



# Special Education Advisory Committee

Thursday, October 21, 2021 6:00 PM

Amended Oct 18, 2021

MS Teams Virtual Meeting

## AGENDA

### Land Acknowledgement

The Grand Erie District School Board recognizes the Haudenosaunee and Anishinaabe people, as the traditional peoples of this territory. We acknowledge and give gratitude to the Indigenous peoples for sharing these lands in order for us to continue our work here today.

### AGENDA

Item	Info.	Dia.	Res.	Responsibility
<b>LEAD</b>				
<b>A-1 Opening</b>				
(a) Welcome/ Land Acknowledgement Statement			√	W. Rose
(b) Roll Call			√	P. Curran
(c) Agenda Additions/ Deletions/ Approvals		√	√	W. Rose
<b>LEARN</b>				
<b>B-1 Timed Items</b>				
(a) 6:05 PM Balanced School Year Pilot Project	√	√		W. Baker
(b) A Day in the Life of the Speech Language Pathologist	√	√	√	M. Dumoulin





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Item	Info.	Dia.	Res.	Responsibility
<b>LEAD</b>				
<b>C-1 Business Arising from Minutes and/or Previous Meetings</b>				
(a) Ratification of Minutes September 16, 2021*			√	W. Rose
(b) Education Standards K-12 - Update from Accessibility Committee	√	√		K. Mertins
i. Letter *				
ii. Excerpt *				
(c) Nursing Shortage – Input Discussion from SEAC	√	√	√	W. Rose
i. Letter *				
(d) GEPIC Representative from SEAC			√	W. Rose
<b>LEARN</b>				
<b>D-1 New Business</b>				
(a) Annual Update - Grand Erie's Multi-Year Accessibility Plan 2017-22* - Input session	√	√		K. Mertins
(b) Grand Erie's Student Achievement and Well-Being Plan 2020-21 – Outcomes for Students with Special Education Needs	√	√		L. Thompson/F. Lainson/L. Sheppard/J. White/P. Bagchee

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Item	Info.	Dia.	Res.	Responsibility
<b>LEAD</b>				
<b>E-1 Other Business</b>				
(a) D. Lepofsky – A Practical Guide to the Duty to Accommodate* – Video Link	√			P. Boutis
<b>INSPIRE</b>				
<b>F-1 Standing Items</b>				
(a) Policy/Procedures Out for Comment <b>Due Oct 28/21 to <a href="mailto:policiesandprocedures@granderie.ca">policiesandprocedures@granderie.ca</a></b> I. <a href="#">F107 Reporting Suspected Wrongdoing</a> II. <a href="#">F7 Reporting of Wrongdoing revised version</a> III. <a href="#">FT101 Smoke Free Environment</a> IV. <a href="#">HR102 Working with Blood-borne Infections Precautions Practices</a>	√			W. Rose
(b) Trustee Updates	√			R. Collver/T. Waldschmidt
<b>LEARN LEAD INSPIRE</b>				
<b>G-1 Information Items</b>				
(a) A Relic of the Past: IPRC Committees*	√	√		L. Thompson

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Item	Info.	Dia.	Res.	Responsibility
<b>LEARN LEAD INSPIRE</b>				
<b>H-1 Community Updates</b>				
(a) Inclusion Action in Ontario	√	√		P. Boutis
(b) i. ODEN Employment the Gold Standard* li ODEN Raising Expectations*	√	√		J. White/F. Lainson
<b>LEARN LEAD INSPIRE</b>				
<b>I-1 Correspondence</b>				
(a) M. Jacques – Offering Presentation on Literacy*	√	√	√	W. Rose
<b>INSPIRE</b>				
<b>J-1 Future Agenda Items and SEAC Committee Planning</b>				
(a) Transitions - Transitions to School will be discussed at the November meeting.	√			W. Rose
(b) Destreamed Math Curriculum and Students with Special Education needs will be discussed at the November meeting.	√			W. Rose
(c) D. Lepofsky's Video – debrief at the November meeting	√			P. Boutis

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Item	Info.	Dia.	Res.	Responsibility
<b>INSPIRE</b>				
<b>K-1 Next Meeting</b>				
Thursday, November 18, 2021   MS Teams	√			W. Rose
<b>L-1 Adjournment</b>				
Meeting adjourned at            p.m.			√	W. Rose

Note: Column Abbreviations

\* Attachments to the agenda

Info.        Item for information only

Dia.        Item for dialogue

Res.        Item for resolution or recommendation

SEMT      Special Education Management Team

AGENDA ITEM(S)

Standing:

- LDAO SEAC Circular September, November, February, April and June (as available).



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MS TEAMS

### MINUTES

**Present:** Chair W. Rose, L. Boswell, C. Brady, T. Buchanan, B. Bruce, R. Collver, L. DeJong, A. Detmar, M. Gatopoulos, J. Gemmill, K. Jones, F. Lainson, K. Mertins, W. Rose, L. Sheppard, L. Thompson, M. Vosburgh, T. Waldschmidt, J. White, T. Wilson.

**Regrets:** P. Boutis, A. Csoff, L. Nydam, L. Scott, J. Trovato.

**Recorder:** P. Curran

#### A - 1 Opening

##### (a) Welcome

Chair Rose called the meeting to order at 6:03 and welcomed everyone. She informed members the meeting would be recorded.

The Land Acknowledgement Statement was read by Chair Rose.

##### (b) Agenda Additions/Deletions/Approval

Add E-1 Other Business (b) Shortage of Ontario Nurses - L. Thompson

Moved by: C. Brady

Seconded by: M. Gatopoulos

**THAT** the SEAC 21-01 Agenda for Thursday, September 16, 2021 be approved as amended.

**CARRIED**

#### B - 1 Timed Items

##### (a) A Day in the Life of the Attendance Counsellor

K. Mertins explained that the Education Act mandates all schools to have an attendance counsellor. This is an important function to help safeguard the education of children. Attendance also drives funding for the operation of schools.

Tier One resides with parents and teachers. Parents are responsible for ensuring their child attends school; the classroom teacher records attendance and all school staff help set the tone of a welcoming environment to help keep children engaged.

School administrators get a weekly attendance report which alerts them to burgeoning concerns about students showing signs of disengagement and non-attendance. At the Tier Two level, they may request early intervention from Attendance Counsellors as the establishment of positive relationships between Attendance Counsellors and parents can often prevent problems from developing and can frequently turn things around for the student. They look at who is most vulnerable to determine where to begin planning to help students be successful through regular attendance.

When Attendance Counsellors receive consecutive absence referrals, they will initiate home visits, launch an investigation, facilitate meetings and connect with families to



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discuss options for alternative school programming at 15 days of consecutive absences, administrators must initiate a referral or student is removed from the roll.

1. How Many Students do you Support in a Week?  
Attendance Counsellors see anywhere between 25 and 50 students each week, depending on the level of support that is required.
2. How Many Students do you Support in a Year?  
Each Attendance Counsellor supports approximately 350-500 students each year. There was a significant increase in attendance referrals during the 2020-2021 school year.
3. How do Schools Access Your Support?  
Schools access their assigned Attendance Counsellor by sending a LITE referral. Referrals go directly to the Attendance Counsellor assigned to the school. Attendance Counsellors are mandated through the Education Act, no consent is required.

#### A Day in the Life of an Attendance Counsellor (AC)

Mr. Vosburg outlined the importance of remaining flexible no two days are the same. He begins the day by reviewing the weekly case load so he can prioritize contacts and establish two-way communication with families.

On a usual day AC will meet with students and parents either somewhere in the community, the home or in the school, whichever is most comfortable for family. They may also communicate by phone call or text if the family has the technology. They work with community partners to collaboratively develop plans that support families and works with farmers who employ 14-16-year-old students to ensure they don't lose their education while they are working.

If AC are unable to contact a parent, they will continue trying to find anyone who can connect them with the parent.

Mr. Vosburg noted he has sometimes visited homes to speak with parents about one or two children only to find three or four others who are also of school age.

#### Supporting Students in Classroom

Absences are usually a symptom of a bigger problem. AC try to understand what is happening to prevent attendance. Determining factors affecting attendance can be a slow process, but they use a team approach with teachers, administrators and community partners to support students and remove barriers to attendance and help students feel more comfortable in the classroom and the school.



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Questions:

L. Boswell asked if there is a red flag number in the Tier Two Level

M. Vosburg advised there is no hard and fast rule, but a student having one absence every week would indicate early intervention is required.

K. Mertins noted 15-day absences mandate AC intervention, but they will not usually intervene if school staff is working with the student to improve attendance.

R. Collver asked if there was an increase in disengaged students and was there any indication of how successful AC were at re-engaging students during COVID.

M. Vosburg noted they averaged an increase of 100-150 additional students not actively participating in virtual education. AC were fairly successful in making contact but found many parents were frustrated in the process which impacted student engagement. Parents seemed very happy to speak with staff.

Chair Rose thanked Mr. Vosburg for sharing the valuable information on the work AC have done.

(b) **Grand Erie's Multi Year Strategic Plan**

Superintendent Thompson presented a Bold New Vision for Grand Erie - Introducing our Multi-Year Strategic Plan for 2021-26. Members R. Collver, L. DeJong, T. Waldschmidt, and W. Rose participated in developing the plan during a comprehensive consultation process.

W. Rose commented on the new look of the plan and was pleased to note how the board's commitment translates into tangible actions in schools.

C - 1 **Business Arising from Minutes and/or Previous Meetings**

(a) **Ratification of Minutes June 17, 2021**

Moved by: L. Boswell  
Seconded by: K. Jones

**THAT** the SEAC 20-10 Minutes for Thursday June 17, 2021 be approved as circulated.  
**CARRIED**

(b) **Special Education and Well-Being Summer Programs Update**

L. Thompson introduced F. Lanson, the new Program Coordinator for Special Education who is now in the role formerly held by L. Boudreault.

P. Bagchee explained that Child and Youth Workers (CYW) provided virtual Mental Health support for 86 students and their families over the summer months.





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They also conducted summer school transition programs; virtual workshops for parents and caregivers and understanding anxiety and successful return to schools.

Thirty-six Educational Assistants received training in Shanker and Hopkins Self-Regulation in schools

Resources developed / or provided by Grand Erie staff include:

- "A Grand Return" colouring sheets & Video
- Welcoming and Inclusive Classrooms Tip Sheet for Educators
- The first 20 Days - Activities that Support a Welcoming and Inclusive Return to School
- Distributing fidgets and squishable objects to schools & students
- Providing links to School Mental Health Ontario - Student Re-engagement resources.

L. Boswell asked if parent workshops were well attended and P. Bagchee informed that attendance was limited but confirmed approximately 15 attendees who stayed after the presentation to ask more detailed questions.

R. Collver shared she attended one of the sessions and noted the virtual workshop was a superb creation that provided clear and concise information.

R. Collver asked if all the resources are tracked to determine if they are being used. P. Bagchee presented resources to Dr. Clinton who thought they were valuable. Schools did not receive the resources until the first PD day so may have been challenged to review and plan for implementing ideas.

K. Mertins presented data on the seven psycho-educational and 31 complex language assessments conducted over the summer when parents brought their children into the school.

L. Boswell asked if more parents are now seeking psycho-educational assessments. K. Mertins advised that parents will ask the school principal who would make a decision as to whether it should be reviewed at the in school resource team meeting. The first response is to always review information on hand. There is sometimes a flurry of requests.

K. Mertins advised members that two AC worked for seven days straight in an effort to reach families of the most vulnerable students. Two way communication is a critical starting point for success. She provided data that indicated the elementary student/parent contact was successful in 71 out of 124 attempts and the secondary student/parent contact was successful in 61 out of 101 attempts.

AC helped many families with registration questions which prepared students for returning to school in September.



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L. Sheppard and F. Lainson presented an overview of the summer programs provided in August 2021. Ministry of Education provided funding to support the transition of students with special education needs. Three in person programs and three virtual programs were offered. Data on effective strategies taught was collected with interest into how these skills were transitioned into the September classroom program.

#### i. In Person Programs

Hello Classroom was offered to students in Life Skills and d for alternative programs and iIntensive Support - Autism supportself-contained classrooms to help them transition back after virtual learning and the summer break. Thirty students participated in this program at six locations. Lessons were engagingfun and helped students build relationships and learn routines.

Teachers were provided with a licence to a Lesson Pix account, an online resource, to assist with preparing visual materials to address the individual student needs.

Data on the effectiveness of this program to support the transitions was collected through surveys to staff, parents, and where appropriate, students and information is being collated.

Summer School Transition Program (SSTP) – 24 programs ran with 203 students participating. The focus was helping Senior KG – G3 students develop communication, self-regulation, and friendship skills.

Data on the program was collected through various means and will be reviewed to determine if the program is viable for the future and to know the effectiveness of the program, i.e., how the program actions translate to classroom behaviours.

This is My New School – 30 students in 10 locations were provided with opportunities to learn and practice school routines. The program was offered to students with autism or other pervasive needs. and helped staff understand the language and skills of the students starting school.

Data on the program was gathered through surveys [to staff, families and students](#) and information is being collated.

T. Waldschmidt asked if there was a significant wait list for the programs. L. Sheppard advised all who registered were accommodated other than the two programs which were cancelled due to construction. Parents of those two programs were informed ahead of time.

M. Gatopoulos shared his son participated in the summer transition program and noted it really helped him get back into the school rhythm.



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#### ii. Virtual Programs

- a) LEXIA Reading - Lexia trained teachers were hired to monitor and support student progress in grades 2-8. Many students advanced their own reading skills.
- b) LEARNstyle – elementary teachers ran each program for five days in two hour sessions either involving a small group or a single student. 69 students were registered in total.
  - a. Assistive Technology (AT) Literacy - 9 programs were provided for 30 students in G4-G12 with a goal of using assistive technology to help foster engagement, independence and skill development.
  - b. Technology Journeys in Math – use of AT and technology tools to support learning. 24 students registered but only 16 participated. Each student created a resource binder for themselves using One Note.
  - c. High School Transition Program – three programs were offered and 12 students participated in creating a self advocacy portfolio they could share with their new teacher. One student commented they "felt they were getting a road map for their brain"; another student remarked they "now had a better understanding of how they were different but not in a bad way". Educators were astounded at the profound thinking generated by these programs.

Chair Rose thanked staff for the engaging programs and offered SEAC support if necessary to secure funding for next year's programs.

#### (c) **Education Standards 2021 Initial Recommendations**

A SEAC sub-committee including W. Rose, P. Boutis, R. Collver and K. Jones met over the summer to review the proposed standards. The deadline for feedback is now November 1, 2021 and the sub-committee advised members they will take recommendations from the overall documents and will bring them back to the SEAC.

