**Special Education Advisory Committee (SEAC)**

## MINUTES for Monday, January 16, 2017

### SEAC – Representatives and (Alternates) Present:

Association for Bright Children Diana Avon

Autism Society of Ontario – Toronto Lisa Kness

Brain Injury Society of Toronto Cynthia Sprigings

Community Living Toronto Clovis Grant

Down Syndrome Association of Toronto Richard Carter

Easter Seals Ontario regrets

Epilepsy Toronto Steven Lynette

Integrated Action for Inclusion Kim Southern-Paulsen

Learning Disabilities Association Toronto regrets

VIEWS for the Visually Impaired David Lepofsky

VOICE for Hearing Impaired Children Paul Cross

TDSB North East Community Aline Chan Jean-Paul Ngana

TDSB North West Community regrets regrets

TDSB South East Community Diane Montgomery regrets

TDSB South West Community Nora Green Paula Boutis

TDSB Trustees Alexander Brown Pamela Gough Alexandra Lulka

Regrets: Deborah Fletcher (Easter Seals), Jordan Glass (NW Community), Olga Ingrahm (SE Community), Mark Kovats, (Learning Disabilities Association, Toronto District), Phillip Sargent (NW Community), Dick Winters (SE Community Alternate)

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

Margo Ratsep, SEAC Liaison

Guest: John Malloy, Director of Education

Recorder: Margo Ratsep

MINUTES

## Call to Order

## SEAC Chair David Lepofsky called the meeting to order at 7:03 p.m. and invited SEAC members and staff in attendance to introduce themselves to the guests in the gallery.

## Declaration of Possible Conflicts of Interest

## No conflicts of interest were declared.

## Approval of the Minutes

Following a brief discussion on some of the paraphrased wording used in the Minutes for Monday, December 5th, 2016, they were approved as recorded.

The Chair welcomed TDSB Director of Education Dr. John Malloy, who had asked for a few minutes of meeting time to address the topic of TDSB’s use of the Learning Opportunities Grant, which had received recent media attention. The following points, made during the discussion and follow-up questions, are paraphrased by the recorder:

* The Learning Opportunities Grant is used to enhance programming and services for students at risk. The Grant is more open-ended than is presently communicated.
* The Grant has a wide definition because the province understands that each community, represented by an elected board, needs to think about and decide who needs to be served, in what kind of program and with what services. There are no other stipulations around the Grant.
* There are a number of things the Grant funds in the TDSB, such as Model Schools for Inner Cities (which serve a greater number of students living under economic challenges), programs in special education, outdoor education centres (more than any other board); paraprofessionals like social workers, psychology staff etc. (above the provided envelop). The Board has the authority to make these decisions. It is the Director’s job to attest that the board follows the province’s requirements.
* In reference to the Social Planning Report – the Social Planning Council and some board members believe the Grant should be used to focus more on students in poverty than it does. This is a valid perspective. It is not as currently used but that doesn’t make that perspective wrong.
* Poverty is a huge, complex issue. The Board understands that complexity and the Director is grateful the board passed a motion with recommendations around the Grant.
* The Board passed a motion to initiate an Enhancing Equity task force to address these issues.
* There is no animosity towards the Social Planning Council. The board needs help from our community to help make decisions. The Board will continue to work with advice from our communities. It reserves the right to make its decisions.
* It’s a challenging situation. Unless there is additional funding coming that isn’t sweatered, the only way to make changes to what we do is to stop funding what is presently being funded. Difficult choices would have to be made.

The Chair thanked Dr. Malloy and invited questions:

Question 1: In the media, a suggestion was made that some of the Grant went into the General Revenue to help cover board expenses.

Response: The way accounting happens and communication/public relations happens, is complex. The Grant money must connect to students and student programs. When added up, the board exceeds the paraprofessional envelop – because the board wants that level of service for students. Outdoor Education helps kids in poverty see a part of the world they wouldn’t otherwise see, but at the same time we don’t exclude other students. All the dollars spent that exceed their envelops are focused on kids. TDSB expenditures using the Grant and Special Education funding exceeds those envelops by 16 million. Students are the focus. The dollars are accounted for. Without more dollars coming in, proposed changes to how the Grant is used would require changes to current expenditures.

