# Report to Toronto District School Board Special Education Advisory Committee

# from SEAC Chair David Lepofsky for the February 6, 2017 TDSB SEAC Meeting

Date: February 2, 2017

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

 Chair

Toronto District School Board Special Education Advisory Committee

**1. Introduction**

Here is information leading up to the upcoming SEAC meeting on February 6, 2017.

## 2. Finalizing Dates for 2017 SEAC Meetings

We will need to briefly discuss the dates for SEAC meetings in March and December 2017. I will propose that we move the March date to Monday, March 20. A room is available. Feedback via email from SEAC members has supported this. To accommodate those who cannot make that date, I have undertaken that we will not have our final vote on Motion #5 regarding Inclusion until, at the earliest, our April meeting. I aim for our last major discussion of that motion, if possible, to take place at our March 20 meeting, with a view to voting at our April meeting, which comes just two weeks later.

I have asked TDSB to find alternative dates for our December meeting, either late in November or early in December but before December 8, 2017. I am not available after that date, and seek a date where I can attend to chair the meeting. We await word for options from TDSB.

I know that the tradition is that our December meeting comes after TDSB trustees hold their December organizational meeting. However I don't see why we cannot make an exception. If something comes up at the TDSB's December organizational meeting, SEAC can either address it via email, or at its January 2018 meeting. Nothing happened to my knowledge at this year's or last year's January meetings that arose from the TDSB's December 2016 organizational meeting.

If the issue is that TDSB does not finalize which trustees will sit on SEAC for the next year until its organizational meeting, I am sure we can ask TDSB to consider addressing this in November. We have ample lead time.

## 3. Streaming SEAC Meetings

We had planned to live-stream one SEAC meeting, and had asked TDSB to arrange this for our upcoming February 6, 2017 meeting. I only heard back yesterday that this was not to take place at our February 6, 2017 meeting. I have not received any reasons from TDSB for this, nor do I yet know who decided this. I received an email on February 1, 2017 from Radmila Iozzo, Executive Assistant, Special Education and Section Programs. On this issue all it said was:

"At this time we do not have the staff or resources to accommodate your request."

I am via email and by this email seeking clarification of who decided this, and why this could not be arranged. I am eager to get this arranged for our March meeting.

We have received feedback that parents of students with special education needs are very eager to be able to watch streamed discussions at our SEAC meeting. I agree with them. Streaming substantially reduces the burdens for them to learn what we are doing, and to share their input. It makes TDSB a more open and transparent public agency. It substantially amplifies the contributions that our volunteer hours as SEAC members can generate. It increases the TDSB's accountability to the public, including to those who are facing great disadvantages in the education system. I will raise this at our February 6, 2017 meeting briefly, to try to get this to happen.

## 4. TDSB Budget

I was alerted that TDSB's budget official, Craig Snider, wanted to present to our February 6, 2017 SEAC meeting. I have added this to our agenda. See below the February 2, 2017 email I sent to Mr. Snider specifying the focus of his presentation that we'd like. Be ready with questions. Feel free to use email to alert him in advance to any issues you are concerned about. His email is craig.snider@tdsb.on.ca

## 5. Next Round of Discussions on SEAC Motion #5 Improving Inclusion at TDSB for Students with Special Education Needs

At our upcoming meeting, I aim for us to continue our brainstorming on the text of our draft Motion #5, already available on the SEAC website: [www.tdsb.on.ca/seac](http://www.tdsb.on.ca/seac) We will continue to discuss the revised text that I circulated and we discussed at our January 2017 meeting.

It would be great if you could focus, in preparation, on the specific recommendations in that motion. I propose to invite input especially on that part. Of course, I won't limit discussion to that. Ideas can also be shared by email. The input from this meeting and our last meeting will be incorporated into an improved draft that I will later produce and share for you to review.

To assist our discussion at our February 6, 2017 meeting, I have invited as a guest speaker Mr. Robert Lattanzio, the executive director of the ARCH Disability Law Centre. He has extensive expertise in law and disability, including on education issues. I set out below recommendations on our Motion #5 that he invites SEAC to consider.

I have also asked Special Education Executive Superintendent Uton Robinson to give a staff response to Motion #5 as now written, to help with our deliberations. I asked for that to be circulated in advance, so that we can focus our meeting time on our discussions and brainstorming.