K. Jones explained the points on creating a more accessible education were often vague and difficult to understand.

R. Collver praised the work done by sub-committee members and noted each contributing group wrote their own section for the document which contributed to the document's cumbersome aspects.

K. Mertins encouraged sending feedback to the Ministry asking for the document to be more searchable. She noted the Accessibility Committee is meeting soon and will share the discussion comments and feedback from SEAC.

W. Rose will ask the sub-committee to meet prior to September 30 with the aim of a follow up with the Standards Committee on the language that is plaguing accessibility.



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#### D -1 New Business

##### (a) New in our Department 2021-22

Priorities 2021-22: Special Education

1. Asset-based focus to support accessible learning for all students.
2. Schools will use Universal Design and Responsive Instruction and Assessment to build conditions for full participation.
3. Schools will provide opportunities for tiered approaches to strategies and supports.

Priorities 2021-22: Mental Health and Well Being

1. Students have the knowledge and skills to tend to their own well-being.
2. School personnel have the knowledge and skills to support students' wellbeing using school board and community pathways to mental health support and services.
3. Staff have the knowledge and skills to tend to their own well-being.

New Positions in our Department

1. Itinerant Teacher – Special Education Classroom Technology
  - Worked with our ITS department to create sustainable process for technology in self-contained classrooms.
  - Supports all aspects of the technology renewal each year
  - Supports teachers in the effective use of technology in their programming for students in Intensive Support and Life Skills classrooms.
2. Itinerant Teacher – Inclusion -Intellectual Disabilities
  - Supports teachers to appropriately integrate students from self-contained classrooms into mainstream classes.
  - Supports teachers to program effectively for students with intellectual disabilities in mainstream classrooms and to maintain student programming on provincial curriculum.
3. Teacher Consultant Secondary Alternative Programming
  - Supports teachers in self-contained, intensive support and life skills classrooms with IEP development, program planning and implementation.
  - Begins supports and plans for the development of employability skills and opportunities.
  - Transition planning for exit from school to community.
4. Developmental Disabilities Pilot: Student Transitions
  - Grand Erie was one of the school boards selected to receive Ministry of Education funding in 2021-22 and 2022-23 to explore the possibility of running a *Project SEARCH* site in their community.
  - The transition to work model is a one-year employment preparation program targeting independent students with developmental disabilities who are planning to pursue paid employment upon graduation and who are in their final year of secondary school. This is a collaborative model involving school boards, business/site hosts and community partners.
  - Year one will be determining viability and if viable, beginning the process.



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- Year two will start working with *Project SEARCH*, finalizing partnerships and developing processes for full implementation.  
<https://projectsearchcanada.org/index.html>
- 5. Virtual THRIVE Teacher
  - T** Transferrable Skills; **H** Higher Order Thinking Skills; **R** Research Skills; **I** Innovation and Inquiry Skills through a **V** Virtual **E** Experience
    - Providing regular mode virtual learning experience for students who require engagement with like-minded peers and programming which cannot be provided in the regular classroom.
- 6. Itinerant Supply Education Assistants (8)
  - Through daily assignments will provide support to address gaps in safety and support due to unfilled EA absences.
- 7. Additional Staffing Increases
  - 0.5 Attendance Counsellor
  - 0.5 Speech Language Pathologist
  - 1.5 Child and Youth Workers

(b) **Naming our Department – A Bold New Vision**

What's in a name? For many the addition of the word 'special' to the Education Act in 1982 was seen as a good thing because the needs of students who learn differently for a variety of reasons was expressly acknowledged and a framework that requires each board to meet those needs was established.

In present times, the word 'special' has come to represent oppression and may stigmatize students who learn differently as if those with disabilities require something that is so out of the ordinary that it cannot be provided unless some 'special' effort is made.

Reflecting on the voices from the disability community and our Multi-year strategic plan, where belonging and full participation of all learners is articulated in our organizational goals, we are considering renaming our department so that the name identifying us, also conveys our commitment to inclusion.

Q1 – What Value is there in moving away from the term, "Special Education"?  
When members were asked if there was value moving away from the Special Education language, many believed it created stress and seclusion for many students; term can be stigmatizing.



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Q2 – What concerns arise from removing the term, “Special Education?”

Concerns were raised about a lack of consistency with Ministry language if the term was removed and that parents may be challenged when searching for resources on the Grand Erie DSB website.

Q3 – What Suggestions do you have for change?

N.B. – L. Thompson shared most school boards have changed their department names, e.g., DSB of Niagara is now under ‘Learning Services’, while Hamilton Wentworth DSB is now under ‘Specialized Services’ and Thames Valley DSB is now under ‘Learning Support Services’.

Committee suggestions included changing the name to ‘Learning Support Services’ and getting feedback from students and parents. L. Thompson will bring ideas back to SEAC by year’s end.

#### E - 1 Other Business

##### (a) LDAO Conference 2021

LD@School is a partnership between the Ministry of Education and the Learning Disabilities Association of Ontario (LDAO) which provides professional learning to educators throughout the school year and in a summer institute about teaching students with learning disabilities.

The 2021 summer institute was held virtually, and each school board received seven (7) tickets for staff. In Grand Erie four (4) Learning Resource Teachers (LRT), two (2) program staff and one psychological services staff attended the conference.

All attendees sent back rave reviews commenting on diverse sessions that included a talk about learning disabilities in mathematics, the science of reading, supporting the development of executive functioning in whole class settings (Tier 1), building resilience, and strategies to engage students with learning disabilities in on-line learning.

All attendees were appreciative of the resources provided with a plan to implement strategies learned in this school year.

##### (b) Shortage of Nurses in Ontario

School boards access nursing support through a program called School Health Support Services which is delivered by Home and Community Care Support Services (formerly known as Local Health Integrated Network or LHIN) to support students with significant medical needs like G-tube feeding and suctioning. These services are described in Standard 7 of our Special Education Plan

For some students the need for a medical support is present not only during school hours but also during the time it takes to transport a student to/from school. If the nursing service is not available, the student cannot come to school.



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The Special Education Management Team would like SEAC to consider advocating for Grand Erie students so that attention will be drawn to the unfortunate fact that staffing shortages can prevent full participation in school for some students.

Advocacy may take the form of a letter to the Ministry of Health and/or the Ministry of Education acknowledging that the nursing shortage is impacting some of our most vulnerable students and support of any solution that is forthcoming, which may include a regulatory change allowing some specific types of medical support to be taken on by other school support services with appropriate training. Ultimately, SEAC would like to see a collaborative approach to meeting the needs of medically fragile students.

Chair Rose will draft a letter for SEAC review and approval.

#### F - 1 **Standing Items**

##### (a) Policy/Procedures Out for Comment

Members were advised of all policies and procedures currently under review and given instructions for commenting if they so wished.

##### (b) Trustee Updates

R. Collver

- Board's New Vision – thanked L. Thompson for highlighting the strategic plan and expressed her wish that SEAC would engage in discussions on which actions they would like to see incorporated.
- Congratulating L. Thompson who was selected to take part in school mental health Ontario strategic planning consultation group to help develop Ontario's Equity and School Mental Health Strategies.
- Welcoming Kevin Graham, a new Superintendent of Education coming to us from Hamilton Wentworth DSB.
- Welcoming Jennifer Tozer, a new Superintendent of Education – Human Resources coming to us from Hamilton Wentworth DSB.
- Welcoming Dave Smouter, our new Communications Manager coming to us from the City of Brampton.
- Dr. Jean Clinton led staff through a virtual presentation designed to stimulate thinking of the opportunities and challenges of school start up this year.
- Recognizing Facility Services staff who worked hard this summer to get schools ready and who also install more than 700 HELP filters on the air exchangers.
- Formed a committee to pilot a balanced school year calendar in the Brantford area for 2022-2023. It will have the same number of instructional, professional development and statutory holidays, but they will be scheduled differently. Superintendent Baker will be asked to attend a future meeting to discuss it more fully.



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T. Waldschmidt.

- Thanked R. Collver for her comprehensive report which updated everyone.
- Thanked members for returning this fall and for their participation and interest in SEAC and assured them their voice is heard and appreciated.
- Noted he is very excited about what is coming up this fall and in the new year.
- He expressed gratitude that everyone is well and that they made it safely through the summer.

(c) SEAC Orientation Handbook – Review

L. Thompson asked members to submit any ideas for revision.

W. Rose questioned if the generic email address required by the Ministry was still a valid communication link.

W. Rose reminded members of the attendance requirements outlined in the regulation and Bylaw 8. Please inform the chair if you think you may need to miss the third consecutive meeting so your membership will not be forfeited.

L. Boswell requested the term 'special needs children' be changed to 'children with special needs' on the last page of the guiding principle,

L. Thompson, W. Rose and P. Boutis will meet to discuss the revisions.

(d) LITE Data for Students with Special Education Needs 2020-21

L. Thompson explained this is an annual report that shows trending data for five years in each of the areas.

The first chart shows Individual Education Plan (IEP) numbers for identified and non-identified students.

Referral Data for each of the Professional Support Services Personnel (PSSP) disciplines indicated the number of students involved in each area.

Referral data for each panel was also indicated in separate charts.

The increase in attendance referrals was explained by the virtual mode of learning.

L. Thompson explained the reductions in IEP referrals is related to the increase in classroom supports provided to teachers who can more often meet the needs of students. EQAO no longer requires an IEP to access accommodations, so this factors into the decrease as well.

Additionally, impact would be felt from the changes in 2016-17 for expectations around differentiated instruction, universal design and other strategies.

Child and Youth Worker (CYW) referrals may be lower as the model of support they provided changed due to the increase of tier one strategy implementations. Staff recognized it was more effective to teach a strategy to the entire class than it was to remove a single child from class to learn a strategy.





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A reduction in behaviour and safety plans can be contributed to the virtual learning model so an increase may become apparent when in class sessions resume.

P. Bagchee noted, that following classroom programs, teachers reported students were better able to identify their own feelings. Hoping to do some targeted work on self-regulation in the primary grades that will help to reduce the number of referrals.

Special Education classroom data was included as well as Behaviour/Safety plans.

R. Collver requested the LITE referral report be included as an attachment in the minutes for this meeting. L. Thompson approved.

- (e) Public Consultation for Special Education Plan  
 Parent consultation is implemented through a popup Microsoft form. Last year, Grand Erie received nine responses related to communication, the IEP process and the education of students, some asking why there were not more full-time classes for students with special needs. Some were questioning the current situation with COVID and asking about masks or virtual learning.

The consultation process will continue, and F. Lainson invited committee input.

R. Collver asked if the question could be posed differently to ensure we get a higher response.

W. Rose asked if the survey could be shared through school Facebook pages or twitter feed asking, "Did you know you could comment on the Special Education Plan?"

K. Jones felt the question asking parents to comment on the plan may be intimidating and suggested it may be simplified by asking "do you have any comments or concerns about special education in Grand Erie?" and "are you familiar with the plan Yes No". Is the goal to meet the Ministry mandate or to glean more information from parents?

J. White suggested, "What brought you to the Special Education Plan?"

L. Thompson suggested the Special Education Management Team take it away to discuss and that the Communications team may also have some suggestions. A revised consultation plan will be shared with SEAC members.

- (f) SEAC Representative to GEPIC (Grand Erie Parent Involvement Committee)  
 T. Waldschmidt outlined the responsibility for members is generally two hours at each of four meetings annually with possibly sub-committee work. Currently, meetings are virtual, but when they are in person, meetings are held at Waterford DHS.



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R. Collver mentioned going forward virtual attendance may be available for those who are challenged by travel to Waterford.

Any SEAC member interested in participating in GEPIC is asked to notify the SEAC recording secretary who will inform the Director.

#### G - 1 Information Items

None.

#### H - 1 Community Updates

(a) Inclusion Action in Ontario

W. Rose indicated P. Boutis will give a report at the next meeting. She shared their website which has been updated and invited members to visit this page.

[inclusionactionontario.ca](http://inclusionactionontario.ca)

#### I - 1 Correspondence

(a) LDAO SEAC Circular

Includes SEAC planning and a calendar which we have already worked on. Thank you to special education management team for their staff work on helping students prepare or transition in return to school this September. We have also reviewed the K-12 Education Standards. Remember anyone can send comments directly to the Standards Committee as long as the reviewing window is open.

(b) Ltr – Algoma DSB – Online Learning Supports / Universal Design for Learning Mar 2021  
W. Rose determined a response is not necessary but noted there were some items of value in this letter.

(c) Ltr – PVNCCDSB – Summer Special Education MH/Wellbeing Program Planning; Stabilization Funding - Declining Enrolment; Exceptional Learners – Learning Recovery and Renewal  
W. Rose noted this letter contained some good points but may not be current. No response is necessary.

#### J - 1 Future Agenda Items and SEAC Committee Planning

(a) None

#### K - 1 Next Meeting

Thursday, October 21, 2021 | 6:00 PM | MS Teams

At this time, we will continue to meet virtually as the Board Room will not be able to accommodate everyone with distancing and the Board requires attendees to follow COVID protocols.



## Special Education Advisory Meeting

Thursday, September 16, 2021 6:00 P.M.

MS TEAMS

### MINUTES

L - 1 **Adjournment**

Moved by: M. Gatopoulos

Seconded by: K. Jones

THAT the SEAC 01-20 meeting held September 16, 2021 be adjourned at 9:08 PM.

**Carried**



# Grand Erie District School Board

**Education Centre:** 349 Erie Avenue, Brantford, Ontario N3T 5V3  
519-756-6301 | [www.granderie.ca](http://www.granderie.ca) | [info@granderie.ca](mailto:info@granderie.ca)

**Special Education Advisory Committee |**

October 22, 2021

Name  
Address  
City, ON PC

Salutation

Re: K-12 Education Standards under the Accessibility for Ontarians with Disabilities Act

Please accept these comments in response to the work of the Standards Development Committee (Committee) for K-12 education standards under the *Accessibility for Ontarians with Disabilities Act*.

The Grand Erie District School Board Special Education Advisory Committee (Grand Erie DSB SEAC) wishes to emphasize that its comments are framed around the goal of better learning and social-emotional development for all learners. It further wishes to emphasize that the province must properly support and mandate appropriate training as well as properly resource school boards to ensure that these standards can be achieved.

Grand Erie DSB SEAC provides the following comments:

1. Universal Design for Learning (UDL) should be seen as the organizing principle for ensuring that all students have access to the provincial curriculum, as a first priority and throughout their academic career. We suggest that all recommendations should be measured against this organizing principle.
2. The provincial government must support, through training and funding, all school board efforts to properly implement UDL at the school board, including through hands-on co-teaching and coaching to support and/or work alongside with the regular classroom teacher.
3. GRAND ERIE DSB SEAC emphasizes the critical importance of the recommendations contained at **Recommendation 25**, which recommends that the Ministry of Education develop a Health and Well-Being strategy and action plan.
4. In addition to UDL, recommendations related to ensuring that the Ontario Human Rights Code and Education Act are on “all fours” should be prioritized. To that end the Grand Erie DSB SEAC, specifically notes and supports recommendations contained under Section Five: Organizational Barriers, generally, and in particular **Recommendations 40, 42, 43, 44, 46**.

