Report to TDSB Special Education Advisory Committee

From: K-12 Working Group

Date: May 8, 2024

By David Lepofsky, Chair, K-12 Working Group

The K-12 Working Group will present two issues for discussion at the May 13, 2024 SEAC meeting, time permitting. We will invite your feedback. These may lead to our developing motions for SEAC to consider passing, depending on staff responses and actions. The second of these issues was originally listed for our March meeting, but we did not have time to address it then.

## 1. The Need for TDSB to Do a Much Better Job of Letting Parents Know What Options, Services and Supports are Available for Students with Special Education Needs and Where to Go to Advocate for Them

### a) The Problem

Parents of students with special education needs too often find it too hard to find out what services, supports and options TDSB offers for their kids, and where to go to advocate for these. SEAC has been trying for eight years to get TDSB to substantially improve in this area. Yet there has been too little progress, and the problem remains. TDSB has obviously not made fixing this problem a real priority, no matter how many times we’ve raised it with successive senior TDSB staff who represent TDSB at SEAC meetings over the past eight years.

In June 2016, SEAC passed a strong motion with recommendations on this. That motion is set out below. SEAC members have raised this issue at several SEAC meetings since that motion was passed.

in 2018, SEAC conducted an extensive online survey of parents of students with special education needs. We will include the final report in this month’s pre-meeting mail out. It showed that parents have a hard time finding out what is available for their children at TDSB, and where to go to effectively advocate for their child. SEAC delivered this to TDSB staff.

No one at TDSB ever disputed the accuracy of the trend that this survey revealed. It was consistent with the experience of SEAC members and their member associations. SEAC members and member associations often have to fill the gap by explaining to parents and families the information that is so hard to get from TDSB.

In January 2022, the final report of the provincial K-12 Education Standards Development Committee confirmed that this is a serious problem across Ontario’s school system.

### b) TDSB’s Traditional Response on This Issue

TDSB staff have at various times explained that these are the three ways TDSB addresses this need:

1. Lead responsibility for providing parents with this information rests with each school principal.
2. Families can consult the special education page on the TDSB website, and several TDSB brochures.
3. The TDSB Special Education Plan is available on the TDSB website.

### c) Why Those TDSB Strategies Are Inadequate

SEAC has told TDSB staff that those three responses have proven themselves to be insufficient.

Leaving this responsibility with each TDSB principal is inadequate. There are some 580 principals. There are over 40,000 students with special education needs at TDSB. For each principal to have to repeat this information for each family over and over is not a good use of their limited time. They’d have little or no time left to run their schools.

Moreover, each principal does not necessarily know all the information parents need, such as all the programs, supports and services available at TDSB for students with special education needs. Parents should be able to easily find out as much information as possible on their own without having to get time with their principal to discuss this.

The TDSB’s special education website and its special education brochures are also seriously insufficient. The k-12 Working Group has given TDSB extensive and detailed feedback on them. They are full of technical and at times impenetrable education jargon. They are not user friendly. They don’t relate key information that parents need. It is not easy to locate this content on TDSB’s website, especially if you don’t already know the “inside baseball” of education jargon like “special education”.

Finally, it is not an effective solution to ask parents to try to find the answers they need by reading the TDSB’s Special Education Plan. It is very, very long, full of education jargon, and not easy for a layperson to read. It is not meant as a communication strategy for parents of students with special education needs. Rather, it is a regulatory filing requirement for each school board, as a means for provincial oversight. TDSB has taken some steps to make it easier to navigate the Special Education Plan online. However, it is still not an effective way to try to meet the information needs of parents.

Add to the foregoing the bureaucratic barriers at TDSB. Parents of students with disabilities are not permitted to tour a TDSB congregated school, before they are offered a placement at that school at an Identification and Placement Review Committee IPRC. That is a policy direction to staff at TDSB. In contrast, any parent can tour any other high school, by attending their open houses. This bureaucratic barrier is disability discrimination, pure and simple.

d) It Fits in the New TDSB Multi Year Strategy to Make It a Priority to Fix This

The TDSB is supposed to prioritize things set out in its new Multi Year Strategic Plan MYSP. That Plan includes these commitments, which all cry out for TDSB to effectively address this multi-year problem:

* The Plan states that TDSB values:

“Partnerships with students, parents/caregivers/guardians, staff, community partners, and education partners”

“The TDSB is committed to identifying, removing, and preventing barriers that create disproportionate outcomes for underserved students. The TDSB’s goal is to provide an equitable, accessible, and inclusive education experience for all students according to their unique needs.”

