# Report to Toronto District School Board Special Education Advisory Committee

# From: SEAC Chair David Lepofsky for the January 15, 2018 TDSB SEAC Meeting

Date: January 10, 2018

By: David Lepofsky, CM., O.Ont,

Chair

Toronto District School Board Special Education Advisory Committee

## 1. Introduction

I hope that everyone had a good holiday season and a happy New Year. This report gives you key information leading to our first TDSB Special Education Advisory Committee meeting for 2018, to be held on Monday, January 15, 2018. I look forward to seeing you all there.

As the agenda provides, we will begin our meeting with election of the chair and vice-chair of SEAC for this year. As I have indicated earlier, I am offering to again serve as SEAC chair this year, if that is the wish of our Committee. In setting out the items in this report, I do not in any way want to presume the outcome of that election.

As of the time I am writing this report, the Ontario Government has announced the chairs for the promised Education Standards Development Committee. However, it has not yet announced the full committee membership. It also announced that there will be two committees. One will deal with disability accessibility barriers in K-Grade 12. The other will deal with disability accessibility barriers in post-secondary education.

At the end of this report, I also set out am email sent to me as SEAC chair. It was previously circulated via email to you.

## 2. Visit by TDSB Director of Education John Malloy

I am delighted to report that TDSB's Director of Education will be coming to our January 15, 2018 meeting for about 30 minutes. I understand that he will make a few brief remarks about his current priority activities, and then will be open to questions and feedback from SEAC members. I want to give you advanced notice of this, so you can think about your questions and feedback for him. Since his time is limited, and there are over 20 members of this committee, may I invite you to offer your feedback in a succinct enough way to ensure that others get a chance to do so as well. I know this can be a challenge, since we all have so many important issues on our minds.

No doubt, some may wish to address some thoughts to Mr. Malloy about the final report of the Enhanced Equity Task Force. This will not be the only time or place that you or your community organization can do so.

The final Report of the TDSB Enhanced Equity Task Force was posted and made public on Friday, December 8, 2017. For anyone who has not yet seen it, it is available at:

<http://www.tdsb.on.ca/Community/How-to-Get-Involved/Enhancing-Equity-Task-Force/Enhancing-Equity-Task-Force-Recommendations>

I am told that an MS Word accessible version of the report was to be posted, but I have not had a chance to check to see if that was done.

If anyone has feedback on that report, I also recommend that you express this directly to TDSB through Uton Robinson, Executive Superintendent of Special Education, and through the other avenues that TDSB will also be affording for receiving feedback on it.

## 3. Finishing Our Motion #6 Refusals to Admit

At our December 7, 2017 SEAC meeting, SEAC voted on and passed the first half (or so) of our Motion #6, regarding TDSB's practices on refusing to admit a student to school, with some word changes proposed by SEAC members. I propose that we vote on the remaining part of Motion #6, after we finish our discussion with John Malloy.

Included in the package of materials for this meeting is a revised text of Motion #6. It includes the first part of the motion, in the wording that SEAC passed at our December 7, 2017 meeting.

It then sets out the remaining paragraphs (paras. 6 through 10), on which SEAC has not yet voted. The wording of those remaining paragraphs has already been adjusted to take into account the feedback on wording (such as gender references) that emerged during discussions at our December 7, 2017 SEAC meeting. Also, Paragraph 9 has been slightly modified to insert a reference to the "undue hardship" standard, right after its reference to the duty to accommodate. One SEAC member asked for such a reference to be added where it may fit.

Of course, it will be open to any SEAC member to offer any wording changes at our meeting that you may feel important. However, to ensure that we can finish voting on this motion at our January meeting, it would really help if you could share any such wording changes before the meeting via email to us all. For example, if there are any wording adjustments that you may wish, or any wording in paras 6 to 10 that you want clarified, an email may well help us clear that up before the meeting.

We are fortunate that once again, ARCH Disability Law Centre counsel Luke Reid has kindly agreed to join us at our January 2018 meeting, and to offer his feedback on our discussion of Motion #6 as needed. You will recall that it was the ARCH Disability Law Centre that first brought the refusal to admit issue to our SEAC.

## 4. Setting SEAC's Priorities for 2018 and TDSB Staff Report/Feedback Requests

Our agenda then allocates time for TDSB staff updates/feedback requests. Our December meeting did not end up allowing time for this. It will be important to ensure that there is time for this at our January meeting, to cover whatever staff wanted to then cover, plus anything arising since then.