## 6. CBC Report On A Horrifying TDSB Transportation Incident

I have been asked by a couple of SEAC members to place on SEAC's agenda the news report yesterday about a horrifying incident with a highly vulnerable TDSB student with a disability. I set out the CBC report below.

This article reports an incident that cuts to several aspects of TDSB transportation services, beyond one driver’s utterly inexcusable behaviour.

Why did the bus company not monitor for this? What is included in bus company audits to prevent this? Are automated calls to families good enough, when a student is missing for so long, and known to have such significant disabilities? How many people up the chain should be catching this, but did not?

I am asking TDSB to provide us with a full report, in writing, to enable us to discuss this. This may get pushed back to our March meeting, either if TDSB cannot get us that written report in time, or because our February meeting is so jam-packed.

We asked TDSB last fall to be included on any trustee committee looking into transportation issues at TDSB. We are eager to follow up on this. SEAC received an invitation to send a representative to join an advisory transportation working group for the Toronto Student Transportation Group. Deborah Fletcher volunteered to represent SEAC on this group.

## 7. Just a Word on How I set Agenda for SEAC Meetings

I want to again offer you some helpful information on how SEAC agendas are developed. In the past, TDSB, and not SEAC, set our agenda. When I became chair, we took over setting our agenda. This has dramatically improved the relevance of our work. You have given me lots of feedback to this effect. Indeed, I believe that where school boards and not a SEAC itself, sets the SEAC agenda, this works very much against a SEAC's effectiveness.

I make a priority in setting our agenda to follow the priorities for SEAC activity that SEAC approved in the fall of 2015. We did so after extensive work by SEAC and by its Priorities Working Group that I had the privilege of chairing in 2015.

If you want me to put something on our agenda, it really helps to let me know as far in advance as you can. Of course, some things come up on short notice.

When I am approached with an issue, I first try to get it worked up, e.g. by asking TDSB for a response on the issue. Because our meetings are so full of important issues, I don't want our scarce time together spent with long speeches from TDSB staff. I want to add that TDSB staff has generally been very good over the past year in accommodating this request.

So, as an example, after the recent bussing incident, I want us to first get a staff report that we can review before we discuss this at a meeting. I will often see when there are opportunities for us to use email to offer input. By doing this over the past year, it has allowed us to cover a very substantial range of important issues.

So feel free to offer ideas, but please try to do so as early as you can. If you offer an idea at a SEAC meeting, I will welcome the chance to follow up on it with you afterwards.

I have also told TDSB that if staff wants to raise an issue with us, they too should let us know well in advance. I can then ascertain which meeting can be available for them to present, or whether there is a better way for SEAC to follow up with them.

## 8. February 2, 2017 Email from SEAC Chair David Lepofsky to TDSB Budget Official Craig Snider

To: Craig Snider

From: David Lepofsky, SEAC Chair

Date: February 2, 2017

Re: February 6, 2017 SEAC Meeting

I received an email a few days ago, saying you would like to come to speak to SEAC on Monday February 6.

We appreciate very much your interest in updating SEAC. I am adding you to the agenda. In future, please contact me directly, if you would like to present to SEAC. I will do what I can to arrange time for you.

I set the agenda. I am typically juggling a lot of different agenda pressures. It is therefore helpful to know well in advance if you would like to speak with SEAC. We always welcome an opportunity to offer input into the budget as it affects, students with special education needs

I did not receive word on what you would like to discuss with SEAC at our upcoming meeting. We gather that the TDSB trustees will shortly be discussing the upcoming year's budget. At our meeting, it would be helpful if you could update us on the following:

1. What is happening with the development of this upcoming fiscal year's budget?

2. What decisions and issues may be in the offing as they relate to delivering services to students with special education needs? For example, two years ago, there was a major debate, on which there was media focus, on how many special needs assistants to be cut in that year. We would want to know if there are any cuts of this sort, on the table or at risk now.

3. Are there any anticipated cuts being considered or expected, in provincial funding of TDSB that would bear on students with special education needs, such as last year's provincial cut to the "High Needs Amount"?

4. For any other reasons, is there any possibility of any cuts to anyone who provides direct services to students with special education needs or to those who directly supervise them?

5. TDSB's new equity initiative has an important focus on improving inclusion for students with special education needs we know that some 50% of those students at TDSB spend at least half of each day in segregated settings. We are eager to know what will be in the upcoming year's budget to help improve this situation.

