**Motion #5**

(Draft dated November 29, 2016)

# Improving the Inclusion of Students with Special Education Needs at TDSB

## Background

The Accessibility for Ontarians with Disabilities Act (AODA) requires TDSB to become a fully-accessible provider of education services to students with disabilities, by 2025. This requires much more than fulfilling the limited AODA accessibility standards that the Ontario Government has enacted to date.

It is commendable that TDSB made the improvement in the area of inclusion for students with special education needs a priority in its new 2016 Integrated Equity Plan. The Ontario Government and school boards in Ontario, including TDSB, have set a major goal, to provide students with special education needs with optimal opportunities to receive their education in an inclusion-based context. There remains a debate over some specifics, e.g. when is it better to provide some or all education to some students with special education needs in a segregated setting, and whether a school board should make such a decision over the objection of the student or his or her parent/guardian. That debate concerns the application of an inclusion policy in certain cases, and not whether expanding opportunities for inclusion is a worthwhile general objective.

According to the Ontario Government, of the students with special education needs in publicly-funded schools across Ontario, 85% spend more than half of each day in an inclusion setting. Only 15% of them spend more than half of each day in a segregated setting.

In contrast, of the students with special education needs at TDSB, fully 50% spend more than half of each day in a segregated setting. TDSB has not provided SEAC an evidence-based explanation for this substantial discrepancy between TDSB and the Ontario average.

The mere placement of a student with special education needs in a mainstream classroom, as reported in these statistics, is not, of itself, sufficient to constitute "inclusion". "Inclusion" in education does not simply mean dumping all students with disabilities in the current mainstream classroom settings "as is," leaving them to sink or swim. It requires that they be provided needed accommodations, services and supports.

An overall inclusion policy does not mean that segregated educational settings for some students with disabilities are never permitted, even on a time-limited basis. However, inclusion should be available except where demonstrably counterproductive, and where the student or family agrees to an exception to inclusion. That placement must be accompanied by any needed accommodations, services and supports to enable that student to fully benefit and effectively learn in that setting.

These provincial statistics do not show how many of the 85% of students with special education needs across Ontario, placed in mainstream settings for more than half of the day, were provided the accommodations, services and supports they need. They don't show how many of the 50% of TDSB students with special education needs who spent more than half of each day in a mainstream class setting receive the accommodations, services and supports they need to succeed there.

It is important to find out why TDSB segregates students with special education needs at a far higher rate than the provincial average. TDSB and some others in Ontario use the term "congregated" rather than "segregated", the term used here.

SEAC's four motions, passed on June 13, 2016 include important recommendations that can reinforce TDSB's efforts at improving inclusion of students with special education needs. It will help improve inclusion if TDSB does a substantially better job at:

* Fulfilling the right of parents/guardians to know what options are available for their child (Motion #1)
* Improving its process for including parents/guardians in decisions regarding their child (Motion #2), and
* Ensuring the accessibility of the built environment at TDSB (Motion #3) and the digital environment in its classes and programs (Motion #4).

This fifth motion identifies other important ways to reinforce TDSB's inclusion strategy. An effective expanded TDSB inclusion strategy must go far beyond the four motions TDSB's SEAC passed on June 13, 2016. It must aim to ensure that the mainstream classroom is designed and operated in a fully disability-accessible and barrier-free way. Inclusion will be easier when accessibility barriers are removed from all educational settings, including the mainstream educational setting.

The large preponderance of students with special education needs have one or more of a wide range of different physical, mental, sensory, intellectual, learning communication, neurological, mental health and other disabilities. According to the Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code, TDSB has a duty to accommodate these students' disability-related learning needs, and to remove and prevent accessibility barriers impeding them, up to the point of undue hardship to TDSB. Where the student with a disability and their family/guardian wish the student educated in an inclusion setting, TDSB cannot justify segregating that student outside the mainstream, absent it proving that it is impossible for TDSB to effectively accommodate that child in the mainstream setting, without undue hardship to TDSB.

Under Ontario's special education laws, the population of students with special education needs also includes gifted students. Gifted students who also have a disability have the same right to have their disability-related learning needs accommodated. Advocates for gifted students have advocated too for opportunities for their children to learn in classes dedicated to gifted students, to enable them to learn in accordance with their abilities. An expanded inclusion strategy should be respectful of the effort to expand opportunities for students with disabilities in the mainstream context, while respecting the distinctive needs raised on behalf of gifted students.

