# Report to the Toronto District School Board Special Education Advisory Committee

From SEAC Chair David Lepofsky for the December 7, 2017 TDSB SEAC Meeting

Date: November 29, 2017

By: David Lepofsky, CM. O.Ont,

 Chair

 Toronto District School Board Special Education Advisory Committee

**1. Introduction**

Please be sure to arrive on time for our upcoming SEAC meeting, which is on Thursday, December 7, 2017. It is unusual for us to meet on a Thursday rather than a Monday. Please be sure this meeting is in your calendar.

## 2. Retirement of Margo Ratsep

I have been advised that Margo Ratsep will be retiring from her duties, assisting SEAC. This comes some years after she retired from her full-time duties at TDSB.

We will truly miss her dedicated and invaluable support at SEAC. Her institutional memory and familiarity with SEAC and Board procedures and background have been incredibly helpful to all of us, and particularly, to me, over the past two years, as your chair of SEAC at TDSB. She may make it to a meeting or two after this, but our December 7, 2017 meeting will be the final one when she will be on duty and attending for sure.

On behalf of us all, I wish to extend our thanks to Margo for her hard work, and to wish her the best in her renewed effort at retiring!

## 3. Motion #6 TDSB's Use of Its Power to Refuse to Admit a Student to TDSB

Our first major item of business will be to work towards voting on a formal recommendation to TDSB regarding TDSB's use of its power to refuse to admit students to school. With your package for this meeting will be a revised draft of this motion. In it, I have tried to incorporate all the feedback from SEAC members around the table, during our discussions of this at our February, May, June and November 2017 meetings, as well as any feedback I received by mail after circulating a revised draft a few days ago. The text circulated with your meeting package will have a few minor additions, based on feedback since then.

I have invited Luke Reid, legal counsel at the ARCH Disability Law Centre, to attend our December 7, 2017 and to be on hand in case anyone has any questions with which he might assist during our discussion of the motion.

As with earlier motions, I propose that we go through this proposed text, paragraph by paragraph. I will ask for a vote on each "as is", in order to get approvals for any paragraphs that SEAC likes, without needing further discussion or wording changes. During this first pass-through, we will immediately defer any paragraph that anyone wants us to hold for further discussion.

We will then go back through any paragraphs that anyone wanted deferred. We will discuss each of those in turn, consider any wording changes that anyone raises, and then vote on them.

If there is anything left out of the finished product that anyone wants to add, we will of course entertain that too.

To help this move most swiftly, I again ask each SEAC member, before the meeting, and as soon as possible, to go through the draft of this motion that is circulated with your meeting package. Tick off any paragraphs you like "as is". Mark any that you either disagree with or want to propose amendments for. It would be really helpful to us all if you can email our list over the days before the December 7, 2017 meeting, with any concerns or changes you are contemplating. This gives everyone a chance to consider these before the meeting. This will help the meeting itself go more efficiently.

Please note that the background at the start of the motion is written to be a simple recitation of key background facts, and not a detailed argument. Our priority is on the actual recommendations we put forward.

At the end of this Report I set out, for your convenience, what I wrote about this motion and this topic in my Chair’s reports for our October and November SEAC meetings.

## 4. Voting on SEAC Priorities for 2018

This was deferred from our November SEAC meeting, because we ran out of time. I again list the proposed priorities that I have offered, based on all the feedback at past meetings from SEAC members. If you have any difficulty with these, or if you want any explanation, or if something is left out, it would also help things move most efficiently at the December 7, 2017 meeting if you can email us as soon as possible in advance, with your thoughts or suggestions.

Here are 11 broad priority areas that I am proposing for SEAC's attention up to the end of 2018. They are based on a distillation of the spectrum of issues and questions that SEAC members put on the table at our September and October 2017 meetings. These are not listed in order of importance, or in the order that we would address them at SEAC.

When these priority items refer to "students with special education needs", it is meant to also include, as well, students with any disability that is not covered by the definition of "exceptionality", such as students with mental health needs who do not have an identified "behaviour" exceptionality.

Various SEAC members identified a need for up-to-date data, both on budget and on the numbers and breakdown of students with special education needs. I am not separately listing this. Rather, that underpins everything we will be doing. We need that information now, and on an ongoing basis, no matter what priority item topic we are addressing.

1. Implementation and follow-up on SEAC's 5 Motions on reform to special education (which, under Motion #2, includes the SEPRC process)
2. TDSB budget as it concerns students with special education needs, and how it is distributed
3. The range of specific programs, services, and supports (including specific intensive support programs, regular classroom supports, speech pathology, occupational therapy etc.) offered to students with special education needs, and how these are fairly and equitably distributed across TDSB schools
4. Staff training on special education needs (including all staff, not just teachers)
5. Monitoring and accountability, including, where appropriate, certification, of all levels of staff within TDSB for serving students with special education needs
6. TDSB programs and services aimed at leading or transitioning to post-secondary education and/or employment
7. Ensuring that TDSB Equity programs, plans and activities fully and equally include and cover the needs of students with special education needs
8. Refusals to admit students to school
9. Ensuring safety for students with special education needs
10. Bus transportation issues.
11. Meeting the needs of students with special education needs and all students with disabilities in Section 23 programming.

