**Special Education Advisory Committee (SEAC)**

## MINUTES for Monday, May 1, 2017

### SEAC – Representatives and (Alternates) Present *(TC\* - by teleconference)*

Association for Bright Children (ABC) (Melissa Rosen)

Autism Society of Ontario – Toronto Lisa Kness

Brain Injury Society of Toronto (BIST) *regrets*

Community Living Toronto (Margarita Isakov)

Down Syndrome Association of Toronto Richard Carter

Easter Seals Ontario Deborah Fletcher

Epilepsy Toronto Steven Lynette

Integrated Action for Inclusion (IAI) *regrets*

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

TDSB North West Community (Valerie Gonzales-Chavez)

TDSB South East Community Diane Montgomery Olga Ingrahm

TDSB South West Community *regrets*

TDSB Trustees Alexandra Lulka Alexander Brown Pamela Gough (TC\*)

Regrets: Diana Avon (ABC), Cynthia Sprigings (BIST), Clovis Grant (Community Living), Jean-Paul Ngana (NE Community), Nora Green and Paula Boutis (SW Community), Mark Kovats (LDATO), Jordan Glass and Phillip Sargent (NW Community), Kim Southern-Paulsen (IAI), Dick Winters (SE Community Alternate)

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

Ted Libera, Central Coordinating Principal, TDSB Caring and Safe Schools

Gillian Parekh, Research Coordinator, TDSB Research and Information Services

Margo Ratsep, SEAC Liaison

Recorder: Margo Ratsep

MINUTES

## Call to Order

## SEAC Chair David Lepofsky called the meeting to order at 7:05 p.m. and invited SEAC members and staff in attendance to introduce themselves to the guests in the gallery. As they did so, quorum was achieved. Following introductions, David provided the following updates:

* He was contacted by a former New Brunswick Minister of Education interested in offering his perspective on inclusion in education, based on his own experience in New Brunswick. David will follow up with him.
* TDSB has established an Integrated Equity Task Force, in which he and other SEAC members are involved. David presented the SEAC reform motions at the Learning Centre 2 meeting.
* David will be presenting at the TDSB Program and School Services Committee meeting on Wednesday, May 3rd.
* Regarding Universal Design for Learning (UDL) and SEAC’s urging that more action be taken by TDSB, David is arranging to speak at a national conference on this topic.
* David has received a number of emails from parents and staff with concerns about Motion #5. He welcomed attendees in the gallery, recognizing that many may be attending over these concerns. He invited their feedback following this meeting, and prefaced the discussion with a number of points to clarify the intent of Motion #5:

1. He believes that the desire and willingness of parents, staff and students to share their responses is a good thing, strengthening SEAC’s work.
2. Concerns have been expressed over what was perceived as a SEAC recommendation that there should never be Intensive Support Programs (ISPs) at TDSB. He clarified that this was not what has been recommended. Instead, SEAC has recommended strong movement towards inclusion but that parental choice remain paramount.
3. Regarding the recommendation that all congregated sites be closed, core points included:

* SEAC has not recommended anything be closed now – it is a long term undertaking
* Anyone at congregated schools now should continue to receive the program they receive as long as they are there.
* SEAC recommends that there not be any school where ALL the students are students with special needs. Students should be where they can still get the services they need but there should also be opportunity for interaction with other populations of students in the same school site.

David closed by thanking all who have attended the meeting and encouraged them to continue to voice their concerns, recognizing the possible need to clarify wording in the motion.

## 2. Declaration of Possible Conflicts of Interest

## No conflicts of interest were declared.

## 3. Approval of the Minutes

On motion of Richard, the Minutes of April 3, 2017 were approved as amended with changes to the wording of the 4th bullet under Item 6, input 2 (PB) for improved clarity and the addition of the Art of Belonging link to the 3rd notice by Richard Carter under Item 7. Carried

**4. Discussion and Vote on Motion #5 Inclusion at TDSB, Recommendation 3 (a)**

The two wording choices were read out and David indicated his preference for Option 1, refined wording from Paula Boutis:

Option 1:

