# Special Education Advisory Committee (SEAC)

MEETING NOTICE – Thursday, November 6, 2017 at 7:00 pm

Association for Bright Children (ABC) Diana Avon (Melissa Rosen)

Autism Society of Ontario – Toronto Lisa Kness

Brain Injury Society of Toronto (BIST) regrets

Community Living Toronto *vacancy*

Down Syndrome Association of Toronto Richard Carter

Easter Seals Ontario Deborah Fletcher

Epilepsy Toronto Steven Lynette

Integrated Action for Inclusion (IAI) Margarita Isakov

Learning Disabilities Association Toronto *vacancy*

VIEWS for the Visually Impaired David Lepofsky

VOICE for Hearing Impaired Children Paul Cross

TDSB North East Community Aline Chan Jean Paul Ngana (Rick Strutt)

TDSB North West Community (Curtis Bulatovich)

TDSB South East Community Diane Montgomery Olga Ingrahm

TDSB South West Community Nora Green Paula Boutis

TDSB Trustees Alexander Brown Pamela Gough (TC\*)

Regrets: Cynthia Sprigings (BIST), Jordan Glass (NW Community), Dick Winters, Trustee Alexandra Lulka

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

Anne Seymour Superintendent of Education, Learning Centre 3, Learning Network 20

Lori Moore, Centrally Assigned Principal for Special Education

Janine Small, Centrally Assigned Principal, Learning Centre 1

Ted Libera, Centrally Assigned Principal, Caring and Safe Schools

Chris Broadbent, Manager of Health and Safety

Dina Anker, TDSB Accessibility Coordinator

Marcela Mayo, TDSB Communication Officer

Margo Ratsep, SEAC Liaison

Minutes by: Margo Ratsep

**MINUTES (Revised)**

*(All notes included in these minutes are paraphrased by the recorder.)*

1. **Call to Order**

The meeting was called to order at 7:02.p.m. Quorum was reached at 7:05 p.m. The Chair gave a brief update on the provincial Education Accessibility Standards Development Committee. He announced his intention to put his name forward to serve as Chair in the January 2018 SEAC elections and that Alexander Brown would be willing to continue to serve as Vice Chair.

1. **Declaration of Possible Conflicts of Interest**

No conflicts of interest were declared.

1. **Approval of the Minutes for SEAC Meeting of Monday, October 2, 2017**

Request was made to amend the minutes by removing personal information under item 4 and to change the word “SEAC” to “he” under item 6. On motion by Lisa Kness, the Minutes of October 2, 2017 were approved as amended.

1. **Final Issues for Motion #5 (Inclusion)**

The Chair reviewed the history of Motion #5. In April, SEAC passed Motion #5 with the exception of Recommendation 3(a) and forwarded it to the Program and School Services Committee (PSSC). Recommendation 3(a) addressed student placement in a regular class versus a special education class and members wanted to revisit the wording. Following feedback in May and delegations from Beverly School at the June meeting, SEAC recalled Motion #5 from PSSC to revisit Recommendation 7, which recommended that all schools would have children with both special needs and regular needs.

**4.1** With regards to Recommendation 3(a), SEAC reviewed five optional wordings. The Chair directed that SEAC members consider each option individually and that a counted vote be taken for each option, allowing members to vote for more than one. He reminded members that Recommendation 3(a) concerns students with disabilities and that the already passed Recommendation 3(f) addresses Gifted students. He also suggested that the heading for Recommendation 3(a) be changed to read "Regular Class or Special Education Class”.

A vote count was taken for each option. (See Appendix A for the options and the resulting vote.) In result, Option #1 was adopted as Motion #5, as follows:

*“Recommendation 3(a) Regular Class or Special Education Class*:

*A decision at TDSB on whether a student with disabilities will receive his or her education in a special education class, instead of a regular class, should only be made with the voluntary and informed consent of the student's family, and in accordance with the Education Act, the Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code.”*

**4.2** With regards to Recommendation 7, in his November Report the Chair had proposed finishing Motion #5 by omitting Recommendation 7, adding the new wording for 3(a), renumbering the successive items and returning the motion to PSSC. He referred to the recent correspondence received from a parent and his response, both of which were distributed before the meeting. He suggested that SEAC members could instead build on what they had heard from delegations, such as looking at what programs, services and supports the board is offering and where they are being offered. A member commented that any recommendation should allow for greater opportunity for more students.