Question 2:  What are the top 3 things the board needs from SEAC to help?

Response:  By engaging our communities honestly, transparently and authentically. We have complex needs – poverty, mental health, learning needs. If the dollars don’t come, then decisions will have to be made. If we engage our communities, when hard decisions have to be made, there might be deep understanding – broader than just in budget season – so that the decisions being made are understood.

Question 3: I am concerned that poverty and special education have an intersection and hoping that people are remembering this.

Response: Liz Rychart is our facilitator. She has made a commitment as the facilitator to include this.

Dr. Malloy thanked the Chair for the opportunity to speak with SEAC. The Chair invited further questions from members by email and volunteered to forward them to Dr. Malloy.

**4. Election of SEAC Chair and Vice Chair**

The chair was relinquished to Executive Superintendent Robinson to carry out the 2017 SEAC election. Uton reviewed the process and invited nominations for the Chair position. David Lepofsky put his name forward. There being no other nominations, David Lepofsky was declared 2017 Chair. Executive Superintendent Robinson invited nominations for Vice Chair. Trustee Alexander Brown put his name forward. There being no other nominations, Alexander Brown was declared 2017 Vice Chair.

**5. Setting Dates for 2017 SEAC meetings**

A draft of SEAC meeting dates for 2017 was presented by Margo Ratsep. Chair Lepofsky requested SEAC input into altering two meeting dates. The calendar was adopted with the following changes:

1. The March 6th meeting could be moved to February 27th (pending meeting room availability)

2. The December meeting remains tentatively scheduled for December 11th, to be confirmed at a later date.

**6. Draft Motion on Smoothing Dealings with TDSB Board**

Chair Lepofsky directed attention to his draft motion outlined in the January 16, 2017 Chair’s Report, copies of which were provided in meeting folders. He requested a friendly amendment, that under the subheading ‘Background’, all of point 3 be deleted and the following two points be renumbered as 3 and 4.

In his draft motion, Chair Lepofsky put forward the need for a more effective avenue for bringing SEAC motions to the board’s attention in a timely and effective way. In clarification about the process, he explained that the prescribed route for SEAC motions is through the Program and School Services Committee (PSSC) and this presents delays. He argued that there may be times when SEAC believes motions should go directly to the board or to every trustee immediately. Trustees on a committee cannot be stopped from going forward with motions. He voiced an additional concern about the time limit on delegations and stated that a meeting has been set up to work something out.

Trustee Brown added points: The meeting referred to is set up to work out a better role for SEAC in the budget process. PSSC receives reports from all Community Advisory Committees and there is a new delegation procedure that addresses the time limit. If PSSC isn’t going to meet for a month, there needs to be faster access.

On motion of David Lepofsky and seconded by Paula Boutis, the full motion (including all parts) passed, as amended. (The amended motion can be found in Appendix A, beginning on page 7.)

**7. Brainstorming on Revised Draft of Motion #5: Gathering SEAC Input: TDSB Integrated Equity Framework Action Plan and TDSB 2016 Special Education Plan**

David spoke briefly to the draft motion and invited feedback for inclusion in the motion. The following input is paraphrased by the recorder:

