 2017

# 1. Education Quality and Accountability Office (EQAO)

EQAO is committed to equity in the administration of its assessments and strives to ensure that all students have the opportunity to achieve success. We understand that educators work diligently to create Individual Education Plans (IEPs) to support students with special education needs. We recognize that in addition to supporting students’ classroom experiences, IEPs are also required for specific accommodations for EQAO’s elementary and secondary-school assessments. Since some IEPs are created solely for these assessments, this requirement has increased paperwork, particularly in secondary schools.

**Changes to Individual Education Plan (IEP) Requirements for EQAO Assessments**

In an effort to maintain best practices already in place in classrooms and streamline the administration process, beginning in the 2017–2018 school year, EQAO will no longer require an IEP to confirm that students need the following:

* a quiet, individual and/or small group setting;
* preferential seating in the assessment room (this applies only to the Grade 9 Assessment of Mathematics and the Ontario Secondary School Literacy Test [OSSLT]) and
* prompts for students with severe attention problems who are at risk of being off-task for significant periods of time.

# 2. Home School Program Update

As you may know, the Integrated Equity Framework was approved by the Board of Trustees on October 26, 2016. Within the first year goals under “Inclusion and Special Education”, reference is made to “remodel” the Home School Program. The change to the Home School Program will be a phased out process. We are continuing to provide on-going professional learning to staff on Universal Design for Learning (UDL) and Differentiated Instruction and the use of assistive technology to build capacity to meet the needs of all students. Next year the Home School Program will only be available for students in grades 4-8. Key conditions for successful implementation of this change are being discussed. They include the following:

* Focus on mindset and buy in
* Leadership Committee /Inclusion Steering Committee
* An action plan
* Focus on professional learning and leadership capacity building
* Focus on ongoing monitoring and reporting
* Improve instructional materials through equity
* Provide necessary organizational support and human and financial resources

# 3. Ministry Pilot to Improve School-Based Supports for Students with Autism Spectrum Disorder Public Announcement

The Ministry of Education and the Ministry of Children and Youth Services are partnering on a one-year Pilot to Improve School-Based Supports for Students with Autism Spectrum Disorder (ASD).

The pilot will take place during the 2017-18 school year and has two approaches:

* **Targeted Education Assistant (EA) Training**

This approach will explore a targeted 40-hour online training module for EAs designed by Board Certified Behaviour Analysts (BCBA) and based on the Behaviour Analyst Certification Board (BACB) Registered Behaviour Technician (RBT) task list.

* + **Dedicated Space for Autism Services**

This approach will explore the provision of dedicated space on school site in a select number of schools for external Applied Behaviour Analysis (ABA) practitioners to provide direct service to students with ASD.

Students with ASD enrolled in a pilot school who are receiving ABA services from an external ABA practitioner are eligible to receive services in the dedicated space.

A total of eighteen boards will be participating in the pilot. Eleven pilot boards will be participating in both approaches while the remaining seven will participate in the Targeted EA Training approach only.

Participating boards have also been provided with funding to hire an additional BCBA to support teachers and EAs, to improve supports for students with ASD.

This pilot is a measured approach as a first step towards greater integration of autism supports in schools. Piloting in 18 school boards across the province will allow us to closely monitor and evaluate the outcomes of the pilot approaches over the 2017-18 school year and will inform future direction.

**Frequently Asked Questions** (from the Ministry of Education Website)

**Q. How were pilot schools chosen?**

**A.** Pilot boards represent the province in terms of rural/urban, French/English, Catholic/public and large/small. Each of the 11 pilot boards implementing dedicated space selected one site for the dedicated space pilot based on local context/need. There is no dedicated space at the other 7 boards.

**Q. Which students are eligible for the pilot?**

**A.** Students with Autism Spectrum Disorder (ASD) enrolled in a pilot school who are receiving applied behavioural analysis (ABA) services from an external ABA practitioner are eligible to access the dedicated space. All students with ASD in pilot boards will benefit from the increased expertise as a result of the targeted EA training and additional ABA Expertise Professional with Board Certified Behaviour Analyst certification.

