

Approved Minutes

**Name of Committee: Special Education Advisory Committee**

**Meeting Date: December 16, 2022**

A meeting of the Special Education Advisory Committee convened on December 12, from 7: 00 p.m. to 9:19 p.m. via Zoom. Elections were held and the meeting was chaired by Jean-Paul Ngana (Chair) and Michelle Aarts (Vice Chair) from 7:00 – 9:12 pm

Attendance:

Melissa Rosen (Association for Bright Children (ABC), Steven Lynette (Epilepsy Toronto), Richard Carter (Down Syndrome Association of Toronto), David Lepofsky (OPVIC), Nora Green (Integrated Action for Inclusion (IAI), Tracey O’Regan (Community Living Toronto), Aliza Chagpar (Easter Seals), Shanna Lino (VOICE for Hearing Impaired Children), Julie Diamond (Autism Ontario), Beth Dangerfield (CADDAC), Nerissa Hutchison (BPSG), Leo Lagnado (Autism Ontario), Guilia Barbuto (Learning Disabilities Association), Hilary Quinn (Learning Disabilitieis Association), Bronwen Alsop (VOICE for Hearing Impaired Children) Judi Coulson, (CADDAC), Aline Chan (Community Living), Dana Chapman (OPVIC), Nerissa Hutchinson (Sawubona Africentric Circle of Support), Elie Ngoy, (Sawubona Africentric Circle of Support), Jean-Paul Ngana LC2, Jordan Glass LC2, Kirsten Doyle LC3, Diane Montgomery (Integrated Action for Inclusion),  Izabella Pruska-Oldenoff LC4, Saira Chhibber, LC1, Jana Girdauskas, LC4, Trustee Michelle Aarts, Trustee Zakir Patel, Trustee Liban Hassan

Staff:

Audley Salmon, Associate Director, Nandy Palmer, System Superintendent, Special Education and Inclusion, Andrea Roach, Centrally Assigned Principal, Special Education, Katia Palumbo, Centrally Assigned Principal, Special Education, Effie Stathopoulos, Centrally Assigned Principal, Special Education, Susan Moulton, Centrally Assigned Principal, Special Education, Alison Board, Centrally Assigned Principal, Special Education, Wendy Terro, Centrally Assigned Principal, Special Education, Shameen Sandhu, System Leader, Mental Health and PSS, Mun Shu Wong, Media Services, Lianne Dixon, SEAC Liaison,

Regrets:

|  |  |  |  |
| --- | --- | --- | --- |
| Item | Discussion | Motion | Recommendation |
| Call to Order - Quorum  | Live stream announced – Audley Salmon chaired meeting until the election |  | Quorum achieved |
| Land Acknowledgement  | Read |  |  |
| Election of Chair and Chair | Thank you to Steve Lynette and Diane Montgomery for their hard work over the past year. Nominees Jean Paul Ngana and David Lepofsky were given an opportunity to speak to the committee Votes to be sent by email or private zoom chat to the liaison.Chair election took place firstVice Chair election took place second (Acclamation)New members were given an opportunity to introduce themselves | Jean-Paul Ngana was elected Chair of SEACMichelle Aarts was acclaimed as Vice Chair. |  |
| Approval of Agenda | Approved  | Motion to approve the agenda  | Carried |
| Approval of Minutes from SEAC Meeting November 2022 | Minutes were approved with a minor adjustment in notes of Effective Practices working group. | Motion to approve the minutes  | Carried |
| Conflicts of interest  | No Conflicts of Interest |  |  |
| Guest Speaker Nadya Tymochenko (Miller Thomson)Appendix A | **Overview:** 1. Corporate Structure
2. SEAC Statutory Authority
3. Purpose of Resolutions

**Key Points:**Nadya provided an overview of the Legal Authority that school boards have to comply with as well as those that govern SEAC. (Regulation 464/97) as an Advisory Committee. The role of SEAC was described in detail. **School Board Committees****Committees report to and speak through the Board of Trustees, and have no decision-making authority unless specifically authorized by statute.** * **Committee of the Whole Board; Standing Committees & Ad Hoc Committees pursuant to s.171(1)1**
* **Administrative Committees pursuant to s.171(1)2.**
* **Statutory Committees**
	+ **Audit s.253.1(1)**
	+ ***Student Discipline s.309(12); s.311.3(9)***
	+ **Parent Involvement O. Reg. 612/00**
	+ ***Supervised Alternative Learning O.Reg. 374/10***
	+ **Special Education Advisory s.57.1(1)**

