**SEAC Meeting**

**Date: 4 February, 2019  Location: Board Room, 5050 Yonge St.**

**Time: 7:00**

**Committee Chair:   Richard Carter**

**Committee Vice-Chair:  Steven Lynette**

**APPROVED MINUTES**

A meeting of the Special Education Advisory Committee convened on February 4, 2019 from 7:00 pm to 9:00 pm in the TDSB Cafeteria (5050 Yonge Street, Toronto, ON).

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**Attendance:**

Association for Bright Children (ABC) Melissa Rosen

Autism Society of Ontario – Toronto Lisa Kness

Community Living Toronto Tracey O’Regan

Down Syndrome Association of Toronto Richard Carter

Easter Seals Ontario Deborah Fletcher

Epilepsy Toronto Steven Lynette

Integrated Action for Inclusion (IAI) Tania Principe

Learning Disabilities Association Toronto Regrets

VIEWS for the Visually Impaired David Lepofsky

VOICE for Hearing Impaired Children Paul Cross

LC1 Nora Green Aline Chan

LC2 Jean-Paul Ngana Jordan Glass

LC3 Olga Ingrahm Kirsten Doyle

LC4 Diane Montgomery Paula Boutis

TDSB Trustees Trustee Alexander Brown, Trustee Michelle Aarts, Trustee Alexandra Lulka (phone)

**Also present were:**

Kathy Witherow, Associate Director, Leadership, Learning and School Improvement

Brendan Browne, Executive Superintendent, Leadership, Learning and School Improvement

Lori Moore, Centrally Assigned Principal, Special Education

Ted Libera, Centrally Assigned Principal, Caring and Safe Schools

Craig Snider, Associate Director

Regrets: Patrick Smith, Vicky Branco

Appendix A - Appended to minutes – Email from David Lepofsky (SEAC Member) shared with Ted Libera (Centrally Assigned Principal)

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|  | **Item** | **Comments** | **Recommendation/**  **Motion** |
| 1. | Call to Order (quorum) - Acknowledgement and Welcome and Introductions, TDSB Staff, Guests and Observers; announce call-in attendees and audio recording of meeting. | Notice was made that meeting has to have a hard stop at 9 pm. |  |
| 2. | Approval of Agenda | Approved with one change, Item 3. Deferred to allow more time for Item 7. Discussion. |  |
| 3 | Reflection/Mindful Moment - TVO – The Agenda : New Priorities in Neurodevelopmental Disorders | Deferred |  |
| 4. | Declarations of Possible Conflict of Interests | None |  |
| 5 | Approval of SEAC Meeting Minutes for January 14, 2019 | Approved |  |
| 6. | Presentation:  Caring and Safe Schools Procedure - Refusal to Admit Policy (DRAFT) | Ted Libera thanked SEAC for their ongoing consultation and input into developing a procedure.   * SEAC input included changes to the language and a list of strategies to implement prior to issuing a Refusal to Admit * In the interim, before Board approval, Principals have been informed that they cannot issue a Refusal to Admit without consultation with the Superintendent * David Lepofsky (SEAC Member) raised several questions that have been already sent to Ted Libera, who is in the process of going through them. * Concerns were raised about a modified day not being considered to be a Refusal to Admit. Is there a procedure for modifying the school day? * The suggestion was made that when the G code is used for attendance, a note specifiying the reason be added * Questions were raised about clarifying the accountability in implementing the procedure, as well as a clear articulation with related policy (i.e., Caring and Safe Schools policy). |  |
| 7. | Presentation:  Budget 2018/19 updates/funding changes and 2019/20 information to be supplied and timelines | Craig Snider presented an update to the budget process and changes in Ministry funding.   * Ministry has made changes to EPO grants * Priority Schools Initiatives – grant reduced by almost $1 million – recommended to continue school permits that fall under Priority Schools for the rest of this year because caretaking assignments are set for the year * Focus on Youth Summer Program – supports hiring high school students to run programs for other students – this grant has not been announced yet * Board Chair has sent emails inviting Advisory Committees to be involved in the process * Trustees are meeting to look at strategic drivers that staff will use to develop the operating budget * Ministry will issue the annual education budget in April * Based on strategic plan and drivers, there will be decisions that need to be made on how to meet the objectives of the Multi Year Strategic Plan * Special Ed isn’t a separate driver – it is woven throughout all of the strategic drivers * All budget reports are online * There will be four meetings for Trustees to develop and approve draft drivers * <https://www.tdsb.on.ca/About-Us/Business-Services/Budgets-and-Financial-Statements/2019-20-Budget> | Budget working group will draft and send letter to the Ministry about funding concerns  Craig Snider will share a budget timeline |
| 8. | Leadership and Learning Department Staff updates and requests for SEAC input   * Action Plan Updates * Community Involvement | * Highlighted After School Leisure Program for students with ASD – 1st session completed; 2nd session has just started * EQAO engaging in a process with all boards, proposing changing the denominator in the reporting process – students who are on alternate curriculum and students new to the province would not be included. * Blind/Low Vision hockey event was held in conjunction with Toronto Police Services * Inclusion Document was presented to PSSC last month – reflected high level information on Inclusion | Appendix B |
| 9. | Trustees’ Report(s) | SEAC members were encouraged to attend budget meetings and participate in discussions around budget |  |
| 10. | Working Group Updates:  Action Plans  Budget  Communications  Special Education Plan | All groups are having ongoing meetings/teleconferences. | Decision was made for Budget group to send a letter to the Ministry about funding cuts. |
| 11. | SEAC Member Reports   * Announcements/Upcoming Events. | Association/Community Representatives   * + No reports were presented |  |
| 12. | Other business - Correspondence Received  Future Agenda Items  Next Meeting: | Copies of letters to the Ministry about budget cuts were received from Peel and Durham SEAC Chairs  Email was received from Toronto Family Network in regards to Inclusion document  Next Meeting - 4 March 2019 at 7 pm |  |

