Motion Passed at SEAC – April 11, 2022 - Legislated Mandate

Motion Affirming SEAC’s Mandate and Requirement to Provide Advice and Recommendations on Any and All Special Education Matters

WHEREAS O. Reg. 464.97: “Special Education Advisory Committees” under the Ontario Education Act, R.S.O. 1990, c. E.2 set up the requirement that every school board in Ontario have a Special Education Advisory Committee (“SEAC”), and that SEACs 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” and “[b]efore 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”. O. Reg. 464/97, s. 11.

AND WHEREAS TDSB staff have made significant changes to Special Education, without consulting or disclosing these changes to SEAC in advance,

AND WHEREAS some of the significant changes made by TDSB to Special Education without consulting or disclosing to SEAC in advance, include the following examples of changes to special education policies, procedures, and practices:

(a) “Primary IEP Strategy”: TDSB staff did not consult or inform SEAC before implementing this very significant change to eliminate and substantially reduce access to Primary Individual Education Plans (“IEPs”);

(b) Cancellation of and Significant Delays to Special Education Assessments, IEPs, Identifications, Placements, and other Supports: initially “in response to the new pandemic”, but persisting significantly for many months thereafter;

(c) Elimination of DHH (Deaf and Hard of Hearing), BLV (Blind and Low Vision), and other Itinerant Specialist special education staff’s “write” access to IEPs;

(d) Undisclosed cancellation of the entire SEPRC (“Special Education Placement and Review Committee”) meeting and process for almost all new students with special education needs and issues.

AND WHEREAS these changes restrict access to necessary, efficient, and effective supports for many students with identified and unidentified special education needs;

AND WHEREAS TDSB staff did not disclose these significant changes to SEAC prior to their implementation;

AND WHEREAS as a result SEAC was not able to provide its advice and recommendations on these issues and changes, as it is fundamentally required to do pursuant to O. Reg. 464.97: “Special Education Advisory Committees” under the Ontario Education Act, R.S.O. 1990, c. E.2 (the “Legislation”) and as is in the best interest of the vulnerable children that we represent.

NOW THEREFORE IT IS RESOLVED:

THAT all of the preamble (“WHEREAS”) statements above are included as part of this “IT IS RESOLVED” and recommendation section of this motion;

AND THAT TDSB staff fully inform and consult with SEAC about all previous changes made to Special Education policies, procedures, and practices;

AND THAT TDSB be required to now submit and provide to SEAC full information about these and all changes to special education policies, procedures, and practices (herein collectively referred to as “Special Education Policies”) in order to allow SEAC to consult on these issues and provide its recommendations;

AND THAT TDSB then consider this advice and recommendations, and consider amending and / or retracting these Special Education Policies based on these recommendations;

AND THAT going forward TDSB staff comply with the Legislation’s mandate to fully inform and consult with SEAC on matters pertaining to the education of students with special education needs IN ADVANCE of decisions to implement changes to Special Education policies, practices, and procedures, AND BEFORE the implementation of any of these changes.