* It commits to:

“Identifying, removing, and preventing systemic, procedural, and attitudinal barriers that stand in the way of equity of access and outcomes in education.”

* It commits to “● Increasing equity of access to programs, extracurricular opportunities and other enrichment opportunities.”
* It also commits to: “● Welcoming, respecting, and valuing parents/caregivers/guardians as partners in their children’s learning and development.”
* As well, it commits as follows:

“The conditions for success, listed below, are factors that contribute to the successful implementation of the Multi-Year Strategic Plan, 2024-2028.

Partnering with Parents/Caregivers/Guardians and Community

We partner with parents/caregivers/guardians and the community as essential partners in our shared efforts to improve outcomes for all students.”

* It commits:

“Accessibility and Inclusion

We increase the ability of all students to access education in a way that reflects their needs and removes structural, procedural, and attitudinal barriers to inclusion.”

* It also commits:

“Effective Communication

We regularly engage in two-way communication with our internal and external educational partners.”

### e) Recent TDSB Action in Response to Input from K-12 Working Group

Over the past several months, the K-12 Working Group has had several good meetings with TDSB staff. We identified the problem in detail and gave detailed, in-depth feedback on the TDSB special education website and brochures. We all said they all need a total rewrite. It is not good enough to just try to do some wording adjustments here and there.

Last November, TDSB staff gave us a work plan they developed. It was a promising Start. It is set out below.

We regret that most of the goals in it have not been achieved. We have been given no new modified timelines. There is also more that needs to be done, beyond those things in that action plan.

TDSB needs to act now, to make this a much higher priority, and to allocate more staff and staff time to this issue. TDSB can take effective action when it chooses to do so. For example, its new Multi-Year Strategic Plan included a communication strategy for that plan. TDSB acted quickly to implement it.

## 2. The Need for a Fair, Fast and Effective Way for Parents to Address Situations Where the IEP Does not Include Measures that the Parents/Guardians Seek, or Where the TDSB is Not Fulfilling a Commitment in the IEP

Parents/guardians of students with special education needs need a fair, fast and effective avenue for addressing situations where they are concerned either that their child’s IEP does not include a measure that the child needs, or that TDSB is not complying with some aspect of the IEP. Right now, their only avenues within TDSB is the “Concerned Parent Protocol”, which requires that the parent raise issues with the principal, and after that, if needed, with the relevant superintendent or lodging a human rights complaint. The final report of the K-12 Education Standards Development Committee recommended that much more is needed.

## SEAC Motion #1 Passed June 13, 2016

### The Right of Parents, Guardians and Students with Special Education Needs to Know about TDSB Special Education Programs, Services, and Supports, and How to Access Them

## BACKGROUND

Parents and guardians of students with special education needs and, where practicable, students with special education needs themselves, need direct, easy access to important information about special education opportunities, supports and services at TDSB. They have a right to know all the important information they need including, for example, in these areas:

1. What is “special education” and who is entitled to receive it.
2. TDSB’s duty to ensure that the educational needs of students with disabilities are effectively accommodated, as required by the Ontario Human Rights Code and the Charter of Rights. TDSB itself needs to understand what the Code and Charter refer to when talking about duty to accommodate. This gives TDSB an opportunity to establish what the requirement is and to convince front line workers that it is what they need to do – a potential paradigm shift for the board.
3. The range of options, placements, programs, services, supports and accommodations available at TDSB for students with special education needs.

d) What persons and what office to approach at TDSB to get this information, to request placements, programs, supports, services or accommodations for students with special education needs, or to raise concerns about whether TDSB is effectively meeting the student’s education needs.

e) The processes and procedures at TDSB for a parent, guardian or student to request or change placements, programs, services, supports or accommodations for students with special education needs. This includes formal legislated processes like the Identification and Placement Review Committee (IPRC) and the development and implementation of the students Individual Education Plan (IEP). It also includes other informal processes like requests for programs, services, supports and accommodations in the classroom that are not covered in an IPRC or IEP.

This information must be easy for parents, guardians and students to find. It should be available in plain language for parents and guardians of students with special education needs who have a wide range of skills, abilities and education. It should be available in a wide range of languages to meet the diversity of linguistic communities in Toronto that TDSB serves.