Appendix A

Email from David Lepofsky

I write to offer feedback on the draft TDSB procedure on refusals to admit. This topic is quite timely, in light of the fact that the AODA Alliance and Ontario Autism Coalition just did a news conference today at Queen's Park on the issue of exclusions.

I have taken a good chunk of time to review this and to prepare this feedback. I'd appreciate a 7 minute period at the SEAC meeting on February 4, 2019 to discuss this. Pardon any typos or formatting problems.

There are a number of good points in this draft procedure. It includes some important measures we recommended. TDSB is to be commended for that.

Yet it also has areas where it needs significant improvement. Several SEAC members have raised good points. I add the following:

\* You will recall that at the January 14, 2019 SEAC meeting, I asked how attendance was marked for a student away from school because TDSB refused to admit them. Lori Moore gave us to understand that the attendance code is not unique to refusals to admit, and that the Ministry of Education directs how this is to be done.

Brendan Brown kindly provided me afterwards with the Ministry direction on point. The key passage below seems to point in that direction. However nothing in it forbids TDSB from creating a unique attendance code for absences due to a refusal to admit. It is good that later in the draft procedure, TDSB requires an absence to be recorded as a refusal to admit. However to make that work, there must be a unique attendance/absence code established at TDSB to record this.

Moreover, the Ministry policy appears to require TDSB and other school boards to keep considerably more documentation for reach refusal to admit than seems to be the case at TDSB, at least in so far as we have been told to date. The Ministry of Education's policy direction entitled "[Enrolment Register Instructions for Elementary and Secondary Schools](http://www.edu.gov.on.ca/eng/document/forms/enrol/enrolment_register_instructions.pdf)" for 2018-2019 states the following on the duty of school boards to keep records on the refusal to admit a student to school:

"Excluded Pupils

Pupils excluded under clause 265(1)(m) of the Education Act should not be demitted from the enrolment register as the school board is actively working to re-integrate the pupil back into the education system.

During the exclusion period, the pupil's absence is recorded with a "G" on the Daily Attendance Record. An excluded student can remain on the enrolment register until the end of the current school year if the board is actively working to re-integrate the pupil back into the education system.

Retain the following for audit purposes:

"          Documentation that shows the reason for the exclusion.

"          Documentation of successful notification of exclusion and the response between the school

board and the pupil (if the pupil is an adult) or the pupil's parent or guardian

"          Documentation of the plan (signed by the principal) to re-integrate the pupil into the education system.