**Q. Who will be able to access the dedicated space to deliver ABA services?**

**A.** Subject to school board policies, external ABA practitioners will be able to access the dedicated space in pilot schools to deliver ABA services. This includes MCYS-funded ABA practitioners (Direct Funding Option (DFO) and Direct Service Option (DSO) and privately purchased ABA practitioners.

**Q. What supports and services are available for students with autism spectrum disorder who are not taking part in the pilots?**

**A.** Our government is committed to ensuring that every student has access to the supports they need to succeed in school, including students with ASD. We are making changes to be more responsive to the needs of all students and to increase our focus on supporting their achievement and well-being.

The Special Education Grant is projected to increase to approximately $2.856 billion in 2017-18. This represents an increase of approximately $69.2 million or 2.5 percent over 2016-17; and $359.6 million or 14.4 percent since 2012-13. SEG funding is enveloped for special education programs, services and equipment. Any unspent special education funding must be treated as deferred revenue for special education.

In addition, as a result of the education sector labour negotiations and discussions, the ministry has agreed to establish a Local Priorities Fund (LPF) of $223.2 million province-wide in 2017-18. The LPF will allow boards to address a range of local priorities and needs. This may include more special education staffing to support children in need, "at -risk" students and adult education.

We are supporting the transition to the Ontario Autism Program (OAP) which is the MCYS plan to transform children’s autism services and to work across government to improve supports for Ontarians with autism throughout their lives. The OAP will provide families with more flexible and individualized services at varying levels of intensity based on their children’s specific needs. In June 2016, we announced $39 million in one-time funding to support school boards as the province transitions to the OAP.

**Q. What happens after the pilot ends? Will the Ministry consider further expansion?**

**A.** The one year pilot will take place during the 2017-18 school year. We have secured an external researcher to monitor and evaluate the pilot.

# 4. Draft Refusal to Admit Students Procedures

Ted Libera, Centrally Assigned Principal for Caring and Safe Schools will be present to speak to the Draft TDSB Procedure for *Refusal to Admit Students*. See Appendix A.

# 5. Special Education Program Recommendation Committee

Separate messaging about the SEPRC process and its use, based on an excerpt from the 2017 Special Education Plan (Page 81), is going out system-wide in a variety of ways. See Appendix B for the main message and its abbreviated version for posting on the website. The 2017 Special Education Plan can be found at: <http://www.tdsb.on.ca/EarlyYears/Special-Education/Special-Education-Plan> .

# Appendix A

**Draft REFUSAL TO ADMIT STUDENTS**

**(Section 265(1)(m) of the Education Act)**

**1.0 Rationale**

This procedure supports the TDSB’s implementation of section 265(1)(m) of the Education Act.

**2.0 Objective**

To establish an operational procedure that outlines when a school principal may refuse to admit a student to the school when the principal deems that the student’s presence is detrimental to the physical or mental well-being of other pupils in the school.

**3.0 Definitions**

[Definitions to be inserted if required]

**4.0 Responsibility**

Executive Superintendent, Engagement and Well-Being

**5.0 Application and Scope**

This procedure applies to all principals of the TDSB when determining to refuse to admit a student to the school and issuing a student a refusal to admit.

**6.0 Procedures**

**6.1 Principal’s Duty for Student Well-Being**

The physical and mental well-being of all pupils is paramount to their education. The TDSB takes pupil physical and mental well-being seriously.

The duties of a school principal in regards to ensuring student physical and mental well-are outlined under section 265 of the Education Act.

Specifically, section 265(1)(m) states:

*“It is the duty of a principal of a school, in addition to the principal’s duties as a teacher, subject to an appeal to the board, to refuse to admit to the school or classroom a person whose presence in the school or classroom would in the principal’s judgment be detrimental to the physical or mental well-being of the pupils”*

**6.2 Students’ Right to Attend School**

Notwithstanding a principal’s duties under section 265(1)(m) of the Education Act, it is important to remember that students who live in the TDSB’s area of jurisdiction have the right to attend one of the TDSB’s schools without payment of a fee.

The right of a student to attend a TDSB school is outlined in section 32 of the Education Act.

Therefore, the issuance of a refusal to admit should only be used as a last resort and when all other interventions and strategies have been exhausted.