* Association for Bright Children, Diana Avon raised points specific to Giftedness. The Chair invited her to email her requested changes to him
* Concern was expressed that the length of the motions will bog things down
* Comment was made that the term “exceptionalities” does not equate with “disabilities”
* Questioned if all SEAC is working with a common understanding of “inclusive education”
* Regarding point about renaming MID and DD – questioned how that can happen when definitions are from the Ministry of Education. Preference was expressed to talk about students and learners. David clarified that the motion doesn’t propose renaming exceptionalities but addresses the naming of programs after exceptionalities – which suggests inaccurately that those programs are only for kids with those conditions. (Instead, students who may need the level of program support are labelled by the program in order to receive the level of intensive support they need.)
* Regarding Inclusion strategy – commented on the need to look at creating well-resourced schools for true inclusion
* Comment made that teacher training should require special education
* Example raised of ‘Spinclusion’ offered by Community Living, reference to be forwarded to David
* Inclusion is a Human Rights issue involving dignity. The context of the Gifted has a different purpose. No one is trying to move gifted students from the regular classroom in the way that other exceptionalities are systematically directed there. While understanding that advocates want exceptionality settings for the gifted, as the better educational setting. is there something TDSB should be doing to better serve that population in their neighbourhood school, as many families also want their gifted children to stay in the home schools, and until Grade 4, home school is the only option.
* It is a different conversation for the disabled. One explanation for high segregation rate for students with disabilities is higher numbers in TDSB, so have have the option of having these classrooms in bigger boards
* However, disturbed by lack of knowledge in belief that you will be better off in an Intensive Support Program (ISP), this perceived benefit is not based on research
* Allocation of resources is a problem. We allocate EAs to ISPs. How can we properly move to inclusion if we allocate in this way? Can we maintain a robust ISP system while trying to move towards more inclusion?
* ISPs should be the last resort – having done everything possible in the regular classroom.
* Need the right transition plan on reallocation of resources so can end use of Special Education Program Recommendation Committee (SEPRC) as an option
* Need to presume competence, as the least dangerous option (refer to Cheryl Jorgenson).
* Need planned timeline to a regular class. Proper differentiated instruction is being done well – need Universal Design for Learning (UDL).
* Questions raised by TDSB staff about how the child “sees themselves” when intellectually challenged – suggestion by staff that such students would feel better about themselves in an MID classroom.
* Feel special education kids are being treated like cattle-bussed everywhere – no stability in school you are in, if want to move to a different ISP or regular classroom, have to move schools again
* Had to take a leap of faith to return to home school from ISP. Talking about systemic change, so will take a long time.

David thanked members for their helpful contributions. He commented that if TDSB moved children without special needs around as often as they do special education kids, there would be an uprising. He emphasized the need for a flexible inclusion strategy and barrier free designed classes, where supports and accommodations are present for all disabilities, not just exceptionalities. Exceptionality includes Giftedness and some disabilities but not all. For example, Mental Health conditions are covered by the Human Rights Code and Charter of Rights but in Special Education law – the exceptionality that applies for mental health conditions is Behaviour, which must be accommodated.

Discussion continued:

* Concern that the draft motion carries more of a “what you’re not doing right” tone versus “here’s what we think you can do”. A softer, more positive approach from SEAC could be more effective. (David suggested the member send examples of negative tone to him.)
* Regarding exceptionalities versus disabilities – It would help to pick a term, define it and use it. The term exceptionality is too limited. We are spending more on special education than is funded.
* The board’s supportive strategy has 20% of student population being supported. With so many students, TDSB has more issues than anywhere else in the province. We don’t want kids going into segregated classes because that’s all the money we have to support them. Merging resources has to be part of the inclusion strategy.
* Universal Design for Learning will never be perfect or fit everybody. There will always be need for higher degrees of support.
* Staff attitudes in some schools are unhelpful, categorizing student ability by the class they are in (i.e. assuming a student is ‘dumb’ because he’s in a particular special education classroom.) Attitudes have to change. Leadership needs to come from the Director and Superintendents – and there has to be more accountability for the expectations on staff.

Members were invited to send further input by email to the Chair. Meeting time having been exceeded, a motion to continue for 10 minutes passed.

**8. TDSB Monthly Staff Report**

A Department Update prepared by Executive Superintendent Uton Robinson had been distributed to members in advance of the meeting. There was no follow-up discussion.

**9. Gathering Input for Spring 2017 Parent Conference**

SEAC’s representatives on the Planning Committee, Clovis Grant and Lisa Kness spoke to the information provided in SEAC meeting folders, a draft of some of the workshops being considered. 23 special education workshops are being planned out of the 60 spaces available. SEAC input into the topics for workshops was invited. The workshops are to be facilitated jointly by staff and parents, including SEAC members. All workshops require parent facilitators. There will also be a Marketplace again and SEAC Associations are invited to host tables in the not-for-profit sector. VOICE Representative Paul Cross requested that there be a session on hearing loss. Epilepsy Toronto representative Steven Lynette volunteered to offer a workshop on Inclusion.