5. The GRAND ERIE DSB SEAC emphasizes comments contained within the draft recommendations that parents have raised concern about lack of meaningful participation in established processes related to accessing special education services and supports, including in the development of the Individual Education Plan. All recommendations should be checked against the need to ensure meaningful inclusion of parents/guardians in matters affecting their children.

To that end, GRAND ERIE DSB SEAC agrees addressing attitudinal barriers, or even more generally, what some experience as impenetrable school culture, is critical to the full inclusion and participation of all marginalized students and their families.

However, while it is important to include persons with disabilities in networks and in all aspects of decisions which affect a student's life, GRAND ERIE DSB SEAC also reflects on the "advocacy fatigue" experienced by those with disabilities (or other marginalized groups) and their families, and the constant demand on them to educate those without disabilities. GRAND ERIE DSB SEAC recommends a review of the draft standards to consider if the recommendations can better reflect this concern.

6. The recommendations related to Individual Education Plans (IEP) address important concerns, including resolution of disputes related to them and using them as a unifying document to address all disability related needs. However, a wider review is required related to the development and implementation of IEPs in the province. The GRAND ERIE DSB SEAC strongly recommends a review and revision to the overall approach to the development and implementation of IEPs, to
  - a. ensure that IEPs are student-centered, reflect principles of UDL and remove barriers to ensure access to the provincial curriculum.
  - b. that in addition to school teams, and parents/guardians, students, friends of the student and school peers are integral to the development and implementation of the IEP to maximize student commitment and benefits for all students in the classroom; this includes both younger students and students with more significant disabilities. Boards must ensure they are thoughtful in this and provide any necessary accommodation to ensure that a student is properly consulted in the development of the IEP that is for the student.
  - c. To achieve these goals, GRAND ERIE DSB SEAC recommends that the Ontario government review the work of other provinces which are modernizing their approach, for example British Columbia, which has moved forward to develop and implement standards reflective of Inclusive & Competency Based IEPs.
7. GRAND ERIE DSB SEAC supports all recommendations intended to ensure that that students with disabilities and their peers are able to benefit from the entire school experience; and to that end, the GRAND ERIE DSB SEAC draws attention to the importance of the recommendations at Section Six: Social Realm and Section Seven: Physical and Architectural Barriers, to ensure that students are welcome in and able to have access to their neighbourhood schools and classrooms. GRAND ERIE DSB SEAC specifically notes the recommendations related to service animals and supports **Recommendation 68**, to bring consistency to the management of service animals across

the province in a Code and AODA compliant manner.

8. GRAND ERIE DSB SEAC agrees with the concerns raised in the Report related to Refusals to Admit and modified days. It notes specifically its support for **Recommendation 50**.
9. GRAND ERIE DSB SEAC notes as critical the proper choice and implementation of digital resources and tools across the province. There is a great deal of variability across the province with each board being responsible for making its own determinations. This results in unequal and inadequate provision of these tools, which are beneficial to all, but crucial for some. This is an area that critically needs Ministry leadership and resources to ensure that access to high-quality, accessible digital tools and resources are realized across the province and in a consistent manner. In this area, the draft recommendations reflect leadership for the Ministry in respect of maintaining appropriate funding, training and in the selection and implementation of virtual learning platforms. In addition to providing sufficient funding and leadership in virtual learning platforms, the GRAND ERIE DSB SEAC recommends the province take the lead on the ongoing evaluation and procurement of appropriate tools and materials for all purposes, including the procurement and development of accessible and adapted digital curriculum, leaving individual school boards to address, with Ministry support, local implementation and staff training of these tools.

In closing, we thank the Committee for its work and appreciate the enormous task that it has undertaken. We are grateful for the opportunity to comment and trust these comments will assist.

Yours truly,



Wendy Rose, Chair  
Grand Erie District School Board  
Special Education Advisory Committee

# **K-12 Education Standards Development Committee**

## **Initial Recommendations Report**

**March 2021**

### **A. Excerpted from Section three: Curriculum assessment and instruction**

#### **Recommendation 25**

##### **Physical Health and Wellness, Mental Health and Well-being Recommendations**

###### **Physical Health and Wellness**

Regular participation in physical activity develops body composition, skeletal health, and contributes to the prevention or delay of chronic disease. It also improves several aspects of psychological health including self-esteem and promotes social contacts and friendships. It is also an important determinant of health that is associated with a range of physiological benefits in children, including reduced cardiometabolic risk and more preferable body size (Boddy et al., 2014). Physical activity in childhood is also positively associated with mental health (Ahn & Fedewa, 2011) and academic achievement (Fedewa & Ahn, 2011), and it is therefore important that children and young people accrue sufficient physical activity.

Among people with physical disabilities, participation in sport, exercise, and other forms of leisure time physical activity (LTPA) has been shown to yield numerous health benefits (Carroll et al., 2014). Nevertheless, the vast majority of people living with a physical disability do not participate in sufficient PA to achieve health benefits (Carroll et al., 2014). Many children and youth who have intellectual and developmental disabilities (IDD) do not exercise sufficiently, play sports, or have access to recreational activities (Foley & McCubbin, 2009; Howie et al., 2012; Pitetti et al., 2009; Rimmer & Rowland, 2008; Whitt-Glover et al., 2006).

###### **Mental Health and Well-being**

Research has called for a push toward school-based mental health resources such that schools and teachers play a significant role in shaping healthy child and youth development (CYAC, 2010). There has been shown a convincing link between mental health problems and difficulties with academic engagement, school achievement, absenteeism, retention/dropout, and social relationships (Tolan & Dodge, 2005; Owens et al., 2012; Bradley & Greene, 2013).

## **Curriculum and Instruction Recommendation:**

**25.** The Ministry develop a Health and Well-being strategy and action plan that ensures current research and evidence-based practice in physical, cognitive, mental, social and emotional learning and development of all learners, including those with disabilities. This requires human and material supports and resources that are developed, coordinated and financially supported. The ongoing health and well-being of students including those with disabilities requires safe, caring, accepting and inclusive environments, and skill development in social emotional learning such as in healthy relationships, empathy, self-regulation and conflict resolution. This requires that:

25.1 The Ministry make available to Boards coordinated resources, guidelines and materials that effectively include students across all disabilities in physical, health and wellness programming within and beyond the school environment (for example, physical education, health education, sports, co-curricular activities). That the resources include disability related sexual health education programming, incorporating training for educators, and that awareness and lived experiences of those with disabilities are part of the overall learning opportunities and content within the inclusive design and education training.

25.2 The Boards incorporate in its physical, health and wellbeing program activities that enable students across all disabilities be included, to participate and engage in healthy physical activity. This includes accessibility for all students through individual engagement in physical activity, co-curricular and participation through necessary communications such as captioning, interpreting and virtual means.

25.3 The Ministry, Boards and associated partners collaborate in ongoing review, development and ready access to social, emotional learning resources, approaches and programming that are inclusive for students across all disabilities.

25.4 The Ministry and Boards provide Adapted Physical Education (APE) by developing, implementing and monitoring carefully designed physical education programs for students across all disabilities, based on comprehensive assessments, so that students with disabilities develop skills and competencies to enable healthy personal living.

25.5 The Ministry and Boards expand the curriculum specifically about mental health to provide balance and connection with physical health and well-being for



students with disabilities to support the whole child/whole school approach to student achievement and well-being.

25.6 The Ministry and Boards design strengths-based curriculum resources, assessment methods, and professional development for educators with which to assess resiliency needs of all students, including students with disabilities that will promote and enhance their mental health and well-being. These designs will also support students as they mediate the challenges associated with the numerous transitions, they make throughout their school careers.

25.7 This requires that the renewed curriculum and improvement planning address and implement strategies outlined in the School Mental Health Ontario initiative for schools including:

- a) Providing resources, training, and implementation support for evidence-based social-emotional learning that fits within Ontario classrooms.
- b) Engaging young people, parents/families and adult allies to develop and share resources for building student mental health literacy at school, home, and in the community.
- c) Providing resources, training and implementation support to assist school and system leaders, and school staff, to create and sustain mentally healthy schools and classroom.
- d) Providing role-specific resources, training and implementation support to enhance *knowledge, confidence, consistency* and *quality* in responding to mild-moderate student mental health and addiction needs at school
- e) Providing role-specific resources, training and implementation support to respond to serious student mental health and addiction needs in collaboration with system partners.

**Timeline:** One Year

## **B. Excerpted from Section five: Organizational Barriers**

### **Compliance with the *Accessibility for Ontarians with Disabilities Act*, the *Ontario Human Rights Code* and the *Canadian Charter of Rights and Freedoms Recommendations***

**Barrier:** The initial consultation process and the review of relevant documents highlighted the disconnect between the Canadian Charter of Rights and Freedoms, *Ontario Human Rights Code*, the *Accessibility for Ontarians with Disabilities Act* and the Education act and related regulations. In part, this reflects the development of regulations under the Education Act for students with disabilities prior to the *Ontario Human Rights Code* and the *Accessibility for Ontarians with Disabilities Act*. Significant

areas of difference relate to the rights of students who are determined to be “exceptional” under Regulation 181/98, Identification and Placement of Exceptional Pupils. The categories of exceptionality do not directly relate to the *Ontario Human Rights Code* definition of disabilities and this means that some students with disabilities are excluded from the right to special education programs and services. It creates a two-tier system.

In addition, the word “accommodations” has two different meanings in education and in a human rights context. Under the *Ontario Human Rights Code*, a person with a disability has a right to “accommodations” to prevent discrimination to the point of “undue hardship” of the service provider. In education, the term is used in reference to assessment, environmental and instructional accommodations for learning. This discrepancy needs to be addressed with a common definition and understanding.

## **Recommendation 40**

**40.** Our recommendations are:

The Ministry of Education shall:

40.1 Ensure that no student with a disability is excluded from eligibility for programs and services, including special education programs and services, that they require due to definitions or criteria that are inconsistent with the *Accessibility for Ontarians with Disabilities Act*, the *Ontario Human Rights Code*, or the Canadian Charter of Rights and Freedoms.

40.2 Broaden the definition of accommodations or “accommodate” used in special education to be consistent with the term, accommodations, used in the *Ontario Human Rights Code* so that school boards shall ensure that all students receive needed services, supports accommodations or other educational opportunities including but not limited to special education programs and services.

40.3 Ensure that school boards fulfil their duty to accommodate the disability-related needs of students with disabilities, in relation to all school-related activities, and that the policies are in place to ensure that they do so.

**Timeline:** Immediate

District School Boards shall:

40.4 Ensure that students with a disability shall have access to and receive any programs and services, including special education or other disability-related

services or supports that they require, in accordance with the *Ontario Human Rights Code* on the duty to accommodate persons with disabilities.

**Timeline:** Immediate

## Accountability Recommendations

### **Recommendation 42**

**42.** The Ministry of Education shall:

42.1 Ensure accountability and oversight to ensure that District School Boards are fulfilling their responsibilities to meet the needs of students with disabilities.

**Timeline:** Immediate

42.2 Create an ombudsman/oversight office where students' and parents' concerns regarding the provision of education for students with disabilities can be investigated and resolved.

**Timeline:** Six Months

42.3 Designate an Assistant Deputy Minister with the needed authority to be responsible for ensuring a barrier-free and accessible school system for students with disabilities.

**Timeline:** Immediate

42.4 Mandate that the designated Assistant Deputy Minister shall have in place a permanent advisory committee representing individuals with disabilities, including students with disabilities and their parents, that reflects the needs of high-incidence and low-incidence disabilities.

**Timeline:** Immediate

42.5 Ensure monitoring, auditing, surveying, and feedback of District School Boards' provision of education to students with disabilities, including Special Education and Accessibility Plans, to ensure compliance with the *Accessibility for Ontarians with Disabilities Act*, the *Ontario Human Rights Code*, and the Canadian Charter of Rights and Freedoms.

**Timeline:** Six Months

42.6 Collaborate with the Ministry of Seniors and Accessibility and make public and provide effective practices in terms of Special Education and Accessibility Planning.

**Timeline:** Immediate

District School Boards shall:

42.7 Ensure and demonstrate their accountability that the needs of students with disabilities are met.

**Timeline:** Six Months

42.8 Ensure that their Mission, Vision and Values statements, and all of their policies, procedures, and practices, are in compliance with the equality rights of students with disabilities in the *Accessibility for Ontarians with Disabilities Act*, the *Ontario Human Rights Code*, and the Canadian Charter of Rights and Freedoms.

**Timeline:** Six Months

## Individual education plans recommendations

### **Recommendation 43**

**43.** The Ministry of Education shall mandate that any students with disabilities their disability have the right to an Individual Education Plan and should be provided one by their school board to ensure that students with disabilities obtain the accommodations or programs and services needed to support their success at school.

**Timeline:** One Year

### **Recommendation 44**

**44.** The Ministry of Education shall revise the format and content of the Individual Education Plan to include accommodations, as defined by the *Ontario Human Rights Code*, as well as supports or services that a student with disabilities needs to enable them to fully participate in and fully benefit from all opportunities available at school. It should include accommodations, supports or services in relation to all aspects of school life, including those needed for education and learning, for emergencies, for health and safety, behavior or social engagement.. The aim should be to consolidate to the extent possible all such planning for the student in one place. The portions of the Individual Education Plan that are needed to be shared with specific school staff members to implement them shall be shared with those staff members. Otherwise, the student's confidentiality in connection with the Individual Education Plan shall be maintained.

**Timeline:** Six Months

## **Recommendation 46**

**46.** Each school board should notify the parents/guardians of students with disabilities, and where applicable, the students themselves, of their right to have an Individual Education Plan. All students with disabilities who want or need an Individual Education Plan shall have one provided.

**Timeline:** Immediate

## **Excursions/refusals to admit to school/reduced school hours recommendations**

### **Recommendation 50**

These recommendations seek to reduce or eliminate the number and duration of exclusion of students with disabilities. References to “refusal to admit” includes formal and informal exclusions, and exclusions from school for all or part of the school day. These measures should be set out in the K-12 Education Accessibility Standards.

Our recommendations regarding Refusal to Admit are:

The K-12 Education Accessibility Standards should require the following of any school board and of the Ministry of Education where it operates schools:

50.1. exclusions/refusals to admit should only be imposed in rare cases when it is demonstrably necessary to protect the health and safety of students or others at school, and only after all relevant accommodations for the student up to the point of undue hardship have been explored or attempted.

50.2. refusal to admit of a student shall not last more than five consecutive school days, unless formally extended following the due process requirements required for an initial refusal to admit.