Principals and superintendents should consider the following strategies or interventions prior to issuing a refusal to admit (this list is not exhaustive):

* Can the student’s presence that is detrimental to the physical or mental well-being of pupils be minimized by:
  + Reassigning staff within the school
  + Temporarily relocating the student within the school
  + Assigning, temporarily, additional staff to the school

**6.3 Refusal to Admit Consultation and Determination**

For a refusal to admit to be issued, consultation with the Learning Network Superintendent of Education (SOE) and appropriate central staff (as detailed below) must occur.

Further, the principal and superintendent must consider a meeting or conference call with all appropriate staff to ensure that consultation has occurred as a group and includes a variety of viewpoints.

Parent/guardian/caregiver consultation is important and will be considered whenever possible.

A principal may issue a refusal to admit in the following circumstances:

* Where the school principal has been told that they cannot commence an investigation of an incident (ordered by Toronto Police Service) and the principal believes that the presence of the student will be detrimental to the physical or mental well-being of pupils (Consultation with Caring and Safe Schools and SOE is required.)
* When a risk management review meeting (PR. 699) has been held for a student with special education needs and the use of 265(1)(m) has been recommended as a means to ensure a student’s continued presence at the school is not detrimental to the physical or mental well-being of pupils (Consultation with the Learning Centre Centrally Assigned Principal for Special Education and SOE is required.)
  + Please note, that with respect to students with special education needs, the TDSB is required to accommodate a student in the provision of educational services.
* As a means to ensure a student’s continued presence at the school is not detrimental to the physical or mental well-being of pupils when dealing with intrusive sexualized behaviour (PR 608) (Consultation with Chief of Social Work, SOE and Caring and Safe Schools is required.)
* Where a student’s behaviour is in the judgement of the school principal detrimental to the physical or mental well-being of pupils all other interventions and strategies have been exhausted. (Consultation with the SOE and appropriate central staff is required.)

***Analysis of Student Discipline***

A principal’s determination of when to issue a refusal to admit must include an analysis of whether school discipline is an appropriate course of action. Refusal to admit is not an alternative to school discipline. If a history of discipline exists and the behaviour of the student has not been corrected, it may be appropriate to issue a refusal to admit while interventions are put in place to minimize the risk of harm to the physical or mental well-

being of pupils. In all instances consultation with Caring and Safe Schools staff must occur and will always include consultation with the SOE.

***Modified School Day***

A modified school day is not a refusal to admit. The TDSB may reduce the length of the instructional program on each school day to less than five hours a day for an exceptional pupil in a special education program. Please consult PR 699, your Superintendent of Education and your local Special Education staff.

**6.4 Issuing a Refusal to Admit**

Once consultation has occurred and the principal has determined it is appropriate to refuse to admit a student, a letter outlining the principal’s decision as well as requirements for the student’s return must be sent. This letter will also contain information on how to appeal the Principal’s decision to issue a refusal to admit.

Principals should refer to the following template letters where they have determined that the student’s continued presence in the school is detrimental to the physical and mental wellbeing of other pupils:

* Appendix A - where a principal cannot investigate and a students presence is deemed to be detrimental to the safety and well-being of pupils
* Appendix B - following and further to a Risk Management Review meeting
* Appendix C - intrusive sexualized behaviour has occurred
* Appendix D – appropriate interventions and strategies have been exhausted

If a refusal to admit is issued an alternative program through Caring and Safe Schools will be offered.

Refusal to admit template letters will be accessed through the Caring and Safe Schools database.

**6.5 Refusal to Admit Review**

It is important to remember that the use of a refusal to admit is not an indefinite measure, but put in place while a school principal works with the family, school staff and the appropriate central staff to find a viable solution for the student’s return to appropriate educational programming.

All refusals to admit in the TDSB must be reviewed by the school principal, Superintendent of Education, appropriate central staff and the family every 5 school days until the factors that necessitated the refusal to admit have been minimized or eliminated.

Upon the student’s return to appropriate educational programming, the school principal will send a letter to reflect the refusal to admit no longer being in effect. Principals should refer to Appendix E for a template letter.

**7.0 Evaluation**

This operational procedure will be reviewed as required, but a minimum every four (4) years after the effective date.