At present, TDSB is not effectively meeting these important needs. Parents and guardians of students with special education needs too often find it very difficult to find out the important information described above. Even when some of it is provided at all, such as the TDSB Parents Guide to Special Education, it is often only provided within two weeks before an IPRC meeting. That is long after parent, guardian or student first needed this information.

This information is not now easy to find on TDSB’s website. The website does not consistently use plain language. Some of it is not available at all. TDSB’s website too often uses terminology that parents and guardians of students with special education needs may not know. Moreover, TDSB’s website has accessibility deficiencies.

Some of this needed information is found on the TDSB website, but it is buried somewhere in the TDSB Special Education Plan. Few parents would even think to struggle through that long, highly technical and detailed document. Moreover, the TDSB Special Education Plan includes clearly inaccurate information. It would misinform parents and guardians of students with special education needs about certain TDSB special education options. It inaccurately describes eligibility for and the focus of both TDSB’s Mild Intellectual Disability (MID) and Developmental Disability (DD) Intensive Support Programs. This is so even though SEAC alerted TDSB staff to this, and sought its correction last year.

The 2016 final report of the Barbara Hall review of TDSB governance further documented that TDSB is not effectively ensuring that parents, guardians and students have the information they need. It found:

*“Parents expressed frustration at their inability to advocate for their children's special education needs in an effective way. They feel isolated, afraid and unsure of how to work with the school board administration to support their children's learning needs. They also said that the specific information they require to be informed about the options available to support students is not easily accessible on the website or from any other source.”*

TDSB has told SEAC that it leaves it to each principal at each of its 550 schools to convey much of this information to parents and guardians of students with special education needs. We have asked TDSB for any instructions that TDSB gives to principals regarding the provision of this information. We have not been shown anything that shows that TDSB has in place a process to ensure that all parents and guardians of students with special education needs are effectively given the information they need, and that this is done as soon as possible during a student’s engagement with TDSB.

It is inefficient and unreliable to leave this responsibility to 550 principals, spread across Toronto, to each deal with this as they choose. When it is left to each principal, without clear policy directions and pre-prepared materials for parents, guardians and students, TDSB won’t be able to ensure that this important need is met.

Some of this information can be needed by any of the parents or guardians of all 240,000 TDSB students. Some of this information is important specifically for the parents or guardians of the 46,000 TDSB students with special education needs.

Some of those families do not have internet access. Some do not speak English. A failure to provide the needed information and in a timely and accessible way can undermine the effective accommodation of at least some students with special education needs.

As one important example, there could well be many students who have special education needs but that TDSB does not know about, among the 200,000 TDSB students who have to date not been formally or informally identified as having special education needs. TDSB has told SEAC that TDSB does not send a communication to all parents and guardians of all TDSB students at the start of each school year, alerting them that if a student is having any difficulty learning or taking part in TDSB educational programming, they can approach TDSB to explore whether the student has any special education needs, and find out options for TDSB to meet those needs. To identify that a student may have special education needs, it is left to the classroom teaching staff, or to parents and guardians to bring this forward on their own initiative.

As another example, TDSB does not have a standard form to ensure that parents, who receive a draft IEP from a school, know at that point what avenues or options they have for agreeing to it, disagreeing with it, or seeking its improvement. TDSB has indicated that this is left to each school to communicate as it decides.

As a result, TDSB operates either as a restaurant that has no menu, or that is not providing its menu to all of those who need it. If parents and guardians of students with special education needs do not have easy and timely access to this needed information, this reduces their ability to ensure that TDSB effectively meets the special education needs of all of its students with those needs. By sharing an information package with all families, and not just with those that have been formally or informally identified as having special education needs, TDSB can help educate all families about special education. This will help smooth and reinforce the TDSB’s efforts on inclusive education.

