Date: March 30, 2016

## 1. Progress on SEAC’s February 1, 2016 Motion on the Upcoming Year’s Special Education Budget

Here are the latest developments on the motion which SEAC passed at its February 1, 2016 meeting regarding the TDSB budget. That motion stated:

“The TDSB Special Education Advisory Committee recommends to the Toronto District School Board that:

1. In its budget for next year, the Toronto District School Board should not cut any positions of any staff who provide or directly supervise direct services to students with special needs, and

2. Before any cuts are contemplated to staff who provide or directly supervise direct service to students with special needs, the TDSB should first exhaust all other possible areas for budget reductions elsewhere within the TDSB, that address lower priority items than services to society’s vulnerable and disadvantaged children and youth, including thinning its layers of administrative bureaucracy.

3. TDSB should publicly report on steps it has taken to avert or avoid the need to cut staff who provide or directly supervise services to students with special needs.”

I have made deputations as SEAC’s chair to three TDSB committees, on February 11, February 24, and March 1, 2016. On SEAC’s behalf, I also requested of TDSB Chair Robin Pilkey that I be afforded an opportunity to make a deputation to the entire TDSB Board on this resolution. I expressed the position that SEAC is entitled to do this under the Ontario regulations that create SEAC.

At first, Chair Pilkey did not agree to this request. I sent a series of emails to her, spelling out the reasons for this request, which I reproduce here:

My first email to Chair Pilkey was on February 29, 2016. It reads as follows:

“To: Chris Pilkey, Chair, TDSB

From: David Lepofsky, Chair TDSB Special Education Advisory Committee

Date: February 27, 2016

Dear Chair Pilkey,

I am the chair of the TDSB Special Education Advisory Committee. We have requested an opportunity to make a 5-minute deputation to the entire TDSB Board at its March 9, 2016 meeting. The topic of our deputation would be our important motion, passed on February 1, 2016, calling on TDSB to avoid cuts to staff positions that provide direct services to special education students, or to positions that directly supervise them. I understand from a conversation with SEAC vice-chair Trustee Alexander Brown that it may not have been agreed to let us make that deputation.

I would very much welcome a chance to speak with you on the phone about this as soon as your schedule permits. I have already made deputations on this topic to two Board Committees on SEAC’s behalf, the Budget Committee on February 11, 2016, and the Program and School Services Committee on February 24, 2016.

As I understand it, SEAC has not asked TDSB to let it make a direct deputation to TDSB in quite some time. According to the provincial regulations that create SEAC, we have a very clear right to be heard directly by the Board itself on a recommendation that we submit to the Board, before the Board makes a decision regarding it. ONTARIO REGULATION 464/97 states:

“11. (1) A special education advisory committee of a board may make recommendations to the board in respect of any matter affecting the establishment, development and delivery of special education programs and services for exceptional pupils of the board.

(2) Before making a decision on a recommendation of the committee, the board shall provide an opportunity for the committee to be heard before the board and before any other committee of the board to which the recommendation is referred.”

As well, a core function of SEAC is to advise the Board on the special education budget, the topic of my proposed deputation. The same Ontario regulation also provides in section 12, among other things:

“(2) The board shall ensure that its special education advisory committee is provided with the opportunity to participate in the board’s annual budget process under section 231 of the Act, as that process relates to special education.”

Historically, I am told by SEAC members that TDSB has not consulted SEAC in advance on the budget, in quite some time. Instead, TDSB finance staff each year come to SEAC to describe to SEAC what the existing budget includes – an after-the-fact action. In that regard, TDSB staff have in the past year done that without ensuring that the information they provide is properly accessible to people with disabilities like me, who are blind – despite our asking in advance for that accommodation.

Last March, a core issue in the media surrounding TDSB’s budget deliberations was a cut to front-line staff that provide direct students to TDSB students with special education needs. Since this is a core area for SEAC, since we have already deputed to fully two Board Committees, since we have a right under the regulations to be heard directly by the Board, since this concerns 43,000 TDSB students, and since the budget is very soon to come before the Board, a five-minute deputation to the TDSB board on March 9, 2016 would be both timely and appropriate.