*"3(a) Placement of a student with a disability in a special education class should be a last resort. Consistent with the Education Act, prior to placing a student in a special education classroom, TDSB, except where there is voluntary informed parental consent, should seek to ensure that a child, as a first option, is placed in a regular classroom with appropriate special education services and supports being implemented."*

Option 2 – The wording for Recommendation 3(a) initially proposed in the 4th draft of Motion #5:

*"a) Consistent with voluntary parental choice, students with disabilities should be educated in the least restrictive environment with needed educational accommodations promptly put in place. Segregation of a student with a disability should be the last resort. It should only occur with parental consent, and after all less restrictive alternatives have been considered and rejected."*

David opened the floor to discussion and the following input was given::

Input 1 (PC): Expressed discomfort with term of “last resort”. As an example, it should not be considered a last resort for a child who is deaf and who communicates in American Sign Language (ASL) to be placed in a class of peers who use ASL. Last resort is negative and there is nothing negative about wanting to be with peers when other options don’t provide that.

Input 2 (AC): Expressed agreement in not wanting to see ‘last resort’ used. Many parents love a program that others might not like. As an example, the Olympics is inclusive and diverse, hosting special Olympics. Echoing a point raised at a previous meeting, inclusion is a feeling, not a place. There needs to be parental choice for what parents see as best for their child – learning and having friends. A second point expressed disagreement with use of the word ‘segregation’, preferring ‘congregated sites’. While there are always areas for improvement, our board is doing excellent work at these sites.

Input 3 (SL): Expressed agreement with pervious two members. There are children that benefit from supports that cannot be provided in a regular classroom. The peer group is also important. Integration is important but must be flexible – some peer groups are different such as those needing ASL. Don’t want to create an all or nothing variable.

The Chair clarified that there is nothing in the wording of either option stating there cannot be a special education class placement. It speaks to an inclusive setting as a first consideration. The wording makes parental choice paramount.

Input 4 (SL): A suggestion was made to remove the first statement in Option 1.

Input 5 (MR): There are some groups that would seek a congregated setting and within each group, there is a choice. The phrase “student with a disability” should be retained. Otherwise it impacts on the rest of Motion 3.

Input 6 (MI): We are trying to overcome accessibility obstacles.

Uton Robinson suggested use of the term ‘most enabling environment’.

Input 7 (AB): Placement needs to involve parents in rigorous consultation

David closed discussion suggesting he will revisit the wording given the diverse range of views. Members are asked to send wording suggestions to the SEAC Liaison by the end of the week and David will put together some options for consideration.

**5. Responses to SEAC Parents Survey**

The Chair provided some background. As of March there were approximately 700 responses. The board re-publicized the survey and now there are around 1000 responses. Two of his law students (Adam Giancola and Nadir Khan) volunteered 40 hours of their time, crunched numbers for the responses received by March and went through the comments, attempting to capture the tenor of what was received. The percentages of data may have changed but David believes that the overall picture is still relevant and accurate. At this time, Nadir gave a synopsis of the statistical analysis presented in the report, followed by Adam who outlined the general trends of concerns expressed in the responses. (This “TDSB SEAC Report” is posted at [www.tdsb.on.ca/seac](http://www.tdsb.on.ca/seac) under the May 1, 2017 meeting.)

“Following the presentation, the Chair qualified the report findings. He stated that even if it were assumed that the people inclined to fill out this kind of survey are more likely to be parents who have had a negative experience or that half of the negative comments in the responses were factually incorrect (and he didn’t think there was a basis for any such assumptions), he believes the responses remain a strong call for:…”

1. Substantial reforms to better inform parents about special education supports, programs and services and how to access them, and

2. A more open process for involving parents.

He noted these as echoing and supporting the SEAC reform motions already passed, and invited discussion and input.

Input 1 (RC): It would be helpful to know the numbers relative to the TDSB population. For example, 15% of 758 responses concerned students with Developmental Disability (DD), but we know there is a lower population of students with DD than with Autism Spectrum Disorder (ASD). Also, some people have multiple children and some questions weren’t answered. So it would be helpful for comparison purposes.

David Lepofsky: We can pass this on to the TDSB Research Department.

Input 2 (RC): We often hear parents have been told by principals, “We can’t give the child that support or what they need here.” It seems this is a referral comment rather than one based on data. There is a need to explain what the Education Act requires schools to provide – i.e. not a one-on --one assistant.