After that discussion, our agenda allots time for SEAC to decide on its priorities for this year. I again set out the synthesis of these which I earlier circulated, based on extensive discussions at earlier SEAC meetings. Here again, to speed our discussion up at the upcoming meeting, it would really help if you could share any thoughts on this via email now, over the days leading up to the meeting.

One of the proposed priority areas concerns the steps TDSB now takes, and the steps it should take, to help ensure that students with special education needs are best positioned to transition to employment after they leave the school system. I propose that our February 2018 meeting allocate a good chunk of time to this topic.

To this end, TDSB Trustee Chris Glover has asked for a chance to present a report to SEAC. I anticipate this taking place at our February 2018 meeting.

I set that out below. Trustee Glover and I are trying to connect by phone to discuss further in advance of that meeting. I am also by this report asking TDSB staff to update SEAC at that meeting on what TDSB is now doing, or plans to do. As always, it would help if we can get a brief written update from staff in advance of that meeting, if at all possible.

## 5. A Report to TDSB From TDSB Trustee Chris Glover

Employment for All: An Equity goal for the TDSB

Chris Glover

January 2018

Our jobs are more than just jobs for us. They provide us with a purpose, a sense of accomplishment, and a social network. Yet many of our TDSB graduates with disabilities are deprived of the opportunity to work. In Canada 79% of people without disabilities have paid employment. The percentage for people with disabilities is 51%, and for those with intellectual disabilities, it’s 26% (Turcotte, 2014; Dale, 2017). For many of our students with disabilities, employment is not considered a possibility. South of the border, however, in Washington State, 87% of people with intellectual disabilities have paid employment vs the 26% in Canada.

For TDSB students with disabilities, there is a very large inequity in employment. With the board currently discussing its Enhancing Equity Taskforce Recommendations, this is an opportune time to develop a plan to address this systemic inequity. For the past year, the Special Education Forum, a group of parents, students, community members, and Toronto District School Board staff have been exploring how we can achieve the success of Washington State. This report summarizes what we’ve learned, and recommends ways to empower people to live the lives they want (DDA, 2017).

Many Ontario students with disabilities finish their education at 21, the age at which they must leave their school. Unfortunately, they often transition into nothing. Sharon, for example, has a 24 year old daughter who has an intellectual disability. When Sharon’s daughter finished her program at Central Etobicoke High School in 2014, there was no place to go. No programs, no employment opportunities. Her parents - one quit his job - sold their house in Toronto to raise money and moved to a less expensive house in Niagara Falls. Sharon now commutes 1 ½ hours to Toronto each day for her job as an Education Assistant helping children with disabilities like her daughter. She and her husband take turns staying home with their child – essentially sacrificing one of their incomes to care for their daughter.

This is a common story in Ontario. After the age of 21, there are not enough services or places to go. There is a patchwork of inadequate services that are so complex and difficult to find that families need a navigator to assist them. Often one parent will quit their job in order to stay home with their adult child. Priest (2012) writes: “For parents of people with an intellectual disability, the quest to find a home and services starts early and can last decades.”

The problem of having no place to go was only exasperated in 2015 when the provincial government announced it was closing sheltered workshops in Ontario. For the past year, the Special Education Forum has been exploring the issue of paid employment for people with intellectual disabilities and post-21 supports.

What we’ve learned about sheltered workshops:

• The sheltered workshops are closing in part to fulfill a vision of having people with disabilities fully integrated into workplaces. This would be a next step in integrating people with disabilities into society. The movement started with closing institutions in the late 1970s and moving people into group homes. In the 1980s and 90s, inclusive education practices were implemented. The next logical step would be to integrate people into paid employment.

• The government is, however, also closing sheltered workshops because of the liability they pose for the government. There have been two lawsuits by people who worked in sheltered workshops for decades, often for one or two dollars an hour – their income was supplemented with Ontario Disability Support payments. The lawsuits are to recoup minimum wage for the years the people worked. The government is shutting down the sheltered workshops in part because of the potential liability, but also because of a broader movement to pay people with disabilities real wages.

• People working in sheltered workshops collected money from Ontario Disability Supports Program (ODSP), but fifty cents of every dollar they earned over $200/month was deducted from their ODSP.

• The workshops had supporters and critics. The critics argued that people with disabilities were providing cheap labour, and the ODSP claw back guaranteed “lifetime of poverty as well as dependency” (Welsh, 2015). Supporters argued that the sheltered workshops provided a place to go every day, the social life of a workplace and purposeful work. They also argued that the supervision necessary usually meant the businesses operated at a loss, and needed government support to survive.

• Employers usually consider hiring workers with intellectual disabilities an act of charity.