Please let me know if you would be open to speak on the phone, and when we might be able to do so.

I very much look forward to getting the opportunity to meet you, and to work together with you and the entire Board on strengthening the educational opportunities that TDSB delivers to some 43,000 of its most vulnerable and disadvantaged students.

Sincerely,

David Lepofsky CM., O.Ont,

Chair, Toronto District School Board Special Education Advisory Committee”

I appreciated that Chair Pilkey spoke to me by phone. This led to my March 1, 2016 TDSB committee deputation. I sent another email to Chair Pilkey on March 6, 2016, prior to our last SEAC meeting. My March 6, 2016 email reads as follows:

“To: Robin Pilkey, Chair, TDSB

From: David Lepofsky, Chair TDSB Special Education Advisory Committee

Date: March 6, 2016

Dear Chair Pilkey,

I indicated last week that after the events of this week, I would reconsider whether we need an opportunity to make a deputation at the March 9, 2016 TDSB Board meeting, on behalf of the TDSB Special Education Advisory Committee, on the topic of the upcoming TDSB budget. Having carefully considered this, I am writing to maintain and repeat my request, as chair of TDSB’s SEAC, to make a deputation at the meeting of the entire TDSB Board on March 9, 2016, on the motion which SEAC passed on February 1, 2016 regarding the upcoming budget.

The opportunity to make five minute deputations at three earlier Board committees was appreciated. It is encouraging to have subsequently received informal word that TDSB staff are not now proposing any cuts to direct special education staff who work directly with special education students, at least in the context of TDSB Integrated Support Programs (ISPs). This is echoed in a draft extract from the TDSB Special Education Plan, which Special Education Executive Superintendent Uton Robinson distributed to the SEAC membership at the end of last week.

That the TDSB budget discussion is informally moving in an encouraging direction is, of course, a positive step. However, there are several compelling reasons for a SEAC deputation to the entire TDSB Board at its March 9, 2016 budget meeting – a deputation to which SEAC is entitled under Ontario regulations.

First, TDSB has provided me and SEAC with no hard budget information beyond the draft extract from TDSB’s forthcoming Special Education Plan. TDSB is required by Ontario regulations to consult with SEAC on its special education budget. As you know, when it comes to budgets, and especially budgets for governmental organizations like the TDSB, the devil is in the details.

As I explained in my March 1, 2016 deputation to the TDSB Budget and Enrollment Committee, TDSB staff have an unfortunate track record of not consulting SEAC in advance on its special education budget, and instead, of only describing that budget to SEAC after it has already been adopted. That has not changed in this case, to date. We have seen no hard numbers vis a vis the proposed special education budget on which the TDSB Board will be called to vote.

Second, it is not clear to me from the slim information we have informally received, whether TDSB staff are in fact recommending that there be no cuts to those TDSB staff who provide direct supervision to those who directly serve special education students. That was part of SEAC’s February 1, 2016 motion.

Third, it is the entire TDSB board, and not just a committee of that board, or TDSB staff, that will ultimately vote on the budget. It was to that entire Board that SEAC directed its recommendations. It is to the ultimate decision-maker, the entire TDSB Board, that we are entitled to directly speak, and by whom we are entitled to be heard.

Fourth, it would be incorrect to conclude that we have already communicated our message, and need no further opportunity to be heard by the TDSB Board. We were only afforded five minutes at each of these deputations to make our formal presentation, which I understand to be the usual municipal government practice in Toronto. That is extremely little time, in my experience.

There are key additional points we need to address. These could expand depending on what further we learn between now and the March 9, 2016 meeting. It would be my intention in a deputation to the entire Board to focus my scarce time as much as possible on new points.

For example, I understand that cuts to direct teaching staff are planned to be geared to enrollment. I do not know what this means. We do not know if this includes being geared to enrollment of special education students, or what TDSB knows about its projected enrollment of special education students next year.