**Prescribes membership, eligibility, quorum, voting, chair, term, alternates, *advisory role*, scope of authority to make recommendations*** **Defines SEAC as an advisory body to the Board of Trustees**
* **Terms of reference prescribed by regulations**
* **Further articulated in TDSB Terms of Reference**

**SEAC Advisory Role*****1. Programs and Services for Exceptional Pupils*****s.11(1) SEAC may “*make recommendations to the Board in respect of any matter affecting the establishment, development and delivery of special education programs and services for exceptional pupils of the board.”*****SEAC Advisory Role*****2. Review of Special Education Plan*****s.12(1) “*The Board shall ensure that SEAC is provided with the opportunity to participate in the annual review of the Special Education Plan*.”*****3. Review of Annual Budget*****s.12(2) The Board shall ensure that SEAC is provided with the opportunity to participate in the TDSB annual budget process, as it relates to special education.*****4. Review of TDSB Financial Statements*****s.12(3) The Board shall ensure that SEAC is provided with the opportunity to review TDSB’s financial statements, as they relate to special education.****5. Other: the Board may request comments or recommendations from SEAC on other matters before the Board, insofar as such matters relate to special education.**Terms of Reference:Many school boards don’t have Terms of Reference for SEAC, but instead have additional documents to support the advisory role such as calendars. Budget: Role to provide recommendations to the school board’s annual budget as it relates to Special Education. Different school boards have different ways of seeking consultation. SEAC’s main focus is on students who are identified as exceptional, but also students with disabilities who are not identified are included. Staff do not report to SEAC and SEAC does not direct staff. Staff are there as a resource to ensure SEAC has all that it needs to function and make recommendations.Resolutions to the board from SEAC are intended to be the voice of SEAC. It does not have an adjudicative role – but to provide advice on a general level as opposed to an individual student. SEAC is provided the opportunity to inform policy decisions and that will be adopted by the board or not. The board can adopt recommendations in different ways – can include in special education plan, or develop policy or prioritize through spending.SEAC doesn’t have authority to direct trustees. Trustees can accept recommendations or not. Before making a decision on a recommendation, the board can provide the opportunity for SEAC to be heard through presentation or report. Question was raised as to whether SEAC recommendations can be blocked from being presented to the whole board by a sub committee. It would be an expectation that it would reach the board some way – whether as part of a report or minutes of the subcommittee. It would depend on how the committee reports to the board. In TDSB, our recommendations go to PSSC and we don’t hear back from staff, PSSC or the board as to what happened to our motion/recommendation.Many SEAC’s create reports with recommendations on a topic and submit them rather than motions. Feedback loop should include hearing what has happened to recommendations in some format. We will follow up with this process in January/February. |  |  |
| Working Group Updates | Working Group updates were deferred due to lack of time. |  |  |
| Association Updates |  |  |  |
| Leadership Report | Parent/Guardian Webinar SeriesOn November 22 and November 23, 2022 Special Education and Inclusion held evening webinar sessions on An Introduction to Special Education and Inclusion in the TDSB for Parents/Guardians/Caregivers and Families. The recorded session can be viewed by anyone unable to attend the sessions by clicking [here](https://www.tdsb.on.ca/Learning-Equity-and-Well-Being/Special-Education-and-Inclusion/Parent-Guides-to-Special-Education-and-Inclusion). **Targeted Inclusion Support Strategy to Meaningfully Incorporate Assistive Technology**This year the Assistive Technology (AT) Team has been providing support to schools through the Targeted Inclusion School Support (TISS) model. The TISS model supports schools looking to meaningfully incorporate assistive technology through a co-planning and co-teaching model that supports TDSB’s equity and inclusion goals.**Special Education Additional Qualifications Subsidy**The Ministry of Education has provided funding to the TDSB to subsidize a wide-range of Special Education Additional Qualification courses in order to increase teacher knowledge and understanding of supporting students with special education needs. Teachers who have successfully completed an additional qualification (AQ) or additional basic qualification (ABQ) course in special education from any accredited AQ provider between September 1, 2022 and August 31st, 2023 are eligible to apply for one subsidy equal to the full cost of the AQ tuition. **IPRC Data - November 2022** November IPRCsLearning Centre 1 53Learning Centre 2 37Learning Centre 3 26Learning Centre 4 75 IPRCs Completed - 191IPRC Cumulative since August 2022 - 397Psychological Assessment Breakdown September to NovemberFor Comprehensive Assessments: October 2022 had 737 Waitlist and November 2022 has 727 with a reduction of **1.4%**.This chart indicates the breakdown of the **2249 psychological referrals (*Gifted, Comprehensive & DK*)** received since September 2022 to November 2022. * End of November 2022, **795 Compressive & DK Assessments are on the waitlist (*727 and 68 are Comprehensive & DK Assessments respectively*)**
* **103 Referrals are Gifted Assessments**
* **420 Referrals (*Comprehensive & Gifted*) have been completed since September 2022.**
* **745 Referrals (*Comprehensive, DK & Gifted*) are in progress**
* **186 (169 Comprehensive & 17 Gifted referrals) have been removed for some these following reasons**:
1. *The parent/guardian has not consented to the assessment*
2. *The student has left the board*
3. *The student moved out of the city/region/providence/country*
4. *Other supports were provided that supported the initial needs which initiated the assessment (trauma therapy; outside private psycho-educational assessment by parent/guardian; supports/differential strategies provided to the educators in the classroom that have positive outcomes etc.)*