There are recurring accessibility barriers in Ontario's education system, including at TDSB, beyond the built environment accessibility barriers and digital accessibility barriers addressed in SEAC's June 13, 2016 motions. An effective inclusion strategy must target these accessibility barriers, to ensure that they are removed and that new ones are not created in the future. This includes, for example:

1. Requirements to ensure that the curriculum and lesson plans are designed based on principles of "Universal Design in Learning (UDL), to be accessible for students with disabilities and students with special education needs.
2. Measures to eliminate attitudinal barriers among students without disabilities that impede the full inclusion of students with students with special education needs including students with disabilities, in TDSB classes and programs.
3. Requirements to ensure that instructional materials used at TDSB are fully accessible to students with special education needs, including students with disabilities who need to use them, and are available when needed.
4. Measures to ensure that any student testing is conducted in a way that fairly and accurately assesses students with special education needs, including students with disabilities.
5. Measures aimed at ensuring that students with special education needs, including students with disabilities, can fully participate in experiential learning at all levels of TDSB.
6. Measures to ensure that teachers who teach students with special education needs including students with disabilities, whether in mainstream classes or segregated classes, have the training they need to meet these students' learning needs.
7. Fair rules enabling students with disabilities to bring a trained service animal to school if needed.
8. Measures to ensure that gym equipment, playground equipment and other like equipment and facilities are accessible for students with disabilities.

For students with special education needs who are now being served in whole or in part in segregated programs at TDSB, which TDSB calls Intensive Support Programs (ISP), TDSB needs to develop a concerted strategy to maximize the opportunity for those students to interact with and learn with students without disabilities. TDSB also needs to reform the way it handles its ISP programs. SEAC has raised these problems with SEAC staff:

1. TDSB has maintained some segregated programs in schools which are entirely segregated. This creates a counterproductive special education ghetto. There is no reason why such segregated classes cannot be situated in schools that also have some mainstream classes. Students attending an entirely segregated school have no chance to interact with any students who have no special education needs. Even if a school is to have several segregated classes, in a city as large as Toronto there is no need for a school with no mainstream classes.
2. Two of TDSB's Intensive Support Programs, are misnamed and have been mis-described in TDSB's earlier Special Education Plans. The "Developmental Disabilities (DD) (ISP) is not in fact limited to students with developmental or intellectual disabilities, despite its name. The Mild Intellectual Disabilities (MID) ISP is not limited to students with a mild intellectual disability, or indeed to students with any degree of intellectual disability.

These inaccurate names mislabel their students in the eyes of staff, of other students in the school, and their families. Since the spring of 2015, SEAC has asked TDSB staff to rename these programs and to make public descriptions of them which more accurately describe them. This has not yet happened. It should not take this long to take such a straightforward step.

3. TDSB does not appear to systematically situate its DD and MID ISP classes in the same school. Students in those programs would benefit from being able to move along the ISP spectrum, from one level to the other, e.g. on the road towards more inclusion in mainstream classes, without having to suffer the substantial disruption of moving to a new school. Moving to a new school requires the student to learn a whole new environment and new line-up of teachers, principal and other staff. Families can understandably resist such a move, fearing that they will jump out of the frying pan into the fire. TDSB ought to be able to improve upon this, among its 550 schools.

In some contexts, it appears to be left to each school to address recurring accessibility barriers that can impede full inclusion, e.g., when deciding on acquiring school playground equipment.

It would help TDSB and its students if the Ontario Government agreed to create an Education Accessibility Standard under the AODA, so that each school board did not have to re-invent the wheel when addressing these recurring needs. Until then, TDSB needs to adopt concerted strategies to address these needs.

Action in these areas will help teachers and school staff better serve students with special education needs across TDSB, while ultimately being more cost effective for TDSB.

