



Learning Disabilities Association of Ontario

Public Policy and Procedure Manual
2002

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Introduction

The LDAO Public Policy and Procedure Manual, previously known as the Critical Issues Register, was originally developed in 1986, one year after the full implementation of the special education legislation generally known as Bill 82. By that time, every school board had a Special Education Advisory Committee (SEAC) in place. It was recognized that for LDA nominated SEAC members to speak with a common voice about the needs of students with learning disabilities, LDAO needed to develop a policy manual.

The Critical Issues Register was revised and updated in 1989 and again in 1993. Rather than exclusively focussing on students and special education legislation, the manual was expanded to include policies on numerous other areas of legislation and public policy which relate to the work of LDAO, its chapters and satellites. In addition to chapters, satellites and SEAC representatives, copies of the manual have been widely used by school boards, agencies and parent organizations, in order to ensure that they understand better the policies that all LDAO members espouse.

In 1995, a subcommittee was appointed under the able leadership of Jean Carberry to begin a major overhaul of the material contained in the Critical Issues Register. Other members of the subcommittee included: Jan Genge, Heather Holden, Liz Inglis, Douglas Waxman and Lynn Ziraldo. LDAO staff provided support to the subcommittee from time to time. Over the following three years the members of the subcommittee met frequently and worked hard to ensure that current policies were updated and new policies were developed in response to LDAO's ongoing legislative and government liaison activities. Although there were and in fact continue to be many changes pending in the Government's educational, health and social service reform agenda, it was decided in 1998 that the project must be completed. Eva Nichols, LDAO's Legislation and Government Liaison Consultant and Sarah Nichols, a qualified lawyer who worked on the 1989 version of the Critical Issues Register, undertook the rather formidable editing process. It was at this time that the name of the manual was changed to the LDAO Public Policy and Procedure Manual and the format was changed to the current three ring binder format.

In 2001, under the leadership of Jean Carberry, Chair of the LDAO Educational Policy and Legislation Committee and LDAO Board member, with the participation of the members of the Adult Advocacy and the Educational Policy and Legislation Committees and the LDAO staff, Eva Nichols once again embarked on a major review of the manual. Seventy new policies have been developed to reflect LDAO's legislation and policy development activities.

The Board of Directors of the Learning Disabilities Association of Ontario wish to thank all those who worked so diligently to assist in the preparation of the 2002 version of the Public Policy and Procedure Manual. They also wish to acknowledge at this time the efforts of the large group of men and women who represent LDAO and students with learning disabilities on their school board's Special Education Advisory Committees, as well as other chapter and satellite volunteers. This document is dedicated to them, for without their hard work and achievements, this Association would not be recognized as a Provincial leader in supporting and working with and on behalf of persons with learning disabilities.

Carol Yaworski
Executive Director

LDAO's Role

The Learning Disabilities Association of Ontario is a non-profit, volunteer-led organization dedicated to the advancement of educational, training and employment opportunities for persons with learning disabilities. LDAO acts as a catalyst and a resource for the development of appropriate community services for the ten percent of the population who have learning disabilities.

Access Policy

The primary mandate of LDAO is to support and advocate for people with learning disabilities, whether identified or suspected, throughout Ontario in order to work towards achieving its mission statement.

LDAO advocates for and endorses the provision of its services, supports and guidance to all persons who seek these services about and on behalf of people with learning disabilities, regardless of their racial, ethnic, linguistic and/or socio-economic background.

LDAO encourages and welcomes the involvement of people of all racial, ethnic, linguistic and/or socio-economic backgrounds as volunteers, board members or paid staff within LDAO.

LDAO will continue to reach out to communities and agencies serving other diverse populations to ensure that they are aware of the work of LDAO and of the importance of helping people with learning disabilities within their client/consumer group.

Practical Suggestion for Working with People from Diverse Backgrounds

We need to be sensitive to the fact that the term “learning disabilities” is not used in many other countries. The term does not readily translate into certain languages without creating confusion about intellectual capacity. Therefore, it may be helpful to describe the condition without necessarily translating the term.

Remember that in many parts of the world, the preferred term for all learning disabilities (not just reading disabilities) is “dyslexia”. Therefore, do not dismiss the identification just because the person can read but has difficulties with other tasks.

Remember that a parent for whom English is a second language and who is dealing with the concept of their child’s learning disabilities for the first time will be as devastated as any other parent. This may, however, manifest itself by reducing their apparent English fluency and/or competence. Therefore, you may need to find an interpreter to assist or resume your discussion after the first shock has worn off.

If you are working with an interpreter, ensure that the interpreter understands fully what learning disabilities are and can explain them in a non-threatening, culturally appropriate manner. Within the aboriginal community, the term “disability” is generally seen as pejorative. You may have to focus on learning differences or difficulty with certain learning tasks in order to establish some

meaningful communication around this issue.

It is very important that in any communication with any person we use non-threatening, readily understood terminology and are sensitive to the individual's cultural background.

Membership of the Educational Policy and Legislation Committee 2001/2002

Jean Carberry, Committee Chair, LDAO Board member, LDA Toronto

Peter Chaban, Vice Chair, LDAO Board member, Hospital for Sick Children, Toronto

Roy Cooper, LDAO Board member, LDA Ottawa-Carleton

Greta Cramer, LDA Kitchener-Waterloo

Mark Handley-Derry, developmental paediatrician

Heather Holden, LDA Halton

Liz Inglis, LDA Toronto

Mary-Ann Meagher, LDA, Peterborough,

Toni Sano, LDA Hamilton-Wentworth

Ruth Taber, LDAO Board member

Lynn Ziraldo, LDA York Region

Douglas Waxman, LDAO President (ex officio)

Bruce Drewitt, Policy Branch, Ministry of Education (ex officio)

Gisele Forest, Policy Branch, Minstry of Education (ex officio)

Eva Nichols, LDAO Legislation and Government Liaison Consultant

Carol Yaworski, LDAO Executive Director

Joan Schiff, LDAO Publicity Co-ordinator

How to Use Your Copy of the Public Policy and Procedure Manual LDAO 2002

The Public Policy and Procedure Manual LDAO 2002, is a very important document for you, particularly if you are a chapter or satellite representative on your local school board's Special Education Advisory Committee. Other people who use this material are chapter volunteers and staff, who routinely deal with requests for information.

As a SEAC representative and/or a chapter volunteer or staff, it is expected that you will be familiar with LDAO policies and that you will uphold and proclaim these policies when you act on behalf of your chapter, satellite or LDAO. It may be that, as a result of your personal experiences as a person with a learning disability or the parent of a child with learning disabilities, you find it difficult to support some of these policies. But when you are acting as a SEAC representative or working on behalf of any part of the Association, your personal opinions are simply not relevant if they differ from LDAO's approved policies.

Every policy contained in this document has been discussed, amended if necessary and approved by the Educational Policy and Legislation Committee, the Adult Advocacy Committee and the LDAO Board. It is LDAO policy that, when they are acting on behalf of LDAO, chapters, satellites, staff and volunteers must support these policies.

You will find that this manual has a different format from the previous versions. Each policy is on a page by itself. The policy statement is in a box on the top of the page. Below that is a statement, the ***rationale***, which explains why LDAO has this policy and what it means. The third section on each page is the listing of ***references***, which cite legislation and LDAO responses, briefs and letters to legislation. Should you need more information about a particular policy, all references cited are available either from your chapter's office or from the LDAO office in Toronto. In most cases, when you have to quote a policy to support a statement or a motion that you have presented, the legislation should be enough to support your argument. If, however, you are asked for more, then you may wish to follow up further on the references.

We suggest that you read through this whole document from beginning to end, in order to familiarize yourself with the contents. Even if you feel that you know everything that was in the previous version, the 1999 Manual, you should do this. Many of the policies have been amended and/or expanded, while many others are new, reflecting the significant efforts that LDAO has been making in the area of legislation and government liaison during the last few years. Once you are familiar and comfortable with the contents, then you should use the manual as a reference document whenever you speak to an issue or share information about LDAO's policies.

The policies have been divided into nineteen sections. By looking at the list of these sections in the Table of Contents, you will find policies relating to key topics. On the first page of every section you will find a list of all the policies within that section. In Appendix J at the end of the manual, you will find a full listing of all the policies with the date when each was approved by the Educational Policy and Legislation Committee. The appendices will be useful when you are dealing with specific issues. For example, the listing of legislative references is information that you may need to access frequently. A few pages are certainly easier to use than your full copy of the Education Act and the Regulations.

You will notice that all policies begin with either “LDAO advocates” or “LDAO endorses”. The policies that start with “LDAO advocates” focus on issues which call for legislative change, either as new or changed legislation. These policies can be described as “proactive”.

The policies that start with “LDAO endorses” relate to current legislation, funding or services, which, if implemented as legislated, would be beneficial for people with learning disabilities. These policies can be described as “reactive”. Our concern in many of these policies is that we cannot reliably count on compliance on the part of government, school boards, social service agencies and so on.

Nevertheless, we hope that the differentiation between these two types of policies will be helpful to you in your work.

We recommend that if you are a SEAC representative you ensure that the special education staff at your school board and the representatives of other associations on your SEAC are at least aware of the existence of the **LDAO Public Policy and Procedure Manual**. If they are interested, then you can share the information and even make arrangements for them to purchase their own copies of the manual. Please do not photocopy the contents of your manual for anyone, whether that is a member of your chapter, staff at the school board or anyone else.

A concern has been expressed in the past that by sharing the contents of our policy manual with school boards and other organizations, we are giving away our best “weapons”. Please remember that the manual is not a weapon in our hands and it is not directed against the Government or school boards or members of other associations. There is nothing in it that does not have a sound basis, a firm rationale and is not linked to the needs and legislated rights of persons with learning disabilities. The more knowledgeable others are about our policies and the rationale for them, the more effectively we can use them to advocate for our population.

Good luck to all of you! If you have any questions about the manual and its contents or you wish to obtain additional copies, please do not hesitate to call the LDAO Office.

Definitions of Learning Disabilities

Currently in Use in Ontario

1. World Health Organization definition (1975)

Disorders in which the main feature is a serious impairment in the development of other learning skills which are not explicable in terms of general intellectual retardation or of inadequate schooling.

2. Ontario Human Rights Code definition (1981)

A learning disability or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language [Section 9 (1) (b) (iii)]

3. Ministry of Education definition (1999)

A learning disorder evident in both academic and social situations that involves one or more of the processes necessary for the proper use of spoken language or the symbols of communication, that is characterized by a condition that:

- a) is not primarily the result of:
 - X impairment of vision;
 - X impairment of hearing;
 - X physical disability;
 - X developmental disability;
 - X primary emotional disturbance;
 - X cultural difference;
- b) results in a significant discrepancy between academic achievement and assessed intellectual ability, with deficits in one or more of the following:
 - X receptive language, e.g. listening, reading;
 - X language processing, e.g., thinking, conceptualizing, integrating
 - X expressive language, e.g., talking, spelling, writing
 - X mathematical computations.
- c) may be associated with one or more conditions diagnosed as:
 - X a perceptual handicap;
 - X a brain injury;
 - X minimal brain dysfunction;
 - X dyslexia;
 - X developmental aphasia.

4. LDAO definition (2001)

"Learning Disabilities" refers to a variety of disorders that affect the acquisition, retention, understanding, organization or use of verbal and/or non-verbal information. These disorders result from impairments in one or more psychological processes related to learning ^a, in combination with otherwise average abilities essential for thinking and reasoning. Learning disabilities are specific not global impairments and as such are distinct from intellectual disabilities.

Learning disabilities range in severity and invariably interfere with the acquisition and use of one or more of the following important skills:

- X oral language (e.g., listening, speaking, understanding)
- X reading (e.g., decoding, comprehension)
- X written language (e.g., spelling, written expression)
- X mathematics (e.g., computation, problem solving)

Learning disabilities may also cause difficulties with organizational skills, social perception and social interaction.

The impairments are generally life-long. However, their effects may be expressed differently over time, depending on the match between the demands of the environment and the individual's characteristics. Some impairments may be noted during the pre-school years, while others may not become evident until much later. During the school years, learning disabilities are suggested by unexpectedly low academic achievement or achievement that is sustainable only by extremely high levels of effort and support.

Learning disabilities are due to genetic, other congenital and/or acquired neuro-biological factors. They are not caused by factors such as cultural or language differences, inadequate or inappropriate instruction, socio-economic status or lack of motivation, although any one of these and other factors may compound the impact of learning disabilities. Frequently learning disabilities co-exist with other conditions, including attentional, behavioural and emotional disorders, sensory impairments or other medical conditions.

For success, persons with learning disabilities require specialized interventions in home, school, community and workplace settings, appropriate to their individual strengths and needs, including:

- X specific skill instruction;
- X the development of compensatory strategies;
- X the development of self-advocacy skills;
- X appropriate accommodations.

^a The term "**psychological processes**" describes an evolving list of cognitive functions. To date, research has focused on functions such as:

- X phonological processing;
- X memory and attention;
- X processing speed;
- X language processing;
- X perceptual-motor processing;

- X visual-spatial processing;
- X executive functions; (e.g., planning, monitoring and metacognitive abilities).

This definition is supported by a background document entitled *Operationalizing the New Definition of Learning Disabilities for Utilization within Ontario's Educational System, LDAO, 2001*. (See Appendix G)

5. National Joint Committee on Learning Disabilities definition (1990)

Learning disabilities is a general term that refers to a heterogeneous group of disorders manifested by significant difficulties in the acquisition and use of listening, speaking, reading, writing, reasoning or mathematical skills.

These disorders are intrinsic to the individual, presumed to be due to central nervous system dysfunction and may occur across the life span. Problems in self-regulatory behaviours, social perception and social interaction may exist with learning disabilities, but do not, by themselves, constitute a learning disability.

Although learning disabilities may occur concomitantly with other disabilities (e.g. sensory impairment, mental retardation, serious emotional disturbance) or with extrinsic influences (such as cultural differences, insufficient or inappropriate instruction) they are not the result of those conditions or influences.

6. LDAO Working Description of Learning Disabilities (1998)

Learning disabilities can affect the way in which a person takes in, remembers, understands and expresses information.

People with learning disabilities are intelligent and have abilities to learn despite difficulties in processing information.

Living with a learning disability can have an ongoing impact on friendships, school, work, self-esteem and daily life.

People with learning disabilities can succeed when solid coping skills and strategies are developed.

Incidence

It is generally accepted that the incidence of learning disabilities within the general population is in the range of 10%.

This incidence rate, first reported in the United States as the low end of the range, was confirmed and cited by a number of Canadian studies. These included the Children with Emotional and Learning Disorders in Canada ("CELDIC") Report, published in 1972, and a follow-up report of the Canadian Paediatric Society published in 1974. Most American studies cite an incidence rate of 10 to 15%.

The 1989 Statistical Profile of Disabled Persons in Ontario, published by the Government of Ontario and based on the previous census, reported an incidence rate of 16%.

The most recent figures available from the Ministry of Education report a total of over 90,000 students identified as having learning disabilities within the schools of Ontario. This represents approximately 4.5% of the school age population and 50% of all identified exceptional students. LDAO estimates that another significant percentage of the school-aged population has learning disabilities, ranging from mild to moderate to severe.

The USA educational system reports a 7% figure for those who are formally identified within the school system as having a learning disability.

Most of these statistics are based on the number of children and adolescents identified and are extrapolated to the adult population. There are few studies that focus exclusively on the adult population. However, a 1993 article in the New England Journal of Medicine cited the incidence of developmental dyslexia in the general population at over 5%. Since other studies state that approximately 50% of those who have learning disabilities have dyslexia, this appears to confirm the 10% incidence rate.

Finally, it is worth noting that both the American Interagency Committee on Learning Disabilities, which reported to the US Congress in 1987 and the 1992 report of the Ontario Interministerial Working Group on Learning Disabilities have used the 10% incidence rate for the development of their recommendations.

Special Education Advisory Committees

The Education Act section 57.1 requires every district school board and school authority to establish a Special Education Advisory Committee ("SEAC"). The details relating to the functions and mandates of SEAC are in Regulation 464/97. The purpose of this section is to set out the legislative requirements governing a SEAC and its members and provide some guidelines for current and prospective members. Policies relating to SEAC members are set out in part A of the Public Policy and Procedure Manual LDAO 2002.

I. LEGISLATIVE REQUIREMENTS

Purpose of a SEAC

The role of a SEAC as set out in the governing legislation is to:

...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. Regulation 464/97, s11(1)

Before making a decision about any recommendation, the board is required to provide an opportunity for the SEAC to be heard before the board and any committee to which the recommendation has been referred. However, the board is not required to accept or implement a recommendation of the SEAC.

In addition, the board must ensure that the SEAC is provided with the opportunity to:

- participate in the annual review of its special education plan
- participate in the annual budget process to the extent that it relates to special education
- review the financial statements of the board as they relate to special education

Composition of a SEAC

Regulation 464/97 sets out in detail who is to be appointed to a SEAC. A school board appointed SEAC must consist of:

- (a) one representative from each of the local associations that operates locally, provided that no more than 12 representatives will be appointed
- (b) one alternate from each of the local associations who has a representative appointed
- (c) a set number of representatives from the board, determined in accordance with the regulation
- (d) if the number of board representatives appointed under subsection (c) is less than three, one alternate from the board
- (e) if the board is required under the Education Act to have one or more members to represent the interests of Indian students, one or two members to represent the interests of Indian students
- (f) one or more additional members appointed by the board at their discretion who are neither representatives of a local association or members of the board or another committee of the board.
[Regulation 464/97, s2(1)]

The number of school board representatives is equal to either 25% of the total number of board members (rounded down) or 3, whichever is less.

A SEAC established by a school authority has a reduced number of local association and authority representatives: 2 local association representatives (and one alternate) and 1 authority representative (and one alternate).

Local Associations

A “local association” is defined as:

...an association or organization of parents that operates locally within the area of jurisdiction of a board and that is affiliated with an association or organization that is not an association or organization of professional educators but that is incorporated and operates throughout Ontario to further the interests and well-being of one or more groups of exceptional children or adults.
[Regulation 464/97, s1]

LDAO is an association operating throughout Ontario to “further the interests and well-being” of children with learning disabilities, a defined exceptionality. As such, local chapters and satellites of LDAO are eligible to seek representation on their local SEAC.

A SEAC may not have more than 12 local association representatives. If more than 12 seek appointment to the SEAC, the board is to decide which 12 will be represented. To date, LDAO has never been denied representation when a member has been nominated.

Local association members and alternates are nominated by the association and appointed by the local board or authority. Appointment by the board is generally automatic upon nomination by the local association.

Eligibility for Nomination

To be eligible, a nominee must be qualified to vote for members of the board, which means that he or she must be:

- a Canadian citizen
- 18 years of age or older
- a local resident
- qualified as an elector of that board and not eligible to vote for members of another board (for example, a separate or French language school board)

and must **not** be an employee of the board in question.

A member or alternate will automatically lose his or her seat if he or she:

- is convicted of an indictable offence and the time for appeal has lapsed or an appeal has been unsuccessful
- misses three consecutive meetings which he or she is required to attend unless authorized to do so by the SEAC, as evidenced by a resolution entered in the minutes
- no longer meets the requirements for membership as set out above

When a vacancy occurs, a replacement member will be appointed in accordance with the general regulations. The replacement will be drawn from the same category of member as the person he or

she is replacing. Until a replacement has been appointed, the alternate is required to attend the meetings.

Term of Appointment

SEAC members are appointed for the same duration as board members. Each member who remains eligible for membership retains his or her position until a new board is organized.

Meetings of the SEAC

The SEAC must meet at least 10 times a year. Members are required to attend all meetings of the SEAC. When a member cannot attend, he or she must advise the alternate, who is then required to attend that meeting. As set out above, failure to attend three consecutive meetings will result in the member being removed.

Meetings may be held electronically. Specific regulations govern the holding of electronic meetings and these requirements must be met for a valid electronic meeting to be held [Regulation 463/97].

At the first meeting of a new SEAC, a chair and vice-chair must be elected. The chair, and in his or her absence, the vice-chair are responsible for the running of meetings. If neither the chair nor vice-chair are present at a meeting, the remaining members must elect a person to act as chair for that meeting.

Each member (including the chair and vice-chair), or his or her alternate, has one vote. All decisions of the SEAC must be made by a majority of the members present. Where a vote is even, the motion fails.

Quorum for a meeting is a majority of the total number of members. For example, if the SEAC consists of 17 members (12 local association representatives, 3 trustees and 2 community members), quorum would be 9 people in attendance at a meeting.

Assistance of the Board

The board is required to make available to the SEAC “the personnel and facilities that the board considers necessary for the proper functioning of the committee”. [Regulation 464/97, s10(1)]

The board is also required to provide the members and alternate members of the SEAC with information and orientation respecting:

- the role of the committee and of the board in relation to special education
- Ministry of Education and school board policies relating to special education

II. RESPONSIBILITIES OF SEAC REPRESENTATIVES AND ALTERNATES: BEST PRACTICE

Representatives and alternates must familiarize themselves with the policies of LDAO as set out in this manual. In particular, representatives and alternates must meet to the best of their abilities the policies relating to SEAC representatives set out in Part A of the Manual.

In addition, the Provincial Parent Association Advisory Committee on Special Education (“PAAC”) has developed a comprehensive handbook for SEAC representatives. All SEAC representatives and

alternates should ensure they have a copy of and are familiar with this document.

SEAC representatives and alternates will also receive a monthly SEAC circular from LDAO which contains information (for example, changes to legislation or matters arising in other boards) and examples of best practice. All SEAC representatives and alternates should ensure that they receive and read these circulars.

Act for all Students

It is imperative that SEAC representatives and alternates represent and focus on the interests of all exceptional students in the board. Although LDA nominated representatives and alternates do represent the interests of students identified as having learning disabilities, this should not be at the expense of other exceptional students in the board. It is in the interests of all students, exceptional and non-exceptional, that the SEAC focus on enabling all students to achieve the same learning goals.

Individual cases are not to be raised at the SEAC or with the board. The confidentiality of information about parents and children served by the chapter or satellite must at all times be respected.

Representatives and alternates nominated by LDA chapters and satellites must consider all proposed decisions and recommendations in the context of the rights and needs of students with learning disabilities. LDAO policies and chapter or satellite input must be considered at all times. At times, the interests of students with learning disabilities may differ from students with other exceptionalities. For example, a decision to eliminate all self-contained special education classes "in the interests of all students", as has been proposed by other local associations, is not in the interests of students with severe learning disabilities and is contrary to LDAO policy. An LDA nominated representative must speak and vote against such a motion.

SEAC representatives and alternates should to the best of their abilities develop a good working relationship with the other members of the SEAC, particularly those representing other local associations. The interests of all exceptional students are served by a strong SEAC whose members work constructively for positive change.

Selection and Nomination of Representatives and Alternates

A chapter or satellite seeking representation for the first time on their local SEAC should write to the director of education. The letter should include:

- X the name and qualifications of the person being nominated
- X if an alternate is being nominated at the same time, the name and qualifications of the alternate
- X a statement that the person being nominated (and alternate, if relevant) meets the legislative requirements to sit as a member of a SEAC

It is not mandatory to nominate an alternate at the time that representation is sought, and failure to nominate an alternate is not grounds for the board to refuse the chapter or satellite representation on the SEAC.

Where there is a sitting representative or alternate who is to be replaced (either at the commencement of a new SEAC or as a result of the resignation or removal of the person), notification of the change should be provided in writing to the director of education and the chair of the SEAC. The qualifications

of the replacement representative or alternate should be included in this notice.

Conduct of Meetings

Regular attendance at meetings is required in the legislation. Representatives should also to the best of their ability be actively involved in the meetings.

Representatives and alternates should ensure that they receive and read all SEAC materials, including agendas and minutes of meetings. If alternates are not provided with these materials by the SEAC, the representative is responsible for ensuring that copies are provided to the alternate in a timely manner.

If possible, alternates should attend meetings. Where this is not feasible, representatives should meet regularly with their alternates to inform them of the details of what has happened at the meetings of the SEAC.

If a representative is unable to attend a meeting, he or she must advise the alternate as soon as possible to allow the alternate sufficient time to prepare for and attend the meeting. Similarly, if a representative has to resign for any reason, he or she must give sufficient notice to the alternate and the nominating chapter or satellite to enable a replacement (whether or not the alternate) to be selected. A representative should not advise the chair of the SEAC of his or her intention to resign until the matter has been discussed with the chapter or satellite.

If a representative is elected chair or vice-chair of the SEAC, he or she must be familiar with how to conduct a meeting (for example, in accordance with Robert's Rules of Order). Information on how to conduct meetings is available from LDAO.

It is in everyone's interest for constructive discussion to be fostered at meetings of the SEAC. Representatives and alternates should to the best of their abilities develop good communication skills. In addition, behaviour aimed at discouraging discussion (for example, dismissive comments or bullying) is unacceptable.

Primary responsibility for the conduct of meetings lies with the chair. A representative or alternate who has concerns about the conduct of the meetings or the behaviour of a member should discuss the matter confidentially with the chair or, if necessary, an appropriate member of the board.

Meetings Open to Public

All SEAC meetings are open to the public and parents and chapter or satellite members are encouraged to attend. However, it is important that parents understand that the details of their individual case cannot be raised at meetings of the SEAC.

Agenda/Minutes

The agenda for each meeting is prepared by the chair of the SEAC with input from the members. Representatives (and where appropriate, alternates) should take an active interest in the agenda and ensure that items of interest or concern to the chapter or satellite are included for discussion.

Meetings should include regular reports from board representatives about decisions of the board which affect special education or services and regular updates about the programming and services provided by the board. SEAC members may wish to visit classes to familiarize themselves with special

education programming; this should be encouraged as appropriate.

Particular items may be placed on the agenda either by request (either at a meeting or between meetings) or, if this proves ineffective, by formal motion. In addition, time should be set aside at every meeting to discuss new business.

Representatives (and alternates, as appropriate) should read the minutes of every meeting carefully to ensure they reflect their recollection of the meeting. Approval of the minutes is not a mere formality; where there is a valid concern about the accuracy of the minutes, it should be discussed at the next meeting.

Motions

A representative wishing to make a motion should, where possible, discuss the content and wording of the motion with the chapter or satellite before the meeting.

A motion is made by a member stating “I move that...”. A seconder is generally required for all motions and it is wise to line up someone to second your motion before the meeting. As a matter of courtesy, if another member makes a motion and there appears to be no one to second it, a representative should second the motion unless he or she feels that it is frivolous or clearly contrary to the interests of LDAO.

When speaking on a motion, it is generally good practice to address all comments to the chair and to start by indicating whether you are speaking for or against the motion. This can be done by starting your comments with “Madame Chair, I wish to speak for the motion”.

A member may amend the motion by stating “I wish to amend the motion by...”. The SEAC must vote on any amendment to the motion before voting on the motion itself.

Representatives and alternates should ensure that they are familiar with their board's by-laws and SEAC operating procedures. Individual SEACs may operate differently from the general rules of procedure set out above.

Annual Review of Special Education Plan

Every school board is required by law to prepare a special education plan and review the plan annually [Regulation 306]. The SEAC must be involved in this review process and representatives (and alternates, as appropriate) should be actively involved in this process [Regulation 464/97, s12(1)]. Representatives and alternates should be familiar with what information is to be included in the special education plan and should seek input from the chapter or satellite and LDAO about particular areas of concern to be addressed in the review process.

Every school board, even those which have recently amalgamated with other boards, is required to have a special education plan. The plan must be submitted to Ministry of Education for approval by 15 May 1999. Before that date, the plan should be discussed, amended if necessary and approved by the SEAC and the board. After 15 May 1999, the plan is to be reviewed annually, with any proposed amendments submitted to Ministry of Education by 15 May of that year.

Ministry of Education directives state that the plan should address:

- X early identification and prevention procedures
- X informal approaches to solving problems prior to IPRC
- X IPRC process
- X appeal process
- X educational and other assessments
- X categories of exceptionalities and definitions
- X special education programs and services
- X special education programs and services specific to an exceptionality
- X support personnel
- X staff development plan
- X school health support services
- X school support (for example, violence free schools policy, peer supports)
- X accountability structure
- X communication (for example, parents' guide)
- X involvement of other ministries and agencies
- X revenues and allocation of special education resources
- X provision of transportation
- X links to government initiatives (for example, MCSS healthy babies, healthy children)
- X links to local community initiatives

Questions which should be considered during the review process include:

- X has the review process included input and recommendations from parent associations, teachers, principals, administrative and other educational staff
- X does the plan conform to the requirements of the relevant legislation
- X how are student assessments done and by whom
- X is there a sufficient number of placements for all the exceptional students in the board
- X is there a sufficiently broad spectrum of placement options
- X are the IPRC procedures effective, allowing adequate participation of parents and students, where appropriate, at all stages
- X have there been any appeals in the past year and what, if any, amendments have been made to the plan to address the issues raised in the appeals
- X what professional development plans are in place for school personnel
- X what procedures are in place for cooperation with other relevant government and community agencies (for example, Children's Aid Societies or the Ministry of Health)
- X does the plan as a whole adequately address the needs of exceptional students in the board

Review of Financial Statements/Budget Process

The SEAC must be involved in the budget process and review of financial statements to the extent that they affect special education [Regulation 464/97, s12(2),(3)]. Again, representatives and alternates should be actively involved in this process.

Representatives and alternates should be familiar with how education is funded in Ontario and the legal requirements imposed on boards regarding accountability for spending these funds. In particular,

accountability regarding the spending of funds earmarked for special education falls within the concerns of the SEAC.

Representatives and alternates should familiarize themselves with the documentation involved in such a review. Any questions or concerns about the format should be addressed to the people who prepared the documents; the board should ensure that someone is available to go through the documents with the members of the SEAC.

It is not expected that representatives and alternates become experts in accounting procedure. However, it is important that the financial side of special education provision be scrutinized. Representatives and alternates are encouraged to seek assistance in this process from the chapter or satellite or, if considered appropriate, LDAO. It is important to remember that these documents are part of the public domain and are not confidential.

Part A **SEAC Policies**

The policies in this section relate to the role of LDA nominated representatives and alternates on SEACs in Ontario. These policies should be read in conjunction with the Special Education Advisory Committees section in the introduction to this manual.

Policies

- A1 SEAC Representatives
- A2 Appointment of SEAC Representatives and Alternates
- A3 SEAC Representatives to Abide by Legislative Requirements
- A4 Active Participants
- A5 Active Members of Chapter or Satellite
- A6 Chapter, Satellite and LDAO to be Informed
- A7 Continuing Education
- A8 Relationship with SEAC and Board
- A9 Conduct of Meetings
- A10 Presentations and Submissions to SEAC or Board
- A11 Act as Resource for Parents and Community
- A12 SEAC Representatives as Advocates

SEAC Representatives and alternates

LDAO advocates that all LDAO nominated SEAC representatives and alternates abide by and act in accordance with all LDAO policies as set out in the Public Policy and Procedure Manual 1999.

Rationale

LDAO nominated SEAC representatives and alternates represent the interests of all students with learning disabilities. It is important that LDAO, its chapters, satellites and representatives present a united face and uniform set of goals to the various institutions, including school boards, with which they work to better the situation of people with learning disabilities throughout Ontario. Compliance with this policy is a requirement for chapter/satellite charter retention.

References

Education Act, s57.1
Regulation 464/97
LDAO bylaws and policies, including charter retention requirements

Appointment of SEAC Representatives and Alternates

LDAO advocates that all SEAC representative and alternate candidates who meet the eligibility requirements set out in Regulation 464/97 and who are duly nominated by the local association in accordance with the requisite sections of the Regulation be appointed to the local SEAC by the school board.

Rationale

Regulation 464/97 is ambiguous in its description of the obligation of school boards in appointing local association nominees to their SEACs. In the document which sets out the standards for school board special education plans and processes this is not adequately clarified. During the training sessions offered by the Ministry of Education to school boards in the spring of 2001, it was stated that "school boards have an obligation to appoint duly nominated and eligible alternates and representatives of Indian pupils". It was further stated that it is the intent of the Ministry and the Regulation that school boards appoint eligible and duly nominated SEAC representatives. There is no clear rationale for this differentiation in the appointment process. Ministry personnel stated that this will be addressed and the Regulation will be amended to clarify the appointment process.

Until such time that this clarification and amendment are made, there is a need for this policy for the purposes of consistency and accountability.

References

Education Act, s57.1
Regulation 464/97
Standards for School Board Special Education Plans, 2001
LDAO bylaws and policies, including charter retention requirements

Policy A3

SEAC Representatives to Abide by Legislative Requirements

LDAO advocates that LDAO nominated SEAC representatives or alternates who at any time cease or consider that they may cease to meet the legislative requirements for membership of a SEAC advise their nominating body immediately.

Rationale

Continuity of representation on a SEAC is important to ensure that the interests of people with learning disabilities are addressed by school boards. A SEAC representative or alternate must be familiar with and act in accordance with the policies of LDAO and the legislated requirements for SEAC representatives.

References

Education Act, s57.1

Regulation 464/97

LDAO bylaws and policies, including charter retention requirements

Active Participants

LDAO advocates that all LDAO nominated SEAC representatives and alternates be active participants on their SEAC and represent the interests of all exceptional students as well as students with learning disabilities within the board. As such, SEAC representatives and alternates will ensure that they:

- have a working knowledge of the special education programs and services provided by the board
- are knowledgeable of the board's policies and procedures in the area of special education
- are knowledgeable of and act in accordance with LDAO policies as set out in this manual

SEAC representatives (and alternates, as appropriate) shall be actively involved in the annual review of the board's special education plan, the budget process and review of financial statements by the SEAC as mandated by legislation. SEAC representatives (and alternates, as appropriate) shall, preferably with the prior consent of the chapter or satellite board of directors, sit on other committees of the board.

Rationale

The role of the representative and alternate is to represent the interests of all students with learning disabilities in the board. It is imperative that representatives and alternates be active participants to ensure effective representation of these interests.

References

Education Act, s57.1
Regulation 464/97
LDAO bylaws and policies, including charter retention requirements

Policy A5

Active Members of Chapter or Satellite

LDAO advocates that SEAC representatives be active members of their local chapter or satellite, preferably as a member of the chapter's board of directors or, if so decided by the chapter, as a staff member.

Rationale

A SEAC representative is a representative of the nominating chapter or satellite and must be actively involved in the chapter or satellite to ensure accurate and consistent representation of the interests of the members and facilitate an effective flow of information between the chapter or satellite and the SEAC and board.

References

Education Act, s57.1
Regulation 464/97
LDAO bylaws and policies, including charter retention requirements

Chapter, Satellite and LDAO to be Informed

LDAO advocates that SEAC representatives (and alternates, as appropriate) ensure that their chapter or satellite are made aware of SEAC and board recommendations and/or decisions which affect special education programming and services to exceptional students in the board. A SEAC report should be a regular component of chapter or satellite meetings.

SEAC representatives (and alternates, as appropriate) shall:

- regularly consult with and seek chapter or satellite input into matters to be considered by the SEAC
- ensure that the concerns or questions of the chapter or satellite are brought before the SEAC
- plan for their own succession
- where appropriate, consult with and seek input from the LDAO Educational Policy and Legislation Committee and staff
- report all relevant SEAC and board recommendations and/or decisions to the LDAO Educational Policy and Legislation Committee

Rationale

The representative and alternate are members of the SEAC as representatives of their chapter and satellite and LDAO. As such, the chapter or satellite and, where appropriate, LDAO must be involved in the SEAC process and informed of the workings of the SEAC and board.

References

Education Act, s57.1

Regulation 464/97

LDAO bylaws and policies, including charter retention requirements

Continuing Education

LDAO advocates that all SEAC representatives and alternates be required to:

- participate in all orientation provided for SEAC representatives by the board, LDAO and/or their chapter or satellite
- participate in all continuing education provided for SEAC representatives by LDAO
- participate in all relevant continuing education provided by the board

Rationale

It is imperative that SEAC representatives and alternates have an up-to-date knowledge of education law and policies, board procedures and policies and LDAO policies. Continuing education is the best way of ensuring this.

References

Education Act, s57.1

Regulation 464/97

LDAO bylaws and policies, including charter retention requirements

Relationship with SEAC and Board

LDAO advocates that SEAC representatives and alternates shall to the greatest extent possible:

- develop a good working relationship with the other members of the SEAC and the school board and personnel with whom they work on a regular basis
- foster a good working relationship between the SEAC and school councils in the board
- develop effective communication skills
- work with other local association representatives on the SEAC to improve services to all exceptional students in the board

Rationale

Maintaining a good working relationship with the other members of the SEAC, the board and school councils is essential to facilitate effective representation of the interests of the chapter or satellite, LDAO and exceptional students in the board. Effective communication skills will also assist in this process.

References

- Education Act, s57.1
- Regulation 464/97
- LDAO bylaws and policies, including charter retention requirements

Conduct of Meetings

LDAO advocates that SEAC representatives and alternates shall be actively involved in the conduct of SEAC meetings. Representatives and alternates shall ensure that they receive and read all agendas, minutes and other documentation provided to representatives in relation to the conduct of the SEAC. Where documentation is only provided to representatives, the representative shall ensure that these documents are forwarded in a timely manner to the alternate.

A representative elected as chair or vice-chair shall ensure that he or she is familiar with procedures for the conduct of meetings and shall carry out their duties to the best of their ability.

A representative who is unable to attend a meeting shall advise the alternate in sufficient time to enable the alternate to attend the meeting. The representative should also send his or her apologies to the chair of the SEAC.

Rationale

Active involvement in meetings is essential to ensure effective representation of the chapter or satellite, LDAO and exceptional students in the board.

References

Education Act, s57.1

Regulation 464/97

LDAO bylaws and policies, including charter retention requirements

Presentations and Submissions to SEAC or Board

LDAO advocates that representatives (and alternates, as appropriate) shall when necessary prepare and submit briefs and make presentations to the SEAC and board. Before submitting a brief or making any presentation to the SEAC or board, the representative or alternate shall:

- obtain the approval the chapter or satellite, to be recorded in the minutes of the approving body
- provide the chapter or satellite with a copy of any written documentation proposed to be presented to the SEAC or board

The representative or alternate shall also in a timely manner provide LDAO with a copy of all written documentation presented to the SEAC or board.

Rationale

In some instances, a written submission or presentation to the SEAC or board will be the most effective means of addressing a given concern. The chapter or satellite and, where appropriate, LDAO must be involved in this process and be aware of any outcome to ensure consistent representation of LDAO policy and to advise other chapters and SEACs in the province of the policies and procedural in other boards.

References

- Education Act, s57.1
- Regulation 464/97
- LDAO bylaws and policies, including charter retention requirements

Act as Resource for Parents and Community

LDAO advocates that SEAC representatives and alternates, upon request and with the prior approval of the chapter or satellite board of directors, shall:

- X act as a resource to and assist parents and students in understanding and utilising board procedures relating to exceptional students, including the IPRC and appeal processes
- X provide information about assessment and support services, including assisting parents and students to gain access to these services
- X act as a resource to schools and the community
- X be available to discuss their role on the SEAC, board services for students identified as having learning disabilities
- X as appropriate, undertake public education regarding learning disabilities and LDAO (for example, through seminars or workshops)

Rationale

SEAC representatives and alternates have detailed and up-to-date knowledge of the policies and procedures of the board. Parents must be able to access this information and be provided with assistance in accessing procedures to assist their children.

In addition, if appropriate in light of the wishes of the chapter and abilities of the representative or alternate, a representative or alternate may become involved in the public education process.

References

Education Act, s57.1
Regulation 464/97
LDAO bylaws and policies, including charter retention requirements

See also: Policy A11

SEAC Representatives as Advocates

LDAO advocates that SEAC representatives and alternates to the greatest extent possible not act as advocates for parents or students at an IPRC or a special education appeal board hearing. Where it is necessary for a SEAC representative or alternate to act as an advocate at an IPRC, he or she shall not do so unless he or she has undertaken the advocacy training provided by LDAO.

Rationale

It is important that SEAC representatives and alternates avoid any situation which results in or suggests a conflict of interest between his or her duties to the SEAC and to parents or students in an individual case. As such, to the greatest extent possible, SEAC representatives and alternates should refrain from acting as advocates at an IPRC or appeal board. It is the responsibility of the chapter or satellite to ensure that other people are available and qualified to act as advocates.

LDAO recognises that in some situations, it will be necessary for a SEAC representative or alternate to act as an advocate. Specialized advocacy training is required to act effectively as an advocate for parents or students. As such, a SEAC representative or alternate, as with any other person, may only act as an advocate after completing the advocacy training provided regularly by LDAO.

References

LDAO bylaws and policies, including charter retention requirements

See also: Policy A10

Part B **Prevention and Research**

The policies in this section relate to research into the causes of learning disabilities and dissemination of information aimed at preventing, to the greatest extent possible, the occurrence of learning disabilities. Policies also address prevention of the secondary and tertiary consequences of learning disabilities.

The Learning Disabilities Association has been involved for the past three years in a research project called Promoting Early Intervention. As part of this project, LDAO has:

- X developed a new definition of learning disabilities,
- X identified a screening process for kindergarten age children,
- X piloted a series of interventions for children who are seen as being at risk for school failure,
- X introduced a revised assessment protocol for diagnosing learning disabilities in accordance with the new definition,
- X developed and piloted a series of programming initiatives for the primary grades,
- X made recommendations to all parties involved in the training of teachers in the pre- and in-service programmes, AQ courses and the accreditation and recertification process by the Ontario College of Teachers,
- X and promoted much greater public awareness of the field of learning disabilities.

Some of the materials developed through this project have been included in this manual. Others are available on the LDAO website, www.ldao.on.ca or may be obtained directly from the LDAO office or the Association's local chapters.

Policies

- B1 Primary Prevention of Learning Disabilities
- B2 Strategies for Primary Prevention of Learning Disabilities
- B3 Secondary Prevention - Reducing the Impact of Learning Disabilities
- B4 Tertiary Prevention - Accommodation of residual problems arising or resulting from having learning disabilities
- B5 Research
- B6 Access to Information
- B7 Evaluation of Information

Primary Prevention of Learning Disabilities

LDAO advocates that relevant and up to date information about the prevention of learning disabilities be provided to professionals and the community at large.

Rationale

The possible adverse consequences of learning disabilities are significant, both to the individual and to society. Where possible, it is better to prevent their occurrence than deal with these adverse consequences. Although the exact cause or causes of learning disabilities are not known, factors which may result in the development of a learning disability and which may be avoided include:

- X poor prenatal care and nutrition
- X exposure to toxic substances prenatally or in early childhood
- X recurring middle ear infections between birth and the age of three (the sensitive period for language development)
- X parental overuse of alcohol prior to and/or during pregnancy
- X drug abuse prior to and/or during pregnancy
- X heavy smoking during pregnancy
- X severe allergies left untreated
- X head injuries
- X encephalitis and meningitis

It is important, therefore, that the community, and in particular parents, be aware of the possible consequences of these factors.

References

- "Please Doctor...if someone should mention learning disabilities: a handbook for physicians"; Resnick, M. and Mahoney, W., LDAC, 1986
- "Making good choices for you and your baby"; LDAO, 1989
- LDAO mission statement
- Prevention policy statements, LDAC Policy Manual, 1994

Strategies for Primary Prevention of Learning Disabilities

LDAO advocates that parent education programs be provided to advise parents of what constitutes good care of their children to assist in the prevention of learning disabilities. LDAO further advocates that specialized pre-, peri- and post-natal support programs be provided for parents who are considered at particular risk of having a child with a learning disability.

Rationale

Good care before and during birth and during infancy is the best means of preventing those learning disabilities which are the result of environmental factors. Parents and professionals working with parents, infants and young children must be aware of the possible development of learning disabilities and what factors may assist in their prevention. Such measures include:

- X good nutrition during pregnancy
- X good nutrition provided to the child post-natally
- X an awareness of what substances can cause problems (for example, lead and several other heavy metals, weed killers, some cleaning fluids, tobacco smoke, some solvents and cleaning fluids)
- X avoidance of smoking, alcohol and non-prescription drugs during pregnancy and breast-feeding
- X an understanding of what symptoms indicate potential trouble, which call for immediate medical intervention, and which are not as serious

A woman considering having a child should be made aware of these risks before she becomes pregnant.

References

- "Please Doctor...if someone should mention learning disabilities: a handbook for physicians"; Resnick, M and Mahoney, W, LDAC, 1986
- "Making good choices for you and your baby"; LDAO, 1989
- Prevention policy statements, LDAC Policy Manual, 1994
- Supporting document for the new definition of learning disabilities, LDAO, 2001: See Appendix G or hotlink to: www.ldao.on.ca/pei/defsupp/index.html

Secondary Prevention-Reducing the Impact of Learning Disabilities

LDAO advocates that all persons with learning disabilities have available to them appropriate special education programs and services, social skills, life skills and employment preparation programs and self-esteem counselling to prevent the secondary effects of learning disabilities.

Rationale

Secondary prevention is defined as prevention of the negative effects of having learning disabilities on the daily life of the individual, including:

- X illiteracy and innumeracy
- X poor social skills
- X lack of marketable skills resulting in unemployment or underemployment
- X disorganization or poor impulse control
- X low self-esteem
- X poverty
- X inadequate life skills
- X secondary emotional problems such as depression or threatened or attempted suicide
- X poor understanding of their learning disabilities

All aspects and consequences of a learning disability must be addressed. Remediation of the academic difficulties resulting from having a learning disability does not negate the importance of teaching other transferable skills needed to function in society. Conversely, sociological or philosophical considerations are not an excuse to ignore the individual's academic needs.

References

- Brief to the Interministerial Working Group on Learning Disabilities, LDAO, 1990
- Report of the Interministerial Working Group on Learning Disabilities, LDAO, 1992
- Response to the consultation on the Social Assistance Reform Act, LDAO, 1997
- Response to the consultation on the Ontarians with Disabilities Act, LDAO, 1998 and 2001
- Promoting Early Intervention materials, LDAO, 2001
- Response to the ISA profile consultation, LDAO, 2001

Tertiary Prevention - Accommodation of residual problems arising or resulting from having learning disabilities

LDAO endorses the provisions of the OHRC and Canadian Charter of Rights and Freedoms which mandate the accommodation of individuals with learning disabilities. LDAO advocates that this requirement be strictly enforced to enable an individual who has learning disabilities to function in society to the greatest extent possible.