**Comprehensive Assessments Aged Waitlist - November 2022**0-3 Months – 461, 64%4-6 Months – 119, 16%7-9 Months – 111, 15%10+ Months – 36, 5%TOTAL – 727Psychological staff have worked to complete all comprehensive assessments, that are 6 plus months.**Gifted Assessments Aged Waitlist - November 2022**0-3 Months – 96, 93%4-6 Months – 7, 7%7-9 Months – 0, 0%10+ Months – 0, 0%TOTAL – 103 |  |  |
| Trustees Report | Deadline for public feedback is December 16 for the National School Food policy. Link was shared by email with members.Families across the country are in crisis because of inflation and a lot of food programs in TDSB are at risk of running out money before the year is over.  |  |  |
| Other BusinessAdjournment Next Meeting: January 16, 2023 |  The meeting was adjourned at 9:12 pm |  |   |

Appendix A

SEAC Presentation - Nadya Tymochenko (Converted from Power Point)

1. Corporate Structure
2. SEAC Statutory Authority
3. Purpose of Resolutions

**Legal landscape for DSBs:**

* **Human Rights Code**
* **Education Act and other statutes (eg. PHIPA, MFIPPA, OHSA, AODA)**
* **Regulations made under statute**
* **Policy Program Memoranda**
* **Ministry Policy Documents (Learning for All)**
* **Board policies and procedures**
* **Board By-law**

**Right to education**

* **Right to education services is legislative, not inherent or constitutional;**
* **The provision of educational services is within a legislative framework;**
* **Roles and responsibilities are designed and interpreted through an administrative law framework**

**Administrative Law Principals**

**Principles include:**

1. **Governance class (elected or appointed) providing policy leadership;**
2. **Professional class being responsible for implementation and operation of policies;**
3. **Statutory powers of decision can be reviewed;**

**Corporate Structure**

**TDSB is a legal person, created as a corporation under the authority of the *Education Act*.**

***58.5 (1) Every district school board is a corporation and has all the powers and shall perform all the duties that are conferred or imposed on it under this or any other Act.***

* **Corporate authority, not legislative**
* **Roles defined by statute**
* **Duties defined by statute**
* **Powers defined by statute**

**School Board Committees**

**Committees report to and speak through the Board of Trustees, and have no decision-making authority unless specifically authorized by statute.**

* **Committee of the Whole Board; Standing Committees & Ad Hoc Committees pursuant to s.171(1)1**
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	+ **Special Education Advisory s.57.1(1)**

**Board Duties**

**“A creature of statute”**

**S.170(1)Every board shall:**

**7. Provide or provide or enter into an agreement with another board to provide in accordance with the regulations special education programs and special education services for its exceptional pupils;**

**SEAC**

**. 57.1 (1) Every district school board shall establish a special education advisory committee.**

**(3) The Lieutenant Governor in Council may make regulations governing,**

 **(a)  the establishment and composition of special education advisory committees;**

 **(b)  practices and procedures relating to special education advisory committees;**

 **(c)  the powers and duties of special education advisory committees;**

 **(d)  the duties of district school boards or school authorities in relation to special education advisory committees.**