***Required Actions:***

***1. SEAC members are asked to let Margo Ratsep know about their availability to be facilitators in workshops.***

***2. Association representatives are asked to let Margo know if they will be hosting a table in the Marketplace.***

**10.** **Association Announcements**

TDSB Supervising Principal for Special Education, Lori Moore is to speak about the Grade 3 CCAP testing on January 30th at Northern District Library

There will be a February 2nd webinar – broadcast similar to others by Director John Malloy. Information is posted on the front page of the TDSB website

**11. Other**

Two SEAC membership nominations were put forward in a single motion by Diana Avon and Cynthia Sprigings:

***Whereas SEAC has received applications from the executive officers of the Association for Bright Children (ABC) and the Brain Injury Association Toronto (BIST) to fill their Alternate Representative vacancies on TDSB Special Education Advisory Committee (SEAC) and both named applicants meet the Ministry of Education and board criteria for eligibility, therefore,***

***Be it resolved that the board appoint Melissa Rosen as SEAC Alternate Representative for ABC, and Melissa Bygard as SEAC Alternate Representative for BIST.***

The motion carried.

**12. Adjournment**

The meeting adjourned at 9:12 p.m.

Next SEAC Meeting: Monday, February 6, 2016

**Appendix A**

# \*Revised Draft Motion to SEAC on Smoothing SEAC's Dealings with the TDSB Board

# (\*as amended – 16 January 2017)

# Background

TDSB's Special Education Advisory Committee includes over 20 members from the community, all volunteers, as well as three trustees. They devote extensive time to reviewing the needs of some 46,000 TDSB students with special education needs. Their core role is to make recommendations to TDSB on how to improve its services for those students.

SEAC has for the past 18 months been conducting a major top-to-bottom review of the delivery of education to students with special education needs. It has made several substantive recommendations to TDSB. It is working on more recommendations.

Formally and informally, SEAC has received a warm reception from individual trustees. However, SEAC has encountered several frustrating procedural roadblocks in its dealings with the TDSB at the Board level over the past year. For example:

1. On June 13, 2016, SEAC passed a first major package of detailed reform recommendations for serving students with special education needs. These were the result of many months of work.

Such SEAC recommendations are conveyed to TDSB's Program and School Services Committee (PSSC) That committee did not meet until November 2, 2016 fully four months after SEAC passed these recommendations. By TDSB procedures, these SEAC recommendations were not shared with all trustees, but only with those on PSSC. As well, SEAC's work was, at the Board level, in effect left on hold for this long period. We know that TDSB staff also had these recommendations and were commendably turning their attention to them.

SEAC requires a way to get its recommendations to all trustees immediately, and to get them considered by at least one Board committee more promptly.

2. When SEAC gets to make an oral presentation, such as at PSSC, it is afforded a mere 5 minutes, plus time for trustees' questions (if any). For routine matters, this time is sufficient.

However, when SEAC is presenting on items of major SEAC work, 5 minutes is entirely inadequate. A 5 minute deputation only allows a superficial introduction, without any explanation that is more in depth. SEAC, when addressing the needs of 46,000 students with special education needs, is afforded no more opportunity to speak than a member of the public, who is deputing to a Board committee on an incident pertaining to one single student.

SEAC requires an avenue to obtain, when needed, a fuller opportunity to present to a TDSB committee or to the full Board. SEAC is aware of the large quantity of important business before trustees. SEAC would only use such an expanded avenue to speak on the limited occasions when it is necessary to do so.

3. In December 2016, a Board trustee, never identified to SEAC but not one who is a SEAC member, evidently raised a concern within TDSB about the use of telephone participation at SEAC meetings. That trustee never contacted SEAC to discuss any concerns.