The Chair closed discussion with recognition that while there may be frustration at the pace of change, the board did move on the SEAC recommendation to create a new position of Chief Accessibility Officer and have hired an Accessibility Coordinator. He noted that the position is lower in the TDSB organizational hierarchy than had been contemplated in the recommendation.

1. **Staff Report/Input Requests**

**5.1** **Introduction to the Accessibility Coordinator**

Uton welcomed Chris Broadbent, Manager of Health and Safety, who introduced the new Accessibility Coordinator, Dina Anker. Dina gave details of her personal and professional background which support her in this position. As a specialist in document accessibility, her background includes work at the Ministry of Education Curriculum and Assessment Policy Branch and Ministry of Advanced Education Skills Development (Ministry of Training, Colleges and Universities). As the TDSB Accessibility Coordinator, her priorities include:

* Reviewing the TDSB Multi Year Accessibility Plan (MYAP) and collecting input from staff and the communities it affects
* In collaboration with networks of people she has worked with, developing a communication and marketing strategy for accessibility across the TDSB
* Supporting the ongoing Document Accessibility Training at the TDSB

Onboarding activities include but are not limited to:

* Becoming familiar with processes at the TDSB, from board to administrators, staff and ultimately to students
* Working with SEAC in support of the proposed Education Accessibility Standard under the Accessibility for Ontarians with Disabilities Act
* Providing direction for the merging of TDSB Policies PO83, PO69 and PO84

**5.2 Home School Program (HSP) Update**

As was communicated by letter to parents last spring, this year students in Grade 1 are being supported in their regular classrooms rather than in HSP. Next year HSP will support students in Grades 4 to 8 only. Professional learning opportunities are being provided to staff on Universal Design for Learning (UDL) and differentiated instruction to ensure they have the skills and resources to prepare for this change. A list of the foci for professional learning is provided in the Department Update. While phasing HSP out, the number of staff remains.

**5.3 Ministry Pilot for Students with Autism Spectrum Disorder**

TDSB has been given flexibility about how “dedicated space” is implemented. There is one named pilot school but this will be available to all schools with students who need to receive services from an external practitioner in a more seamless way. The Q&A in the Department Update provides more information. TDSB also received clarification about the training for Educational Assistants, which will include both on-line training and face-to-face skill application with students in the classroom.

**5.4 Ministry Consultation on Governance Topics**

The Ministry is engaging with educational partners on governance topics to identify and support effective practices that strengthen board governance (i.e. Integrity Commissioner, Trustee Code of Conduct, Trustees Honorarium, Electronic Participation in Board and Committee Meetings, Student Trustee Term of Office and Election Process, Broadening the Director of Education Qualifications). Feedback has been invited from named committees including Audit, Parent Involvement Advisory Committee (PIAC), Equity, Diversity and Inclusion and from SEAC. The board is charged with ensuring SEAC members receive a copy of the letter and discussion guide with questions for conversation. A timeline extension has been given. Uton will be forwarding the information as directed and asked how SEAC would like to engage in this consultation.

**5.5 Individual Education Plan (IEP)**

Uton referenced SEAC Motion #2 in which the department was asked to provide additional information regarding concerns about the content and implementation of IEPS. As was mentioned at the last meeting, TDSB is mindful about SEAC’s concerns and that the board’s practices are in keeping with Ministry guidelines. He provided the following information:

Regulation 181/98 governs the development of IEPs. An IEP must:

* be developed in consultation with parents
* include accommodations, strategies and supports that differ from normally provided instruction
* include appropriate, specific and measurable educational expectations
* provide an outline of programs and services
* include a statement about method for review of progress
* include transition plan goals and actions, building on strengths, needs and required supports

The Integrated Equity Framework Action Plan addresses how TDSB will realize its vision for learning. Special Education and Inclusion is one of its 7 pillars. The board’s recent structural changes have a positive impact on students with special needs. With the new Learning Centre structure, each Superintendent has responsibility for fewer schools than previously, with typical Learning Networks reduced from 30 to just over 20 schools. This permits improved responsiveness, with a 24-hour turn-around in terms of response time to parents and teachers. A consultant is aligned with each Learning Network, acting as the point person to assist with challenges and to provide clarity and resources. The Parent Concern Protocol set out in Special Education Plan was developed with reference to the Ministry document, “Shared Solutions”. The Ministry’s new draft document “”Special Education in Ontario – Kindergarten to Grade 12” helps by placing all information in one spot. This will be followed up with a facilitator’s guide.

