

Special Education and Section 23 Department Update

Executive Superintendent Uton Robinson

SEAC Meeting of Monday February 5th, 2018

FACTS

Special Education Needs in the TDSB (as of June 30, 2017)

Of students present at the end of the last school year, 6,876 or 3% were students with a Gifted exceptionality; 41,871 or 17% were students with special education needs; while 194,710 students or 80% were students without special education needs. (The total as of this time was 243,657 students).

The largest categories of students with special education needs were:

- IEP only ('Non-identified'): 27,912 or 11% of the full TDSB population (and the majority of all students with special education needs).
- Learning Disability: 7,431 or 3% of the full TDSB population.

Epilepsy Classroom

Located at SickKids Hospital, the classroom is a Section 23 program with the Ontario Ministry of Education. It is run by the hospital's centre for Brain and Mental Health in partnership with the Toronto District School Board. The program is offered to students in grades 1 to 8. The following are goals of the program:

- To understand how Epilepsy or Epilepsy Surgery uniquely presents for each student
- To understand each student's learning profile and devise an appropriate education care plan
- To provide empirically-based intervention to enhance students' cognitive and social-emotional well-being
- To build each student's self-confidence/resilience

The classroom offers:

- A one-year (Sept-June) intensive support program
- 8:3 student /staff ratio
- Multidisciplinary circle of care
- Assessments by a social worker, neuropsychologist, developmental pediatrician and special education teacher

- Consultation with other medical personnel (e.g. nurse practitioner; neurologist) on an individual basis as needed
- Remedial academics in literacy and numeracy
- Social-emotional programming (MindUP, Superflex)
- Training in assistive technology (touch pads, computers)

Renaming Section 23

After some consultation within the Section 23 community, the names being considered are Akua Benjamin and Cindy Blackstock or a combination such as Benjamin Blackstock or Blackstock Benjamin.

“Akua Benjamin is the Director of the School of Social Work at Ryerson University. She has taught courses on community practice, group work, anti-oppression, ethnic diversity and social issues, intercultural communications, and families in the Caribbean” (Ontario Association of Social Workers).

“Cindy Blackstock is a Canadian-born_Gitksan_activist for child welfare and Executive Director of the First Nations Child and Family Caring Society of Canada. She is also a professor for the School of Social Work at McGill University” Blackstock has become an influential voice within the Aboriginal, social work and child rights communities. Blackstock has spoken out about the system inequalities in public services experienced by First Nations children, youth and Families (Wikipedia).

Special Education Experiential Learning (SPEEL) Program

Overview of the program

Introduction and Mission: The Special Education Experiential Learning (SPEEL) program is part of the Experiential Learning Department in Teaching and Learning. The mission of the SPEEL team is to enable students with Low Incidence Exceptionalities, including Developmental Disability, Physical Disability, Low Vision, and Deaf/Hard of Hearing to reach their full potential through successful participation in experiential learning opportunities. The SPEEL Team consists of four Job Coaches (one for each Learning Centre), an Occupational Therapist, a Physiotherapist and a Central Lead Teacher working collaboratively to support students in their continued development of employability, life and advocacy skills, and ultimately, greater independence. The SPEEL team works in partnership with employers, community networks, parents, and special education teachers to facilitate experiential learning opportunities, both within the school and in the community.

Types of Experiential Learning opportunities: The opportunities available to a student are determined by his or her place on the SPEEL Continuum, which

corresponds to three levels of readiness demonstrated by the student's social, life and work/employability skills. At Level 1, the student is ready to participate in experiential learning activities **within the classroom** setting. At Level 2, he or she has the skills necessary to participate in experiential learning tasks beyond the classroom but **within the school** setting. Finally, at Level 3, the student is ready and has the skills necessary to participate in work opportunities beyond the school at a **placement in the community** with support of a Job Coach. Community placements may be in a variety of sectors: retail, food service, or social service agencies. Typically, the average length of a placement is 5-6 weeks, 1 morning or afternoon per week, and between 2-4 hours per shift including travel time. There are 5 blocks of placements per school year.