Rationale

Tertiary ("third stage") prevention involves coping and compensatory strategies and accommodations that seek to enable an individual who has learning disabilities to address the ongoing effects of learning disabilities, after second-stage interventions such as special education programs have achieved as much progress as possible. Such strategies are intended to ensure:

- X equitable access to education and training programs
- X acceptance by post secondary educational institutions, training and professional licensing facilities that people with learning disabilities must be accommodated to achieve existing standards, albeit in alternative ways
- X acceptance by employers of the right of people with learning disabilities to use coping and/or compensatory strategies and assistive devices to perform their jobs
- X access to support services, including mental health services, literacy and employment programs, and where necessary, social assistance and disability-based funding supports
- X recognition by the justice and corrections systems of the nature of learning disabilities and the role they may play in bringing an individual into conflict with the law and access to appropriate programming designed to reduce the likelihood of subsequent offences

References

- Ontario Human Rights Code, 1981
- Canadian Charter of Rights and Freedoms, 1982
- Guidelines for Assessing Accommodation Requirements for Persons with Disabilities, Ministry of Citizenship, 1989
- Eaton v Brant County Board of Education, Supreme Court of Canada, 1996
- Eldridge et al v British Columbia (Attorney General), Supreme Court of Canada, 1997
- Submission to Standing Committee on Human Resources Development, LDAC, 1994
- Letter to MCSS regarding Definition of Disability for Social Assistance, LDAO, 1995
- Response to Bill 173 (Long term care), LDAO, 1995
- Letter to Minister of Justice regarding the Young Offenders Act, LDAO, 1995
- Response to Accreditation of College Programs, LDAO, 1996
- Response to Common Curriculum, LDAO, 1997
- Response to the consultation on the Social Assistance Reform Act, LDAO, 1997
- Response to the consultation on the Ontarians with Disabilities Act, LDAO, 1998 and 2001
- Promoting Early Intervention materials, LDAO, 2001
- Supporting document to the new definition of learning disabilities, LDAO, 2001: See Appendix G or hotlink to: www.ldao.on.ca/pei/defsupp/index.html

Research

LDAO advocates that additional and better research into the causes, methods of identification and consequences to the individual of learning disabilities and effective strategies for remediation, rehabilitation, accommodation of learning disabilities be undertaken. Funding for such research should be a government priority.

Rationale

Learning disabilities is still a new area of research when compared to many other exceptionalities and disabilities. As a result, knowledge about and understanding of learning disabilities is very limited. This in turn makes it difficult to ensure that individuals with learning disabilities receive the necessary and appropriate intervention. Therefore, LDAO advocates:

- X genetic research to determine which, if any, forms of learning disability have an inherited component, and if so, what can be done to prevent or reduce the incidence and/or impact of these learning disabilities
- X research on appropriate interventions; for example, studying the various forms of special education and programming strategies to determine their effectiveness and to ascertain whether certain forms are more or less effective in relation to specific learning disabilities or at different stages of an individual's development
- X research on the correlation between certain illnesses and the occurrence of learning disabilities as a means of enhancing prevention; for example, the role of early, severe middle ear infections in the development of language learning disabilities
- X research in the area of mental health to consider which therapies are effective in the secondary prevention of learning disabilities (the adverse consequences on the individual in his or her daily life)

References

- Ontario Child Health Study; Offord, D., 1984
- Integra Study of the Psycho-Social Needs of Children and Youth with Learning Disabilities, 1985
- Report of the Interministerial Working Group on Learning Disabilities, 1992
- LDAO mission statement
- Promoting Early Intervention materials, LDAO, 2001

Access to Information

LDAO advocates that information about learning disabilities and any available successful interventions be made available to the general public.

Rationale

Informing the public about learning disabilities is of fundamental importance. Individuals with learning disabilities are best served when their families, friends and those with whom they come into contact (for example, educators, coaches, prospective and actual employers) are knowledgeable about learning disabilities and their consequences.

For this reason, LDAO gathers and makes available information to the public through its national and provincial office, its chapters and satellites around Ontario and through regular public information campaigns.

References

LDAO mission statement and by-laws

Report of the Interministerial Working Group on Learning Disabilities, 1992

Response to the consultation on revision to the IPRC process, LDAO, 1995

Response to the consultation on Bill 160, LDAO, 1997

Response to the consultation on the Social Assistance Reform Act, LDAO, 1997

Response to the consultation on the Ontarians with Disabilities Act, LDAO, 1998 and 2001

Promoting Early Intervention materials, 2001

Evaluation of Information

LDAO advocates a scientific approach to the development and evaluation of interventions, therapies and programs for individuals with learning disabilities. The scientific basis for a given intervention, therapy or program should be made available to consumers to facilitate informed decisions.

Rationale

There are numerous interventions recommended for helping or “curing” learning disabilities which have little or no research available to support their validity; rather, these interventions are endorsed by those using them solely on the basis of their experience. It is important to distinguish between proven fact and unproven opinion or unverified observation in determining whether or not to try a given intervention.

In this context, “scientific approach” is defined as the obtaining of information by appropriately qualified professionals from one or more research studies based on the “double-blind system” where one group receives the treatment being studied and the other control group receives a placebo. The findings of any such study must be able to be replicated by other researchers in other studies before they can be accepted as reliable.

LDAO does not endorse any treatment or intervention method for learning disabilities. However, it is part of LDAO’s mandate to be informed about interventions and to disseminate such information in a factual manner to all those who may benefit from such information. Parents of children with learning disabilities, consumers and others are urged to use caution before deciding to invest time and money in any new or controversial therapy or treatment method.

References

“Please Doctor! ...if someone should mention learning disabilities: a handbook for physicians”; Resnick, M. and Mahoney,W., LDAC, 1986
Promoting Early Intervention materials, LDAO, 2001

Part C

Early Identification and Screening

The policies in this part relate to identification of infants and children who have or are suspected of having learning disabilities. Policies address the identification of pre-school aged children and formal procedures for identification of children in the public school system and the need to track children who have been identified as being at risk.

The Learning Disabilities Association has been involved for the past three years in a research project called Promoting Early Intervention. As part of this project, LDAO has:

- X developed a new definition of learning disabilities,
- X identified a screening process for kindergarten age children,
- X piloted a series of interventions for children who are seen as being at risk for school failure,
- X introduced a revised assessment protocol for diagnosing learning disabilities in accordance with the new definition,
- X developed and piloted a series of programming initiatives for the primary grades,
- X made recommendations to all parties involved in the training of teachers in the pre- and in-service programmes, AQ courses and the accreditation and recertification process by the Ontario College of Teachers,
- X and promoted much greater public awareness of the field of learning disabilities.

Some of the materials developed through this project have been included in this manual. Others are available on the LDAO website, www.ldao.on.ca or may be obtained directly from the LDAO office or the Association's local chapters.

Policies

- C1 Province-Wide Screening for Early and On-Going Identification
- C2 Model for Early Identification
- C3 Screening Prior to School Entry
- C4 Early Identification and Treatment of Auditory and Language Learning Disabilities
- C5 Parental Involvement in School Board "Early Identification" Programs
- C6 Screening in the Primary Grades
- C7 Intervention in the Primary Grades
- C8 Use of Early Identification, Developmental Programming and Later Assessment Information to Design Programs
- C9 Appropriate Use of Information
- C10 Tracking of Students with Learning Disabilities
- C11 Junior and Senior Kindergarten
- C12 'Whole Person' Approach to Intervention

Province-Wide Screening for Early and On-Going Identification

LDAO advocates that the Ministry of Education develop and mandate that all school boards undertake a consistent province-wide non-categorical screening program for the early identification of children at risk for school failure. Following the implementation and evaluation of interventions based on the results of the screening, some children may later need to be referred for further screening, assessment and the identification of a learning disability or some other condition which interferes with learning.

Rationale

While the formal identification of children with learning disabilities is only made in school age children, there are early developmental markers which can be used to identify children in the pre-school period who are at high risk for school failure, future learning difficulties or disabilities. Children who show delays in achieving earlier milestones, particularly in the area of language development, are at significantly higher risk of future learning difficulties. Early identification and screening programs should always be supplemented by specific strategies that can help to eliminate or reduce the risk of future disabilities.

More specifically, in the pre-school period, children who show poor phonological awareness have been shown to be at high risk for future reading disabilities. The value of specific intervention strategies has been clearly demonstrated in the case of children with poor phonological awareness. Early intervention strategies have been shown to improve children's phonological skills and have a positive outcome on their future reading achievement.

Children who have suffered illnesses with neurological sequelae or other illnesses that affect development, such as recurrent otitis media, are also known to be at high risk for future learning disabilities. A documented family history of specific learning difficulties, particularly in reading and spelling, may also be used as an early marker of possible future learning difficulties.

References

Education Act, s8

Windsor Early Identification Project, 1976

"For the love of learning", Report of the Royal Commission on Learning, 1995

Special Education Information Handbook, 1984

Brief on future amendments to Bill 82, LDAO, 1986

Comments on "For the Love of Learning", LDAO, 1995

Comments on future amendments to revised Special Education Information Handbook, LDAO, 1998

Promoting Early Intervention materials, LDAO, 2001

See also: Policy C6

Model for Early and On-going Identification

LDAO advocates that the Ontario government, i.e., the Ministries of Education, Health and Community and Social Services adopt a consistent developmental model for the identification of learning disabilities based on neuro-psychological and psycho-educational theories of child development supplemented by information from all relevant disciplines rather than a purely medical model.

Rationale

Early identification of individuals with learning disabilities is crucial to early intervention. Early identification is more likely to occur through a broad based neuro-psychological and psycho-educational model rather than a purely medical model.

Identification of learning disabilities as an observable variation in neurological function may in some instances be possible through the use of CAT and PET scans, electronic electroencephalograms, and magnetic resonance imaging (MRI). However, such testing is not routine or readily available. Further, although several genetic markers for learning disabilities have been identified, genetic testing for these markers is rarely performed. Testing generally occurs only in unusual circumstances, such as a family tendency to have a fragile X chromosome.

As such, at this time the most reliable means of early identification of learning disabilities is to compare the child's development with the established milestones for the child's chronological age, paying particular attention to areas that are significantly either above or below the chronological norm. Wide discrepancies may indicate either a learning disability or giftedness. It is important to recognise that learning disabilities and giftedness may occur in the same child.

The "soft neurological" signs of learning disabilities usually manifest themselves as a delay in developmental functions, such as speech, language use and motor functions. Where such signs are identified, the first step is to rule out any physical reasons for such delays, such as hearing or visual impairment. The next step is to consider the possibility of learning disabilities.

If a learning disability is suspected, the child should be referred for formal diagnostic testing by a developmental paediatrician, paediatric neurologist and/or psychologist. Typically, such diagnostic testing is not carried out in children under the age of seven.

References

- "Please Doctor... if someone should mention learning disabilities: a manual for physician"; Resnick, M. and Mahoney, W., LDAC, 1986
- Prevention Policy Statements, LDAC Policy Manual, 1994
- Promoting Early Intervention materials, LDAO, 2001

Screening Prior to School Entry

LDAO advocates the screening of newborns, infants and preschoolers for signs of any significant central nervous system dysfunction which may lead to a subsequent diagnosis of learning disabilities.

Rationale

One means of identifying possible learning disabilities is through the identification of central nervous system dysfunction. As such, routine testing for such dysfunction is one way of facilitating early identification of individuals who have or are at risk of having learning disabilities. Early identification is important as research indicates that the ability to influence the central nervous system is greatest very early in life when the child's brain and the central nervous system are still developing.

Such screening should be carried out by appropriate professionals (including obstetricians, pediatricians, family doctors, psychologists and neurologists) to identify the earliest signs of learning disability. Where a dysfunction has been identified, the identifying professional should instruct the parents and/or caregivers in appropriate measures that may lessen the effect of the dysfunction. For example, some pediatricians and child development clinics teach parents to play games with their premature infants to stimulate development and lessen the risks associated with prematurity.

Where there is a family history of learning disabilities, parents and health professionals in contact with the child should watch carefully for signs of emerging learning disabilities. Where learning disabilities are linked with a particular medical condition, such as language learning disabilities existing concurrently with otitis media, screening for indicators of learning disabilities should occur as a matter of course if the linked medical condition develops.

References

- "Please Doctor!...if someone should mention learning disabilities: a handbook for physicians"; Resnick, M and Mahoney,W, LDAC, 1986
- Prevention Policy Statements, LDAC Policy Manual, 1994
- Promoting Early Intervention materials, LDAO, 2001

See also: Policy C6

Early Identification and Treatment of Auditory and Language Learning Disabilities

LDAO advocates that the Ministries of Education, Health and Community and Social Services invest the necessary resources in the development of intervention and treatment programs for auditory and language learning disabilities in preschool and primary-aged children, similar to those currently provided for deaf and hard-of-hearing children.

Rationale

Language competency is fundamental to human relationships, interactions and learning; services provided for children who are deaf or hard of hearing recognize this fact. In early 1998, the Government of Ontario allocated an additional ten million dollars for pre-school speech and language programming, directed primarily to children who are deaf, hard-of-hearing or have physically based speech and/or language deficits. However, most children with significant central auditory processing deficits arising from learning disabilities do not meet the criteria for these programs and are thus denied necessary speech and language programming. LDAO advocates that services must be provided for all children at risk for poor language development, regardless of the cause.

Further, health and education professionals (including pediatricians, family physicians, audiologists, speech and language pathologists, public health nurses, early childhood educators, day care workers and social workers) must be aware of learning disabilities to ensure timely referrals for identification, diagnosis and intervention.

LDAO further advocates that the Ministries of Education, Health and Community and Social Services and the medical profession, as a priority, develop tools and processes for diagnosing actual or potential auditory and language learning disabilities and the requisite interventions in young children. These should be able to differentiate between auditory and language learning disabilities and attention deficit disorders and non-verbal forms of learning disabilities. Methods of intervention and/or treatment for these conditions should also be developed and implemented.

One such intervention advocated by LDAO is the development of enriched pre-school language development programs for children identified as having or being at risk of having auditory and/or language learning disabilities. Such programs should be funded by Ministry of Education and the Ministries of Health and Community and Social Services.

References

- “Making Services Work For People”, MCSS, 1997
- Response to OSLA Report, LDAO, 1997
- Response to “Making Services Work for People”, LDAO, 1997
- Promoting Early Intervention materials, LDAO, 2001

Policy C5

Parental Involvement in School Board “Early Identification” Programs

LDAO advocates that schools and school boards be required to involve parents in kindergarten and primary grade level early identification and screening programs. LDAO further advocates that all parents be provided with information about their school board’s early identification and screening programs, the parents’ guide to special education (including information on SEAC), and information about alternative programming and support services provided by the relevant school board at the time that their child is first enrolled.

Rationale

Ministry of Education mandates screening programs (called “early identification” programs) to assess the developmental levels of children in kindergarten and the primary grades. The purpose of this screening is to enable teachers to provide instruction geared to the children’s individual needs and to identify and observe those students who are considered “at risk” for school failure and future problems.

It is important that parents be involved in this process to ensure that they understand:

- X the purpose of the screening to avoid feeling threatened (for example, by the suggestion that there is something “wrong” with their child)
- X the findings of the screening, the meaning of the term “at risk”, and their child’s strengths and needs and in what way, if any, their child is different from his or her peers
- X what action the school will take to help the child in his or her areas of difficulty and enrich the child in areas of special talent or ability
- X what actions the parents can take to reinforce the efforts of the school through activities at home and in the community
- X what supports their child needs (including emotional, social, academic and/or physical support)
- X how best to foster a positive self-image in their child
- X what behaviour is beyond the child’s control to facilitate appropriate discipline

References

Education Act, s8(3)(a)

Curriculum Guide to Junior and Senior Kindergarten Programming, Ministry of Education, 1998

Response to the Ministry of Education Curriculum Guide to Junior and Senior Kindergarten Programming, LDAO, 1998

Promoting Early Intervention materials, LDAO, 2001

See also: Policies I2, I3, I4

Screening in the Primary Grades

LDAO advocates that the Ministry of Education mandate systematic on-going primary grade level screening and follow up interventions for all students who were identified through the school board's early identification program as being "at risk" for academic underachievement or failure and who have not adequately benefited from the intervention that was implemented following the early screening. The presumed reason for the observed ongoing difficulties, e.g., socio-economic, cultural, linguistic or other environmental factors or psychological or physical difficulties should not influence the implementation of these steps.

Rationale

Students are often identified in the primary grades as being "at risk" without any clarification of the reasons for this identification. Frequently, there is no follow up intervention. Once identified as being at risk, students are expected to fail and often receive little or no ongoing assessment or support to identify and ameliorate the reasons for their difficulties. As a result, they may make little progress in improving their academic progress and achievement.

References

- "Please Doctor!...if someone should mention learning disabilities: a handbook for physicians"; Resnick, M. and Mahoney, W., LDAC, 1986
- Prevention Policy Statements, LDAC Policy Manual, 1994
- Ypsilanti Head Start Project Report
- Learning Opportunities Grant description, funding formula, Ministry of Education, 1998
- Promoting Early Intervention materials, LDAO, 2001

Intervention in the Primary Grades

LDAO advocates that intervention and support for students who have been identified through the school board's early identification program as having or being at risk for having learning disabilities be implemented as early as possible in the primary grades.

Rationale

It is LDAO policy that early identification and early intervention are both fundamental to addressing the needs of students who have learning disabilities. It is important that a student who has identified or suspected needs be given appropriate compensatory programming as soon as that identification occurs and in particular before he or she has been allowed to suffer academic failure. It is crucial, both for academic success and to foster positive self-esteem, that students not be left to fail repeatedly or be two or more years behind academically before remediation and/or special education programs and services are provided.

References

- "Please Doctor...if someone should mention learning disabilities: a handbook for physicians"; Resnick, M. and Mahoney, W., LDAC, 1986
Prevention Policy Statements, LDAC Policy Manual, 1994
Promoting Early Intervention materials, LDAO, 2001

Use of Early Identification, Developmental Programming and Later Assessment Information to Design Programs

LDAO advocates that information obtained from both early screening and subsequent assessments be used to design individualized instructional programs that alleviate the student's needs and develop the student's strengths.

Rationale

Screening and assessment information are relevant to designing compensatory instructional programming. Both strengths and needs must be addressed to enable the child to reach his/her potential. Programs should include long and short-term goals, skill development, set out the resources needed and strategies to be used and establish methods of evaluation which will be applied.

References

- Education Act, s8(3)
- Regulation 181/98
- Funding formulae, Ministry of Education, 1998
- Promoting Early Intervention materials, LDAO, 2001

Appropriate Use of Information

LDAO advocates that information gathered about a student during screening, early identification and subsequent assessments be used solely for the purposes for which it was obtained, that is to facilitate and design the appropriate intervention strategies to assist the student in developing his or her potential.

Rationale

The purpose of undertaking identification and assessment of a student must be to benefit that student. Information gathered in this way must not be used to stereotype the student and/or his or her family or as a means of the school or the school board abrogating their responsibility to provide that student with an education.

References

Response to the consultation on the new provincial report card, LDAO, 1998
Response to the consultation on the Ontario Education Number, LDAO, 1998
Response to the consultation on Form 14, LDAO, 1998
Promoting Early Intervention materials, LDAO, 2001

Tracking of Students With Learning Disabilities

LDAO advocates that the Ministry of Education mandate a process for “tracking” students with learning disabilities to ensure that all information regarding that student’s strengths and needs, programming requirements (including the student’s IEP) and necessary accommodations is provided in a systematic way to those individuals (including teachers, guidance counsellors and other school staff) with primary responsibility for the student’s education and transition to the next level of the educational system. Such tracking should commence when the student is identified as being at risk for having learning disabilities and continue until the student has left the public school system.

Rationale

At this time, there is no “cure” for learning disabilities. A student identified as having learning disabilities will likely require some support or assistance throughout his or her academic career. As such, it is imperative that those individuals responsible for the education of a student be made aware:

- that the student has been identified as having learning disabilities
- what programming decisions have been made, as set out in the student’s IEP
- what interventions have (and have not) been successful in the past

Cumulative records must be maintained by a student’s current educators and a systematic transfer of such information to each new educator (including, as appropriate, teachers, guidance counsellors and other school personnel) must occur to ensure that the student’s needs are met and his or her progress monitored throughout his or her academic career.

Such transfer of information is of particular importance given that regular class placement is the most common placement for exceptional students, including students with learning disabilities. As such, continuity of placement (that is, with the same teacher) is unlikely to occur from one year to the next. While the above information may be contained in the student’s OSR, a formal system of informing educators is more likely to ensure continuity of appropriate programming.

References

- Regulation 181/98
- Memo on integration from Jill Hutcheon, Ministry of Education, 9 June 1994
- Funding formulae, Ministry of Education, 1998
- Promoting Early Intervention materials, LDAO, 2001

Junior and Senior Kindergarten

LDAO advocates the provision of junior and senior kindergarten programs for all four and five year-old children, with children to be enrolled in such programs at the discretion of the parents.

Rationale

Research shows that early education programs for young children may offer significant benefits for future educational achievement. Potential benefits include:

- X an opportunity to enhance young children's intellectual, physical and social development by providing appropriate stimulation
- X increased opportunities for early identification of children at risk of future educational problems whether as a result of environmental or physiological factors (including hearing or vision impairment, learning disabilities or delayed language development)
- X increased opportunities for early identification of students with advanced development in one or more areas

References

- "The Psychology of the Child"; Piaget, J. and Inhelder, B., Basic Books, 1969
- "Educational Care: a system for understanding and helping children with learning problems at home and in school"; Levine, M., Educators Publishing Service Inc., 1994
- Promoting Early Intervention materials, LDAO, 2001

'Whole Person' Approach to Intervention

LDAO advocates that in designing appropriate programming for a student with learning disabilities, a 'whole person' approach must be applied. That is, all the strengths and needs of the student (academic, intellectual, behavioural, social, emotional, physical and life skills) must be taken into account.

Rationale

The effect of having learning disabilities often extends beyond the simple "area of deficit". In addition, different students, even those identified as having the same or similar learning disabilities, may have different programming requirements as a result of factors other than the learning disability. Addressing only one aspect of a student's needs (for example, remedial reading programming) without considering the student's strengths and needs as a whole is of little long term value.

References

LDAO Mission Statement
Learning and Employment Assessment Profile ("LEAP"), LDAO, 1998
Promoting Early Intervention materials, LDAO, 2001

Part D

Assessment and Diagnosis

The policies in this section relate to methods and procedures for the assessment of a person for the presence of learning disabilities. Policies address the appropriate models to be used in assessment, the qualifications necessary to do an assessment and the way in which information and diagnoses arising from an assessment are to be provided to parents. Policies also address who should be referred for assessment and when and how often assessments should occur.

The Learning Disabilities Association has been involved for the past three years in a research project called Promoting Early Intervention. As part of this project, LDAO has:

- X developed a new definition of learning disabilities,
- X identified a screening process for kindergarten age children,
- X piloted a series of interventions for children who are seen as being at risk for school failure,
- X introduced a revised assessment protocol for diagnosing learning disabilities in accordance with the new definition,
- X developed and piloted a series of programming initiatives for the primary grades,
- X made recommendations to all parties involved in the training of teachers in the pre- and in-service programmes, AQ courses and the accreditation and recertification process by the Ontario College of Teachers,
- X and promoted much greater public awareness of the field of learning disabilities.

Some of the materials developed through this project have been included in this manual. Others are available on the LDAO website, www.ldao.on.ca or may be obtained directly from the LDAO office or the Association's local chapters.

Policies

- D1 Multidisciplinary Assessment System I
- D2 Multidisciplinary Assessment System II
- D3 Assessment, Diagnosis and Documentation of Learning Disabilities
- D4 Psychological Assessment Reports
- D5 Types of Assessment
- D6 Referral for Psychoeducational Assessment
- D7 Receipt of Assessment Information by Parents
- D8 Frequency of Assessments
- D9 Adequacy of Assessments
- D10 Qualifications Necessary to Undertake Assessments
- D11 Assessment for Transition Periods
- D12 Portability of Assessments
- D13 Plain Language to be Used in Assessment Reports
- D14 Later and/or On-Going Assessment of Learning Disabilities
- D15 Obtaining a Second Opinion
- D16 Paying for an Assessment
- D17 Informal Assessments
- D18 Unbiased Assessments
- D19 Discussion with the Assessor
- D20 Assessments of Adults for Regular Educational Purposes
- D21 Access to Assessment Results
- D22 Pre-Assessment Support for English-as-a-Second-Language/Dialect Students
- D23 Appropriate Assessments for English-as-a-Second-Language/Dialect Students
- D24 Open Access to Secondary Programming for English-as-a-Second-Language/Dialect Students

Multidisciplinary Assessment System I

LDAO advocates that student assessments be multidisciplinary. Such assessments should include educational, psychological and health components and, where appropriate, assessments by occupational therapists, physiotherapists and speech and language pathologists. Input from the student and his or her parents may also be included.

Rationale

Under current legislation, the formal diagnosis of a learning disability can only be made by a physician or a registered psychologist. However, the purpose of the assessment is not only to diagnose the problem but also to identify the student's strengths, needs and learning style. As such, the role of other professionals is important in developing a profile of the student as a 'whole person'. The student and his or her parents' perception of the problem and information about how the student functions outside the classroom should also be taken into account.

References

Regulated Health Professions Act, 1993, s27(1)

Education Act, s8(3)

Regulation 181/98

Regulation 298

An Appropriate Needs Statement developed by LDAO for Association use and for inclusion in the next Special Education Information Handbook, 1996

Submission to Ministry of Education on the definition of learning disabilities, LDAO, 1998

Promoting Early Intervention materials, LDAO, 2001

Multidisciplinary Assessment System II

LDAO advocates that the Ministries of Education, Health and Community and Social Services mandate a consistent multidisciplinary assessment system to be used by school boards and other agencies throughout Ontario in the identification and diagnosis of students with learning disabilities.

Rationale

At present, policies and procedures vary widely between the various entities (including school boards and children's mental health centres) involved in assessments. This results in inconsistent identification of students; two students with similar profiles may be identified differently because, for example, they attend schools in different school boards.

All students should have access to multidisciplinary assessments carried out by professionals trained in those assessment procedures. Consistent, up to date methodologies should be applied to ensure accurate identification. The Government of Ontario is the appropriate authority to mandate a consistent and appropriate assessment process for children and adolescents with learning disabilities.

References

- Response to amendments to the Education Act, LDAO, 1996
- Response to regulation 181/98, LDAO, 1998
- Report of the Interministerial Working group on Learning Disabilities, 1992
- Correspondence with the Ontario Psychological Association, LDAO, 1997, 1998
- LEAP, LDAO, 1998
- Promoting Early Intervention materials, LDAO, 2001

Assessment, Diagnosis and Documentation of Learning Disabilities

LDAO advocates that the Government of Ontario mandate the adoption of the "Recommended Practices for Assessment, Diagnosis and Documentation of Learning Disabilities" protocol prepared by the Screening and Assessment Working Group of LDAO's Promoting Early Intervention Project, approved by the LDAO Board and piloted throughout Ontario in 2001 for the purposes of diagnosing learning disabilities in all government funded programs and services.

Rationale

One of the greatest barriers faced by individuals with learning disabilities has been the lack of a generally accepted and consistent definition of learning disabilities, coupled with a lack of a consistent diagnostic identification process. This has led to significant scepticism about the existence and effects of learning disabilities as well as a lack of consistency in who is identified as having specific learning disabilities and is provided with services, supports and accommodations to overcome the impacts of the condition.

In response to this, LDAO, with the support of the Ministry of Education, has developed the new definition of learning disabilities (see page 1 of the manual) and the diagnostic protocol, referenced above (see Appendix of the manual). The protocol has been piloted throughout Ontario by over thirty school boards, coupled with some relevant intervention practices.

The adoption of this protocol for all service provision areas, such as all aspects of education, vocational training and employment, social and health services, would enable individuals with learning disabilities to access much needed supports and accommodation without having to prove that they have learning disabilities in accordance with a wide range of definitions and assessment practices.

References

Report of the Interministerial Working Group on Learning Disabilities, 1992
Reports and documents related to the Promoting Early Intervention Project, LDAO, 2000-01
Correspondence with the Minister of Education, LDAO, 1997-2001

See also: Definitions of Learning Disabilities
 Appendices

Psychological Assessment Reports

LDAO advocates that the Government of Ontario mandate the adoption of the "Practice Guidelines Regarding Psychological Assessment Reports Written for Clients with Learning Disabilities" prepared by the Ontario Psychological Association in 1998.

Rationale

One of the greatest barriers faced by individuals with learning disabilities is the lack of a generally accepted and consistent definition of learning disabilities. This, coupled with a lack of a consistent identification process, has led to significant scepticism about the existence and effects of learning disabilities. In response to this, the OPA has developed a set of practice guidelines for the assessment of learning disabilities and for providing the results of these assessments to the client and service providers. Although these guidelines have been distributed to educational psychologists throughout Ontario, their use is not mandated. LDAO considers that a legislative requirement to adopt the guidelines should be introduced.

References

Report of the Interministerial Working Group on Learning Disabilities, 1992
Practice Guidelines Regarding Psychological Assessment Reports Written for Clients with Learning Disabilities, OPA, 1998 (refer Appendix H)
Correspondence with the Minister of Education and Training, LDAO, 1997-98
Promoting Early Interventions materials, LDAO, 2001

See also: Definitions of Learning Disabilities

Types of Assessments

LDAO advocates that assessments for identifying and establishing the presence of learning disabilities include both educational/academic and psychological/psycho-educational components.

Rationale

Learning disabilities are due to neurobiological factors which result in impairments in one or more psychological processes related to learning. As such, they are usually observed in educational or academic settings with an achievement level that appears low in comparison to the individual's thinking and reasoning abilities or with an adequate achievement level that is maintained by extremely high levels of effort and/or support.

The student's educational achievement is measured by tests, usually administered by a teacher, which are ongoing, regular and involve the use of curriculum-based materials and criteria. Educational assessments are often described as formative and the results change consistently with the material being studied. All students, whether exceptional or not, are normally assessed on such a formative basis.

Psychological and psycho-educational assessments rely on standardized tests of intellectual and perceptual function. Such tests are typically administered by appropriately qualified professionals and are diagnostic or summative. The results do not reflect or change with the material that the student is studying. Such assessments usually include recommendations for coping strategies and accommodations.

The results of both these types of assessments contribute to special educational placement and programming decisions.

References

Regulated Health Professions Act, Ontario, 1993

Psychology Act, Ontario, 1993

Regulation 181/98

AHEAD Guidelines for the Documentation of Learning Disabilities, 1997

LOTF Diagnostic and Documentation Criteria for Pilot Project Eligibility for Students with Specific Learning Disabilities, January 2000

LEAP, LDAO, 1998

"Recommended Practices for Assessment, Diagnosis and Documentation of Learning Disabilities" protocol prepared by the Screening and Assessment Working Group of LDAO's Promoting Early Intervention Project, LDAO, 2001 Hotlink to: www.ldao.on.ca/pei/ppt/Ass_prot/frame.htm

Referral for Psychoeducational Assessment

LDAO advocates that students who are not making adequate progress in spite of regular class interventions, accommodations and modifications be referred promptly for a psychoeducational assessment to determine the primary cause of their difficulty.

Rationale

Students who are failing academically must not be allowed to continue to do so without intervention by educators. Principals and teachers should refer students for assessment where there are concerns about the student's academic progress, behaviour and/or social or emotional well-being. The obligation to make such a referral continues even after a student has been identified as exceptional and is receiving intervention or differential programming.

References

Education Act, s8(3)
Regulation 181/98
Promoting Early Intervention materials, LDAO, 2001

Receipt of Assessment Information by Parents

LDAO advocates that all school boards be required to adopt the Ontario Psychological Association recommended process when providing parents with information about and interpretation of the findings of psychoeducational testing. This process mandates that the parents receive the information and interpretation directly from the person undertaking the assessment before it is released to others, including school personnel.

Rationale

Parents are the people most concerned with their child's welfare and future. The OPA recommends that parents be provided with this information before it is provided to any other professionals.

The reasons for this are two-fold. First, parents must be given the opportunity to have the assessment and its findings explained to them and be given adequate time to consider the findings, ask questions for clarification and seek additional information before they are asked to make any decisions about their child's educational future. Secondly, parents must be given sufficient time to consider whether or not they are in agreement with the findings, whether the assessment accords with their understanding of their child and to address their feelings about the findings.

A similar process of disclosure should be implemented for educational testing for diagnostic purposes. Parents must be informed of their rights regarding disclosure of information before any testing occurs.

References

Education Act, s8(3)

Regulation 181/98

Practice Guidelines Regarding Psychological Assessment Reports Written for Clients with Learning Disabilities, OPA, 1998 (refer: Appendix J)

Frequency of assessments

LDAO advocates that if a thorough and comprehensive assessment has been completed on an individual who is seven years of age or older and an adequate diagnosis has been rendered verifying the presence of a learning disability, further assessments for the sole purpose of verification or reverification should not generally be required.

Reassessment may be beneficial at times when the individual is making significant transitions, e.g., from elementary to secondary school or from secondary school to post-secondary education, in order to clarify how the individual's learning disability presently manifests itself and the types of programming and accommodations that are most appropriate to meet the needs of the individual at that time.

Rationale

A clear and comprehensive diagnosis of a learning disability made on the basis of the requisite assessments by a qualified professional should be considered adequate to prove the presence of a learning disability. Learning disabilities persist throughout a person's life. During childhood and adolescence growth and development of the brain, the neural pathways and hormonal changes may alter the functional effects, type and severity of the learning disability. As a result of these potential changes, it may indeed be beneficial to carry out the reassessments referred to above. However, the primary purpose of any reassessment, especially for older adolescents and adults, should not be for the purposes of re-establishing a diagnosis, but rather to enable the individual and any service providers to understand better the current impacts of the condition. This should also help to enhance a better match between the demands of the environment in which the individual is currently functioning, e.g., school, workplace, etc., and the individual's strengths and needs.

References

- AHEAD Guidelines for the Documentation of Learning Disabilities, 1997
- Practice Guidelines Regarding Psychological Assessment Reports Written for Clients with Learning Disabilities, OPA, 1998 (see Appendix)
- LOTF Diagnostic and Documentation Criteria for Pilot Project Eligibility for Students with Specific Learning Disabilities, January 2000
- "Recommended Practices for Assessment, Diagnosis and Documentation of Learning Disabilities" protocol prepared by the Screening and Assessment Working Group of LDAO's Promoting Early Intervention Project, LDAO, 2001: Hotlink to: www.ldao.on.ca/pei/ppt/Ass_prot/frame.htm
- LEAP, LDAO, 1998
- Transition Planning Resource Guide for Students With Learning Disabilities, LDAO, 1999

Adequacy of Assessments

LDAO advocates that the Government of Ontario mandate minimum standards for all diagnostic assessments for learning disabilities such that every assessment meets the following criteria:

1. A statement that the testing was carried out by an appropriately qualified professional;
2. A formal diagnostic statement attesting the presence of a learning disability;
3. A non-random, clinically significant discrepancy between abilities essential for thinking and reasoning and one or more of the specific psychological processes related to learning;
4. Academic achievement that is unexpectedly low relative to the individual's thinking and reasoning abilities or academic achievement that is within expected levels but is sustainable only by extremely high levels of effort and support;
5. Evidence that the learning difficulties are logically related to the observed deficits in specific psychological processes;
6. Evidence that the learning difficulties cannot primarily be accounted for by:
 - X other conditions such as global developmental delay, primary sensory deficits or other physical difficulties;
 - X environmental factors such as deprivation, abuse, inadequate or inappropriate instruction, socio-economic factors or lack of motivation;
 - X cultural or linguistic diversity;
7. If a co-existing condition is present, the learning difficulties cannot primarily be accounted for by the co-existing disorder.

Rationale

The above criteria are included in the "Recommended Practices for Assessment, Diagnosis and Documentation of Learning Disabilities" protocol prepared by the Screening and Assessment Working Group of LDAO's Promoting Early Intervention Project, have been approved by the LDAO Board and reflect other diagnostic and documentation guidelines for demonstrating the presence of learning disabilities.

References

- AHEAD Guidelines for the Documentation of Learning Disabilities, 1997
Practice Guidelines Regarding Psychological Assessment Reports Written for Clients with Learning Disabilities, OPA, 1998 (see Appendix)
LOTF Diagnostic and Documentation Criteria for Pilot Project Eligibility for Students with Specific Learning Disabilities, January 2000
"Recommended Practices for Assessment, Diagnosis and Documentation of Learning Disabilities" protocol prepared by the Screening and Assessment Working Group of LDAO's Promoting Early Intervention Project, LDAO, 2001: Hotlink to: www.ldao.on.ca/pei/ppt/Ass_prot/frame.htm
ISA Eligibility Profiles, 2001

Qualifications Necessary to Undertake Assessments

LDAO endorses the provisions of the Regulated Health Professions Act, which provide that formal psychological and psycho-educational assessments and the diagnosis of conditions such as learning disabilities may only be carried out by appropriately qualified personnel.

Rationale

Under Ontario legislation, formal assessments which include the diagnosis of a specific condition shall be carried out only by physicians or registered psychologists. Formal assessments determine an accurate measure of intelligence, detailed achievement and performance levels, and indicators of specific learning problems. These assessments use standardized tools as opposed to the checklists and observations used in informal testing. Regulation 298, s26(2) makes provision for school boards to hire psychiatrists, psychologists and other professionals for this purpose.

At present, some non-qualified individuals are administering assessments. LDAO rejects the undertaking of such testing and considers that the findings are of no diagnostic value.

References

Regulated Health Professions Act, 1993
Education Act, s171(1)6
Regulation 298, s26(2)
Psychology Act, 1993
Promoting Early Intervention materials, LDAO, 2001

See also: Policies Q10, Q11

Assessment for Transition Periods

LDAO advocates that assessments be reviewed and, where necessary, updated or amended as the student moves from one level of education to the next and on preparing to enter the workforce.

Rationale

The purpose of an assessment is to identify how well a person with learning disabilities is functioning and to use this information to determine appropriate programming and any necessary accommodation. To ensure appropriate programs, services and accommodations are made available to the student and to facilitate smooth transition from one stage to the next, up to date information on functioning and needs must be available as the student moves from:

- X preschool to elementary
- X elementary to middle school or junior high
- X middle school/junior high to senior secondary school
- X secondary school to post secondary education or employment
- X post secondary education to employment

Where reassessment is considered necessary, it must be done prior to the change of levels.

Parents and students should be aware of the issues involved in maintaining the student's identification as having learning disabilities when moving from one level of education to the next and of the need to plan ahead for these transitions. This is of particular importance as the student moves from secondary to post secondary education, training or employment.

References

Regulation 181/98

Report of the Interministerial Working Group on Learning Disabilities, 1992

Response to Secondary School Review, LDAO, 1996

Portability of Assessments

LDAO advocates that the Ministry of Education require school boards to accept the results of an assessment provided by or purchased by another school board in Ontario.

Rationale

At present, when a student moves from one school board to another, the new school board may require a new assessment before the student can receive a special education placement or program. This is both costly and time-consuming. In some cases, a student may wait a year before receiving the necessary programming and assistance, during which period the student is being effectively denied an appropriate education. Mandating the acceptance of prior assessments would circumvent this unnecessary delay.

References

- Learning Assessment Profile, Ministry of Education, in preparation
- Report of the Interministerial Working Group on Learning Disabilities, 1992
- Practice Guidelines Regarding Psychological Assessment Reports Written for Clients with Learning Disabilities, OPA, 1998 (see appendix J)
- LEAP, LDAO, 1998

Plain Language to be Used in Assessment Reports

LDAO advocates that all assessment reports be written in plain and clear language understandable by lay people.

Rationale

During the IPRC process, parents and older students are called upon to make decisions based on assessment findings. They will also be called upon to participate in the development of the student's individual educational plan. It is essential, therefore, that the assessment report be written in language that helps them to understand the findings and the implications of the findings. Technical language should be used only where necessary and, if used, explained clearly.

Similarly, it is very important for adults in employment settings and for students in post-secondary education to have access to clearly comprehensible reports.

References

Practice Guidelines Regarding Psychological Assessment Reports Written for Clients with Learning Disabilities, OPA, 1998 (refer: Appendix J)
Correspondence with OPA, LDAO, 1997 and 1998

Later and/or On-Going Assessment of Learning Disabilities

LDAO advocates that school boards adopt policies which provide that students can be referred for assessment and possible identification of learning disabilities at any age and at any grade level, in accordance with the Education Act.

Rationale

Recognition that a student may have learning disabilities may not necessarily occur when the student first enters the school system. This may occur for a number of reasons:

- X a student may have been overlooked or improperly identified in a previous school or school board
- X a student, particularly one with milder forms of learning disability, may not encounter academic problems until late elementary or even secondary school when he or she encounters heavier workloads and/or more difficult concepts
- X a student may be able to cope with and compensate for his or her learning disabilities in the primary grades but not in the later grades
- X an adult student returning to school to complete graduation requirements may have previously unidentified learning disabilities

All students should be provided with an opportunity and the means to be identified and receive appropriate supports and accommodations, regardless of the age or grade level at which a problem first arises or is recognised.

References

Education Act, ss8 (3), 49(7)
Regulation 181/98

Obtaining a Second Opinion

LDAO endorses the fact that parents may elect to seek a second opinion on any assessment or findings of an assessment. LDAO advocates that, provided the second opinion meets the requirements of a formal assessment (for example, it is carried out by an appropriate professional), it may be provided to and should be considered by the school board at an IPRC.

Rationale

Assessment findings are not “written in stone” but rather are subject to interpretation. If the profile or findings in an assessment report do not fit the parent’s perception of the child, the parent has a right to seek a second opinion. Parents should be made aware of this right and be provided with information about how to go about seeking a second opinion.

Assessments obtained by parents should be considered by the school board and should carry appropriate weight in making any decisions about the identification or placement of the student.

References

Regulation 181/98

Paying for an Assessment

LDAO advocates that school boards provide or, where necessary, pay for all assessments required to enable the delivery of appropriate special education programs and services.

Rationale

An IPRC, when identifying a student as an “exceptional pupil” or determining the placement of such a student is required by law to “obtain and consider an educational assessment of the pupil”. Regulation 181/98 further permits the IPRC to obtain and consider a health assessment and a psychological assessment. All costs associated with such assessments should be borne by the school board. This position has been upheld by a Regional Special Education Tribunal.

Parents may choose to seek a private assessment, either as a primary assessment or as a second opinion. Costs of private assessments are borne by the parent. OHIP will not cover the cost of psychological assessments; however, parents may have access to private assessments through extended health benefits.

When a third party requests an assessment, the third party should bear the costs. This would apply to health, physical or occupational therapy assessments as well as psychological assessments.

References

Education Act, s170(1)7

Regulation 181/98

Kavelman vs Waterloo County Board of Education, Regional Special Education Tribunal, 1985

Report of the Interministerial Working Group on Learning Disabilities, 1992

Informal Assessments

LDAO advocates that informal assessments (such as teacher observations and formative and functional assessments, parent, student or peer observations), while important, do not replace appropriate formal assessments.

Rationale

Informal assessments of a student's strengths and needs are an important component of the overall assessment process. Teachers and parents may have observed or been told by the student information that did not come out in the formal assessment and which, when shared with the professional who did the formal assessment, may lead to the modification of conclusions and recommendations. However, informal assessments do not eliminate the need for formal assessment.

Ideally, formal and informal assessments will be in essential agreement and will facilitate a greater understanding of the student.

References

Response to the consultation on the IPRC process, LDAO, 1995

Unbiased Assessments

LDAO advocates that assessments and all assessment methods be free of cultural or gender bias and that test results should be interpreted in light of the student's racial, ethnic, cultural, linguistic and socio-economic background as appropriate

Rationale

Many of the tests currently used to measure intellectual, perceptual or emotional function were "normed" on middle-class North Americans, many of them children between the ages of eight and twelve. These norms may not be an accurate reflection of the functioning levels of people drawn from outside this group.

Language or cultural difference is not a basis for ignoring or electing not to address a student's needs. Conversely, it is equally important that students not be misidentified as exceptional due to an unfamiliarity with English or French or a misinterpretation of the student's cultural difference.

To the greatest extent possible, assessments should be administered in the student's first language, using tests that reflect the individual's culture and ethnicity. School boards with large immigrant populations should ensure the availability of appropriate tests and, where possible, refer such students to assessors with expertise in administering such tests. If tests and assessors are not available to evaluate students in their mother tongue, it is best to wait until the student has an adequate command of English or French before undertaking any assessment.

References

Practice Guidelines Regarding Psychological Assessment Reports Written for Clients with Learning Disabilities, OPA, 1998 (refer: Appendix J)
"Links in Learning", MESE Consulting Ltd, 1996

See also: Access Policy; Policies M3, M4, S5

Discussion with the Assessor

LDAO advocates that parents and where appropriate, students be given the opportunity to discuss the assessment with the professional who carried out or supervised the testing and wrote out the report.

Rationale

It is essential that parents and students understand fully the assessment and its results so that they can participate in the process of identification and placement, and in developing an appropriate program for the student. The Ontario Psychological Association agrees, witness the following statements from the Standards of Professional Conduct of the Ontario Board of Examiners in Psychology:

“To the extent advisable and not contraindicated, a psychologist shall properly inform a person who has undergone a psychological assessment or his/her legal representative of the conclusion, opinions and advice issuing from the assessment within a reasonable time. (Pr 5.5)”

“A psychologist and those they supervise shall make available client information or records, as defined in Appendix C, only to those professionals who have a need to know in order to serve the client. Information will be released only with the permission of the client, and presented in a form which, in the judgement of the psychologist, is clear and not likely to be misunderstood by the recipient.” (Pr 7.3)

“If directed by written request, a psychologist shall report within a reasonable time to individuals designated by the client, guardian or legal representative an account of services rendered together with such findings, conclusions and opinions that appear to be in the best interests of the client.” (Pr 7.10)

References

Regulated Health Professions Act, 1993
Practice Guidelines Regarding Psychological Assessment Reports Written for Clients with Learning Disabilities, OPA, 1998 (refer: Appendix J)

Assessments for Adults for Regular Educational Purposes

LDAO advocates that adults who are enrolled in regular credit courses within the school system have the right to be assessed and to receive appropriate special education programs and services.

Rationale

The Education Act guarantees any person seven years of secondary education by a school board without payment of a fee. The Education Act also provides for special education programs and services without payment of fees. The age of the student is irrelevant when it comes to the right to receive an assessment and, if found to be exceptional, to receive appropriate special education programs and services.

Many adults with learning disabilities left school before high school graduation because they weren't identified as learning disabled or because special education programs and services were not provided at the secondary school level. Those who return to school in an effort to achieve graduation diplomas should receive the identification, programs and services they need.

References

Education Act ss 8(3), 40(1),(2),(4), 49(7)
Learning Assessment Profile, Ministry of Education (in preparation)
LEAP, LDAO, 1998

See also: Part T

Access to Assessment Results

LDAO advocates that the results of all assessments be provided to the student if he or she is 16 years of age or older and to the student's parents if the student is under 16 years of age or has consented to his or her parents receiving the results.

Rationale

Parents are an integral part of their child's education and support. Legislation gives them the right to receive information gathered about their child by any professional.

Parents do not have an automatic right to assessment results where the student concerned is 16 years of age or older. Such results are to be provided to the student in accordance with the Municipal Freedom of Information and Protection of Privacy Act, 1990.

References

Regulation 181/98
Regulated Health Professions Act, 1993
Psychology Act, 1993
Municipal Freedom of Information and Protection of Privacy Act, 1990
AHEAD Guidelines for the Assessment of Learning Disabilities, 1997
LEAP, LDAO, 1998

Pre-Assessment Support for English-as-a-Second-Language/Dialect Students

LDAO advocates that school boards develop methods of supporting ESL/D students who appear to have academic or behavioural difficulties without waiting for an assessment to identify specific exceptionalities.

Rationale

Where concerns are raised about a student's academic ability or behaviour and the student cannot be immediately assessed as a result of no or limited command of English or French and no available assessment facilities in the student's first language, the school or school board must address the concerns on an interim basis. Inability to undertake appropriate assessment does not abrogate the requirement to provide appropriate programming.