Input 3 (AB): When TDSB uses this kind of survey could we get some numbers for that? Uton can confirm through research department.

Input 4 (VG): Some populations may not be included in these results. For example, it needs to be available in other languages or else they are not being represented in these numbers. Same for undocumented students where families don’t get as involved. Regarding IPRC processes there is a big disconnect for families knowing where to get support. A package in the mail would help but some don’t speak English or culturally do not see a role for themselves and are not involved in education processes.

David Lepofsky: This was a SEAC survey that TDSB covered costs for. We would love to be able to offer it in hard copy or multiple languages but don’t have the opportunity. It is important to reach out to everyone, however, those who did respond have computer literacy and have trouble even with their advantages. So the survey still shows the need for strong action, and even stronger action for those with barriers (linguistic, cultural, etc.).

David closed discussion by thanking Adam and Nadir for their work. He added that the SEAC recommendations are before the board and he has asked Executive Superintendent Uton Robinson to brief SEAC at the June meeting on what has already been done.

**6. Discussion of Motion #6 Exclusion of Students at TDSB**

In response to calls and concerns about exclusion from school based on the legislation “refusal to admit”, David had drafted a first draft Motion 6, which was distributed but has not yet been discussed. He has asked for a staff report and opened the floor for questions and comments – to bring the motion back to SEAC at a later date. SEAC rescheduled this item to later in the meeting when Ted Libera, the Central Coordinating Principal for TDSB Caring and Safe Schools arrives to speak to the process.

**7. Discussion of Changes to the Home School Program (HSP)**

Prior to the meeting, Executive Superintendent Uton Robinson had circulated a draft letter and invited SEAC input. He reviewed the fact that TDSB is remodeling HSP and is taking a number of concrete steps over time, including phasing out Grade 1 next year, subsequently Gr 2-3 and looking forward, grades 4 to 8. The belief is that many students can be well served within their regular class. The board is working through the structural pieces to meet class averages and provide Junior/Intermediate grade students in HSP the opportunity to stay for a longer period of day with their peers. The plan is to share the changes with students and their families before the May 24th holiday. There are about 5225 students currently served in HSP. He invited feedback before the letter is released.

Input 1 (DL): Expressed approval for reaching out, but the opinion that many won’t understand the letter as written, with terminology that many may have trouble accessing. It would be helpful to structure it in a Question and Answer (Q&A) format with plain language. For example: Does this affect you? What does it mean for my child? When does it change? The reference to “attitudinal barriers” may not be understood.

Input 2 (DM): Expressed agreement. In the second paragraph this “will” need careful planning (not “may”). Also, this is going to impact others not in the HSP. This subject is coming up at multiple committees – people are worried about kids from HSP coming into the regular classroom and taking the teacher’s time. TDSB should communicate with everyone. How will that happen?

Uton Robinson: I appreciate the comment made in the earlier discussion about needing to ensure other avenues by which different TDSB communities have access to information. We will use the website and ensure school principals communicate it and that it is in a range of languages, but welcome other suggestions.

Input 3 (AC): The HSP program is meant to close the gaps (2 years below) and as grades go higher the gap is often wider. Is there a method to close the gap?

Uton Robinson: More than half of HSP students are placed through the IST and SST meetings rather then through IPRC. Through our Research Department we have learned that the gap doesn’t close for students who have been in HSP for a long time; it becomes wider. We are saying we can do a better job for these students in the regular class with the resources redirected there.

Input 4 (MI): Regarding removing attitudinal barriers – what extensive research are we talking about? Can you clarify and give parents and staff the access to the research?

Uton Robinson: Acting on the Director’s Vision for Learning and the Equity Framework Action Plan, every school is looking at their own bias. This is a school wide focus to shift from a closed to growth mindset, where you are saying you can engage all students positively.

Gillian Parehk: The research is based on reviews pulled from around the world. In addition we have tracked TDSB students in HSP, looking at where they end up, and would be happy to share the findings with SEAC.

Uton Robinson confirmed the results will be made available to elementary schools, which have the HSP programs.

Input 5 (AB): Referencing the 2nd paragraph in the draft letter, this change will require training for teachers and staff. We need to articulate that in the letter.

