**Special Education Advisory Committee (SEAC)**

## MINUTES for Monday, February 6, 2017

### SEAC – Representatives and (Alternates) Present:

Association for Bright Children Diana Avon

Autism Society of Ontario – Toronto regrets

Brain Injury Society of Toronto regrets

Community Living Toronto Clovis Grant (Margarita Isakov)

Down Syndrome Association of Toronto Richard Carter

Easter Seals Ontario Deborah Fletcher

Epilepsy Toronto regrets

Integrated Action for Inclusion Kim Southern-Paulsen

Learning Disabilities Association Toronto Mark Kovats

VIEWS for the Visually Impaired David Lepofsky

VOICE for Hearing Impaired Children Paul Cross

TDSB North East Community Aline Chan Jean-Paul Ngana

TDSB North West Community regrets regrets

TDSB South East Community Diane Montgomery regrets (Dick Winters)

TDSB South West Community regrets Paula Boutis

TDSB Trustees Alexandra Lulka regrets regrets

Regrets: Lisa Kness (Autism Ontario), Cynthia Sprigings (Brain Injury Association Toronto), Steven Lynette (Epilepsy Toronto), Jordan Glass (NW Community), Nora Green (SW Community),Olga Ingrahm (SE Community), Phillip Sargent (NW Community), Trustee Alexander Brown, Trustee Pamela Gough

Staff Present: Uton Robinson, Executive Superintendent, Special Education and Section Programs

Craig Snider, Senior Business Officer, TDSB Business Services

Margo Ratsep, SEAC Liaison

Guest: Robert Lattanzio, Executive Director, ARCH Disability Rights Law Centre

Recorder: Margo Ratsep

MINUTES

## Call to Order

## SEAC Chair David Lepofsky called the meeting to order at 7:03 p.m. and invited SEAC members and staff in attendance to introduce themselves to the guests in the gallery. He announced that the meeting would be audio-recorded, with the intention that it be made available on the TDSB website.

## Declaration of Possible Conflicts of Interest

## No conflicts of interest were declared.

## Approval of the Minutes

On motion of Diane Montgomery, the minutes of January 16, 2017 were approved, as amended with changes submitted to members in advance by SW Community Representative, Paula Boutis.

**4. Finalizing Dates for SEAC Meeting or March and December Meetings**

The two meeting dates were moved to March 20 (in place of March 6) and November 27 (in place of December 11). The November date may be revisited in the fall.

**5. Request for live streaming of SEAC meeting**

In place of live streaming, the Chair proposed a trial recording of this SEAC meeting and posting of an mp3 on the SEAC website. He agreed to provide an opportunity for members to opt out, and invited them to make the request if at any point members wanted part of the discussion not to be shared. He sought a volunteer to investigate other technologies that could be used (i.e. Periscope). Diana Avon indicated a member of the Association for Bright Children could assist. The Chair reminded everyone about live tweeting at SEAC meetings using: tdsbseac#.

**6. Plans for the upcoming year's TDSB budget as it affects students with special education needs, Craig Snider**

The Chair referenced some historical issues around SEAC budget consultation and additional helpful information he had received by email from Craig Snyder (see Appendix A). He referred to the Board task force looking at budget and confirmed that SEAC would be consulted about its findings. He thanked Craig for attending.

Craig directed attention to the [4 handouts](http://www.tdsb.on.ca/Community/HowtoGetInvolved/CommunityAdvisoryCommittees/SpecialEducationAdvisoryCommittee.aspx) he had distributed in advance of the meeting (posted on the SEAC main page) and confirmed a status quo budget for 2018, impacted only by possible changes in enrolment (which appears to have stabilized). He spoke to the individual handouts he had provided, highlighting:

* The timeline of Budget meetings for the Finance, Budget and Enrolment Committee (Handout: Updated Budget Timeline), with the goal of Budget approval in April
* Ministry grants being reduced (Handout: Preliminary Three Year Financial Projections)
* Feb 23 meeting of Budget Committee developing an on-line survey
* TDSB’s response to the Ministry’s request for feedback on 9 key areas in the Grant for Student Needs (Handout: GSN Funding Consultation Report and Feedback)
* Handout: Special Education Funding and Expenditure Report, prepared for SEAC based on 2015-2016 funding and expenditures
* Ministry requested feedback about Benchmarks, which is currently being worked on

During the discussion, the following points were made by SEAC:

* If there is an increase in numbers of students with special education needs, a hold the line budget could be detrimental.
* A status quo budget must also address growing needs of existing students over time.
* Need should drive the numbers to ensure that students with special needs will meet their potential.
* Cross-over in the areas covered in the GSN report can impact on students.
* Mental Health is missing from the GSN Report
* SEAC would like to have a breakdown of how funds are spent on kids with special education needs.