References

Response to the Report of the Royal Commission on Learning, LDAO, 1995
Response to the consultation on the funding of education, LDAO, 1997

Appropriate Assessments for English-as-a-Second-Language/Dialect Students

LDAO advocates that school boards develop assessment models appropriate to the languages and cultures of English-as-a-Second-Language/Dialect students.

Rationale

Fairness demands that assessments yield an accurate reflection of the strengths, weaknesses and abilities of the person being assessed. It is not fair to interpret poor command of English or poor results arising there from as evidence of exceptionality. Given the present lack of qualified assessors and assessment instruments for the various languages and cultures represented in Ontario's ESL/D population, a student should not be referred for assessment until he/she has spent two years in an Ontario school. The exception would be in the case of those medical evaluations which do not rely on language (or where interpreters can bridge the gap) or familiarity with Canadian cultural concepts. Ministry of Education should assist by gathering information from other countries on assessment models used in the child's home country. These alternative models should spell out for parents what tests will be used, who will administer them, how the results will be interpreted and communicated, and how support will be provided to the student and his family.

References

- Response to the Report of the Royal Commission on Learning, LDAO, 1995
- Response to the consultation on the funding of education, LDAO, 1997
- Promoting Early Intervention materials, LDAO, 2001

Open Access to Secondary Programming for English-as-a-Second-Language/Dialect Students

LDAO advocates that recent immigrant or other ESL/D students have open access to secondary school programs and not be steered automatically toward basic level and vocational school programs on the assumption that their poor command of English disqualifies them from general or advanced level courses.

Rationale

Research undertaken in Toronto shows that ESL/D students are often actively discouraged from pursuing courses leading to college or university because of difficulties in using English as a second language or dialect and not because they lack the ability to master course content.

References

Studies and reports on school drop-outs sponsored by OSSTF; King, A., Queens University, 1974-78 and Radwansky, G., 1985
Report of the Select Committee on Education, Ministry of Education, 1987

Part E

IPRCs and Special Education Programming

The policies in this section relate to the legal requirement to provide special education programming and the formal procedure for the identification and placement of a student (IPRCs). Policies address the necessity of formal identification and the procedure to be followed at an IPRC, including the use of advocates, what information is to be considered, parent and student involvement and appeals.

LDAO provides information about the process of special education program and service provision in its guide to special education in Ontario for parents. This guide, ***Still Putting the Pieces Together***, was revised in 2000 to reflect the most recent changes to the Education Act and the Regulations. Copies of the guide are available from the LDAO office and from the LDA chapters.

Policies

- E1 Provision of Special Education Programs and Services
- E2 Purchase of Special Education Programs and Services
- E3 Identification, Placement and Review Committee ("IPRC")
- E4 Formal Identification by an IPRC
- E5 Procedures for IPRCs
- E6 Membership of the IPRC
- E7 Consideration of Information by the IPRC
- E8 Portability of Identification From One School Board to Another
- E9 Determination of Programming at the IPRC
- E10 Procedures for Special Education Appeal Boards
- E11 Procedures for Mediation
- E12 Procedures for Special Education Tribunals
- E13 The Role of Advocates at Appeals, Tribunals and Mediation
- E14 Annual Review

Policy E1

Provision of Special Education Programs and Services

LDAO endorses s8(3) of the Education Act which requires all school boards in Ontario to provide appropriate special education programs and services for all students identified as exceptional.

Rationale

The right to free public education for all students is enshrined in Canadian and Ontario legislation. Students with learning disabilities (and in fact all students identified as exceptional) have the same right. Implicit in this “right” is the notion that the education received will be of benefit. As such, students identified as exceptional must be guaranteed, by law, the provision of special education and other support services necessary to ensure that they also receive this benefit.

References

- Education Act s8(3)
- Ontario Human Rights Code, 1981
- Regulation 181/98
- Guidelines for Assessing Accommodation Requirements for Persons with Disabilities, Ministry of Citizenship, 1989
- Report of the Interministerial Working Group on Learning Disabilities, 1992

Policy E2

Purchase of Special Education Programs and Services

LDAO endorses s170 of the Education Act which requires each school board in Ontario to purchase appropriate special education programs and services for any student identified as exceptional for whom the school board is unable to provide such programs and services.

Rationale

LDAO recognises that a school board may not in some cases be able to provide from its own staff or other resources appropriate special education or other services to a student identified as exceptional. However, this inability, whatever the cause, does not negate the right of the student to such special education or services. Therefore, in such cases the school board must purchase the necessary program or service to ensure the student is accommodated appropriately.

References

Education Act, s170(7)
Ontario Human Rights Code, 1981
Guidelines for Assessing Accommodation Requirements for Persons with Disabilities, Ministry of Citizenship, 1989
Regulation 181/98

Policy E3

Identification, Placement and Review Committee (“IPRC”)

LDAO endorses the revised time lines and procedures for initiating IPRCs set out in Regulation 181/98.

Rationale

Regulation 181/98 provides that a principal shall upon the written request of a parent refer the student IPRC. The regulation also establishes time lines regarding such referral.

References

Education Act, s 11
Regulation 181/98

See also: Appendix B

Policy E4

Formal Identification by an IPRC

LDAO advocates the formal identification by an IPRC of all students with learning disabilities as an essential step to meeting the needs of those students. While school boards will provide special education programs and services to non-identified students, these students and their parents do not have access to the due process and appeal rights provided through the IPRC.

Rationale

The Report of the Royal Commission on Learning recommended that special needs should be addressed without formal identification if possible. Several school boards have used this as their rationale to deny families access to the IPRC process. Currently, under the revised funding formula and in response to the perceived thrust towards inclusion and parental wishes, many students are receiving special education programs and services and have written IEPs.

LDAO does not recommend this direction to its members. Formal identification as set out in legislation is a fundamental first step to gaining access to ongoing special education programming support throughout school and post secondary education. If a parent or student wishes to forego identification, they should only do so with full knowledge of what they are giving up. Access to ongoing programming and support is not guaranteed without formal identification.

A second benefit to formal identification is that the self esteem of the student is often greatly enhanced by an understanding of their strengths and difficulties. The student will hopefully understand that his or her difficulties are not the result of “just being stupid”.

The decision to forego identification should be reversible at the instigation of the parent or student at any time. If the parent or student changes their mind, an IPRC should be convened within the usual time frame.

References

“For the love of learning”, Report of the Royal Commission on Learning, 1995
Response to the Royal Commission Report on Learning, LDAO, 1995
Learning and Employment Assessment Profile, LDAO, 1998

See also: Appendix B

Procedures for IPRCs

LDAO advocates that the Ministry of Education develop a formal Ministry of Education Standards document, delineating appropriate procedures and best practices for the functioning of IPRCs, in order to augment Regulation 181/98 as well as enhance consistency of process, procedural fairness and equity for all exceptional students and their families throughout Ontario.

Rationale

Regulation 181/98 sets out in some detail the legislative requirements for the IPRC process. However, school boards interpret these in diverse ways. For example, in spite of the statements related to the discussion of program at the IPRC within the Regulation, many school boards still focus on identification and placement exclusively. Similarly, the annual review and the opportunity for a second meeting with the IPRC are open to interpretation by school boards. In the same way that the IEP Standards Document has altered the IEP development process, an IPRC Standards document would improve the process for all exceptional students and enhance the accountability of school boards in terms of legislative compliance as well as meeting the needs of their exceptional students.

References

- Education Act, ss.8 and 11, Ontario, 1990
- Regulation 181/98
- “Still Putting the Pieces Together”, LDAO, 2000
- IPRC monograph No.2, Ministry of Education, 1985
- Response to the consultation on Regulation 181/98, LDAO, 1998

See also: Appendix B

Policy E6

Membership of the IPRC

LDAO advocates that the membership of the IPRC should consist of internal and external members, i.e. staff from the school where the student under consideration is attending as well as from another school or the school board.

Rationale

The purpose of the IPRC is to identify the strengths and needs of a student and to determine what, if any, alternate placement or programming is required to meet those needs. Information prepared and presented by the school and school personnel is obviously important to this process. However, external information, such as that from parents or others who have had dealings with the student may also provide insight into the student's strengths and needs and should be considered by the IPRC.

References

Regulation 181/98
Response to Regulation 181/98, LDAO, 1998

Consideration of Information by the IPRC

LDAO advocates that the IPRC consider both internal (that is, provided by the education system) and external (that is, provided by others, such as parents or community agencies) information in arriving at its decision about the student's exceptionality and/or placement.

Rationale

The purpose of the IPRC is to identify the strengths and needs of a student and to determine what, if any, alternate placement or programming is required to meet those needs. Information prepared and presented by the school and school personnel is obviously important to this process. However, external information, such as that from parents or others who have had dealings with the student may also provide insight into the student's strengths and needs and should be considered by the IPRC.

References

Regulation 181/98
Response to Regulation 181/98, LDAO, 1998

Policy E8

Portability of Identification From One School Board to Another

LDAO advocates that once a student has been identified as exceptional by an IPRC, that identification, including the category and the specific exceptionality, be accepted by any other school board in Ontario.

Rationale

Once a student has been identified as exceptional, consistent and continuous programming is important to maximize his or her educational success. This continuity and consistency should be maintained even where the student moves schools or school boards.

Section 1 of the Education Act establishes the definition of exceptional pupil. Section 8 further provides that the Minister of Education and Training shall prescribe the categories and definitions of exceptionalities and shall require the use of these definitions by all school boards; these categories and definitions are set out in the Special Education Handbook, 1984. Finally, the IPRC process to be used by all school boards is set out in Regulation 181/98.

The effect of this legislation is that the criteria for identification should be consistent throughout Ontario. Parents and students who move from one school board to another should therefore not have to repeat the process of assessment and identification. Rather, the new school board should, on the basis of the existing identification, place the student appropriately and provide such services as are required. This would result in less delay in programming for the student and, secondly, reduce the funds currently spent on "re-identifying" exceptional students.

References

Education Act ss1, 8
Regulation 181/98
Special Education Information Handbook, 1984

Policy E9

Discussion and Determination of Programming at the IPRC

LDAO advocates that the IPRC discuss and make decisions about program as well as placement.

Rationale

Placement in a particular classroom is less important than the quality and content of the program to be delivered there, particularly given the increasing trend to placement in the regular classroom. LDAO considers that the role of the IPRC should include discussions and, where appropriate, decisions about programming and services as defined in section 1 of the Education Act. At present, regulation 181/98 provides that an IPRC may discuss and make recommendations, although not decisions, about special education programs and services. Recommendations may be used for the IEP, but this is not required.

A parent or a student who is 16 years of age or older can require the IPRC to discuss programming. Parents and students should be informed of this right in the parents' guide.

References

Regulation 181/98
Response to Regulation 181/98, LDAO, 1998

See also: Appendix B

Procedures for Special Education Appeal Boards

LDAO advocates that the Ministry of Education update and reissue the Ministry Monograph No. 1, originally issued in 1985, as a formal Ministry of Education Standards document, delineating appropriate procedures and best practices for the functioning of Special Education Appeal Boards in order to enhance consistency of process, procedural fairness and equity for all exceptional students and their families throughout Ontario.

Rationale

Although the majority of IPRCs are successful and most parents do not choose to appeal the IPRC decision regarding their child's identification or placement, the right of appeal is a very important legal right, which is assured within the Canadian legal system. Many parents and students are not aware of the right of appeal or of the process which must be followed in order to appeal the IPRC decision. They are often led to believe that their only option is to agree with the IPRC or withhold their consent. It is important that all parents understand fully their and their child's rights and that they have access to a consistent and meaningful process which meets the goals of natural justice and procedural fairness.

References

- Education Act, ss.8 and 57, Ontario, 1990
- Regulation 181/98
- Monograph on Special Education Appeal Boards, No. 1, Ministry of Education, 1985.,
“Still Putting the Pieces Together”, LDAO, 2000

Procedures for Mediation

LDAO advocates that the Ministry of Education develop and distribute a Policy and Program Memorandum to delineate appropriate procedures and effective practices for the mediation process that is usually recommended to parents before proceeding to appeal the decision of the IPRC and/or the Special Education Appeal Board.

Rationale

Although the legislation governing special education procedures and practices does not mandate a mediation process, parents who do not agree with the decision of the IPRC and/or the Special Education Appeal Board and indicate that they plan to appeal these decisions, are urged, often by the Ministry of Education, to participate in a mediation process to resolve the disputes. The Ministry has developed a mediation process and has established a panel of mediators. However, because the process is generally handled informally, parents do not have the requisite information available to them about how to prepare for mediation or what to expect at the mediation meeting. Further, where the mediation meeting is convened for the purposes of trying to resolve a dispute related to the IPRC, before appealing to a Special Education Appeal Board, school boards manage the mediation process within their own interpretation of what mediation is. As a result, there is no consistency of process from school board to school board.

A relevant Policy and Program Memorandum setting out the recommended process would enhance procedural fairness as well as assure greater equity for all exceptional students and their parents.

References

Education Act, ss.8 and 11, Ontario, 1990

Regulation 181/98

“Still Putting the Pieces Together”, LDAO, 2000

Ministry of Education informal memorandum on mediation, Ontario, (1997)

Letters to Policy Branch re mediation, LDAO, (1997)

Procedures for Special Education Tribunals

LDAO advocates that the Ministry of Education develop and implement a Regulation for the functioning of Special Education Tribunals, in accordance with Section 57.2 of the Education Act, which sets out all the appropriate procedures for the functions of the Tribunal, including the relevant components of the Statutory Powers Procedure Act and any follow up activities that are available to parents and school boards relating to the decision of the Tribunal.

Rationale

Although Special Education Tribunals are infrequent, they provide an important avenue of appeal for parents of exceptional students.

The Education Act states that the Lieutenant Governor may enact a Regulation to govern the procedures of tribunals. However, the Ministry of Education has chosen not to proceed with this. As a result, although all tribunal panels have functioned under the auspices of the Education Act and the Statutory Powers Procedure Act, the actual appeal process, as administered by the tribunals and their decisions, which are supposed to be legally binding, have been quite varied. Further, although the Tribunal has as its secretary an Education Officer from the Ministry of Education's Policy Branch and the tribunal reports to the Ministry as well as the two parties concerned, neither the Ministry of Education nor the Attorney General's Ministry review the tribunal decision for accuracy or validity, before it is released. This makes the process more complex and difficult for parents.

A Special Education Tribunal Regulation would enhance the appeal rights of parents and improve the procedural fairness of the process.

References

Education Act, ss.8 and 57, Ontario, 1990

Regulation 181/98

Monograph on Special Education Appeal Boards, No. 1, Ministry of Education, 1985.,

"Still Putting the Pieces Together", LDAO, 2000

Letters to the Ministry of Education from LDAO, 2001

The Role of Advocates at Appeals, Tribunals and Mediation

LDAO advocates that MET establish a policy and inform all school boards that parents and students who are 16 years of age or older are entitled to have an advocate or representative present with them and speak on their behalf at the hearings of a special education appeal board, special education tribunal or mediation.

Rationale

Regulation 181/98 provides that parents and students who are 16 years of age or older may be accompanied by an advocate or representative at the IPRC meeting. The advocate may speak on the parent's or student's behalf.

The same right is not explicit for the various appeal processes. However, as a general legal principle and in the interests of fairness to parents and students, such a right should be allowed.

References

Regulation 181/98

See also: Policy I1

Annual Review

LDAO advocates that MET mandate that the annual review of identification and placement for all exceptional students be based on the results of the implementation of the decisions and recommendations of the previous IPRC and the current IEP, which in turn is based on the needs statement from the IPRC.

Rationale

The Education Act requires an annual review of identification and placement of all exceptional students. However, in many cases the annual review is a brief formality with parents often advised not to attend. Regulation 181/98 provides that parents may waive their rights of participation.

In reality, the annual review is extremely important for the purposes of determining whether the IEP outcomes were met and whether the student has made any progress. Parents should be advised of the purpose of the annual review and encouraged to attend.

References

Education Act ss1, 11
Regulation 181/98
IEP Documentation, Resource Guide, Ministry of Education, 1998
“Still Putting the Pieces Together”, LDAO, 1994

See also: Appendix B

Part F **Definitions and Categories of Exceptionalities**

The policies in this section relate to the categories and definitions of exceptionalities, including learning disabilities, to be used in the school system. Policies address the need to distinguish between students with learning disabilities and students who are underachieving for other reasons and the need to accurately identify students with multiple exceptionalities.

The Learning Disabilities Association has been involved for the past three years in a research project called Promoting Early Intervention. As part of this project, LDAO has:

- X developed a new definition of learning disabilities,
- X identified a screening process for kindergarten age children,
- X piloted a series of interventions for children who are seen as being at risk for school failure,
- X introduced a revised assessment protocol for diagnosing learning disabilities in accordance with the new definition,
- X developed and piloted a series of programming initiatives for the primary grades,
- X made recommendations to all parties involved in the training of teachers in the pre- and in-service programmes, AQ courses and the accreditation and recertification process by the Ontario College of Teachers,
- X and promoted much greater public awareness of the field of learning disabilities.

Some of the materials developed through this project have been included in this manual. Others are available on the LDAO website, www.ldao.on.ca or may be obtained directly from the LDAO office or the Association's local chapters.

Policies

- F1 Categories and Definitions of Exceptionalities
- F2 Definition of Exceptionality I
- F3 Definition of Exceptionality II
- F4 Definition of Learning Disabilities I
- F5 Definition of Learning Disabilities II
- F6 Learning Disability as a Separate Category of Disability
- F7 Differentiation Between Exceptional Students and Underachieving Non-exceptional Students
- F8 ADHD and Learning Disabilities
- F9 Learning Disabilities and Other Exceptionalities
- F10 Learning Disabilities and Co-existing Conditions
- F11 Learning Disabled/Gifted
- F12 Appeal of Category and/or Definition
- F13 Appeal by Student Over Age 16

Categories and Definitions of Exceptionalities

LDAO advocates that the consistent use of the categories and definitions of exceptionalities be mandated by the Education Act and that school boards be held accountable if they fail to do so.

Rationale

The uniform use of terminology by all school boards is the appropriate way to support exceptional students. Several long term longitudinal research studies have affirmed that the first step towards success for people with learning disabilities is an acceptance and understanding of their own learning disabilities. The categories, as presently set out in the Special Education Information Handbook, 1984 and the Ministry's memorandum of January 15, 1999, for the purposes of the IPRC process, are:

1. behaviour
2. communication (which includes learning disabilities)
3. intellectual
4. physical
5. multiple

There are twelve specific exceptionality groupings within these categories. Students with learning disabilities should be identified through the IPRC process as "exceptional/ communications/learning disabilities" and not just "exceptional" or only in the "communication category". New definitions are anticipated in the near future, as part of the Ministry of Education's work towards developing exceptionality-specific program standards. It is anticipated that the program standards for learning disabilities will be closely linked to LDAO's Promoting Early Intervention initiative and that the new definition for learning disabilities will be the one developed by LDAO.

References

Education Act, s8(3)

Regulation 181/98

Special Education Information Handbook, 1984

Response to Consultation Paper on Categories and Definitions, LDAO, 1995

"Resource Documents to Support Implementation of Regulation 181/98, Identification and Placement of Exceptional Students", memo from Deputy Minister Veronica Lacy to the Directors of Education, 9 October 1998

Ministry of Education memorandum, January 15, 1999

Promoting Early Intervention materials, LDAO, 2001

See also: Appendix F; Policy R1

Definition of Exceptionality I

LDAO endorses the provisions of Regulation 181/98 which provide that where a student is identified as exceptional, the category, definition and extent of the exceptionality must be included in the written decision of the IPRC.

Rationale

The Education Act s1(1) defines “exceptional student” and sets out the five categories of exceptionality: behavioural, communications, intellectual, physical and multiple. The Education Act s.8(3)(b) requires the Minister of Education to define exceptionailities of students and prescribe classes, groups or categories of exceptionailities and require boards to employ such definitions and prescriptions. The Special Education Information Handbook, issued in 1984, sets out the five categories and defines exceptionailities as required by s.8 of the Education Act. Regulation 181/98 provides that the IPRC, where engaged in identifying or placing a student, shall obtain and consider an educational assessment and may also obtain a health assessment or a psychological assessment or both. Regulation 181/98 states that the IPRC, when engaged in Identifying a student, shall use the definitions and categories referred to in the Education Act s8(3). The Ontario Special Education Tribunal has established that school boards should use this three-part model (exceptional/category/definition of the exceptionality) when identifying a student as exceptional and in need of special education placement, program and services. Unfortunately, many school boards do not comply with these requirements. For example, many school boards continue to use their own terminology, such as “adaptive learning class”.

References

Education Act, ss1, 8(3)

Regulation 181/98, s18(3)(a)(ii)

McLean vs Simcoe County School Board, Special Education Tribunal, 1992

Special Education Information Handbook, 1984

“Resource Documents to Support Implementation of Regulation 181/98, Identification and Placement of Exceptional Students”, memo from Deputy Minister Veronica Lacy to the Directors of Education, 9 October 1998

See also: Appendix F

Definition of Exceptionality II

LDAO advocates that the Ministry of Education enforce, through appropriate accountability measures, the relevant sections of Regulation 181/98 which provide that, where a student is identified as exceptional, the category, definition and extent of the exceptionality must be included in the written decision of the IPRC. Such accountability measures may include amending the Regulation to allow parents to appeal the category and definition of their child's exceptionality, rather than just the fact of the student's identification as an exceptional student.

Rationale

The Education Act s1(1) defines “exceptional student” and sets out the five categories of exceptionality: behaviour, communications, intellectual, physical and multiple. The Education Act s8(3)(b) requires the Minister of Education to define exceptionalities of students and prescribe classes, groups or categories of exceptionalities and require school boards to employ such definitions and prescriptions. The Special Education Information Handbook, issued in 1984, sets out the five categories and defines the eleven exceptionalities as required by s8 of the Education Act. These definitions, slightly revised, were reissued to school boards in January, 2000, together with directions for their use in implementing Regulation 181/98. It is anticipated that further revisions to the exceptionality definitions will be made by the Ministry of Education, as the exceptionality specific program standards are released in the coming years. However, these changes to the exceptionality definitions do not alter the requirement contained in s18(3)(a)(ii) of Regulation 181/98, mandating the correct use of the definitions to describe the student’s exceptionality. In spite of this consistent requirement, some school boards do not comply with this requirement in their identification process. Even where school boards have communicated to the Ministry of Education within their Special Education Plan their diverse and often non-compliant practices in using identifying terminology, they do not appear to have been directed to comply with the Regulation in full. If parents were able to appeal their child’s specific identification rather than just the fact of the student’s exceptionality, the inequity resulting from this process would be eliminated.

References

Education Act, ss1 and 8, Ontario, 1990

Regulation 181/98, s18(3)(a)(ii)

Special Education Information Handbook, Ontario, 1984

Input to the revision of the Special Education Information Handbook, LDAO, 1996-2000

Revised definitions of exceptionalities, Ontario, 2000

See also: Definitions of learning disabilities

Appendix F, current Ministry of Education definitions of exceptionalities

Policy F9, Appeal of category and/or definition

Definition of Learning Disabilities I

LDAO advocates that the Ministry of Education adopt and mandate the use of the new definition of learning disabilities developed by LDAO through the Promoting Early Intervention Project for the purposes of special education programming throughout Ontario's education system.

Rationale

One of the greatest barriers faced by individuals with learning disabilities has been the lack of a generally accepted and consistent definition of learning disabilities. This has led to significant scepticism about the existence and effects of learning disabilities as well as a lack of consistency in who is identified as having specific learning disabilities and is provided with services, supports and accommodations to overcome the impacts of the condition. The current definition used by the Ministry of Education and included in the Special Education Information Handbook, 1984, is significantly out of date and does not contain the requisite components for defining what the condition is and what its impacts are on those who have it.

In response to this, LDAO, with the support of the Ministry of Education, has developed the new definition of learning disabilities (see page of the manual). It is anticipated that as the Ministry of Education proceeds with developing the learning disabilities specific program standards, it will use this definition.

References

Report of the Interministerial Working Group on Learning Disabilities, Ontario, 1992
Reports and documents related to the Promoting Early Intervention Project, LDAO, 2000-01
Correspondence with the Minister of Education, LDAO, 1997-2001

See also: Definitions of Learning Disabilities
 Appendices

Definition of Learning Disabilities II

LDAO advocates that the Government of Ontario adopt and mandate the use of the new definition of learning disabilities developed by LDAO through the Promoting Early Intervention Project for the purposes of all services, supports and funding initiatives throughout Ontario.

Rationale

One of the greatest barriers faced by individuals with learning disabilities has been the lack of a generally accepted and consistent definition of learning disabilities. This has led to significant scepticism about the existence and effects of learning disabilities as well as a lack of consistency in who is identified as having specific learning disabilities and is provided with services, supports and accommodations to overcome the impacts of the condition. The current definitions used by the Ministry of Education, the Ministry of Health, the Ministry of Community and Social Services and other government organizations and agencies are not consistent with one another, are significantly out of date and do not include the requisite components for defining what the condition is and what its impacts are on those who have it. In response to this, LDAO, with the support of the Ministry of Education, has developed the new definition of learning disabilities (see page 8 of the manual).

References

- Report of the Interministerial Working Group on Learning Disabilities, Ontario, 1992
- Reports and documents related to the Promoting Early Intervention Project, LDAO, 2000-01
- Correspondence with the Minister of Education, LDAO, 1997-2001
- Submission to the Ontario Human Rights Commission, LDAO, 2000
- LEAP Manual, LDAO, 1998

See also: Definitions of Learning Disabilities
 Appendices

Learning Disability as a Separate Category of Disability

LDAO advocates that learning disabilities be identified and maintained in all federal and provincial legislation as a distinct and separate category of disabilities.

Rationale

Identification of learning disabilities as a separate category of disabilities will ensure that funding and services will become more routinely available to persons with learning disabilities. The fact that learning disabilities are “invisible” has meant that many necessary services have not been as readily available to individuals who have learning disabilities as to individuals with more obvious disabilities.

References

Ontario Human Rights Code, 1981

Report of the Interministerial Working Group on Learning Disabilities, 1992

Response to Bill 173, an Act Respecting Long Term Care, LDAO, 1974

Response to the consultation on the Ontarians with Disabilities Act, LDAO, 1998

See also: Definitions of Learning Disabilities

Differentiation Between Exceptional Students and Underachieving Non-exceptional Students

LDAO advocates an explicit differentiation in identification, placement and programming between exceptional students who fall within a defined category of exceptionality (such as learning disabilities) and non-exceptional students who are experiencing problems achieving in school.

Rationale

It is essential to have a clear sense of what is causing academic underachievement in order to meet the needs of students. Placement of non-exceptional but underachieving students in special education programs means that fewer places are available for exceptional students. Placement of non-exceptional but underachieving students in special education programs may also lead to charges of over identification, mislabelling and discrimination. This discredits special education in the eyes of many people and often leads to calls for special education to be abolished for all but those who have hearing, vision, physical or developmental exceptionalities.

Appropriate compensatory programs should be provided for non-exceptional but underachieving students to help them overcome their problems and catch up with their peers. These programs are not, and should not be considered, special education.

References

- Funding formula, Learning Opportunity Grant, Ministry of Education, 1998
- "For the Love of Learning", Report of the Royal Commission on Learning, 1995
- "Critical Issues in Special and Remedial Education", Ysseldyke, J.E. et al, Journal of Special Education 16, 1982
- Response to the Royal Commission on Learning Report, LDAO, 1995

ADHD and Learning Disabilities

LDAO advocates that any student identified with Attention Deficit Hyperactivity Disorder ("ADHD") for whom academic performance is a concern be assessed for the presence of learning disabilities.

Rationale

Recent research has shown the high co-existence of ADHD and learning disabilities; more than 60% of students identified with ADHD also have learning disabilities. Appropriate programming cannot be implemented if there are undiagnosed learning disabilities.

If a child has learning disabilities as well as ADHD, the appropriate identification is the dual diagnosis of specific learning disability/ADHD, not social adjustment/behaviour as is often the practice of school boards.

References

Ontario Child Health Study, Offord, D., 1984

ADHD: A handbook for diagnosis and treatment; Barkley, R.A., The Guilford Press, 1990

Presentations on the co-morbidity of ADHD and learning disabilities; Denckla, M. at the LDAO

Provincial Conference, 1991

Special Education Information Handbook, Ministry of Education, 1984

Refer: Appendix F (definition of ADHD)

Learning Disabilities and Other Exceptionalities

LDAO advocates that where a student presents with more than one identifiable exceptionality, all decisions about special education placement and program delivery should be based on the student's full range of strengths and needs.

Rationale

Specific learning disabilities may exist in conjunction with other exceptionalities (gifted, behavioural, physical). It is important to differentiate between a student who has learning disabilities occurring in conjunction with another exceptionality and a student who experiences learning difficulties as a result of another exceptionality. Learning disabilities are a distinct exceptionality and must be identified as existing in a student independent of any other exceptionality before the identification of learning disabled can be made.

Where a student does have more than one exceptionality, his or her strengths and needs must be fully identified and the special education program designed accordingly. The program should address all identified exceptionalities. Parents should not have to "choose" their child's exceptionality such that the other identified special needs are not met. It is generally inappropriate to identify a student with a specific learning disability and another accompanying specific exceptionality under the multiple category.

References

Response to the Consultation Paper on Categories of Exceptionality and Definitions, LDAO, 1995

See also: Appendix F

Learning Disabilities and Co-existing Conditions

LDAO advocates that any student identified as having a condition that is deemed co-morbid with learning disabilities, e.g., Tourette's Syndrome, Disruptive Behaviour Disorders, Anxiety or Mood Disorders, or one which frequently affects learning, e.g., Cerebral Palsy, Spina Bifida, Hydrocephalus, Acquired Brain Injury, Epilepsy or Fetal Alcohol Syndrome, and for whom academic performance is a concern be assessed for the presence of learning disabilities.

Rationale

Specific learning disabilities may exist in conjunction with other medical and psychological conditions. It is important to differentiate between a student who has learning disabilities occurring in conjunction with another condition and a student who experiences learning difficulties as a result of a condition which affects learning, but where the learning difficulties do not meet the criteria for a specific learning disability. Where a student has learning disabilities as well as a co-morbid condition, his/her strengths and needs must be fully identified and the special education program designed accordingly. It is generally inappropriate to identify a student with a specific learning disability and another accompanying psychological or medical condition under the multiple category.

References

Responses to the consultation on the categories and definitions of exceptionalities and the ISA profiles.
LDAO, 1995-2001
ISA profiles, 2001

See also: Appendix G: Supporting document to the new definition of learning disabilities, LDAO, 2001

Learning Disabled/Gifted

LDAO advocates that students identified as both gifted and learning disabled should be placed in a program designed to address both exceptionalities.

Rationale

Treatment of a specific learning disability should not take precedence over recognition of the above average potential of the student. Maximization of the student's potential must reinforce the strengths, while at the same time programming must address any potential barriers to learning such as a learning disability.

References

Response to the Consultation Paper on Categories of Exceptionality and Definitions, LDAO, 1995

See also: Appendix F (definition of gifted)

Appeal of Category and/or Definition

LDAO advocates that a parent be allowed to appeal the decision of the IPRC related to the category and definition of the exceptionality and/or the manner in which the definition has been applied.

Rationale

Application of the definitions and categories of exceptionality required by Ministry of Education is not an “exact science” and an IPRC may make a mistake. In spite of the directions of the Ministry of Education in this regard, some school boards still do not use the appropriate categories and definitions of the exceptionalities. As a result, some students may be designated under an inaccurate, inappropriate or incomplete category and/or definition of exceptionality by the IPRC.

Regulation 181/98 provides that parents may appeal the identification and placement. Although the regulation mandates the use of category and definition of exceptionality, these may not be appealed.

In this context, “identification” is interpreted by many school boards as whether or not the student is exceptional, and not the details of that exceptionality. However, there is precedent for the term “identification” to include the category and specific definition of the exceptionality. Therefore, LDAO considers that a parent or student should be entitled to appeal the category or definition of exceptionality.

References

Regulation 181/98

Education Act s8(3)

Response to the new Regulation on Identification and Placement of Exceptional Students, LDAO, 1995

McLean v Simcoe County Board of Education, Leave to Appeal Tribunal, 1992

Lang v. Le Conseil scolaire de district catholique du Centre-Est de l'Ontario, 2001

Appeal by Student Over Age of 16

LDAO advocates that a student who is 16 years of age or older be allowed to appeal his or her identification, category of exceptionality and/or placement.

Rationale

Students over the age of 16 should be afforded the opportunity to appeal any decision made regarding his or her identification, placement or category of exceptionality. Regulation 181/98 has significantly enhanced the rights in the IPRC of students who are 16 years of age or older. These rights should also apply during the appeal process.

References

Regulation 181/98

Education Act s8(3)

Response to the new Regulation on Identification and Placement of Exceptional Students, LDAO, 1995

McLean v Simcoe County Board of Education, Leave to Appeal Tribunal, 1992

See also: Appendix D

Placement

The policies in this section relate to placement of students identified as having learning disabilities. Policies address the need for a broad range of placement options and the determination of placement based on the strengths and needs of the individual. Policies also address the requirements for specific types of placements (for example, withdrawal or congregated classrooms and the Provincial demonstration schools) and the procedures to be followed for change of placement.

Policies

- G1 Broad Range of Interventions
- G2 Most Enabling Placement
- G3 Most Appropriate Placement
- G4 Terminology Used to Describe Special Education Classes
- G5 Range of Special Education Placement Options
- G6 Integration
- G7 Inclusion
- G8 Withdrawal/Remedial Assistance
- G9 Withdrawal Class Size
- G10 Self-contained Special Education Classes I
- G11 Self-contained Special Education Classes II
- G12 Placement of Students with Learning Disabilities
- G13 Demission from Special Education Placements/Programs
- G14 Liability for Altering Placement
- G15 Provincial and Demonstration Schools
- G16 New Directions for Provincial and Demonstration Schools
- G17 Placement in a Demonstration School Program
- G18 Demission from a Demonstration School Program

Policy G1

Broad Range of Interventions

LDAO advocates that a broad range of interventions be considered in determining what placement and programming is required by a student identified as having learning disabilities. Such interventions may include one or more of alternate teaching strategies, modification of pace, process or product, provision

of additional time and other modifications and accommodations.

Rationale

The interventions required to facilitate learning by a student identified as having learning disabilities will vary depending on the strengths and needs of the student. Modifications and accommodation may include, but are not restricted to, variation in pace, provision of additional time for tests or examinations or provision of support services. Alternate teaching strategies also fall within the purview of accommodation and modifications and should be considered as a means of facilitating the student achieving the same learning outcomes as his or her non-disabled peers.

References

Response to the consultation on the IPRC process, LDAO, 1995

Response to the consultation on secondary school reform, LDAO, 1997

Response to consultation on Special Education Information Handbook, LDAO, 1998

Policy G2

Most Enabling Placement

LDAO advocates that the determination of special education placement of an exceptional student be made on the basis of deciding the most enabling placement for the student which meets the student's strengths and needs and not on the basis of school board philosophy.

Rationale

The current trend is towards regular class placement as part of a larger emphasis on integration. However, Ministry of Education's direction on integration contains the proviso that placement of an exceptional student must still be determined in accordance with the student's needs and, secondarily, in accordance with parental wishes. This proviso is of fundamental importance.

Integration is not a placement but rather a long- term process, whereby individuals are assisted to develop the requisite skills and strategies to enable them to function to the best of their ability in the mainstream of society. Special education and/or programming can be one step in assisting in the development of these skills and strategies.

Education placement should not be determined in accordance with a predisposition towards "integration" or any other preconceived educational or social philosophy. Rather, the student's strengths and needs will determine what is the most enabling placement at any given time. This will vary between students and may change as the student advances through the education system.

References

Regulation 181/98

Eaton v Brant County of Education, Supreme Court of Canada, 1997

Memo on Integration, Ministry of Education, 1994

Response to the IPRC consultation, LDAO, 1995

Most Appropriate Placement

LDAO advocates that the term “appropriate” in the Education Act be interpreted to mean “in the best interests of the student”.

Rationale

The term “appropriate” is not defined in the legislation. Tribunal decisions set a precedent for a “best interest” standard, i.e., special education programs which meet the current needs of an exceptional student. The courts have indicated that the word “appropriate” should be interpreted in a special education context as “satisfying the needs of the student”.

References

Listing of Special Education Tribunal decisions in Appendix C

Terminology Used to Describe Special Education Classes

LDAO advocates that school boards in Ontario use clear and consistent terms to describe special education classes such that the age and exceptionality of the students is apparent (for example, “primary learning disability” or “intermediate gifted”).

Rationale

The purpose of such terms is to inform parents, educators and students about the age and exceptionality of the students being served. Euphemisms such as “adaptive learning classes” merely confuse. Further, it also means that parents will not know what is an appropriate class size as defined in the Regulations.

References

Special Education Information Handbook, Ministry of Education, 1984
Regulation 298, s31
Response to consultation on the revision of the IPRC process, LDAO, 1995

See also: Policy F1; Appendix F

Range of Special Education Placement Options

LDAO advocates that, in accordance with Ontario legislation and Ministry of Education directions, a full range of special education placement options, including referral to a Demonstration School, self-contained special education class, withdrawal programming, in class resource support from a special education teacher and regular class placement, be available to all students with learning disabilities for the purposes of special education program delivery, regardless of the currently offered placement options at his/her school board.

Rationale

Different students require different special education placements to ensure that their strengths and needs are met. Although Regulation 181/98 states that integration, i.e. regular classroom placement, be the first choice of the IPRC, this is only deemed appropriate if such a placement meets the needs of the students and is in accordance with parental wishes. Most school boards have eliminated their self-contained special education classes, citing the IPRC Regulation and the lack of adequate funding, as the reasons for this step. However, Regulation 298, s31 still sets out maximum class sizes for self-contained special education classes, s170 of the Education Act holds school boards accountable for the provision or purchase of appropriate special education programming for their exceptional students and the Ministry's funding formulae include a process for funding small classes as well as forms of special education program delivery.

References

Education Act, ss1 and 170, Ontario, 1990
Regulation 181/98
Regulation 298, s31
Ministry memoranda re the integration of exceptional students, Ontario, 1994-2000
Responses to Ministry consultations on special education, LDAO, 1995-2001
Ministry of Education reports and documents related to Demonstration schools, Ontario, 1995-2001

See also: Appendix E, Reynold's Cascade Model of Service Delivery

Integration

LDAO advocates that integration in education be defined as the process of delivering to all students a quality education in the most enabling educational placement, determined on the basis of identified strengths and needs and by informed parental choice.

Rationale

Integration is not a specific placement, but rather a long term process, whereby individuals are assisted to develop the requisite skills and strategies so that eventually they can function to the best of their ability in the mainstream of society.

Integration is not the same as mainstreaming or inclusion (see policy G7). Some students with learning disabilities do well in a regular age appropriate classroom, provided that they have access to the requisite accommodations and differentiated teaching methodologies set out in their IEP. Many students are most successful if the regular classroom placement is augmented by regular withdrawal into a smaller unit for the purposes of more direct small group instruction. Others may benefit considerably from an individualized program, delivered in a small class setting by a teacher knowledgeable in the field of learning disabilities. For others with complex and severe needs, access to an even more intensive program, such as those offered by the demonstration schools, is the only way to affect positive changes which in the long run will facilitate true integration. As such, the most enabling environment may not in the short term be the "least restrictive".

There is no doubt that integration into the mainstream is the ultimate goal for all members of society, regardless of their special needs at a given time. However, the time when an individual is ready for that integration will depend on a number of factors, intrinsic to the individual.

References

Eaton v Brant County Board of Education, Supreme Court of Canada, 1997

Identification of Issues on Integration, Ministry of Education, 1993

Statement on the Integration Initiative, Ministry of Education, 1994

Response to the Consultation on the IPRC process, LDAO, 1995

Inclusion

LDAO does not support inclusion as a goal, when this term is interpreted as the exclusion of all other special education placement options. LDAO has also not supported integration, mainstreaming or the placement of all students with learning disabilities into self-contained classes at all times. LDAO advocates that special education placement should always be determined based on the needs of the child and parental wishes.

Rationale

Inclusion has become the goal for certain individuals and groups who oppose any and all forms of special education programming that is categorical or may take place in a congregated setting rather than in a regular age appropriate classroom. Some students with learning disabilities do well in a regular age appropriate classroom, provided that they have access to the requisite accommodations and differentiated teaching methodologies set out in their IEP. Many students are most successful if the regular classroom placement is augmented by regular withdrawal into a smaller unit for the purposes of more direct small group instruction. Others may benefit considerably from an individualized program, delivered in a small class setting by a teacher knowledgeable in the field of learning disabilities. For others with complex and severe needs, access to an even more intensive program, such as those offered by the demonstration schools, is the only way to affect positive changes which in the long run will facilitate true integration. As such, the most enabling environment may not in the short term be the "least restrictive" or the most inclusive.

References

- Eaton v Brant County Board of Education, Supreme Court of Canada, 1997
- Identification of Issues on Integration, Ministry of Education, 1993
- Statement on the Integration Initiative, Ministry of Education, 1994
- Response to the Consultation on the IPRC process, LDAO, 1995
- Statement on Inclusion, LDAO, 2001

Withdrawal/ Remedial Assistance

LDAO advocates that a clear distinction be made between withdrawal and remedial settings; a remedial setting does not replace an appropriate special education program.

Rationale

Withdrawal means that up to 49% of instructional time is spent in a special education program tailored to the needs and strengths of an identified exceptional student. Such a student is entitled to all protection afforded exceptional students in law. By contrast, remedial programs (usually compensatory assistance for non-exceptional students) do not require teachers to be trained in special education and do not require identification of the students in the program as exceptional.

Remedial programs should be available to all students whether or not they are identified as exceptional. Students with learning disabilities may benefit from remedial help where they have not had the opportunity to be taught some basic and important skills. For example, the Royal Commission on Education Report recommended that no child who lags behind peers in learning to read be labelled "learning disabled" unless he or she has first received intensive individual assistance in learning to read. However, this should not prevent the identification of students who do have learning disabilities and whose education and self-esteem would benefit from knowing why they are having difficulties.

Remedial programs utilize the same teaching methods and group instruction as the regular stream. Placing students with learning disabilities in remedial programs in an effort to minimize the "social stigma" of special education has proven an ineffective process.

References

Description of placement, annual October report format, Ministry of Education
Response to the Report of the Royal Commission on Learning, LDAO, 1995
Response to the consultation on the IPRC process, LDAO, 1995

Withdrawal Class Size

LDAO advocates that the maximum number of students in a withdrawal placement not exceed (at any given time) the full time equivalent of eight.

Rationale

The maximum class size for a learning disabilities class must be no more than eight, that being considered the maximum number for effective delivery of a special education program by a qualified special education teacher. Each school board should, in consultation with its Special Education Advisory Committee, establish a policy determining the maximum total numbers to be assigned to a resource withdrawal setting.

It is important to note that the regulation governing maximum average class sizes for Ontario schools and school boards does not apply to special education classes.

References

Regulation 298, s31

Regulation 118/98

LDAO Response to the consultation on the IPRC process, 1995

Self-contained Special Education Classes I

LDAO advocates that any student with specific learning disabilities for whom the IPRC placement decision is a self-contained class, be placed in a class with a maximum class size of eight students in accordance with Section 31(a) of Regulation 298. That means that the class should at no time have more than eight students and all of these students should be identified as having learning disabilities.

Rationale

Self-contained placement is defined as a placement in which a student spends at least 51% of his or her day.

The Ministry of Education recognises that the level of individual attention required by a student with a severe learning disability is such that a teacher cannot adequately support more than eight students at a time. The maximum class size for self-contained classes of students with learning disabilities is eight. However, this limit is often ignored by school boards.

Many school boards have eliminated all their self-contained learning disabilities classes and parents are told that they do not have this option available to them. Other school boards have made all special education classes mixed exceptionality classes with a student to teacher ratio of 16:1. For many students with severe learning disabilities such a class size is too large and the presence of students with other exceptionalities, usually mild intellectual disabilities and/or behavioural difficulties, detracts from the opportunity for direct instruction and individualization. Under these circumstances the placement frequently becomes inappropriate.

References

- Regulation 298, ss31(a), (g)
- Response to the consultation on the IPRC process, LDAO, 1995
- Regulation 181/98
- Student focussed funding formulae, 2000/01

Self-contained special education classes II

LDAO advocates that where the IPRC placement decision is a self-contained special education class or a withdrawal placement, the written decision specify all the relevant details including the time that the student is to spend in the placement, the subjects which are to be taught in the self-contained class, the time that the student spends in an integrated setting, etc.

Rationale

According to the Ministry of Education's definitions of special education placements, a self-contained placement is defined as a placement in which the student spends at least 51% of the school day. In spite of this, some school boards call any withdrawal program into a small class setting as a self-contained placement. Therefore, to make the IPRC process fully accountable, parents should be informed of all the details of their child's special education placement and programming.

References

Regulation 181/98
Regulation 298, s31
Still Putting the Pieces Together, LDAO, 2000

Placement of Students with Learning Disabilities

LDAO advocates that students identified as having learning disabilities who are placed in a special education class or are withdrawn to a part time special education program be placed only with other students identified as having learning disabilities.

Rationale

Placement of students with learning disabilities in mixed exceptionality classes has proven to be ineffective. Negative consequences include inadequate education progress and public misidentification of students with learning disabilities as developmentally delayed, resulting in low self-esteem and secondary emotional problems. Self-contained congregated classes and resource withdrawal groupings consisting solely of students with learning disabilities can provide more specific and therefore more effective educational assistance.

References

Regulation 298, s31
Response to the consultation on the IPRC process, LDAO, 1995

Demission from Special Education Placements/Programs

LDAO endorses Regulation 181/98 which prohibits a school board from demitting any student from a special education placement without the informed written consent of the parents or the student if he or she is 16 years of age or older. LDAO further advocates that school boards be held accountable if they act in contravention of this requirement.

Rationale

Regulation 181/98 provides that an IPRC has the right to decide placement, and must request consent from the student's parents or the student where he or she is over 16 years old. A change of placement may only occur where such consent has been received or the parent or student has not responded to the request for consent for 30 days after the date of such request.

Regulation 181/98 also provides that only an IPRC has the right to demit or "de-exceptionalize" students. Unilateral removal from a placement by a school board, principal or other person is in clear contravention of the Education Act and regulations.

References

Education Act ss8(3), 286(1)(e), 287(1)
Regulation 181/98
LDAO response to Bills 30 and 31, 1996

See also: Policy R1

Liability for Altering Placement

LDAO advocates that punitive measures be applied to any principal or other individual who alters a student's placement, including returning a student to a full time regular class, in contravention of the provisions of Regulation 181/98 and the IPRC decision for the student in question.

Rationale

The Education Act provides that school boards shall require supervisory officers to ensure that schools operate in accordance with the Act and regulations. Further, supervisory officers can be suspended for violations of the Act and regulations. Unilateral placement of a student in contravention of Regulation 181/98 should result in punitive actions being taken.

References

Education Act ss8(3), 286(1)(e), 287(1)
Regulation 181/98
LDAO response to Bills 30 and 31, 1996

Policy G15

Provincial and Demonstration Schools

LDAO advocates the continued existence of Provincial and Demonstration School placements for students with severe learning disabilities.