## 5. Update on SEAC's Motion #2 Passed on June 13, 2016

In a recent phone conversation, I have expressed to Executive Superintendent Uton Robinson a serious concern about the TDSB response to our Motion #2, which we passed back on June 13, 2016. His response at our recent SEAC meetings has been in substance to simply stick with the status quo. I indicated that given the feedback from SEAC, as substantially reinforced by the interim results of the SEAC Parents’ Survey, real reform is needed. He has indicated to me an openness to re-visit the communications sent to parents in connection with the Individual Education Plan, including possibly including a clear invitation to parents and students to take part in an "IEP" meeting" with the school board officials as the IEP is being developed. I have indicated that this would be helpful, but that much more is needed.

## 6. Excerpt from my SEAC Chair's Report for the October 2017 SEAC Meeting on Motion #6 Refusals to Admit

*2. TDSB's Policy and Procedures on Refusing to Admit Students with Special Education Needs to School*

*I want to give you heads up on something to be addressed at our November meeting.*

*At our February 2017 SEAC meeting, we received a troubling report from the ARCH Disability Law Centre about the practice at various school boards, including TDSB, of periodically refusing to admit a student to school, without resorting to the suspension and expulsion procedures, and to the safeguards that go with them.*

*I circulated a draft motion on this, Motion 6, 1st draft, last March. After that, we received helpful updates from TDSB staff on this at our May and June 2017 meetings. I then made an oral report on this at a meeting before the summer, of TDSB's Program and School Services Committee (PSSC), a committee of the board.*

*TDSB staff reported to us last spring that TDSB had no policy on this issue and was working on creating procedures. The use of this power across TDSB was not being centrally tracked.*

*At PSSC, TDSB Director of Education John Malloy reported to trustees that a policy or procedure was being developed.*

*It would benefit SEAC to know what progress has been made at TDSB on this issue, an important issue that SEAC was responsible for bringing to the attention of senior staff and trustees. It is also a good time for SEAC to go on the record with specific recommendations. Giving recommendations is the core of our mandate.*

*As such, I have made some modest changes to the earlier draft of Motion #6. Those incorporated feedback that has been raised around the table at earlier SEAC meetings. I am circulating it now, with a view to our considering it at our November 2017 meeting, if time permits I encourage one and all to also share any feedback on the draft Motion #6, via email in advance of our November meeting, that will help us speed up discussion at our meeting.*

## 7. Excerpt from My SEAC Chair's Report on Motion #6 Refusals to Admit for the November 2017 SEAC Meeting

*3. Proposed SEAC Motion #6: TDSB Policies, Procedures and Practices on Refusals to Admit a Student to School*

*We will again have on our agenda for this meeting the issue of what policies, procedures and practices TDSB has for using the power to refuse to admit a student to school, (sometimes called exclusions from school), especially as this applies to students with special education needs. I am again circulating the draft Motion #6 for our discussion at this meeting. We have not had an actual discussion on the wording of this draft motion, so I aim for that to take place at our November 6, 2017 SEAC meeting.*

*I address this issue in detail in my September 26, 2017 SEAC Chair's report, written in preparation for our October 2, 2017 SEAC meeting. I understand that TDSB staff will have an update for us on this topic, which we will receive before we discuss the draft motion itself. I have asked TDSB staff to circulate a written update to us on this topic, in advance of our upcoming SEAC meeting, to help SEAC members prepare for the meeting.*

*It would be helpful for the TDSB staff written update to include statistics on the use of the refusal to admit power at TDSB, and an update on anything TDSB has presented to the trustees on this topic since we raised it last May. As of the date I am writing this, I have received no word that the TDSB trustees have considered this issue, or that TDSB staff have made any report to TDSB on this issue, or have proposed any policy on this issue for the trustees to consider.*

*I raised this "refusal to admit" issue at the TDSB's Program and School Services Committee meeting on May 3, 2017. I believe that the audio of that presentation is available on the SEAC website, including the trustees' discussions arising from it. In that audio, TDSB Director of Education John Malloy said this in response to a trustee's question about the refusal to admit issue that I raised on SEAC's behalf:*

*"One of the things that Executive Council has spent time on in the last while is the need for clarity, as it relates to the procedures. And we're going to do that, whether there's a direction or not. We see this as procedural, one that does need to be tracked, one that does need data collected, and we're already in process to make that happen."*

*A trustee asked Director Malloy when a report would be brought forward. He responded:*

*"We are planning to bring forward a number of the strategic work that we've been doing in relationship to special education, even though this is not a special education issue, I want to be clear, but we are tracking towards June for when we'd like to have all of this information going forward. I see it as distinct from special education report, but as you know, we are bringing in a comprehensive strategic special education report at that time to this Committee."*

*I should note that based on the excellent presentation on the "refusal to admit" issue at SEAC's February 2017 meeting, the issue of the use of the power to refuse to admit a student to school is, for practical purposes, very much a special education issue, as we were told it is disproportionately used on students with special education needs.*