During the discussion, Craig provided additional points:

* Current numbers of students with special education needs can be made available by Uton
* Numbers of EAs and SNAs is holding for 2018, with possible changes related only to enrolment
* The assumption is that a new labour agreement will be funded by the Ministry, as per last year
* With status quo budget, staff can already start planning for 2018, understanding they have the same amounts they had available this year
* All academic teams were involved in providing the board’s response in the GSN Report response to the Ministry of Education
* A detailed analysis for the Finance, Budget and Enrolment Committee of how the grants are used is currently being developed and will be routed to SEAC
* The situation is dynamic – some populations of students with exceptionalities increasing (ASD and others) and the board will adjust to ensure the needs are met (using both projections and actuals to meet needs)
* While Mental Health is missing from the GSN Report, there are other, broader consultations with multiple constituents addressing it.

Craig made himself available to attend future SEAC meetings at SEAC’s invitation, to provide budget information as the committee meetings progress.

**7. Staff Report: Feedback from TDSB staff on draft Motion #5 on Inclusion at TDSB**

Executive Superintendent Uton Robinson invited Craig to address agenda item 10 (TDSB bus transportation incident reported by TDSB). Craig confirmed board agreement it should never have happened. He outlined board expectations that the carriers have regular training and that one of the binders is that the vehicle be checked every day. The company fired the driver and is providing new training. Associate Director Kisko and the Consortium head have met with carriers and will be meeting 5 times before September start-up to address safety. Uton added that board practices have been reviewed as outlined in his February [Special Education and Section 23 Department Update](http://www.tdsb.on.ca/Community/HowtoGetInvolved/CommunityAdvisoryCommittees/SpecialEducationAdvisoryCommittee.aspx). The follow-up discussion points on this topic are paraphrased by the recorder:

SEAC Input:

* TDSB practice requires teacher/EA to receive the students when they disembark but no call was made until the end of the day. The driver was fired; school staff must also be held accountable.
* Automated messages arrive too late to be effective in terms of safety (i.e., as late as 7:30 in the evening of the absence being reported).
* A voicemail doesn’t suffice when no-one is reached at home.
* Why would the school think it appropriate to send the child home on that bus? Police and parents should have been called.
* There needs to be a process to address the absence/ late record when a bus is late
* Better technology is needed, i.e., an app for bus arrival checks
* Questions remain about why some schools have different entrances for students with special education needs (dignity impacts)

Uton responded that given the feedback, there are a number of processes that could be reviewed and suggested the topic be included at a SEAC meeting with staff present to provide a response to concerns raised.

The Chair closed discussion on this issue with comments that the TDSB response is inadequate:

* that undertaking by contracted for-profit companies to train or do better is helpful but not enough
* Automated phoning is inadequate – a child remains at risk if TDSB doesn’t reach a human being
* Intervention with one driver is not good enough when it is a system problem.
* There needs to be better oversight through monitoring and follow-up.

He Invited members to send their ideas to Deborah Fletcher, who represents SEAC is on the transportation task force.

Returning to the Department Update, Uton highlighted a few of the staff responses to draft Motion # 5 (posted on the SEAC main page with the February [Meeting](http://www.tdsb.on.ca/Community/HowtoGetInvolved/CommunityAdvisoryCommittees/SpecialEducationAdvisoryCommittee.aspx) Materials):

* A number of the recommendations align with the [Vison for Learning](http://www.tdsb.on.ca/AboutUs/DirectorofEducation/VisionforLearning.aspx) and the [Integrated Equity Framework Action Plan](http://www.tdsb.on.ca/AboutUs/Equity.aspx).
* We want to partner with SEAC on developing a definition of inclusion for a common understanding.
* The consistent use of the word ‘segregation’ was viewed as strong language where parents have a choice.
* Recognize the need for increased opportunities for staff professional development in Universal Design for Learning (UDL).
* Support for the idea of an accessibility officer to spread concepts and practices across the system

SEAC Input:

* Respect for staff aversion to word ‘segregation’, but when parents are bullied into accepting a placement against wishes and there is no other option, the effect is segregating children.
* Teachers need more than a half day of PD a couple of times a year to learn and practice UDL.
* The attitudinal barriers mentioned in Motion 5 needs to be addressed
* If education is driven by needs, then the education will be there to meet those needs. If we don’t get the funding to address those needs, that is what SEAC can try to address.