Uton Robinson: Acknowledged the comment and will consider it, since TDSB is certainly working on building capacity. A great deal of thinking has gone into having the resources to do so as we move forward.

Input 6 (RC): Suggested HSP be defined and wording be improved to clarify inclusion.

Input 7 (DL): The letter should answer the parents’ questions. For example, if I have worries, who do I call now? Who is responsible for steering my child now when going to a new environment? Where is my child going to learn next year? Who can I talk to, to alleviate some of these concerns? Also, regarding the ‘others” in the regular class – our motion had an important recommendation about the need for the board to do more to educate regular class students and parents. If we don’t want bullying/teasing to arise, we need a strong, proactive process and to reassure parents. We need more proactive action to reach out to all families – a direct and more comprehensive outreach, so the kids can be received in a welcoming environment.

Input 8 (DF): Regarding attitudinal barriers – when we try and develop performance, more than training is required. If staff have deep-seated belief systems and are prejudiced against students with special needs, we need to manage performance and keep on top of their doing and saying the wrong things. TDSB has to be more proactive in hiring teachers – look towards other services on how they screen people so they don’t come with the attitudinal barriers in the first place.

Input 9 (SL): Expressed agreement with the letter’s content as going in the right direction towards the goal. It needs some clarification as discussed. We already know that moving kids not currently in regular classrooms will cause some unrest. Parents of kids with special needs are concerned about that already. The board needs to ensure these attitudinal barriers are addressed from square one.

On the arrival of Ted Libera, the Chair ended discussion and returned to Item 6 – Refusal to Admit

**6. Discussion of Motion #6 Exclusion of Students at TDSB**

Ted Libera spoke to an outline of a draft procedure he had provided in advance of the meeting, (outlined in the May 1st Department Update from Uton Robinson). He highlighted the following:

* The Caring and Safe Schools Department has begun to develop a formal TDSB procedure – trying to capture the salient points of how the legislated power of Refusal to Admit is currently carried out in practice.
* Several pieces of legislation address student discipline and behaviour, including about 20 pages in the Education Act, in an Ontario Regulation and in several Policy Program Memoranda (PPM) that deal with student behavior.
* The test for Refusal to Admit is undue hardship. We recognize we need to do better with the application of that standard and invite input from SEAC and other Advisory Committees.
* The principal must consider the nature of a situation, with regards to discipline/behavior and safety. Principals should not be using refusal to admit except as a last resort.
* In the absence of a procedure, a refusal to admit is issued when, in the judgement of a Principal, a person’s presence is detrimental to the physical or mental well-being of pupils. While it could be exercised arbitrarily there are central staff who can assist a school Principal in arriving at their decision to exercise this duty (i.e. Superintendent of Education, Caring and Safe Schools Administrator, Centrally Assigned Special Education Principal and Chief of Social Work for the Learning Centre).
* The draft procedure includes 4 examples of instances where refusal to admit comes up most often.
* Consultation must occur in all cases (as outlined in the draft) before a principal initiates it.

Ted concluded by explaining that this draft is not the final procedure and they are working to get the language correct and ensure the procedure honours all students who could be subject to it.

By consensus the meeting was extended to 9:15 and the Chair opened the floor to discussion.

Input 1 (DL): The board currently does not have a policy or procedure on this. The board has a duty to ensure procedural fairness and to provide parents with an immediate right to be told the reason and to contest it.

Ted Libera: Parental involvement is an omission in this draft of the procedure that needs to be addressed. TDSB’s [Operational Procedure PR699: Students with Special Needs – Management Process for Risk-of-Injury Behaviours](http://tdsbweb/webdocuments/Special_Education/docs/PR%20699%20%20Students%20with%20Special%20Needs-Management%20Process%20for%20Risk%20of%20Injury%20Behaviours%20(Feb%2027,%202013).pdf) describes the process for discussing a student’s needs and planning for safety. In this procedure we may mirror or piggy-back the PR 699 process. We do have a procedure for how to appeal a refusal to admit. In the letters that currently go out, the appeal process is made available with contact information so parents can activate the appeal process.

The Chair suggested Ted return in June to provide more detail and stressed that Refusal to Admit extends beyond exceptional students or students on Individual Education Plans (IEPs).