We need TDSB to ensure that any cuts to non-special education teachers have no impact on direct service to students with special education needs. If the number of students with special education goes up next year, but the number of overall student enrollment goes down, the effect of cutting non-special education teachers could be a reduction in direct service to special education students in mainstream classes. We understand that fully 50% of TDSB students with special education needs are receiving their education in mainstream classrooms. As such, most if not all of their direct education is coming from non-special education teachers, and not special education teachers.

Put another way, an extract from TDSB’s draft Special Education Plan that TDSB staff provided to us at the end of last week only appears to address whether there are cuts to special education teachers in the context of TDSB Intensive Support Programs. Those are segregated classes with special education students. That alone does not appear to assure that there will be no cuts to support for the 50% of TDSB special education students who are not placed in ISPs.

We understand from word of mouth (as we have not been briefed on this by TDSB staff) that TDSB staff may be recommending some cuts to lunch supervisors. We need to ensure that there are no cuts to lunch supervisors who supervise any special education students.

Fifth, of course, there is always the potential that the budget that TDSB ultimately approves varies from whatever numbers TDSB gave to the Board’s committee on March 1 and 2, 2016. Those are numbers that were presented after I made my deputation, and which my deputation could therefore not anticipate and address. I gather that it was only on this past Tuesday March 1, 2016 that TDSB Board trustees themselves received any staff numbers from TDSB staff. As I understand it, TDSB has not itself yet voted in this budget cycle, in the words of SEAC’s February 1, 2016 resolution that “(i)n its budget for next year, the Toronto District School Board should not cut any positions of any staff who provide or directly supervise direct services to students with special needs…”.

Sixth, the extract from TDSB’s draft Special Education Plan, addressing staffing numbers, while of course helpful and encouraging, is also not sufficient to address this. It is only a draft. If I understand correctly, that Plan is not finalized until this summer. It can be changed at any time before it is filed with the Ministry.

Moreover, the fact that there is a statement in the TDSB Special Education Plan does not ensure that it is complete and accurate. TDSB’s Special Education Plan includes descriptions of some of TDSB’s Intensive Support Programs which do not accurately describe them – a fact which SEAC brought to the attention of TDSB staff last spring.

Chair Pilkey, SEAC has no interest in taking up the time of the entire TDSB Board, were there no need for our deputation. We appreciate that TDSB staff have made efforts to date to avoid cuts to TDSB staff who serve special education students, steps which I infer from the general and informal information received to date.

Nevertheless, at the present time, I cannot with confidence say that there is no longer any need for our deputation at the TDSB Board’s March 9, 2016 meeting. The opposite is the case. Five minutes of the TDSB Board’s time on March 9, 2016 will not unduly cut into the TDSB’s deliberations. The topic I propose to address is central to SEAC’s mandate. It is very important to students with special education needs.

I would be pleased to provide you with any further information that you may require, and hope that you will look favourably upon this request.

Sincerely,

David Lepofsky CM., O.Ont,

Chair, Toronto District School Board Special Education Advisory Committee”

At our March 7, 2016 SEAC meeting, Special Education Executive Superintendent Uton Robinson was not in a position to answer a number of very important questions about TDSB’s budget plans, as they could affect special education students. As a result, I wrote TDSB Chair Pilkey on March 8, 2016, as follows:

“To: Robin Pilkey, Chair, TDSB

From: David Lepofsky, Chair TDSB Special Education Advisory Committee

Date: March 8, 2016

Dear Chair Pilkey,

I write as a follow-up to my March 6, 2016, email to you. In it, I reiterated my request to make a deputation at the TDSB Board’s March 9, 2016 budget meeting, in my capacity as chair of TDSB’s Special Education Advisory Committee. I would appreciate hearing back from you as soon as possible. I would need to make arrangements to ensure I can get to that meeting.