6. We would appreciate receiving, in advance and in an accessible format, The Financial Facts used for any budget consultations. We would appreciate, for example, receiving up to date information such as Special Education Self Contained Schools trend data, and enrollment figures.

7. Please let us know where TDSB is now at in the process of developing its upcoming budget.

I know that in the past, you have brought a detailed PowerPoint to review in some detail with SEAC the mechanics of the previous budget figures that had been approved for the previous or current year. We are not looking for that. Instead, we want input into what may be decided for the upcoming year's budget. We are seeking a chance to have input into that budget before it is finalized.

If you can circulate information to us in advance in an accessible format, with sufficient lead time for our volunteer members to review it, that would be appreciated. We would be posting it on line for the public to know what we know. That would allow us to allocate maximum time for questions and answers. We have found that to be preferable to receiving long oral staff reports that leave insufficient time for questions and answers. If you can aim to make your oral presentation 10 minutes long, that would really help. If I can provide any further guidance, just let me know.

I was asked a few days ago what is needed to ensure that what you provide is in an accessible format. It should be in MS word, not be a scanned graphic, and be formatted to ensure proper accessibility requirements. Extensive tables, if not properly formatted for accessibility, will be a problem. I encourage you to contact TDSB's officials who deal with this topic for TDSB generally. As I recall, TDSB's website has commitments on ensuring information and communication accessibility, so you should turn to whomever is tasked with ensuring that TDSB meets its commitments on this.

I would appreciate it if you could confirm that you received this request. Thanks so much for your help.

## 9. Recommendations to SEAC from Robert Lattanzio, ARCH Executive Director

**ARCH Disability Law Centre**

**To:** David Lepofsky, Chair, SEAC (TDSB)

**From:** Robert Lattanzio, Executive Director, ARCH Disability Law Centre

**Date:** January 31, 2017

**RE: Proposed addition to draft SEAC motion #5 concerning exclusion of students with disabilities**

1. **Context and Background**

In ARCH's experience, the exclusion of students with disabilities from school, or the threat of such exclusion, often occurs because of inadequate accommodations in place to support disability-related needs.

In particular, the principal's powers under section 265(1) (m) is continued to be used by school boards to justify the threat or removal of students from school. ARCH’s freedom of information requests to the ten largest school boards in Ontario for the periods of 2013, 2014 and 2015 demonstrated that only two school boards were tracking the use of section 265 (1)(m) as an exclusionary tool. The Toronto District School Board’s response indicated that this data was not being tracked.

Efforts to strengthen the TDSB’s policies and practices for inclusive education must include safeguards to mitigate the use of exclusionary practices. Such measures must be in place to ensure that an increase in inclusive placements is not met with an increase in exclusions or coerced withdrawal of students with disabilities from those inclusive placements.

1. **Recommendations**
2. TDSB should review the prevalence and nature of practices to exclude, deny access, or make threats of exclusion or denial of access of its students with disabilities.
3. TDSB should develop a process for the tracking of these instances and make such data publicly available on an annual basis.
4. TDSB should set mandatory review dates for any exclusion of students with disabilities that exceeds 30 days.
5. TDSB should review its policies and ensure that any students who are excluded or denied access have offered to them the following:
6. that mitigating factors and disability related accommodation needs are considered and investigated prior to a decision to exclude;
7. an immediate review of the student’s disability related needs takes place within a procedurally fair and expedient process;
8. appropriate alternative education services during the period of exclusion are provided;
9. a clear timeline is set for re-entry to school; and
10. priority access is given for necessary supports to allow for re-entry to school.

## 10. CBC News February 1, 2017

Posted at <http://www.cbc.ca/news/canada/toronto/disabled-student-school-bus-1.3960614>

Bus driver fired after disabled student locked in school bus for 6 hours

Mother of student, 19, says the incident last week left her daughter 'traumatized'

By Lorenda Reddekopp, CBC News Posted: Feb 01, 2017 5:00 AM ET| Last Updated: Feb 01, 2017 6:22 PM ET

(Photo) Wendy Mastache, 19, who is developmentally delayed, now refuses to go back to school after being left on a school bus all day. (Paul Borkwood, CBC News)

Lorenda Reddekopp, Reporter, CBC Toronto

A Toronto school bus driver has been fired after a young disabled woman was locked inside a bus for six hours, something the school board calls "completely unacceptable" and that has angered the mother of the 19-year-old student.