TDSB's legal counsel was then asked by someone, never identified to SEAC, to provide a legal opinion within TDSB about the provision of telephone participation at SEAC. SEAC was never notified that an opinion was requested, nor was it consulted before an opinion was rendered.

TDSB staff then sent an email to SEAC days before its December 2016 meeting, purporting to direct SEAC that it must allow telephone attendance. SEAC had had no opportunity to discuss this before that direction was sent out.

Telephone attendance would have substantial detrimental impact on SEAC's work. SEAC will be discussing this issue at a future meeting, and deciding how it wishes to proceed.

It is appreciated that TDSB staff have since conveyed to SEAC that this issue was not properly handled by TDSB. It created an unfair and disruptive flurry of work for SEAC's Chair and members, when they were busy, as volunteers, preparing for important other business to discuss at SEAC's December meeting.

Any trustee who has a concern with SEAC procedures or work should first raise these directly with SEAC as a whole or with its Chair. If legal advice is to be sought regarding SEAC operations, SEAC should be told about this and given an opportunity for input. A collegial working relationship with SEAC is to be preferred over one where TDSB unilaterally directs SEAC on what it must do when it conducts its business.

4. In the 2016 fall, SEAC passed a recommendation to the TDSB Board regarding TDSB's duty under Ontario law to consult TDSB on its special education budget. It recommended that a SEAC member be permitted to sit either as a voting or non-voting member of TDSB's Budget Committee.

When this matter came forward to the next PSSC meeting, the Chair of PSSC ruled it out of order. Neither the PSSC Chair nor anyone else alerted SEAC, or the SEAC Chair, of any concern on whether that SEAC recommendation was in some way out of order. SEAC had no opportunity to speak to the matter. The SEAC Chair had attended an earlier part of that same PSSC meeting, to make a deputation on other SEAC issues. No one alerted the SEAC Chair that any of its recommendations were about to be ruled out of order.

It is emphasized that all these procedural frustrations occur despite the fact that a good number of trustees have warmly expressed their gratitude to SEAC for its work, and have expressed a genuine interest in what SEAC has to recommend. Eliminating these procedural frustrations would help SEAC build on that receptiveness, which SEAC appreciates.

# *Recommendations*

***SEAC therefore recommends to the TDSB Board as follows:***

***1. When SEAC makes a recommendation to the TDSB Board, this recommendation should be immediately distributed to all trustees, and not just members of the Program and School Services Committee.***

***2. When SEAC makes a recommendation to the TDSB Board, if the TDSB Program and Student Services Committee will not be meeting over the next four weeks (excluding July and August), SEAC should be afforded an opportunity to present that recommendation either directly to the TDSB Board or to another Board committee that will be meeting in the next four weeks, unless SEAC or the SEAC Chair agree to await the next meeting of the TDSB Programs and School Services Committee.***

***3. If SEAC has made a recommendation to the TDSB, and the TDSB Board or one of its committees proposes to rule that recommendation out of order for any reason, SEAC should be given prior notice of this and the reasons for it, and an opportunity to discuss the matter, before any ruling on whether it is out of order.***

***4. When SEAC makes a major recommendation to the TDSB Board, which SEAC cannot effectively address to the entire TDSB Board or one of its committees in a five minute deputation, SEAC should have the opportunity to request and make a longer and fuller oral presentation to the TDSB and to its committees.***

***5. Before the TDSB Board or any of its committees proposes to pass a motion or make any decision that would directly affect SEAC's operations or work (apart from a Board or Board committee motion to refer a matter to SEAC for its input), the TDSB Board or its committee should alert SEAC or its Chair of the matter in advance, seek SEAC's input, and afford SEAC an opportunity to speak to the Board or its committee on the topic of that matter.***

***6. If any TDSB trustee wishes to raise any issue relating to SEAC's operations, that trustee should first raise the issue directly with SEAC or its Chair, to afford SEAC an opportunity to consider and address it.***

***7. TDSB Board leadership should meet with the SEAC Chair to discuss other ways to ensure that when SEAC makes a recommendation to the TDSB Board, this is communicated to all TDSB trustees more quickly, and is addressed more quickly.***