I wish to supplement my request in my March 6, 2016, email to you with the following new information. At the TDSB SEAC meeting last night, our Committee had further discussions on our February 1, 2016, motion regarding the TDSB budget, on which I have requested an opportunity to make a deputation to the TDSB Board. At our meeting, we learned the following from Special Education Executive Superintendent Uton Robinson:

* The encouraging TDSB staff recommendation of “no cuts to special education front line staff,” shared with SEAC, relates to those who work with special education in Intensive Support Programs (ISPs). That concerns the 50% of TDSB’s special education students who are placed in ISPs. It does not concern the other 50% of TDSB special education students who are placed in mainstream classes.
* TDSB staff are still working out their budget recommendations regarding front line TDSB staff who directly work with students in mainstream settings, including those who work with the 50% of special education students who are placed in mainstream settings. No figures were ready for presentation to the TDSB Board. We were told that none could be shared with SEAC at our March 7, 2016, meeting.
* The “no cuts” staff recommendation referred to above also does not deal with itinerant special education staff, such as those who provide critical support to students who are blind, deaf, deaf-blind, or who have some degree of vision or hearing loss.
* This “no cuts” decision also does not address a wide range of services that the TDSB offers, such as psychologists, occupational therapists, physiotherapists, and speech and language pathologists.

All of these as-yet undecided areas are critically important to TDSB’s special education students. Cuts in those areas have not been taken off the table. Accordingly, the pressing need remains for SEAC to make a deputation at the TDSB’s March 9, 2016, Board meeting.

I again emphasize that TDSB budget officials have not consulted SEAC on its upcoming budget, despite the clear requirements for them to do so, set out in Ontario regulation. I hope and trust that the TDSB Board won’t compound that by not granting our request to make this deputation.

May I add that Ontario Regulation 464/97 s.11 does not provide that SEAC may be heard by the Board. It provides that we “shall” be heard by the Board. It does not say that we shall be heard by the Board or a Board Committee. It provides that we have a right to be heard by a Board Committee and by the Board itself.

I am available to present at the March 9, 2016, Board meeting, but not at Board meetings between March 16 and 26, or on March 30-31. As such, the Board’s March 9 meeting provides an important opportunity for us to make a deputation which I can fulfil.

Please let me know about tomorrow’s meeting. Please also confirm that you received this email.

Sincerely,

David Lepofsky CM., O.Ont,

Chair, Toronto District School Board Special Education Advisory Committee”

After a further email exchange that day, Chair Pilkey contacted me to advise that I would be permitted to make a deputation to all TDSB trustees the next day, March 9, 2016. Evidently there was some concern that the TDSB Board, sitting as a Board, could not receive deputations from anyone in the public. As a result, TDSB arranged for all trustees to meet as a committee of the entire Board on March 9, 2016, at 4:15, in order to hear my deputation. After that, the trustees adjourned that meeting. Moments later, they resumed at 4:30 pm as a meeting of all trustees, sitting as the School Board.

As chair of TDSB’s Special Education Advisory Committee, I believe it was very important for us to stand firmly on the principle in the Ontario regulations that TDSB’s SEAC has a right to make a deputation directly to the entire TDSB Board. I don’t myself see why the Board, sitting as the board, cannot receive a deputation from SEAC, which is created by Ontario regulations, especially where that very regulation gives us that right. However, it was certainly good to be able to appear before the entire body of trustees, whether they are called the School Board, or a Committee of the whole School Board.

The experience at the March 9, 2016 Board meeting showed why TDSB should be receptive to our making such a deputation. Immediately after I finished my deputation, some trustees began to ask TDSB senior staff questions that arose directly out of my deputation. It was very much appreciated that they listened so attentively, and acted on our input.

In the future, TDSB should build SEAC into its budget development process. We should in future not have to go through such a process to try to get our views heard. That is what SEAC is here for. We should be involved much earlier in the process.

I have asked Executive Superintendent Robinson to report to us at our April 5, 2016 meeting on the state of TDSB planning for next year’s budget, especially in so far as our February 1, 2016 motion is concerned. We will want to know about answers to those questions that we asked at our March 7, 2016 meeting, and that he was unable to answer.

