# Special Education and Section 23 Department Update

Executive Superintendent Uton Robinson

SEAC Meeting of May 1, 2017

# SEAC QUESTIONS ABOUT EXCLUSION OF STUDENTS

In response to SEAC’s questions about the TDSB “refusal to admit” process, I have arranged for Ted Libera, Central Coordinating Principal for Caring and Safe Schools to be present at the May meeting. He has provided the following information in advance and can speak to the process and respond to further questions at the meeting.

**REFUSAL TO ADMIT**

The physical and mental well-being of all pupils is paramount to their education. The Toronto District School Board (TDSB) takes pupil physical and mental well-being seriously. In an effort to ensure pupil physical and mental well-being is addressed, the Education Act sets out duties for a school Principal in section 265.

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”*

Notwithstanding the Principal’s duties outlined in the Education Act it is important to remember that students who live in the Board’s area of jurisdiction (“resident pupils”) have the right to attend one of the Board’s schools without payment of a fee, pursuant to 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.

Please note, that with respect to students who have a disability, the Board is required to accommodate a student to the point of undue hardship in order to provide educational services in a non-discriminatory manner. The “point of undue hardship” is a high standard.

With all this in mind the 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.

Further, it is important to remember that the use of 265(1)(m), 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 at a minimum of every 2 weeks until the factors that necessitated the refusal to admit have been minimized or eliminated.

# Reasons that May Necessitate the Use of Section 256(1)(M), Refusal to Admit

For refusal to admit to be initiated, 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. Once this consultation has occurred and the principal has determined that the issuance of a refusal to admit is appropriate, the letter initiating the refusal to admit can be sent.

Refusal to admit may be initiated for the following kinds of circumstances:

* A police investigation where the school principal has been told that the principal cannot investigate 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.)
* A student with an IEP, when a risk management review meeting (PR. 699) has been held 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 Supervising Principal for Special Education and SOE is required.)
* In consultation with the Chief of Social Work 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 and as part of a school intervention when dealing with intrusive sexualized behaviour (PR 608) of students under the age of 12 (Consultation with Chief of SW, SOE and Caring and Safe Schools is required.)
* A student whose behaviour is in the judgement of the school Principal detrimental to the physical or mental well-being of pupils and who does not have an IEP and where the school principal believes that school discipline will not correct behavior. (Consultation with the SOE and appropriate central staff is required.)

# SPECIAL EDUCATION INFORMATION BROCHURES

We are presently reviewing the content in the information brochures developed in the department a few years ago to provide information to parents/guardians about special education processes, programs and services. SEAC has suggested that parents need easier access to the kinds of information available in the Special Education Plan but in more parent friendly language. The intent of revisions to the brochures is to provide the most important kernels of information in parent friendly language. The draft content for three of the brochures is attached. Your input is invited in making them more easily understood, keeping in mind the goal to reduce the content to crucial information in an appealing format, for both on-line and print use. (See Appendices A, B and C)

# HOME SCHOOL PROGRAM

At our meeting, I will speak to a first draft of a letter designed to inform our families about changes to the Home School Program, being made to assist in our transition to greater inclusion. Your thoughts and ideas for how to improve on it are invited!

# Appendix A

# Special Education

# Individual Education Plan (IEP)

[www.tdsb.on.ca/EarlyYears/SpecialEducation/IEP.aspx](http://www.tdsb.on.ca/EarlyYears/SpecialEducation/IEP.aspx)

**What is an Individual Education Plan (IEP)?**

An Individual Education Plan (IEP) is a written plan describing the special education program; and/or, services required by a student to achieve his/her learning expectations. It is considered a working document as it helps monitor, assess and support the student’s progress.

The IEP provides a framework for communicating with parents/guardians and the student. It is not a daily lesson plan itemizing every detail of the student’s education.

Rather, it identifies:

• Accommodations; and/or, special education services needed to assist the student.

• Learning expectations that are modified from, or alternative to, the expectations outlined in the Ontario Curriculum Policy Document for the appropriate grade and subject or course.

**When is an IEP Developed?**

An IEP is required when the principal, in consultation with the members of the In-School Team (IST) or School Support Team (SST) determines that:

• The expectations outlined in the Ontario Curriculum need to be modified to support the student.

• A student needs accommodations for instructional or assessment purposes on a regular basis.

**Modifications** are changes made to the age-appropriate, grade-level expectations for a subject or course, in order to meet the student’s specific needs.

**Accommodations** are changes in teaching and assessment strategies and in human or equipment that help a student learn without changing the knowledge and skills the student is expected to demonstrate.

An IEP may also be developed for students who have not been formally identified as exceptional, but need special education programs; and/or, services.

**Requirements for IEPs**

The principal must ensure that:

• The IEP complies with the Ministry of Education requirements for IEP development and implementation.

• IEPs are developed for every student identified as exceptional by an IPRC, within 30 days of a student been placed in a special education program.

• Parents/guardians; and/or, students aged 16 or older are consulted in the development of the IEP and get a copy.

• IEPs are reviewed and updated at least once every reporting period.

• Transition plans are developed and implemented for all students with an IEP unless no action is required.

**Transition Planning**

Transition planning requires a tiered approach to address individual student needs. This means that transition plans will vary from student to student and from year to year.

While all students make similar transitions from one situation or activity to another, they don’t all need the same kind or degree of support.

Smaller transitions might involve transitioning from activity to activity within a classroom or between locations within the school, and may require different instructional strategies. Larger transitions might involve changes in locations; and/or, programs, and may require additional support from adults.

For FEW:

Increased number and complexity Individualized timetables, tours, visits and materials.

For SOME:

Partnering with a ‘buddy’, following a timetable, transition materials, summer transition program.

For ALL:

School visits, orientation nights, tours, teacher transition meetings.

