# Report to Toronto District School Board Special Education Advisory Committee

# from SEAC Chair David Lepofsky for the January 13, 2025 TDSB SEAC Meeting

Date: January 7, 2025

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

Chair, Toronto District School Board Special Education Advisory Committee

# 1. Introduction

Happy New year to all. I hope you all had a safe, restful and enjoyable holiday. Let’s roll up our sleeves and get ready for more action to improve educational opportunities for students with special education needs at the TDSB. Please plan if you can to attend our January 13, 2025 SEAC meeting in person. The meeting will be hybrid. Here are some thoughts to help you prepare.

## Exclusions/Refusals to Admit Students to School, Either Full Day or Partial Day Exclusions

We will continue our discussion of this topic from our December 2024 meeting. At our December 2024 meeting, TDSB gave us the data they have on the number of partial day exclusions or “modified school days” that there have been at TDSB. I have asked staff to present to us at our upcoming meeting the data they have on exclusions/refusals to admit for full days. I understand that they may not have more current data than they presented at one of SEAC’s 2023 meetings.

I have also asked staff to provide us with the quarterly reports on exclusions that have been presented by staff to the Executive Council at TDSB. Accordingly to the TDSB Operational Procedure PR724, which the TDSB adopted on January 4, 2019 (six years ago):

“( b) All refusals to admit will be properly documented and reported to the appropriate Learning Centre Executive Superintendent. Consolidated

reports on refusals to admit will be provided to Executive Council on a quarterly basis.”

I’m requesting that we get be provided these for at least 2023 and 2024.

Staff have asked SEAC what further measures TDSB staff could take in this area. Please bring ideas to our upcoming SEAC meeting.

To help, I’m offering some here:

1. TDSB should designate a unique attendance code that teachers would use to mark a student’s absence due to a partial day or full day exclusion from school. This would not include situations where parents have voluntarily agreed for their child to miss some or all of a school day, e.g. for autism therapy.
2. Principals should be directed to submit monthly reports on the number of students excluded from their school for a full day. We learned at the December 2024 SEAC meeting that TDSB requires this of principals for the number of students at their school on partial day exclusions or “modified school day.” There is no good reason why TDSB cannot or should not do this at the same time for full day exclusions.
3. TDSB should prepare and publicly post a clear statement for parents and students that confirms that every student has a right to be at school for full days, and that explains their rights if TDSB has excluded them from school, either for a partial day or full day. TDSB should direct principals to give this statement in written form to any parent whose child is subjected to a partial day or full day exclusion.

No doubt there are more ideas, such as TDSB making public their data on exclusions that are aggregated and readily available, such as can be generated from a unique attendance code.

## Action on the November 2024 SEAC Town Hall for Families of Students with Special Education Needs

At our upcoming SEAC meeting. I hope to focus on two things arising out of the November 2024 SEAC Town Hall with parents of students with special education needs

1. We will discuss whether to plan another parents’ SEAC town hall for some time this calendar year. A number of SEAC members said they’d like to do this. A number of the attendees at our last Town Hall encouraged us to hold these regularly. TDSB staff have expressed some reluctance about doing a Town Hall this year, which I will leave it to them to explain at our January meeting if they wish.

Please reflect in advance on whether you see value in holding a parents’ Town Hall again this year. If SEAC decides it wants to do so, we can explore what, if anything, we might do differently, from our experience last fall.

1. Our agenda will focus on what immediate actions or “low-hanging fruit” might be good for TDSB to take in response to the parents’ feedback we received at the November 2024 parents’ Town Hall. By this, I am referring to steps that it would be open to TDSB to take relatively quickly, without needing new funding from the Ontario Government. Staff will be invited to share any thoughts they have on this. I will also invite SEAC members to go around the table and offer any ideas they would like to put on the table.