### RECOMMENDATIONS

SEAC therefore recommends as follows:

1. TDSB needs to develop and provide all parents with effective information resources on services for students with special education needs. TDSB should ensure that parents, guardians, and where practicable, students are informed, as soon as possible, in a readily-accessible and understandable way, about such important information as:
2. What “special education” is and who is entitled to receive it.
3. TDSB’s duty to ensure that the special educational needs of students with disabilities are effectively accommodated, as required by the Ontario Human Rights Code and the Charter of Rights.
4. The range of options, placements, programs, services, supports and accommodations available at TDSB for students with special education needs.
5. What persons and what office to approach at TDSB to get this information, to request placements, programs, supports, services or accommodations for students with special education needs, or to raise concerns about whether TDSB is effectively meeting the student’s education needs.
6. The processes and procedures at TDSB for a parent, guardian or student to request or change placements, programs, services, supports or accommodations for students with special education needs. This includes formal legislated processes like the Identification and Placement Review Committee (IPRC) and the development and implementation of the students Individual Education Plan (IEP). It also includes other informal processes like requests for programs, services, supports and accommodations in the classroom that are not covered in an IPRC or IEP.

1. Without restricting the important information that must be made readily available, TDSB should ensure, among other things, that:
2. Parents and guardians of students with special education needs can easily find out and, where necessary, visit different placement, program, service and support options for a student with special education needs, before the parent, guardian or, where practicable, the student must take a position on what placement, program or services should be provided to that student.
3. Parents and guardians of students with special education needs and, where practicable, students with special education needs themselves, should be given clear, understandable explanations of their rights in the special education process. For example, when TDSB presents parents or guardians with a proposed IEP, TDSB should carefully explain to them that they need not agree to the proposed IEP, that TDSB is open to their suggestions for changes to the proposed IEP, and the avenues by which parents or guardians can seek to get TDSB to make changes to the proposed IEP.

1. TDSB should now implement a comprehensive plan to substantially improve its provision of the important information, described above, to all parents and guardians of TDSB students, and to all TDSB students where practicable, and especially to parents and guardians of students with special education needs. Every parent should have an option to receive information digitally and/or in hard copy, and to be able to opt in or opt out of the format they prefer:
2. This plan’s objective should be to ensure that all parents, guardians and where practicable, students, have the important information they need to ensure that students of all abilities can fully access and benefit from the educational opportunities available at TDSB.

1. TDSB should not simply leave it to each principal or teacher to make sure that this important information is effectively provided. TDSB should instead have an effective system in place to ensure that this information actually reaches all parents and guardians,
2. TDSB should ensure that all of this important information is fully and readily accessible in a prompt and timely way to all parents, guardians and students, in accessible formats and in jargon-free plain language, in a diverse range of languages. It should be easy to find this information, without having to call all around TDSB.
3. TDSB should not simply rely on its website to share this information since this will not serve those families that do not have internet access. Instead, TDSB should both improve its internet content on this information, and ensure that this information is provided to parents and guardians in written form.

1. This plan should include TDSB sending home information at the start of each school year in a package of information to all families, and not merely families of those students who are already being served as having special education needs. This package should include, among other things, a Question and Answer format to help families think about how this information could relate to the student in their family.
2. This plan should include the creation of a user-friendly package of information to be provided to families who first approach TDSB about the possibility of enrolling a child at TDSB, e.g. when they register for kindergarten.
3. This plan should also include hosting events at local schools to help families learn how to navigate TDSB processes like the Individual Education Plan and the Identification and Placement Review Committee processes.

## Special Education and Inclusion

## Action Plan for Communication 2023-2024

## Objective

This action plan is designed to support parents/guardians/caregivers and students in accessing information on special education supports, services and programs across the TDSB.

## Key Areas of Focus

The Proposed K-12 Education Standards Report has identified 5 Key Focus Areas: Accessibility Awareness and Training, Awareness of Accessibility Accommodations (policies, processes, programs), Information, Communication, and Inclusive Decision-Making, Transition Planning, Inclusive and Accessible Learning Spaces.

Feedback from the SEAC K-12 Committee has focused on **Information, Communication, and Inclusive Decision-Making**:

### Communication

* Communicate key information on Special Education in a readily accessible, understandable way and in multiple formats.
* Provide information on Special Education supports, services and programs for students with special education needs and processes.
* Ensure that communication is accessible on the central TDSB web as well as available at the school.

**SEAC K-12 Consultation and Recommendations**

The SEAC K-12 Committee provided a number of recommendations connected to the internal and broader system communication on special education supports, services and information for families during the two meetings held on October 13, 2023 and November 1, 2023.