## 2. TDSB Plans To Ensure Full Digital Accessibility

At our last SEAC meeting, we discussed TDSB’s action to ensure the physical accessibility of its buildings to students, employees and family members with disabilities. At our April 5, 2016 meeting, I am proposing that we turn our attention to the TDSB’s efforts at ensuring full digital accessibility. I have asked TDSB to bring to our April 5, 2016 meeting the senior officials responsible for ensuring digital accessibility at TDSB. The questions on which we would benefit from their input, in addition to any others that other SEAC members might wish to raise include:

1. What is TDSB doing to ensure that the technology, including the information technology, used to teach students at TDSB is fully accessibility and barrier-free, so that all students can use and benefit from it?

2. What is TDSB doing to ensure that its public-facing websites and internal websites are fully accessible to people with disabilities, including family members with disabilities, students with disabilities and TDSB staff with disabilities?

3. What is TDSB doing to ensure that electronic documents used in the educational context are fully accessible, or are quickly and readily remediated when needed? This includes, among other things, IEP’s report cards, other documents that may be communicated with students or family members.

4. What is TDSB doing to ensure that digital accessibility is a key criterion in any procurement activities?

5. Who has lead responsibility within TDSB for all digital and technology accessibility?

Digital and technology accessibility are core requirements under the Charter of Rights, the Ontario Human Rights Code and the Accessibility for Ontarians with Disabilities Act. Having just returned from speaking at CSUN 2016, the world’s leading international conference on technology and accessibility for people with disabilities, I have seen that the U.S. is far ahead of Canada, including Ontario, in the general area of technology and accessibility.

## 3. Proposed Parents Outreach Survey Next Steps

Since the last SEAC meeting, SEAC’s Parents Outreach Working Group has been hard at work, drafting the survey that we propose to invite family members to complete. We propose to use Survey Monkey to conduct the survey, as this is readily available on line, easy to use, and sufficiently accessible to people with disabilities.

By the end of the week before the April 5, 2016 meeting, we aim to circulate the draft questions to all SEAC members for your input. If you can, it would help to give the input before the meeting, by emailing your thoughts to Paula Boutis at pboutis.seac@gmail.com before the April SEAC meeting, if at all possible. We will briefly discuss it at our April SEAC meeting. However, it is not practical to write a survey like this by a committee of 22 people. After it is done, we aim to share it with TDSB Communication staff, to invite their suggestions, especially on how to render our questions in plain language. We emphasize that we retain the final say on what questions will be asked. We like the information we are seeking, but all share a concern that it needs plain language to make it more accessible.

We are also going to explore with TDSB staff the possibility of their translating it into other languages, and translating for us the responses received in those languages.

We want to get the survey up and running as soon as possible, and certainly before our May meeting.

## 4. TDSB Plans to Screen Students for Giftedness

TDSB staff has reported to SEAC several times about plans to conduct a systematic survey of students, mainly focusing on giftedness. This is intended to start later this year. As I understand it, TDSB is aware that other school boards have been doing this, and feels it will provide a more fair way of detecting giftedness among students than at present.

I propose that we discuss at our April meeting any issues or concerns that SEAC members may wish to raise in connection with this. Two that may come to mind include:

1. If TDSB is going to screen primarily for one “exceptionality” (I hate that term), should it also plan to undertake screening for a wide range of disabilities, to help better detect students with special education needs?

2. How will TDSB train front-line teachers to review the results of its giftedness screening, in order to detect a possibility of other special education learning needs that may not previously been identified in a student?

I encourage everyone to think of issues and questions they may have relating to this screening exercise.

## 5. Correspondence Received by the Chair

The following correspondence was received since the March SEAC meeting:

1. Email dated March 21, 2016 from Cynthia Sprigings re: nomination of Marie DeLuca as Alternate Representative for Brain Injury Society of Toronto.