Date: January 11, 2017

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

Chair

Toronto District School Board Special Education Advisory Committee

# 1. Introduction

I want to wish one and all a happy new year. We can look forward with enthusiasm to build on our success in 2016, advancing a strong agenda for improving services for students with special education needs at TDSB. Our work will go forward with more wind at our backs and in our sails, now that the Ontario Government has agreed that it will develop an Education Accessibility Standard under the Accessibility for Ontarians with Disabilities Act.

# 2. Revised Motion #5 on TDSB Inclusion Strategy

With your meeting materials for this month, you will find a fully revised draft of the proposed SEAC motion to TDSB on its Inclusion Strategy. I spent quite some time doing a substantial re-write of this motion. This builds on the excellent discussion of the 1st draft of this motion at our December 2016 meeting.

Please review this revised draft carefully before our January 16, 2017 meeting. I propose that we spend a large part of our January 2017 meeting discussing this draft. I propose that we there gather further feedback on it. I will then make further changes that arise from our January 16, 2017 meeting discussion.

After any changes arising from our upcoming January 16, 2017 meeting, I am aiming for us to vote on a finalized text of Motion #5 at our February 2017 meeting. I suggest that at our January meeting, we not vote on anything. We discuss it.

To that end, it would be great if you could go through this new draft before our January meeting. Please figure out what parts you find agreeable "as is". See if there is anything you actively disagree with. Note any wording changes you would need. Figure out if there is anything you would want to add, on the theme of inclusion.

I encourage you to focus your attention first on the actual recommendations. Look secondarily at the longer background discussion which comes first in the document. I want to be sure, first and foremost, that we agree on what action we are recommending. I propose to structure our discussion at our upcoming meeting by first looking at the actual recommendations, before we discuss the background text. If you have thoughts you want to share in advance of the meeting via email, that would be very helpful.

My desire is to first identify the parts of the motion that are generally agreeable. If there are some areas that are the subject of strong division, we can set them aside and then discuss them in greater detail.

Here's a quick and incomplete summary of what I changed from the first draft:

* I inserted a series of headings in the background part, and in the list of recommendations. That should make it much easier to read.
* I have tried to be very clear on what parts of the motion pertain to all students with special education needs, and which parts only relate to students with disabilities.
* I use the term "regular class" rather than "mainstream class".
* I significantly strengthened the background discussion based on feedback received.
* I added to the existing recommendations and inserted some new ones. These deal with several things, such as to deal with French Immersion and other specialized curriculum, to set specific time lines for action, and to deal with TDSB monitoring and reporting back on progress, and more.
* I take into account the fact that the Ontario Government has now agreed to develop an Education Accessibility Standard under the Accessibility for Ontarians with Disabilities Act.

I have done my best to try to cover the excellent range of comments we received. I included feedback that relates to the core substance of this motion. If I accidentally left out any major points you mentioned in past discussions, please let me know. If any feedback is received that doesn't relate to the core of this motion's topic, we can address such items at future SEAC meetings.

A suggestion was made that we should recommend that TDSB ensure that its bussing policies don't impede inclusion. I was not sure what was meant by this, or what concrete specifics to include. I have therefore left it out for now. I am happy to add something if someone wants to offer some helpful specifics, as it relates to an inclusion strategy.

# 3. Setting Dates for 2017 SEAC Meetings

At our January 16, 2017 SEAC meeting, we will discuss the dates for our 2017 meetings. You received an email from TDSB in the past couple of weeks, which suggests that the TDSB Board has issued some sort of direction on when we must meet. I believe that SEAC should itself decide when it will meet, subject of course to the availability of a room. I do not believe that our dates should be imposed on us.

As well, the TDSB direction in substance aims to accommodate the schedules of trustees who sit on SEAC. I believe that we should set dates that aim to accommodate all SEAC members, not just the trustees. I emphasize that there is no indication that the trustees who sit on SEAC were the source of this arising.

Under the next heading, I discuss broader concerns re TDSB procedures. However I know that some of the proposed dates do not work for me. They may not work for some of you. Please be prepared to discuss dates at our meeting on January 16, 2017.

# 4. Another Motion I Propose to Introduce for Discussion at Our January Meeting –Smoothing SEAC's Dealings with the TDSB Board

As a result of my experience as your Chair over the past year, I have seen us run into some troubling difficulties in the way TDSB's actual Board deals with SEAC. This does not focus on the action of TDSB staff. Rather it relates to some Board procedures and practices. I want to emphasize that I have found the individual trustees with whom I have dealt as your Chair to generally be warm, polite, respectful and receptive.

I want to ensure that we have more ready access to the TDSB Board, especially when we present our recommendations. I also want to ensure that if TDSB trustees, or the Board as a whole, have some question or issue regarding our activities, that they are more open, direct, consultative and engaging with us.

I set out below the Draft Motion\*\*\* I propose to present at the January 16, 2017 meeting for us to discuss. As always, if you have any initial thoughts, feel free to share them via email.

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

# 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. Evidently, the TDSB Board recently held some sort of discussion or made some sort of decisions that would bear on when SEAC can schedule its meetings. SEAC was not consulted in advance. The results of those discussions present significant difficulties for SEAC.

SEAC needs to be able to schedule its meetings in a way that accommodates the needs of all its members, who donate their time to TDSB. SEAC should be consulted before any such discussions or decisions that might affect SEAC operations.

4. 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.

5. 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.***

# 5. Telephone participation in SEAC Meetings

I propose to defer this to SEAC's February meeting. We have a great deal to discuss at our January meeting.

Also, this topic will be very important to whomever serves in 2017 as SEAC's Chair. I have announced that I propose to offer to serve in that role. If it is SEAC's wish for me to do so, I will carry forward with it. If someone else becomes SEAC's Chair this year, the resolution of this issue should be left to their leadership.