Determination of readiness: Determination of a student's readiness is made based on information shared with the SPEEL team by individual classroom teachers at an initial consultation. Input from support staff, parents and caregivers is factored into the discussion. Decisions are made collectively to ensure appropriate supports are in place and the student has the best chance for success.

Positive impacts for students: The SPEEL program has had a positive impact on the students served. In addition to fostering employability, life and social skills, students develop community safety skills as well as an introduction to TTC travel skills, when public transit is involved. Significantly, participating students develop a sense of self-esteem and well-being where they see themselves as independent, productive, contributing members of their family. An annual year-end celebration is held in June to recognize the achievement of all Level 3 students and graduating students.

Looking forward: The SPEEL team continues to work with school leadership and liaise with community partners to explore creative ways of increasing the number of students served.

The following information is from the Director's Response to the Enhancing Equity Task Force Report:

Professional Learning for Special Education

Professional learning that fosters inclusion for all students with special education needs is a collaborative process. We will continue to support staff to meet the individual needs of students so that they can achieve their highest potential. This learning will lead to improved support for students, staff, and families and to provide them with greater access to opportunities and improved outcomes.

We will incorporate into all appropriate professional learning opportunities at the school and system level, effective instructional and assessment practices for students with special needs which will also support all students. We will provide learning opportunities for teachers and staff who may be supporting a student in a home school placement who may have historically been placed in an ISP program.

We will provide professional learning for at least one teacher in every school to support the capacity-building of all staff with regard to teaching strategies to support all learners, including assessment and evaluation, assistive technology and creating an inclusive classroom.

We will provide mandatory professional learning for all principals and vice-principals with regard to Special Education processes, including school support team meetings, individual education plans, and Identification, Placement and Review Committees. Opportunities will be provided for school-based support staff, teachers, principals and vice-principals to participate in professional learning with regard to specific learner profiles and how to improve outcomes for these students (P.7)

Home School Program (HSP)

Further to information communicated during the last school year, In the 2018/19 school year, HSP will only support Junior and Intermediate students. No Grade 2 or 3 students will be placed in HSP in the next school year. There will be no reduction in the Community Based Resource Model (CBRM) which includes HSP staffing, or CBRM EA at the system level because of this remodelling. As in the past, there may be fluctuations at individual schools due to changes in factors considered in the CBRM allocation process (net enrolment, students being supported in CBRM, Learning Opportunity Index). As schools will begin planning for the 2018-2019 school year soon, we re-issued information from last spring in January to Principals around more inclusive models of delivering HSP. The K-12 Inclusion/Remodelling of HSP Committees are just getting established and will be working to share best practices for teachers, support staff, professional support services personnel and administrators who are already engaged in such work and those who are just beginning with this learning which supports the Integrated Equity Framework and anti-oppressive practices.

Each elementary school has received a minimum of a half day of release to send a teacher for professional learning to support classroom teachers who are teaching students with special education needs in the regular classroom. These will be general sessions on Universal Design for Learning and Applied Behaviour Analysis Methods and Strategies. Part 1 of these sessions will run towards the end of February and beginning of March. There will continue to be professional learning opportunities for support staff and teachers focusing on specific profiles of learners, different divisions (primary/junior/intermediate/senior), differentiated instruction and, in general, how to improve outcomes for students with special education needs.

REFUSAL TO ADMIT STUDENTS (Section 265(1) (m) of the Education Act)

In collaboration with SEAC, we have been working on a procedure and policy for “Refusal to Admit”. Below is the latest iteration of the draft procedure. A policy document will soon be shared.

1.0 Rationale

This procedure supports the TDSB’s implementation of section 265(1) (m) of the Education Act.

2.0 Objective

To establish an operational procedure that outlines when a school principal may refuse to admit a student to the school when the principal deems that the student’s presence is detrimental to the physical or mental well-being of other pupils in the school.

3.0 Definitions

[Definitions to be inserted if required]

4.0 Responsibility

Executive Superintendent, Engagement and Well-Being

5.0 Application and Scope

The issuance of a refusal to admit should not be an automatic response in any instance, rather it should be used sparingly and only in instances when all other alternatives to ensure that pupil physical and mental well-being have been exhausted.