"         Documentation of communication with other parties involved with re-engaging the pupil (e.g. social agencies).

"          Data on the number of students who have been excluded during the school year (including the name of student, OEN, length of exclusion, and reason for exclusion)."

If TDSB had at all times been keeping all that documentation described above, as the Ministry requires, it should be able to report in far greater detail to us and to the trustees on how often these refusals to admit occur, and for how long, and for what reasons.

The draft TDSB procedure states:

" (b)     Persons engaging in behaviour that affects the well-being of other pupils (regardless if they have a special education identification) and where the school principal is contemplating issuing a refusal to admit, the Board may be able to argue that to accommodate the persons, it would cause undue hardship based on health and safety concerns, specifically, that the accommodation would pose a risk to public safety. The Principal must provide evidence of undue hardship arising from ‘bona fide’ health and safety concerns by admitting certain persons into the school or classroom."

This is an incorrect understanding of TDSB's duty to accommodate students with disabilities  under the Ontario Human Rights Code. TDSB must in fact present sufficient evidence, not just any evidence, that it is impossible to accommodate the student anywhere at TDSB without undue hardship to TDSB. It must show that even with additional supports or accommodations, the student will still present the health and safety risk to which this passage adverts. It is not enough for a principal to simply think that as is, there is "evidence" that they present a health and safety risk. If the health and safety concern arises from a prior failure by TDSB to effectively accommodate the student's disability, it cannot use an exclusion from school to add injury to injury.

Moreover it is not sufficient for a pupil to excluded if they are "Persons engaging in behaviour that affects the well-being of other pupils". That is a substantial over-inflation of s. 265 of the Education Act.

The draft procedure states:

"The principal and superintendent must consider a meeting or conference call with all appropriate staff to ensure that an analysis has occurred that includes a variety of viewpoints to ensure that alternative options to a refusal to admit have occurred.  Parent/guardian/caregiver partnership is important to this process and must occur as part of this consultation."

It is insufficient to merely require the principal to "consider" this required consultation. The procedure should REQUIRE this internal deliberation. Under this draft, a principal has fulfilled this duty by simply saying that "I thought about having those discussions."

The draft TDSB procedure states:

"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 Caring and Safe Schools and SOE is required.)"

As I have said on more than one occasion at SEAC meetings when our input to TDSB on this topic was being offered, this is, to me, an improper use of the refusals to admit power. Any discretionary power in the Education Act must be used only to advance the purposes of the Education Act. The Education Act is not a criminal law enforcement statute. While helping police do an investigation is a laudable goal, it is not a proper reason for refusing to let a student come to school. Even if it were, it would not justify excluding that student from any and every school at TDSB. It also would, at most, only justify an extremely short period of exclusion, and should always be accompanied by provision of education programming elsewhere.

The draft TDSB policy states:

"o        For students with special education needs, the TDSB is required to accommodate in the provision of educational services and ensure that all modifications, accommodations and/or alternative programming as set in the student’s IEP have been implemented prior to issuing a refusal to admit."

This is a helpful addition but does not go far enough, for 2 reasons. First, the TDSB's duty under the Ontario Human Rights Code is to accommodate the education-related needs of any students with disabilities, not just those who fit within the definition of students with special education needs under our outdated Education Act. Second, the duty is to provide needed disability-related accommodations, whether or not they are spelled out in an IEP. TDSB cannot decline to include an accommodation need in the IEP and then treat it as inapplicable here.

The draft TDSB procedure states:

"(a)      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. Discipline is a form of corrective behaviour which assumes that a student can recognize the impact and implications of their actions. 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 Caring and Safe Schools staff must occur and will always include consultation with the SOE."

It is helpful to require TDSB to first consider using the discipline process, and not to treat exclusions as a substitute for discipline. However, this procedure then seems to do exactly what should not be done, where it here stated:

"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."

At the very least, this gives principals inappropriate mixed messages. At our Queens Park news conference today, an ARCH Disability Law Centre lawyer discussed how they found some schools would wrongly use a refusal to admit to extend a student's suspension beyond the mandatory maximum time permitted for a suspension.