50.3. refusal to admit a student to school cannot be used, in whole or in part, for purposes of discipline of a student, or as a form of discipline of that student. A student shall not be subjected to a refusal to admit to school for purposes of facilitating a police investigation.

50.4. when considering whether to refuse to admit a student to school, the principal and school board should take into account the fact that excluding a student from school is contrary to the student’s right to an education. The principal and school board should also proceed from the starting point that the rights of students with disabilities under the

Ontario Human Rights Code, including their right to accommodation of their disability-related needs up to the point of undue hardship, take primacy over all other Ontario laws and policies.

50.5. the principal must make a family aware of the possibility of exclusion as early as that option realistically presents itself as being under consideration. The school board shall have a mandatory meeting with the family before a refusal to admit is imposed, or if crisis circumstances arise without any warning, as soon after the refusal to admit as possible (a pre-exclusion meeting). The meeting should advise the student and/or family of the school's intention to exclude the child, the reasons for the exclusion and underlying events, the process for the family to contest the exclusion, the demonstrated outcomes for which the school board shall be looking, and an explanation that a subsequent meeting day will be set within a reasonable timeframe where the principal and parent(s) will review progress and discuss a re-entry plan for the student.

50.6. parents and guardians who themselves have a disability shall be notified that they have a right to have their disability-related needs accommodated where needed to take part in any meetings, appeals or other procedures regarding an actual or contemplated refusal to admit. For example, they should be notified that they have a right to receive any information or documents to be used in any such meeting or process in an accessible format.

50.7. any student excluded from attending school shall be provided an equivalent and sufficient educational program while away from school. a written plan for the student's education should be required, prepared immediately, and shared with the family.

50.8. a mandatory fair procedure should be established that the school board must follow when refusing to admit a student. These procedures should ensure accountability of the school board and its employees, including:

- a. a student and their families should have all the procedural protections that are required when a school board is going to impose discipline such as a suspension or expulsion.
- b. the prior review and written approval of the superintendent should be required before a refusal to admit is imposed. If it is an emergency, then the superintendent should be required to review and approve this decision as quickly afterwards as possible, or else the refusal to admit should be terminated.
- c. superintendent should independently assess whether the school board has sufficient grounds to refuse to admit the student and has met all the requirements of the school board's refusal to admit policy (including ensuring alternative education programming is in place for the student).

- d. the principal should be required to immediately notify the student and his or her family in writing, co-signed by the superintendent, of the refusal to admit, the reasons for it, and the duration. The letter should be in plain language, translated if necessary, and include:
- i. what a refusal to admit is and the duration
  - ii. the permissible reasons
  - iii. the school board's process for reviewing that decision, and
  - iv. the student/family's right to appeal (including how to use that right of appeal)
  - v. steps that the school board has taken or will be taking to provide an alternative education and to expedite a student's return to school
  - vi. the expected timeline for the completion of these steps
- e. a refusal to admit a student to school should not be extended for an accumulated total of more than 15 days (within a surrounding 30-day period) without the independent review and written approval of the director of the, school board or their designate.
- f. an extension of refusal to admit must first consider excluding the student from a single class, and then the option of excluding the student from that entire school, and only as a last resort, excluding the student from all schools at that school board.
- g. the refusal to admit shall be documented, and the record shall include information on:
- i. the reason for the refusal to admit
  - ii. the duration of the refusal to admit and any extensions
  - iii. the plan to provide an educational program to the student for the duration of the refusal to admit
  - iv. the plan for the student to return to full time school attendance
- h. while the student is excluded, the school board should undertake ongoing efforts to facilitate the student's return to school as quickly as possible. The return to school plan shall include meetings with the family and student to plan for the return and review the additional supports that may be needed.

50.9. to ensure that appeals to the school board under section 265(1)(m) of the Education Act from a refusal to admit a student to school are prompt and fair, the following should be required:

a. a student excluded from school or their parent/guardian should be permitted to launch an appeal from a refusal to admit at any time that the refusal to admit continues. no time limit for filing an appeal should be imposed.

b. no school board shall set an arbitrary length of time that an appeal hearing can take. The appeal hearing should take as long as needed for a fair hearing. The excluded student or their family should not have an arbitrary prior time limit imposed on their oral presentation of their appeal. They should be allowed the time they need to present their appeal. They shall be permitted to present relevant evidence to support their appeal if they wish.

c. at an appeal, the school staff should present their reasons first on why the exclusion is justified and should continue. The student or their family shall then be given a chance to present their case on why the student should not have been excluded and why they should be allowed to return to school.

d. an appeal should be held quickly to minimize the time the student is away from school. The board of trustees shall hear and/or determine the appeal within fifteen business days of receiving the notice of intention to appeal (unless the parties agree to an extension).

e. once an appeal is launched, the school board shall prepare for the student, their parents, and the trustees, a report on the reasons for the refusal to admit, the factual background, and the efforts to return the student to school since the exclusion began. The board staff shall arrange a meeting (pre-appeal meeting) with the student and their family to try to resolve the case or narrow the issues, explain the process, disclose any information the student and their family need, and canvass and address any other matter that might help ensure a smooth and timely appeal.

f. the appeal should be heard in closed session by the entire board of trustees, not a subcommittee (unless the board can show it has legal authority to delegate this decision to a subcommittee). Any trustee that votes on a decision in an appeal must have been present for the entire argument of the appeal.

g. a board of trustees, hearing an appeal from a refusal to admit, should consider whether the school board has justified the student's initial exclusion from school and its continuation. The burden should be on the school board to justify the exclusion from school.



h. if the student is not successful on the appeal, they should have a further avenue to appeal to court, with mediation available, or to an expert tribunal designated to hear such cases.

50.10. the school board shall create an emergency process and fund for accelerating education disability accommodations needed to facilitate a student's remaining at or promptly returning to school, in connection with an actual or contemplated refusal to admit.

50.11. information and data on refusals to admit shall be collected and aggregated data reported publicly by school boards and by the Ministry of Education.

50.12. the Ministry of Education should develop a central repository/mechanism for sharing effective practices of alternatives to exclusion/refusal to admits and modified days in order to support school board efforts to reduce the number and duration of refusal to admits and modified days.

Timeline: one year for boards; six months for the Ministry of Education

## **C. Excerpted from Section six: Social realms**

### **Service animals (as per *Accessibility for Ontarians With Disabilities Act, 2005* customer service standards) recommendation**

#### **Recommendation 68**

68.1 when a student with disabilities or their parent/guardian request permission for the student to bring a trained service animal to school with them as an accommodation to their disability, the school board shall consider, decide upon that request, and give reasons for its decision, in accordance with the Accessibility for Ontarians with Disabilities Act, with the duty to accommodate students with disabilities under the Ontario Human Rights Code, with the policy of the Ontario Human Rights Commission on the duty to accommodate persons with disabilities, and the Commission's Policy on accessible education for students with disabilities and with the following requirements set out in these accessibility standards. This includes requests regarding a trained service animal from an accredited training organization that provided training to the animal and to the student. Where the service animal was not trained by an accredited training organization, it is open to the student or their family to present to the school board satisfactory evidence that both the service animal and the student have received sufficient training.

68.2 the school board shall put in place a fair and speedy procedure for considering requests for a student to bring a service animal to school. This procedure should include the following:

- a. if the school board has any objection to or concerns about the request, the school board will immediately notify the student and family about the specific concerns, and shall work to resolve them, in a manner consistent with the Ontario Human Rights Code.
- b. if the school board does not believe that the service animal could assist the student at school, the school board should investigate the request, including how the student' benefits from the service animal outside the school and in the home.
- c. if the school board has any concerns about the feasibility of allowing the student to bring the service animal to school, it shall investigate the experience of other school boards and schools which have successfully enabled a student to bring their service animal to school.
- d. if a concern is expressed that the service animal at school would interfere with the human rights of other students or staff, the school board shall take action to effectively accommodate their rights without sacrificing the human rights of the student using the service animal, in accordance with the policy of the Ontario Human Rights Commission on conflicting rights. For example, if an EA, assigned to work with the student, cannot work with the service animal for health or other human rights reasons, the school board shall facilitate the assignment of this responsibility to another staff member.
- e. a student shall not be refused the opportunity to bring a qualified service animal to school without the school board first allowing a trial or test period with the service animal at school.
- f. where it is proposed to allow a student with disabilities to bring a service animal to school, the school board shall work out with the student, their family, and the organization providing the service animal, a plan to promote the success of the accommodation, including such things as:
  - g. allowing the service animal's training organization to provide training in the school to school staff.
  - h. allowing the training organization to provide an orientation to the student population at the school to the presence of the service animal.

i. providing information to other families to reinforce the inclusion of the service animal at school.

j. if the school board does not agree to the service animal being allowed at school, or if there is a problem with implementing the school board's plans to facilitate its inclusion, the school board shall make available a swift dispute resolution process, including independent mediation if needed, to resolve these issues.

68.3 the Ministry of Education shall obtain information from school boards on where service animals have been allowed in school, to make it easier for a school board to reach out to those schools to gather information, if needed.

68.4 nothing in these accessibility standards shall reduce or restrict the rights of a person with vision loss who is coming to a school bringing with them their guide dog, trained by an accredited school for training guide dogs.

Timeline: six months



# Grand Erie District School Board

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## Special Education Advisory Committee

October 22, 2021

Hon. Stephen Lecce  
Minister of Education  
Mowat Block, 22nd Floor 900 Bay Street  
Toronto, ON  
M7A 1L2

Hon. Christine Elliott  
Minister of Health  
5th Floor 777 Bay St.  
Toronto, ON  
M7A 2J3

Dear Ministers Lecce and Elliott:

### Re: Nursing Shortage Excludes some Students with Special Needs

I am writing as Chair of the Grand Erie District School Board's Special Education Advisory Committee. We are writing to demand that no student with complex medical conditions be excluded from school.

Some students with complex medical conditions need a nurse to attend school with them to look after their medical needs. School staff are unqualified to perform medical procedures. Without medical assistance it is unsafe for these children to attend school. Sadly, some parents have been advised by Ontario's Home and Community Care Support Services that the shortage of publicly funded nurses means there is no nurse to attend school with their child. This functionally excludes some children from school.

It goes without saying that all children, regardless of their medical needs, must have access to education. We urge the Ministries of Education and Health to take immediate steps to rectify this obviously unacceptable situation.

We look forward to hearing from you soon with a solution.

Yours truly,

A handwritten signature in blue ink, appearing to read "Wendy Rose".

Wendy Rose, Chair  
Grand Erie District School Board  
Special Education Advisory Committee

Learn

Lead

Inspire



# Grand Erie District School Board

Multi-Year Accessibility Plan 2017-2022

Annual Progress Report 2021

## MULTI-YEAR ACCESSIBILITY PLAN

NOVEMBER 2017 to NOVEMBER 2022

Annual Progress Report, November -8, 2021

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# MULTI-YEAR ACCESSIBILITY PLAN

## GRAND ERIE DISTRICT SCHOOL BOARD

November 2017 – 2022

Prepared by

### Accessibility Committee

In accordance with:

Ontarians with Disabilities Act (ODA)

Accessibility for Ontarians with Disabilities Act (AODA)

Integrated Accessibility Standards Regulation (IASR)

### Annual Program Report, November -8, 2021

#### Plan Availability:

The Grand Erie District School Board's Accessibility Plan is posted on the Board website at <https://granderie.ca/board/community/accessibility> and hard copies will be made available upon request. The plan can be made in accessible formats by contacting:

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#### Aim:

This Multi-Year Accessibility Plan (the Plan) is developed in accordance with **the Integrated Accessibility Standard Regulation (IASR), Ontario Regulation 191/11** under the *Accessibility for Ontarians with Disabilities Act (AODA), 2005*. It incorporates the intentions of the Board to meet its obligations under the *Ontarians with Disabilities Act (AODA), 2005*. The Plan describes the measures that the Grand Erie District School Board (the Board) will take over the five-year period from 2017-2022 to identify, remove and prevent barriers to people with disabilities who work, learn and participate in the School Board community and environment including students, staff, parents and guardians, volunteers and visitors to the Board and its schools. The Plan will be guided by the Board's Policy SO31 Accessibility. Next year a new Multi-Year Accessibility Plan will be developed in accordance legislative requirements.

## 1.0 Definitions and Terminology

**Disability:** Disability covers a broad range and degree of conditions, some visible and some not visible. A disability may be present from birth, caused by an accident, or developed over time.

**Barrier:** A “barrier” means anything that prevents a person with a disability from fully participating in all aspects of society because of their disability, including a physical barrier, an architectural barrier, an information or communications barrier, an attitudinal barrier, a technological barrier, policy or a practice; (“obstacle”)

**Accessibility:** Accessibility is defined as that which enables people to achieve their full potential.

**Accommodation:** An accommodation is a means, through reasonable efforts, of preventing and removing – in a timely manner – barriers that impede individuals with disability from participating fully in the services of the Board.

## 2.0 Objectives

This Plan:

- 2.1** Describes the process by which the Board will identify, remove and prevent barriers;
- 2.2** Reviews recent efforts of the Board to remove and prevent barriers;
- 2.3** Describes the measures the Board will take in the period 2017-2022 to identify, remove and prevent barriers;
- 2.4** Makes a commitment to provide an annual progress report on the Board’s implementation of the Multi-Year Accessibility Plan;
- 2.5** Makes a commitment to review and update the Plan at least once every 5 years;
- 2.6** Describes how the Board will make this Accessibility Plan available to the public.

## 3.0 Commitment to Accessibility Planning

This Plan will be established, reviewed and updated in consultation with persons with disabilities, the Board’s Special Education Advisory Committee (SEAC), the Accessibility Committee, the Safe and Inclusive Schools Committee and other relevant stakeholders. It is the Board’s role to consider and approve the new Plan every 5 years and to receive as information the updates to the plan in years 1-4.

The Grand Erie District School Board is committed to:

- 3.1** Maintaining an Accessibility Committee;
- 3.2** Continuing the process of consulting with the Special Education Advisory Committee, the Safe and Inclusive Schools Committee and persons with disabilities;
- 3.3** Ensuring, wherever practicable, that Board policies, procedures and practices are consistent with the principles of accessibility and inclusive/universal design. The Accessibility Committee will provide input re: accessibility issues, where appropriate, with regard to new policies and procedures and to those under review;
- 3.4** Improving access to facilities, policies, programs, practices and services for students, staff, parents/guardians, volunteers and members of the community. Consideration of ongoing



identification of barriers will be the responsibility of the Accessibility Committee and will, wherever practicable, be incorporated in the Multi-Year Accessibility Plan.