Rationale

The Education Act provides that the Minister of Education may establish, maintain and operate demonstration schools for exceptional students for whom a residential setting is required. These schools are an essential component of the continuum of services required to ensure assistance for all exceptional students in Ontario. In addition, these schools provide an excellent milieu in which to assess and improve the methods employed to remediate learning disabilities, and ultimately develop more effective programs throughout the system.

References

Education Act s13(5)

Response to the consultation on the IPRC process, LDAO, 1995

Response to the evaluation of Provincial and Demonstration School programming, LDAO, 1995

Response to the Royal Commission on Learning Report, LDAO, 1995

Response to Bill 160, LDAO, 1997

Response to the new funding formulae, LDAO, 1997

New Directions for Provincial and Demonstration Schools

LDAO advocates that the number of places available in Provincial Demonstration Schools be sufficient to meet necessary demand and that satellite or regional programs, particularly in northern and remote areas, be established as necessary.

Rationale

The Education Act provides all exceptional students must have available to them appropriate special education programs and services without payment of fees. Demonstration schools are an essential component of the continuum of placement options.

At present, as a result of insufficient places or excessive distance, access to demonstration schools is denied to some students for whom such a program is necessary. Ensuring equality of access is an integral part of the duty to provide special education programs and services.

References

Education Act, ss8(3), 13(5)

Response to the consultation on the IPRC process, LDAO, 1995

Response to the Proposed Directions for Provincial and Demonstration Schools, LDAO, 1993

Response to Future Directions for the Provincial and Demonstration Schools: A Report to Stakeholders, LDAO, 1994

Placement in a Demonstration School Program

LDAO advocates that one of the placement options considered by an IPRC be a referral to the Provincial Committee on Learning Disabilities, which may determine whether the student is eligible for placement in one of the demonstration school programs.

Rationale

In determining the appropriate placement for a student identified as exceptional, an IPRC must consider the full range of placement options and not just those currently offered by the school or school board in question. For some students, placement in a residential program may be the most enabling placement and the appropriate referral should then be made by the IPRC.

References

Education Act s13(5)
Integration Memo, Ministry of Education, 1994

See also: Appendix E

Demission from a Demonstration School Program

LDAO advocates that when a student is ready to leave the Demonstration School Program, an IPRC be convened in accordance with Regulation 181/98 to determine the most enabling placement and most appropriate special education programs and services for that student at the home school board. LDAO further advocates that the staff of the Demonstration School continue to be available to advise the school and school board on programming issues after placement.

Rationale

After two years or more in a Demonstration School program, students are generally returned to their home school board. Their identification as having severe learning disabilities will not have changed. However, after receiving the intensive programming and support at the residential school, their needs statement, placement and IEP may require amendment such that they correspond to the student's current strengths and needs and not those identified before the referral.

References

Education Act s13(5)
Integration Memo, Ministry of Education, 1994

See also: Appendix E

Part H **Individual Education Plan (“IEP”)**

The policies in this section relate to the procedures for the development of an IEP for each exceptional student.

Policies

- H1 Individual Education Plan (“IEP”)
- H2 Essential Elements of an IEP
- H3 IEP Standards and Audit
- H4 IEP Compliance
- H5 Parent and Student Involvement in IEP
- H6 Continuous Transition Planning

Policy H1

Individual Education Plan (“IEP”)

LDAO advocates that the IEP for a student with learning disabilities be designed on an individualised basis and based on the mandated components of the Ministry of Education’s IEP Standards document, to enhance the student’s strengths and address his or her needs with a view to maximising the student’s educational achievement.

Rationale

The needs and strengths of each student are unique. Each student has a distinct learning pattern (strengths, difficulties and learning style) and effective intervention requires identification of this pattern and individualization of any special education programming or services. The student’s IEP should reflect these individual strengths and needs, pattern of learning and programming and services.

References

Education Act s1(1)

Regulation 181/98

IEP Resource Guide, Ministry of Education, 1998

Response to amendments to the consultation on the IPRC process, LDAO, 1995

IEP Standards Document, Ministry of Education, 2001

See also: Policy K4

Essential Elements of an IEP

LDAO advocates that each school board follow the procedure for developing and implementing an IEP and for reviewing the validity of the IEP for every exceptional student as set out in Regulation 181/98 and the Ministry of Education's IEP Standards Document.

Rationale

The Education Act defines “special education program” as “...an educational program that...includes a plan containing specific objectives and an outline of educational services that meets the needs of the exceptional student”. To this end, Regulation 181/98 mandates that an IEP will be developed for each exceptional student within 30 days of the placement of the student in a special education placement.

An IEP is:

- X a summary of the student's strengths, interests and needs and of the expectations for a student's learning during a school year that differ from the expectations defined in the appropriate grade level of the Ontario curriculum
- X a written plan of action prepared for a student who requires modifications of the regular school program or accommodations

and should include:

- X student's strengths and needs as recorded on the statement of decision received from the IPRC
- X relevant medical/health information
- X relevant formal (standardized) assessment data
- X student's current level of education achievement in each program area
- X goals and specific expectations for the student
- X program modifications
- X accommodations required
- X special education and related services provided to the student
- X assessment strategies for reviewing the student's achievements and progress
- X regular updates, showing dates, results and recommendations
- X transition plan, for all exceptional students (unless the primary identification is gifted) who are 14 years of age or older

The parents and student if he or she is 16 years of age or older are to be consulted in the preparation of the IEP and provided with a copy. A copy is also to be placed in the student's OSR.

References

Education Act s1(1)

Regulation 181/98

IEP Resource Guide, Ministry of Education, 1998

Response to the consultation on the IPRC process, LDAO, 1995

Response to the consultation on Categories and Definitions, LDAO, 1995

IEP Standards Document, Ministry of Education, 2001

See also: Appendix F

IEP Standards and Audit

LDAO endorses the Ministry of Education's IEP Standards Document including the audit process. LDAO advocates that the IEP audit be based not only on a review of the written document but also the actual special education program delivery and the experiences and progress of and outcomes for the student. The results of an IEP audit should be communicated to the student's parents as well as the educators involved.

Rationale

The strengths and needs of each student are unique. Each student has a distinct learning pattern, including strengths, difficulties and learning style. Effective intervention requires an identification of this pattern and individualization of special education programming and services. The student's IEP should reflect all of these components. A well-written IEP is a key component of appropriate special education programming. However, if the special education programming that the student receives does not match the written IEP, the student is making limited or no progress and the outcomes for the student are not as expected, then a well-written IEP is of little value. Therefore, any IEP audits should look at the results as well as the written document in determining the IEP's adequacy.

References

- Education Act s1(1), Ontario, 1990
- Regulation 181/98
- IEP Resource Guide, Ministry of Education, Ontario, 1998
- IEP Standards Document, Ministry of Education, Ontario, 2001

IEP Compliance

LDAO advocates that the Ministry of Education mandate and hold school boards accountable for complying with all directives contained in the IEP Standards Document, related to the development, evaluation and review of IEPs. These important compliance issues include the timely development of the IEP, in accordance with the recent amendment of Regulation 181/98, the involvement of parents and students in the development, review, amendment and audit of the IEP, and a manageable dispute resolution mechanism to be implemented where the IEP does not meet these requirements and/or the special education program delivered to the student does not match the components of the written IEP. The results of the IEP audit process should be shared with the school board's SEAC without providing SEAC with any identifying information in order to guarantee the privacy of individual students.

Rationale

The strengths and needs of each student are unique. Each student has a distinct learning pattern, including strengths, difficulties and learning style. Effective intervention requires an identification of this pattern and individualization of special education programming and services. The student's IEP should reflect all of these components. A well-written IEP is a key component of appropriate special education programming. However, if the special education programming that the student receives does not match the written IEP, the student is making limited or no progress and the outcomes for the student are not as expected, then a well-written IEP is of little value. Currently, parents have no way of appealing the contents of the IEP or the non-delivery of its contents. A structured, though not necessarily legalistic dispute resolution or appeal mechanism should be implemented.

References

- Education Act s1(1), Ontario, 1990
- Regulation 181/98
- IEP Resource Guide, Ministry of Education, Ontario, 1998
- IEP Standards Document, Ministry of Education, Ontario, 2001

Parent and Student Involvement in IEP

LDAO endorses the provisions of Regulation 181/98 which provide that parents and, where appropriate, the student are to be involved in the development of the student's IEP. LDAO advocates that parents and students be actively involved, with the full support and encouragement of the student's principal, teachers, and any other people responsible for the development of the IEP.

Rationale

Parents and students should be involved in the development of an IEP to ensure that all relevant information is considered and to facilitate understanding of the IEP and its contents by all concerned. Regulation 181/98 recognises the importance of such involvement.

Parents and students, where appropriate, should insist on being involved in the development of the student's IEP. Where a parent is provided with a copy of an IEP and is asked to sign to acknowledge receipt, the parent should ensure that if he or she is not in agreement with all or part of the IEP, he or she should indicate in writing on the document that the signature is simply indicative of receipt. In this way, the signature cannot be considered to be assent to the contents of the IEP.

References

Education Act, s1(1)
Regulation 181/98
IEP Resource Guide, Ministry of Education, 1998

See also: Policies I2; I5; Appendix D

Continuous Transition Planning

LDAO advocates that school boards, schools, teachers and other educators institute a policy of continuous transition planning such that the transition of an exceptional student from one grade to the next or one level of education to the next, whether generally or in relation to one or more subject areas, is considered regularly and an appropriate plan is in place to facilitate such transition.

Rationale

Transition planning is intended to facilitate the transition of an exceptional student from one level to the next, whether such transition be between grades or levels of education. Transition planning may also recognise that the student will advance more quickly in some areas of education than others and that this difference must be addressed in his or her education plan.

The appropriate forum for such planning is in the context of the IEP. Transition planning should be an intrinsic part of preparation and annual review of the student's IEP.

References

- Regulation 181/98
- Response to the consultation on high school reform, LDAO, 1996
- Secondary school reform documents, Ministry of Education, 1996-99
- High school reform: fact sheet, Ministry of Education, 1998
- LEAP, LDAO, 1998

See also: Policies L2, L3

Part I **Parents' and Students' Rights**

The policies in this part relate to the basic right of parents to be involved in their child's education and the need for parents to act as advocates for their child.

Policies

- I1 Parent Advocates
- I2 Parents' Right to be Informed
- I3 Parents' Guide
- I4 Involvement of Parents and Community in Classroom Programming
- I5 Students' Right to be Involved

Parent Advocates

LDAO advocates that parents have the right and the responsibility to be an advocate for their child.

Rationale

Parents are an integral part of the education of their child, both as primary care givers in the home and as the strongest advocates for the child within the educational system. Parents must be aware of their rights and responsibilities in this position.

Parents have the right to participate in every aspect of the decision making process concerning their child. This involvement continues beyond educational placement in school, as an appropriate and comprehensive program involves reinforcement and encouragement in the home. Parents must strive to be knowledgeable regarding the child's disability and the role they have to play in the remediation of that disability. It is important that the parents assume clear responsibility for training their children in the skills of self- advocacy.

References

Response to the consultation on the IPRC process, LDAO, 1995
"Still Putting the Pieces Together", LDAO, 1994
"Your Child is Worth It! LDAO parent advocacy handbook", LDAO, 1995

Parents' Right to be Informed

LDAO advocates that parents be informed of the exact nature and consequences of their child's exceptionality, the extent of the strengths and needs and full details of the recommended placement. These must be included in the IPRC written statement of decision, as set out in Regulation 181/98.

Rationale

Parents cannot help their child if they do not fully understand the problems that their child is facing as a result of having learning disabilities. Knowledge is the essential prerequisite to parents becoming an integral part of their child's educational program.

Despite the requirement that this information be included in the IPRC decision, parents do not always receive it.

References

Regulation 181/98

See also: IPRC Process

Policy I3

Parents' Guide

LDAO advocates that school boards be required to distribute their "Parents' Guide to Special Education" (prepared in accordance with the relevant sections of Regulation 181/98 and MET recommendations) to all parents upon their child entering the school system and again to any parent whose child is experiencing difficulty in school.

Rationale

Parents must be informed of their rights within the education system to ensure their ability to act as effective advocates for their children. The Guide will include a statement that all school boards must provide special education programs and services for all exceptional students and describe the placement options available including Provincial and Demonstration Schools. Many parents are not aware of all their rights and options until long after the first difficulties appear and sometimes not even then. For this reason it is also most important that the Guide include a listing of all the relevant advocacy organizations and associations both locally and provincially.

References

Regulation 181/98

Response to the consultation on amendments to the IPRC process, LDAO, 1995

Response to the consultation on the Parents' Guide, LDAO, 1998

See also: Policy C5

Involvement of Parents and Community in Classroom Programming

LDAO advocates that MET encourage the active involvement of parents and other community members in classroom programming, mentorships and in-service programs.

Rationale

Many adults who are not professional educators have valuable skills and insights to contribute to classroom programs. Involvement will help these adults to gain a better understanding of what is happening in the classroom and school system. Involved parents are in a better position to support both students and teachers.

Teachers may understand their students better, if they communicate with and understand the students' parents or guardians.

References

Response to policy documents on volunteer involvement, school councils, secondary school reform, LDAO, 1995-98

Students' Right to be Involved

LDAO advocates that students be informed and involved to the greatest extent possible in all aspects of decision making relating to their special education programming, services and placement, including attending IPRCs and other relevant meetings.

Rationale

Although a student is not required by law to be informed or included until he or she is an adolescent, it is important that parents involve their children in making decisions about their education to the greatest extent possible, dependent on the age and maturity of the child.

This is important for two reasons. First, involving the student in the process will enhance his or her understanding on the nature and impact of his or her learning disabilities. This will generally have a positive impact on his or her self-esteem and will facilitate the student becoming an active and willing participant in his or her education. Secondly, after age 16 the student has the right to act on his or her own behalf and exclude parents from many aspects of his or her education. Including the student earlier than this age will enable the student to make informed and proper decisions as he or she becomes increasingly responsible for his or her own education.

References

Regulation 181/98

Education Act s8(3)

Response to the new Regulation on Identification and Placement of Exceptional Students, LDAO, 1995
McLean v Simcoe County Board of Education, Leave to Appeal Tribunal, 1992

Part J **Records and Report Cards**

The policies in this part relate to the requirements for the preparation and maintenance of records and other information (including report cards) about students with learning disabilities. Policies address the rights of parents and students to review and amend records.

Policies

- J1 Records
- J2 Access to School Records
- J3 Review of Records
- J4 Ontario Student Transcripts
- J5 Reporting to Parents I
- J6 Reporting to Parents II
- J7 Ontario Student records (OSR)

Records

LDAO advocates that records compiled and maintained by any school board, facility or agency in relation to a student be accurate and pertinent and not contain speculation worded as fact.

Rationale

Student records, including the Ontario School Record (“OSR”) must accurately represent the student’s educational history and current situation. The purpose of these records is to assess the strengths and needs of the students, identify any social, emotional or behavioural problems and set out clearly what action has been taken and what progress has been made. It is imperative that these records be accurate and pertain to the stated purpose and not contain unfounded speculation or comments about the student.

References

Education Act, s266

Municipal Freedom of Information and Protection of Privacy Act, 1990

OSR Guidelines, Ministry of Education, 1990

Policy J2

Access to School Records

LDAO advocates that parents or students who are 16 years of age or older have full access to their or their child's school records, including the right to receive copies of any information contained in the records.

Rationale

Student records are maintained for the benefit of the student. The parents and student, once he or she is 16, should have full access to these records, including the right to have a copy of all or part of the records.

The student's Ontario Student Record ("OSR") is kept at the school. Parents and students are guaranteed right of access to these records under the Education Act and the OSR Guidelines.

Many parents and students are not made aware of the fact that for students who have undergone psychological assessments and/or have received interventions that go beyond school-based remediation, there is a central file at the school board's special education or student services department. The OSR rules do not apply to this file, but freedom of information legislation does. That means that the parent or student, if he or she is 16 years of age or older, may review the contents of the file and obtain corrections to errors of fact, but may not remove any materials from it.

References

Education Act, s266

Municipal Freedom of Information and Protection of Privacy Act, 1990

OSR Guidelines, Ministry of Education, 1990

"For the love of learning", Report of the Royal Commission on Learning, 1995

Response to report of the Royal Commission on Learning, LDAO, 1995

See also: Appendix D

Review of Records

LDAO advocates that each student's OSR be reviewed periodically and that parents and the student be informed that they have the right to question entries and have them corrected or removed if found to be inaccurate.

Rationale

Periodic review of each student's OSR is essential to ensure accuracy. The Education Act provides for the right to examine and correct or remove records. The Municipal Freedom of Information and Protection of Privacy Act provides for a person's right to access his own information and to request correction.

References

Education Act, s266

OSR Guidelines, Ministry of Education, 1990

Municipal Freedom of Information and Protection of Privacy Act, 1990

Ontario Student Transcripts

LDAO advocates that transcripts for students with learning disabilities contain the same information as the transcripts of non-exceptional students (being subjects taken, final marks earned and the diploma achieved) and not include information about the learning disability, repeating a grade and/or retaking a subject or the accommodations provided to the student during the school year or when writing examinations.

Rationale

The primary purpose of a student transcript is to allow the student to provide information to post-secondary educational institutions, training program personnel or prospective employers about their academic achievement.

Disclosing the presence of a learning disability or providing information about any requisite accommodations is at the discretion of the student. Such information cannot be provided to third parties by the school without the explicit and written consent of the student.

References

- Municipal Freedom of Information and Protection of Privacy Act, 1990
- OSR Guidelines, Ministry of Education, 1989
- Response to the consultation on secondary school reform, LDAO, 1997
- Letter to EQAO regarding exemptions from testing and student transcripts, LDAO, 1998

Policy J5

Reporting to Parents I

LDAO advocates that the format of report cards for exceptional students contain the same amount of detailed information about the performance of and outcomes achieved by the student as report cards prepared for non-exceptional students

Rationale

It is important to ensure that parents are well informed about the progress that their children are making in meeting the outcomes for their particular grade level and in acquiring the necessary skills for current and future success. The appropriate means of conveying such information is through the report card. In some cases, where the box for IEP is ticked on a student's report card, very little additional information is included about that student's progress. The existence of an IEP does not negate the need for an informative report card.

References

Response to the consultation on the IPRC process, LDAO, 1995

Letter to the Education Improvement Commission regarding the new Provincial report card format for elementary schools, LDAO, 1997

Letter to the Minister of Education and Training, LDAO, 1998

Policy J6

Reporting to Parents II

LDAO advocates that the information provided to parents in the IEP, the report card and the transition plan be thorough, consistent and focus on the strengths and needs of the student.

Rationale

It is important to ensure that parents are well informed about the progress that their children making in meeting the outcomes for their particular grade level and in acquiring the necessary skills for current and future success. Information must be relevant and thorough.

References

Regulation 181/98

IEP Resource Guide, Ministry of Education, 1998

Directions for new provincial report card, Ministry of Education, 1998

Response to the consultation on the IPRC process, LDAO, 1995

Letter to the EIC, LDAO, 1997

Letter to the Minister of Education and Training, LDAO, 1998

Ontario Student Records (OSR)

LDAO advocates that the Ministry of Education mandate and hold school boards accountable for compliance with all the relevant guidelines and legislation governing the contents of (school reports, IPRC documentation, IEPs, and other required information) maintenance of (including location within the school, review and amendment of contents, privacy, confidentiality, etc.) and access to (including consent, release of information and linkage to other information maintained by the school board about exceptional students such as centrally located, student services and psychological files) the Ontario Student Record.

Rationale

The Ontario Student Record is maintained primarily for the benefit of the student. The information that is required to be kept in the OSR, the right of access to the OSR and its contents and other important information related to it are legislated by the Education Act and the OSR Guideline. The OSR is passed from school to school as the student moves and is retained at the end of the student's school career at the last school attended. The information contained in the OSR is confidential and should not be released without the parents' and later on the student's consent to anyone who does not have an automatic right of access to its contents. This is often contravened. Similarly, sometimes the OSR contains information which should not be present, such as personal notes from teachers about the student and the results of tests and assessments for which the school did not obtain full consent. This can be particularly harmful for exceptional students who may have a number of psychological assessments and other similar documentation on file. In addition, for these students there is a central file, which is not covered by the OSR Guideline, but is subject to the Freedom of Information and Protection of Privacy legislation. Misuse of the information in the student's OSR can be harmful to the student during the school years and even after he or she has left school. School boards are not monitored for their practices in managing the OSRs of their students and parents are frequently not informed about their and their child's rights in relation to the OSR.

References

Education Act, s266, Ontario, 1990
Municipal Freedom of Information and Protection of Privacy Act, Ontario, 1990
OSR Guidelines, Ministry of Education, 1990

See also: Appendix D

Part K Funding

The policies in this section relate to the funding of general and special education and services in Ontario. Policies address the current funding policy for special education and English as a second language education. Policies also address the need in exceptional cases to provide funding for students to attend private schools.

Policies

- K1 Funding of Education
- K2 Allocation of Funding for Every Student
- K3 Funding of Special Education I
- K4 Special Education Funding I: Special Education Per Pupil Amount
- K5 Special Education Funding II: Intensive Support Amount
- K6 Special Education Funding III: The ISA Profile for Learning Disabilities
- K7 IEP Based Special Education Funding
- K8 Funding for Students with Learning Disabilities to Attend Private Schools I
- K9 Funding for Students with Learning Disabilities to Attend Private Schools II
- K10 English as a Second Language (ESL) Funding
- K11 Funding of Services

Funding of Education

LDAO endorses the decision of the Government of Ontario to fund education through direct grants to school boards.

Rationale

The provision of education should be equitable in terms of content, quality, accessibility and opportunity of access and outcome. Students, including exceptional students, should have the same opportunities and access to service no matter where in Ontario they reside or whether they attend a school in the public or separate system.

For many years, education in Ontario was funded through provincial grants and/or municipal taxes. This resulted in significant variation in the funds spent on students, depending on where in the province the students lived and what kind of school board they attended. LDAO has long advocated the substance of the recent changes in education funding. Provincial funding and control should ensure equity in the funding of education across Ontario.

References

- Report of the Property Tax Working Group of the Fair Tax Commission, 1996
- “For the love of learning”, Report of the Royal Commission on Learning, 1995
- Response to the Report of the Royal Commission on Learning, LDAO, 1995
- Student Focussed Funding document, Ministry of Education, 1998
- Response to the consultations on the funding of education, LDAO, 1997 - 2001

Allocation of Funding for Every Student

LDAO endorses the decision of the Government of Ontario regarding the foundation grant, such that each school board receives the same allocation for each student, supplemented by a number of different grants (including the special education grant) to address individual and local differences and needs.

Rationale

Although there are individual differences among students and school boards, it is logical that the foundation grant, which covers the base cost for a student (for example, teacher salaries, books, other resources) be the same for every student in Ontario. This process, supplemented by the availability of other grants, will allow for greater equity throughout Ontario. However, where the amounts of the other grants and the directions to school boards about how the funds are to be utilized are not adequate, inequity may continue. In particular, where school boards choose to spend a portion of their Special Education Per Pupil Amount (SEPPA) funds on items other than special education, exceptional students may be the ones who pay the price.

References

Funding Formula, Ministry of Education, 1998

Response to the Ministry of Education consultation on the funding of education, LDAO, 1997 - 2001

See also: Policy R3

Funding of Special Education I

LDAO endorses the general principles of special education funding contained in the Government's student focussed funding model, where special education funds are intended to supplement the allocation of the per student foundation grant with a two tier special education funding formula: the Special Education Per Pupil Amount (SEPPA), which is allocated on a census-based model, i.e. for every student enrolled within the school board and the Intensive Support Amount (ISA), which is allocated on the basis of the incidence of high need/high cost students within the school board.

Rationale

Prior to 1992, each school board was expected to account for its special education expenditures separately from the funds that they spent on education as a whole. In spite of the concerns expressed by some school boards about the diversity in Government grants for education and the limits set on Government provided per student special education grants, this system enabled school boards, SEACs and the community to track the board's expenditures on special education. Many school boards spent considerably more on special education than their grants, others did not. There was significant diversity in the range and type of special education programming available to exceptional students from board to board. In 1992 this situation was changed and the special education grant was rolled into the per student allocation. This meant that special education allocations and expenditures by school boards were no longer reported in a transparent and accountable manner by school boards. The changes made in 1998 to fund education directly from the Province, with special education funding once again separate, should have restored the transparency and assured greater fiscal accountability.

References

- Student focussed funding documents, Ministry of Education, Ontario, 1995 to 2001
- Briefs, responses and letters related to the student focussed funding model, LDAO, 1995 to 2001
- Resource Manual for the Special Education Grant Intensive Support Amount, Ministry of Education, Ontario, 2001
- Response to the ISA comprehensive review, LDAO, 2001
- Alternative model for the ISA funding process, brief to the Minister of Education, LDAO, 2000

See also: Policy R3

Special Education Funding II: Special Education Per Pupil Amount

LDAO advocates that the Ministry of Education hold school boards accountable for the way they allocate and spend their SEPPA funds, such that all exceptional students are assured appropriate special education programmes, services and accommodations as well as access to the most enabling special education placement to meet their needs, as set out in their written IPRC decision and their IEP. The level of accountability should match the reporting and tracking requirements instituted for the ISA funding and SEPPA funds should not be allowed to be diverted to “top up” apparent ISA shortfalls or other funding gaps on the grounds of encouraging school board funding flexibility or false claims of assuring equity for non-exceptional students.

Rationale

As the student focussed funding model has been introduced and school boards realized that the primary source of potential additional funding was the allocation of ISA dollars, they have significantly reduced their focus on assuring the appropriate allocation of SEPPA dollars for the benefit of the majority of their exceptional students who are not and should not be deemed ISA eligible. The Ministry of Education assisted in this potentially very negative process by indicating that students do not have to be deemed exceptional by an IPRC in order to be eligible for special education services and to have an IEP. Further, they have informed school boards that the Ministry is providing greater flexibility for school boards in how to manage their special education expenditures by not specifying a consistent process for allocating their SEPPA dollars. This has resulted in many school boards focussing almost exclusively on trying to increase the number of ISA eligible students and assigning a large part of the SEPPA dollars and their available professional services such as psychology, speech pathology, etc., to trying to identify more students for ISA eligibility. Exceptional students who are not and should not be ISA eligible, especially those who have learning disabilities or are identified as gifted have paid the greatest price for this in having their access to appropriate special education reduced or even eliminated. In spite of vigorous representation from many of the parent associations representing exceptional students, the Ministry of Education has chosen not to alter this process. For example, a recent memorandum to school boards about special education initiatives for 2001-02, makes no mention of school board accountability for the expenditure of SEPPA dollars or to meeting the needs of exceptional students who are not ISA eligible.

References

- Student focussed funding documents, Ministry of Education, Ontario, 1995 to 2001
- Briefs, responses and letters related to the student focussed funding model, LDAO, 1995 to 2001
- Resource Manual for the Special Education Grant Intensive Support Amount, Ministry of Education, Ontario, 2001
- Response to the ISA comprehensive review, LDAO, 2001
- Alternative model for the ISA funding process, brief to the Minister of Education, LDAO, 2000
- Special Education Initiatives for 2001-02, Memorandum to school boards from N.J. Hartmann, ADM, Ministry of Education, Ontario, 2001

Special Education Funding III: Intensive Support Amount

LDAO advocates that the Ministry of Education modify the current process for determining and distributing the ISA funds and for determining ISA eligibility, including the application of the eligibility criteria and the revised ISA profiles, such that the distribution and allocation of special education funds more accurately reflect the actual costs of meeting the high cost needs of the very small percentage of students who should be deemed ISA eligible and the much larger percentage of exceptional students who are not and should not be deemed ISA eligible, but who still have significant and often unmet special education programming and service needs.

Rationale

In 2000-01, 50% of the total special education funding allocation was directed towards ISA funding. The number of students deemed ISA eligible was approximately 22,000, which is just over 1% of the total school aged enrollment and approximately 10% of the total number of students that school boards report as being in need of special education programming and services. These percentages reflect a disproportionate allocation of the funds to the ISA envelope. At the same time, school boards consistently report to their SEAC and their community and tell parents of exceptional students that they do not have the resources to provide some of the programming and services that they wish to have for their children, even if those are specified in the student's IEP. LDAO and many other parent organizations have suggested to the Ministry that the problem is not a lack of adequate funding for special education, as is suggested by so many school boards, but a lack of appropriate funding allocations. LDAO presented an alternative model for ISA allocation to the Ministry of Education, which was supported by almost all other parent organizations representing exceptional students.

References

- Student focussed funding documents, Ministry of Education, Ontario, 1995 to 2001
- Briefs, responses and letters related to the student focussed funding model, LDAO, 1995 to 2001
- Resource Manual for the Special Education Grant Intensive Support Amount, Ministry of Education, Ontario, 2001
- Response to the ISA comprehensive review, LDAO, 2001
- Alternative model for the ISA funding process, brief to the Minister of Education, LDAO, 2000
- Special Education Initiatives for 2001-02, Memorandum to school boards from N.J. Hartmann, ADM, Ministry of Education, Ontario, 2001

Special Education Funding IV: The ISA Profile for Learning Disabilities

LDAO endorses the diagnostic directions set in the revised ISA eligibility profile for students with learning disabilities, as presented by the Ministry of Education for implementation by school boards in August, 2001.

Rationale

While LDAO still has concerns about the ISA process and the application of the ISA eligibility criteria, including the profiles, the revised profile and especially its diagnostic components closely match the new learning disabilities definition developed by LDAO and the accompanying protocol for the assessment, diagnosis and documentation of learning disabilities. As a result, LDAO has indicated to the Ministry of Education its support for this profile, although there are still some concerns about the description of the recommended intensive supports. These concerns relate to the suggestion that the required special education programme should be delivered by or in conjunction with a special education teacher.

References

Resource Manual for the Special Education Grant Intensive Support Amount, Ministry of Education, Ontario, 2001

Response to the ISA comprehensive review, LDAO, 2001

Revised ISA Profiles, Ministry of Education, 2001

Special Education Initiatives for 2001-02, Memorandum to school boards from N.J. Hartmann, ADM, Ministry of Education, Ontario, 2001

IEP Based Special Education Funding

LDAO advocates that the Ministry of Education mandate and hold school boards accountable through their annual reporting requirements and the IEP audit process for allocating their foundation and special education grants such that every exceptional student is guaranteed access to all special education programmes, services and accommodations described in his or her IEP, regardless of the resources that the school board claims to have available.

Rationale

LDAO has long advocated for a direct link between the exceptional student's identified needs and the programs and services provided to that student. The IEP standards document confirms the need for this direct link. However, the IEP standards document also gives school boards an opportunity to claim that they do not have the resources available to deliver the components of the student's IEP. Given that the IEP is based on the student's needs, unless meeting those needs represents undue hardship for the school board, as defined in the Human Rights Code, school boards should not be able to make this claim. Therefore, the IEP standards document needs to be amended and school boards need to be held accountable for special education service delivery, in accordance with the student's human rights and IEP.

References

- Resource Manual for the Special Education Grant Intensive Support Amount, Ministry of Education, Ontario, 2001
- Response to the ISA comprehensive review, LDAO, 2001
- Revised ISA Profiles, Ministry of Education, 2001
- Special Education Initiatives for 2001-02, Memorandum to school boards from N.J. Hartmann, ADM, Ministry of Education, Ontario, 2001
- IEP Standards Document, Ministry of Education, Ontario, 2001
- Response to the IEP Standards Document, LDAO, 2001

Funding for Students with Learning Disabilities to Attend Private Schools I

LDAO endorses the general directions related to the provision of tax credits for students who attend private schools, the Equity in Education Tax Credit, set out in Section VIII of the Responsible Choices for Growth and Accountability Act (Budget 2001), which received Royal Assent on June 29, 2001

Rationale

Despite the legislative provisions set out in the Ontario Human Rights Code, the Education Act, the special education related Regulations, Policy and Program Memoranda, resource documents, etc., many students with learning disabilities are being denied the special education programming, services and accommodations that they need and to which they are guaranteed a legal right of access. Some families, as a result, have chosen to send their children to private schools that focus on meeting the needs of students with learning disabilities or at least where there is a reduced student to teacher ration, allowing for the delivery of a more individualized educational program. This option has not been available to many families for whom such a step would represent an untenable financial burden. LDAO has long advocated the introduction of funding for students with learning disabilities to attend a private school, where the local school board does not provide appropriate special education programming. While the new legislation, providing for a tax credit for families whose children attend private schools, does not provide full funding for students who are disadvantaged and who are in need of private schooling, it will assist many families in considering a greater choice in special education placement for their children.

References

Response to Bill 4, repeal of the hard to serve provisions of the Education Act, LDAO, 1992

Response to Bill 45, the Responsible Choices for Growth and Accountability Act (Budget 2001), LDAO, 2001

Funding for Students with Learning Disabilities to Attend Private Schools II

LDAO advocates that all “eligible independent schools”, as specified in section VIII of the Responsible Choices for Growth and Accountability Act (Budget 2001), where parents will be able to apply the equity in education tax credit towards the fees to be paid and any charter schools that may be established in the future on the basis of parental request, be required, by Regulation, to comply with the legislative expectations set out in the Ontario Human Rights Code, the Education Act and the relevant Regulations, including:

- the provisions of special education programmes and services,
- the accommodation of students with disabilities,
- delivering essentially the same basic Ontario curriculum as is required of publicly funded schools,
- satisfying the same accountability measures such as the participation of their students in the EQAO Provincial testing, and
- the hiring of teachers who are members of the Ontario College of Teachers and who are required to participate in the same upgrading, continuing education, testing and re-certification programmes, including access to special education training, as the staffs of the public system.

Rationale

Private schools are established for a number of purposes, including the delivery of alternative programmes, which may be religious in nature, special education programming, etc. The Regulations governing private and independent schools have not included the same requirements as have been and are in place for publicly funded schools, on the grounds that the parents paid the full costs of their children’s education and should have a clear choice about their children’s educational programming. The recent legislation has been introduced to provide greater equity for families who choose such alternative programming and who are paying education taxes as well as private school fees. The tax credits represent public funds, since they are provided through the total income tax pool. As a result, the Government of Ontario should use this opportunity to amend the Regulation related to private schools to assure equity of quality as well as funding.

References

Response to Bill 4, repeal of the hard to serve provisions of the Education Act, LDAO, 1992
Response to Bill 45, the Responsible Choices for Growth and Accountability Act (Budget 2001), LDAO, 2001

English as a Second Language (ESL) Funding

LDAO advocates that funding for ESL programs in Ontario should be supplemented by an allocation from the federal government.

Rationale

At present, funding for ESL programs is made through the Ontario government Learning Opportunities Grant. However, the federal government controls the country's immigration policy, which allows immigrants to settle anywhere in Canada. Many immigrants choose to settle in Ontario. The Federal funding for adult ESL programs should be extended to cover such programs for children and adolescents, so that the tax burden is shared more equitably nation-wide.

Requiring the Ontario government to fund and staff ESL programs from existing resources reduces the funds and staff available for special education programming.

References

- Student Focussed Funding: technical paper, Ministry of Education, 1998
- Funding formulae, Ministry of Education, 1998
- Response to the consultation on the funding of education, LDAO, 1997
- Letter to Hon Doug Peters, MP, LDAO, 1997

Funding of Services

LDAO advocates that education, social services, support services, post secondary education and adult support services for individuals with learning disabilities be funded by the relevant federal and provincial government ministries and agencies as they are for persons with physical and developmental disabilities.

Rationale

These services are essential to the success of persons with learning disabilities in the workplace and in the community. Funding for providing accommodations to individuals with learning disabilities should be provided in the same way as for individuals with any other disability.

References

- Report of the Interministerial Working Group on Learning Disabilities, 1992
- “For the love of learning”, Report of the Royal Commission on Learning, 1995
- Response to the Report of the Royal Commission on Learning, LDAO, 1995
- Response to Bill 173, an Act Respecting Long Term Care, LDAO, 1974
- Response to the Ministry of Health Guidelines for the Provision of School Health Support Services, LDAO, 1995
- Response to the consultation on the Ontarians with Disabilities Act, LDAO, 1998 and 2001
- Promoting Early Intervention materials, LDAO, 2001

Part L **Programming and Course Issues**

The policies in this section relate to specific programming and course issues, including class size, grade promotion, transition from one level of education to the next, alternative educational programs (for example, co-operative education and vocational schools) and curriculum issues arising in intermediate and secondary school (for example, streaming and course selection). Policies also address the need for students to have an annual education plan, access to guidance counselling and continued accommodation at the post-secondary level.

Policies

- L1 Transition Plan
- L2 Transition Process I
- L3 Transition Process II
- L4 Access to Alternative Programs and Schools
- L5 Vocational Schools
- L6 Semestering
- L7 Streaming
- L8 Course/Series Selection
- L9 Compulsory Credits in High School
- L10 Exemptions from Credits and Substitution of Alternative Credits
- L11 Exemption from Compulsory French
- L12 Exemption from Compulsory French Not to Affect Course Selection
- L13 Locally developed courses
- L14 Transfer courses
- L15 Remedial courses
- L16 Community Service
- L17 Co-operative Education
- L18 Annual Education Plan
- L19 Guidance Counselling
- L20 Grade Promotion
- L21 Class Size
- L22 Prior Learning Assessments
- L23 Access to Computers and Computer Training

Policy L1

Transition Plan

LDAO advocates that the Ministry of Education hold school boards accountable for the development of appropriate transition plans as an integral part of the student's IEP for every student with a learning disability who is 14 years of age or older.

Rationale

LDAO has long advocated for the formal adoption of transition planning for students with learning disabilities. Experience in those US states where such planning is mandated has shown that students with learning disabilities are significantly more successful, both in their education and more generally, when they follow a sequential and clearly delineated plan.

References

Regulation 181/98

Response to the consultation on high school reform, LDAO, 1996

Secondary school reform documents, Ministry of Education, 1996-99

High school reform: fact sheet, Ministry of Education, 1998

LEAP, LDAO, 1998

IEP Standards Document, Ministry of Education, 2001

LDAO transition materials, 2000

See also: Policies H1, H2

Transition Process I

LDAO advocates that each school board be required to establish a process for the effective transition of students with learning disabilities from one education level to another, including transition from secondary to post-secondary education, training or employment. The process is to be set out in writing and all personnel, students and parents are to be aware of and required to follow the process.

Rationale

Planning is fundamental to ensuring the transition of exceptional students from one level of education to the next (for example, primary to junior or senior public to high school) or from one school to another (for example, students returning to their local school after placement in a correctional facility or demonstration school) occurs smoothly. All personnel, including teachers, support staff and guidance counsellors should be involved in the process of transition. Parents and students must also be aware of what to expect at the next stage and what they are expected to do to facilitate a smooth transition.

Preparing a written policy facilitates a consistent process of transition and ensures that nothing is overlooked.

References

Secondary School Reform Documents, Ministry of Education, 1996-99
“For the love of learning”, Report of the Royal Commission on Learning, 1995
Ontario Schools: Intermediate and Senior, Ministry of Education, 1994

See also: Policy H4

Transition Process II

LDAO advocates that the Ministry of Education establish and require school boards to adopt a formal transition process for exit for students with learning disabilities who are leaving the secondary school system for post-secondary education, training or employment. This process should meet the legislated standards for a transition plan, including, but not limited to, a formal and structured review of the student's current documentation for learning disabilities and determining the validity of the most recent assessment. Where the documentation is inadequate or the assessment is invalid, the gaps in the assessment and/or documentation should be addressed while the student is still in secondary school.

Rationale

The greatest source of stress and the most common reason for dropping out for students with learning disabilities in post-secondary education is the lack of an adequate transition process and an up to date assessment of their learning disability.

References

Report of the Interministerial Working Group on Learning Disabilities, 1992
Learning Assessment Profile, Ministry of Education, 1996 (draft)
LEAP, LDAO, 1998
Response to the establishment of the Learning Opportunities Task Force, LDAO, 1997
LDAO transition document, 2000

See also: Policy H4

Access to Alternative Programs and Schools

- 4.1 LDAO advocates that all students identified as having learning disabilities be guaranteed access to any alternative school, program or service offered by the home school board.

- 4.2 LDAO advocates that appropriate special education programs, services and accommodations be provided to any student identified as having learning disabilities who is enrolled in an alternative school, program or service.

Rationale

A student identified as having a learning disability is as likely to have a particular interest or talent as any other student. Such a student must not be restricted from enrolling in an alternative school, program or service because of the presence of learning disabilities; these alternatives must be open to all students in the school board.

It is not sufficient, however, simply to permit access. Appropriate alternate programming, accommodation or services necessary to meet the needs of a student identified as having learning disabilities must be provided to enable the student to enjoy the benefits of the alternative school, program or service.

A student must not be made to choose between remediation of his or her learning disabilities and the specialized programming of an alternative school or program.

References

Regulation 181/98
Secondary School Reform Documents, Ministry of Education, 1996-99
“For the love of learning”, Report of the Royal Commission on Learning, 1996

Vocational Schools

LDAO advocates the maintenance of vocational schools and vocational programs with appropriate special education supports for students identified as having learning disabilities who would benefit from and wish to be educated in such schools or programs

Rationale

A student identified as having a learning disability is as likely to have a particular interest or talent as any other student. Such a student must not be restricted from enrolling in a vocational school or program because of the presence of learning disabilities; these alternatives must be open to all students in the school board.

It is not sufficient, however, simply to permit access. Appropriate alternate programming, accommodation or services necessary to meet the needs of a student identified as having learning disabilities must be provided to enable the student to enjoy the benefits of the vocational school or program.

A student must not be made to choose between remediation of his or her learning disabilities and the specialized programming of a vocational school or program.

References

Regulation 181/98

Secondary School Reform, Ministry of Education, 1996

“For the love of learning”, Report of the Royal Commission on Learning, 1996

correspondence with various school boards regarding the proposed closure of vocational schools,
LDAO, 1994-1998

Semestering

LDAO advocates that the organisation of semestered schools be sufficiently flexible to meet the educational needs of exceptional students.

Rationale

Students identified as having learning disabilities enrolled in secondary schools which use a semester system may have difficulties due to longer class time and scheduling difficulties where not all classes taken are at the same grade level. Refresher or transition courses and half credits may alleviate these difficulties enabling the student with learning disabilities to master the standard curriculum.

References

Secondary School Reform Documents, Ministry of Education, 1996-99
Response to consultation on secondary school reform, LDAO, 1997

Streaming

LDAO advocates that the academic and applied courses in Grades 9 and 10 and the three streams available at Grades 11 and 12 all provide the requisite differentiated teaching methodologies as well as accommodations and modifications, if needed, for students identified as having learning disabilities.

Rationale

Both research and experience with destreaming show that it does not improve the success and achievement of exceptional students. Appropriate special education programming and services, differentiated teaching methodologies, accommodations and where needed, modifications, are much more beneficial for students who are not achieving at an age appropriate level or to their potential.

References

- Secondary School Reform Documents, Ministry of Education, 1996-99
- “For the love of learning”, Report of the Royal Commission on Learning, 1995
- Correspondence with the Minister of Education, LDAO, 1994-98
- Response to the consultation on secondary school reform, LDAO, 1996

Course/Series Selection

LDAO advocates that students identified as having learning disabilities shall have the same right of course/series selection as non-exceptional students and be given access to and be accommodated in their selection of courses/series.

Rationale

Course selection and level of difficulty must be based on the student's interests, strengths and needs and not predetermined simply because the student is identified as having learning disabilities. Appropriate accommodation (for example, varied credit timing, pace of instruction or method of instruction) without diluting content must be available.

It is important to note that in addition to the requirements set out in the Education Act and related regulations, accommodation of a person with a disability is mandated in the Ontario Human Rights Code.

References

- Ontario Human Rights Code, 1981, s16(1a)
- Guidelines for Assessing Accommodation Requirements for Persons with Disabilities, Ministry of Citizenship, 1989
- Ontario Schools: Intermediate and Senior, Ministry of Education, 1984
- Secondary School Reform Documents, Ministry of Education, 1996-99
- Response to consultation on secondary school reform, Ministry of Education, 1997

Compulsory Credits in High School

LDAO advocates that the same compulsory credits be mandated for graduation purposes for both exceptional and non-exceptional students, with exceptional students having access to all necessary accommodations and differentiated teaching methodologies in both curriculum delivery and evaluation. Occasionally, students with learning disabilities will not be working at a grade appropriate level at a given time or in a given part of the provincial curriculum. These students will benefit from the provision of modifications to that part of the curriculum or the relevant evaluation process.

Rationale

Students with learning disabilities do not usually require different courses from non-exceptional students but rather accommodations or differentiated teaching methodologies to achieve success in those courses. Students with learning disabilities usually have the same post-secondary options as their non-exceptional peers and as such their diplomas should represent the same material learned and skills acquired as those for non-exceptional students. Modifications are usually defined as ways in which the learning expectations, curriculum content, materials used, standards demanded and/or outcomes are changed, (usually lowered). This is why modifications are not acceptable during the administration of standardized tests and examinations, including the tests administered by the Education Quality Accountability Office as well as licensing examinations that individuals write to be able to work in certain professions and occupations.

Students with specific learning disabilities are able to learn provided that they are taught the way that they learn best. They can usually demonstrate their skills and knowledge provided that they have access to accommodations appropriate for their needs. While access to specific skill instruction is an essential component of the teaching/learning process, most students with learning disabilities are able to work within the parameters of the provincial curriculum, without necessarily having to rely on significant modifications of the curriculum.

It is important to distinguish between the use of modifications in standardized tests and exams, versus modifications of curriculum. In the former case, modifications are not appropriate because they alter the meaning and validity of test results. However students with learning disabilities, especially in the elementary grades, will sometimes need to work on modified curriculum expectations for a particular part of their academic program. For example, a student in Grade 5 may be working on the Provincial curriculum in most areas, but may need to have some intensive help with a specific skill area, where he or she has problems arising from having learning disabilities. Some students may even need to have access to modifications in a specific curriculum area, such as math.

References

Ontario Schools: Intermediate and Senior, Ministry of Education, 1994
Secondary School Reform Documents, Ministry of Education, 1996-99
Response to the consultation on secondary school reform, LDAO, 1996

Exemptions from Credits and Substitution of Alternative Credits

LDAO advocates that the exemption provisions of Ontario Schools: Intermediate and Senior which provide that any student may be exempted from two compulsory credits and any exceptional student from four credits be maintained. LDAO further advocates that where an exceptional student has been exempted from compulsory credits, alternative credits be substituted.

Rationale

Certain subjects, even if the delivery is modified and needed accommodations are available, may prove to be insurmountable barriers for students with learning disabilities. If this is the case, there is no value in insisting that the student take this course. The need for such exemption should be recorded in the student's IEP.

Where an exemption has been given, a suitable course must be substituted to ensure that the student is not disadvantaged in his or her future plans. It is important to ensure that a student with learning disabilities can satisfy the entry requirements for post-secondary education, even in circumstances where an exemption has been granted.

References

Ontario Schools: Intermediate and Senior, Ministry of Education, 1994
Secondary School Reform Documents, Ministry of Education, 1996-99
Response to the consultation on secondary school reform, LDAO, 1996

Exemption from Compulsory French

LDAO advocates that a student identified as having learning disabilities for whom second language learning is extremely difficult despite all necessary accommodations being provided be exempted from compulsory core French provided he or she has both parental and principal approval.

Rationale

Certain subjects, even if the delivery is modified and necessary accommodations are available, may prove to be insurmountable barriers for students with learning disabilities. If this is the case, there is no value in insisting that the student take this course.