The TDSB draft procedure states:

"6.5.    Modified School Day

(a)       A modified school day is not a refusal to admit.  In consideration of the needs of an individual student, the student’s best interests academically and socially, and in consultation with parents, 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)).  Please consult PR 699, your Superintendent of Education and your local Special Education staff."

This is completely wrong, and contrary to SEAC's recommendation. If the reduced school day is forced on a family, and if the family wants the child to be in school for the whole day, this is a refusal to admit.

By TDSB's approach here, a principal could entirely end-run s. 265 and this policy by unilaterally reducing the student's permitted time at school to the minimum that the regulations require. That is wrong.

 The draft TDSB procedure states:

" Attendance Reporting During a Refusal to Admit

A refusal to admit is not an indefinite measure, but put in place while a school principal works with the family, school staff and the appropriate central staff to find a viable solution for the student’s return to appropriate educational programming.

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.

All refusal to admits 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).  If the refusal to admit is not rescinded the school principal, Superintendent of Education, 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."

This is quite an improvement. However this again misunderstands the human rights duty to accommodate and undue hardship. TDSB cannot simply say that the student risks health and safety, so that is undue hardship and hence, there need be no further accommodation. The proper question is whether TDSB can show that it is impossible, without undue hardship, for TDSB to put in place further measures to reduce the asserted risk to health and safety.

SEAC's Motion #6 recommends additional safeguards which should be incorporated when a refusal to admit is being extended.

Appendix B

Kathy Witherow, Associate Director and Brendan Browne, Executive Superintendent

Leadership, Learning, and School Improvement

SEAC Meeting of February 4th, 2019

**After School Leisure Program for Students w ASD**

We offered this after school program focused on supporting students acquisition of self-regulation and social skills to support their social and academic development. The program ran from November 1st through December 13th at the following 6 locations. Site selection was based on accessibility by TTC and the number of students attending schools in close proximity to sites : CR Marchant – LC1, CH Best – L2, Newtonbrook LC2, Stephen Leacock – L2, Tredway Woodsworth – L3, and Leslieville – LC4.

We had 52 students registered for the program. All program teachers and coaches were provided professional develop to review the goals of the program, ABA strategies and specific skills on self-regulation and zones of regulation. Overall the students and parents reported finding the program beneficial and comments were positive, some noting increased willingness to play with others, take turns, share ideas. Students and parents became increasingly aware of moods and were better able to apply strategies to calm themselves to return to the “green zone”.

The next session is scheduled to start on January 24th and run until March 7th. We currently have 55 students registered and we will be using the same sites. Our teachers from our Autism team have volunteered to work closely with program teachers, Leisure coaches and parents to help solidify their understanding of self-regulation skills and to help them figure out strategies to address specific needs/concerns. We are exploring ways to develop a stronger connection with classroom teachers to encourage the transferability of skills taught in the Afterschool Leisure program.

**“Reverse Inclusion” Pilot at Sunnyview**

Many students at Sunnyview have complex needs which include medical, mobility, and cognitive, and are connected to Holland Bloorview nearby. Under the leadership of the school Principal Ted Goldring, in a creative interpretation of our board’s focus on “inclusion”, the school is offering a “reverse inclusion” option for Kindergarten at Sunnyview to the neighbouring schools in the area. In essence, Sunnyview is offering a regular Kindergarten program for any interested students in which students with a wide variety of medical, cognitive, physical, and typically developing receive the regular kindergarten program together. Holland-Bloorview offered this program for many years from the hospital – a kindergarten program for students in which kindergarten aged-students who were in the hospital would have as normal a kindergarten experience as possible. This idea at Sunnyview is a way to offer a different option for kindergarten for students local to Sunnyview.

**Budget Process**

The Board is beginning to engage in the budget process with an understanding of the board budget. The Budget sub-committee has convened to discuss budget as it pertains to Special Education. We look forward to welcoming Craig Snider to our meeting on the 4th to engage SEAC in the budget discussions and process as well.