This procedure applies to all principals of the TDSB when determining to refuse to admit a student to the school and issuing a student a refusal to admit. Further, this is the only procedure and process to be followed when determining if a refusal to admit is to be used.

While the Principal of the school will work through the analysis of whether to issue a refusal to admit (as per this procedure) it is the Learning Network Superintendent of Education who has the final approval for the issuance of any refusal to admit. As well, the Executive Superintendent for the Learning Centre will always be consulted (by the Learning Network Superintendent of Education). All letters for a refusal to admit, regardless of the reason for issuance, will be accessed through the Caring and Safe Schools database. This will ensure consistency of documentation and transparency related to the number of, reason for, and the schools who are issuing all refusals to admit.

6.0 Procedures

6.1 Principal’s Duty for Student Well-Being

The physical and mental well-being of all pupils is paramount to their education. The TDSB takes pupil physical and mental well-being seriously. The duties of a school principal in regards to ensuring student physical and mental well-being are outlined under section 265 of the Education Act. Specifically, section 265(1) (m) states:

“It is the duty of a principal of a school, in addition to the principal’s duties as a teacher, subject to an appeal to the board, to refuse to admit to the school or classroom a person whose presence in the school or classroom would in the principal’s judgment be detrimental to the physical or mental well-being of the pupils”

6.2 Students’ Right to Attend School

Notwithstanding a principal’s duty under section 265(1) (m) of the Education Act, it is important to remember that students who live in the TDSB’s area of jurisdiction have the right to attend one of the TDSB’s schools without payment of a fee.

The right of a student to attend a TDSB school is outlined in section 32 of the Education Act.

Therefore, the issuance of a refusal to admit should only be used as a last resort and when all other interventions and strategies have been exhausted.

Principals and Superintendents should consider the following strategies or interventions prior to issuing a refusal to admit (this list is not exhaustive):

- Can the student’s presence that is detrimental to the physical or mental well-being of pupils be minimized by:
 - Reviewing and modifying the programming related to the students learning profile
 - Reassigning staff within the school
 - Temporarily relocating the student within the school
 - Temporarily assign appropriate staff to the school
 - Assigning the student to a program at another school

6.3 Refusal to Admit Consultation and Determination

For a refusal to admit to be issued, consultation with and the approval of the Learning Network Superintendent of Education (SOE) and appropriate central staff (as detailed below) must occur. As well the Learning Centre Executive Superintendent must be consulted (by the Learning Network Superintendent of Education).

Further, the principal and superintendent must consider a meeting or conference call with all appropriate staff to ensure that consultation has occurred as a group and includes a variety of viewpoints.

Parent/guardian/caregiver consultation is important and must occur.

A principal may issue a refusal to admit in the following circumstances:

- Where the school principal has been told that they cannot commence an investigation of an incident (ordered by Toronto Police Service) and the principal believes that the presence of the student will be detrimental to the physical or mental well-being of pupils (Consultation with and approval from the Learning Network Superintendent and Caring and Safe Schools is required.)
- When a risk management review meeting (PR. 699) has been held for a student with special education needs and the use of 265(1) (m) has been recommended as a means to ensure a student's continued presence at the school is not detrimental to the physical or mental well-being of pupils (Consultation with and approval from the Learning Network Superintendent and with the Learning Centre Centrally Assigned Principal for Special Education is required.)
 - Please note, that with respect to students with special education needs, the TDSB is required to accommodate a student in the provision of educational services.
- As a means to ensure a student's continued presence at the school is not detrimental to the physical or mental well-being of pupils when dealing with intrusive sexualized behaviour (PR 608) (Consultation with and approval from the Learning Network Superintendent and the Manager of Social Work and Caring and Safe Schools is required.)
- Where a student's behaviour is in the judgement of the school principal detrimental to the physical or mental well-being of pupils and all other interventions and strategies have been exhausted. (Consultation with and approval from the Learning Network Superintendent and appropriate central staff is required.)