**8.0 Appendices**

Appendix A – template refusal to admit letter where a principal cannot investigate due to an on-going police investigation

Appendix B - template refusal to admit letter following and further to a Risk Management Review meeting

Appendix C - template refusal to admit letter where intrusive sexualized behaviour has occurred

Appendix D – template refusal to admit letter where appropriate interventions and strategies have been exhausted

Appendix E – template letter where refusal to admit is no longer in effect

**9.0 Reference Documents**

Policies

* Caring and Safe Schools (P051)

Procedures

* Board Code of Conduct (PR585)
* Sexual Misconduct by Students (PR608)
* Police/School Board Protocol (PR698)
* Students with Special Education Needs: Management for Risk of Injury Behaviours (699)
* Progressive Discipline and Promoting Positive Student Behaviour (PR702)

Other:

* Education Act, R.S.O. 1990, Chapter E.2. (as amended)

## Appendix B

**Special Education Program Recommendation Committee (SEPRC)**

* **System Message** (All staff and Trustees)

**Special Education Program Recommendation Committee (SEPRC) Process**

As you know, the TDSB has a process separate from the IPRC for students who are not students of the board for placement in Special Education Classes.  Over the past few years, the Special Education Program Recommendation Committee ("SEPRC") has been expanded beyond the original intent of the process and it is now being refocused to the original intent.  If a parent wants their child to begin in regular class, there would be NO consideration for a SEPRC.  The school should set-up an in-take meeting involving the Special Education Consultant as soon as possible so that the student may begin school.

Should a parent register a student with extremely complex needs at their home school, the principal would connect with the Special Education Consultant and the School Support Team (see page 39 of the Special Education Plan for the “Entry Plan for Students with Special Needs”).  The SEPRC process would only be initiated:

1. if the parent was interested in a Special Education Class placement (not starting in regular class at the neighbourhood school),
2. after consultation with the Special Education Consultant and the School Support Team and approved by the Centrally Assigned Principal for Special Education for the Learning Centre and,
3. if the student’s learning profile suggests that due to the extremely complex needs, they cannot be addressed adequately in the home school with special education supports, for even a short period of time.

Students requiring an accessible site can be placed at one of those sites in consultation with the Special Education Department without a SEPRC however if they have very complex needs, a SEPRC may need to be considered.  Students who have not been receiving full time special education support in other school systems would likely not be candidates for a SEPRC as similar supports would be available in the TDSB home school.

Finally, while there may be students with exceptionalities from their former board, or with a psychological assessment that may suggest an exceptionality in TDSB, it must be stressed that this process is only for those students with extremely complex needs.  A student who has an *accommodations only* Individual Education Plan, a student who is accessing the Ontario Curriculum without significant modification or a student who does not have an Individual Education Plan would typically start at their home school as soon as possible after registration.

* **Message for Public Website**

*(to be posted at* [*http://www.tdsb.on.ca/Elementary-School/Special-Education/Processes*](http://www.tdsb.on.ca/Elementary-School/Special-Education/Processes)*)*

**Special Education Program Recommendation Committee (SEPRC)**

Students arriving from outside the TDSB who present with extremely complex needs, who may require an intensive support special education program upon enrolment and who are newly registered but not yet attending a TDSB school, may follow the SEPRC process. A SEPRC process may be initiated in cases where the board has information that indicates a student may require a special education class placement upon enrolment. If a parent wants their child to begin in regular class, there would be NO consideration for a SEPRC.  The school should set-up an in-take meeting involving the Special Education Consultant as soon as possible so that the student may begin school.

Students who have not been receiving full time special education support in other school systems would likely not be candidates for a SEPRC as similar supports would be available in the TDSB home school.  Finally, while there may be students with exceptionalities from their former board, or with a psychological assessment that may suggest an exceptionality in TDSB, it must be stressed that this process is only for those students with extremely complex needs.  A student who has an accommodations only Individual Education Plan, a student who is accessing the Ontario Curriculum without significant modification or a student who does not have an Individual Education Plan would typically start at their home school as soon as possible after registration.

To ensure that students are in the best place to meet their needs from the day they first begin attending a TDSB school, the SEPRC may provide a recommendation for placement in a special education class, which the student may attend until the time at which the formal IPRC process can take place.  Please contact your [**home school**](http://www.tdsb.on.ca/FindYour/School.aspx) for further information.