Input 2 (AB) Expressed anger and concern that it didn’t make sense that TDSB doesn’t have a policy or procedure on this – but does for an appeal. Sees an urgent need to bring forward a motion to the board on having a policy on this and asked what guidelines have been used to guide this process?

Uton Robinson: This has been a glaring omission and is an area being addressed in terms of guiding and monitoring the process in use. The current process involves conversations between the principal, Supervising Officer (SO), Safe Schools personnel and often the Executive Superintendent. As an example, I had personal involvement last week in the decision-making over the threshold of undue hardship. We are also looking at Freedom of Information and its impact on the process. We will ensure we have a way to monitor this process. Do we know how many kids? We have not collected the data but there are Caring and Safe Schools staff who can speak to the numbers at the Learning Centre level.

Input 3 (DL): It could be collected through a memo to every principal exercising this power to report to their SO how many and for how long. It is difficult to imagine a situation where it is that serious it needs to be done.

Input 4 (SL): Expressed thanks from the work done as a good start. In reference to the 4th example in the draft, the decision is made by the principal. Based on an earlier comment about training, skills, ability, knowledge – what do principals have that helps them to make this decision? Decisions could be influenced by fear or not wanting to compromise their own position, rather than based on training, knowledge, etc.

Input 5 (DF): In own experience, principals have used refusal to admit in an arbitrary way. Own daughter was excluded for no reason close to the 4 examples given in the draft. Believe the principal had an attitudinal barrier and this was part of a campaign to have daughter leave the school. This fall, the principal said “Your daughter can only come to school 1.5 hours a day in JK “ not having done any of these for the first month. What happens to a principal who does this?

Input 6 (MI): Commented on hearing similar stories from families and believe it is arbitrary, noting no mention of prevention in this draft (i.e. safety plan, BRS team, etc.). It needs also to look at mitigating factors.

Input 7 (AC): Expressed belief it is a matter of resources – no matter the setting, students with special needs require a lot of support/training. There needs to be a team approach and we don’t see this happening. More resources from the Ministry are needed.

Ted Libera: We recognize there are students excluded or refused admission or sent home for portions of the day. These may be complex situations. We are trying to address the issues and make the process better. In the draft procedure, a refusal to admit must be reviewed at “X” interval. As an example, I have current experience with a refusal to admit over severe safety concerns that is being reviewed every two days. We are aware that the intervals have been much longer for some students. We are in the process of trying to correct the short-comings in practice.

Meeting time near its end, the Chair closed discussion and skipped to Item 12. (Items 8, 9, 10 and 11 were not addressed.)

**8. Canvassing SEAC Members for Questions to Staff on SEPRC Process**

**9. Canvassing SEAC Members for Questions to Staff on TDSB Levels of Special Education Staffing and their Allocation to Students with Special Education Needs Across TDSB**

**10. Staff Update on Action at TDSB on SEAC Special Education Reform Motions 1 through 4**

**11. SEAC Input to 2017 TDSB Special Education Plan**

**12. Association Reports/Updates**

* Margarita Isakov reported that Integration Action for Inclusion sent a letter to the Minister of Education about an announcement made at a segregated school (Sunnyview) sending a dangerous message to families, educators and advocates, that this (announced) additional funding, resources and staffing are to be channeled to these types of segregated placements/schools.

Uton Robinson brought to SEAC’s attention a conversation with the Director regarding the letter. He reminded SEAC that TDSB has schools in composite and congregated sites. The letter, sent as the result of a Minister’s announcement at one school, seems to suggest that the TDSB has done something it ought not to have done. The phrasing used indicates erroneously that the Director thinks less well about some schools than others. Such is not the case.

* Steven Lynette reported that the Epilepsy Toronto Annual General Meeting takes place Saturday May 13
* Paul Cross reminded members that May is Hearing Month

**13. Other Business**

This item was not addressed.

**14. Adjournment**

The Chair drew the meeting to a close, commenting that SEAC has made substantial reform proposals and have a survey with objective data driving the motions.

On motion of Deborah Fletcher, the meeting adjourned at 9:17 p.m.

Next Meeting – Monday, June 5, 2017