The Chair expressed continued concern about mislabeling of Intensive Support Programs for MID and DD, when not all children in the ISP have the named exceptionality but need the same kind of support

Uton clarified that staff will continue to use the Ministry definitions for exceptionalities. Intensive Support Program (ISP) is the term the board has decided to use. Other boards use other terms to capture how they organize their classes. There were changes made in the Special Education Plan to try to address this concern and the point is being raised that TDSB hasn’t got it right for DD and MID, so the department will return to it, to better describe the programs and the children in the programs.

**8. Expert input on draft Motion #5**

Guest: Robert Lattanzio, Executive Director, ARCH Disability Rights Law Centre spoke in support of draft motion #5. Cases ARCH handles are difficult in nature and there are commonalities across the province. Points raised during the presentation and discussion include:

* Responding to need for a common definition of inclusion, suggest we refer to article 24 in the [United Nations Convention on the Rights of Persons with Disabilities](http://www.cashra.ca/documents/CASHRA-CRDP-brochure_accessible.pdf).
* The Human Rights Code is quasi-constitutional so when thinking about disability, we are not limited to what the IPRC decides about exceptionality. ARCH represents students that have and have not been identified, since our understanding of disability is broader.
* Principal’s power of exclusion falls under [Regulation 265](https://www.ontario.ca/laws/statute/90e02) of the Education Act, allowing them to remove students from the classroom on half or limited time basis
* Don’t have a lot of data about excluded students. When asked, TDSB did not have numbers so assume they are not collecting data.
* There is a need to have safeguards in place for exclusion, like those for disciplinary actions (suspension/expulsion), including procedural fairness, maximum timeline, board obligations, etc. There is currently nothing in place other than an appeal to the board (a TDSB procedure) but no obligation similar to those required for suspension or expulsion.
* The use of exclusion is broad, talking about the wellbeing of students in the classroom. In practice it is more around failure to accommodate – identifying and providing the right supports. When things deteriorate and an incident occurs, the next level is to keep the student home until the school can put in place the needed accommodations
* In Tribunal decisions, school boards are obligated to think about the needs of the child. In terms of the Human Rights Code, only one decision touched on the exclusion being discriminatory and that addressed a child who didn’t receive educational services when excluded
* TDSB does understand that obligations flow whether a student is identified or not and has been less concerned than other boards about formally identifying by IPRC before supporting with IEPs.
* Can usually trace escalated problems back to when appropriate supports were not identified or were withdrawn. Lack of EAs/SNAs is often where things break down but not the only thing, just easy to identify. There is an onus on the school to identify what went wrong.
* It is impossible to create inclusion while there is this kind of out.
* ARCH will release a survey next week to get a better sense of inclusionary practices
* Re Mental Health issues – there are cases where they have been difficult for schools to understand and accommodate. Some boards address mental health issues by identifying other programs outside the school.

Robert made the following recommendations for inclusion in the draft motion:

1. Develop an understanding of the nature and prevalence of the use of exclusion in the board

2. Establish a transparent process for tracking and annual reporting

3. As with suspension, provide policy and process safeguards that provide procedural fairness, including:

* A review of mitigating factors – consider manner in which behaviours are manifested. A student cannot be expelled or suspended for behavioural manifestation related to exceptionality.
* A reporting mechanism that triggers an obligation to review and include accommodations that must be met and a written account of on-going efforts to ensure needed accommodations are in place
* Some kind of educational program offered while the child is not in school
* Requirement for some kind of review date (i.e., 30 days) and a clear timeline for re-entry
* Priority status for accommodations to be funded so the child can return to class

Additional SEAC Input:

* Sometimes a child is excluded from meaningful instruction in the classroom. There is a lack of transparency in what actually happens during classroom instruction time.
* Sometimes exclusion takes place for behavior situations where a student can’t communicate.
* When required to pick up the child mid-day, the parent does so voluntarily and this can develop into a pattern.
* Need different legal parties to sit down with people familiar with the Education Act to see how we can learn from each other, for example, Regulation 298 Operation of Schools has constraints.
* It is useful to identify techniques used by the board to exclude (i.e., lack of SNA, bussing, physical accommodations)
* Need to note in attendance if absence wasn’t voluntary – the board needs to record different statuses of absences (parent choice, school decision) and have on-line access to see attendance records

At 9:00 p.m. meeting time was called by the Chair and he made suggestions for management of the final items on the agenda, as follows:

**9. Further SEAC discussion of specific recommendations in draft Motion #5 (appended)**

The Chair indicated that he will break the motion into chunks and seek member input by email. The recommendations will be discussed at the March SEAC meeting.