The IEP is “a working” document, reviewed at student reporting periods, with a specific timeline to ensure completion in 30 days from entry to a program. The motion spoke about some parents not knowing what to do to address issues about the IEP. When there are concerns, the IEP development process has parents contact the teacher and that teacher, in partnership with the principal, responds. The school superintendent can become involved if need be. It is a collaborative effort. Conflict resolution strategies are referenced in the Ministry document. It mentions that all parties play important roles in the planning and implementation of a student’s special education program. When they work together in IEP development, experience shows they have a common understanding that reduces potential conflict. But issues related to planning and implementation of an IEP may become sources of disagreement and polarizations may develop leading to conflict between parents and educators. There are many ways to work through conflicts, ranging from informal to formal. The Ministry emphasizes that informal conflict resolution beginning with problem solving is often the most effective approach, enhancing the ability to arrive at mutually acceptable solutions.

Uton concluded his report emphasizing three points:

* + The new structure aligns with the Integrated Equity Framework Action Plan in terms of how we are going to realize our vision related to equity, student achievement and well-being.
  + Through the structural changes, we will be more responsive to the needs of parents. The Communication Officer is working closely with us to communicate more effectively.
  + The Communication Officer welcomes the opportunity to consult further with SEAC on how we communicate about IEP, IPRC process and other documents

SEAC input:

The SEAC chair expressed frustration with the staff report on SEAC's Motion #2, and on the SEAC proposal that there be created an internal right of appeal for parents or students with concerns about the content or implementation of the IEP. The staff report did not respond to the core SEAC concerns.

* SEAC may choose to have a longer conversation on this topic at a future meeting. While appreciating the effort made to respond to concerns expressed in the Chair’s Report, a reduced number of schools does not restrict the board from going further as recommended by SEAC and it doesn’t answer the problems identified in feedback from the SEAC Parent’s Survey.
* Regarding input on the communication strategy, the draft brochures and a summary of the strategy could be circulated in writing, for individual SEAC member feedback, without waiting for a formal SEAC meeting.
* Parents would like to see a program in place for post school employment, looking at it through the IEP pathway. (The Chair commented he has this on the list of priorities for a longer discussion at another meeting.)
* A request was made for an update on how the HSP changes are progressing with the phase-out to date. Staff responded that consultants are monitoring this through the School Support Team (SST) meetings. Teachers have identified some challenges and professional learning is being provided to classroom teachers on Universal Design for Learning and differentiated instruction as needed. Anecdotal feedback received from teachers in Primary/Junior grades reflects that students feel a greater sense of belonging and success, consistent with the pilot findings. We have increased opportunities for professional learning in all areas. It happens on the spot in SST meetings as well as in visits by the consultant with co-teaching and co-planning. Learning about assistive technology has been expanded, through individual offerings (such as the recent weekend “Google Camp”) and in collaboration with Teaching and Learning and Special Equipment Amount (SEA) team partners, who have expanded their offerings for assistive technology.
* A question was raised regarding what the board is doing to independently evaluate the impact of the HSP phase-out. Staff responded that the Research Department is working alongside Special Education and over a period of time will provide an update, including other voices.
* A question was raised about the use of the Empower Reading program in an inclusive classroom. Staff responded that the Teaching and Learning department had provided an opportunity for schools to work with Empower with involvement of the Early Reading coaches. More information could be provided at another meeting about what this looks like. The Director has charged that all students will be reading by the end of grade 1 and this is being tackled throughout the system, through the Integrated Equity Framework Action Plan.