Based on the feedback provided by SEAC K-12 Committee, the following actions have been identified as achievable priorities for the 2023-2024 school year:

1. **Accessing Information on Website**

**SEAC K-12 Recommendation**: SEAC K-12 Committee identified that parents have difficulty knowing where to access information on the website if their child needed support. They recommended an access point that has inclusive language and provides a direct link to information (e.g., What if a parent doesn’t know what Special Education and Inclusion is? How do they know where to go?).

**Action**: Special Education and Inclusion will work with Communications to identify clearer language to include on the Special Education and Inclusion landing page.

**Timeline**: December 2023 - March 2024

1. **Frequently Asked Questions (FAQ) Document**

**SEAC K-12 Recommendation:** Develop a resource for parents to answer frequently asked questions. Have this accessible on the webpage and lead parents to the information for any questions they have (e.g., I have a question about…Where do I go?).

**Action**: Special Education and Inclusion will develop some FAQs to be posted on the Special Education and Inclusion website. This document will be updated on a regular basis. SEAC K-12 members are invited to suggest topics/questions for consideration. The FAQ will also direct the user to the appropriate sub-section of the Special Education Plan instead of to the entire document. Hits on links will be monitored and frequently accessed links will be reviewed for additional actions.

**Timeline**: December 2023 and ongoing

1. **Accessing Information on Special Education and Inclusion Website**

**SEAC K-12 Recommendation**: Review how information is presented (e.g., in user-friendly language) and ensure that the format and layout of the Special Education and Inclusion site requires less clicks to get to the information and reduce the amount of text on the site.

**Action**: Special Education and Inclusion will work with Communications to complete a scan of the language used on the website and will adjust to make it accessible to all (no jargon, clear and accessible). The design and layout of the Special Education and Inclusion page will be reformatted.

**Timeline**: December 2023 - March 2024

1. **Special Education Plan Summary**

**SEAC K-12 Recommendation:** Summarize the Special Education Plan. It is too daunting for parents to access information.

**Note**: The Special Education Plan is a Ministry requirement and must contain information as outlined in each section. The SEAC Special Education Plan Working Group provided feedback on behalf of SEAC that resulted in each section being linked for ease of access to specific information. The Ministry requires that each school district submit a [Parent Guide to Special Education and Inclusion](https://www.tdsb.on.ca/Portals/0/docs/TDSB_Guide_to_Special_Education.docx), which is a more user-friendly package of information for parents/guardians/caregivers. The TDSB also has several additional [guides for parents/guardians/caregivers](https://www.tdsb.on.ca/Learning-Equity-and-Well-Being/Special-Education-and-Inclusion/Parent-Guides-to-Special-Education-and-Inclusion) to make accessing information on special education and inclusion more accessible.

**Action**: The Special Education and Inclusion department will review the Special Education Plan webpage to see if it can be reorganized to make it more user friendly. Direct links to specific sections will be added to the FAQ (e.g., transportation section).

**Timeline**: March 2023

1. **Informational Videos and Parent Guides to Special Education**

**SEAC K-12 Recommendation:** To support parents in accessing information on special education services and support, SEAC K-12 Committee has recommended information be provided in multiple accessible formats.

**Action**:

* [Parent Guides](https://www.tdsb.on.ca/Learning-Equity-and-Well-Being/Special-Education-and-Inclusion/Parent-Guides-to-Special-Education-and-Inclusion): Beginning in the 2022-2023 school year, a number of parents guides were created to provide information to parents on key special education and Inclusion processes. The guides are downloadable in MS Word, as well as have audio in a digital version.
* Short Informational Videos (in progress): Short informational videos are currently being developed. These videos will have accessible language and subtitles, and will be stored on the TDSB Youtube channel. They will also be linked on the public facing website.

**Timeline**: Ongoing

**Additional SEAC K-12 Recommendation shared with Special Education and Inclusion and Communications**

Additional recommendations that were shared with TDSB and Communication Department:

1. Website Overhaul: SEAC K-12 Working Group recommended a complete TDSB website overhaul. The Communications Department will take this under advisement.

This would be a multi-year process. Communications has received the

feedback and will take the SEAC K-12 recommendations under advisement

when the larger website review is conducted.

1. Student Voice Portal: SEAC K-12 Working Group recommended the creation of a place for students to share about their experiences in Special Education.

The TDSB will continue with its present approach to gathering student voice. TDSB conducted a Parent and Student Census in 2022-2023. Results will be shared with each school and central department. This feedback will be provided to central departments to plan capacity building opportunities for staff at all levels to address concerns raised by students.