### 3. Providing Parents An Effective Recourse at TDSB If Their Child’s Special Education Needs are Not Being Met

Last October, SEAC passed a motion that makes recommendations to TDSB about the need to provide a more effective way to seek a solution at TDSB if they believe their child’s special education needs are not being met. That motion states:

“Creating a Fast, Fair and Effective One-Stop Avenue within TDSB for Parents of Students with Disabilities/Special Education Needs Who Believe TDSB is not Accommodating Their Child’s Learning Needs

Whereas TDSB has at least 40,000 students with disabilities/special education needs.

And whereas TDSB has a duty under the Ontario Human Rights Code and the Charter of Rights to accommodate the learning needs of students with disabilities up to the point of undue hardship.

And whereas if a parent/guardian is concerned that TDSB is not delivering accommodations included in the child’s Individual Education Plan, or is otherwise not effectively accommodating their child’s learning needs, they need a swift, user-friendly, independent and fair one-stop avenue that is equipped with the needed expertise for having their concerns addressed.

And whereas the procedures that TDSB now provides, the Concerned Parents Protocol and a human rights complaint to the TDSB Human Rights Office are insufficient. They are not tailored to the needs of students with disabilities/special education needs. They do not assure that the TDSB official addressing the issue has expertise in students with disabilities/special education needs and alternate dispute resolution, and has the authority to implement needed accommodations.

SEAC therefore recommends that:

1. TDSB should establish a prompt, user-friendly, fair and effective process for parents/guardians of students with disabilities/special education needs to seek a resolution if they believe that TDSB is not providing an accommodation for their learning needs that would benefit the student, e.g. if TDSB is not delivering on commitments in the student’s Individual Education Plan or if TDSB has not agreed to provide an accommodation that the parent/guardian believes that the student needs.

2. Staff at TDSB who receive and address a complaint from a parent/guardian of a student with disabilities/special education needs should:

a) Have expertise and experience with education of students with disabilities/special education needs;

b) Be independent of those TDSB staff who have dealt with the student’s needs in issue;

c) Have expertise and training in effective mediation/alternate dispute resolution and

d) Have authority to direct any corrective action that they decide is needed.

3. If, after a review, the TDSB decides not to provide the accommodation that the parent/guardian has requested, TDSB shall give written reasons for this decision.

4. Every effort should be made to mediate and resolve any disagreements between the family and TDSB. If the matter cannot be resolved, there should be an option for TDSB to appoint a person or persons outside TDSB to consider the issue., along short time lines.

5. This process should be designed and carefully tailored specifically for addressing the needs of students with disabilities/ special education needs. It should not also deal with other students’ complaints that are unrelated to disability/special education needs.

6. This motion outlines the principles that should guide the needed process, while leaving flexibility on how it will be designed and operated. This process can be designed so as not to conflict with Ministry requirements. A Parent/care-giver, or the student themselves, can first bring their concerns to their teacher, and then the principal, after which this avenue would be available to them if needed.”

I am scheduled to present this motion to the trustees’ Programs and School Services Committee on January 15, 2025. At our January 13, 2025 meeting, I will invite staff to let us know what they are doing or plan to do in response to this motion. I will also open it up to SEAC members to share their thoughts on what staff might do in response to this motion.

## 4. Writing the Minister of Education

I am planning to write the Minister of Education, copied to all SEACs around Ontario. This letter will urge more funding for students with special education needs. It will daw upon our Town Hall. It will invite the Ministry to assist other SEACs to hold similar Town Hall meetings for parents of students with special education needs, offer our help, and invite the Ministry to share a list of all SEACs so that each SEAC can keep in touch with the other SEACs. Stay tuned.

## 5. On a Minor Procedural Point

As part of our meeting, I will invite SEAC to receive this Chair’s report so it can be appended to the minutes. All trustees are sent our meeting minutes. I would like to ensure that the SEAC Chair’s report is included in those minutes as received. That does not involve SEAC purporting to agree with or approve anything in the Chair’s report. It merely means that SEAC received it.