It is important to note that this policy does not negate the obligation of educators to provide appropriate accommodation and modifications for students who do undertake French or who are enrolled in French Immersion programs.

References

Ontario Schools: Intermediate and Senior, Ministry of Education, 1994
Secondary School Reform Documents, Ministry of Education, 1996-99
Response to the consultation on secondary school reform, LDAO, 1996

See also: Policy M4

Exemption from Compulsory French Not to Affect Course Selection

LDAO advocates that a student who has been exempted from compulsory core French in grades 7 and/or 8 not be restricted in the selection of courses or level of courses in grade 9.

Rationale

In some cases, the exemption of a student from compulsory core French in grades 7 and 8 has been used as a basis for restricting exceptional students from advanced level courses in grade 9 on the basis that the student is not “university bound” and thus does not require the higher level courses. This is unacceptable. An inability to learn a second language is not an indication of the intellectual capacity of the student, only one consequence of his or her learning disabilities.

References

Ontario Schools: Intermediate and Senior, Ministry of Education, 1994
Secondary School Reform Documents, Ministry of Education, 1996-99
Response to the consultation on secondary school reform, LDAO, 1996

Locally developed courses

LDAO advocates that all parents be notified about the existence, status and content of locally developed secondary school courses, such that they can make appropriate informed choices about their child's participation in such a course.

Rationale

Locally developed courses, which are sometimes called by other names, such as essential academic courses, academic demand courses, etc., were introduced to supplement the academic and applied courses that make up the Grade 9 and 10 curriculum. These courses are usually remedial in nature, are aimed at an achievement level well below Grade 9 and do not meet the requirements of the Ontario curriculum for Grades 9 and 10. Students who take locally developed core courses in English and math are unlikely to be able to proceed into anything other than the workplace courses in Grade 11. Also, since these students are not taking the regular Grade 9 English curriculum, they are likely to be recommended for exemption from the Grade 10 literacy test administered by EQAO. Parents are often not informed about these potential future outcomes when they are encouraged to choose locally developed core courses for their children. Many students who have been in special education programming throughout their elementary years are steered towards these courses in lieu of applied courses or even academic courses with the right modifications and accommodations. Locally developed courses are not special education courses and may be an inappropriate choice for students with learning disabilities. The Ministry of Education's guide to locally developed courses states that: *"Because locally developed courses are intended to meet needs that are not or cannot be met by courses provided in the curriculum policy documents, locally developed courses must not duplicate the provincial curriculum. A course that differs from a provincial course only in its method of delivery, or in that it adds material to enrich the provincial curriculum expectations, will not receive ministry approval as a locally developed course."*

References

- Ontario Schools, Intermediate and Senior, Ministry of Education, Ontario, 1984
- Secondary School reform Documents, Ministry of Education, Ontario, 1996-2000
- Ontario Secondary Schools, Grades 9 to 12, Program and Diploma Requirements, Ministry of Education, Ontario, 1999
- The Ontario Curriculum, Grades 9 to 12: Program Planning and Assessment, Ministry of Education, Ontario, 2000
- Guide to Locally Developed Courses, Grades 9 and 10: Approval Requirements and Procedures, Ministry of Education, Ontario, 2000
- Response to the consultation on secondary school reform, LDAO, 1996-2001

Transfer courses

LDAO advocates that, in addition to the transfer courses that have been developed and approved to enable students who alter their post-secondary plans to transfer from one type of course to another in Grades 10, 11 and 12, as is described in the "Ontario Secondary Schools, Grades 9 to 12, Program and Diploma Requirements, Ministry of Education, Ontario, 1999" document, the Ministry of education mandate the development and implementation of transfer courses, as optional credits, to enable students to transfer from locally developed courses in Grades 9 or 10 to applied courses in grade 9 or 10 and from applied courses to academic courses in Grade 9 or 10.

Rationale

The purpose of transfer courses is to assure greater flexibility in programme and course selection for students. Also, as students mature, their goals and interests may change. Introducing transfer courses for Grades 9 and 10 would enhance the level of flexibility available to students.

References

- Ontario Schools, Intermediate and Senior, Ministry of Education, Ontario, 1984
- Secondary School Reform Documents, Ministry of Education, Ontario, 1996-2000
- Ontario Secondary Schools, Grades 9 to 12, Program and Diploma Requirements, Ministry of Education, Ontario, 1999
- The Ontario Curriculum, Grades 9 to 12: Program Planning and Assessment, Ministry of Education, Ontario, 2000
- Guide to Locally Developed Courses, Grades 9 and 10: Approval Requirements and Procedures, Ministry of Education, Ontario, 2000
- Response to the consultation on secondary school reform, LDAO, 1996-2001

Remedial courses

LDAO advocates that, in accordance with the "Ontario Secondary Schools, Grades 9 to 12, Program and Diploma Requirements, Ministry of Education, Ontario, 1999" document the Ministry of Education mandate the development and implementation of remedial courses in core subjects by all school boards to assist all students who have failed to meet course expectations and outcomes including failing the Grade 10 literacy course. Such remedial courses must not take the place of appropriate special education programming, services or accommodations for exceptional students.

Rationale

As part of secondary school reform, passing the Grade 10 literacy test has been introduced as a graduation requirement. Further, each student's transcript is to record all courses attempted, whether the student passed the course or not. As a result of this new requirement for recording courses attempted makes it much more important to provide students with remedial help before retaking any courses or examinations. It is also important to ensure that the availability of remedial help should not take the place of appropriate special education programs and services or access to accommodations, which are based on the student's strengths and needs.

References

- Ontario Schools, Intermediate and Senior, Ministry of Education, Ontario, 1984
- Secondary School Reform Documents, Ministry of Education, Ontario, 1996-2000
- Ontario Secondary Schools, Grades 9 to 12, Program and Diploma Requirements, Ministry of Education, Ontario, 1999
- The Ontario Curriculum, Grades 9 to 12: Program Planning and Assessment, Ministry of Education, Ontario, 2000
- Response to the consultation on secondary school reform, LDAO, 1996-2001

Community Service

LDAO endorses the introduction by the Government of Ontario of 40 hours of community service as a pre-requisite for high school graduation. LDAO advocates that school boards introduce policies in relation to community service to ensure that:

- X the placement is realistic, meaningful and contributes to the student's learning goals; and
- X any necessary accommodations or assistance are provided to exceptional students to facilitate their meeting this requirement

Rationale

The requirement to complete 40 hours of community service as a pre-requisite to high school graduation is a positive step both for the community and students. It is important that the work done by the students is worthwhile and that the students can see both community and personal benefits to doing the work.

In most cases, students identified as having learning disabilities should be able to fulfil this requirement, provided that any necessary accommodations or assistance are provided. School boards must introduce policies in relation to community service to ensure that exceptional students are afforded the same opportunity to assist their community as their non-exceptional peers.

References

Secondary school reform documents, Ministry of Education, 1996-99
Response to the consultation on secondary school reform, LDAO, 1996

Co-operative Education

LDAO advocates that co-operative education programs, which may be an integral part of the student's regular education, be available to all exceptional students with the necessary supports, modifications and accommodations provided to facilitate the student achieving the same outcome as non-exceptional students in the same program.

Rationale

Co-operative education may be a valuable part of any student's education. Students identified as having learning disabilities must be afforded the same opportunities as their non-exceptional peers. The decision whether or not to pursue co-operative education must be made based on the student's interest and willingness to participate and not his or her learning disabilities.

In addition, co-operative education may provide additional benefits to students identified as having learning disabilities by:

- X illustrating the practical link between what is learned in school and the "real world", particularly employment opportunities
- X enhancing the student's self-esteem by facilitating success (for example, in a non-academic setting)
- X preventing the student from dropping out of school

References

Secondary School Reform Documents, Ministry of Education, 1996-99
Response to the consultation on secondary school reform, LDAO, 1996

Annual Education Plan

LDAO endorses the Government of Ontario proposal requiring the preparation of an annual education plan for every student in the public school system in co-operation with a formally assigned teacher advisor. For students with learning disabilities the plan must be prepared with reference to the goals and other information in the student's IEP and, if the student is 14 years of age or older, the student's transition plan.

Rationale

It is beneficial for all students, whether or not they are exceptional, to have an educational and transitional plan in place designed to ensure that the student, his or her parents and teacher know what is expected to happen on an ongoing basis, what the outcomes should be for the student and who is accountable for the student's education. Where a student has an IEP and/or a transition plan already in place, these must be considered in preparing an education plan to ensure consistency of educational methods and goals.

References

Regulation 181/98
Secondary School Reform Documents, Ministry of Education, 1996-99
Response to the consultation on secondary school reform, LDAO, 1996

Guidance Counselling

LDAO advocates that as an integral part of their secondary school program, all students identified as having learning disabilities be guaranteed access to professional advice, support and counselling in:

- X selecting their educational programming
- X making decisions about post-secondary education and/or training
- X making career choices
- X addressing any personal issues which may arise

Rationale

A key part of learning to deal with having a learning disability is gaining a greater understanding of one's learning disability, its implications for education and work and the way in which the student can advocate for the necessary accommodations. Those providing such services must be fully trained. If counselling is required, this service is to be provided by the person most appropriately trained and most compatible with the individual student.

References

- "For the love of learning", Report of the Royal Commission on Learning, 1995
- Response to the Report of the Royal Commission on Learning, LDAO, 1995
- Secondary School Reform Documents, Ministry of Education, 1996-99
- Response to the consultation on secondary school reform, LDAO, 1996

Grade Promotion

LDAO advocates that grade promotion and placement be age appropriate to the greatest extent possible but also determined with regard for a student's physical, intellectual, educational, cultural, emotional and social status. LDAO further advocates that grade promotion be based on policies which include continuous assessment, progress, support, accommodation and evaluation.

Rationale

The setting of rigid standards for "passing" a grade may result in students with learning disabilities having to fail several times. Repeated failure may have a detrimental effect on self-esteem and social relations. This can result in significant long-term problems including truancy, dropping out, and mental health problems. Occasionally students may benefit from repeating one grade. If recommended by the school, parents should carefully consider the implications of such a step in light of their child's total development. Repeating a grade should be only one of a larger program of accommodation and support for students who are not achieving the same level of achievement as their peers.

References

Education Act, s41

"For the love of learning", Report of the Royal Commission on Learning, 1995

Special Education Information Handbook, Ministry of Education, 1999 (under preparation)

Class Size

LDAO advocates that, in addition to the average class size determined in Regulation 118/98, the Ministry of Education legislate an absolute maximum class size for all regular classes, setting out the maximum number of identified exceptional students that may be placed in any one regular class.

Rationale

Regulation 118/98 sets out the average class sizes that school boards must guarantee on a per school basis. However, this does not limit the maximum class size for any given class, and individual classes frequently exceed the target class size of 25 students in an elementary school and 22 in a secondary school. Research and experience have demonstrated that large classes with heterogeneous groups of students do not always provide the optimal learning environment for most students. This situation may be exacerbated if the class also has several exceptional students with severe and complex special needs integrated into the class and the classroom teacher has minimal or no additional help in meeting the needs of all the students in the class. For students with severe learning disabilities such a placement may be particularly inappropriate. In a large heterogeneous class placement their access to appropriate special education programming is likely to be limited. As a result, given that the majority of exceptional students are placed in a regular class room rather than in a self-contained special education class, maximum class sizes and limits on the number of exceptional students in any given class must be introduced to facilitate successful learning for all students.

References

Education Act, s170, Ontario, 1990

Regulation 118/98

Regulation 298, s31

Response to the consultation on class size by the Education Improvement Commission, LDAO, 1998

See also: Appendix H: Glossary of Terms - definitions of special education placements

Prior Learning Assessments

LDAO advocates the introduction and implementation of a Prior Learning Assessment process for the granting of credits to secondary students who demonstrate competence and mastery in a given subject, provided such students are afforded all necessary accommodations and modifications.

Rationale

Prior Learning Assessment is a system which enables students to be afforded credits where they can demonstrate competence and mastery of a given subject without having to satisfy all the requirements for the granting of credits, such as participating in 110 hours of instruction.

Experience with Prior Learning Assessment in other jurisdictions and within the post-secondary educational system indicates that this process is beneficial for exceptional students, provided that they are afforded any necessary modifications and accommodations.

References

Secondary School Reform Documents, Ministry of Education, 1996-99
Response to the consultation on secondary school reform, LDAO, 1996

Access to Computers and Computer Training

LDAO advocates that students with learning disabilities be given access to and appropriate instruction in the use of computers to facilitate achieving the same degree of competence at all levels of the educational system as their non-exceptional peers. Such training should be delivered by personnel who are knowledgeable in both the general use of adaptive technology and the way specific types of learning disabilities match and benefit from the application of specific types of hardware and software.

Rationale

Computer literacy is a vital skill for all students at all levels of the educational system: elementary, secondary and post-secondary. For students with learning disabilities access to appropriate computer use and training makes a dramatic difference to their ability to achieve their potential and to be successful in achieving academic success. Similarly, individuals with learning disabilities benefit from access to adaptive technology in vocational training and in an employment setting. Research has identified that individuals with learning disabilities require differentiated training in the use of computers, delivered by staff who are knowledgeable about learning disabilities as well as the way computers can facilitate learning for individuals with learning disabilities.

References

Correspondence with the Ministry of Education and the Education Quality and Accountability Office about the use of adaptive technology for students with learning disabilities, LDAO, 2000-01

Secondary School Reform documents, Ministry of Education, 1996-2001

Response to Secondary School Reform, LDAO, 1996-2001

LD Specific Transition Document, LDAO, 1999

Response to the Report of the Royal Commission on Learning, LDAO, 1995

Response to the Consultation Document on Computers Across the Curriculum, LDAO, 1985

Part M **Curriculum and Evaluation**

The policies in this section relate to curriculum issues, including social education and services for Francophone students. Policies address the need for accommodation as a means to achieving the same learning outcomes in all aspects of testing (both in and outside the school system) rather than a “watering down” of curriculum. Policies also address standardised testing and the need for inclusion and accommodation of students with learning disabilities.

Policies

- M1 Curriculum
- M2 Social Education
- M3 Services for Francophone Students
- M4 French Immersion
- M5 Curriculum Outcomes I
- M6 Curriculum Outcomes II
- M7 Curriculum Outcomes III
- M8 Student Testing I: Accommodations for tests administered by the Education Quality Accountability Office (EQAO)
- M9 Student Testing II: Participation in the Grade 10 Literacy Test
- M10 Student Testing III: Exemption from High Stakes Testing

Curriculum

- 1.1 LDAO advocates that students identified as having learning disabilities be taught the same standardised curriculum as their non-exceptional peers.
- 1.2 LDAO advocates that students identified as having learning disabilities be provided with the requisite strategies, modifications, accommodations and remediation techniques to achieve the same outcomes as their non-exceptional peers.

Rationale

Students with learning disabilities have, by definition, average to above average intelligence and can achieve educational success. Learning disabilities rarely affect every aspect of a student's learning potential. Every effort must be made to identify, encourage and cultivate a student's areas of academic strength. At the same time, areas of need must not be neglected because of the impact of learning disabilities.

Students must not be denied an effective substantive education in the process of overcoming a learning disability.

References

Regulation 181/98

"For the love of learning", Report of the Royal Commission on Learning, 1995

Response to the report of the Royal Commission on Learning, LDAO, 1995

Social Education

LDAO advocates that students identified as having learning disabilities be provided with the same curriculum and information as their non-exceptional peers in non-academic subjects, such as drug and alcohol education, sex and AIDS education, conflict resolution and peacemaking, safe schools, and other social issues.

Rationale

Students identified as having learning disabilities are subject to the same social and peer pressures as their non-exceptional peers and require the same information and coping strategies to succeed.

As in other areas, teachers must be prepared to modify the pace, the process, and the outcomes of the educational program based on the student's identified strengths and needs.

References

- Ontario Schools: Intermediate and Senior, Ministry of Education, 1984
- Memorandum #115, grade 9, Ministry of Education, 27 June 1994
- "For the love of learning", Report of the Royal Commission on Learning, 1995
- Response to the report of the Royal Commission on Learning, LDAO, 1995

Services for Francophone Students

LDAO advocates that Francophone students identified as having learning disabilities be guaranteed full access to special education programs and services in French in the same way as their Anglophone peers are served in English. All Francophone school boards must comply fully with the Education Act and related regulations.

Rationale

French language education is mandated under legislation arising from the British North America Act, 1867. Students in French language education must be guaranteed the same rights, including those rights afforded exceptional students, as their Anglophone counterparts. Such equality of access is enshrined in Canadian and Ontario legislation.

References

British North America Act, 1867
Ontario Human Rights Code, 1981
Canadian Charter of Rights and Freedoms, 1982

French Immersion

LDAO advocates that students with learning disabilities have the same access to French Immersion programs as non-exceptional students. LDAO further advocates that students in French Immersion programs be provided with all necessary accommodation, support and services to meet their identified educational needs.

Rationale

A student identified as having learning disabilities must not be barred from entering or continuing in a French Immersion program solely because of his or her learning disabilities. The interest and aptitude of the student must be the most important considerations.

The decision whether to continue with such a program should be made by the IPRC, considering all relevant factors and in consultation with parents. If it is determined that the student remain in the French Immersion program, all necessary services and supports must be instituted to ensure that the student can achieve academic success.

References

“For the love of learning”, Report of the Royal Commission on Learning, 1995
Response to the report of the Royal Commission on Learning, LDAO, 1995

Curriculum Outcomes I

LDAO advocates that students with learning disabilities be provided with the requisite accommodations and have access to appropriate teaching and learning strategies such that they can achieve the same learning outcomes or expectations as are specified within the Ontario curriculum for all students.

Rationale

The Education Act guarantees the right of every student to attend school without the payment of fees and to receive an appropriate education, such that he or she is able to reach his or her potential. The Ontario Human Rights Code guarantees the right to freedom from discrimination and the right to have a disability accommodated. Based on these legislated rights, students with learning disabilities have the right of access and equity of outcome. The new Ontario curriculum specifies the expected outcome for each grade level and subject area. Sometimes, students will require a differentiation or alteration of the teaching and learning process, but not of the curriculum outcomes. In other words, the standards that the student achieves in terms of both knowledge and skills are the same as for other students, although how those standards are demonstrated may be different for the exceptional student. For example, the teacher may find it useful to break the content into smaller segments or allow the student some extra time to gain mastery of a particular skill. For other students it may be helpful to speed up the process of content delivery and broaden the range of the topics covered by the curriculum. These types of strategies do not alter the learning outcomes of the curriculum.

References

Ontario curriculum guides and deliverables, Ministry of Education, 1998-2001
Response to the consultations on secondary school reform, LDAO, 1996-2001
IEP Standards Document, Ministry of Education, 2001

Curriculum Outcomes II

LDAO advocates that all curriculum guides for all subject areas in both elementary and secondary school and all related teacher guides clarify the curriculum outcomes in terms of the expected standards and how the teaching and learning process may be altered to facilitate student learning without altering the curriculum expectations by lowering expected standards.

Rationale

The Education Act guarantees the right of every student to attend school without the payment of fees and to receive an appropriate education, such that he or she is able to reach his or her potential. The Ontario Human Rights Code guarantees the right to freedom from discrimination and the right to have a disability accommodated. Based on these legislated rights, students with learning disabilities have the right of access and equity of outcome. The new Ontario curriculum specifies the expected outcome for each grade level and subject area. Sometimes, students will require a differentiation or alteration of the teaching and learning process, but not of the curriculum outcomes. In other words, the standards that the student achieves in terms of both knowledge and skills are the same as for other students, although how those standards are demonstrated may be different for the exceptional student. For example, the teacher may find it useful to break the content into smaller segments or allow the student some extra time to gain mastery of a particular skill. For other students it may be helpful to speed up the process of content delivery and broaden the range of the topics covered by the curriculum. These types of strategies do not alter the learning outcomes of the curriculum.

References

Ontario curriculum guides and deliverables, Ministry of Education, 1998-2001
Response to the consultations on secondary school reform, LDAO, 1996-2001
IEP Standards Document, Ministry of Education, 2001

Curriculum Outcomes III

LDAO advocates that the Ministry of Education, as part of its exceptionality specific program standards development, clarify and differentiate between modified and/or alternative curriculum expectations and the provision of differentiated teaching strategies.

Rationale

The new Ontario curriculum specifies the expected outcome for each grade level and subject area. Sometimes, students will require an alteration of the teaching and learning process, but not of the curriculum outcomes. In other words, the standards that the student achieves in terms of both knowledge and skills are the same as for other students, although how those standards are demonstrated may be different for the exceptional student. For example, the teacher may find it useful to break the content into smaller segments or allow the student some extra time to gain mastery of a particular skill. For other students it may be helpful to speed up the process of content delivery and broaden the range of the topics covered by the curriculum. These types of strategies do not alter the learning outcomes of the curriculum. These types of differentiated teaching strategies are sometimes confused with the modified and/or alternative curriculum expectations that are specified in the ISA eligibility profiles.

In an educational setting, modified curriculum expectations are usually defined as ways in which the learning expectations, curriculum content, materials used, standards demanded and/or outcomes may be changed - usually lowered. This is why modifications are not acceptable during the administration of standardized tests and examinations, (including high stakes tests such as those administered by the Education Quality Accountability Office in the Province of Ontario). Alternative curriculum expectations do not only call for lowered standards but also usually mean program components, content, knowledge areas and skills to be taught that are substantially different from the regular curriculum. In fact, students who follow an alternative curriculum will not be able to progress towards a secondary school graduation diploma of any kind.

References

Ontario curriculum guides and deliverables, Ministry of Education, 1998-2001
Response to the consultations on secondary school reform, LDAO, 1996-2001
IEP Standards Document, Ministry of Education, 2001

Student Testing I: accommodation for tests administered by the Education Quality Accountability Office (EQAO)

LDAO advocates that the Ministry of Education's Accommodation Policy for Students with Special Needs, approved in 2000 for the purposes of the Grade 10 standardized literacy test which is now a secondary school graduation requirement in Ontario, be mandated to be applicable for all testing carried out by the Education Quality Accountability Office, including standardized high stakes tests, e.g., the Grade 10 literacy test, the standardized Grade 3 and 6 tests, the Grade 9 standardized mathematics tests and the newly announced province-wide testing in core subjects from Grades 3 to 11, with school boards being held fully accountable for compliance with the policy.

Rationale

LDAO has always supported the requirements for academic standards. It has also long advocated enhanced accountability within the school system. Therefore, LDAO also supports the various tests that are administered by the EQAO, provided that students with learning disabilities and other students with special needs are assured the right to have their needs accommodated in accordance with the Ontario Human Rights Code. The Ministry of Education's Accommodation Policy for Students with Special Needs is an adequate reflection of how this process should be managed, in accordance with the accommodations required being set out in the student's IEP. However, in many cases the IEP does not adequately reflect the student's accommodation needs for testing. In other cases, the required accommodations are not provided during the testing process. It is essential that for all testing students be guaranteed their right to have their needs appropriately accommodated. The Ministry of Education in collaboration with EQAO should insist on school board compliance and accountability.

References

- Ministry of Education Accommodation Policy for Students with Special Needs, 2000
- Procedures for Administering EQAO Tests, 2000-01
- Correspondence with EQAO, LDAO, 1998-2001
- Correspondence with Ministry of Education re EQAO testing, LDAO, 1998-2001
- Response to consultation on secondary school reform and graduation requirements, LDAO, 1996-2001
- Response to Bill 30, LDAO, 1995
- Guidelines for Assessing Accommodation Requirements for Persons with Disabilities, Ministry of Citizenship, 2001

Student Testing II: participation in the Grade 10 literacy test

LDAO advocates the participation of all students with learning disabilities in the Grade 10 literacy testing provided that all students are provided with the requisite accommodations as set out in their IEPs. School boards must be held accountable for the provision of accommodations and for compliance with the Ministry of education's Accommodation Policy for Students with Special Needs.

Rationale

LDAO has always supported the requirements for academic standards. It has also long advocated enhanced accountability within the school system. Therefore, LDAO also supports the various tests that are administered by the EQAO, provided that students with learning disabilities and other students with special needs are assured the right to have their needs accommodated in accordance with the Ontario Human Rights Code. The Ministry of Education's Accommodation Policy for Students with Special Needs is an adequate reflection of how this process should be managed, in accordance with the accommodations required being set out in the student's IEP. However, in many cases the IEP does not adequately reflect the student's accommodation needs for testing. In other cases, the required accommodations are not provided during the testing process. It is essential that for all testing students be guaranteed their right to have their needs appropriately accommodated. The Ministry of Education in collaboration with EQAO should insist on school board compliance and accountability.

References

- Ministry of Education Accommodation Policy for Students with Special Needs, 2000
- Procedures for Administering EQAO Tests, 2000-01
- Correspondence with EQAO, LDAO, 1998-2001
- Correspondence with Ministry of Education re EQAO testing, LDAO, 1998-2001
- Response to consultation on secondary school reform and graduation requirements, LDAO, 1996-2001
- Response to Bill 30, LDAO, 1995
- Guidelines for Assessing Accommodation Requirements for Persons with Disabilities, Ministry of Citizenship, 2001

Student Testing III: exemption from high stakes testing

LDAO advocates that students with learning disabilities only be recommended for exemption from high stakes tests such as the Grade 10 literacy test under the most rigorous conditions, such as circumstances where participation in the testing would create a significant adverse long term impact on the student's mental health and where the student and the parents are in full agreement with the proposed exemption. In most cases deferral of the testing to a subsequent year may be a more appropriate step, rather than exemption, which will prevent the student from graduating from secondary school and proceed to post-secondary education.

Rationale

Students with learning disabilities can learn if they are taught appropriately. They can demonstrate their competencies and their mastery of skills and curriculum content provided that the evaluation process is appropriately structured and they have access to the accommodations set out in their IEPs. Participation in provincial testing is an integral part of all students' education and an established requirement for secondary school graduation. Students identified as having learning disabilities should be afforded the opportunity to participate in such testing except in circumstances where the potential benefits would be clearly and unalterably outweighed by perceived adverse consequences. Exemption should not be recommended by the school as a matter of course for students who have difficulties with literacy as a result of their learning disabilities.

References

- Ministry of Education Accommodation Policy for Students with Special Needs, 2000
- Procedures for Administering EQAO Tests, 2000-01
- Correspondence with EQAO, LDAO, 1998-2001
- Correspondence with Ministry of Education re EQAO testing, LDAO, 1998-2001
- Response to consultation on secondary school reform and graduation requirements, LDAO, 1996-2001
- Response to Bill 30, LDAO, 1995
- Guidelines for Assessing Accommodation Requirements for Persons with Disabilities, Ministry of Citizenship, 2001

Part N

Individuals at Risk

The policies in this section relate to individuals “at risk” as a result of having learning disabilities and the need for cooperative intervention by all parties concerned. Students with learning disabilities may be truant, may perpetrate or be the victim of crime or violence or require medication for their learning disabilities. Policies address the need for comprehensive procedures by the school system for dealing with children at risk who have learning disabilities. Policies also address parent and community involvement in this process as well as services to adults with learning disabilities.

Policies

- N1 Assessment of Offenders
- N2 Offender Programming
- N3 Young Offenders Act (“YOA”) and any successor legislation
- N4 Interministerial Cooperation I
- N5 Prevention of Suspension and Expulsion
- N6 Truancy
- N7 Suspension
- N8 Strict Discipline Programming
- N9 Safe Learning Environment
- N10 Code of Conduct
- N11 Behaviour Management programming
- N12 Parent Training Programs for the Prevention of Behaviour Problems
- N13 Consent Requirement I
- N14 Consent Requirement II
- N15 Process for Informing Parents about Disclosure
- N16 Medication of Students with ADHD
- N17 Administration of Medication
- N18 Range of Services to be Available
- N19 Community Based Support

Assessment of Offenders

LDAO advocates that qualified assessment teams be attached to all courts so that individuals who are charged with committing an offence and who show signs of having learning disabilities may be appropriately assessed and diagnosed and have such information included in all pre-disposition reports.

Rationale

A range of assessment services should be available to all individuals, youths and adults, who are involved in the criminal justice system. Recognition and identification of a learning disability in a person who has been accused of or found guilty of an offence is an essential factor in dealing with or designing an appropriate rehabilitative sentence for that person.

References

- Young Offenders Act, 1984
- “Cognitive disorders and syntactical deficiencies in the inmate populations of federal penitentiaries in Canada”; Koopman, P., UBC, 1983
- “Learning Disabilities and the Young Offender: arrest to disposition”; LDAC, 1985
- “Did you ever wonder why?”; Nichols, E., LDAO, 1987
- “The LD/JD Link: causation or correlation”; Crealock, C., UWO, 1987

Offender Programming

LDAO advocates an emphasis on rehabilitation rather than punitive measures in sentencing individuals who have been found guilty of a criminal offence. Where the offender has learning disabilities, rehabilitation initiatives must include programming to address the needs of the offender including educational, vocational, social skills and life skills training.

Rationale

In sentencing convicted offenders, rehabilitation of the offender should be the primary aim. The goal of rehabilitation must be, ultimately, to prevent the offence from reoccurring, i.e., to lower recidivism rates.. In order for rehabilitation to be effective when dealing with offenders with learning disabilities, the impact of the learning disabilities and their role in offending must be established and addressed. The goal should be to teach the offender new behaviours and strategies to deal with the challenges arising from having a disability.

References

- Young Offenders Act, Government of Canada, 1984
- “Safety, Respect and Dignity for All”, amendments to the Young Offenders Act, 1999
- “Cognitive Disorders and syntactical deficiencies in the inmate populations of federal penitentiaries in Canada”, Koopman, P., UBC, 1983
- “Learning Disabilities and the Young Offender: arrest to disposition”, LDAC, 1985
- “Did You Ever Wonder Why?”, Nichols, E., LDAO, 1987
- “The LD/JD Link: causation or correlation”, Crealock, C., UWO, 1987
- Response to the consultation on amendments to the Young Offenders Act, LDAO, 1995

Young Offenders Act (“YOA”) and any successor legislation

LDAO advocates that the YOA and any successor legislation be amended to take into account the assessment, treatment, mental health, education, training, support and accommodation needs of young offenders with learning disabilities.

Rationale

There is a high incidence of learning disabilities among the young offender population. The purpose of the YOA is to facilitate rehabilitation of young offenders before they become adults and subject to the full force of the law. Young offenders with learning disabilities may have different needs and problems arising from having learning disabilities which must be assessed as part of any rehabilitation program. The YOA should recognise this and mandate appropriate assessment, treatment and accommodation.

For some time, the Federal Government has been working on a major revision to the YOA. The new legislation does not as yet have a formal name, but the consultation document has been entitled “Safety, Respect and Dignity for All”. LDAO endorses this direction for the new legislation.

References

- Young Offenders Act, 1984
- “Cognitive disorders and syntactical deficiencies in the inmate populations of federal penitentiaries in Canada”; Koopman, P., UBC, 1983
- “Learning Disabilities and the Young Offender: arrest to disposition”; LDAC, 1985
- “Did you ever wonder why?”, Nichols, E., LDAO, 1987
- “The LD/JD Link: causation or correlation”; Crealock, C., UWO, 1987
- Response to the consultation on amendments to the YOA, LDAO, 1995

Interministerial Cooperation

LDAO advocates that there be mandated collaboration, cooperation and sharing of costs between all federal and provincial government ministries and agencies to ensure that the needs of individuals with learning disabilities are met.

Rationale

A holistic approach is essential to ensure that the needs of individuals with learning disabilities are met. Often services or funding are denied because it is not clear which ministry or agency should meet the needs of the individual concerned, resulting in a stalemate between the individual and the government.

References

Report of the Interministerial Working Group on Learning Disabilities, 1992
Response to the consultation on an Ontarians with Disabilities Act, LDAO, 1998

Prevention of suspension and expulsion

LDAO advocates that the Ministry of Education mandate all school boards in Ontario to:

1. Guarantee the provision of special education programs and services, as included in their exceptional students' IEPs, and
2. Co-operate with their local MCSS Offices, children's mental health centres, children's treatment centres and Children's Aid Societies to develop intervention plans and support systems for exceptional students who are at risk for suspension and/or expulsion under Regulations 37/01 and 106/01, but for whom suspension and expulsion are not mandatory due to the noted impact of their disability.

Rationale

Students with learning disabilities are often at risk for suspension and expulsion. Due to the impact of their disability, especially when they are not receiving all the needed special education programmes, services and accommodations, they may not have the ability to control or modify their behaviour and/or understand the potential consequences of their behaviour. The agencies mentioned in this policy may all have an involvement from time to time with these students, who are at risk for suspension or expulsion within the school system. Inter-agency co-operation and collaboration can help with preventing these negative circumstances.

References

- Regulation 37/01, Expulsion of Pupil, Ministry of Education, 2001
Regulation 106/01, Suspension of a Pupil, Ministry of Education, 2001
Response to the above regulations, LDAO, 2001
Safe Schools Act, Ministry of Education, 2000
Code of Conduct, Ministry of Education, 2000
Policy on violence free schools, Ministry of Education, 1997
Response to the above documents, LDAO, 1997-2000

Truancy

LDAO advocates that truancy be regarded as a possible sign of unidentified learning disabilities, inappropriate educational placement or inadequate programming. LDAO further advocates that before any punitive action is taken, possible causes of the truancy must be considered and, where identified, addressed.

Rationale

Inappropriate behaviour and/or truancy may be a symptom of a greater underlying problem. It is important that the underlying problem be identified and to the greatest extent possible resolved as part of the response to the situation. Where the student is identified by the IPRC, the placement and the programming for the student should be immediately reviewed. Consequences for the student must be meaningful so as to ensure success at school.

References

Education Act, ss21, 24, 25, 26

Response to Ministry of Education consultation on safe school and truancy, LDAO, 1997

See also: Policy Q13

Suspension

LDAO advocates that suspension and/or expulsion be used as a last resort, only when all other efforts, including assessment, consideration by an IPRC, implementation of special education programming, services and accommodations have failed to effect a change in behaviour.

Rationale

Inappropriate behaviour and/or truancy may be a symptom of a greater underlying problem. It is vital that the underlying problem be resolved as part of the response to the situation. Where the student is identified by the IPRC, the placement and the programming for the student should be immediately reviewed. Consequences for the student must be meaningful so as to ensure success at school.

References

Education Act, s23
Response to the consultation on safe schools and truancy, LDAO, 1997

See also: Policy Q13

Strict Discipline Programming

LDAO advocates that all strict discipline programmes approved and/or established by the Government of Ontario and/or school boards for expelled students be based on the principles of rehabilitation, restoration and behaviour modification rather than punitive measures. Such programming should include a full range of special education programmes and services for those students who have been or are newly identified as needing these and whose inappropriate behaviour may be related to the presence of an exceptionality and its impact. As students return from a strict discipline program placement to the local school board, all special education programmes and services that were shown to be beneficial to them should be continued.

Rationale

Students with learning disabilities are often at risk for suspension and expulsion. Due to the impact of their disability, especially when they are not receiving all the needed special education programmes, services and accommodations, they may not have the ability to control or modify their behaviour and/or understand the potential consequences of their behaviour. If in spite of this students are expelled and are placed in a strict discipline program, it is imperative that the programming that they receive takes into consideration the possibility of having unidentified and unmet special needs.

References

- Regulation 37/01, Expulsion of Pupil, Ministry of Education, 2001
- Regulation 106/01, Suspension of a Pupil, Ministry of Education, 2001
- Response to the above regulations, LDAO, 2001
- Safe Schools Act, Ministry of Education, 2000
- Code of Conduct, Ministry of Education, 2000
- Policy on violence free schools, Ministry of Education, 1997
- Response to the above documents, LDAO, 1997-2000

Safe Learning Environment

LDAO advocates that all school boards establish and implement a policy to ensure that all students, including exceptional students, as well as school staffs are provided with a safe supportive respectful learning and working environment. The school board's SEAC should be consulted on the components of the policy as they impact on exceptional students. Such a policy should always have a preventative and appropriate intervention focus, rather than being punitive.

Rationale

It is essential that all students be guaranteed a safe learning environment, where they are not at risk for violence, bullying, exposure to drugs or other unacceptable circumstances. Similarly, teachers must also be assured that they can have a safe working environment. However, in many cases, school boards have introduced harsh punitive zero tolerance policies, where students who are at risk for being violent or for being the victims of bullying or violence due to their exceptionality cannot necessarily count on needed preventative programming. Guidance services, behavioural supports, values education, social skills training, anger and conflict management and the support of social workers and psychologists should all be available to such students at risk, before any punitive measures are introduced.

All teaching and support staff of each school board should be aware of community programmes, both day and residential, which meet the needs of at risk students. They should be aware of the referral process and communicate with the parents of students who would benefit from such programming. All staff should also be aware of the possible impact of learning disabilities and other exceptionalities on student behaviour. The possibility of an unidentified exceptionality should be considered for students who are repeatedly in trouble at school. In addition, it is important that all teaching and support staff be helped to identify students who are likely to be the victims of bullying and intervene promptly and effectively. Research indicates that exceptional students are not only prone to being victimized in this way, but that they are frequently the ones who are then blamed and even punished for the bullying episode.

References

- Regulation 37/01, Expulsion of Pupil, Ministry of Education, 2001
- Regulation 106/01, Suspension of a Pupil, Ministry of Education, 2001
- Response to the above regulations, LDAO, 2001
- Safe Schools Act, Ministry of Education, 2000
- Code of Conduct, Ministry of Education, 2000
- Policy on violence free schools, Ministry of Education, 1997
- Response to the above documents, LDAO, 1997-2000

Code of Conduct

LDAO advocates that all school boards, as part of their mandated roles and responsibilities outlined in the Ontario Code of Conduct, ensure that they:

- X meet the needs of all exceptional students, in accordance with the student's IEP and the IPAC decision for the student's special education placement, programming and services,
- X accommodate their special needs in accordance with the school board's Human Rights Code and Education Act obligations, and
- X communicate this commitment to all school staffs, school councils and the community at large.

Rationale

It is essential that all students be guaranteed a safe learning environment, where they are not at risk for violence, bullying, exposure to drugs or other unacceptable circumstances. Similarly, teachers must also be assured that they can have a safe working environment. However, in many cases, school boards have introduced harsh punitive zero tolerance policies, where students who are at risk for being violent or for being the victims of bullying or violence due to their exceptionality cannot necessarily count on needed preventative programming. Appropriate special education programmes, services, accommodations as well as guidance services, behavioural supports, values education, social skills training, anger and conflict management and the support of social workers and psychologists should all be available to such students at risk, before any punitive measures are introduced. All staff should also be aware of the possible impact of learning disabilities and other exceptionailities on student behaviour. The possibility of an unidentified exceptionality should be considered for students who are repeatedly in trouble at school.

LDAO supports the principles of the Ontario Code of Conduct. However, the implementation of this Code without considering the special education needs of exceptional students is not appropriate and will prevent the educational system from achieving the goals of the Code of Conduct.

References

- Regulation 37/01, Expulsion of Pupil, Ministry of Education, 2001
- Regulation 106/01, Suspension of a Pupil, Ministry of Education, 2001
- Response to the above regulations, LDAO, 2001
- Safe Schools Act, Ministry of Education, 2000
- Code of Conduct, Ministry of Education, 2000
- Policy on violence free schools, Ministry of Education, 1997
- Response to the above documents, LDAO, 1997-2000

Behaviour management programming

LDAO advocates that all school boards develop and implement, as part of their mandated roles and responsibilities outlined in the Ontario Code of Conduct, appropriate intervention and behaviour management programmes, which, instead of merely “responding to infractions”, focus primarily on prevention and diversion. This is particularly important for exceptional students. Any specific measures that respond to infractions of the Code of Conduct standards, such as behaviour modification, detention, “time-out”, suspension (whether formal or informal), should be relevant and responsive to the identified needs of the exceptional student and his or her exceptionality and should avoid any punitive components, such as isolation of the student, as much as possible.

Rationale

It is essential that all students be guaranteed a safe learning environment, where they are not at risk for violence, bullying, exposure to drugs or other unacceptable circumstances. Similarly, teachers must also be assured that they can have a safe working environment. However, in many cases, school boards have introduced harsh punitive zero tolerance policies, where students who are at risk for being violent or for being the victims of bullying or violence due to their exceptionality cannot necessarily count on needed preventative programming. Appropriate special education programmes, services, accommodations as well as guidance services, behavioural supports, values education, social skills training, anger and conflict management and the support of social workers and psychologists should all be available to such students at risk, before any punitive measures are introduced. All staff should also be aware of the possible impact of learning disabilities and other exceptionailities on student behaviour. The possibility of an unidentified exceptionality should be considered for students who are repeatedly in trouble at school.

LDAO supports the principles of the Ontario Code of Conduct. However, the implementation of this Code without considering the special education needs of exceptional students is not appropriate and will prevent the educational system from achieving the important goals of the Code of Conduct.

School boards should be mandated to collaborate with the health sector and in particular with children’s mental health centres to develop guidelines and policies for behaviour management based on accepted and well-researched principles. For example, with the increased use of time-out as a form of behaviour management, every school board should ensure that it has an appropriate policy and process in place.

References

- Regulation 37/01, Expulsion of Pupil, Ministry of Education, 2001
- Regulation 106/01, Suspension of a Pupil, Ministry of Education, 2001
- Response to the above regulations, LDAO, 2001
- Safe Schools Act, Ministry of Education, 2000
- Code of Conduct, Ministry of Education, 2000
- Policy on violence free schools, Ministry of Education, 1997
- Response to the above documents, LDAO, 1997-2000

Parent Training Programs for the Prevention of Behavioural Problems

LDAO advocates that all school boards develop, support and deliver parent training programs, including programs designed to address specific issues relating to parenting exceptional students, such as behavioural and self-esteem issues.

Rationale

Effective parenting skills are an essential part of any prevention program. School boards have a role to play in facilitating a “whole person” approach to preventing violence in the schools.

References

“Parenting the Learning Disabled Child”; Kuzell, N. and Brassington, J., The Adlerian Centre for Counselling and Education, 1985

Consent Requirement I

LDAO advocates that informed, written consent be required before any professional intervention (including assessment, treatment or the disclosure of information) is undertaken. Such consent is to be provided by the individual or, for persons under the age of legal consent, by the parent or guardian.

Rationale

No intervention can be undertaken without informed consent. Informed consent means that the individual and/or parent is provided with a full explanation of any procedure, the prognosis, any possible consequences and any alternatives which are available.

Legal competence of the individual giving consent must always be ascertained as any person not competent cannot sign a consent form.

References

Health Care Consent Act, 1996

Response to the consultation by Ministry of Education and the Ministry of Health of Form 14,
LDAO, 1998

Consent Requirement II

LDAO advocates that any forms requiring parental and/or student consent for the disclosure of information for the purposes of educational or related processes (for example, an IPRC, IEP or funding application) utilise the MET and Ministry of Health format which specifies:

- X • the purpose of disclosure
- the individual(s) to whom the specified information may be disclosed
 - the duration of the period during which the consent lasts
 - the date on which the consent is revoked

Rationale

Informed consent means a parent and/or student is given a full explanation of any procedure, the prognosis, any possible consequences and any alternative which are available. The Ministry of Education and Ministry of Health format meets the requirements for informed consent and should be used by all school boards at all times.

References

Health Care Consent Act, 1996

Response to the consultation by Ministry of Education and the Ministry of Health of Form 14, LDAO, 1998

Process for Informing Parents about Disclosure

LDAO advocates that all school boards develop a process for informing parents of the way that they are handling disclosure of any specific information required for school board processes, such as special education appeal boards or funding applications and for the removal of such forms from the student's records immediately upon the consent being revoked.

Rationale

Informed consent means a parent and/or student is given a full explanation of any procedure, the prognosis, any possible consequences and any alternative which are available. The Ministry of Education and Ministry of Health format meets the requirements for informed consent and should be used at all times.

References

Health Care Consent Act, 1996

Response to the consultation by Ministry of Education and the Ministry of Health of Form 14, LDAO, 1998

Medication of Students with ADHD

LDAO advocates that any decision about the use of medication in the treatment of ADHD be made between a qualified medical practitioner, the parents of the student and, where appropriate, the student.

Rationale

The prescribing, monitoring and adjustment of any medication requires input from people involved with every facet of the child's education and home life. Medication should not be seen as a substitute for appropriate special education programs and services. At present, teachers often promote the use of medication; this should be discouraged.

References

Health Care Consent Act, 1996

Memorandum 81, the provision of health support services in school settings, Ministry of Education, 1984

See also: Appendix F (definition of ADHD); Policy F6

Administration of Medication

LDAO advocates that all school boards develop policies and suitable procedures for the administration and/or taking of medication by students to ensure that it is done in a sensitive and appropriate manner. Policies and procedures must be communicated to all staff and affected students.

Rationale

School staff must be sensitive to the needs of students when medication must be given or taken at school. It is important that no stigma be attached to medication and that the privacy and self-esteem of students are protected.

References

Health Care Consent Act, 1996

Memorandum 81, the provision of health support services in school settings, Ministry of Education, 1984

Range of Services to be Available

LDAO advocates that all individuals with learning disabilities requiring treatment for social, mental health and/or emotional problems arising from their learning disabilities have available to them a full range of options to address their specific needs.

Rationale

All interventions provided to individuals at risk for developing secondary and tertiary problems as a result of their learning disabilities must be holistic in nature. Any intervention must be specific to the individual's needs and difficulties.

References

Response to the consultation on an Ontarians with Disabilities Act, LDAO, 1998

Response to "Making Services Work for People", LDAO, 1997

Memo 81, the provision of health support services in school settings, Ministry of Education, 1984

Community-Based Support

LDAO advocates that individuals with learning disabilities have access to the same range of appropriate community-based support services as are provided for persons with physical and developmental disabilities.

Rationale

Many community-based support systems are already in place. However, they do not meet the needs of persons with learning disabilities or exclude, by policy, persons with learning disabilities. These include special services in the home, respite care and access to assistive devices. These programs should be either expanded or new programs created in order that the needs of persons with learning disabilities are met.

The provision of assistance must be based on demonstrated need and not on a predetermined classification of "needy" and "non-needy" disabilities or conditions.

References

Report of the Interministerial Working Group on Learning Disabilities, 1992
Response to the consultation on an Ontarians with Disabilities Act, LDAO, 1998

Part P

Post-secondary education

The policies in this section relate to the provision of services, supports and accommodations for students with learning disabilities in Ontario's colleges and universities.

- P1 Access to Post-secondary education I
- P2 Access to post-secondary education II: compliance with the Human Rights Code
- P3 Appropriate Disability Policies within the Post-secondary Educational Sector
- P4 Funding of Services to Students with Disabilities within the Post-secondary Educational Sector I
- P5 Funding of Services to Students with Disabilities within the Post-secondary Educational Sector II
- P6 Programming within the Post-secondary Educational Sector
- P7 Ontario Student Assistance Program (OSAP)
- P8 OSAP and the Bursary for Students with Disabilities (BSWD)
- P9 Testing and Licensing Accommodations

Access to post-secondary education I

LDAO advocates that all approved and licensed post-secondary educational institutions within the Province of Ontario, whether publicly or privately funded, guarantee the right of access to their programs for appropriately qualified students with learning disabilities.