**Math and Special Education**

Supporting all students’ and staff confidence and competency in mathematics is par t of our Multi Year Strategic Plan. We are intentional about our focus on students with special needs, particularly students with Learning Disabilities. Particular sections of the Math Action Plan include Differentiated Instruction and Assessment, Challenging Streaming and Promoting Inclusion in Mathematics, and each section includes expectations and strategies for classroom teachers, school leadership, and system leadership to support students with Mathematics.

As part of our Mathematics strategy, Learning Centre Centrally Assigned Principals are partnering with Special Education Consultants to co-create professional learning sessions on developing effective learner profiles and strategies to support students based on their learning profiles to support teachers’ ability to understand individual learning needs and differentiate instruction accordingly.

**EQAO Changes to Provincial Assessment – Modifying the Denominator**

EQAO is engaging in a provincial consultation process with boards and representatives from SEAC from across the province. On Wednesday January 30th, Brendan, Richard and Steve represented TDSB on this provincial call as staff and the Chair/Vice Chair of SEAC respectively. The essential idea is that EQAO are looking to change the denominator on which public reporting of student achievement will be based. Students who are either a) on alternative curriculum or b) New to Ontario within the past two years, will no longer be part of the denominator of “total enrollment” on which student achievement is compared to. All students continue to be invited to write and will be assessed and schools will receive their reports if they write to the school, but will not be part of the larger denominator. Any changes proposed would not come into effect until the 2019/20 academic year. Two more provincial consultation calls were scheduled for after the call we were on. EQAO has promised to share their speaking notes, as well as the collated Q&As that came at the end of the call once the consultation process is complete. We will share that information with SEAC when we receive it and can answer any questions SEAC might have at the meeting on Monday evening based on the communication we have received to date.

**Webcast with the Director**

On Tuesday, January 29th, Janine Small, our Special Education Centrally Assigned Principal for Learning Centre 1, was on the Director's panel on his webcast. The topics for the webcast included four key areas from our Multi-Year Strategic Plan: Special Education/Inclusion, Mathematics, Global Competencies, and Academic Pathways. Janine did a great job fielding questions about our model of inclusion and the supports available to teachers to build capacity.

You can watch the archived webcast using this link: <https://www.tdsb.on.ca/stream/director/webcastTDSBpanelJan2019.html>

**Blind/Low Vision Hockey Event**

On January 23rd students from across the board gathered at the ScotiaBank Pond at Downsview Park. In partnership with Toronto Police and the City of Toronto, our students from across the board gathered in community for some hockey and ice time together. Students were supported by TDSB staff and volunteers and many parents were in attendance. CTV News hosted portions of their noon newscast from the rink featuring students and interviewing parents. Thank you to Dr. Carol Farrenkopf and her team for organizing and supporting. Photographs and video from the event are attached to the email this report is embedded in. Here is a link to the CTV news story on the event: <https://toronto.ctvnews.ca/video?clipId=1589315&binId=1.3378525&playlistPageNum=1>

The first live hit is just over 5 mins into the newscast. Unfortunately, as it was last week, you have to sign in with your cable tv provider information to access.

**Special Olympics**

On Tuesday, February 5 at 1:30 pm, the Special Olympics Ontario Youth Games is launching its “Draft an Athlete” program at Central Etobicoke High School, 10 Denfield St (Eglinton and Kipling). Four CEHS student-athletes are participating at the Games. Toronto Police Service Chief Mark Saunders is the honourary chair of the Games and is expected to be in attendance, along with other guests. Media is being invited by the organizers. TDSB will be represented by Executive staff, the Chair of the Board and local Trustee.

**“Making the Transition to School Work” Parent Evening** – Easter Seals is hosting a night focused on supporting parents’ transition to school for students with special needs. We mention this evening on Thursday February 21st at Trident Banquet Hall (145 Evans Avenue in Etobicoke) because while there are many community evenings but we mention this because TDSB leadership have been invited to speak at the event to support parents. We are happy to partner with Easter Seals leadership to support parents. The brochure for this event is attached to the email.

**School Visits**

We are continuing to appreciate the opportunity to visit schools throughout the system to spend time with teachers, students, and parents in a variety of schools, programs, and communities. We encourage you to follow us on Twitter as we share experiences from each school. As we do we are thoughtful about promoting and celebrating our staff and students throughout the system.