#### 4.0 Description of the Grand Erie District School Board

The Grand Erie District School Board is a medium-sized school board in the Province of Ontario. It represents more than 26,000 students in 72 schools within the City of Brantford and the Counties of Brant, Haldimand, and Norfolk. With a dedicated staff of 2,700, Grand Erie is committed to its vision building accessible learning and workspaces that promote all learners to Learn Lead and Inspire.

#### 5.0 Board Multi-Year Plan

Grand Erie's Vision – Learn Lead Inspire.

Grand Erie's Mission – Together we build a culture of learning, well-being and belonging to inspire each learner.

#### 6.0 Members of Accessibility Committee Working Group 2020-21

The Accessibility Committee met four (4) times in 2020-21 to review and update the Multi-Year Accessibility Plan for 2017-22.

To access a list of the current members of the Accessibility Committee Working Group, please follow this link:

<https://granderie.ca/board/community/accessibility>

#### 7.0 Strategy for Prevention and Removal of Barriers

The principles of inclusionary practice, freedom from barriers and accessible environments inform all Grand Erie policies, programs, procedures and services. Through the annual accessibility plan progress report process implemented under the *Ontarians with Disabilities Act, 2005*, the Board's programming, policies and practices have been assessed to ensure continuous improvement in accessibility. This process will continue through the establishment of a renewed Multi-Year Accessibility Plan which places particular emphasis on the regulations made under the AODA with regard to Customer Service, Information and Communications, Employment, School Transportation, and the Design of Public Spaces, in accordance with legislation.

## 8.0 Barrier Identification

The Accessibility Committee uses the following barrier-identification methods:

Group	Methods
Students	Barriers to accessibility are identified by students and parents. Staff in Program K-12, Special Education Program K-12, Safe and Inclusive Schools, Facilities and Transportation Departments work with stakeholders to remove/prevent barriers and develop accommodation plans.
Staff	In consultation with OSSTF, ETFO and CUPE, Staff, the Health and Disability Officer, and Human Resource Services identify barriers, restrictions and limitations and develop accommodation plans.
Public	Barriers to accessibility are identified by individuals accessing programs and services offered by the school board. Members of the public may bring concerns to the attention of the school, School Support Centres, or the Education Centre. The Board website also provides an opportunity for feedback: <a href="http://www.granderie.ca/board/community/accessibility">http://www.granderie.ca/board/community/accessibility</a>
Board Wide	Ongoing liaison with bargaining partners, provincial associations, school boards, and public sector agencies provides updates on emerging barriers to accessibility. SEAC and the Ontario Education Services Corporation are examples of some of the resources used for barrier identification. Review of our facilities provides up-to-date identification of barriers and permits planning to remove/prevent such barriers. Barriers to accessibility are referred to the Board's Accessibility Committee for review and recommendations.

## 9.0 Recent Barrier Removal Achievements (2020-21 School Year)

The Multi-Year Accessibility Plan 2017-22 developed in accordance with the *Accessibility for Ontarians with Disabilities Act (AODA)* identified a range of barriers and appropriate strategies for their removal. On an on-going basis, personalized equipment needs are met through the Special Equipment Amount (SEA) process, and student transportation needs are addressed individually. Program staff in all portfolios are working to enhance the skills of all educators to deliver programs using universal design and responsive instruction and assessment strategies in order to achieve the full participation of all students, both face-to-face and in virtual models of learning. Renovations and retrofits are completed, and new buildings are constructed to meet accessibility standards as defined in the Ontario Building Code. Other accessibility upgrades are considered through the Pride of Place process or submission of a request through the Accessibility Request form that is available on the staff portal. Employees with an occupational or non-occupational illness or injury who require accommodation to return to work are supported through the Board's Return to Work programs. The Grand Erie website and staff portal meet current accessibility standards.

The following chart details some of the recent barrier-removal achievements:

Type of Barrier	Location	Action Taken
Systemic	Board-wide	Safe & Inclusive Schools Committee reviewed all policies out for comment through an Accessibility lens
Systemic	Board-wide	All volunteers participate in online accessibility training
Attitudinal	Accessibility Awareness -Month #AccessibleGE December 2020	Rick Hansen Foundation (RHF) provided 12 virtual Ambassador presentations, 3 at each grade level (K-2, 3-5, 6-8, 9-12). Speakers shared lived experiences as a person with a disability stimulating discussion about accessibility and inclusion. 100 classes (83 unique teachers) from 38 schools participated.
Information and Communication	Board-wide	Implementation of accessible Parent Portal and Grand Erie app
Technology	Board-wide through Ed Tech, Student Success, Elementary Program & Special Education	Explicit focus on accessibility features in teaching/learning software and understanding of universal (inclusive) lesson planning in all PD
Technology	Board-wide through Ed Tech, Elementary Program and Student Success	Explicit focus on supporting all -educators to effectively use the Brightspace learning platform to support all learners.
Physical	Banbury Heights School	Parking lot improvement with 2 new accessible ramps
	Bellview Pubic School	Parking lot improvement with 2 new accessible ramps  Accessible washroom
	Cayuga Secondary School	New track surface with accessible pathway from parking lot

	Central School	Accessible washroom Ramp to new daycare addition
	Delhi Public School	Handrail and bright paint on stair case to increase visibility
	Dunnville Secondary School	New automatic door opener for learning commons and lift for gym viewing from second floor
	GELA Rawdon	New asphalt surface and ramp
	King George School	Nosing on stairs to increase visibility
	Northward Public School	Gym entrance doors and automatic opener
	Pauline Johnson C & VS	New front entrance and ramp replacement
	Teacher Resource Centre	New asphalt, improved grade and signage in parking lot

## 10.0 Barriers to be Addressed under the Multi-Year Accessibility Plan 2017-22

The Integrated Accessibility Standards Regulation 191/11 filed in June 2011 pursuant to the *Accessibility for Ontarians with Disabilities Act, 2005* identified specific requirements to achieve accessibility in the areas of:

- Information and Communications
- Employment
- Transportation

These requirements build on the Accessibility Standards for Customer Service which came into force in 2007.

Through this 2017-2022 Multi-Year Accessibility Plan, Grand Erie intends to take action to address attitudinal barriers to accessibility with a special emphasis on raising awareness of individual differences. This is in addition to ongoing work with regard to identification and removal of barriers in the Board's physical environment.

Type of Barrier	Location	Action		Effective Date
Systemic	Board-wide	Newly developed and revised policies/procedures will be reviewed by the Accessibility Committee or through the Safe and Inclusive Schools Committee to provide input from an accessibility lens.		On-going
Systemic	Board-wide	The Safe and Inclusive Schools Committee gathers data from students, staff and the community about their experiences in Grand Erie and uses this information as invitations to make changes for the better.	October 2021 System Professional Day has a focus on BELONGING priority	On-going
Attitudinal	Board-wide	Raise awareness of and initiate discussion about the K-12 Education Standards in DRAFT form <a href="https://www.ontario.ca/document/development-proposed-kindergarten-grade-12-k-12-education-standards-2021-initial-recommendations">https://www.ontario.ca/document/development-proposed-kindergarten-grade-12-k-12-education-standards-2021-initial-recommendations</a>		Fall 2021
Attitudinal	Board-wide	Rick Hansen Foundation School Partnership Initiative	Partner with the Rick Hansen Foundation to provide schools with an online platform to access resources to support the full participation of all.	On-going

Attitudinal	Board-wide	Accessibility Awareness Month #AccessibleGE	December 2021	Accessibility Awareness Month is held annually
Attitudinal	Board-wide	With the support of Program K-12 and Special Education Program K-12, school staff design course content, instruction and assessment in an inclusive (universal) design framework in both in-person and remote learning contexts.		On-going
Information and Communications	Board-wide	Develop school/work site signage to invite requests for accommodation from the public	<i>How can we help you?</i> Signage	Fall 2021
Technology	Board-wide	Ed Tech and Special Education staff provide in-service to improve staff and student understanding of accessibility features available in Grand Erie software		On-going
Technology	Board-wide	Program K-12 and Ed Tech staff support the use of Brightspace by Desire to Learn to maximize access to blended and on-line learning		September 2020
Architectural	Board-wide	Facilities Services is working towards creating a geographical representation of accessible sites in Grand Erie to ensure they are fully accessible schools in all geographic areas that comply with AODA standards by 2025.		On-going
Physical	Board-wide	Accessibility requests can be made through submission of information to the Accessibility Committee or Pride of Place		On-going
Physical	Board-wide	Facility Services will hire an Accessibility Consultant to audit		

		specific schools by geographical area		2021-22
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## 11.0 Review and Monitoring Process

The Accessibility Committee meets four times during the school year to consider feedback received, review progress, evaluate the effectiveness of implementation of barrier-removal and prevention strategies and to plan for increased accessibility throughout the Board.

The Accessibility Committee will ensure that in respect of the Multi-Year Accessibility Plan the following steps take place:

- (a) An annual report on the progress of the measures taken to implement the Plan is brought to the Board for information at the Committee of the Whole meeting in November;
- (b) At least once every 5 years the Plan is reviewed and updated in consultation with persons with disabilities, with the Board's Special Education Advisory Committee and other relevant stakeholders. The Plan will be brought to the Board for consideration and approval.
- (c) Development of a new Multi-Year Accessibility Plan will be undertaken in 2021-22 using the Ministry of Seniors and Accessibility K-12 Education Standards DRAFT report as guidance: <https://www.ontario.ca/document/development-proposed-kindergarten-grade-12-k-12-education-standards-2021-initial-recommendations>

## 12.0 Communication of the Plan

In addition to the public availability of the Plan as referenced earlier on Page 3, the Grand Erie District School Board will post an annual update report on the progress of the Multi-Year Accessibility Plan on the Board's website at:

<https://granderie.ca/board/community/accessibility>

The Board will accommodate requests for accessible formats of the Plan.

Questions, comments or feedback regarding the Accessibility Plan may be directed to:

Chair, Accessibility Committee  
Grand Erie District School Board  
349 Erie Avenue, Brantford, ON N3T 5V3  
OR  
[info@granderie.ca](mailto:info@granderie.ca)

## Accessibility for Ontarians with Disabilities Act Alliance Update

United for a Barrier-Free Society for All People with Disabilities

Web: [www.aodaalliance.org](http://www.aodaalliance.org)

Email: [aodafeedback@gmail.com](mailto:aodafeedback@gmail.com)

Twitter: @aodaalliance

Facebook: [www.facebook.com/aodaalliance/](http://www.facebook.com/aodaalliance/)

# A New Captioned Video Gives You a Practical Guide to the Duty to Accommodate People with Disabilities

October 6, 2021

Have you heard something about the duty to accommodate people with disabilities, but wanted to know what it actually means? Who owes this duty? To which people with disabilities? What does the duty include? What kinds of accommodations does it require? When does the duty to accommodate arise? Have you heard before that it is a duty to accommodate up to the point of "undue hardship," but wondered what "undue hardship means?"

Here's a brand new [captioned video](#) that answers all these questions. It is called "The Duty to Accommodate People with Disabilities 101 – An Introduction to the Duty to Accommodate." It is presented by AODA Alliance Chair David Lepofsky, who is also a visiting professor at the Osgoode Hall Law School.

This presentation talks about the duty to accommodate in a wide range of situations. It includes the duty of employers to accommodate employees and job applicants with disabilities. It also addresses the duty of those in the public and private sectors who provide goods, services or facilities to the public to accommodate people with disabilities. That includes a diverse range of organizations, like stores, restaurants, hotels, schools, colleges, universities, hospitals and other health care providers, public and private transportation providers, and so on.

This video is intended to help you whether you are a person with a disability, or a family member or friend of a person with a disability, or a public or private sector provider of goods, services or facilities.

Anyone involved in human resources work, or in direct customer service, or the management of an organization in the public or private sector can also benefit from this video. You don't need any background in the law to benefit from this video.

It can be helpful to you if you are a member of a municipality's Accessibility Advisory Committee, or of a school board's Special Education Advisory Committee, or of a Standards Development Committee appointed under the Accessibility for Ontarians with Disabilities Act.

We encourage you to watch this video and to share it with others, including via social media. Post a link to it on your organization's website. If you teach a course in college, university or other educational setting, feel free to use all or part of it as part of your instructional materials. Use this video as a tool to help in the campaign to make Ontario fully accessible to all people with disabilities.

The video runs about one and a quarter hours. To make it easier to use, and for those who don't have time to watch it all, we provide links below to each of the major headings or topics addressed in the video.

Let us know what you think of this video. Send your feedback to [aodafeedback@gmail.com](mailto:aodafeedback@gmail.com)

## An Introduction to the Duty to Accommodate People with Disabilities"

The video is available at <https://www.youtube.com/watch?v=y32XvjWmDAQ>

Here are links to key topics in the video:



1. Introduction and Overview 00:00 <https://www.youtube.com/watch?v=MeKQHuxP9XU>
2. Where does the Duty to Accommodate Come From? 2:27 <https://youtu.be/y32XvjWmDAQ?t=147>
3. Who Must Accommodate People with Disabilities? Who Has the Duty to Accommodate?  
5:12 <https://youtu.be/y32XvjWmDAQ?t=312>
4. What is the Purpose of the Duty to Accommodate? 8:25 <https://youtu.be/y32XvjWmDAQ?t=504>
5. What are the Benefits of Fulfilling the Duty to Accommodate? 11:15 <https://youtu.be/y32XvjWmDAQ?t=675>
6. What Disabilities are Included within the Duty to Accommodate? 15:40 <https://youtu.be/y32XvjWmDAQ?t=941>
7. Examples of Accommodations that Can be Required 17:26  
  
<https://youtu.be/y32XvjWmDAQ?t=1046>
8. What is the Content of the Duty to Accommodate? What Must an Organization Do?  
26:05 <https://youtu.be/y32XvjWmDAQ?t=1565>
9. Some Red Herrings We Can Eliminate from Discussion About the Duty to Accommodate  
34:05 <https://youtu.be/y32XvjWmDAQ?t=2045>
10. When Does the Duty to Accommodate Arise? 35:25 <https://youtu.be/y32XvjWmDAQ?t=2125>
11. When, If Ever, Can You Ask a Person, Requesting Accommodation, for Medical Documentation of Their Disability? 37:50 <https://youtu.be/y32XvjWmDAQ?t=2270>
12. The Undue Hardship Defence – General Principles 39:33 <https://youtu.be/y32XvjWmDAQ?t=2373>
13. When Can the Cost of Accommodation Justify a Failure to Accommodate?  
49:14 <https://youtu.be/y32XvjWmDAQ?t=2954>
14. When Can Health and Safety Considerations Justify a Refusal to Accommodate?  
57:42 <https://youtu.be/y32XvjWmDAQ?t=3461>
15. Can the Failure to Accommodate Be Defended on the Basis that It Adversely Affects the Morale of Other Workers? 59:10 <https://youtu.be/y32XvjWmDAQ?t=3546>
16. How Does the Duty to Accommodate Apply to Trade Unions and Collective Agreements?  
1:00:49 <https://youtu.be/y32XvjWmDAQ?t=3649>
17. What Happens if Fulfillment of the Duty to Accommodate May Conflict with Other Rights of Other People?  
1:03:48 <https://youtu.be/y32XvjWmDAQ?t=3829>
18. A Short, Punchy List of Defences or Arguments that Cannot Justify a Failure to Accommodate  
1:06:56 <https://youtu.be/y32XvjWmDAQ?t=4016>
19. Concluding Thoughts 1:11:18 <https://youtu.be/y32XvjWmDAQ?t=4282>

## A Relic of the Past: Identification, Placement and Review Committees in Ontario's Education System

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### Abstract

The Identification, Placement, and Review Committee (IPRC) process has been long established within Ontario special education practice and provincial legislation. Borne out of advocacy for advancing the right to education for children with disabilities, the IPRC process is now being critically explored as to whether the process itself creates an infringement on students' access and rights to quality education. Drawing on historical and contemporary shifts in education policy and human rights in Ontario, this paper presents the case that the current structure of the IPRC is outdated and may function as a significant barrier to students' academic futures.