**10. TDSB bus transportation incident reported by TDSB**

This item was addressed under item 7

**11. Association reports/updates**

The Chair asked that Association Reports be emailed to Margo Ratsep for inclusion in the February Minutes.

**12. Other business**

**13. Adjournment**

The meeting adjourned at 9:05 p.m.

Please note: The next SEAC meeting is on Monday, March 20, 2017

**Appendix A**

**From:** Snider, Craig
**Sent:** February-02-17 3:08 PM
**To:** 'david.lepofsky@gmail.com'
**Cc:** Ratsep, Margo; Robinson, Uton; Brown, Alexander; Kisko, Carla
**Subject:** RE: d Re Your request to present to the February 6, 2017 SEAC meeting

Good Afternoon David

Yes, the Special Education department asked if I could come to your next meeting to update SEAC on the budget.

At the last Finance Budget and Enrolment Committee (FBEC) we presented to the Trustee several pieces of information including budget timelines and three year forecast.  So it would be appropriate and timely for me to present similar information to SEAC.

Concerning your questions:

1. What is happening with the development of this upcoming fiscal year’s budget?
	1. We presented to the FBEC committee the updated timeline, which will be presenting to SEAC as one of my agenda items.
2. What decisions and issues may be in the offing as they relate to delivering services to students with special education needs? For example, two years ago, there was a major debate, on which there was media focus, on how many special needs assistants to be cut in that year. We would want to know if there are any cuts of this sort, on the table or at risk now.
	1. I will be presenting to SEAC is the three year forecast also just presented to FBEC committee.  The good news is that we are forecasting a balance position for 17-18 despite reduction in several grants including the final year of phase-in of the change to the High Needs amount.  Therefore the only changes planned in 17-18 will be in school staffing to reflect changes in enrolment as done past years.

1. Are there any anticipated cuts being considered or expected, in provincial funding of TDSB that would bear on students with special education needs, such as last year's provincial cut to the "High Needs Amount"?
	1. There will be a final year reduction in the High Needs amount of approximately $4M.  However we are not planning on reducing any programs in special education as a result of the reduction in grants.  As previously stated the only changes will be as a result of enrolment changes.
2. For any other reasons, is there any possibility of any cuts to anyone who provides direct services to students with special education needs or to those who directly supervise them?
	1. As stated above the only changes will be as a result of enrolment.
3. TDSB's new equity initiative has an important focus on improving inclusion for students with special education needs we know that some 50% of those students at TDSB spend at least half of each day in segregated settings. We are eager to know what will be in the upcoming year's budget to help improve this situation.
	1. Special Education are working with various departments to ensure all students are supported in the inclusive classroom.
4. We would appreciate receiving, in advance and in an accessible format, The Financial Facts used for any budget consultations. We would appreciate, for example, receiving up to date information such as Special Education Self Contained Schools trend data, and enrollment figures.
	1. We are currently working on the update to Financial Facts and are planning on present it at the next FBEC meeting on Feb. 23.  I will work with the Special Education Department to provide information on Self Contained schools and their enrolments.  We will also work to make copies available in an accessible format.
5. Please let us know where TDSB is now at in the process of developing its upcoming budget.
	1. As noted previously I will be bringing to the meeting the updated timeline.

As to your final comments in your email, I was planning on bringing an update on actual revenues, expenditures and enveloping for 2015-2016 as well as an update on 1st quarter results for 16-17 to the meeting, the 1st quarter report is the same information that we presented to FBEC on January 25th.  This data serves as the necessary background information for our budget committee to understand the organization current position going into the new year.  As noted in my response to your questions staff do not anticipate significant changes to the initial 2017/18 budget.  Given the work of the Enhanced Equity Taskforce, there will likely be budget realignment discussions following the recommendations from this work in November 2017.  Therefore, staff will be recommending a status quo budget in spring 2017.

I am working with Margo on having all the items in accessible format for the agenda which is going out Friday.

Please let me and Margo know if you or SEAC need any further information.

Thanks

Craig