A tiered approach also addresses student’s transition for life after school (e.g. further education, school to work and life in the community).

**Resolving IEP Concerns**

If parents/guardians disagree with TDSB staff over aspects of the IEP, resolution takes place through the principal, by way of:

• Discussion with parents/guardians and teacher(s) to identify areas of concern and find solutions

• Consultation with the School Support Team, including parents/guardians, student (where applicable) and appropriate staff

• Consultation with the centrally assigned principal of special education; and/or, learning network superintendent

If disagreement persists, parents/guardians can ask the Ministry of Education for assistance.

**Appendix B**

**Special Education**

**In-School Support Team & School Support Team**

<http://www.tdsb.on.ca/portals/0/EarlyYears/SpecialEducation/IST-SST.pdf>

**What’s the role of the In-School Support Team (IST)?**

The role of the In-School Support Team (IST) is to provide internal support to students with special needs by developing, monitoring, reviewing and evaluating plans of action and appropriate strategies designed to help students.

The IST uses different educational assessment strategies such as direct observation, journals, tests, projects and student self-assessment to better understand the student’s strengths, needs and instructional levels.

**IST Team**

Elementary schools:

* School-based administrator
* Special education teacher, often a method and resource teacher (MART) or resource teacher

Secondary schools:

* School-based administrator
* Special education curriculum leader (CL) or assistant curriculum leader (ACL)

**Referral to an IST**

Students are referred to the IST when regular classroom instruction has been unsuccessful in meeting the student’s needs.

In order to better understand the student’s development (e.g. physical, social, emotional, language and intellectual) the teacher assesses the student in different learning situations. The student’s growth and learning are recorded in the Individual Learning Profile (ILP) and presented at the IST meeting.

The IST meets regularly to evaluate the student’s progress. When IST recommended strategies have limited success, the IST can refer the student to the School Support Team (SST).

**What’s the role of the School Support Team (SST)?**

The School Support Team (SST) helps determine education goals and implementation strategies that are based on the student’s unique learning profile.

This team offers additional knowledge and expertise by including representatives from special education, psychology, social work, attendance counselling, speech-language pathology, occupational therapy and physiotherapy, parent(s)/guardian(s), caregivers, students over 16 years of age and outside agencies as required.

**Parental and Student Involvement in IST/SST Processes**

Parents/guardians and students (who are 16 and older) are valued partners and are encouraged to participate in the IST/SST process.

While parental permission; and/or, attendance at the IST meeting are not mandatory, parents/guardians should be informed about the student’s needs and plan of action recommended at the meeting.

When a member of professional support services attends the meeting and the student is identified by name, grade or classroom, parental permission is required. To facilitate participation, the principal can ask for an interpreter to attend the meeting.

Once a student reaches the age of 16 years of age, he/she must be consulted. Students over 18 years of age must give permission for their personal information to be shared with their parents.

**Appendix C**

**Special Education**

**Identification, Placement & Review Committee (IPRC)**

<http://www.tdsb.on.ca/portals/0/EarlyYears/SpecialEducation/IPRC.pdf>

**What’s the role of the Identification, Placement & Review Committee (IPRC)?**

The role of the Identification, Placement & Review Committee (IPRC) is to decide if children who show signs of behavioural, communicational, intellectual, physical or multiple special education needs can be identified as “exceptional” and if so, to determine the required program support. The best interests of the student are foremost in all discussions.

Committee membership includes three people: the principal Chair, a representative from psychology and a special education coordinator.

If the IPRC decides a student is “exceptional”, it names the exceptionality and decides the appropriate placement and support setting (e.g. Regular Class with indirect support, resource assistance or withdrawal assistance, or Special Education Class with partial integration or full time).

Only students who are enrolled in and attending a TDSB school are eligible for consideration by an IPRC.

With parental support, a student who is not yet attending a TDSB school but who may need intensive special education support can be referred to a Special Education Program Recommendation Committee (SEPRC) for possible placement in a full time special education class immediately upon enrolment.

**IPRC Meetings**

Parents/guardians and students 16 years of age or older are invited to attend the IPRC and participate in the discussion. An IPRC may proceed if the parents/guardians are not in attendance.

Other participants include:

* An administrator from the referring school.
* The teacher(s) who know(s) the student best and can provide information on the student’s strengths, needs, programming, interventions and assessments.
* Additional resource people (if needed), arranged by the referring school principal or parents/guardians.
* An interpreter to assist (when needed), arranged by the referring school principal.
* An advocate, if invited by the parents/guardian to provide support or speak on their behalf.

**IPRC Annual Reviews**

A school-based IPRC holds an annual review for each exceptional student in order to determine if the exceptionality, placement, support; and/or, services are still needed.

Parents/guardians can also request a review any time after a student has been in a special education program for three months.

It is expected that the student’s progress, strengths and needs will be discussed within the context of the IEP, where parental permission has been provided.

The most recent Provincial Report Card and any other professional; and/or, educational assessments such as classroom observation are given consideration.

## Resolving IPRC Concerns

In situations where there is misunderstanding or disagreement, every effort is made to clarify information and resolve issues:

* Parents/guardians can consult with the school principal; and/or, special education staff to clarify decisions of the IPRC.
* The centrally assigned principal of special education can provide information on procedures and protocols.
* Parent(s)/guardian(s) may ask to have the IPRC reconvened, to present new information or to clarify the IPRC findings.

If issues are not resolved, the parent(s)/guardian(s) can proceed at any time with a formal appeal.

The appeal process is outlined in the Guide to Special Education for Parents/Guardians, which is provided to parents as part of the IPRC process.

For more information about special education, please visit the TDSB website at [www.tdsb.on.ca/specialeducation](http://www.tdsb.on.ca/specialeducation)