Rationale

The Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code guarantee freedom from discrimination to persons with disabilities. Denial of access to “services”, the definition of which includes education among other things, to appropriately qualified individuals with disabilities is a form of discrimination under the legislation. Currently all post-secondary educational institutions are publicly funded. None of these can legally deny admission to an appropriately qualified applicant with a learning disability. As a result of recent legislation, the Province will allow the establishment of private universities and other degree granting institutions. Since institutions will be licensed by the province, they should also be expected to comply fully with Ontario’s human rights legislation.

References

Canadian Charter of Rights and Freedoms, 1982

Ontario Human Rights Code, 1981

Guidelines for Assessing the Accommodation Requirements of Persons with Disabilities, 2001

Access to Post-secondary Education II: compliance with the Human Rights Code

LDAO advocates that the Ministry of Training, Colleges and Universities mandate full compliance with the Ontario Human Rights Code for all approved and licensed post-secondary educational institutions in the Province of Ontario.

Rationale

The Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code guarantee freedom from discrimination to persons with disabilities. Denial of access to “services”, the definition of which includes education among other things, to appropriately qualified individuals with disabilities is a form of discrimination under the legislation. Currently all post-secondary educational institutions are publicly funded. None of these can legally deny admission to an appropriately qualified applicant with a learning disability. As a result of recent legislation, the Province will allow the establishment of private universities and other degree granting institutions. Since institutions will be licensed by the province, they should also have to comply fully with Ontario's human rights legislation.

References

Canadian Charter of Rights and Freedoms, 1982
Ontario Human Rights Code, 1981
Guidelines for Assessing the Accommodation Requirements of Persons with Disabilities, 2001

Appropriate Disability Policies within the Post-secondary Educational Sector

LDAO advocates that the Ministry of Training, Colleges and Universities mandate full compliance with all appropriate disability related special needs policies for all licensed post-secondary educational institutions in Ontario. Such policies must be approved, regularly reviewed and amended from time to time by the Senate or Board of Governors of the institution. Such policies must include the requisite processes for:

- access to the institution for students with disabilities including the right to appeal a denial of access, if the denial may be due to the student's documented and disclosed disability,
- admission to and the right to participate fully in the course or program of student's choice, provided that the student satisfies the admission requirements,
- the provision of disability-specific services, supports and accommodations, including access to and training in the use of adaptive technologies, unless any of these represent undue hardship for the institution,
- the right to graduate, provided that all graduation requirements have been satisfied, with or without accommodation.

Rationale

The Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code guarantee freedom from discrimination to persons with disabilities. In spite of this legislation and the stated expectation of the Ministry of Training, Colleges and Universities regarding the obligation of colleges and universities to comply with the Human Rights Code and to provide the requisite services, supports and accommodations to students with disabilities, many students, especially those who disclose the presence of a learning disability, may find that they are not accepted into the institution of their choice or into the courses or program for which they have applied. In addition, students with disabilities and in particular students with learning disabilities are often denied accommodations, with the faculty claiming that the accommodation expected contravenes their "academic freedom". If the Ministry were to mandate and regularly review the existence and compliance with these policies, such that there were penalties for contravention or non-compliance, students with disabilities would benefit considerably. Since 50% of all students with disabilities within the post-secondary sector are students with learning disabilities and since the refusal of accommodation is much more likely to happen to a student with an invisible disability, students with learning disabilities would be the greatest beneficiaries of this initiative.

References

- Canadian Charter of Rights and Freedoms, 1982
- Ontario Human Rights Code, 1981
- Guidelines for Assessing the Accommodation Requirements of Persons with Disabilities, 2001

Funding of Services to Students with Disabilities Within the Post-secondary Educational Sector I

LDAO advocates that the Accessibility Fund allocation provided by the Ministry of Colleges and Universities to supplement the expenditures that colleges and universities make to meet their legal obligations under the Human Rights Code to provide services, supports and accommodations for students with disabilities, be maintained, tracked and reported upon as a separate funding envelope and not be rolled into the general transfer funds made to institutions for post-secondary education.

Rationale

Under the Ontario Human Rights Code, colleges and universities, as direct providers of post-secondary educational services, have a legal obligation to serve, support and accommodate students with disabilities. The Ministry of Training, Colleges and Universities provides supplementary funds in addition to the general funding for post-secondary education to ensure that all post-secondary educational institutions can meet these legal obligations and have in place an Office for Students with Disabilities (Special Needs Office). While these are meant to be supplementary funds, at some institutions these are the only funds that are allocated to services for students with disabilities. At other institutions this amount is further reduced by charging rent or other administrative costs to the Office for Students with Disabilities. Over the past few years, senior administrators within the post-secondary sector have suggested that these funds would be more effective if they were included in the general transfer funds for the institution. To date this has been resisted. The provision of appropriate special needs services depends on the availability of appropriate and visible funding allocations.

References

Canadian Charter of Rights and Freedoms, 1982

Ontario Human Rights Code, 1981

Guidelines for Assessing the Accommodation Requirements of Persons with Disabilities, 2001

Reporting Guidelines for the Accessibility Fund, Ministry of Training, Colleges and Universities, 2001

Funding of Services to Students with Disabilities Within the Post-secondary Educational Sector II

LDAO advocates that the Accessibility Fund allocation provided by the Ministry of Colleges and Universities to supplement the expenditures that colleges and universities make to meet their legal obligations under the Human Rights Code to provide services, supports and accommodations for students with disabilities, be modified such that while the allocation primarily reflects the total enrolment of the institution on a Full Time Equivalent (FTE) basis as is the case currently, it be supplemented by an allocation reflecting the actual number of students registered with the Office for Students with Disabilities, who are utilizing and benefiting from the available services.

Rationale

The current Accessibility Fund allocation is census based. Large institutions receive more money than smaller ones. However, very often students with disabilities, especially learning disabilities, prefer to go to a smaller institution for a variety of reasons. Since the total allocation of the Accessibility Fund is a predetermined amount, small institutions which may have a much higher percentage of their students registered with the Office for Students with Disabilities than the larger ones, receive a smaller amount of funding, especially if the total enrolment of the institution is declining. Statistics obtained through the work of the Learning Opportunities Task Force confirm these data for students with learning disabilities. Therefore, in order to achieve greater equity, the funding formula needs to be modified.

References

Canadian Charter of Rights and Freedoms, 1982
Ontario Human Rights Code, 1981
Guidelines for Assessing the Accommodation Requirements of Persons with Disabilities, 2001
Reporting Guidelines for the Accessibility Fund, Ministry of Training, Colleges and Universities, 2001

Programming within the Post-secondary Educational Sector

LDAO advocates that all post-secondary educational institutions receiving funding through the Accessibility Fund of the Ministry of Training, Colleges and Universities be held accountable for providing appropriate programming, services, supports and accommodations for their students with learning disabilities, with the programming being based on the findings of the research carried out by the Learning Opportunities Task Force and reflecting the identified strengths and needs of the individual students.

Rationale

The services and programming available to students with learning disabilities in Ontario's colleges and universities are quite diverse and often reflect the interests and skills of the staff in the special needs office rather than the strengths and needs of individual students and the results of research linking specific learning disabilities to programming and appropriate accommodations. The research findings of the Learning Opportunities Task Force should inform the work of all special needs offices and assure greater educational success for students with learning disabilities. Even though the work of the LOTF has not been fully completed, its vision statement on what are the success indicators for students with learning disabilities within the post-secondary sector and its interim reported findings have been distributed to all post-secondary institutions.

References

- Canadian Charter of Rights and Freedoms, 1982
- Ontario Human Rights Code, 1981
- Guidelines for Assessing the Accommodation Requirements of Persons with Disabilities, 2001
- Reporting Guidelines for the Accessibility Fund, Ministry of Training, Colleges and Universities, 2001
- Reports from the Learning Opportunities Task Force, 1998-2001

Ontario Student Assistance Programme (OSAP)

LDAO advocates that in determining OSAP eligibility for students with disabilities who wish to participate in post-secondary education, the amount of the loan and/or grant available to a student, the length of the loan period, the repayment arrangements and other factors should take into account the documented needs of the student and any relevant recommended accommodations reflecting the impact of the specific disability, such as the need for a reduced course load, part time studies, their inability to study and hold a part time job at the same time, and related living expenses, etc.

Rationale

OSAP eligibility is usually determined on the basis of the student's age, the number of years he or she has been out of secondary school and the family's financial circumstances. Many students with learning disabilities proceeding from directly from secondary school to post-secondary education are denied access to OSAP. There are numerous costs related to post-secondary education which are disability-specific, including an up to date assessment, access to adaptive technology, tutoring, the need to live away from home to attend a college or university, which offers certain specialized services to meet the disability related needs, etc. Many families that are deemed financially able to pay for their child's post-secondary education tuition cannot find the funds for these additional components. As a result, students with disabilities are often unable to attend post-secondary education at all or are not able to go to the most appropriate post-secondary educational institution.

References

- Canadian Charter of Rights and Freedoms, 1982
- Ontario Human Rights Code, 1981
- Guidelines for Assessing the Accommodation Requirements of Persons with Disabilities, 2001
- Reporting Guidelines for the Accessibility Fund, Ministry of Training, Colleges and Universities, 2001
- Reports from the Learning Opportunities Task Force, 1998-2001
- Canada Study Grant Guidelines, 2001
- OSAP and BSWD eligibility guidelines

OSAP and the Bursary for Students with Disabilities (BSWD)

LDAO advocates that all students with disabilities be provided with access to the BSWD, regardless of whether they are eligible to receive OSAP or not, which is the current criterion for eligibility.

Rationale

The Bursary for Students with Disabilities is provided jointly by the Federal and Provincial Governments to assist students with disabilities within the post-secondary sector to cover the additional costs arising from being a student with a disability. The BSWD can be used to pay for learning disability assessments (a newly decreed Federal direction for the use of these funds), adaptive technology, tutoring and other costs related to the student's disability and education. The Ontario Government has made eligibility for the BSWD fully dependent on OSAP eligibility. As a result, a significant percentage of students are unable to access much needed resources to be successful in their post-secondary education, because they are not deemed OSAP eligible. This discrimination also disadvantages students who are pursuing their post-secondary studies on a part time basis and work to support their families and themselves on a full time basis. The amount of the bursary, up to \$7,000 per annum, acknowledges the high costs of paying for the disability related extra costs of post-secondary education. The province of Ontario does not allocate the full amount of the Federal funding that it receives for the purposes of the BSWD, in spite of the fact that many currently ineligible students would benefit from its use. Since the BSWD is a taxable benefit, students and their families whose income exceeds the pre-determined base line would pay back quite a bit of this amount. But in the meantime other ineligible students would be helped through the bursary program. There is precedent for an alternative allocation of student loans and grants, since students who are deaf and who are attending college or university in the USA are able to access additional funding that is not means tested. Students with learning disabilities require a similar exemption from the current rules.

References

- Canadian Charter of Rights and Freedoms, 1982
- Ontario Human Rights Code, 1981
- Guidelines for Assessing the Accommodation Requirements of Persons with Disabilities, 2001
- Reporting Guidelines for the Accessibility Fund, Ministry of Training, Colleges and Universities, 2001
- Reports from the Learning Opportunities Task Force, 1998-2001
- Canada Study Grant Guidelines, 2001
- OSAP and BSWD eligibility guidelines

Testing and Licensing Accommodations

LDAO advocates that individuals who have been identified as having learning disabilities be afforded all necessary accommodations when undergoing all testing (including tests and exams administered in elementary and secondary school, in post-secondary education, in training programs and in licensing examinations for professions where a licence is required) such that they can meet the same passing standards as their non-disabled peers.

Rationale

Students with learning disabilities can learn if they are taught appropriately. They can demonstrate their competencies and their mastery of skills and/or content, provided that the evaluation process is appropriate and all accommodations set out in their IEP have been provided. Provision of accommodations does not affect in any way the integrity of the course of study or the institution administering the test.

Lowered expectations and reduced pass marks are not accommodations and are not appropriate.

Although students in the post-secondary sector do not have written IEPs, their accommodation needs should be recorded by the institution that they attend.

References

- Ontario Human Rights Code, 1981
- Guidelines for Assessing Accommodation Requirements for Persons with Disabilities, Ministry of Citizenship, 1989
- Statements on accommodations in post-secondary education and licensing examinations, LDAO, 1995

Professional Standards

The policies in this section relate to the standards which must be achieved and maintained by all professionals who are involved with students with learning disabilities.

Policies

- Q1 Professional Training/Development
- Q2 College of Teachers
- Q3 Teacher Competencies
- Q4 Pre-service Training for Teachers
- Q5 Additional Qualifications
- Q6 Teacher Testing and recertification
- Q7 Specialist Teachers of Students with Learning Disabilities
- Q8 Qualifications of Principals and Vice-Principals
- Q9 The Role of Special Education Teachers
- Q10 Educational Assistants
- Q11 Professional Standards for Educational Assistants
- Q12 In-service for Educational Assistants
- Q13 Role of Professionals Outside the School System
- Q14 Social Service and Mental Health Personnel
- Q15 Training of Officials
- Q16 Access to Legal Services Provided by Legal Professionals who are Knowledgeable about Learning Disabilities

Professional Training/Development

4.1 LDAO advocates that all professionals including para-professionals involved in the field of education be required to take appropriate in-service/professional development courses such that they acquire a reasonable level of expertise in the field of learning disabilities.

4.2 LDAO advocates that all teachers and other school based personnel working with students with learning disabilities have the training necessary to achieve the competence levels outlined in the regulations of the MET and the "Standards of Practice for the Teaching Profession", developed by the Ontario College of Teachers.

Rationale

All educational professionals will encounter individuals with learning disabilities in the course of their careers. It is essential that they are informed of the nature of learning disabilities and the role they can play in addressing the needs of students with learning disabilities.

This is of particular importance as integration and regular class placement are the most common placement option for students with learning disabilities. All staff dealing with students with learning disabilities must be informed of the nature of learning disabilities and the processes involved in appropriate identification, accommodation and remediation of learning disabilities.

References

Ontario College of Teachers Act, 1996

Standards of Practice for the Teaching Profession, Ontario College of Teachers, 1998

"For the love of learning", Report of the Royal Commission on Learning, 1995

Memorandum #115, Ministry of Education, 27 June 1994

Response to Bill 31, LDAO, 1995

Response to the "Standards of Practice for the Teaching Profession", LDAO, 1998

Policy Q2

College of Teachers

LDAO endorses the Ontario College of Teachers as the professional body for licensing, accrediting and governing the activities and competence of teachers in Ontario. LDAO advocates that the College of Teachers develop a set of competency and accountability standards for principals, vice-principals and teachers and use these standards both as an evaluation measure for licensing purposes and by recommending their use as an evaluation tool by school boards.

Rationale

Competence and accountability are the two key qualities that all parents and students with learning disabilities should be able to expect from principals, vice-principals and teachers. The Ontario College of Teachers, as the licensing body for teachers and teacher training institutions, is the appropriate body to establish criteria for determining competence in their membership.

References

Ontario College of Teachers Act, 1996

Response to the consultation on Bill 31, LDAO, 1995

Correspondence with the Ontario College of Teachers on teacher training and standards of practice for the teaching profession, LDAO, 1996-98

Teacher Competencies

LDAO endorses the document "Standards of Practice for the Teaching Profession" as developed by the Ontario College of Teachers and the five overall goal statements contained in the document. LDAO advocates that these proposed standards be expanded into detailed pre- and in-service expectations which must be mandated for every faculty of education and school board. LDAO further advocates that the College of Teachers establish a specific set of special education competencies to enhance teacher training and evaluation in Ontario.

Rationale

A well qualified competent teacher is the most important component in the appropriate and successful education of all students, including students with learning disabilities. The Ontario College of Teachers as the body responsible for licensing teacher training institutions is the appropriate body to establish criteria for the minimum standards to be met by teachers both generally and in the area of special education.

References

- Ontario College of Teachers Act, 1996
- Response to the consultation on Bill 31, LDAO, 1995
- Correspondence with the Ontario College of Teachers on teacher training and standards of practice for the teaching profession, LDAO, 1996-98

Pre-Service Training for Teachers

LDAO advocates that the Ontario College of Teachers expand the pre-service training and testing of teachers, such that all newly qualified teachers can demonstrate some basic skills in identifying students who have or are at risk for having learning disabilities and knowing how they need to modify their teaching methods to meet the needs of and accommodate these students.

Rationale

Almost 50% of all special education students are students with learning disabilities. Since the vast majority of these students are receiving their special education programming in a regular class, with the regular teacher being responsible for implementing the components of their IEPs, all teachers must be able to teach students with learning disabilities in the way that these students can learn best. Further, since having their needs accommodated is legally mandated, no matter what educational placement is provided for these students, all teachers must have the requisite competencies to provide these accommodations.

References

Ontario College of Teachers Act, Ministry of Education, 1996

Response to the consultation on Bill 31, LDAO, 1995

Correspondence and dialogue with the College of Teachers on teacher training, competencies and standards of practice for the teaching profession, LDAO, 1996-2001

Additional Qualifications

LDAO advocates that the College of Teachers ensure the availability of regular and appropriately structured AQ courses in all special education areas, such that all practising teachers can demonstrate the requisite skills in identifying students who have or are at risk for having learning disabilities and knowing how they need to modify their teaching methods to meet the needs of and accommodate these students.

Rationale

Almost 50% of all special education students are students with learning disabilities. Since the vast majority of these students are receiving their special education programming in a regular class, with the regular teacher being responsible for implementing the components of their IEPs, all teachers must be able to teach students with learning disabilities in the way that these students can learn best. Further, since having their needs accommodated is legally mandated, no matter what educational placement is provided for these students, all teachers must have the requisite competencies to provide these accommodations.

References

Ontario College of Teachers Act, Ministry of Education, 1996

Response to the consultation on Bill 31, LDAO, 1995

Correspondence and dialogue with the College of Teachers on teacher training, competencies and standards of practice for the teaching profession, LDAO, 1996-2001

Teacher Testing and Recertification

LDAO advocates that the College of Teachers develop a plan for the licensing, testing and recertification of teachers, in accordance with the Government's announcements, such that the plan focuses on enabling teachers to acquire and demonstrate teaching competencies and skills as well as factual knowledge, that there is adequate focus on special education competencies and that the format for the process parallels that which is utilized by other professional bodies for licensing and certification, such as the College of Psychologists, the College of Physicians and Surgeons, etc.

Rationale

A well-qualified competent teacher who has both the knowledge and the skills to meet the learning needs of the students in the classroom, including students with learning disabilities, is the most important component in the appropriate and successful education of all students. As new information becomes available about how students learn and as the new curriculum is developed, it is important that teachers participate in ongoing education and training. However, as highly educated professionals, their licensing, testing and any plans for recertification should match those that are in place for other professionals in similar or related fields. In particular, any plans for recertification testing should be enabling rather than punitive.

References

Ontario College of Teachers Act, Ministry of Education, 1996

Response to the consultation on Bill 31, LDAO, 1995

Correspondence and dialogue with the College of Teachers on teacher training, competencies and standards of practice for the teaching profession, LDAO, 1996-2001

CEC/DLD listing of teacher competencies, 1995

Specialist Teachers of Students with Learning Disabilities

LDAO advocates that the Ministry of Education, in cooperation with the Ontario College of Teachers and the faculties of education in Ontario, develop and implement a training program to enable teachers to become specialist teachers of students with learning disabilities.

Rationale

Currently, in the pre-service teacher training program approximately 90 minutes is spent on general special education issues.

Teachers who take the three-part special education program, even those electing to take the learning disabilities option in part III, acquire limited knowledge and understanding of how to teach students with learning disabilities effectively. With 10% of the population having learning disabilities and with most of these students being placed in regular classrooms, every teacher needs to have some knowledge of teaching students with learning disabilities and access to support and assistance from "master" teachers or mentors.

Some student with severe learning disabilities still continue in self-contained classes while a few students attend the residential demonstration school. These students require specialist trained teachers. In spite of a much lower incidence rate, there is training available for specialist teachers of deaf, blind and deaf-blind students. Given the high and, in fact, growing incidence of learning disabilities, it is necessary to introduce such training in this exceptionality area.

References

Ontario College of Teachers Act, 1996

Correspondence with the Ontario College of Teachers, LDAO, 1996-98

Response to the standards of practice for the teaching profession document, LDAO, 1998

Qualifications of Principals and Vice-Principals

LDAO advocates that the current legislative mandatory qualifications for principals and vice-principals be extended to include:

- having appropriate special education and guidance training
- being knowledgeable about the relevant legislation governing education in Ontario, including human rights legislation
- having training in and knowledge of curriculum development, evaluation, modification, including the writing and evaluation of IEPs

Rationale

Principals and to a lesser extent vice-principals must have a broad base of knowledge about the education system, special education and human rights legislation to facilitate the school and all staff meeting their legal obligations to all their students.

References

Ontario College of Teachers Act, 1996

Regulation 297, s40

Letter to Ministry of Education regarding the qualifications and duties of principals and vice-principals, LDAO, 1998

The role of special education teachers

LDAO advocates that the Ministry of Education mandate and fund full compliance with Regulation 298, section 19, as it relates to the placement and deployment of special education teachers, such that:

- X all exceptional students are assured that their special education programme is delivered by or at least in conjunction with a qualified special education teacher, and
- X all special education classes are taught by a teacher who is a qualified special education teacher with the appropriate exceptionality specific qualification.

Rationale

In many cases, school boards allocate their teaching staff without necessarily considering that teachers should teach their teachable subjects and that students should be taught by teachers who are appropriately qualified to teach the subject in question. This is equally important for primary reading as secondary English or math. However, it is even more important for exceptional students with specific disability related needs that they be taught by teachers appropriately trained in that field. While in most cases it is recognized that students who are deaf or blind require significantly differentiated teaching, delivered by appropriately qualified staff, a similar need is frequently ignored for students with learning disabilities. Although every teacher should have basic skills in working with students with learning disabilities, students who are placed in a self-contained special education class or in a withdrawal type of programme should be assured that they will be taught by a teacher who is qualified in the field of learning disabilities.

References

- Ontario College of Teachers Act, Ministry of Education, 1996
- Response to the consultation on Bill 31, LDAO, 1995
- Correspondence and dialogue with the College of Teachers on teacher training, competencies and standards of practice for the teaching profession, LDAO, 1996-2001
- Regulation 298, section 19
- Education Act, section 170
- Special Education Information Handbook, Ministry of Education, 1984

Educational Assistants

LDAO advocates that the Ministry of Education amend Regulation 298, Operation of Schools - General, by specifying the role, qualifications, training, etc., of Educational Assistants, including the necessary directions that Educational Assistants must not function as teachers by undertaking teaching duties for the exceptional students with whom they work, preparing IEPs or report cards or carrying out any assessments or student evaluations for which they are not formally qualified.

Rationale

Educational assistants are very important in the work of the school system, especially for exceptional students who require additional help from time to time or even on a regular basis. However, most educational assistants are not qualified teachers and as such are therefore not qualified to carry out tasks which are the duties of teachers. Students with learning disabilities are shortchanged if their special education programming and services are mostly delivered to them by educational assistants, rather than qualified special education teachers.

References

Position paper on Professional Standards and Competencies for Educational Assistants, CEC, 1995
Responses to the Student Focussed Funding documents and the deployment of educational assistants in the ISA process, LDAO. 1997-2001

Professional Standards for Educational Assistants

LDAO advocates that all educational assistants have post secondary or equivalent pre-service education in a relevant child and youth or other program from an accredited college or university.

Rationale

The role of the educational assistant has evolved from non-instructional helper in the classroom to an instructional assistant for students with special needs. Diversity in knowledge and skills and competence in delivering assistance should be mandatory prerequisites to placement in a classroom.

References

Position paper on Professional Standards and Competencies for Educational Assistants, CEC, 1995

In-service for Educational Assistants

LDAO advocates that school boards provide and require educational assistants to attend professional development programs on learning disabilities and related programming strategies.

Rationale

As in any profession or discipline, ongoing professional development is important. Educational assistants must be aware of the nature and consequences of learning disabilities and have up-to-date information about appropriate programming strategies.

References

“For the love of learning”, Report of the Royal Commission on Learning, 1995
Position paper on Professional Standards and Competencies for Educational Assistants, CEC, 1995

Role of Professionals Outside The School System

LDAO advocates that professionals working outside the school system with individuals who have or may have learning disabilities receive training in recognizing the signs and symptoms of learning disabilities and knowledge of modifications and accommodations to facilitate greater identification and assistance for individuals with learning disabilities.

Rationale

Professionals from many disciplines come into contact with persons who have learning disabilities, including paediatricians, family doctors, public health nurses, social workers and child care workers, early childhood educators, audiologists, speech and language therapists, day care workers, employers, human resources professionals and recreation leaders.

If trained, any could recognize signs of learning disabilities, and all need to know how to respond appropriately to persons with LD. Some medical doctors have been trained to assess for learning disabilities, or at least in undertaking basic testing to assist in deciding whether or not to refer to a psychologist. Public health nurses can help parents to find routes to appropriate assessment. Early childhood educators and day care workers can plan programs that do not involve academic instruction to help develop weak perceptual areas. Audiologists and speech and language therapists need to be able to distinguish language learning disabilities from other hearing and language-related problems. Recreation leaders can use strategies for accommodation and compensation in coaching persons with learning disabilities, thereby increasing chances of success and resultant enhancement of self-confidence and self-esteem. All the professionals referred to above can help persons with learning disabilities and their families gain a clearer understanding and develop more appropriate responses. Social workers and child care workers who know the signs of learning disability can refer clients for appropriate assessment when they suspect that an unidentified learning disabilities may be a factor in creating social and emotional problems.

References

"Please Doctor...if someone should mention learning disabilities: a handbook for physicians"; LDAO, 1984

Response to The Children's Act, LDAO, 1983

Response to OSLA Report, LDAO, 1996

See also: Policy D9

Social Service and Mental Health Personnel

LDAO advocates that all social service and mental health personnel be informed of and trained to recognize learning disabilities.

Rationale

There is a high incidence of learning disabilities in the population accessing and needing social and mental health services. In order for social services and/or mental health personnel to provide effective services they must be trained in the area of learning disabilities. Assessment services must be made available where learning disabilities are suspected.

References

Children with Emotional and Learning Disabilities in Canada Report, 1972

Ontario Child Health Study, 1984

Integra study on the psycho-social needs of students with learning disabilities in Metro Toronto, 1985

Report of the Interministerial Working Group on Learning Disabilities, 1992

See also: Policy D9

Training of Officials

LDAO advocates that all judges, defence counsel, Crown attorneys, police officers, social workers and probation/parole officers and corrections workers be trained to recognise and respond appropriately to individuals who have or may have learning disabilities.

Rationale

There is a high incidence of learning disabilities among the delinquent population. Unidentified learning disabilities may lead to a high level of anger, low self-esteem and frustration that in turn may result in anti-social acts. Once in the judicial system, a person with learning disabilities may give false statements or confessions as a result of their learning disability. This may be due to language processing, low literacy skill, an inability to fully understand or express themselves, or a desire to appear 'anything but stupid'. Learning disabilities of a conceptual nature may result in an individual committing offences or repeating offences without understanding the wrongness of the act.

References

Young Offenders Act, 1984

"Cognitive disorders and syntactical deficiencies in the inmate populations of federal penitentiaries in Canada"; Koopman, P., UBC, 1983

"Learning Disabilities and the Young Offender: arrest to disposition"; LDAC, 1985

"Did you ever wonder why?"; Nichols, E., LDAO, 1987

"The LD/JD Link: causation or correlation"; Crealock, C., UWO, 1987

See also: Policies N1, N2, N3

Access to Legal Services Provided by Legal Professional who are Knowledgeable about Learning Disabilities

LDAO advocates that the Law Society of Upper Canada and the Ontario Legal Aid Plan establish a panel of lawyers who are familiar with educational law and who are accessible to families and students facing suspension/expulsion hearings and other school situations which call for the involvement of qualified legal professionals.

Rationale

Students facing suspension or expulsion have a right to legal representation. It is important that these students and their families have access to lawyers who are familiar with educational law. This is particularly important when the student is an exceptional student, as the issues which may arise can be legally complex.

References

- “Children and the Law”, Wilson, J., and Tomlinson, M., Butterworths, 1994
- “Education Law”, Brown,A.F., and Zuker,M.A., Carswell, 1998
- “Education Law: the three Rs - rights, rules and relationships”, Canadian Bar Association conference proceedings, 1985
- “Children and the Law”, The Canadian Institute conference proceedings, 1984

See also: Policy P3, P4

Accountability

The policies in this section relate to the need for accountability by the Ministry of Education, school boards, schools and personnel in meeting the obligations imposed by educational legislation in Ontario.

Policies

- R1 Accountability I
- R2 Accountability II
- R3 School Board Accountability
- R4 School Board Accountability for Special Education Funding
- R5 School Councils I
- R6 School Councils II
- R7 Ministry Accountability
- R8 Minister's Advisory Council on Special Education ("MACSE") I
- R9 Minister's Advisory Council on Special Education ("MACSE") II
- R10 Accountability of Principals and Vice-Principals

Accountability I

LDAO advocates the introduction of appropriate accountability and compliance measures, both incentives and penalties for non-compliance, designed to ensure that the Ministry of Education at all its levels including the district offices, school boards, school authorities, Provincial and Demonstration schools and other relevant service delivery agencies fulfill their legal obligations to exceptional students and their families in Ontario.

Rationale

The legislated rights of exceptional students and their families are of little use, if the educational system, ranging from the Ministry to every classroom throughout the Province, is not required to fulfill its legal obligations.

References

Education Act, ss8(3), 170, Ministry of Education, 1990

Regulation 306

Standards for School Board Special Education Plans, Ministry of Education, 2001

Student focussed funding formulae, 1997-2001

Response to the above two documents, LDAO, 1998-2001

Accountability II

LDAO advocates that in addition to fiscal accountability, the Government of Ontario mandate the following program effectiveness and quality accountability measures for all public service agencies, organizations and institutions and hold these groups accountable for compliance with them:

- compliance with legislation,
- meeting the institution's stated legal mandate,
- setting and meeting programme and service related goals, objectives and on plans.

Rationale

Bill 46, the Public Sector Accountability Act, 2001, was introduced in May 2001 and had second reading on June 6, 2001. The purposes of this Act are described as follows:

1. To initiate best practices in public sector organizations by measuring their performance against their established goals and by reporting publicly on the progress made.
2. To improve program effectiveness and accountability to the public by promoting a stronger focus on the results and the quality of service of public sector organizations.
3. To improve the delivery of service by requiring that each public sector organization prepares a plan to meet identified objectives and to provide information about the results and quality of service that are achieved.
4. To improve decision-making in public sector organizations by ensuring that relevant information is made available to the public about the organization's objectives and about the effectiveness and efficiency of its activities.
5. To improve the fiscal responsibility of public sector organizations by requiring them to prepare a balanced budget each year.

The legislation, although not yet approved, primarily focuses on enhancing and supporting fiscal accountability. This is not enough to ensure that the public sector is truly accountable to the community it serves as well as to the government.

References

Public Sector Accountability Act, Government of Ontario, 2001
Response to Bill 46, LDAO, 2001

School Board Accountability

LDAO advocates that each school board in Ontario be held accountable by Ministry of Education for fulfilling its obligations to students identified as exceptional as set out in the Education Act and related regulations.

Rationale

The Education Act sets out the obligations of each school board with respect to students identified as exceptional. However, at present a school board can ignore the law with impunity. This is unacceptable.

Ultimate responsibility for special education programs and services rests with the Minister of Education and Training. Therefore, Ministry of Education must ensure that each school board fulfills its obligations by instituting a system of reporting and supervision and, where necessary, imposing punitive measures against those school boards who fail to meet their obligations.

References

Education Act, ss8(3), 170(7)
Regulation 306

School Board Accountability for Special Education Funding

LDAO advocates that the Ministry of Education institute compliance and accountability measures for the use of school boards when they report on the expenditure of special education grants, with punitive measures imposed for non-compliance.

Rationale

At present, there are no consequences for non-compliance with the obligations imposed on school boards by the Education Act and related regulations. The introduction of measures to facilitate and track compliance would increase accountability, with punitive measures in place for those school boards who do not comply.

References

Education Act s170(1)(7)

Regulations 306, 464

Funding formulae, Ministry of Education, 1998

Response to the consultation on the funding of education, Ministry of Education, 1997

School Councils I

LDAO advocates that all school councils include representation of students with disabilities and parents representing parent associations for children with special needs.

Rationale

The Ministry of Education has mandated that each school in Ontario establish a school council, with membership drawn from the following sectors:

- parents
- students (from Grade 7 on)
- teachers
- community representatives

The Ministry of Education has issued guidelines which include the powers of school councils. These powers are diverse and could have an impact on the provision of special education programs in the school.

At least one parent representative should be chosen to represent the interests of exceptional students. It is important also to consider those exceptional students who may be placed in the school but for whom this is not the home school. These students and/or their parents should, where appropriate, be considered for council membership.

References

- “For the love of learning”, Report of the Royal Commission on Learning, 1995
- Response to the report of the Royal Commission on Learning, LDAO, 1995
- Guidelines for School Councils, Ministry of Education, 1996
- Brief on school councils, LDAO, 1997
- Response to the consultation on school councils, LDAO, 1998

School Councils II

LDAO advocates that any resolution of a school council which may have an impact on special education programs and services be referred to the school board's SEAC for comment and recommendation before implementation.

Rationale

School councils will have wide powers to determine priorities and direction within their school. However, it is the local SEAC which will be aware of the larger issue of how special education is delivered in the school board as a whole and how the decision of one school may affect services to all students.

As such, the local SEAC must have an opportunity to comment and make recommendations before the implementation of any school council initiative which may affect special education, particularly in an instance where a school council may be trying to minimise or eliminate the special education programs in their school.

References

- “For the love of learning”, Report of the Royal Commission on Learning, 1995
- Response to the report of the Royal Commission on Learning, LDAO, 1995
- Guidelines for School Councils, Ministry of Education, 1996
- Brief on school councils, LDAO, 1997
- Response to the consultation on school councils, LDAO, 1998

Ministry Accountability

LDAO advocates the introduction of measures designed to ensure the accountability of the Ministry of Education, its district offices and personnel in fulfilling their legal obligation to exceptional students in Ontario in all aspects of their work.

Rationale

The granting of legal rights to exceptional students is of little use if Ministry of Education, its district offices and personnel are not required to fulfil those rights. Requiring accountability to a reporting system and providing for punitive measures where necessary is necessary to ensure compliance.

The Education Quality and Accountability Office (“EQAO”) is an independent agency whose purpose includes evaluating the quality and effectiveness of public education and to evaluate the public accountability of school boards. LDAO considers that the mandate of the EQAO should be expanded to include a process for enforcing compliance with legislation on the part of Ministry of Education, school boards and educators.

References

Education Act, ss8(3), 170

Regulation 306

Education Quality and Accountability Office Act, 1996

Response to Bill 30 on the establishment of the EQAO, LDAO, 1995

Minister's Advisory Council on Special Education ("MACSE") I

LDAO endorses the continued existence and significant advisory role of the MACSE on all items relating to special education programming, services and funding in Ontario.

Rationale

MACSE fulfils many of the roles of a SEAC in offering advice and commentary to the Minister of Education and Training. In this regard, it ensures that the Minister receives advice from a group with diverse representation of parents, students and professionals.

References

Response to the Advisory Council Sunset Reviews, LDAO, 1990, 1995

Letter to the Minister of Education and Training on the appointment of MACSE, LDAO, 1997

Minister's Advisory Council on Special Education ("MACSE") II

LDAO advocates that the continued role of parent organizations on MACSE be mandated by the Minister of Education and Training. LDAO further advocates that:

- representatives of specific disability sectors be required to liaise with the various provincial associations which represent parents and consumers in that sector
- the existence of sector and parent organization representatives on MACSE does not negate or limit the obligation of the Minister of Education and Training and MET to consult with provincial organizations in all matters affecting their members

Rationale

Since its inception in 1978, the number of parent organizations on MACSE has increased, although they are still not a majority of members. The role of parent organizations must be protected in law to ensure appropriate input on MACSE.

On the current MACSE, the exceptionality groupings are represented through "sectors", which in practice means that the representatives are not necessarily parents involved with the specific parent organizations. Such representatives must liaise with the various parent and consumer organizations representing individuals in that sector to ensure that a broad range of interests are represented.

In addition, MACSE must not become an excuse for the Minister or Ministry of Education to restrict or end consultation with parent and consumer organizations. It is not sufficient for the Minister to simply state that consultation has taken place because he or she has consulted MACSE. Consultation on issues affecting all or some individuals with disabilities must include consultation with parent and consumer organizations, even if the organization or sector is represented on MACSE.

References

Response to the Advisory Council Sunset Reviews, LDAO, 1990, 1995

Letter to the Minister of Education and Training on the appointment of MACSE, LDAO, 1997

Accountability of Principals and Vice-Principals

LDAO advocates that the duties of principals and vice-principals as set out in the Education Act and related regulations be retained as the basis of their employment, regardless of the bargaining unit to which they belong. LDAO further advocates that the Ministry of Education mandate additional specific duties in the areas of:

- the evaluation of teaching personnel
- communicating with parents and school councils
- their role in relation to special education (for example, managing the IPRC process, applications for ISA funding, development of IEPs and the accommodation of exceptional students during any EQAO testing)

Rationale

Principals and to a lesser extent vice-principals are the key personnel for ensuring that schools meet their mandated obligations. For this reason, it is important that the role of principals and vice-principals be clearly defined in legislation. These additional duties are important and should be explicitly stated in law.

References

- Education Act s265
- Regulation 298, ss11,12
- Letter to Ministry of Education regarding the qualifications and duties of principals and vice-principals, LDAO, 1998

Part S

Human Rights and Disability Issues

The policies in this section relate to the need to maintain, enforce and enhance legislative protection for people with learning disabilities and to ensure that all people have equitable access to services in Ontario.

Policies

- S1 Human Rights I
- S2 Human Rights II
- S3 Ontarians with Disabilities Act
- S4 Aboriginal Services
- S5 Multiculturalism
- S6 Provision of Equitable and Accessible Services
- S7 Employment Equity

Human Rights I

LDAO advocates the use and enforcement of the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms to ensure equity and access for and accommodation of individuals with learning disabilities.

Rationale

Both the OHRC and the Charter prohibit discrimination on the basis of a disability, which includes a learning disability. In the OHRC, learning disability is included directly under the definition of "handicap", while in the Charter it is included under the more generic term "mental disability".

References

- OHRC, 1981
Canadian Charter of Rights and Freedoms, 1982
Report of the Interministerial Working Group on Learning Disabilities, 1992

Human Rights II

LDAO advocates that the Ontario Government strongly enhance the capacity of the Ontario Human Rights Commission to carry out its mandate, including, but not limited to, the provision of additional staffing, funding and the development of the anticipated Guidelines for the Accommodation of Persons with Disabilities within the educational system.

Rationale

In Canada, the Canadian Charter of Rights and Freedoms and the Provincial Human Rights Codes, which derive their mandate from the Charter, provide the requisite legislative support for all disadvantaged or vulnerable populations, including protection from discrimination and the right to have access to special programs, developed to ameliorate an innate disadvantage. In this way, persons with disabilities are included under the same umbrella of protection as racial and linguistic minorities as well as the members of other protected groups. From time to time there has been discussion in Ontario to introduce legislation which focuses exclusively on persons with disabilities, outside the more generic human and civil rights legislation.

Individuals promoting this form of specialized legislation look to similar legislation in other countries, such as the Americans with Disabilities Act and the Disability Discrimination Acts in the UK and Australia. While LDAO has generally supported such legislation, (see policy S3), it is becoming increasingly clear that these disability-specific laws allow for significant discrimination against persons with learning disabilities, especially in the areas of post-secondary education and the licensing of professions. Whereas for physical and sensory disabilities there is no debate about the disability and its impact on the individual's capacity to carry out certain specified tasks, the application of the "average person standard" (*otherwise qualified*) as opposed to either an equivalent peer group (e.g., other medical students) or intra-individual discrepancies, is frequently used against persons with learning disabilities who are looking for accommodations or access to disability specific supports and resources. Such discrimination is not prevalent to the same degree in the area of employment, although it sometimes arises when the individual relies on certain forms of accommodation, e.g., the use of Ritalin for those who have ADHD.

For these reasons, LDAO has focussed its attention on strengthening the Human Rights Commission as the means of assuring the requisite accommodations for persons with learning disabilities.

References

- Americans with Disabilities Act (US), 1990
- Individuals with Disabilities Education Act (US), 1997
- Bill 168, 1994
- LDAO response to Bill 168, 1994
- Report of the Interministerial Working Group on Learning Disabilities, 1992
- Response to the consultation document on an Ontarians with Disabilities Act, LDAO, 1998 and 2001

Ontarians with Disabilities Act

LDAO advocates that the Government of Ontario enact a strong, effective and meaningful Ontarians with Disabilities Act which reflects the principles set out in the LDAO response to the consultation on the Ontarians with Disabilities Act. LDAO further advocates that in addition to these principles the Ontarians with Disabilities Act address all items outstanding from the 1992 Report of the Interministerial Working Group on Learning Disabilities.

Rationale

People with learning disabilities face significant barriers in society. The 1992 Report of the Interministerial Working Group on Learning Disabilities identified that people with learning disabilities face significant discrimination.

Current human rights legislation and the work of the Human Rights Commission are of significant assistance but do not go far enough to protect the rights and interests of individuals with disabilities. The American experience with specific legislation (notably, the Americans with Disabilities Act and the Individuals with Disabilities Education Act) has shown that such specific legislation makes a significant difference to the lives of people with disabilities. However, it is also clear that such legislation must have mandatory requirements and meaningful consequences for non-compliance.

LDAO considers that the Ontarians with Disabilities Act ("ODA") should encompass the following principles:

- X the definition of disabilities used should be the definition contained in the Ontario Human Rights Code ("OHRC")
- X the goal of the legislation must be to prevent and eliminate discrimination against persons with all disabilities, including so-called "invisible" disabilities as learning disabilities and focus on the needs of persons with disabilities of all ages
- X the legislation must complement and supplement the OHRC, such that its requirements supersede other more general legislative initiatives, which may be in conflict with the ODA or enable persons or organizations to contravene the ODA
- X the legislation must spell out in detail the government's and society's expectations in terms of access to goods, services and facilities by persons with all disabilities and the accommodation of all persons with disabilities, as mandated by the OHRC
- X the legislation must ensure that access to funding, assessments, accommodation and supports is based upon identified need and not the definition of a particular disability or disability group, as is so often the case now
- X the legislation must spell out the expectation that individuals and organizations must comply with their mandated obligations relating to providing goods, services and supports to persons with disabilities
- X the legislation should offer significant financial incentives, where appropriate, to private and public sector organizations and also spell out clearly the consequences of non-compliance with the mandate and regulations of the ODA, once it has been proclaimed

- X the legislation must mandate the introduction of significant initiatives in public education and the creation of enhanced public awareness relating to all disabilities, especially those that are invisible disabilities and/or disabilities that are not readily recognized and/or accepted by many persons
- X the legislation must apply equally in all parts of Ontario and cover all the service areas listed above
- X the legislation must set out a process for promoting and supporting enhanced accountability for all current legislation, including the Education Act, Mental Health Act, Social Assistance Reform Act, which offer services, support, funding and protection to persons with disabilities
- X the legislation must include a process for improving services to persons with disabilities by mandating certain services and supports, which are currently optional. An example may be the mandating of mental health services for children and the inclusion and recognition of disabilities within the mental health services provided to adults
- X the legislation must also provide a process for dealing with current inequities in terms of funding and access, such as the denial of the Ontario Disability Bursary to students within post-secondary education who are not eligible for the Ontario Student Assistance Plan and the denial of assistive devices funding to all persons with learning disabilities, regardless of their needs

Regrettably, neither the recently introduced version of the Ontarians with Disabilities Act (November 5, 2001) or its predecessors have met any of the above criteria.

References

- Americans with Disabilities Act (US), 1990
- Individuals with Disabilities Education Act (US), 1997
- Bill 168, 1994
- LDAO response to Bill 168, 1994
- Report of the Interministerial Working Group on Learning Disabilities, 1992
- Response to the consultation document on an Ontarians with Disabilities Act, LDAO, 1998 and 2001

Aboriginal Services

LDAO advocates that efforts be made to improve the provision of services for individuals with learning disabilities in Aboriginal communities.

Rationale

Learning disabilities occur in all populations. Many people of Aboriginal background who have learning disabilities are not identified and thus do not receive services. When individuals have been identified, services must be provided in such a way as to not jeopardise the person's ties to their community or culture.

Aboriginal educational and support services personnel and band council members should be provided with training to facilitate recognition of learning disabilities and to explain the importance of providing help and services to those who have learning disabilities.

References

Response to consultation on common curriculum, LDAO, 1994

Multicultural Services

LDAO advocates that efforts be made to improve the provision of services for individuals with learning disabilities within the diverse multicultural communities of Ontario.

Rationale

Learning disabilities occur in individuals of all ethnic, racial, linguistic and religious groups. Therefore, all individuals with learning disabilities living in Ontario must be assured an equal right of access to the services, supports and accommodations that are needed to meet their rights and to allow them to participate equitably in society.

References

Ontario Human Rights Code, 1981

Canadian Charter of Rights and Freedoms, 1982

Report of the Interministerial Working Group on Learning Disabilities, Government of Ontario, 1992

Provision of Equitable and Accessible Services

LDAO advocates the provision of equitable and accessible services for all people with learning disabilities and their families. LDAO advocates the elimination of all systemic barriers, including differentiation based on ethnic, racial, linguistic, religious or socio-economic or other grounds as prohibited in Ontario and Federal human rights legislation. LDAO has adopted policies to ensure that no such discrimination occurs in the work, information and services provided by LDAO, its affiliates and personnel.

Rationale

Learning disabilities occur in individuals of all ethnic, racial, linguistic and religious groups. All people must have equal right of access to the programs and services available to people with learning disabilities.

References

OHRC

Canadian Charter of Rights and Freedoms, 1982

Correspondence with Ministry of Education, LDAO, 1990-1995

See also: Access Policy

Employment Equity

LDAO advocates the introduction of legislation that promotes the principles of employment equity for persons with disabilities in the Province of Ontario.

Rationale

Employment equity is defined as a comprehensive process adopted to ensure equitable representation of designated groups throughout the workforce and to remedy and prevent the effects of intentional and/or systemic discrimination in employment. The Federal Employment Equity Act (Bill C 61) has not achieved these goals for persons with disabilities. It was anticipated that the previous Ontario Employment Equity Act would have done so. This Act was repealed in 1995 and currently employers are “encouraged” to implement employment equity initiative voluntarily, because it is the right thing to do. However, the experience of many people with learning disabilities indicates that this is not happening.