**(4) A regulation under subsection (3) may be general or particular and may be made to apply to any class of board and for the purpose a class may be defined with respect to any attribute and may be defined to consist of or to exclude any specified member of the class, whether or not with the same attributes.**

**SEAC**

***Regulation 464/97 Special Education Advisory Committees***

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* **Defines SEAC as an advisory body to the Board of Trustees**
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**SEAC Advisory Role**

***1. Programs and Services for Exceptional Pupils***

**s.11(1) SEAC may “*make recommendations to the Board in respect of any matter affecting the establishment, development and delivery of special education programs and services for exceptional pupils of the board.”***

**SEAC Advisory Role**

***2. Review of Special Education Plan***

**s.12(1) “*The Board shall ensure that SEAC is provided with the opportunity to participate in the annual review of the Special Education Plan*.”**

***3. Review of Annual Budget***

**s.12(2) The Board shall ensure that SEAC is provided with the opportunity to participate in the TDSB annual budget process, as it relates to special education.**

***4. Review of TDSB Financial Statements***

**s.12(3) The Board shall ensure that SEAC is provided with the opportunity to review TDSB’s financial statements, as they relate to special education.**

**5. Other: the Board may request comments or recommendations from SEAC on other matters before the Board, insofar as such matters relate to special education.**

**SEAC Membership**

**Appointed by Board of Trustees from amongst nominees from:**

* **Local Associations (1 nominee per association, from up to 12 associations). s.2(1)(a)**
* **Up to 2 Trustees. s.2(1)(c)**
* **Members at large (1 or more). s.2(1)(f) and 2(5)**
* **Representatives of First Nations students. (1 or 2) s.2(1)(e)**
* **Term is same as Board of Trustees – 4 years**
* **A local association may also nominate alternate (s.2(1)(b))**
* **The Board of Trustees may also appoint up to 2 alternates (s.2(1)(d))**
* **Alternates are not members. No right to vote or participate if the member is present**

**Duty of Care**

* **Regardless of source of nomination, obligation once appointed is to provide the Board with advice that is in the best interests of the TDSB, and provision of special education services to all exceptional circumstances.**
* **Duty to be knowledgeable about the education related needs of all exceptionalities, and how TDSB can support and accommodate those needs.**

**Role of Staff**

* **s.10(1) ensure availability of the personnel and facilities the Board considers necessary for the proper functioning of SEAC,.**
* **s.10(2) provide members and alternates with information and orientation respecting the role of SEAC, Ministry and board policies relating to special education**
* **Staff do not report to SEAC**

**Chair and Vice Chair**

* **Members of SEAC elect the Chair and Vice Chair s.9(3)**
* **Chair must ensure speakers address agenda item**
* **Maintain/enforce decorum**
* **Assist with procedure, such appropriate SEAC motions**
* **Communicate with Board, as approved by SEAC resolution**
* **SEAC must meet 10 times per school year. s.9(8)**

**SEAC Meetings**

* **Deemed to be in attendance if attending electronically**
* **Majority of SEAC members in attendance in person or electronically constitutes quorum. (s.9(1))**
* **Meetings must be open to the public**
* **MFIPPA prevents the board from discussing personal information of any student or staff person.**

**SEAC Advice to Board**

* **Resolutions are in the form of a recommendation for adoption by the Board of Trustees**
* **SEAC does *not* have a fact finding or adjudicative role**
* **SEAC is provided with an opportunity to inform policy decisions of the Board of Trustees not operational implementation by staff**
* **SEAC does not have authority to direct the Board of Trusteees**
* **SEAC does not have authority to require staff action**
* **Before making a decision on a recommendation from SEAC, the Board shall provide SEAC with an opportunity to be heard by the Board, and any committee of the Board to which the recommendation is referred for consideration. (s.11(2))**
	+ **Typically accompanied by a rationale and/or report as approved by SEAC**
	+ **May seek to delegate a Board Committee or the Board of Trustees**
* **A report noting opposition to a SEAC resolution may also be submitted to SEAC and the Board, and identified as a “Minority Report”.**
	+ **A description of a minority report must be included along with the Special Education Plan submitted to Ministry.**

**Motions**

* **Committees/boards “speak through their resolutions”**
* **SEAC duty of care to the Board is demonstrated through its resolutions**
* **Resolutions require approval of a simple majority (50% +1) of the votes cast.**
* **A motion receiving approval by an equality of votes is lost.**
* **Fundamental to Rules of Procedure: Minority view has the right to be heard. Majority view has the right to govern.**