**Moving forward:**

At the forum, we were inspired by Joe Dale, Executive Director of the Ontario Disability Employment Network. Joe is the one who told us about the 87% employment rate for people with intellectual disabilities in Washington State. We are a long way from achieving those type of results, but there are many exemplary Ontario employers who hire people with intellectual disabilities because it is good for the bottom line, not an act of charity, and there are employers in the United States that are light years ahead of us in Canada:

• Mark Wafer, who owns six Tim Hortons franchises in Scarborough has 46 employees with disabilities out of a total of 250 employees (Stancu, Jan 24, 2016).

• Ten percent of the 2017 summer staff at the CNE had disabilities. The CNE’s goal is to double that number within five years.

• In Toronto, the Common Ground Cooperative operates five social enterprise coffee shops that provide people with intellectual disabilities an income while working cooperatively in their community.

• In Ottawa the “LIVE WORK PLAY” organization works toward its mission of “helping the community welcome people with intellectual disabilities to live, work, and play as valued citizens”. LIVE WORK PLAY offers programming, employment and housing supports.

• Safeway employs 10,000 people with disabilities in their stores in Canada and the U.S., and recognizes that “People with Disabilities make exceptional employees”. They have been honored by the Council of State Administrators of Vocational Rehabilitation (CSAVR).

• In the United States, half of the employees in the Walgreens warehouse in Windsor, Connecticut have disabilities (Cann, 2012).

Many of the employers above argue that hiring people with intellectual disabilities is not an act of charity. It’s good for the bottom line. Tim Hortons franchisee, Mark Wafer argues that his employees with disabilities have an 87% better attendance record than those without disabilities, and that they have contributed to a better level of morale and a lower turnover rate than other franchises, which saves him retraining costs (ODEN, 2017). Higher retention rates were also found in a Pizza Hut – Taco Bell study that found employees with disabilities had a 38% turnover rate in an industry where the rate can be as high as 120%. In another U.S. study, the American Society of Safety Engineers found that workers with disabilities had a turnover rate 48% lower than that of the nondisabled population, with medical costs 67% lower and time-off expenses 73% lower (Cann, 2012).

**What we’ve learned about creating employment opportunities:**

We can set the goal of having 100% employment for people with intellectual disabilities.

Employment for people with intellectual disabilities will look different for each person. Osmond Shen, was our guest speaker at the Special Education Forum (Special Education Forum Minutes, Oct 2017) . A TDSB student with cerebral palsy, Osmond described his work experience the previous summer Holland Bloorview where he participated in a three-week program and made $300. He had specific jobs to do: deliveries, Spotlight Awards (clients give to staff) which he delivered to staff; scavenger hunt for new in-patient families; and wrote an article for the Viewfinder, the employee website. This August he will be volunteering at Capes for Kids, a fundraising event at Holland Bloorview. This is only the beginning for Osmond. Joe Dale points out that people with initial paid employment experiences as teenagers are far more likely to have paid employment as adults.

**Actions coming out of the Special Education Forum:**

The Special Education Forum has launched a dialogue with parents, students and staff from across Toronto that includes TDSB staff, agency, and group home staff. We’re sharing experiences and, with the guidance of guest speakers such as Joe Dale, we’re learning how the TDSB can contribute to achieving the goal of 87% employment for people with intellectual disabilities. The Forum’s dialogue has contributed to two developing partnerships at the TDSB:

• Post-21 is a start-up initiative for people with complex medical and developmental needs.

• We are in discussions with Community Living Toronto to partner on a job training

program that could potentially be run out of Central Etobicoke High School.

We are only beginning this dialogue. We know that as the largest school board in Canada, the TDSB can contribute to achieving the 87% paid employment rate that exists.

**How did Washington achieve its success?**

“It’s been a forty-year journey,” says Jim Larsen President of Morningside, an employment agency that serves people with disabilities in Olympia Washington. Among the legislative milestones, Larsen points to:

• The Individuals with Disabilities Education Act (1975), which guaranteed free and appropriate public education to children with disabilities, which requires schools to identify and provide free assessment of students suspected of having disabilities, and to provide them with the services they need. It also gives parents a voice in their child’s education by regulating that parents must consent to any services provided to their children.

• The Americans with Disabilities Act of 1990 prohibited “discrimination in employment, public services, public accommodations, and telecommunications” (Equal Employment Opportunity Commission, n.d.).

• The Individuals with Disabilities Education Act of 1994 provided students with paid work experience, workplace mentoring, and a planned sequence of job training including pre-employment and employment skills at progressively higher levels (New Ways to Work, n.d.).

