# Report to Toronto District School Board Special Education Advisory Committee

From: David Lepofsky, SEAC Chair

Date: April 3, 2024

Here is some background that will help you prepare for the April 8, 2024 SEAC meeting.

##  1. Guest Speaker ARCH Disability Law Centre’s Executive Director Robert Lattanzio

We are very fortunate to welcome expert disability rights lawyer Robert Lattanzio, to meet with us. He is the Executive Director of the ARCH Disability Law Centre.

Arch is a widely-respected Legal Aid Ontario specialty clinic that gives advice and representation to people with disabilities who qualify for Legal Aid. It focuses on disability rights. It also does law reform advocacy. You can learn more about ARCH by visiting its website at <https://archdisabilitylaw.ca/>

ARCH has a great deal of expertise in the legal issues facing students with disabilities. Mr. Lattanzio cannot give legal advice on specific incidents, during his appearance at SEAC. He will first answer a few short questions from me, and then it will be your turn to ask him questions. My questions will focus on priority issues that you have already identified during recent SEAC meetings, like exclusions from school for all or part of the day, and the need for TDSB to offer families an IEP meeting when developing a child’s Individual Education Plan.

##  2. What Has Happened with the Motion that SEAC Passed at the February SEAC Meeting?

At the March 18, 2024 SEAC meeting, SEAC passed a motion, directed to the TDSB trustees, regarding the proposed Multi-Year Strategic Plan (MYSP). That motion is set out below, as you will see.

On March 21, 2024, I addressed the TDSB trustees’ Priorities and Planning Committee, in an effort to get them to pass this motion. You can watch that deputation at <https://www.tdsb.on.ca/Leadership/Boardroom/Live-Webcast-of-Meetings/Webcast-Archives/ctl/view-meeting/mid/40743?meetingID=431>

Minute 2

I was asked a series of thoughtful questions from trustees. Trustees then discussed this in a closed session. They then passed the following:

“It is recommended:

1. That staff consider the following recommendation from SEAC in developing the annual operating plan for the Multi-Year Strategic Plan:

SEAC recommends that the Multi-Year Strategic Plan Objectives must include: To make as much progress as possible towards achieving an accessible and barrier-free public school system for students with disabilities/special education needs, including those with intersecting identities, a) By removing and preventing accessibility barriers impeding students with disabilities/special education needs from fully participating in, and fully benefiting from all aspects of the education system b) By providing a prompt, accessible, fair, effective and user-friendly process to learn about and seek programs, services, supports, accommodations and placements tailored to the individual strengths and needs of each student with disabilities/special education needs.

(b) That staff report back to SEAC on the Board’s decision.”

The Board meets to consider approving the MYSP on April 17, 2024. I have indicated to staff that I request a chance to make a presentation to the entire Board and have asked staff to help connect me with the right people. I will keep everyone posted.

It is my intention to urge the entire Board to amend the MYSP as our March 18, 2024 motion recommends. In my view, including our motion in staff action plans is better than nothing, but is quite inferior to including it in the MYSP itself. I fear that the wrong message is sent to TDSB staff and the public if the Board fails to pass our motion. I have also offered to explore with staff whether there might be revisions to SEAC’s wording that would eliminate any staff concerns.

At our last SEAC meeting, staff referred to the fact that the Ontario Government has not yet enacted a K-12 Education Accessibility Standard. That is no reason, in my view, for omitting our proposal from the MYSP. Our proposal seeks to implement the Board’s duties to students with disabilities under the Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code. TDSB does not need to await directions from the Ontario Government to fulfil those obligations which have existed for over four decades. TDSB has those obligations whether or not the Ontario Government ever enacts the promised Education Accessibility Standard.

##  3. People for Education Report

The oft-quoted advocacy group People for Education recently released a very disturbing report, available online at <https://peopleforeducation.ca/our-work/staff-shortages-a-daily-issue-for-many-ontario-schools/>

This report was not specifically about TDSB. Rather, it addressed the problems across Ontario schools created by recurring staff shortages. It stated that the most vulnerable students can especially suffer as a result.

Regarding educational assistants, it included this very troubling passage:

“Shortage of educational assistants has an impact on student learning and school safety

Lack of supply coverage for support staff and teaching is creating unsafe learning and working environments regularly in our schools. Elementary Principal, Central Ontario

In the 2023-24 survey, nearly half of all schools reported experiencing daily shortages of educational assistants. These staff provide support to students with special education needs, either in regular classrooms or in special education classes.

Ontario’s policy and resource guide for special education lists four areas of responsibility for educational assistants:

helping the student with learning activities, under the direction and supervision of the teacher;

assisting with providing appropriate accommodations as described in the student’s Individual Education Plan (IEP);

monitoring and recording the student’s achievements and progress relative to the expectations described in the IEP, under the direction and supervision of the teacher; and

maintaining ongoing communication with the student’s teacher (s).

According to Statistics Canada, the median hourly wage for educational assistants in Ontario is $24.00. Principals say that this relatively low salary is one of the reasons that it is difficult to maintain vital educational assistants in their classrooms, which results in students going without needed supports, and, at times, has an impact on school safety when there is no one in the classroom to assist students struggling with behavioural issues or acting violently.

This year, more than half of secondary school principals (58%) and nearly two-thirds (63%) of elementary principals report that they have had to ask parents to keep their child with special needs home for the day. This is an increase over previous years. Concerns about safety and unavailable supports were the main reasons given for asking that a special education student not attend school for all or part of the day.

While nearly all schools report having assistants, the proportion of elementary schools with at least one full-time educational assistant dropped from 87% in 2021-22, to 83% this year. There was a similar decline in secondary schools – from 89% in 2021-22, to 84% in 2023-24.”

Agenda time will be available at our upcoming April 8, 2024 SEAC meeting for you to give TDSB your feedback, and that of our member associations, on this issue.