The bus driver was first suspended after Laura Mastache complained about how her daughter, Wendy Mastache, was left inside it last week.

Laura Mastache told CBC Toronto that the incident has left the student "traumatized," and "she doesn't want to get in the bus."

Wendy Mastache, who has both autism and epilepsy, has difficulty communicating. She can't read or write due to developmental delays, and doesn't talk much.

Mastache said her daughter has refused to return to school since the incident happened last week.

Stock Transportation is the bus company contracted by the Toronto District School Board (TDSB).

Bus driver initially suspended, now terminated following investigation.

The company released a statement, after a story by CBC News.

"The safety of our students is our top priority; our drivers are required to conduct a child check to look for students at the end of each route."

The statement continues: "In this instance, the procedure was not followed and the driver has been terminated."

'What happened during those 6 hours?'

Early Jan. 23, her mother says, a school bus driver somehow didn't see her daughter on the bus, where she was left for six hours after locking the vehicle and walking away.

"I was panicked," said Laura Mastache, her voice shaking. "What happened during those six hours? No one really knows."

(Photo) Wendy and Laura Mastache

A tender moment between Wendy Mastache and her mother, Laura Mastache, who has been vocal since her daughter was left in the school bus for several hours. (Paul Borkwood, CBC News)

What she does know is that at the end of the school day, she received a call that Wendy hadn't been in class all day.

Strangely, however, the girl did appear outside her school — York Humber High School, which is on Emmett Avenue near Jane Street and Eglinton Avenue West — after classes ended.

A teacher saw the student getting off the bus at that time, her mother said.

The bus driver then drove the teen home.

Student spent day alone on bus

After Wendy arrived home, her mother immediately questioned the bus driver, but said she didn't receive any answers, so she headed to the school.

She said school officials viewed security video and confirmed her daughter never entered the school that day, despite other students confirming she had been on the bus in the morning.

Every morning, the bus driver first dropped off the other students at York Humber's main doors. They are all part of the school's main programming stream.

Then, the driver would normally drive around to the back of the school to drop off Wendy Mastache for her specialized program.

But that didn't happen on Jan. 23, and the student spent the day alone on the bus, which was left parked outside a building in an industrial area.

Toronto Police found the incident was not criminal

Toronto police confirmed they initially investigated, but found that the case did not warrant criminal charges. They said the driver was in tears and apologetic. She told them she was headed to a funeral following her morning bus run and was distracted as she locked the bus.

(Photo) School bus parking location

This is the area where Laura Mastache learned her daughter spent an entire day, inside a parked school bus. (Paul Borkwood, CBC News)

The temperature was just above freezing that day, rising to a high of 4 C. Mastache said during the bus ride, her daughter wasn't wearing gloves, a hat or a scarf.

Mastache shuddered, thinking about the cold and still wondering if her daughter may have had an epileptic seizure that day. More than a week later, she has pieced together some parts of what likely went wrong, but still has questions.

"So how was my daughter in the bus? Six hours. No drinking, no eating, not going to the bathroom."

As she spoke to CBC Toronto, Mastache's daughter reached over and grabbed her mother's hand or touched her face. The teenager at one point put her head down on the kitchen table where the two sat side by side.

Concerns about 'vulnerable' students

Mastache says the school board has offered other options, such as sending a van to pick up her daughter. But Mastache says Wendy, once eager every morning to go to school, now refuses.

Her mother says she has only succeeded once since the incident in persuading Wendy to put on her school uniform, after which the teen burst into tears.

Mastache had one piece of advice for the TDSB.

She said a call to parents is needed as soon as it's noticed that a child is not in school.

Until now, board policy only resulted in an automated call for students under the age of 18.

"That's wrong," she says. "Especially because [these students] are vulnerable."

TDSB spokesman Ryan Bird says as a result of this incident, the board has now changed its policy.

Parents of all students with special needs will receive an automated call if the student does not show up for school regardless of age.

(Photo) Ryan Bird

"It's unacceptable. This should not have happened,' said TDSB spokesman Ryan Bird. (CBC News)

Bird says all companies with contracts to the school board have been reminded that drivers must do a full visual check of their bus before locking it.