*Keywords:* disability, placement, identification, inclusive education, human rights

Identification, Placement and Review Committees (IPRCs) have a long history in Ontario's education system. IPRCs are enshrined in the *Education Act* R.S.O. 1990, c. E.2, as a means to identify students with disabilities and to secure their placements in schools (OME, 2016). However, over the past several years, the IPRC framework has increasingly come under fire for the antiquated manner in which it fulfills this role. The process has been charged with being resource-heavy, requiring significant ongoing contributions from education professionals, and with the fact that there is little monitoring as to whether the benefits for students warrant the expense.

Although the IPRC is intended to address individual students, its inflexible processes mandate the usage of crude categorizations of student ability and frequently place students in standardized placements, while simultaneously minimizing or excluding student involvement in the process. Additionally, the IPRC process largely relies on the logic of a medicalized approach to disability (Connor, 2013), an approach that focuses more on "fixing" or rehabilitating children than it does on ensuring rights of access for children with disabilities.

Many of these issues can be traced to the institutional history of the IPRC and the fact that many of the roles that it was initially intended to fill are no longer as relevant as they once were. This paper employs a critical disability studies approach to examine the history and the role that the IPRC process currently plays in the Ontario public education system. As a theoretical frame, critical disability studies employ an intersectional approach to engage in the politics of disability and to promote societal transformation (Goodley et al., 2019). As the IPRC process is used to identify, categorize, and respond to perceived capacity, critical disability studies provide an ideal investigative tool to critique this system and to identify key elements necessary for systemic transformation and the advancement of disability rights.

Using this approach, this paper will highlight several areas where the IPRC process is either no longer relevant or falls short of its stated objectives, and will query whether 'the process' is privileged over outcomes for students. In doing so, this paper will discuss the core values which should drive policy reform and will make some limited recommendations about how a more responsive framework can be developed to better ensure that the rights of students with disabilities are upheld.

## A Brief Overview of the Process

As noted above, the IPRC process is used to both identify students with disabilities and to place them in a setting deemed ‘most appropriate’ depending on the committee’s conclusions around the student’s perceived ability. Despite the subjectivity involved in the assessment of student ability (Parekh et al., 2018), the IPRC process is highly regulated. In broad strokes, the IPRC typically involves a formal meeting held at the student’s school, attended by stakeholders involved in the student’s education. Meeting attendees can include the student’s parents, teachers, members of the school administration, representatives from special education, relevant professionals (e.g., school psychologists, physiotherapists, speech pathologists, social workers, etc.), and at times, though rarely, the students themselves. Although programming and accommodations could be discussed at an IPRC meeting, there are only two legally binding decisions that can be made through this process: 1) the identification of an exceptionality and 2) the determination of a student’s placement. Students can be identified with one or more of twelve possible Ministry defined exceptionalities<sup>1</sup> and placed in one of five Ministry determined placement options.<sup>2</sup> If parents are unhappy with the decisions made at an IPRC meeting, *Ontario Regulation 181/98* lays out a process through which parents can formally appeal identification and placement decisions.

## A Brief History of the IPRC Process

In many ways, the shortfalls of the IPRC are a direct result of its institutional history. The IPRC, in its present form, was developed in the context of great change in education across North America. Slowly but surely, students with disabilities were gaining the right to attend school across the continent, a right which had previously been denied to them in many jurisdictions (Dickson & McKay, 1989). Ontario was no exception to this trend, in part because various advocacy groups across the province were continuously pressing the government to provide more comprehensive access to special education services for students with disabilities (Zegarac et al., 2008).

It was under these circumstances that Ontario’s Minister of Education finally announced in 1978 a long-awaited plan to ensure that every student, regardless of disability, would have the opportunity to benefit from Ontario’s education system. This plan would ultimately result in the passage of *The Education Amendment Act, 1980 (“Bill 82”)*, a piece of legislation designed to make it mandatory for school boards across the province to provide “appropriate” special education services to students with disabilities (some school boards were in fact already providing these services).<sup>3</sup> However, prior to the enactment of Bill 82, the Ministry of Education determined that as a first step, it needed to create:

...an early identification program to ensure that the learning needs of every child entering the schools will be identified. (Stephenson, 1978)

The Ministry felt that such a system was “essential” if “remedial programs [were to] be provided promptly” to students (Stephenson, 1978). At this point, even though some of the school boards that offered special education services already had a provincially mandated “admissions board” for placing or admitting students, few of them had developed any sort of early identification system to assess student needs. With this in mind, the Government passed *Ontario Regulation 704/78*, which set up the *Special Education Program Placement and Review Committee* (SEPPRC), which was a direct precursor to the IPRC’s that we know today. In many ways, the new SEPPRC was not a radically new mechanism for identifying and placing students but was instead a revised version of the admissions board (Keeton, 1979). Admissions boards were essentially three person panels which, true to their name, were primarily responsible for determining whether to “recommend the admission of a pupil” to a special education program.<sup>4</sup> Many admissions boards also had the dubious distinction of being used to determine whether

<sup>1</sup> Learning Disability, Mild Intellectual Disability, Behavioural Exceptionality, Autism, Deaf or Hard of Hearing, Vision Impairment, Physical Disability, Gifted, Multiple Exceptionality, Developmental Disability, Language Impairment, Speech Impairment ([http://www.edu.gov.on.ca/eng/document/policy/os/2017/spec\\_ed\\_2.html#categories](http://www.edu.gov.on.ca/eng/document/policy/os/2017/spec_ed_2.html#categories))

<sup>2</sup> Regular class with indirect support, regular class with resource assistance, regular class with withdrawal assistance, special education class with partial integration, & full-time special education class (<http://www.edu.gov.on.ca/eng/general/elemsec/speced/identifi.html>)

It is important to note that extensive research has been conducted on the efficacy of self-contained special education and inclusive education programs and has resulted in support for ensuring students identified with special education needs have access to inclusive programs (see Mitchell 2010, 2015 for an international review of empirical evidence).

<sup>3</sup> See: *The Education Amendment Act, 1980*, SO 1980, c 61 at s. 2.

<sup>4</sup> See: RRO 1970, Reg 191 made under *The Department of Education Act* at s. 44.

students were “unable” to profit from instruction, a designation which essentially abrogated their right to education in its entirety (Smith, 1980).<sup>5</sup>

**Figure 1**

*Evolution of Identification and Placement Mechanisms in Ontario.*



In any event, the new SEPPRC process, while an improvement over admissions boards in some respects, suffered from many of the same flaws, which were, in turn, passed down to the IPRC process. For example, the SEPPRC preserved the heavily medicalized orientation of the admissions board and provided almost no meaningful opportunity for parental (or student) input into placement decisions. The important factor in all SEPPRC placement decisions was professional judgement, not the views or experiences of parents and students. While it provided limited opportunities for parents to “consent” to a placement decision (unlike the prior admissions board procedure), there was no meaningful appeal mechanism for parents to challenge placement decisions (Keeton, 1979).<sup>6</sup> When the IPRC was initially in development in 1981, it seemed to be on track to maintain this draconian format until a limited and somewhat ineffective appeal mechanism was finally “wrung from the government by the opposition during heated debates” (Elkin, 1982, p. 323).<sup>7</sup> It appears that after years of dealing with unaccountable admissions boards and SEPPRCs, parental advocacy groups were chaffing for a greater say in the new IPRC process (Hodder, 1984). However, even with this limited concession, the government appeared bent on maintaining the primacy of school boards in the new IPRC process, viewing the school boards as the appropriate final decision maker on these matters.<sup>8</sup> This point of view appears to be reflected in the somewhat anemic appeal procedures that were ultimately introduced by the Ministry in 1982.

Beyond the issue of the outsized role of professional opinion and the inadequate mechanisms to challenge it, the government also maintained one of the other primary flaws from the admissions board (and SEPPRC) in the new IPRC process. True to its origins, the IPRC remained an “admissions committee” which, by definition, could not make decisions about the type of programming, services, or accommodations that students could receive in a placement. Like its predecessor panels (see: Keeton, 1979), the focus is more on whether a student should be ‘admitted’ to a predefined program rather than whether the programming can be made to fit the student.<sup>9</sup> At its very root, the IPRC is a body that is designed to categorize students and fit them into the existing structures of the education system rather than a mechanism that is designed to provide individualized support for the student. As a result of these restrictions, the IPRC is unable to make decisions about many of the critical elements related to a student’s education, including those decisions about programming, in-school accommodations, and other supports designed to facilitate building relationships with peers and teachers.

### **Administrative Convenience**

Despite its problematic institutional legacy, there were good reasons for the introduction of the IPRC in 1981 - however, many of these were primarily administrative. As noted above, Bill 82 made it mandatory for school boards to provide special education services. This vastly expanded the scope of special education services in Ontario, and despite the existence of the SEPPRC in some boards, it appears that the Ministry of Education had only a rudimentary understanding of the scale of the project upon which

<sup>5</sup> Pursuant to s. 34 of the *Education Act* (See also RRO 1970 Reg 204 at s. 2-3).

<sup>6</sup> See: O. Reg 704/78 at s. 31

<sup>7</sup> The opposition (the Liberal Party and the New Democratic Party) were likely able to do this because they faced a minority government (Progressive Conservatives) at the time Bill 82 was passed.

<sup>8</sup> During the debates in the legislature about the proposed appeal mechanism, Minister Bette Stephenson expressed her support for the view that “one could not, on the one hand, hold education officials accountable and responsible for the education of exceptional children and, at the same time, remove from those individuals total responsibility for decision-making in that area.” (Stephenson, 1978)

<sup>9</sup> In 1998, the IPRC regulation was amended to at least attempt to address this problem. It now allows the IPRC Committee to make a “recommendation” about the type of programming which should be in place. Although in practice it is rare that the IPRC would exercise this ability.

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it was about to embark.<sup>10</sup> This is evident from the 5 year transition period mandated by Bill 82<sup>11</sup> and comments by the Minister indicating that the Government was not “omniscient” and that careful study was required in order to ensure that “educational programs [were available] for all exceptional children” (Stephenson, 1980, p. 4394).<sup>12</sup> The Government’s lack of knowledge was perhaps inadvertently echoed by an MPP of the Liberal Opposition who on November 18, 1980 had only the vaguest notion of how many students still needed special education services:

The best information I have is that there are between 80,000 and 100,000 students in this province who still need special education. (Sweeney, 1980, p. 2944)

The imprecise knowledge of the scale of the commitment the Government was making likely underscores one of the primary reasons for the development of the new IPRC process - namely that the Government had only a limited estimate of how many students might be recommended for special education services and the type of services those students might access. This meant that the first phase of any program to reform the delivery of special education services in the province required a systematic effort to identify who in fact was believed to need these services. This conclusion is reinforced by the fact that after the first IPRC regulation was developed (*O. Reg. 554/81*) and implemented, it was ultimately tied to the funding model for special education in 1982.<sup>13</sup>

### Purpose of the IPRC

With this brief history in mind, we can glean three basic reasons for the existence of the IPRC model as it was originally developed. These can be summarized as follows:

1. To ensure that children with disabilities are identified early so that special education services can be provided to them promptly (see Minister’s comments above);
2. To assess the scope of the special education services that were required to implement Bill 82 and to properly fund them on an ongoing basis; and
3. More controversially, to establish a more robust appeal mechanism for placement decisions.

Each of these will be discussed in turn with consideration towards whether it is still relevant today.

## Early Identification and Prompt Provision of Programming

### *Identification*

The history outlined above, as reflected in the comments of the Minister of Education, suggests that the early identification of children with disabilities is one of the primary reasons for the existence of the IPRC. This is reinforced by Program Policy Memoranda No. 11 (still in force), released in 1982 by the Ministry of Education, which explicitly puts forward this rationale:

Each school board is required to have approved and in operation by September, 1981, [IPRC] procedures to identify each child’s level of development, learning abilities and needs and to ensure that education programs are designed to accommodate these needs and to facilitate each child’s growth and development.... (Ministry of Education, 1982, para. 1)

It is also important to point out that although the government emphasizes the significance of early identification and prompt services, in the early 1980s the IPRC was also making determinations about *eligibility* for the special education programs as well.<sup>14</sup> That is, it was functioning as a gateway to the right to access an ‘appropriate’ education. This is of some import because, when the IPRC regulations came into force, disability had only recently become a ground under the *Human Rights Code* (1981), and students did not yet have the same level of protection that they now enjoy under this legislation.<sup>15</sup> Students could not use the *Code*, or the rights therein, to bypass the IPRC process as they potentially

<sup>10</sup> Indeed, as late as May 1980, the Minister was only then initiating “a study of education caseloads and class sizes...” (Stephenson, 1980).

<sup>11</sup> See: *The Education Amendment Act, 1980* SO 1980, c 61 at s. 17.

<sup>12</sup> This is also evident from the planning guide issued by the Ministry of Education which exhorted boards to develop a picture of the students they were currently serving and how many students they expected to serve as the mandatory requirement to provide special education services became operational (Ministry of Education (Ontario), 1981).

<sup>13</sup> See: *The Education Amendment Act, 1980* SO 1980, c 61 at s. 2(2) & Ontario Regulation 197/82 at s. 12

<sup>14</sup> Section 1 of *The Education Amendment Act, 1980*, defined a “special education program”

<sup>15</sup> See: *Re Lanark, Leeds & Grenville County Roman Catholic Separate School Board and Ontario Human Rights Commission et al.*, 1987 CanLII 4040 (ON SC) & *Campbell v. Toronto District School Board*, 2008 HRTO 62 (CanLII) at paras 47-53.