• Workforce Innovation and Opportunity Act (1998) which provides for job training to unemployed or underemployed individuals.

These legislative milestones were achieved through grassroots advocacy and implemented through vocational rehabilitation funds. Among the agencies operating in Washington State are:

• WISE which “specializes in innovative training and technical assistance to business, agencies and individuals” (gowise.org).

• The Centre for Change in Transition Services at Seattle University tracks extensive data and implements transition services “designed to be a results-oriented process that facilitates the successful movement from school to postsecondary living” (seattleu.edu/ccts).

• The ARC of Washington “advocates for the rights and full participation of all people with intellectual and developmental disabilities and inspires inclusive communities” (arcwa.org).

• Morningside Since 1963 uses job developers to assist businesses to recruit and retain employees with disabilities (morningsideservices.com).

• Disability Rights Washington advocates for and protects the rights, including employment rights, of people with disabilities (disabilityrightswa.org).

• The Northwest Americans with Disabilities Act Centre operates out of the University of Washington and “assists businesses, state and local governments, and people with disabilities as they manage the process of changing our culture to be user friendly to disability” (nwadacenter.org).

There is also a webpage dedicated to “Disability Rights jobs in Washington State” at Indeed.com, and Developmental Disabilities Administration offices located throughout the state. The Governor of Washington has committed to a goal of having 5% of state staff be people with disabilities.

If Washington is the gold standard for creating inclusive workplaces and post-secondary opportunities for each student with disabilities, Ontario lags way behind. There are similar agencies in Canada, and some enabling legislation, but the difference in Washington State is the universality of the programs and the expectation that all people with disabilities will have paid employment.

There is no inclusive vision for people with disabilities in Ontario. There is the OADA to make our buildings accessible, but there is no overarching vision to make our workplaces inclusive. No level of government (that I can find) has set a target of having 5% of its workforce to be people with disabilities (although 10% of its summer workforce of the CNE were people with disabilities).

We still systematically shut people with disabilities out of the workplace.

The question before us is, what role can the TDSB play in achieving 87% paid employment for our graduates with disabilities?

Meanwhile, in Washington state, they are not done. Jim Larson, Jim Larson the CEO of Morningside Employment Services in Olympia, Washington says, that many of the 87% have only 11 hours of paid work per week. The next goal is to get that to 20.

Chris Glover is the TDSB Trustee for Etobicoke Centre. He has been hosting the Special Education Forum for seven years.

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## 6. Letter Received Via Email by the SEAC Chair

Letter - Re Toronto Star Article - SEAC.PDF

December 15, 2017

David Lepofsky

Chair

Special Education Advisory Committee (SEAC) Toronto District School Board

5050 Yonge Street

Toronto, Ontario M2N 5N8

Dear David Lepofsky,

On Sunday, December 10, 2017, the Toronto Star published an article in which I was paraphrased as having said: “There are long-standing concerns about the burden placed on teachers by putting kids with special ed needs in regular-stream classes.”

I would like to deeply apologize for how my words were presented in the Toronto Star. I can understand how the word “burden” may have been perceived and may have troubled students, parents, and teachers alike.

The Elementary Teachers of Toronto (ETT) is expected to be an advocate for all students in our shared public education system. What was published did not accurately reflect my views or our union’s, and I would like to take this opportunity to correct the record. ETT and I support a more equitable, de-streamed TDSB. SEAC’s work in this regard has been critical and aligns with our efforts to improve Special Education in the Board.

The concern I expressed to the Toronto Star is not with the framework of de-streaming, but with the inadequate funding regime that is failing our schools, our exceptional students in particular. The “burden,” as I attempted to convey—unsuccessfully, unfortunately—is the lack of supports, not students. To achieve equity within the TDSB it is paramount that our schools have the resources necessary to support the success of all students. ETT continues to work towards this goal, and we remain committed to improving the broad category of Special Education in the Board.

This year we have taken the additional step of launching a Special Education-focused campaign with our members to improve the supports available to students and teachers. In this this effort we were successful in petitioning to ensure that teaching Vice Principals with a Special Education Assignment are properly timetabled, so that all exceptional students receive the support they have been allocated by the Board.

Again, please accept my sincerest apologies regarding this misunderstanding.

I look forward to continuing to work with SEAC to advocate for the resources necessary to support the special needs of all exceptional students.

Andy Lomnicki

President Elementary Teachers of Toronto

Cc: Paula Boutis, SEAC South West Community Representative

Sam Hammond, ETFO President

Mitzie Hunter, Minister of Education

Jennifer Brown, ETT Vice President

Doris Duni, ETT Secretary/Treasurer