## Recommendations

The TDSB Special Education Advisory Committee therefore recommends as follows, to supplement the four motions it passed on June 13, 2016:

1. TDSB should adopt a clear definition of "inclusive education", for students with special education needs by using either or a combination of these definitions:

a) From the Canadian Association for Community Living:

*Inclusive education occurs when ALL students attend and are welcomed into their neighbourhood schools in age appropriate regular classes and are supported to learn, contribute to and participate in all aspects of the life of the school. As well, all students are challenged to meet their unique intellectual, social, physical and career development goals.*

b) From Disability is Natural:

*Inclusion is children with disabilities being educated in the school they would attend if they didn’t have disabilities, in age-appropriate regular education classrooms, where services and supports are provided in those classrooms for both the students and their teachers, and where students with disabilities are fully participating members of their school communities in academic and extracurricular activities.*

2. TDSB should systematically review its educational programming to identify recurring accessibility barriers that can impede the effective inclusion of students with special education needs including students with disabilities. A comprehensive plan for removing and preventing these accessibility barriers should be developed.

3. TDSB should promptly rename and update its descriptions of its "Developmental Disabilities" and "Mild Intellectual Disabilities" Intensive Programs, assigning names that are more neutral and accurate.

4. TDSB should develop a long-term plan to ensure that none of its schools is entirely segregated exclusively for students with special education needs. This should be done over a reasonable time, without displacing any students now situated in one of those schools, absent the consent of the student or their family.

5. Where possible, TDSB should locate in the same school a combination of two Intensive Support Program classes that involve different levels of support, in order to enable a student to try to progress towards a mainstream class setting without having to switch schools in order to switch to a different level of Intensive Support Program. For example, TDSB should aim to locate one more intensive program (such as the one now called a Developmental Disability class) at the same school as one involving less intense support (such as the program now called a Mild Intellectual Disabilities class).

6. TDSB should develop and implement a plan to ensure that teachers effectively and consistently use principles of Universal Design in Learning (UDL) when preparing lesson plans. For example:

1. TDSB should survey its front-line teachers to find out how much they know about UDL, how much they incorporate UDL into their lesson plans, and what more they would like to learn about practicing UDL.
2. TDSB should develop a comprehensive plan to train its teachers on using UDL principles when preparing lesson plans.
3. TDSB should develop strategies for assessing how effectively UDL is incorporated into lesson plans.
4. TDSB should review the curriculum, text books and other learning resources used in its schools to ensure that they incorporate principles of UDL.
5. TDSB should ensure that teachers in the areas of science, technology, engineer and math (STEM) have resources to ensure the accessibility of STEM courses and learning resources. This should include ensuring that any math coaches hired under the new Ontario Government Math Strategy are fully equipped to assist teachers in meeting the needs of students with special education needs.

7. In order to mainstream TDSB's approach to inclusion of students with special education needs, TDSB should merge its Special Education Department as an operational part of the Teaching and Learning Department.

8. To remove attitudinal barriers among students without disabilities, TDSB should develop and implement a multi-year program/curriculum for teaching students without disabilities about inclusion and full participation of students with special education needs, tailored to age levels. Where possible, this should include TDSB students meeting and interacting people with disabilities.

9. To ensure that students with special education needs can fully participate in TDSB's experiential learning programs, TDSB should:

a) Review its experiential learning programs to identify and remove any accessibility barriers.

b) Ensure that its partners who take TDSB students for experiential learning placements are informed of their duty to accommodate the learning needs of students with disabilities.

c) Create supports for placement partners who need assistance to ensure that students with special education needs can fully participate in their experiential learning opportunities.

d) Survey students with special education needs at the end of any experiential learning placements to see if any disability-related needs were effectively accommodated.

10. To ensure TDSB fairly assesses the performance of students with special education needs, TDSB should

a) Provide its teachers and principals with training resources on how to ensure a test is a fair assessment for students with special education needs in their class.

b) Set guidelines for proper approaches to ensuring tests provide a fair and accurate assessment of students with special education needs.

11. Because students on the autism spectrum have reported difficulties at some school boards with being able to bring a service animal to school, TDSB should ensure it has a fair protocol to ensure that students with disabilities who need a trained service animal are able to bring them to school.

12. To ensure that instructional materials used at TDSB are fully accessible on a timely basis to students with special education needs such as dyslexia and vision loss, TDSB should:

a) Survey students with special education needs with any accessibility needs regarding instructional materials to get their front-line experiences on whether they get access to accessible instructional materials in a timely basis, and

b) Report to SEAC about the results of this survey, along with options for addressing any unmet needs.

13. To ensure that gym equipment, playground equipment and other like equipment and facilities are accessible for students with disabilities, TDSB should:

a) Take an inventory of the accessibility of its existing gym and playground equipment.

b) Adopt a policy on specific accessibility requirements for new gym or playground equipment.