References

Response to the consultation on an Ontarians with Disabilities Act, LDAO, 1998
Letter to the Ministry of Citizenship, 1995
Brief on employment equity to the Ontario government, LDAO, 1993
Report of the Interministerial Working Group on Learning Disabilities, 1992

Policies Relating Specifically to Adults

Policies

- T1 Public awareness of learning disabilities
- T2 Employer Awareness of learning disabilities
- T3 Training of service providers
- T4 Support services
- T5 Assistive devices
- T6 Adult assessments
- T7 Equal access to literacy programming
- T8 Training of literacy workers
- T9 Employment and vocational services
- T10 Ontario Works: Work for Welfare Payments Program
- T11 Ontario Works Literacy Testing I
- T12 Ontario Works Literacy Testing II
- T13 Ontario Works Literacy Training
- T14 Ontario Works Employment Supports
- T15 Ontario Disability Support Program (ODSP) Income Support
- T16 ODSP Eligibility
- T17 ODSP Employment Support Employment Planning I
- T18 ODSP Employment Support Employment Planning II
- T19 Income Tax: Disability Tax Credit
- T20 Income Tax: Medical Expense Tax Credit
- T21 Access to information for Persons with Print Disabilities

Public Awareness of Learning Disabilities

LDAO advocates that any government organized or mandated public awareness or public education campaigns related to disability issues include specific references and information about learning disabilities.

Rationale

Many people are not aware of learning disabilities, their high incidence in the general population and their impact on the lives of people. Since learning disabilities affect about 10% of the general population and about 50% of those who are considered disabled in Ontario, the condition should be better recognized and understood by the general population. This can only happen as part of a large scale public awareness and public education campaign. Although it is obviously LDAO's mandate to carry out such initiatives on behalf of people with learning disabilities, it is very important that any general disability related initiatives and campaigns include learning disabilities as a major disability area.

References

Report of the Interministerial Working Group on Learning Disabilities, 1992

See also Q1 and Q9.

Employer Awareness of Learning Disabilities

LDAO advocates that the Government of Ontario ensure that all its employment equity related education campaigns directed towards employers include appropriate information about learning disabilities and the needs of persons with learning disabilities in terms of workplace supports and accommodation.

Rationale

Since the former Employment Equity Act was repealed, the Government of Ontario indicated that it would encourage employers to implement employment equity initiatives voluntarily. It was stated at that time that the Government's primary should be not to legislate process, offer incentives or institute penalties, but rather to educate employers about the importance of such initiatives and the value of helping those who are considered employment disadvantaged.

References

Response to the consultation on an Ontarians with Disabilities Act, LDAO, 1998
Letter to the Ministry of Citizenship, 1995
Brief on employment equity to the Ontario government, LDAO, 1993
Report of the Interministerial Working Group on Learning Disabilities, 1992

See also: S6

Training of Service Providers

LDAO advocates that any approved public or private training programmes developed and delivered to service providers in the areas of career/employment counselling, employment training and support as well as income supports include appropriate information about the vocational and employment needs of persons with learning disabilities, such that these service providers can make appropriate referrals and/or offer needed accommodations to their clients.

Rationale

Many service providers in the fields of employment, vocational and income supports, are inadequately trained in recognizing the signs and symptoms of learning disabilities. As a result, many of their clients who have learning disabilities do not receive and/or are not referred to appropriate services, supports and accommodations, in order to be successfully employed. Better training and the implementation of rigorous standards for such programming would enable persons with learning disabilities to be more successful in becoming employed or receive more appropriate training, services and supports.

References

Response to the consultation on an Ontarians with Disabilities Act, LDAO, 1998

Letter to the Ministry of Citizenship, 1995

Brief on employment equity to the Ontario government, LDAO, 1993

Report of the Interministerial Working Group on Learning Disabilities, 1992

See also: Q1, Q9, T1.

Support Services

LDAO advocates that support services, as needed by persons with learning disabilities, be provided by the appropriate Ministry and/or Government agency.

Rationale

Persons with learning disabilities have the same rights to access needed support services as persons with other disabilities. These may include but are not limited to:

- X assistive devices - access to computers, word processors, tape recorders, calculators, talking books, computer software, alternative communication devices, etc.
- X medical supports such as optometry for visual perception, co-ordination and related problems, occupational therapy, physiotherapy, psychotherapy to help deal with emotional and stress related problems arising from having learning disabilities, counselling medical management therapy to help deal with the ongoing use of medication speech-language therapy for those who have auditory and/or language learning disabilities
- X practical life skills training offering direct instruction in these important fields
- X social skills training
- X appropriate employment and vocational services and supports
- X income supports including disability pensions and other funding provided to persons with disabilities
- X interpretation/translation services for persons with significant language processing and comprehension needs

References

Response to the consultation on an Ontarians with Disabilities Act, LDAO, 1998
Report of the Interministerial Working Group on Learning Disabilities, 1992

Assistive Devices

LDAO advocates that persons with learning disabilities be provided access to assistive devices on the basis of the same criteria as those for persons with other disabling conditions.

Rationale

Many people with learning disabilities require the use of assistive devices to carry out the tasks of daily living. Such devices can make a tremendous difference in the functioning level and progress of the individual. Thus, they should be regarded as an essential service and not a luxury to meet the accommodation needs of persons with learning disabilities. In spite of the mandates of the Ontario Human Rights Code, the Assistive Devices Program has continued to deny this service to persons with learning disabilities, without any penalty or negative consequence. This situation needs to be changed.

References

Response to the consultation on an Ontarians with Disabilities Act, LDAO, 1998
Report of the Interministerial Working Group on Learning Disabilities, 1992
Guidelines for Assessing the Accommodation Requirements of Persons with Disabilities, Ministry of Citizenship, 1989
Ontario Human Rights Code, 1981
ADP Brochure, Ontario Ministry of Health

See also: T4

Adult Assessments

LDAO advocates that access to assessments be available to people who exhibit the signs and symptoms of learning disabilities on the same equitable basis as is available to persons with other disabling conditions. Such assessments should delineate the accommodation needs of the individual in educational and employment settings and the activities of daily living.

Rationale

In order to obtain requisite supports, services and accommodations, people with disabilities are usually required to provide verification of their disabilities. An appropriate assessment is the threshold to obtaining services for persons with learning disabilities. The cost of diagnostic testing for most disabilities is usually covered through OHIP. Because the diagnosis of learning disabilities is usually made by a registered psychologist and because OHIP does not usually cover the costs of psychological testing, except under unusual circumstances such as a psychiatric hospital referral, people with learning disabilities are at a disadvantage in this regard.

Further, in spite of the fact that learning disabilities are intrinsic to the individual and are a life-long condition, service providers frequently demand an up-to-date assessment as proof of the presence of a learning disability. This results in adults having to seek re-assessment without having the resources available to cover the cost of such an assessment.

References

Response to the consultation on an Ontarians with Disabilities Act, LDAO, 1998
Report of the Interministerial Working Group on Learning Disabilities, 1992
OHIP Fee Schedule, Ontario Ministry of Health

See also D8, D21.

Equal Access to Literacy Programming

LDAO advocates that all persons with learning disabilities who require literacy programming be guaranteed the right to access such programs and have their learning disabilities accommodated within any literacy programs, whether these are community based and provided by volunteers or delivered through government funding through school boards or other agencies.

Rationale

Since 50% of those who have learning disabilities have some form of difficulty with reading, often dyslexia, and literacy is one of the most fundamental basic skills required for both employment and daily living purposes, a significant percentage of the population with learning disabilities may need access to appropriate literacy programming. Unfortunately, the traditional ways in which reading is taught frequently do not take into consideration the learning needs of persons who learn differently. As a result, many people with learning disabilities do not succeed in mainstream literacy programs without significant modification of programming and accommodation of their needs.

References

- “Bringing Literacy within Reach - Identifying and teaching adults with learning disabilities”, LDAC, 1991
- “Target Literacy”, Hatt and Nichols, LDAO, 1992
- “Accessibility and Beyond, Accessibility Issues for Adult Literacy Programs”, Parkins, S., NYBE, 1992
- “Links in Learning”, Hatt and Nichols, MESE Consulting Ltd., 1995

See also T8.

Training of Literacy Workers

LDAO advocates that all literacy workers, volunteer and paid, have access to in-service training on how to modify their programmes to meet appropriately the needs of all learners with special needs and in particular those whose progress is hindered by learning disabilities.

Rationale

It is recognized that literacy workers frequently receive limited training and are not trained to recognize the signs and symptoms of learning disabilities in adult learners. As a result, they frequently do not have the requisite knowledge or skills to modify their programmes. Providing the requisite training and support to literacy workers will result in greater satisfaction for both the learners with whom they are working as well as for themselves.

References

- “Bringing Literacy within Reach - Identifying and teaching adults with learning disabilities”, LDAC, 1991
- “Target Literacy”, Hatt and Nichols, LDAO, 1992
- “Accessibility and Beyond, Accessibility Issues for Adult Literacy Programs”, Parkins, S., NYBE, 1992
- “Links in Learning”, Hatt and Nichols, MESE Consulting Ltd., 1995

See also T7

Employment and Vocational Services

LDAO advocates that access to appropriate employment counselling, work preparation and vocational programmes be provided to individuals with learning disabilities to maximize their ability to obtain and maintain meaningful successful employment.

Rationale

Persons with learning disabilities are employable, provided that they are given the necessary training and support to turn employability into job readiness. To become job ready, everyone requires:

- X a viable occupational goal
- X the education, training, skills and experience to achieve that goal
- X job search skills
- X the ability to demonstrate that if hired, they can meet the requirements of the job
- X the ability to keep the job, by working hard and satisfying the essential job requirements

To meet the unique vocational needs of persons with learning disabilities, they may need access to the following:

- X intensive career counselling to identify suitable vocational goals
- X social skills training
- X understanding what accommodations they will need to be successful in the workplace
- X self-advocacy skills
- X life skills training
- X adapted job skills training
- X help from a job coach
- X academic upgrading to enhance their skills in this field

When persons with learning disabilities are not able to obtain and maintain appropriate employment, they may have to rely on social assistance supports, rather than functioning as independent contributing members of society. The costs of this are unacceptably high to the individual as well as society. Helping people with learning disabilities achieve their potential and becoming successful is both a legal and moral obligation.

References

- “Job Interview Tips for People with Learning Disabilities”, LDAC, 1990
- “Learning Disabilities and the Workplace”, LDAC, 1993
- “Design for Success”, Nichols, E., LDAO, 1994
- “Nobody’s Perfect”, Nichols, E., LDAO, 1994
- “Learning and Employment Assessment Profile”, Nichols, E., LDAO, 1999

Ontario Works: Work for Welfare Payments Program

LDAO advocates that all work for welfare payments programs guarantee the following in order to be effective, fair and meet the rights of their clients:

- X they are voluntary
- X they respect the dignity and human rights of the client
- X they provide the kind of training and support which helps individuals who are employment disadvantaged obtain marketable skills for real jobs
- X they pay a fair wage for work experience and training
- X they do not displace other employed individuals from existing jobs
- X they include an initial accurate assessment of the client's needs, followed by appropriate services based on the needs
- X they do not set restrictive criteria of access to the program such as excluding individuals with certain kinds of disabilities
- X they allow welfare recipients to do volunteer work on the same terms as other volunteers, with the value of the volunteer work recognized for welfare eligibility.

Rationale

Historically, work for welfare payments programs have been unsuccessful in cutting long term social assistance costs, in creating jobs or enhancing skills and employability. The only real solution to unemployment is an economy in which real permanent jobs are created in both the private and the public sector. Individuals with disabilities have traditionally been employment disadvantaged, in spite of the fact that employment related discrimination is illegal and the majority of them would prefer to work rather than having to rely on income supports. Therefore, in addition to striving for a strong economy, society needs to assure access to appropriate job readiness, vocational training and employment support programs for all those who are employment disadvantaged.

References

Singing for Our Supper: A Review of Workfare Programs, Ontario Network of Employment Skills training Projects, 1995

Ontario Works Literacy Testing I

LDAO advocates that individuals who have a learning disorder, including learning disabilities, which has been confirmed through an appropriate assessment, be appropriately accommodated or exempted from mandatory testing for literacy and other cognitive competencies for the purposes of participating in Ontario Works programs and receiving any relevant services or funding, but that the option of participating in literacy training on a voluntary basis be made available to them.

Rationale

The Government of Ontario has introduced mandatory literacy testing for all individuals who wish to participate in Ontario Works programs and services. Individuals who do not pass the test are expected to participate in mandatory literacy training, before they are deemed eligible for programs, services and funding available through Ontario Works. Many commonly used literacy tests are inappropriate for individuals with learning disabilities. Similarly, many well-established literacy training programs are not appropriate for individuals who have learning disabilities. Many individuals with learning disabilities have been unsuccessful in existing literacy programs, but have made progress with individualized or small group instruction, where, in addition to the specialized training, they also have access to adaptive technology and other accommodations.

Literacy programs typically focus on decoding ahead of comprehension and the application of the information contained in print. For some persons with learning disabilities decoding print remains a major area of difficulty and they need to be provided with alternative methods to access printed information. Such methods may include but are not limited to adaptive technology.

References

Bringing Literacy Within Reach - Identifying and teaching adults with learning disabilities, LDAC, 1991
Target Literacy, Hatt and Nichols, LDAO, 1992

Accessibility and Beyond: Accessibility issues for adult literacy programs, Parkins, S., NYBE, 1992
Links in Learning, Hatt and Nichols, MESE Consulting Ltd., 1995

See also policies T7 and T8

Ontario Works Literacy Testing II

LDAO advocates that all individuals who apply for Ontario Works and who do not pass the mandatory literacy test be screened for having learning disabilities. Where this screening indicates the presence of a potential learning disability, the individual should be referred to a specialized literacy program for individuals with learning disabilities.

Rationale

The Government of Ontario has introduced mandatory literacy testing for all individuals who wish to participate in Ontario Works programs and services. Individuals who do not pass the test are expected to participate in mandatory literacy training, before they are deemed eligible for programs, services and funding available through Ontario Works. Many commonly used literacy tests are inappropriate for individuals with learning disabilities. Similarly, many well-established literacy training programs are not appropriate for individuals who have learning disabilities. Many individuals with learning disabilities have been unsuccessful in existing literacy programs, but have made progress with individualized or small group instruction, where, in addition to the specialized training, they also have access to adaptive technology and other accommodations.

Literacy programs typically focus on decoding ahead of comprehension and the application of the information contained in print. For some persons with learning disabilities decoding print remains a major area of difficulty and they need to be provided with alternative methods to access printed information. Such methods may include but are not limited to adaptive technology. Many individuals with undiagnosed learning disabilities have difficulties with maintaining employment and therefore need to rely on income support. The opportunity to have their learning disabilities identified and access to appropriate training programs and accommodations enhance the employability of persons with learning disabilities.

References

- Bringing Literacy Within Reach - Identifying and teaching adults with learning disabilities, LDAC, 1991
- Target Literacy, Hatt and Nichols, LDAO, 1992
- Accessibility and Beyond: Accessibility issues for adult literacy programs, Parkins, S., NYBE, 1992
- Links in Learning, Hatt and Nichols, MESE Consulting Ltd., 1995

See also policies T7 and T8

Ontario Works Literacy Training

LDAO advocates that designated funding be provided through government ministries for the establishment of specialized literacy programs for participants who are assessed as or suspected of having a learning disability. Such programs need to have a low learner/tutor ratio, extended periods of instruction, access to adaptive technology and other accommodations, based on the learners' strengths and needs and be delivered by instructors with specific training and expertise in learning disabilities.

Rationale

The Government of Ontario has introduced mandatory literacy testing for all individuals who wish to participate in Ontario Works programs and services. Individuals who do not pass the test are expected to participate in mandatory literacy training, before they are deemed eligible for programs, services and funding available through Ontario Works. Approximately 50% of those who have learning disabilities have difficulty with reading, primarily decoding. Since literacy is one of the most fundamental skills required for employment and daily living, people with learning disabilities who are illiterate are particularly disadvantaged. Unfortunately, many commonly used literacy tests are inappropriate for individuals with learning disabilities. Similarly, many well-established literacy training programs are not appropriate for individuals who have learning disabilities. Many individuals with learning disabilities have been unsuccessful in community based literacy programs, but have made progress with individualized or small group instruction, where, in addition to the specialized training, they also have access to adaptive technology and other accommodations. Literacy programs typically focus on decoding ahead of comprehension and the application of the information contained in print. For some persons with learning disabilities decoding print remains a major area of difficulty and they need to be provided with alternative methods to access printed information. Such methods may include but are not limited to adaptive technology.

References

- Bringing Literacy Within Reach - Identifying and teaching adults with learning disabilities, LDAC, 1991
- Target Literacy, Hatt and Nichols, LDAO, 1992
- Accessibility and Beyond: Accessibility issues for adult literacy programs, Parkins, S., NYBE, 1992
- Links in Learning, Hatt and Nichols, MESE Consulting Ltd., 1995

See also policies T7 and T8

Ontario Works Employment Supports

LDAO advocates that the employment supports offered to Ontario Works participants take into account the needs of participants who have diagnosed and suspected learning disabilities, including employment planning, job-readiness training, the use of adaptive technology and other disability-related supports.

Rationale

Individuals with learning disabilities are employable, provided that they are assured access to the necessary training and support to turn employability into job readiness. To be job ready, everyone requires:

- X a viable occupational goal
- X education, training, skills and experience to achieve that goal
- X job search skills
- X the ability to demonstrate that if hired they can meet the requirements of the job
- X the ability to keep the job by satisfying the essential job requirements.

When individuals with learning disabilities are not able to obtain and maintain appropriate employment, they may have to rely on income supports, rather than functioning as independent contributing members of society. The costs of this are unacceptably high to the individual as well as society. Helping people with learning disabilities achieve their potential and become successfully employed is both a legal and moral obligation.

References

- Job Interview Tips for People with Learning Disabilities, LDAC, 1990
- Learning Disabilities and the Workplace, LDAC, 1993
- Design for Success, Nichols, E., LDAO, 1994
- Nobody's Perfect, Nichols, E., LDAO, 1994
- Learning and Employment Assessment profile, Nichols, E., LDAO, 1998

See also: Policy T9

Ontario Disability Support Program (ODSP) Income Support Eligibility I

LDAO advocates that the application process for ODSP Income Support Eligibility, including the questions asked of the applicant on the application forms and of any professionals who may be providing the requisite documentation, adequately reflect the daily living issues affected by learning disabilities.

Rationale

The definition of disability for ODSP and other Government support programs and funding eligibility usually focuses on the disabled person's capacity to carry out the requisite tasks of daily living. This definition is sometimes inappropriately or inadequately applied and, as a result, individuals with learning disabilities are not accepted for such programming and funding. For example, where the term "learning" is applied as a task of daily living, the limitations cited are usually more relevant for developmental than learning disabilities. The resulting exclusion is an unacceptable form of discrimination against those whose disability is a learning disability and who are disadvantaged due to this disability. The definition of "handicap" within the Ontario Human Rights Code, Ontario's premier legislation, specifically cites learning disabilities and the difficulties that people with learning disabilities have as a disability. Therefore, ODSP and other forms of employment and income supports must be available to those individuals with learning disabilities who meet the appropriately determined eligibility criteria.

References

- Ontario Human Rights Code, 1981
- Assessing the Accommodation Needs of Persons with Disabilities, Ontario, 2001
- Report of the Interministerial Working Group on Learning Disabilities, Ontario, 1992
- Learning and Employment Assessment Profile, Nichols, E., LDAO, 1998

ODSP Income Support Eligibility II

LDAO advocates that individuals who have a learning disability, but whose verifying documentation is not up to date or adequate and who are therefore not deemed eligible for accessing ODSP Income Support as a person with a disability, be provided with access to or funding for a psycho-educational assessment for verification and documentation purposes.

Rationale

Many individuals with learning disabilities do not have adequate documentation of their learning disabilities. In some cases this is due to the fact that they have never had a full diagnostic assessment of their disability. In other cases, the documentation is not complete and/or does not meet the full requirement for verification. These individuals are at a disadvantage both in terms of accessing services and supports for persons with disabilities and also are unlikely to receive programming, services and accommodations that reflect their strengths and needs related to their specific learning disabilities.

References

- AHEAD Guidelines for the Documentation of Learning Disabilities, 1997
- LOTF Diagnostic and Documentation Criteria for Pilot Project Eligibility for Students with Specific Learning Disabilities, January 2000
- LEAP, Nichols, E., LDAO, 1998
- "Recommended Practices for Assessment, Diagnosis and Documentation of Learning Disabilities" protocol prepared by the Screening and Assessment Working Group of LDAO's Promoting Early Intervention Project, LDAO, 2001

ODSP Employment Supports Employment Planning I

LDAO advocates that persons, who are designated to develop individualized employment plans with ODSP clients who have learning disabilities, be selected for such work on the basis of their knowledge and understanding of the impacts of different kinds of learning disabilities on all employment related matters.

Rationale

Individuals with learning disabilities are employable, provided that they are assured access to the necessary training and support to turn employability into job readiness. To be job ready, everyone requires:

- X a viable occupational goal
- X education, training, skills and experience to achieve that goal
- X job search skills
- X the ability to demonstrate that if hired they can meet the requirements of the job
- X the ability to keep the job by satisfying the essential job requirements.

To meet the unique vocational needs of persons with learning disabilities, they may also need access to specialized supports, training and programming related to:

- X social skills training
- X self-advocacy training including an understanding of what accommodations they will need to be successful in the workplace
- X life skills training
- X adapted job skills training
- X job coaching and specialized job brokering supports.

When individuals with learning disabilities are not able to obtain and maintain appropriate employment, they may have to rely on income supports, rather than functioning as independent contributing members of society. The costs of this are unacceptably high to the individual as well as society. Helping people with learning disabilities achieve their potential and become successfully employed is both a legal and moral obligation.

References

- Job Interview Tips for People with Learning Disabilities, LDAC, 1990
- Learning Disabilities and the Workplace, LDAC, 1993
- Design for Success, Nichols, E., LDAO, 1994
- Nobody's Perfect, Nichols, E., LDAO, 1994
- Learning and Employment Assessment Profile, Nichols, E., LDAO, 1998

ODSP Employment Supports Employment Planning II

LDAO advocates that the strengths and needs identified through a psycho-educational assessment be considered in choosing and approving an appropriate employment goal for individuals with learning disabilities. Where there is no recent documentation to provide this information, LDAO advocates that obtaining an up to date assessment be included in the employment planning process.

Rationale

Individuals with learning disabilities are employable, provided that they are assured access to the necessary training and support to turn employability into job readiness. To be job ready, everyone requires:

- X a viable occupational goal
- X education, training, skills and experience to achieve that goal
- X job search skills
- X the ability to demonstrate that if hired they can meet the requirements of the job
- X the ability to keep the job by satisfying the essential job requirements.

To meet the unique vocational needs of persons with learning disabilities, they may also need access to specialized supports, training and programming related to:

- X social skills training
- X self-advocacy training including an understanding of what accommodations they will need to be successful in the workplace
- X life skills training
- X adapted job skills training
- X job coaching

When individuals with learning disabilities are not able to obtain and maintain appropriate employment, they may have to rely on income supports, rather than functioning as independent contributing members of society. The costs of this are unacceptably high to the individual as well as society. Helping people with learning disabilities achieve their potential and become successfully employed is both a legal and moral obligation.

References

- Job Interview Tips for People with Learning Disabilities, LDAC, 1990
- Learning Disabilities and the Workplace, LDAC, 1993
- Design for Success, Nichols, E., LDAO, 1994
- Nobody's Perfect, Nichols, E., LDAO, 1994
- Learning and Employment Assessment profile, Nichols, E., LDAO, 1998

Income Tax: Disability Tax Credit

LDAO advocates that the eligibility criteria for the Federal Disability Tax Credit include the effects of severe learning disabilities on the tasks of daily living (in the areas of perceiving, thinking and remembering). Further, in order to assure consistency in claim approvals from region to region throughout Canada, staff of all the taxation offices should be trained in understanding and applying these criteria.

Rationale

The definition of disability for most Government support programs and funding eligibility usually focuses on the disabled person's capacity to carry out the tasks of daily living. This also applies for eligibility for certain income tax exemptions and tax credits. This definition is sometimes inappropriately applied and, as a result, the claims of individuals with learning disabilities are not accepted. This exclusion is an unacceptable form of discrimination against those whose disability is a learning disability and who are disadvantaged due to this disability. The Canadian Charter of Rights and Freedoms cites two categories of disabilities. These are mental and physical disabilities and it is intended, though not explicitly stated, that learning disabilities be included under these umbrella terms. The definition of handicap within the Ontario Human Rights Code, Ontario's premier legislation, specifically cites learning disabilities and the difficulties that people with learning disabilities have as a disability. Therefore, Government controlled employment and income related supports, including tax credit eligibilities, must be available to those individuals with learning disabilities who meet the appropriately determined eligibility criteria.

References

- Canadian Charter of Rights and Freedoms, 1982
- Ontario Human Rights Code, 1981
- Report of the Interministerial Working Group on Learning Disabilities, Ontario, 1992

Income Tax: Medical Expense Tax Credit

LDAO advocates that the costs of purchasing and utilizing adaptive technology as an accommodation for individuals with learning disabilities be recognized as a medical expense tax credit as is the case for individuals with other disabilities, when the use of the technology is recommended by a medical practitioner or a registered psychologist.

Rationale

Individuals with learning disabilities often rely on the use of adaptive technology to carry out the tasks of daily living and obtain and maintain employment. Adaptive technology is often recommended as the most critical accommodation of the learning disability. At the same time, individuals with learning disabilities are formally excluded from eligibility for Ontario's Assistive Devices Program. As a result, individuals with learning disabilities either have to find the funds to pay for this important accommodation or be unable to function in an independent manner due to the lack of funding and access to such accommodations.

References

Report of the Interministerial Working Group on Learning Disabilities, Ontario, 1992

Ontario Human Rights Code, 1981

Guidelines for Assessing the Accommodation Requirements of Persons with Disabilities, Ontario, 2001

See also: Policy T5

Access to Information for Persons with Print Disabilities

LDAO endorses the recommendations of the Federal Task Force on Access to Information for Persons with Print Disabilities and in particular advocates that the following be approved and implemented throughout Canada:

Recommendation 1: that self-identification be sufficient to give a person with learning disabilities the right of access to multiple alternate format materials.

Recommendation 2: that the Canadian National Institute for the Blind energetically pursue the extension of its library services to all print-disabled Canadians.

Recommendation 4: that Human resources Development Canada establish a universal support program for funding print-disabled Canadians to acquire and be trained in the use of assistive technologies.

Recommendation 7: that the Government of Canada establish and fund a clearinghouse for e-text to which Canadian publishers must make their works available.

Recommendation 8: that federal, provincial and territorial subsidies be available only to publishers which provide e-texts to the clearinghouse simultaneous to (print) publication.

Recommendation 17: that departments and agencies of government at all levels train their personnel to be aware of the needs of print-disabled Canadians, of the availability of multiple format materials and in the use of the related assistive technology.

Recommendation 20: that the National Library of Canada provide leadership and support to Canadian libraries to facilitate inter-library loan and encourage the sharing of materials in alternate formats.

Rationale

In spite of the existence of relevant legislation, many individuals who are print-disabled are at a disadvantage when trying to access information from a variety of sources. In particular, individuals with learning disabilities who are print-disabled, are often discriminated against, since service providers do not accept or recognize learning disabilities for the purposes of determining print disability. Approval of the recommendations listed above and implementation of the requisite actions will ensure access and supports for individuals who are print-disabled, including those who have learning disabilities.

References

Report of the Task Force on Access to Information for Print-Disabled Canadians, 2000

Response to the Task Force and the Report on Access to Information for Print-Disabled Canadians, LDAO, 2000

Legislative References to Special Education Issues Education Act and the Regulations

Education Act, R.S.O. 1990, as amended by Bill 160

section

- 1 defines exceptional pupil, special education program, special education services
- 8 (3) • outlines the duties of the Minister
• makes the provision of special education programs and services mandatory
• provides for the ability to appeal identification of exceptionality and/or proposed special education placement
• requires school boards to implement procedures for early and ongoing identification of learning strengths and needs
• provides for the establishment of categories and definitions of exceptionality;
• requires school boards to employ such definitions
- 11 gives authority for the enactment of Regulations governing special education programs and services and Identification, Placement and Review Committees (IPRCs)
- 13 provides for the establishment and/or continuation of the Provincial Schools for students who are deaf, blind, deaf-blind and for Provincial Demonstration Schools for students who have severe learning disabilities
- 23 describes the process for suspending and expelling a student and for appealing suspensions and expulsion
- 33 defines resident pupil
- 49.2 provides for services to adults who are identified as exceptional by an IPRC
- 57 • provides for the establishment of special education tribunals
• provides for the right to appeal identification and/or placement from an appeal board to a special education tribunal
- 57.1 • mandates the establishment of Special Education Advisory Committees (SEACs)
• gives authority for the enactment of regulations relating to the establishment, duties and mandates of SEACs
- 170 defines the duties of school boards to, among other things:
• provide instruction and accommodation for all resident pupils
• provide or purchase special education programs and services for all identified exceptional students
• deal with the issue of class size
- 190 sets out school board duties with regard to transportation, including transportation to the Provincial residential programs for students who are blind, deaf, deaf-blind or have severe learning disabilities
- 206 formerly the section relating to SEACs, repealed by Bill 160

Appendix A

Legislative References to Special Education Issues

Education Act and the Regulations

- 266 provides for the rights of parents and pupils to access pupil records
266.1 makes provision for the assignment of Ontario Education Numbers to all students

Regulations

- Regulation 118 covers maximum average class size for all except special education classes
Regulation 181 provides detailed information on the establishment and functioning of IPRCs, appeal boards and the duties of school boards with regard to these
Regulation 296 covers the operations of the Ontario schools for the blind and the deaf
Regulation 298
 - sets out the maximum enrolment in various types of special education classes
 - covers the duties of principals, vice-principals and teachers
 - covers the qualifications of teachers
Regulation 306
 - covers the provision of special education programs and services
 - provides the process for the amendment of each school board's special education plan and the reporting of these amendments to Ministry of Education
Regulation 308 supervised alternative learning for excused pupils
Regulation 309 qualifications and duties of supervisory officers
Regulation 464 Special Education Advisory Committees

Annual General Legislative Grant Regulation (GLG)

Sets out the formulae for the funding of education, including special education and other special grants. The number of the Regulation changes from year to year.

IPRC Process

The IPRC (Identification, Placement and Review Committee) is the legally established operating process in Ontario for providing access to special education programs, placements and services for students who are identified as exceptional.

Steps	Parents' and students' rights and options
1. Principal refers student to IPRC, either at the request of the parent or on his or her own initiative.	Parent (which includes guardians as well) has the option of requesting, in writing to the principal, that the student be referred to IPRC.
2. Within 15 days of making the referral, the principal notifies parent that student has been referred to IPRC.	<p>Parent receives:</p> <ul style="list-style-type: none"> (a) written notification of referral; (b) principal's approximation of when the IPRC is likely to meet; and (c) parents' guide in appropriate form.
3. At least 10 days in advance, the principal must notify the parent and, if the student is 16 years of age or over, the student in writing of the date of the IPRC.	Parent may be requested to give written permission for a psychological and/or health assessment in accordance with the <i>Health Care Consent Act 1996</i> .
4. The IPRC meets and:	Parent and, if the student is 16 years of age or older, the student are entitled to receive all information which is provided to members of the IPRC.
(a) considers assessment reports:	<p>Parent and student are entitled to have a representative/advocate present who may speak on their behalf.</p> <p>Educational assessment is required. Parental consent is not necessary for this assessment.</p>
(i) educational;	
(ii) psychological; and/or	
(iii) health.	<p>Psychological and health assessments are only considered if:</p> <ul style="list-style-type: none"> (a) the IPRC requests one or both; (b) the parent requests that one or both be considered; and (c) if the student is 16 years of age or older, the student requests that one or both be considered,

and parental and/or student consent was

- (b) interviews student, if considered useful. If:
- (i) the student is under 16 years of age;
 - (ii) the student is 16 years of age or older;
- (c) may discuss and make **recommendations** for special education programs and services, but will not make **decisions** about these issues. **Recommendations** may be included in the IPRC decision;
- (d) may **recommend** that an exceptional student who is 21 years of age or older remain in a secondary day school program;
- (e) decides:
- (i) whether the student is exceptional or not;
 - (ii) if exceptional, the category and definition of the identified exceptionality in accordance with section 8(3) of the *Education Act*;

N.B. currently, the categories and definitions of exceptionailities are found in the Special Education Information Handbook;

- (iii) the strengths and needs of the student;
- (iv) the placement of the student, in a regular class with special education services or in a special education class.

N.B. the IPRC **will recommend placement in a regular class with special education services** if, in its opinion, such a placement:

- A. meets the student's needs; and
- B. is consistent with parental preferences.

obtained in accordance with the *Health Care Consent Act 1996*.

Parental consent is **required** before the interview may take place. Parent is entitled to be present for the interview.

Student consent is required before the interview may take place. Parent may be present if student consents. (*Please note that this is not formally set out in the Regulation but is implied.*)

Parent or, if the student is 16 years of age or older, the student may request such discussion and recommendations and may be present for and participate in these discussions.

The IPRC will consider all information that it considers relevant and any information submitted by the parent and where the pupil is 16 years of age or older, by the pupil.

If the IPRC recommends placement in a special education class, it **must** set out the reasons for this recommendation in its decision.

The decision **may** include any recommendations made pursuant to (c) and (d) above.

If the parent so requests, a second meeting of the IPRC is convened as soon as possible.

The IPRC may:

- (a) uphold its original decision and notify all parties listed above of this decision; or
- (b) change its original decision and notify all parties listed above of this decision and the reasons for the revised decision.

6. The school board will implement the IPRC decision as soon as possible and notify the school principal of the decision.

Student is placed in special education program or is returned to a regular class in accordance with the IPRC decision if:

- (a) parent consents; or
- (b) the parent has not consented but has not begun an appeal within 30 days of the final decision.

7. Within 30 working days (i.e. six weeks) of the placement starting, an individual educational plan (IEP) for the student **must** be developed and provided to the parent and, if the student is 16 years of age or older, the student.

The chair of the IPRC notifies:

- (a) the parent;
- (b) if the student is 16 years of age or older, the student;
- (c) the principal who made the referral; and
- (d) a representative of the school board, usually the Director of Education.

in writing of the IPRC's decision.

Parental preferences are part of the IPRC's decision making criteria for placement but are **not binding**.

If the parent is not in agreement with the IPRC decision, then he or she may, within 15 days of the IPRC:

- (a) request a second meeting with the IPRC to discuss the decision further; or
- within 30 days of the IPRC:
- (b) request to have the matter referred to a Special Education Appeal Board.

If the parent is not in agreement with the upheld or revised decision, he or she may request to have the matter referred to a Special Education Appeal Board within 15 days of the second meeting of the IPRC.

Having received the IPRC final decision in writing, the parent must provide written consent for the placement or, if the parent is still not in agreement, begin an appeal to the Special Education Appeal Board within 15 days.

Parent is notified in writing that the student has been placed.

Parent and, if the student is 16 years of age or older, the student will be consulted on the contents of the IEP.

For students who are 14 years of age or older, the IEP **must** include a transition plan for post-secondary school activities such as work, further education and community living. Note that this does **not** apply to students whose primary identification is gifted.

8. At least once every school year, the IPRC is reconvened to review the student's identification and/or placement.

Parent may request a review three months after the placement has begun. A review cannot be requested more than once every three months.

The parent may agree in writing to waive the annual review.

Tribunal Decisions

Attached is a chart setting out all Tribunal decisions, board, issue, parent and board positions and outcome. In addition, some general comments about Tribunal decisions and specific comments arising from the decisions are set out for your information.

Special Education Tribunals

Name	School board	School year	Issue	Identification & request	Result	Notes
Barger	North York	1983/84	Jurisdiction placement	specific LD, parents: private school placement	1. parents granted leave to appeal to the tribunal 2. appeal dismissed at tribunal	-
Vanderwyk	Etobicoke	1983/84	identification & placement	parents: severe LD board: ER	parents granted leave to appeal	(1)
Dolmage	Muskoka	1982-84	Jurisdiction placement	MH, parents: regular class placement with specifically qualified teacher	1. parents granted leave to appeal to tribunal 2. appeal dismissed at tribunal	-
Stone	Toronto	1983/84	Jurisdiction & identification placement	parent: LD board: not exceptional	appeal dismissed	(2)
Casault	Carleton	1984-86	placement	parent: gifted class placement board: not exceptional	appeal granted	(3)
Kavelman	Waterloo County	1984/85	identification & placement	parent: LD with ADD board: not exceptional	appeal dismissed	-
Lewis	York Region	1984/85	Jurisdiction identification & placement	parents: MH, regular class placement; board: TR, TR class placement	identification MH, placement MH class.	-
Hukowich	Timmins	1984/85	placement	LD, parents: purchase of service	appeal dismissed	(4)

Murray	Brant County	1984/85	placement	TR; parents: regular class; board: TR school	placement to be TR class in regular school	-
Fripp	Nipissing	1984/85	identification & placement	parents: ER board: TR	appeal dismissed	-
Rowett	York Region	1986/87	placement	"slow learner" parents: regular class board: self-contained class	appeal dismissed	-
Ormerod	Wentworth County	1986/87	jurisdiction & placement	parent: teacher's aide qualified in cueing	appeal allowed	(5)
Labute	Windsor	1987/88	identification	parents: autism board: MH	appeal dismissed	-
Razaqpur	Carleton Separate	1987/88	placement	gifted parents: gifted class; board: regular class	appeal granted	(6)
Tezel	Ottawa	1989/90	identification & placement		leave to appeal granted, case settled prior to tribunal	(7)
Burman	Carleton	1991/92	identification	parents: gifted board: exceptional	leave granted	(8)
McLean	Simcoe County	1992/93	identification & placement	parents: LD, self- contained class board: exceptional, regular class with support	identification request granted, leave denied for placement	(9)
Stutt - daughter	Carleton	1992/93	identification	parent: environmental hypersensitivity; board: non-exceptional	appeal dismissed	-

Stutt - son	Carleton	1992/93	identification & placement	parent: MH, including environmental hypersensitivity, specific classroom modifications; board: exceptional, same placement as before	appeal dismissed	(10)
Lalonde	Prescott-Russell French Separate	1993/94	placement	parent: regular class board: special class for students with DH	appeal dismissed	-
Eaton	Brant County	1994-97	placement	parent: regular class board: special class for students with DH	appeal dismissed; case went on to the Supreme Court of Canada	(11)
Pokonzie	Sudbury Separate	1995/96	identification & placement	parent would not accept identification of multihandicapped or special class placement	appeal dismissed	-
Waterman	Carleton Separate	1995/96	identification & placement	needs statement not provided, placement changed without considering the IPRC decision	appeal dismissed	-
Ostertag	Timmins	1996/97	placement	parent: integrated placement; board: special class	appeal dismissed	-
Edie	Dryden	1997/98	placement	parent: continuing intensive support services at home school; board: not able to provide	appeal dismissed; parent and school to identify residential program to meet the student's needs in another community.	(12)

Thibeault and Lacasse	Conseil des Ecoles Publiques de l'Est de l'Ontario	1998/99	placement	parents and school board agreed	parents requested that file be closed	
Matson	Lakehead	1998/99	identification & placement	parent requested appropriate identification, placement and programming	tribunal ordered identification as LD/behavioural, placement in a secondary school with appropriate supports and an IEP to include two hours a day of 1:1 remedial instruction	(13)
Blais	Sudbury Catholic	1999/00	placement	student identified as autistic parents requested placement in an appropriate self-contained class with suitable programming	tribunal ordered placement in a life skills program with appropriate integration. Specific IEP components, staff support were also ordered.	(14)
Levy-Abramham	Halton	2000/01	jurisdiction & placement	parent requested placement under Regulation 298, Sec. 31(a). Board denied placement and the tribunal's jurisdiction to hear the case	tribunal stated that the placement as determined by the IPRC was appropriate, although the board changed the placement from 31(a) to 31(g)	(15)
Bharath	Upper Canada	2001/02	identification & placement	parent requested identification as gifted and placement in a secondary school gifted program	appeal granted and the tribunal ordered the board to identify the student as gifted and to place him in a gifted secondary school program	(16)
Lang	Le Conseil scolaire de District Catholique du Centre-Est de l'Ontario	2001/02	identification & placement	parents requested identification as LD and placement such that their child's needs will be met	appeal granted and the tribunal ordered the board to establish appropriate programming to meet the child's needs, specifying professional services	(17)

Tribunal Decisions: General Comments

- a) In the 21 years since Bill 82 was introduced, there have only been 32 special education tribunals. Some of these related to the leave to appeal process, some to both leave to appeal and an actual tribunal, while the majority waived the leave to appeal process and proceeded directly to tribunal. It was in recognition of this fact that Bill 160 repealed the leave to appeal provision.
- b) The small number of tribunals is interpreted by school boards as indicative of a generally high level of parental satisfaction with special education. LDAO considers that this statement is not true and it does not acknowledge the difficulties, stresses and costs relating to the appeal and tribunal processes as a barrier to undertaking an appeal of either identification and/or placement.
- c) Tribunals have been split fairly evenly between appeals of identification and placement.
- d) While earlier tribunals focussed on students with learning disabilities, their correct identification and the availability of appropriate special education programming, more recently the focus has shifted to students with developmental disabilities and the desire of parents to have their students fully integrated or mainstreamed. In many cases where parents of students with learning disabilities have asked for small or self-contained class placement, this has been denied in favour of regular class placement. On the other hand, when the parents of students with developmental disabilities wish to have a regular class placement for their child, the school board usually recommends a congregated class.
- e) Most parents have not been successful in their applications. However, special education tribunals may establish precedents or directions for the implementation of special education legislation. Therefore, it is important to consider which of the above listed tribunals offer information that parents and advocates can use for presenting their case to the tribunal.

Tribunal Decisions: Notes

- (1) In **Vanderwyck**, there were two issues raised. First, the parents argued that the IPRC did not properly identify the student's exceptionality. The parents assumed from the student's placement that the IPRC identified him as having a developmental disability, although they felt that he had severe learning disabilities. The tribunal ruled that when identifying exceptional pupils, IPRCs must use the definitions of exceptionailities provided by the Minister and contained in the Special Education Information Handbook. Although Regulation 181/98 in fact reinforces this requirement, knowing about and being able to cite this tribunal decision may still be helpful to parents.

Secondly, the tribunal stated that the appeal board erred in not allowing the presentation and consideration of all views, opinions and facts which related to the case and which would have allowed the student's identification to be clarified.
- (2) In **Stone**, the key finding related to the fact that although the student had epilepsy and was taking medication for it, the tribunal did not accept the suggested causal relationship between epilepsy and learning disabilities or the statement that the medication for epilepsy can significantly depress intellectual functioning. The inference from this is that in order to identify a student as having learning disabilities, there must be a direct diagnosis rather than an inference from other factors. From LDAO's point of view this was a positive statement on the part of the tribunal.
- (3) In **Casault**, the tribunal ordered the purchase of service from another school board, on the grounds that the home school board did not have an appropriate programme to meet the needs the student. Although this tribunal was during the implementation phase of Bill 82 and the school board claimed that it did not have to have the programme in place until September 1, 1985, the tribunal stated that it did not look likely that the programme would be in place to meet the identified needs even after the formal implementation date. The relevance of this finding is that parents do not have an obligation to consider a placement which is "about to be established".

- (4) In **Hukowich**, the tribunal commented unfavourably on the IPRC process and how it was handled. In particular, they felt that the assessment on the basis of which the student was to be identified was far too sketchy to merit the term "assessment". The assessment under discussion was an educational assessment. There was no discussion apparently about the requirement for a psychological assessment which is legally required to identify a student as having learning disabilities. It is very important that school boards and parents understand and follow this legal requirement for diagnosing a learning disability.
- (5) In **Ormerod**, the tribunal ordered that the student continue in a regular class for approximately 50% of the school day with the assistance of a cueing teacher's aide/interpreter, that the school board ensure that an effective mechanism is in place to co-ordinate the various aspects of the student's programme and that the board establish an effective mechanism for the continuous assessment of the student and the evaluation of his programme. The key factor here is that the issue is related to programme and the qualifications of the aide who assists the teacher to meet the student's needs. This takes the process a lot further towards defining "appropriate placement" than was the case in the Dolmage tribunal and court case in 1984.
- (6) In **Razaqpur**, the school board was ordered to purchase a special education placement for the student, since the one offered by the school board was not designed to meet the needs of the student. From this decision it is possible to draw the inference that although the Education Act does not define placement, an appropriate placement must meet the identified needs of the student in question. The recent changes to the IPRC process reinforce this expectation, as IPRCs are expected to develop a strengths and needs statement as the basis for all other decision making.
- (7) In **Tezel**, the tribunal granted the parents' request for leave to appeal. It commented that the IPRC process, as handled by the school board, may have breached the requirements and expectations for "natural justice". Although the IPRC process, as set out in Regulation 181/98, has improved the process, there is no guarantee that every IPRC at every school board throughout Ontario will, in fact, comply with the process.
- (8) In **Burman**, the tribunal granted the parents' request for leave to appeal. It commented unfavourably on several procedural issues, including the tests used to identify the student's exceptionality by the school board, the IPRC and the appeal board processes, particularly the denial of the appeal board to allow the discussion and consideration of what may have been important relevant information regarding the student's exceptionality.
- (9) In **McLean**, the school board opposed the parents' request for identification and placement. This school board that had traditionally refused to identify students as anything other than exceptional, (that is, no category or specific exceptionality). However, at this time, it agreed to identify the student appropriately, specifying the category (communication) and the specific exceptionality (learning disabilities) in order to ensure that the parents' request for leave to appeal was refused. Regrettably, the school board did not continue this practice at future IPRCs.
- (10) In **Stutt**, although the tribunal did not allow the appeal, there were several significant recommendations relating to the student's environmental hypersensitivity. For example, in spite of the fact that environmental hypersensitivity is not a specific exceptionality, the tribunal ordered the inclusion of the term in the student's identification and in his IEP. This was at a time when most exceptional students did not have a written IEP.
- (11) As is well known, the **Eaton** case went all the way to the Supreme Court. Key issues from the Supreme Court ruling in Eaton include the following:
- While there is support for integration as "the norm", there can be no presumption of integration drawn from the Charter. Placing an exceptional student in a self-contained class does not contravene his or her Charter rights.

Appendix C

Tribunal Decisions

- There was confirmation of the IPRC process as an appropriate legal process. Requiring a person to submit to the IPRC to determine identification and placement also does not contravene his or her Charter rights.
 - The student's best interests must determine the student's placement.
 - The IPRC must examine the student's individual needs and, having done so, must accommodate and meet those needs.
 - The child's views must be considered. If these are not known, then the views of the significant adults in the child's life, are to be considered.
- (12) In **Edie**, the Tribunal recommended, in spite of unanimously finding for the school board, that the child should be reassessed at the school board's cost and that on the basis of that assessment, the child's identification may be changed.
- (13) In **Matson**, the Tribunal recommended some specific programming directions which are to be included in the student's IEP. While the Tribunal recognized that it could not bind future IEPs, it recommended strongly that the recommended level of support be maintained throughout the student's secondary school education.
- (14) In **Blais**, the Tribunal focused on staff selection, professional development and programming issues, in addition to the placement issues which were under appeal.
- (15) In **Levy-Abraham**, the Tribunal confirmed that Regulations 181 and 298 are in full force and effect in Ontario and that the funding model does not supercede the Regulations.
- (16) In **Bharath**, the Tribunal ordered the placement of the student in a gifted secondary school program, either provided or purchased by the school board.
- (17) In **Lang**, the Tribunal ordered a series of programming components, which are to be delivered in the placement available to the student. These components included individualized speech and language therapy, withdrawal for 50% of the school day and other programming delivered by both teachers and therapists.