1. **Refusals to Admit Draft Motion #6**

The Chair reviewed the history of Draft Motion #6, addressing the need for a policy and procedures on Refusals to Admit, since students with special education needs are disproportionately affected. Staff had provided reports in May and June on the draft procedure. SEAC gave feedback and asked for it to be brought back.

Centrally Assigned Principal for Caring and Safe Schools, Ted Libera spoke to the revised draft procedure provided in the Department Update, making the following points:

* While working on a procedure for issuance of a Refusal to Admit, a procedure for Appeal already exists.
* Many sections in the revised draft are similar to June’s version. Changes were made to address SEAC’s feedback about the impact that Refusal to Admit has on families and students. The procedure is still in draft stage, with SEAC the only Community Advisory Committee that has seen it so far. The draft is going to Executive Council in the next few weeks.
* One concern that resonated was the appearance that schools were sending kids home without looking for other ways to accommodate students around the safety concerns. On page 2 of the draft procedure, Principals are to consider listed ideas for what could be done to retain the student in the school.
* There will be strong tie-back to the existing Caring and Safe Schools Policy. Where Caring and Safe Schools staff and/or Special Education staff are consulted on a Refusal to Admit, a meeting with the administrator and full analysis of the situation can be carried out.
* Currently, in absence of a procedure, the Executive Superintendents want to know if there is going to be a Refusal to Admit. This is not yet reflected in the procedure and we have work to do with administrators in terms of training. The informal requests/phone calls to parents to take their child home are problematic.
* On page 3 we have added information about a “modified school day”. This procedure doesn’t deal with it since it is not considered a refusal to admit, but includes a section about it.
* In section 6.5 – All refusals to admit must be reviewed every 5 school days to permit sufficient time to put supports in place. The number of days can be revisited.
* We have had legal advice from TDSB counsel and further outside advice may be possible. TDSB lawyers have advised that:
* the authority for principals to issue a Refusal to Admit arises from Regulation 265 1(m) of the Education Act concerning safety of pupils
* Regulation 474/00 – gives principals authority to issue a trespass notice refusing access to school premises, under the Trespass to Property Act
* Sections 310 and 306 of the Education Act gives principals authority to suspend students

The Chair raised the following concerns:

* The Refusal to Admit policy, procedure, monitoring and directions to staff must apply equally to all who are told to go home or stay home, whether informally or formally, otherwise the policy may not be followed. From the staff presentation, it appeared that those informal requests by schools to a family to take their child home, or keep their child home, was not being treated as a refusal to admit. To the child not in school who has the right to be in school under the Education Act – when a principal says no, however done, it is a Refusal to Admit.
* If not with the family’s consent, a modified day is a refusal to admit for part of the day. If a child attends in the morning but is told that in the afternoon “there is no SNA and it’s not safe – so stay home”, it is a refusal to admit. It’s not a problem if a family initiates a modified day for their own reasons, but back doors that let TDSB staff do an end-run around any new policies or procedures in this area have to be closed.

* Refusals to Admit happen disproportionately with kids with disabilities and that makes it a Human Rights issue. Contrary to the Director of Education’s statement to the Program and Student Services Committee of TDSB at its May 3, 2017 meeting, it is a special education issue. After 5 days it should not be a question of whether things have changed or improved. The presumption should be that the child will return to school unless the board can show that none of the support steps listed can work.
* Families should be given advice by TDSB on their rights immediately when a Refusal to Admit is issued. SEAC heard from ARCH that many parents don’t even understand why their child is being required to stay at home. Parents are vulnerable and must receive rights advice immediately (i.e. You have a right to appeal. We must review the situation in 5 days. You have the right for us to provide education in your home or somewhere else, etc.) If they don’t speak English, it needs to be in a language they can understand.
* A request was made for a factual situation where Refusal to Admit needs to be done, where a suspension or expulsion couldn’t be done and justified.