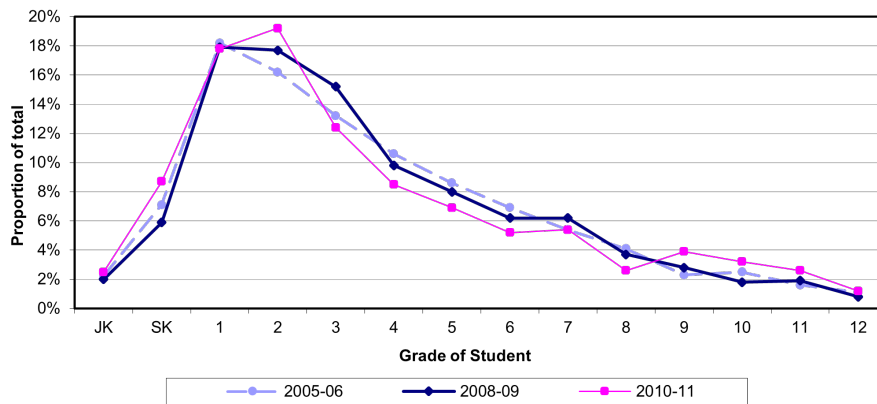
could today. This effectively meant that the only way to obtain these services was to be identified as ‘exceptional’ through the IPRC process.

Given the developments of the past forty years, we may now ask whether these objectives are still important. We should be asking whether the IPRC process is still necessary to facilitate early identification and prompt service delivery as well as determinations about eligibility for services.

With respect to early identification, when we examine data from Ontario’s (and Canada’s) largest public school board, the Toronto District School Board (TDSB), it is clear that students are being ‘identified’ and accommodated, at least by their teachers and schools, potentially years prior to engaging in the formal IPRC process (Brown & Parekh, 2010, pp. 14-15).

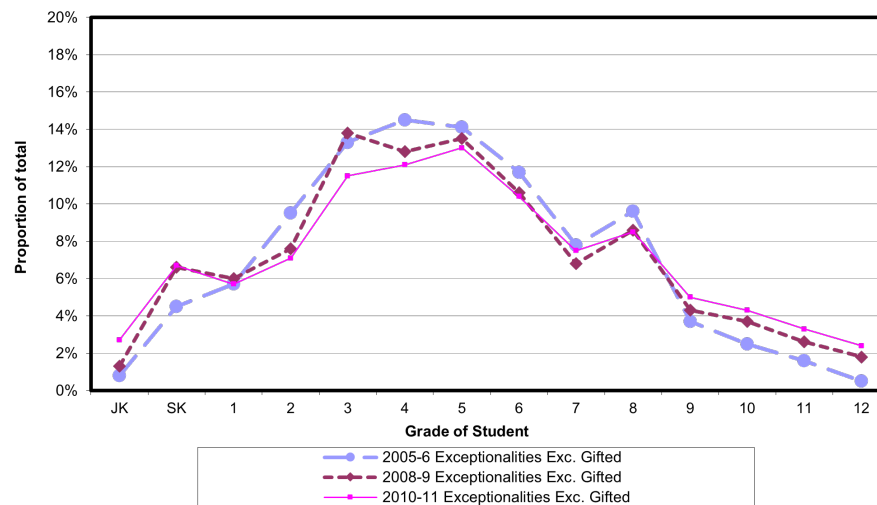
**Figure 2**

*New Individual Education Plans Assigned by Grade, over 2005-6, 2008-9, 2010-11 within the Toronto District School Board (Brown & Parekh, 2013, p. 19).*



**Figure 3**

*New Formal Exceptionalities Assigned by Grade, over 2005-6, 2008-9, 2010-11 within the Toronto District School Board Retrieved from (Brown & Parekh, 2013, p. 20).*



As shown in Figure 1, the peak grades in which students are informally identified and receive an Individual Education Plan (IEP) are between Grades 1-3. Interestingly, the peak grades in which stu-

dents are formally identified and receive a formal exceptionality through the IPRC process are typically between Grades 3-5. As noted in the two figures, these patterns have been replicated over a number of years and may illustrate the time it has historically taken to move from informal to formal identification. However, it also begs the question, that if students can be informally identified and accommodated through an IEP, as well as placed in some self-contained special education programs (Parekh & Brown, 2019), what, therefore, does the formal IPRC process offer students and educators?

When it comes to determinations of eligibility for services, the IPRC has become hopelessly outdated. Changes in the legal landscape, including the evolution of human rights law and the development of a more fulsome right to equal access to education have made the IPRC effectively irrelevant when it comes to determinations about eligibility for special education services. The *Human Rights Code* now more clearly mandates that school boards must provide proper programming and accommodations to a student regardless of whether they have been identified by the IPRC process or not. This approach was confirmed to be the policy of the Ministry in 2010 when it reassured the Auditor General that Boards could provide “special education programs and services without a formal identification process” (Auditor General, 2010, p. 389).<sup>16</sup> In the TDSB, close to half of all students accessing special education services have not gone through the IPRC process (Brown & Parekh, 2013). This suggests that the importance of the IPRC process as a gateway to accessing education services has diminished significantly.

Despite the limited relevance of the IPRC as an eligibility mechanism to special education services, we might still ask whether the early identification process the IPRC regulations create still yield some benefit for students. That is, is there some substantive benefit that students receive when they are ‘identified’ with an exceptionality label and placed through the IPRC process? To answer this question, one would have to weigh the possible benefits against the established detriments of the IPRC process. The available evidence suggests that the answer to this question is no.

### *Benefits of Identification?*

It is worth noting that even at the time the IPRC process was created, the categories of exceptionalities were deemed “unscientific” and lacking any empirical basis.<sup>17</sup> Those reviewing Bill 82 at the time suggested that it was unclear why these labels were used as they did not appear to convey much in the way of useful information to educators (Elkin, 1982).

Further experience appears to have borne out this concern. Educators and education researchers have noted that exceptionality categories encompass a great diversity and degree of impairment and that being labelled with an exceptionality does not necessarily convey to an educator how a particular student should be taught or accommodated (Mitchell, 2015; Ridgeway, 2017). For example, there are several forms of learning disabilities encompassed within the ‘learning disability’ exceptionality label. In this situation, teachers cannot assume that a particular pedagogical approach will work for all students who have a ‘learning disability’ identification. It is more important that teachers develop a relationship with students and learn how to functionally accommodate students in their classrooms. How teachers differentiate their instruction cannot be determined on the basis of an identification label. In fact, evidence demonstrates that designing a pedagogy based on a students’ exceptionality label or perceived disability is not successful (see Mitchell, 2010; 2015 for an international review of empirical evidence).

The lack of useful information conveyed to a teacher through the IPRC process is further compounded by the fact that, in practice, IPRC decisions are not often adequately reported or justified, and that useful information to support teachers in the accommodation process is often unavailable through the IPRC.<sup>18</sup> The Auditor General made several recommendations to remedy this situation, including keeping better records and ensuring the rationale for their decisions is thoroughly documented. Although the Ministry has issued some guidance on this point since that time (Ministry of Education, 2017), it

<sup>16</sup> “The Ministry also advised us that school boards have the flexibility to provide special education programs or services to address a student’s needs without a formal identification process in order to achieve timely delivery of effective programming in a way that respects the integrity of the IPRC process and parents’ rights while minimizing administrative requirements” (Auditor General, 2010, p. 389).

<sup>17</sup> Note that these categories should not be confused with the type of diagnostic labels used by the medical profession.

<sup>18</sup> “Identification, Placement, and Review Committees (IPRCs) make significant decisions regarding the education of students with special education needs, but do not adequately document the rationale for their decisions and the evidence they relied on. As a result, information that would be of use to IPRCs conducting annual reviews and to teachers in connection with the preparation of IEPs is not available.” (Auditor General’s Report, 2008, p. 366).

remains unclear how practice with respect to documentation and information sharing has changed on the ground in response to these policies.

Beyond their limited practical utility, the identification process also presents further problems because the exceptionality labels used on students can carry connotations that are stigmatizing (Brantlinger, 2006). They shape how students feel about themselves, and the perception others hold both within and outside the education system (Parekh, 2019). Labels can also influence teachers' expectations of students' abilities (Mitchell, 2010), resulting in reduced access to important academic opportunities.

This is especially problematic when we consider the fact that many children from historically marginalized communities are disproportionately represented in some exceptionality categories and special education programs (Connor, 2017; De Valenzuela, 2006; Parekh & Brown, 2019). Students who are racialized, male and/or live in lower income households are often overrepresented in some 'high incidence' or "judgmental" special education categories (Artiles et al., 2010). Scholars have argued that these outcomes exemplify the operationalization of negative beliefs about particular groups. All of this suggests that the 'early identification' process undertaken by the IPRC is of dubious value.

### *Benefits of Placements?*

Even setting aside the value of the labels used by the IPRC process, we can also question the role it plays in placing students in self-contained special education classes, effectively propping up a segregated system of education. The IPRC mechanism is founded upon the principle that at least some students with disabilities will benefit from placement outside of the regular classroom. The IPRC is charged with selecting which students will in fact "benefit" from these segregated placements. However, the idea that children should be identified and streamed into segregated placements based on disability was controversial even in the early 1980s. Some commentators pointed out that there was no data to support the practice of segregating children into homogenous ability groupings (Elkin, 1982) and that many studies produced inconclusive results as to whether students with disabilities did better in segregated or regular classroom settings (Robichaud & Enns, 1980).

Since that time, a great deal of research has continued to focus on this same question - namely, whether it is better to place students in segregated environments or to educate them in inclusive classrooms. Generally speaking, the empirical research on the academic benefits of inclusive education so far has ranged from no observable differences between inclusive and special education placements to significant benefits for students taught in inclusive classrooms (Mitchell, 2010; Hehir et al., 2016). On the other hand, empirical research demonstrating the benefits of segregated special education placements is scant (Mitchell, 2010). In fact, the identification and segregation of students based on perceived ability have been attributed to the reproduction of inequitable social, class and racial stratification in broader society (Artiles et al., 2010; O'Connor, & Fernandez, 2006; Clandfield et al., 2014; Duncan-Andrade & Morrell, 2008) and there is a continuously growing body of evidence that supports inclusion for all students (Hehir et al., 2016; Krings, 2015; Burello et al., 2013). Furthermore, the OECD has noted that education systems that integrate their lower-achieving students perform better overall (OECD, 2012).

All of this suggests that even at the time the IPRC was developed, the system of placing students in segregated classrooms stood on shaky empirical foundations. Since that time, research has suggested that these foundations have become even more tenuous and that the implicit assumption built into the IPRC, that some students will benefit from segregated placements, is in fact, doing a disservice to many students when it comes to providing them with a meaningful education.

### **Properly Funding the Education System**

Given that the IPRC is showing its age when it comes to whether it benefits students or assists teachers, we can now begin to ask whether the IPRC process still fulfills an important organizational role within the school system. As noted above, it was not clear in the early 80s that the Ministry understood precisely how many children with disabilities were going to require special education services. As such, it made some sense to create a revised process which they could use to identify children with disabilities (with convenient labels) and fund the services that they were presumed to require. The result was the IPRC, which was then linked with the funding mechanism for special education.

However, problems soon emerged with this model. The Ministry soon realized that when funding



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was attached to the IPRC process, there was an observable spike in exceptionality identifications (Green & Forester, 2002) - an aptly named phenomenon termed 'diagnosing for dollars' (Rozanski, 2002). Beginning in 2006-7, the Ministry began moving away from a model that employed 'student-based claims' as an indicator for funding (MOE, 2006, p. 32). Instead, the Ministry implemented a hybrid funding model that employed the previous year's High Needs Amount divided by that year's Average Daily Enrolment. Following this, the Ministry transitioned to another model, the Special Education Statistical Prediction Model (SESPM) (MOE, 2010). This funding structure uses a statistical model to predict the number of students who have special education needs based largely on socio-demographic variables (e.g., parental occupation, education, income, immigration status, etc.). The goal of this model is to predict how many students require special education services, identified or not (MOE, 2011). In doing so, this model effectively sidesteps the IPRC process as the mechanism by which funding is distributed. All of this is to say that any role that the IPRC may have had in the funding or planning process for special education services has long since expired.

### Establishing Appeal Mechanisms for Placements

The final potential use or purpose of the IPRC process is the one that was "wrung" out of the government during the debates about Bill 82, namely its role as a dispute resolution forum. Ironically, given the resistance of the government at the time, this function may be the one that still holds the most relevance. Many families still experience high levels of conflict in the special education system (Reid et al., 2018), and a path to appeal certain decisions (i.e., placement and identification) still exists within the confines of the IPRC process. However, the utility of this process is limited to a large extent by the jurisdictional limitations of the IPRC - that is, its inability to decide matters related to services and programming, one of the primary areas of disagreement between schools and families (Reid et al., 2018).<sup>19</sup> As discussed above, this is a limitation largely inherited from the predecessors of the IPRC and harkened back to a time when the focus of the process was solely on admission to special education programs. The Ontario Human Rights Commission (2003) has noted that this limitation has continued to cause significant frustration to many parents and student advocates and has played a significant role in hindering the effectiveness of the IPRC as a dispute resolution forum. This may, in part, explain why the Special Education Tribunal has seen very few new cases in the last decade (15 reported decisions as of May 2020).

To a limited extent, the Human Rights Tribunal of Ontario (HRTO) has taken up the mantle as a dispute resolution forum for special education, as it has a greater ability to deal with matters related to services and programming. However, the HRTO is not an ideal process for the resolution of this type of issue. Even with the expedited mediation timelines within the Child and Youth Division of the Social Justice Tribunals (SJTO, 2017), the process at the HRTO can be cumbersome and lengthy and may require the expenditure of significant resources on legal counsel. The HRTO has also demonstrated significant reluctance to wade too far into the enforcement of the *Education Act* and, perhaps rightly, is only concerned with whether school boards have broadly complied with *Code* guarantees.<sup>20</sup> Ultimately, this means that significant gaps exist within the available dispute resolution mechanisms.

While this is a discouraging situation for many families and suggests a significant need for reform, it does point to the fact that there may still be a place for either a completely overhauled version of the IPRC or a completely new process. In either case, the focus must be less on sorting and labelling students and more on providing students and families with an effective dispute resolution forum.

### Reforms

Any effort to reform or replace the IPRC process should in large part, be guided by the goal of maximizing the rights of students with disabilities and better ensuring that they receive a meaningful education.

<sup>19</sup> It should be noted that in the past the Special Education Tribunal has at times seen fit to address the issue of the programming or services when disagreements occurred about these in the context of a disagreement about placement. However, the Tribunal is clear that "when the parents' dissatisfaction is primarily or exclusively focused on such matters as programming, [and] services", they cannot expect a remedy from the Tribunal. See: *W. F. v. Ottawa Catholic District School Board*, 2008 ONSET 4 (CanLII) at para ii. Furthermore, it is clear that the actual IPRC and the Special Education Appeal Board do not have this type of jurisdiction under the regulation and are limited to making recommendations about these issues even in the event of a disagreement over placement.