Analysis of Student Discipline

A principal's determination of when to issue a refusal to admit must include an analysis of whether school discipline is an appropriate course of action. Refusal to admit is not an alternative to school discipline. If a history of discipline exists and the behaviour of the student has not been corrected, it may be appropriate to issue a refusal to admit while interventions are put in place to minimize the risk of harm to the physical or mental well-being of pupils. In all instances consultation with and approval from the Learning Network Superintendent and Caring and Safe Schools staff must occur.

Modified School Day

A modified school day is not a refusal to admit. The TDSB may reduce the length of the instructional program on each school day to less than five hours a day for an exceptional pupil in a special education program (Education Act

Regulation 298 s. 3 (3)). Review of PR 699 and consultation with the Learning Network Superintendent and the Learning Centre Centrally Assigned Principal for Special Education must occur.

6.4 Issuing a Refusal to Admit

Once consultation has occurred and the principal has determined it is appropriate to refuse to admit a student, a letter outlining the principal's decision as well as requirements for the student's return must be sent to the parent/guardian/caregiver or adult student.

Further, this letter will also contain information on how to appeal the Principal's decision to issue a refusal to admit (as per PR. 602).

Principals should refer to the following template letters where they have determined that the student's continued presence in the school is detrimental to the physical and mental wellbeing of other pupils:

- Appendix A - where a principal cannot investigate and a student's presence is deemed to be detrimental to the safety and well-being of pupils
- Appendix B - following and further to a Risk Management Review meeting
- Appendix C - intrusive sexualized behaviour has occurred
- Appendix D – appropriate interventions and strategies have been exhausted

If a refusal to admit is issued an alternative program through Caring and Safe Schools will be offered.

Refusal to admit template letters will be accessed through the Caring and Safe Schools database.

6.5 Attendance reporting during a refusal to admit

A student's attendance records are very important. When a refusal to admit has been issued the school Principal must ensure that a student's attendance record reflects that they are absent due to a refusal to admit.

6.6 Refusal to Admit Review

All refusals to admit will end no less than 5 consecutive school days after the refusal to admit was issued unless the board can demonstrate that there are no appropriate strategies or interventions that can be put in place to minimize the behaviour that is deemed to be detrimental to the physical or mental well-being of pupils (undue hardship).

It is the responsibility of the School Principal and the Learning Network Superintendent of Education to ensure that the above timeline is met.

If the refusal to admit is not rescinded after the passage of 5 consecutive school days (as outlined above) the school principal, the Learning Network Superintendent, appropriate central staff and the family will review the refusal to

admit every 2 school days until the factors that necessitated the refusal to admit have been minimized or eliminated.

Again, it is the responsibility of the School Principal and the Learning Network Superintendent of Education to ensure that this timeline is met.

Upon the student's return to appropriate educational programming, the school principal will send a letter to reflect the refusal to admit no longer being in effect. Principals should refer to Appendix E for a template letter.

6.7 Appealing a Refusal to Admit

All refusals to admit are subject to appeal from the moment they are issued. The TDSB has an established procedure for this. For more information please refer to PR 602.

7.0 Evaluation

This operational procedure will be reviewed as required, but a minimum every four (4) years after the effective date.

8.0 Appendices

Appendix A – template refusal to admit letter where a principal cannot investigate due to an on-going police investigation

Appendix B - template refusal to admit letter following and further to a Risk Management Review meeting

Appendix C - template refusal to admit letter where intrusive sexualized behaviour has occurred

Appendix D – template refusal to admit letter where appropriate interventions and strategies have been exhausted

Appendix E – template letter where refusal to admit is no longer in effect

9.0 Reference Documents

Policies

- Caring and Safe Schools (P051)

Procedures

- Board Code of Conduct (PR585)
- Hearing of an Appeal under Section 265(1)(m) of the Education Act (PR602)
- Sexual Misconduct by Students (PR608)
- Police/School Board Protocol (PR698)
- Students with Special Education Needs: Management for Risk of Injury Behaviours (699)
- Progressive Discipline and Promoting Positive Student Behaviour (PR702)

Other:

- Education Act, R.S.O. 1990, Chapter E.2. (as amended)