Additional SEAC input:

* TDSB needs to track how often refusal to admit happens. (Response: Since May Caring and Safe Schools (C&SS) has asked to be copied on Refusals to Admit and where C&SS staff has assisted with the letters, we are copied. Informal phone calls to parents are difficult to track.)
* An example of “undue hardship” is needed.
* On page 5, recommend wording “the addition of appropriate staff” instead of “additional staff”.
* Under Issuing a Refusal to Admit it mentions a letter must be sent without clarifying to whom.
* On page 5 parental consultation should be essential rather than “whenever possible”. If not being consulted, why not?
* The 5-day review doesn’t set a maximum number days a refusal to admit can continue. A specific limit is needed.
* An example is provided about having the student in the school with additional staff. There is no mention of home-based learning or another program at a different location. If considered an option, it should be included in the document.
* Usually a procedure derives from policy and mention was made of tying the procedure back to the Caring and Safe Schools Policy; accountability is unclear. There is no accountability for an administrator implementing this or contravening this unless reporting back is required. (Ted explained that he reports to the Executive Superintendent of Engagement and Well Being. Executive Council will have an opinion on responsibility and reporting requirements. The Caring and Safe Schools Policy has motherhood statements and covers generic Caring and Safe Schools topics. We are looking at having different sections to describe how different procedures tie in to the policy.)
* A question was asked about the attendance reporting procedure when a typical student is excused in the daytime for any reason with permission. (Staff responded a student is recorded as signed out and refusal to admit is an “excused absence”. Suspension is recorded as a “G day” and not counted against the absence of a student.) SEAC feedback emphasized that TDSB must be able to track how many refusals to admit take place, whether formally or informally, by tracking attendance data. TDSB has or should have a code for marking an absence due to a refusal to admit.
* In the Student’s Right to Attend section there should be a requirement about reviewing the appropriateness of the learning profile and programming. These are what cause kids to be dysregulated at times, where program doesn’t match the needs. What does the problem solving at the school look like? Who is the case manager, who directing the interventions? What are the social work supports for the family? What are the SST supports to get the kid back to school? (Staff responded that these are covered through Procedure 699, and the risk management review meeting is a focused SST, bringing the key players together. Fleshing this out rather than just referencing PR699 could provide more detail.)
* It is still confusing regarding how things are related because the section in the Act and the regulation sound almost identical, and regulation makes it clear this power can’t be used against a pupil. The Trespass Act is an Act of general application. Do not understand what the regulation has to do with this. Also, if a modified school day is not a refusal to admit, what is it, and what is the legal authority for it? This is possibly a bigger problem than refusal to admit.
* Tracking of kids who are not at school is still a problem, since TDSB phone calls to families are still not consistently made for absent students (as per recent bus experience with a non-verbal, severely disabled student on a bus all day and no phone call made to their family to check on absence.
* In house legal advice is not enough. “It could be interpreted that way, but it shouldn’t be interpreted that way.” A public sector agency should not take the most expansive view of draconian powers – all should be read in light of Human Rights legislation. The safeguards that apply to suspensions and expulsions are needed where there are refusals to admit.

The Chair asked if there has been another report made to the trustees on the exercise of the power of Refusal to Admit since the last May 3, 2017 presentation at PSSC. He noted that at the May 3, 2017 TDSB Program and Student Services Committee meeting, the Director of Education had noted that staff would be providing a report that would include this to the Board in June 2017. (Staff responded there has been conversation but no specific report.) The chair closed discussion commenting that the lack of a procedure in place is troubling, that refusals to admit should stop until a procedure is in place and that informal phone calls from TDSB to a family to tell the family to pick a child up and take home must stop.

The Chair asked TDSB to provide information to SEAC if possible before the next meeting, about:

1. How Refusal to Admit is recorded and the policy directions for marking student attendance.

2. What policy or practical directions, memos or other information is given to principals or teachers on how to mark a student's absence if they were formally subject to a refusal to admit, or if they were informally told to stay home or go home.

3. The numbers of refusals to admit at least back to May, in so far as there are letters collected, as discussed at the meeting, if there is no other way to track this.

1. **Setting SEAC Priorities to End of 2018**

The Chair indicated that this will be deferred to SEAC's next meeting due to limited time.