<sup>20</sup> See: *Schafer v. Toronto District School Board*, 2010 HRTO 403 at para 71; *Sigrist and Carson v. London District Catholic School Board*, 2010 HRTO 1062 at para 68; & *U.M. v. York Region District School Board*, 2017 HRTO 1718 (CanLII) at para 97.

This goal is at the heart of Canada's international human rights obligations, embodied in Article 24 of the *Convention on the Rights of Persons with Disabilities*, which commits Canada to realize a fully inclusive education system that is geared towards ensuring that persons with disabilities develop to their fullest potential (UN General Assembly, 2007). *General comment No. 4 (2016) on the right to inclusive education* more fully elaborates on this commitment, highlighting, among other things, the necessity that States Parties:

1. Move progressively towards abolishing all segregated forms of education and move towards a fully inclusive system (para 40);
2. Provide individualized programming and accommodations for students with disabilities (para 28-30);
3. Afford students with disabilities with a substantive opportunity to express their will and preferences with respect to educational issues and ensure that these preferences are given due consideration (para 50, para 63(l)); and
4. Ensure that persons with disabilities “have access to justice systems that understand how to accommodate persons with disabilities and are capable of addressing disability-based claims” (para 65). (UN Committee on the Rights of Persons with Disabilities, 2016)

As noted above, and in part because of its institutional history, the IPRC largely fails to meet these requirements. Its very existence is premised on the idea that education is delivered in a segregated environment. Its “one size fits all” approach to placement virtually ensures that programming and accommodations issues are often ignored in this forum. Its regulations also limit student involvement to those over the age of 16 (see: s. 5 of O. Reg. 181/98), and it utterly fails to provide an appropriate forum to adjudicate accommodation or programming issues.

While a fulsome review of all of the possible policy responses to these shortfalls is beyond the scope of this paper, there are some obvious candidates for change or improvement in the current framework.

### **Eliminating Identification and Categorization of Students**

As noted above, the identification and categorization of students in the current system has limited utility. From both the student and teachers' perspective, identification labels provide little benefit and, in many cases, are in fact harmful. As part of a systematic literature review exploring the barriers to inclusive education, one of the key barriers to emerge were systems of categorization (Parekh, 2013). Some may argue that the identification of exceptionalities serves other purposes in the education system, like funding processes or resource allocation. However, as noted above, Ontario's experience with a funding mechanism based on labelling children with exceptionalities highlights the drawbacks associated with this type of approach (i.e., ‘diagnosing for dollars’). The fact that Ontario has already transitioned to a model that relies more on demographic variables to allocate funding indicates that the utility of these labels for funding is limited. This suggests that without concrete evidence as to how these labels actually benefit students, it is difficult to justify continuing this practice. With this in mind, the role of the IPRC process in labelling students should be brought to an end. Many jurisdictions around the world have been re-examining their processes of categorization and moving away from psychometrically defined categories through the adoption of non-categorical or broader categorical approaches (Parekh, 2013).

### **Expanding Dispute Resolution**

The current version of the IPRC process has many flaws from both a jurisdictional standpoint and with respect to the fairness of the process. Any replacement for, or reform of, the IPRC process should be geared towards minimizing these flaws.

With respect to the issue of expanding the jurisdiction of the IPRC, this paper has canvassed this issue at length, so it is sufficient to say that any potential dispute resolution forum should be able to address the full range of accommodation, programming and service issues that are often at the heart of disputes over the education of students with disabilities. If policymakers opted for overhauling the IPRC, this would involve altering Ontario Regulation 181/98 and s. 57 of the Education Act to ensure that the revised process had the appropriate powers to make decisions about these issues.

## **Maintaining a Rights-Based Framework and Improving Procedural Protections**

Irrespective of the type of forum or process created, significant protections must be in place to ensure that all decisions made in this new forum are done in a procedurally fair manner and in accordance with a robust human rights-based legal framework. The creation of a responsive new dispute resolution process, or a revised IPRC process, must be driven by student needs, in particular the need to obtain appropriate, expert, holistic and timely resolutions within an accessible and procedurally fair process. New processes with the capacity to deal with a greater number of issues should not be an excuse to water down school board obligations to their students.<sup>21</sup>

With this in mind, a number of procedural shortfalls in the existing IPRC process should be born in mind when it comes to future reform. For example, as it presently stands, school boards appoint all of the decision makers at the early stages of the IPRC process.<sup>22</sup> Given that the dispute is typically between parents and the board, allowing the board to appoint the decision makers in the case of the IPRC does not engender trust in the process. The Centre for Appropriate Dispute Resolution in Special Education (2010), in a review of effective dispute resolution mechanisms in the United States emphasized that one of the key features of many successful systems was the presence of an impartial decision maker or mediator. The presence of an impartial decision maker or mediator ensures both greater trust in the process and ensures that any potential bias in decision making is eliminated. Any reformed process needs to include a compliment of impartial decision makers or mediators.

Other procedural shortfalls in the current process include ineffective disclosure requirements and a lack of supportive resources to allow students and families to play a more meaningful role in the process. Remedying these flaws would mean creating a stronger disclosure requirement than that which currently exists (see: s. 15(8) of O. Reg. 181/98) and introducing a wider range of resources to support proper advocacy. This could take many different forms, including perhaps the reinstatement of an expanded child advocate. Other possible resources could include the option to obtain Independent Educational Evaluations much like those provided under the *Individuals with Disabilities Education Act* (IDEA) in the United States, which according to some, has been a positive resource for some families when it comes to maintaining certain types of accountability (Schrank et al., 2006).

Unfortunately, a thorough analysis of all of the procedural shortfalls and necessary reforms to the IPRC process is beyond the scope of this paper. However, these suggestions should at least be illustrative of the fact that far more could be done to ensure a fairer, more equitable dispute resolution process.

## **Eliminating Barriers to Student Participation**

As it stands, students under the age of 16 have no legal entitlement to participate in the IPRC process. A new or revised process should abolish this requirement. In its place, a new participatory right should be created with no age limitation. Student's should be allowed to participate to the extent that they are able to do so, and educators should be required to give their views due consideration in the education planning process.

## **A More Inclusive Education System**

Although these more specific reforms would be positive steps for students with disabilities, they will mean little in the absence of broader and more systemic change within the education system. Simply replacing the IPRC system with something more effective at resolving disputes will not achieve meaningful change unless students have a more substantive right to inclusive education. To this end, the reforms discussed above must occur in the context of a wider reimagining of education policy in Ontario, one which explicitly prioritizes discarding the old institutional legacies of our segregationist education system and provides the necessary funding and resources to create classrooms that are truly inclusive of all students.

<sup>21</sup> Against this backdrop, a great deal of thought would need to be dedicated to defining the interactions between this new process and the HRTO and dealing with *res judicata* issues which may arise from potentially overlapping jurisdictions.

<sup>22</sup> O. Reg. 181/98: *Identification and Placement of Exceptional Pupils* at s. 11

## Conclusion

In light of this last observation, it appears clear that the institutional legacies of the IPRC are just a small part of the larger more systemic problems that students with disabilities face when they are trying to gain access to education. However, this analysis demonstrates the IPRC still plays a clear role in preventing many students with disabilities from accessing a meaningful education. It is now incumbent on current policy makers to face up to the historical legacies of Bill 82 and redesign the current framework in the education to transform it into something that acts less as a barrier to education and more as a mechanism that preserves the rights of students with disabilities.

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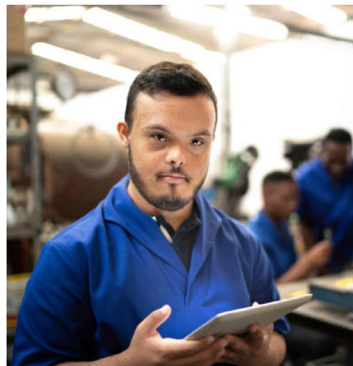
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# EMPLOYMENT: The Gold Standard



For students who have a developmental disability, early perceptions of “unemployability” continue to foster lower expectations from families and educators, creating barriers to access critical supports needed to prepare them for a future that includes work.

Join ODEN and its member service providers in this presentation where we will discuss how to create an environment where competitive employment is seen as a viable possibility and the natural progression for students who have a developmental disability once they leave the school system, similar to their peers without a disability.

This free session is for anyone who is involved in the life of a student in Grades 6 and higher who has a developmental disability, including:

- Parents & Family members
- Educators (e.g. teachers, educational assistances, service provider)
- Health care providers (e.g. family doctors, physiotherapists)
- Community social workers

**Choose ONE of four sessions available:**

**October 19 @ 12pm ET**

**October 19 @ 7:30pm ET**

**November 23 @ 12pm ET**

**November 23 @ 7:30pm ET**



# Raising Expectations: What does your child want to do when they grow up?



Parents of children with developmental disabilities hear more about the deficits that their children will experience than the possibilities for their future. This narrative results in a lowering of aspirations from parents and educators for that child's future achievements including employment. The research clearly indicates that the expectations parents and others hold for that child, have a direct impact on successfully achieving employment.

Join ODEN and its member service providers to hear about the importance of having higher expectations for children with developmental disabilities early in life.

This free session is for anyone who is involved in the life of a child (0-12 yrs. of age) who has a developmental disability including:

- Parents & Family members
- Educators (teachers, educational assistances, service provider)
- Health care providers (family doctors, physiotherapists)
- Childcare providers

**Choose ONE of four  
sessions available:**

**October 5 @ 12pm ET**

**October 5 @ 7:30pm ET**

**November 9 @ 12pm ET**

**November 9 @ 7:30pm ET**





August 2021

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michael.jacques1@gmail.com

## Guest Speaker Michael Jacques

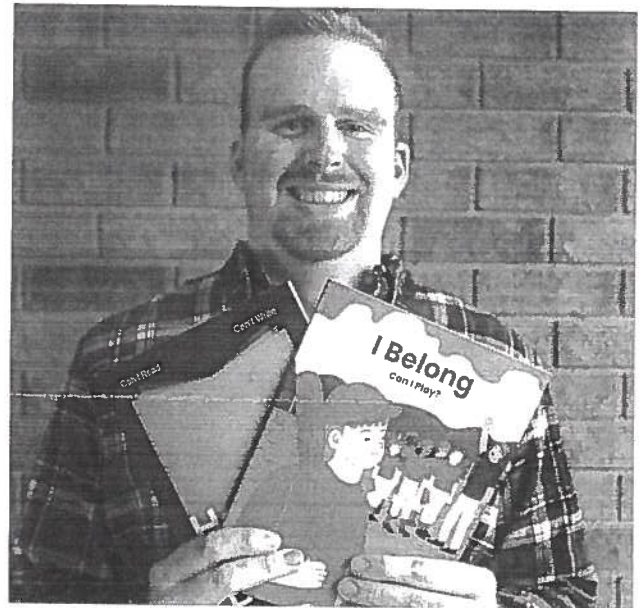
—  
“My mission is to be a role model for youth and inspire them to celebrate their differences and include everyone.”

To Whom It May Concern,

As SEAC Chair you are well aware of the obstacles students with challenges face everyday in todays society. From the classrooms to workplace to community our world has a lot of work to do in order to create authentic inclusion. As a retired Principal, I witnessed the commitment from parents and staff to support, teach and guide students. I also felt many resources focused on what it means to have a disability rather than focusing on the abilities and potential of every student.

One way to create a more inclusive society is by inspiring youth. Hearing from individuals who are sharing their personal story to make a greater impact in the world.

My son, Michael Jacques, like anyone else wants to feel included. He has autism and an intellectual disability and faces many challenges day to day. However, at 29 years old he is an inspiration and role model to many. He cannot read or write but has written two books with the help of technology and support from others, sell over 20,000 copies. He's been appointed to MACSE (a provincial committee that provides advice to the Minister of Education on issues of Special Education). He is the VP of Community Living Ontario and is international recognized by the Queens Commonwealth Trust as a young adult making a positive change in his community.



Over the last 3 years he has done over 200 in person presentations and over 100 virtual presentations across the country. His audiences vary but most are with schools boards, talking directly with elementary and secondary students (individual classes or entire school), staff (on PD days) and with parents (eg. parent engagement meetings, SEAC meetings, etc.).

I have attached a 1-page flyer to this letter that will provide you more information about Michael or you can visit his website at [www.heresmybook.com](http://www.heresmybook.com)

We would be honoured if you would invite Michael to be a Guest Speaker. If you would like further information please contact us at [michael.jacques1@gmail.com](mailto:michael.jacques1@gmail.com)

Michael's hope is to share his story, connect with people, and inspire a more inclusive, accepting world. We believe a large part of this starts in the education sector.

Take care & thank you for your time.  
Marcel Jacques (Michael's proud father)

# A story to be shared



Michael is a public speaker and activist, who in 2018 wrote and self-published *Can't Read, Can't Write, Here's My Book* using speech-to-text technology. In 2020 he released a children's book that he co-authored with Heather Gale titled, *I Belong: Can I Play?*

At a young age, Michael was diagnosed with autism and an intellectual disability. Never one to shy away from obstacles, Michael has made his authorial debut, sharing experiences from his life to help audiences understand accepting and belonging. His story demonstrates the empowerment that comes from being comfortable in your own skin, knowing your strengths, valuing relationships, and giving back to your community.

Michael looks for opportunities to inspire and educate people on diversity and inclusion. What Michael has learned being part of this conversation is that diversity is a reality, we need to embrace and celebrate differences. On the other hand, inclusion is a choice, we have a responsibility to make sure everyone in our world belongs. Through his brave story, witty personality, and positive outlook on life, Michael is an inspiration to many. He speaks to schools (elementary, secondary, and post-secondary), educators, organizations, parents, communities, etc. both in-person and virtually.

Michael gives back by donating partial proceeds of his book sales to Special Olympics Canada and Community Living, two organizations doing great work in these areas.



Contact Michael for speaking opportunities at:  
[michael.jacques1@gmail.com](mailto:michael.jacques1@gmail.com)

## Things you should know about Michael:



Young leader and public speaker receiving international recognition on the [Queen's Commonwealth Trust](#) website.



Wrote his first book by dictating to his iPad and has sold over 20,000 copies. Book available in English & French.



Wrote a children's book with Heather Gale titled, *I Belong: Can I Play?* Available in English & French and has sold over 1,000 copies.



Elected Vice President for the Board of Directors with Community Living Ontario.



Special Olympic athlete, competing in baseball and basketball.



Appointed to the Minister's Advisory Council on Special Education.



Chosen as Fonthill's 2019 Citizen of the Year.



Works at Sobeys Grocery Store in Fonthill.