Aline Chan would like to hear back about options for greater inclusion for kids post 21. The certificates being issued through the board are not recognized by the Ministry. The Special Education department is looking into this. Administrators are being told not to offer them and the community, including parents and prospective employers’ network, want to maintain the status quo until there is report back. The Chair suggested Aline provide this feedback to Uton Robinson for future action directly or for future meeting consideration.

1. **Association Reports**

* Richard Carter for Down Syndrome Association announced that November 1- 7 is Canadian Down Syndrome Awareness Week. For more information visit [www.cdss.ca](http://www.cdss.ca)
* Steven drew attention to the “Anything But Sorry Campaign”.
* Margarita Isakov spoke about Integration Action for Inclusion evening information sessions for parents, in November at Metro Hall from 5:00 to 9:30 p.m. on Nov 16th and 29th. Early childhood educators are also invited to listen to discussions around inclusive education and the rights of parents and children, with topics like Dreaming Bigger Dreams; Having a Vision for your Child; Going back to ABCs – Acceptance, Belonging and Community; Learning Together in the Community Schools.
* Trustee Alexander Brown announced the 11th annual PIAC Parents Make a Difference conference on November 25th at Earl Haig Collegiate. For more information and to registration on-line, visit the TDSB website at [www.tdsb.on.ca](http://www.tdsb.on.ca).

1. **Other Business**

Lack of time prevented new business.

1. **Correspondence Received by SEAC Members**

Email dated 1 November 2017 with attachments from Toronto Family Network under signature of Janice Jaffe-White (Coordinator) and Reva Schafer (Resource Parent) re: Toronto Family Network Submission to the TDSB Enhancing Equity Task Force.

1. **Adjournment**

On motion of Aline Chan, the meeting adjourned at 9:05 p.m.

Reminder: The last meeting of this calendar year is Thursday, December 7th.

Appendix A

SEAC Meeting November 6, 2017

**OPTIONS FOR MOTION #5 – RECOMMENDATION 3(a)**

The heading for Motion #3 Recommendation 3 is changed to read "Regular Class or Special Education Class”. This part of the Motion deals only with inclusion Vis a Vis students with disabilities. Gifted students with no disabilities are covered elsewhere. This vote is also not a debate or vote on whether TDSB should offer special education classes. Only Option 2 uses the word "segregated”. The total number of available votes for each option was 17.

## Option #1 'David Lepofskys November 6, 2017 Proposal

*3(a) A decision at TDSB on whether a student with disabilities will receive his or her education in a special education class, instead of a regular class, should only be made with the voluntary and informed consent of the student's family, and in accordance with the Education Act, the Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code.* *(For 10; Opposed 0, Abstentions 7)*

**Option #2 Original Wording in Motion #5 Considered at SEAC April 2017 Meeting**

*3 (a) Consistent with voluntary parental choice, students with disabilities should be educated in the least restrictive environment with needed educational accommodations promptly put in place. Segregation of a student with a disability should be the last resort. It should only occur with parental consent, and after all less restrictive alternatives have been considered and rejected.*

*(For 0, Opposed 3, Abstentions 14)*

**Option #3 Paula Boutis's Wording Discussed at May 2017 SEAC Meeting**

*3 (a) Placement of a student with a disability in a special education class should be a last resort. Consistent with the Education Act, prior to placing a student in a special education classroom, TDSB, except where there is voluntary informed parental consent, should seek to ensure that a child, as a first option, is placed in a regular classroom with appropriate special education services and supports being implemented. (withdrawn)*

**Option #4: Wording Proposed by Melissa Rosen**

*3 (a) Placement of a student with a disability in a special education class should be as a result of rigorous parental consultation and in the most enabling environment. Consistent with the Education Act, prior to placing a student in a special education classroom, TDSB, except where there is voluntary informed parental consent, should seek to ensure that a child, as a first option, is placed in a regular classroom with appropriate special education services and supports being implemented.* *(For 6, Opposed 1, Abstentions 10)*

**Option #5: Paul Cross's Wording**

*3 (a) Consistent with the Education Act, prior to placing a student in a special education classroom, TDSB, except where there is voluntary informed parental consent, should seek to ensure that a child, as a first option, is placed in a regular classroom with appropriate special education services and supports being implemented. (For 5, Opposed 1, Abstentions 11)*