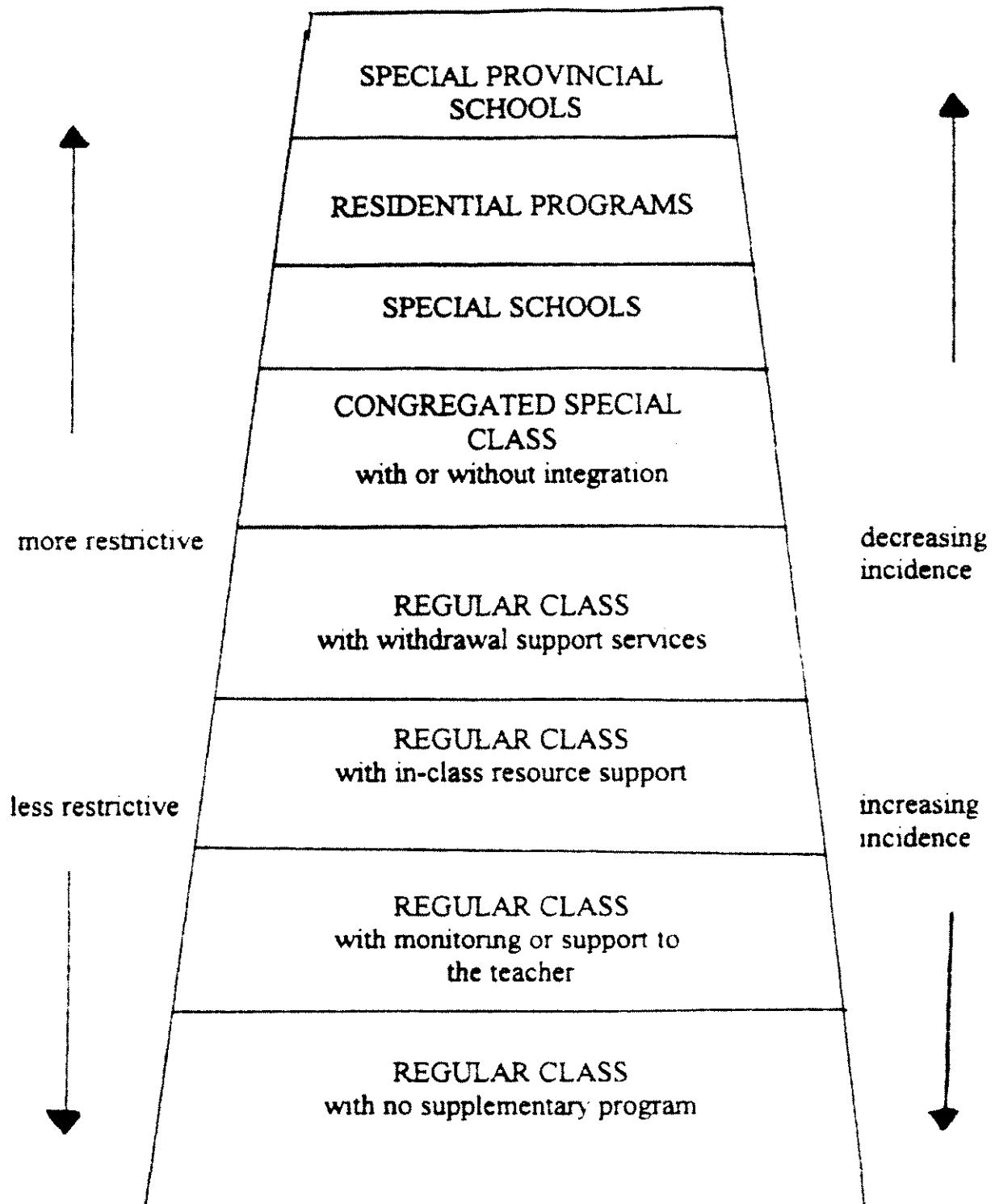
Summary of Age-Based Milestones for Children and Youth in Ontario

The age at which a student is considered to be responsible for his or her own education is not clearly delineated in law. At age 18, a student is considered an adult in all respects and his or parents have no rights in relation to the student. However, before age 18, a student gradually assumes legal responsibility and it is important for parents and students to be aware of these benchmarks. The following is intended as a summary of relevant age-based milestones in Ontario.

Age	Legal Position
6 and under	<ul style="list-style-type: none"> • not liable for negligent actions as a result of "tender years" doctrine • may be subject to civil liability (for example, contributory negligence) depending upon legal capacity
6	<ul style="list-style-type: none"> • required to attend school [Education Act, s21]
7	<ul style="list-style-type: none"> • consent to adoption required [Child & Family Services Act, s137]
11 and under	<ul style="list-style-type: none"> • may be apprehended by Children's Aid Society for serious criminal behaviour [Child & Family Services Act, s37] • may be subject to secure treatment order with the Minister's consent [Child & Family Services Act, s117]
12	<ul style="list-style-type: none"> • responsible for provincial offences, including truancy under the Education Act [Provincial Offences Act, s93(a)] • responsible for criminal acts [Young Offenders Act, s2(1)] • may consent to counselling by service provider (for example, Children's Aid Society) [Child & Family Services Act, s28] • consent required for voluntary care agreement with Children's Aid Society and for voluntary protection proceedings [Child & Family Services Act, ss29(2)(b), 37(2)(1)] • may apply to have status reviewed [Child & Family Services Act, s64] • may be subject to a secure treatment order [Child & Family Services Act, s117]
14	<ul style="list-style-type: none"> • may leave school early with parental consent [Education Act, Reg 532/83] • may reside with third party without that person being criminally liable [Criminal Code, s281] • may live with a non-custodial parent without that parent being criminally liable [Criminal Code, s232] • can be transferred to adult court for criminal prosecutions [Young Offenders Act, s16]
15 and under	<ul style="list-style-type: none"> • right to privacy/access to information may be exercised by person with legal custody [Municipal Freedom of Information & Protection of Privacy Act, s54(c)] • can be the subject of child protection proceedings or a warrant of apprehension [Child & Family Services Act, ss37(1), 41(1); Children's Law Reform Act, s36] • parent's obligation to support child is absolute, regardless of residency of the child [Family Law Act, s31] • defined as a "young person" [Provincial Offences Act, s93(b)] • presumed not to be mentally competent for the purposes of the Mental Health Act [Mental Health Act, s5]

- can leave school without parental consent [Education Act, s21]
 - may voluntarily withdraw from parents [Children's Law Reform Act, s65; Family Law Act, s31 re: support]
 - no parental warrant for leaving home [Child & Family Services Act, s41(1); Children's Law Reform Act, s65]
 - cannot be apprehended by Children's Aid Society [Child & Family Services Act, s37]
 - exclusive right to exercise privacy/access to information rights [Municipal Freedom of Information & Protection of Privacy Act, s54(c)]
 - can marry without parental consent, court order or Ministry permission [Marriage Act, ss5,6]
 - may terminate wardship (generally not contested by Children's Aid Society) [Child & Family Services Act, s64]
 - can receive welfare in special circumstances [General Welfare Act, Reg 6(4)]
 - parents' obligation to support dependent on why person left home [Family Law Act, s31(2)]
 - protection against discrimination in housing [Ontario Human Rights Code, s4]
 - can consent to surgery [Public Hospitals Act, Reg 865, s50]
 - considered an adult for the purposes of the Mental Health Act [Mental Health Act]
 - can sign self into secure treatment [Child & Family Services Act, s114]
 - considered an adult for the purposes of the Provincial Offences Act [Provincial Offences Act, s93(b)]
 - can obtain a driver's licence [Highway Traffic Act]
 - required to consent to assessments, involved in conduct of IPRC [Education Act, Reg 181/98]
 - cannot leave school premises without parental consent [Education Act]
 - cannot sign for credit selection at school [Education Act]
- 17 and under • parents may be responsible in tort law for lack of supervision, depending on the maturity of the child
- can enter into and be responsible for contract for necessities; contract for non-necessaries may be binding if beneficial to the child
 - require litigation guardian for actions in Ontario Court General Division unless exception granted [Rules of Civil Procedure]
- 18
- adult with full rights of "parent" [Education Act]
 - adult for all purposes unless otherwise specified [Age of Majority and Accountability Act, s1]
 - obligation of parent to support ceases unless still in full time education [Family Law Act, s31(1)]

Reynold's Cascade Model of Service Delivery



Definitions of Exceptionalities

The Education Act defines an exceptional pupil as
a pupil whose behavioural, communication, intellectual physical or multiple exceptionailities are such
that he is considered to need placement in a special education program [s1(1)].

The Education Act provides that the Minister of Education shall "define the exceptionailities [s8(3)]" and require school boards to employ the categories and definitions established by the Minister. The definitions are contained in the Special Education Information Handbook.

On 9 October 1998, the Deputy Minister of Education reminded school boards in a memorandum relating to the implementation of Regulation 181/98 that the definitions currently in use are those in the 1984 Special Education Information Handbook. These are the definitions to be used by all school boards in implementing the requirement in Regulation 181/98 to identify the category and specific exceptionality of an exceptional student. A follow up memo, dated January 15, 1999, listed an updated set of definitions. There were no changes made to the definition of learning disabilities.

Amendments to the Education Act contained in Bill 4 in 1992, which also repealed the "hard to serve" provisions, eliminated the term "trainable retarded" from the Education Act and by extension from the relevant regulations. Although the term "educable retarded" was not formally eliminated, all subsequent consultations on the categories and definitions used the terms developmental disabilities. In order to eliminate any confusion arising from the October 9, 1998 memorandum and the elimination of certain terms relating to exceptionailities, the Ministry of Education decided to distribute to school boards an update on the categories and definitions of exceptionailities. Regrettably, these updates have not included the changes to the definition of learning disabilities, recommended by LDAO. The updates are to be circulated to school boards early in 1999. In the listing below, we have used this updated terminology.

Many school boards over the past years have used their own terminology to describe the various exceptionailities. This has created a problem for many students and their parents, since they did not always know the implications of the terminology. For example, many school boards have used the term "general learning disabilities" to describe the group of students who in the past were included under the "educable retarded" label and who generally have mild to moderate developmental disabilities. This has created significant confusion as some of these students have left the school system and moved on to post-secondary education. Colleges and in some cases universities accepted these students, believing that they had "specific learning disabilities". The qualifiers "specific" and "general" are often forgotten in the documentation. This confusion has created problems for the student with the so-called general learning disability, since he or she often could not satisfy the academic requirements of the post-secondary educational program. It also created problems for the student with the specific learning disability who was sometimes denied the requisite accommodations in the belief that he or she would not have the intellectual potential to be successful, even with accommodation.

It is very important that this confusion is clarified for the benefit of all students. Based on the 9 October 1998 memo and the follow up information from January 15, 1999, all school boards should use Ministry of Education's current terminology and not their own euphemisms. It is anticipated that later in 1999 there will be major revisions to these terms and definitions. We hope that those definitions will result in greater consistency for all exceptional students.

Categories and Definitions of Exceptionalities Special Education Handbook 1984

1. Category: Behaviour (no changes since 1984)

A learning disorder characterized by specific behaviour problems over such period of time, and to such a marked degree, and of such a nature, as to adversely affect educational performance; and that may be accompanied by one or more of the following:

- an inability to build or to maintain interpersonal relationships;
- excessive fears or anxieties;
- a tendency to compulsive reaction;
- an inability to learn which cannot be traced to intellectual, sensory, or other health factors, or any combination thereof

2. Category: Communication

A. Autism (no changes since 1984)

A severe learning disorder that is characterized by:

- a) disturbances in
 - (i) rate of educational development;
 - (ii) ability to relate to the environment;
 - (iii) motility;
 - (iv) perception, speech, and language; and
- b) lack of the representational-symbolic behaviour that precedes language

B. Deaf and Hard-of-Hearing (formerly hearing impairment)

An impairment characterized by deficits in language and speech development because of diminished or non-existent auditory response to sound.

C. Language impairment (no changes since 1984)

A learning disorder characterized by an impairment in comprehension and/or use of verbal communication or the written or other symbol system of communications, which may be associated with neurological, psychological, physical, or sensory factors, and which may:

- (a) involve one or more of the form, content and function of language in communication; and
- (b) include one or more of:
 - (i) language delay;
 - (ii) dysfluency; and
 - (iii) voice and articulation development, which may or may not be organically or functionally based

Appendix F
Definitions of Exceptionalities

D. Learning disability (no changes since 1984)

A learning disorder evident in both academic and social situations that involves one or more of the processes necessary for the proper use of spoken language or the symbols of communication, and that is characterized by a condition that:

- (a) is not primarily the result of
 - (i) impairment of vision;
 - (ii) impairment of hearing;
 - (iii) physical disability;
 - (iv) developmental disability;
 - (v) primary emotional disturbance; or
 - (vi) cultural difference; and
- (b) results in a significant discrepancy between academic achievement and assessed intellectual ability, with defects in one or more of:
 - (i) receptive language (i.e., listening, reading)
 - (ii) language processing (i.e., thinking, conceptualizing, integrating);
 - (iii) expressive language (i.e., talking, spelling, writing);
 - (iv) mathematical computations; and
- (c) may be associated with one or more conditions diagnosed as:
 - (i) a perceptual handicap;
 - (ii) a brain injury;
 - (iii) minimal brain dysfunction;
 - (iv) dyslexia; or
 - (v) developmental aphasia.

E. Speech impairment (no changes since 1984)

A disorder in language formulation that may be associated with neurological, psychological, physical, or sensory factors, that involves perceptual motor aspects of transmitting oral messages, and that may be characterized by impairment in articulation, rhythm, and stress.

3. Category: Intellectual

A. Giftedness (no changes since 1984)

An unusually advanced degree of general intellectual ability that requires differentiated learning experiences of a depth and breadth beyond those normally provided in the regular school programme to satisfy the level of educational potential indicated.

B. Mild Intellectual Disability (formerly educable retarded)

A learning disorder characterized by:

- (a) an ability to profit educationally within a regular class with the aid of considerable curriculum modification and supportive services;
- (b) an inability to profit educationally within a regular class because of slow intellectual development; and
- (c) a potential for academic learning, independent social adjustment, and economic self-support.

C. Developmental Disability (formerly trainable retarded)

A severe learning disorder characterized by:

- (a) an inability to profit from a special education programme for students with mild intellectual disabilities because of slow intellectual development;
- (b) an ability to profit from a special education programme that is designed to accommodate slow intellectual development;
- (c) a limited potential for academic learning, independent social adjustment, and economic self-support.

4. **Category: Physical**

A. Physical Disability (formerly orthopaedic and/or physical handicap)

A condition of such severe physical limitation or deficiency as to require special assistance in learning situations to provide the opportunity for educational achievement equivalent to that of pupils without exceptionalities who are of the same age or developmental level.

B. Blind and Low Vision (formerly visual impairment)

A condition of partial or total impairment of sight or vision that even with correction affects educational performance adversely.

5. **Category: Multiple**

Multiple Exceptionalities (formerly multihandicap)

A combination of learning or other disorders, impairments, or physical disabilities, that is of such nature as to require, for educational achievement, the services of one or more teachers holding qualifications in special education and the provision of support services appropriate for such disorders, impairments, or disabilities.

Appendix F

Definitions of Exceptionalities

In addition to the above specific terms defining exceptionalities, which are to be used by IPRCs for the purposes of identification, (Regulation 181/98) there are a number of other terms, describing medical or educational conditions, which SEAC representatives may hear from time to time. The following list, although certainly not exhaustive, may assist SEAC representatives in understanding the terminology. The description following each term is presented primarily in lay terms. We appreciate the help provided to LDAO by Dr. Mark Handley-Derry, a consultant paediatrician, in developing these descriptions.

If you come across other terms to describe exceptionalities or conditions leading to learning problems, your school board or LDAO should be able to help you understand what they mean. For more detailed definitions or information about the condition described below, SEAC representatives should consult the appropriate Provincial organization advocating on behalf of persons with the specific condition or check the description in DSM iv.

ADHD

Attention Deficit Hyperactivity Disorder is a neuro-developmental disorder characterized by severe inattention and/or impulsivity, with or without hyperactivity, which is inappropriate for the age and sex of the student. These behaviours may occur as a result of some other condition or be the expression of a primary neurological condition which has a significant genetic component. It can only be diagnosed by a medical practitioner or a psychiatrist. Its formal description is in DSM (iv). A large percentage of students with ADHD also have specific learning disabilities or other coexisting conditions.

Acquired Brain Injury/Head Injury

Acquired brain injury is, as the term implies, damage to the brain, resulting from external or internal injury. External causes may be such things as an accident or other trauma. Internal causes may relate to illnesses such as meningitis or encephalitis, convulsions, bleeding, stroke or some other condition that reduces the available oxygen to the brain (asphyxia). Many of the educational or cognitive symptoms of acquired brain injury are similar to or even the same as those for specific learning disabilities. However, the educational intervention may need to be different from the intervention provided to students with congenital (i.e. present from birth) specific learning disabilities, due to the fact that the level and intensity of brain damage may alter for those who have acquired brain injury, as a result of certain treatments.

Asperger's Syndrome

Asperger's syndrome is a neurological condition that comes under the general heading of pervasive developmental disorders and was first described by Hans Asperger in 1944. It is characterized by poor social use of language and extreme difficulties in group function and peer relationships, highly developed interests in idiosyncratic topics, clumsiness and abnormalities of facial expression. Many of its symptoms are similar to those of non-verbal learning disabilities, in that the student who has this condition has reasonably good verbal skills, but has problems with social skills and visual and spatial skills. It differs from non-verbal learning disabilities in the level of severity of the symptoms, as well as the presence of certain behavioural manifestations of autism.

Asthma, allergies, anaphylaxis and other related chronic medical conditions

These are allergic conditions caused by an overactive immune system that responds in an exaggerated way to otherwise non-harmful materials, such as pollen, certain foods, house dust or animals. The symptoms and severity of the condition varies significantly from student to student and even with the student, depending on the time of year or recent exposure to something. Anaphylaxis is by definition a potentially life threatening condition, which can arise in a very short period of time in a student who is exposed to a particular allergen, e.g., peanuts, insect bites, etc. These conditions are generally controlled with medication and through avoiding exposure to the allergens that create problems.

Down (or Down's) Syndrome

Down Syndrome is a genetic disorder, arising from the presence of an extra chromosome in the cells of the individual who has it. Students with Down Syndrome usually have developmental disabilities, ranging in severity from mild to severe. The condition usually results in some readily recognizable facial and other physical characteristics.

Dyslexia

Dyslexia refers to a difficulty with processing written language, which includes reading, writing and spelling. It is usually defined as a "disorder manifested by difficulty in learning to read despite conventional instruction, adequate intelligence and socio-cultural opportunity". In some countries the term dyslexia is used to describe all learning disabilities. In other cases the term is used instead of learning disabilities, because it is considered a less pejorative term. Although approximately 50% of those who have learning disabilities have dyslexia, which makes it the single most common learning disability, the term is not traditionally used in Ontario's schools for educational purposes. Specific developmental dyslexia implies a neurologically based reading difficulty of childhood, not accompanied by evidence of widespread difficulties in other areas.

Environmental Hypersensitivity

Environmental hypersensitivity is a condition in which a person experiences a cluster of adverse reactions to a whole series of environmental factors, not just those described under allergies, etc. (see above), but also more general ones, such as the contents of tap water or the presence of electro-magnetic fields. The reactions experienced by the person vary from physical ones, (such as headaches, hives or dizziness) and/or emotional/mental ones (such as poor concentration, depression or hyperactivity). Many of the students with environmental hypersensitivity experience difficulties in learning, behaviour, attention, concentration as well as the physical symptoms described above. These symptoms may result in the student being identified as having both physical and learning disabilities.

Fetal Alcohol Syndrome

A specific pattern of altered growth, structure and function in which there is a history of significant maternal alcohol ingestion during pregnancy, leading to intrauterine and subsequent growth restriction. The condition is often characterized by the child having a very small head (microcephaly), certain unusual facial features and a significantly impaired level of neuro-development. The facial features become more apparent with age. The developmental abnormalities related to fetal alcohol syndrome are not restricted to the brain and the central nervous system. The degree of cognitive impairment is variable and may be influenced by early intervention and a stable home environment.

Head Injury or Traumatic Head Injury

Head injury is the condition that arises from serious external damage to the brain, resulting in significant brain injury. In many cases the condition is accompanied by other major physical disabilities, which may be temporary or permanent. (See also Acquired brain injury)

Non-verbal learning disabilities

Non-verbal learning disabilities have only recently begun to be identified. The individual who has this condition meets the general criteria for specific learning disabilities in terms of intellectual functioning. Whereas 80% of the population with learning disabilities have language processing as their most significant problem area, students with non-verbal learning disabilities have good verbal skills and often good language processing skills as well. Their difficulties tend to be in the areas of visual-spatial and social skills. Their most significant academic problem tends to be in the area of math.

Appendix F

Definitions of Exceptionalities

Obsessive Compulsive Disorder

Obsessive compulsive disorder (OCD) is due to a biochemical imbalance in the brain. It affects about 3% of the general population, but occurs in over 30% of those who have Tourette Syndrome. OCD involves recurrent, unwanted thoughts (obsession) and accompanying behaviours (compulsion). Although those who have the condition usually know that their obsessions and compulsions are irrational and excessive, they have little or no control over them. OCD can have significant negative impacts on a child's behaviour in school.

Oppositional Defiant Disorder

This is one of the more common disruptive behavioural disorders of childhood, characterized by long-standing and repeated incidents of loss of temper, arguments, deliberate provocation, irritability, anger, resentfulness, spite and swearing. Students with this condition usually function in a manner which differs significantly from expected age appropriate behavioural levels and which break social and/or cultural norms that would normally be expected from the student. The manifested behaviour cannot usually be ascribed to another more obvious physical or medical cause, but may be the precursor of conduct disorder. It may occur in conjunction with learning disabilities and/or ADHD.

Pervasive Developmental Disorder

This is an umbrella term used to describe a series of conditions, formerly all called autism. These conditions include autism, general pervasive developmental disorder, atypical autism, Asperger's syndrome, Rett's syndrome and childhood disintegrative disorder. These disorders generally result in difficulties with verbal and non-verbal communication, and developing age-appropriate social relationships. They are often characterized by deviant rather than delayed development of social and communication skills. These conditions may co-exist with global developmental disabilities, but many students who have these conditions have normal intelligence, although they usually have significant cognitive or academic difficulties in school.

Prader-Willi Syndrome

This rather rare syndrome is a metabolic genetic neurological disorder. It results in a number of symptoms, including having an insatiable appetite, leading to overeating and obesity. Other common features include speech and language problems, learning difficulties, similar in some ways to severe learning disabilities, extreme behaviours, such as tantrums and stubbornness.

Rett's syndrome

This is a rare developmental condition, usually classified under the pervasive developmental disorder umbrella. To date it has only been identified in girls. The child who has this starts out with normal development up to about age 3-5 years. Then, the condition manifests itself in the child losing her general physical abilities starting from her hand skills to other age appropriate physical skills over the next few years. This loss is also accompanied by reduced and progressive loss in cognitive functioning.

Tourette's Syndrome

Tourette's syndrome is a neurological condition that is characterized by a variety of symptoms the most common of which are physical and vocal tics. Many students with this condition have significant learning disabilities and may also exhibit the signs and symptoms of ADHD and/or obsessive-compulsive behaviour.

Practice Guidelines for Writing Psychological Assessment Reports for Clients with Learning Disabilities

The Ontario Psychological Association recommends the following practice guidelines to its membership, i.e. to psychologists and psychological associates regarding psychological assessment reports written for clients with learning disabilities:

1. Where a psychological assessment has been conducted, the psychological assessment report shall be based on a common format for content and organization for use province-wide. The basic content and organization of a psychological assessment report includes:
 - background information
 - observation of behaviour
 - assessment of cognitive functioning
 - assessment of information processing skills
 - assessment of academic functioning
 - comprehensive interpretation of assessment results
 - clinical impressions including precise nature of disabilities
 - clear diagnosis of the learning disability wherever indicated
 - identification of the client's needs
 - suggestions for effective intervention and accommodations, including compensatory strategies and programming.

Recognizing that the written report is an integral part of the assessment process, the report must reflect consideration for the circumstances under which the assessment took place, e.g. other disabilities, language and cultural needs, etc.

2. The psychological assessment report shall be communicated in a manner that can be clearly understood. It should indicate the sources of information used and the appropriate level of confidence for the information obtained.
3. The results of a psychological assessment or a written psychological assessment report shall only be shared with a third party with the consent of the assessed client (or parent/guardian where appropriate).
4. Psychologists and psychological associates shall provide to the assessed client (or the parents/guardians where appropriate) a written psychological assessment report upon request "to the extent advisable and not contraindicated".
5. Frequent re-assessments should be avoided as should decision-making based on information that is clearly out of date. Re-assessments shall be done only when the most recent psychological assessment results no longer reflect the client's functioning.
6. Institutions shall be encouraged to accept psychological assessment reports and functional information from other institutions about a client, where that information meets the acceptable standards of content and quality.

These recommendations, dated 1998, should improve the content, consistency and accuracy of assessment reports provided. Further, they should reduce the pressure on persons with learning disabilities to keep offering proof of their learning disabilities, by having to be re-assessed, rather than having their existing assessments accepted.

A Brief Review of Some of the Scientific Evidence Supporting the Existence of Learning Disabilities as a Neuro-Biological Condition

Learning disabilities exist. They are a form of information processing deficit, which interferes with the routine functioning of the human brain in about 10% of the general population. They vary in their impact from mild to moderate to severe and may impact one, several or many areas of cognitive functioning.

When first noted in the literature, learning disabilities were believed to be a childhood disorder, primarily affecting academic or in-school learning. Although it was recognized quite early that it probably had a connection to neurological functioning, it was described as a form of minimal brain dysfunction, reflecting our lack of knowledge and our inability to demonstrate its presence through neurological testing.

Society's reaction to things which cannot be seen or scientifically proven is often quite negative. For a long time and even occasionally today people view learning disabilities as a condition caused by sociological rather than biological variation. They blame poor parenting, poor teaching, unruly, lazy, unmotivated or emotionally disturbed children for the manifestations of the condition.

As recently as five years ago the literature spoke of the condition being of a "presumed or inferred neurological origin". Today we know that the presence of a learning disability can be demonstrated through the use of a variety of scientific, medical or neuro-biological tests. The value of this knowledge is not so much that we should use such testing in every case: as a society we could hardly afford this. Further it is not really needed, since our ability to screen for the presence of learning disabilities using much less expensive or intrusive testing is quite good and consistent. But we can hope that the possibility of such verification may eliminate the tendency to blame the individual who has the condition, his or her parents and/or his or her teachers.

Genetic basis

The familial or heritable nature of learning disabilities has long been talked of in an informal manner. "Johnny spells just as badly as cousin Fred" or "Mary's difficulties are just like Grandma's were" have been statements heard, when discussing a child's learning disabilities. Today it is clear that a significant percentage of the incidences of learning disabilities are due to genetic inheritance. Studies cite a 40% inheritance rate for some forms of learning disabilities. When it comes to the inheritance of dyslexia, it has been observed that a male with the condition is eight times as likely to father a child with the condition than a non-dyslexic.

Twin studies, one of the most widely used tools of genetic research show that as many as 75% of identical twins share the presence of learning disabilities, while only 31% of fraternal twins do so. Further, we can now demonstrate through a variety of mechanisms that certain genetic disorders with a clear cut inheritance pattern or genetic component, such as the fragile X chromosome syndrome, phenylketonuria, neurofibromatosis, Tourette's syndrome carry one or more clearly identifiable learning disabilities as their correlates.

Most recently, researchers have identified, they believe, a specific chromosome locus for the presence of the gene that is believed to be responsible for so-called classic dyslexia. This location is on chromosome number six and the gene can be identified through some basic cytogenetic techniques. While genetic testing is clearly not going to be the routine way of identifying learning disabilities, it may be beneficial to consider it where certain other genetically related conditions are present in the person's family.

Neurophysiological basis

CAT scans, PET scans, computerized electro-encephalograms, BEAM or brain electrical activity mapping and MRI or magnetic resonance imaging are all ways in which the differences in the brains of those who have learning disabilities can be visibly demonstrated. These tests can show us the variations of the brain structure such as the size, formation and arrangement of the ventricles within the brain. Further, by observing the brain's take up of glucose during a variety of responses such as light and sound stimuli or learning tasks, the variations in neurological functioning can be seen. All of this is very new and expensive to carry out. Nevertheless, the evidence is such that it should reassure those who still find it hard to believe that learning disabilities are the result of actual differences in the brain.

Neuropsychological basis

In addition to the psycho-educational testing carried out by psychologists, neuropsychological testing can be at times quite helpful in proving the presence of a learning disability. Neuropsychologists tend to focus on measuring the evoked responses to stimuli received by the brain. This is usually described as neurometrics. The neuropsychological functions which are measured include intelligence, attention, memory, ability to learn new information or tasks or skills, language, sensory responses, motor functioning, visuo-spatial and visuo-motor functioning and executive function.

Such testing, while very useful in identifying what goes on in the brain during the carrying out of these tasks and/or functions, will not necessarily offer practical information about interpretation and academic and vocational implications of the findings either to the individual who has the learning disability or the person(s) who are teaching him or her.

Developmental basis

Research has shown that prematurity, low birth weight, exposure to certain drugs, alcohol, environmental and other toxins such as solvents, heavy metals such as lead, smoking and poor nutrition during pregnancy, have a significant impact on the neurological development and functioning of babies. Babies at risk for any of these factors may exhibit one or more neurological functioning problems. These frequently include learning disabilities.

Knowledge and awareness of these factors may help with prevention of learning disabilities. They can also help to encourage parents whose child is at risk to access infant stimulation, enriched language and early learning programs which may help to ameliorate the potential impact of the difficulties. The learning disability will not go away of course, but with early identification the child may face fewer and less pervasive long term impacts. Further, the intervention and support offered at home and in school can be focussed on the development of coping skills, compensatory strategies and accommodations. These will help in assisting the child with the learning disability to grow into a functional competent adult.

For further in-depth information about these and related scientific issues, please see:

Neurobiological Basis of Learning Disabilities, C. Fiedorowicz, E. Benezra, W. MacDonald, B. McElgunn and A. Wilson, Learning Disabilities Association of Canada, 1999.

List of LDAO Policies and Date of Approval

Policy #	Date of Approval or Amendment	Policy Name
A1	26.11.98	SEAC Representatives
A2	13.09.01	Appointment of SEAC Representatives and Alternates
A3	26.11.98	SEAC Representatives to Abide by Legislative Requirements
A4	26.11.98	Active Participants
A5	26.11.98	Active Members of Chapter or Satellite
A6	26.11.98	Chapter, Satellite and LDAO to be Informed
A7	26.11.98	Continuing Education
A8	26.11.98	Relationship with SEAC and Board
A9	26.11.98	Conduct of Meetings
A10	26.11.98	Presentations and Submissions to SEAC or Board
A11	26.11.98	Act as Resource for Parents and Community
A12	26.11.98	SEAC Representatives as Advocates
B1	26.11.98	Primary Prevention of Learning Disabilities
B2	26.11.98	Strategies for Primary Prevention of Learning Disabilities
B3	26.11.98	Secondary Prevention - Reducing the Impact of Learning Disabilities
B4	26.11.98	Tertiary Prevention - Accommodation of residual problems arising or resulting from having learning disabilities
B5	26.11.98	Research
B6	26.11.98	Access to Information
B7	26.11.98	Evaluation of Information
C1	13.09.01	Province-Wide Screening for Early and On-Going Identification

C2	26.11.98	Model for Early Identification
C3	13.09.01	Screening Prior to School Entry
C4	26.11.98	Early Identification and Treatment of Auditory and Language Learning Disabilities
C5	26.11.98	Parental Involvement in School Board "Early Identification" Programs
C6	26.11.98	Screening in the Primary Grades
C7	26.11.98	Intervention in the Primary Grades
C8	26.11.98	Use of Early Identification, Developmental Programming and Later Assessment Information to Design Programs
C9	26.11.98	Appropriate Use of Information
C10	26.11.98	Tracking of Students with Learning Disabilities
C11	26.11.98	Junior and Senior Kindergarten
C12	26.11.98	'Whole Person' Approach to Intervention
D1	26.11.98	Multidisciplinary Assessment System I
D2	26.11.98	Multidisciplinary Assessment System II
D3	13.09.01	Assessment, Diagnosis and Documentation of Learning Disabilities
D4	26.11.98	Psychological Assessment Reports
D5	26.11.98	Types of Assessment
D6	26.11.98	Referral for Psychoeducational Assessment
D7	26.11.98	Receipt of Assessment Information by Parents
D8	26.11.98	Frequency of Assessments
D9	26.11.98	Adequacy of Assessments
D10	26.11.98	Qualifications Necessary to Undertake Assessments
D11	26.11.98	Assessment for Transition Periods
D12	26.11.98	Portability of Assessments
D13	26.11.98	Plain Language to be Used in Assessment Reports

D14	26.11.98	Later and/or On-Going Assessment of Learning Disabilities
D15	26.11.98	Obtaining a Second Opinion
D16	26.11.98	Paying for an Assessment
D17	26.11.98	Informal Assessments
D18	26.11.98	Unbiased Assessments
D19	26.11.98	Discussion with the Assessor
D20	26.11.98	Assessments of Adults for Regular Educational Purposes
D21	26.11.98	Access to Assessment Results
D22	26.11.98	Pre-Assessment Support for English-as-a-Second-Language/Dialect Students
D23	26.11.98	Appropriate Assessments for English-as-a-Second-Language/Dialect Students
D24	26.11.98	Open Access to Secondary Programming for English-as-a-Second-Language/Dialect Students
E1	26.11.98	Provision of Special Education Programs and Services
E2	26.11.98	Purchase of Special Education Programs and Services
E3	26.11.98	Identification, Placement and Review Committee ("IPRC")
E4	26.11.98	Formal Identification by an IPRC
E5	26.11.98	Procedures for IPRCs
E6	18.02.99	Membership of the IPRC
E7	18.02.99	Consideration of Information by the IPRC
E8	26.11.98	Portability of Identification From One School Board to Another
E9	26.11.98	Discussion and Determination of Programming at the IPRC
E10	13.09.01	Procedures for Special Education Appeal Boards
E11	13.09.01	Procedures for Mediation

E12	13.09.01	Procedures for Special Education Tribunals
E13	26.11.98	The Role of Advocates at Appeals, Tribunals and Mediation
E14	26.11.98	Annual Review
F1	26.11.98	Categories and Definitions of Exceptionalities
F2	26.11.98	Definition of Exceptionality I
F3	13.09.01	Definition of Exceptionality II
F4	13.09.01	Definition of Learning Disabilities I
F5	13.09.01	Definition of Learning Disabilities II
F6	26.11.98	Learning Disability as a Separate Category of Disability
F7	26.11.98	Differentiation Between Exceptional Students and Underachieving Non-exceptional Students
F8	26.11.98	ADHD and Learning Disabilities
F9	13.09.01	Learning Disabilities and Other Exceptionalities
F10	13.09.01	Learning Disabilities and Co-existing Conditions
F11	26.11.98	Learning Disabled/Gifted
F12	26.11.98	Appeal of Category and/or Definition
F13	26.11.98	Appeal by Student Over Age 16
G1	26.11.98	Broad Range of Interventions
G2	26.11.98	Most Enabling Placement
G3	26.11.98	Most Appropriate Placement
G4	26.11.98	Terminology Used to Describe Special Education Classes
G5	13.09.01	Range of Special Education Placement Options
G6	26.11.98	Integration
G7	13.09.01	Inclusion
G8	26.11.98	Withdrawal/Remedial Assistance

G9	26.11.98	Withdrawal Class Size
G10	13.09.01	Self-contained Special Education Classes I
G11	13.09.01	Self-contained Special Education Classes II
G12	26.11.98	Placement of Students with Learning Disabilities
G13	26.11.98	Demission from Special Education Placements/Programs
G14	26.11.98	Liability for Altering Placement
G15	26.11.98	Provincial and Demonstration Schools
G16	26.11.98	New Directions for Provincial and Demonstration Schools
G17	26.11.98	Placement in a Demonstration School Program
G18	26.11.98	Demission from a Demonstration School Program
H1	13.09.01	Individual Education Plan ("IEP")
H2	13.09.01	Essential Elements of an IEP
H3	13.09.01	IEP Standards and Audit
H4	13.09.01	IEP Compliance
H5	26.11.98	Parent and Student Involvement in IEP
H6	26.11.98	Continuous Transition Planning
I1	26.11.98	Parent Advocates
I2	26.11.98	Parents' Right to be Informed
I3	26.11.98	Parents' Guide
I4	26.11.98	Involvement of Parents and Community in Classroom Programming
I5	26.11.98	Students' Right to be Involved
J1	26.11.98	Records
J2	26.11.98	Access to School Records
J3	26.11.98	Review of Records
J4	26.11.98	Ontario Student Transcripts

J5	26.11.98	Reporting to Parents I
J6	26.11.98	Reporting to Parents II
J7	13.09.01	Ontario Student Records (OSR)
K1	26.11.98	Funding of Education
K2	26.11.98	Allocation of Funding for Every Student
K3	13.09.01	Funding of Special Education I
K4	13.09.01	Special Education Funding I: Special Education Per Pupil Amount
K5	13.09.01	Special Education Funding II: Intensive Support Amount
K6	13.09.01	Special Education Funding III: The ISA Profile for Learning Disabilities
K7	26.11.98	IEP Based Special Education Funding
K8	13.09.01	Funding for Students with Learning Disabilities to Attend Private Schools I
K9	13.09.01	Funding for Students with Learning Disabilities to Attend Private Schools II
K10	26.11.98	English as a Second Language Funding
K11	26.11.98	Funding of Services
L1	26.11.98	Transition Plan
L2	26.11.98	Transition Process I
L3	13.09.01	Transition Process II
L4	26.11.98	Access to Alternative Programs and Schools
L5	26.11.98	Vocational Schools
L6	26.11.98	Semestering
L7	13.09.01	Streaming
L8	26.11.98	Course/Series Selection
L9	13.09.01	Compulsory Credits in High School
L10	26.11.98	Exemptions from Credits and Substitution of Alternative Credits
L11	26.11.98	Exemption from Compulsory French

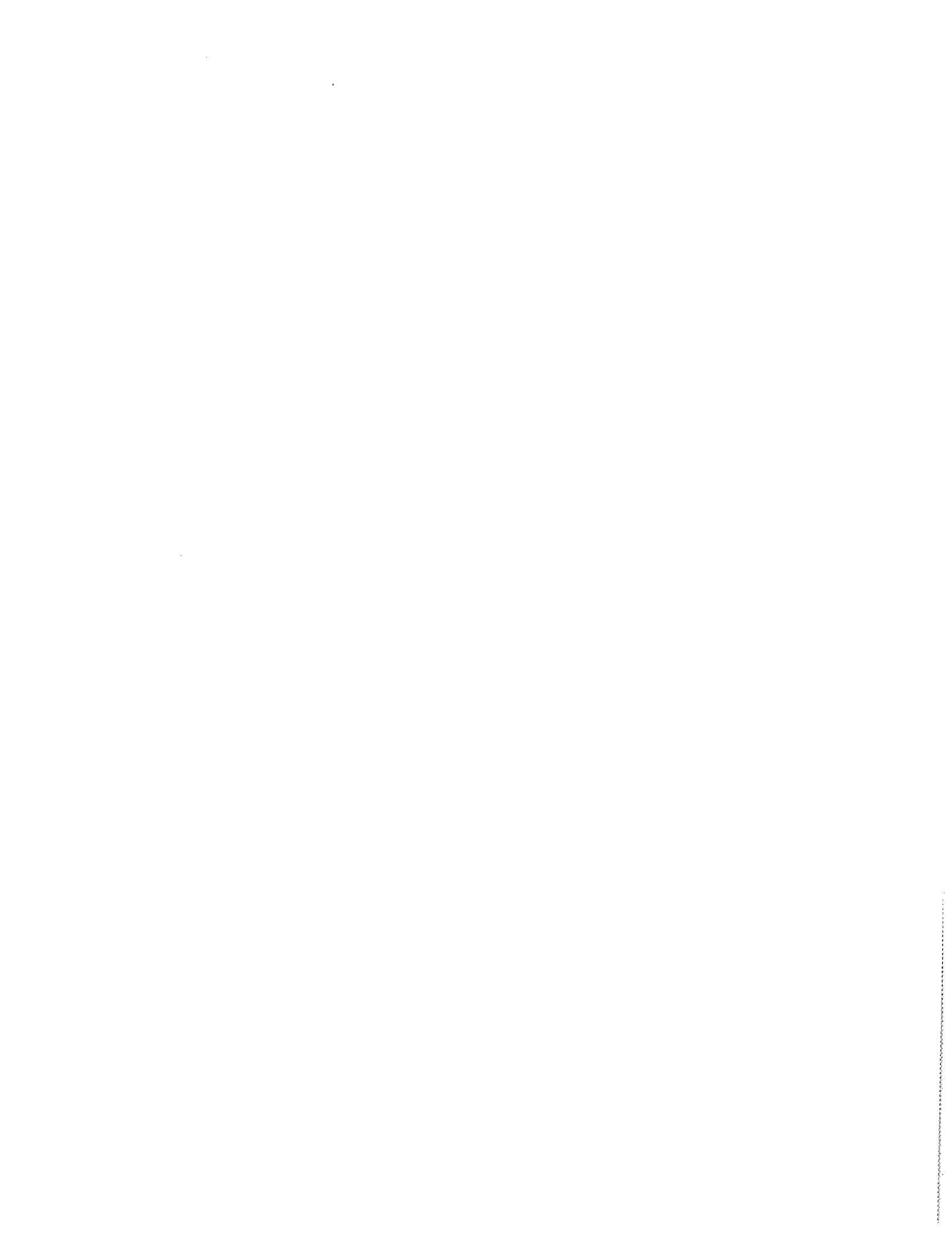
L12	26.11.98	Exemption from Compulsory French Not to Affect Course Selection
L13	13.09.01	Locally Developed Courses
L14	13.09.01	Transfer courses
L15	13.09.01	Remedial Courses
L16	26.11.98	Community Service
L17	26.11.98	Co-operative Education
L18	26.11.98	Annual Education Plan
L19	26.11.98	Guidance Counselling
L20	26.11.98	Grade Promotion
L21	13.09.01	Class Size
L22	26.11.98	Prior Learning Assessments
L23	13.09.01	Access to Computers and Computer Training
M1	26.11.98	Curriculum
M2	26.11.98	Social Education
M3	26.11.98	Services for Francophone Students
M4	26.11.98	French Immersion
M5	13.09.01	Curriculum Outcomes I
M6	13.09.01	Curriculum Outcomes II
M7	13.09.01	Curriculum Outcomes III
M8	13.09.01	Student Testing I: Accommodations for tests administered by the Education Quality Accountability Office
M9	13.09.01	Student Testing II: Participation in the Grade 10 Literacy Test
M10	13.09.01	Student Testing III: Exemption from High Stakes testing
N1	26.11.98	Assessment of Offenders
N2	13.09.01	Offender Programming
N3	13.09.01	Young Offenders Act ("YOA") and any Successor Legislation

N4	26.11.98	Interministerial Cooperation
N5	13.09.01	Prevention of Suspension and Expulsion
N6	26.11.98	Truancy
N7	26.11.98	Suspension
N8	13.09.01	Strict Discipline Programming
N9	13.09.01	Safe Learning Environment
N10	13.09.01	Code of Conduct
N11	13.09.01	Behaviour Management Programming
N12	26.11.98	Parent Training Programs for the Prevention of Behaviour Problems
N13	13.09.01	Consent Requirement I
N14	26.11.98	Consent Requirement II
N15	26.11.98	Process for Informing Parents about Disclosure
N16	26.11.98	Medication of Students with ADHD
N17	26.11.98	Administration of Medication
N18	26.11.98	Range of Services to be Available
N19	26.11.98	Community Based Support
P1	07.12.01	Access to Post-secondary Education I
P2	07.12.01	Access to Post-secondary Education II: compliance with the Human Rights Code
P3	07.12.01	Appropriate Disability Policies within the Post-secondary Educational Sector
P4	07.12.01	Funding of Services to Students with Disabilities within the Post-secondary Educational Sector I
P5	07.12.01	Funding of Services to Students with Disabilities within the Post-secondary Educational Sector II
P6	07.12.01	Programming within the Post-secondary Educational Sector
P7	07.12.01	Ontario Student Assistance Program (OSAP)

P8	07.12.01	OSAP and the Bursary for Students with Disabilities (BSWD)
P9	26.11.98	Testing and Licensing Accommodations
Q1	26.11.98	Professional Training/Development
Q2	26.11.98	College of Teachers
Q3	26.11.98	Teacher Competencies
Q4	13.09.01	Pre-service Training for Teachers
Q5	13.09.01	Additional Qualifications
Q6	13.09.01	Teacher Testing and Recertification
Q7	26.11.98	Specialist Teachers of Students with Learning Disabilities
Q8	26.11.98	Qualifications of Principals and Vice-Principals
Q9	13.09.01	The Role of Special Education Teachers
Q10	26.11.98	Educational Assistants
Q11	26.11.98	Professional Standards for Educational Assistants
Q12	26.11.98	In-service for Educational Assistants
Q13	26..11.98	Role of Professionals Outside the School System
Q14	26.11.98	Social Service and Mental Health Personnel
Q15	26.11.98	Training of Officials
Q16	26.11.98	Access to Legal Services Provided by Legal Professionals who are Knowledgeable about LD
R1	13.09.01	Accountability I
R2	13.09.01	Accountability II
R3	13.09.01	School Board Accountability
R4	13.09.01	School Board Accountability for Special Education Funding
R5	26.11.98	School Councils I
R6	26.11.98	School Councils II

R7	26.11.98	Ministry Accountability
R8	26.11.98	Minister's Advisory Council on Special Education ("MACSE") I
R9	26.11.98	Minister's Advisory Council on Special Education ("MACSE") II
R10	26.11.98	Accountability of Principals and Vice-Principals
S1	26.11.98	Human Rights I
S2	07.12.01	Human Rights II
S3	26.11.98	Ontarians with Disabilities Act
S4	26.11.98	Aboriginal Services
S5	13.09.01	Multiculturalism
S6	26.11.98	Provision of Equitable and Accessible Services
S7	13.09.01	Employment Equity
T1	18.02.99	Public awareness of Learning Disabilities
T2	18.02.99	Employer Awareness of Learning Disabilities
T3	18.02.99	Training of Service Providers
T4	18.02.99	Support Services
T5	18.02.99	Assistive Devices
T6	18.02.99	Adult Assessments
T7	18.02.99	Equal Access to literacy Programming
T8	18.02.99	Training of literacy workers
T9	18.02.99	Employment and Vocational Services
T10	07.12.01	Ontario Works: Work for Welfare Payments Program
T11	07.12.01	Ontario Works Literacy Testing I
T12	07.12.01	Ontario Works Literacy Testing II
T13	07.12.01	Ontario Works Literacy Training
T14	07.12.01	Ontario Works Employment Supports

T15	07.12.01	Ontario Disability Support Program (ODSP) Income Support
T16	07.12.01	ODSP Eligibility
T17	07.12.01	ODSP Employment Support Employment Planning I
T18	07.12.01	ODSP Employment Support Employment Planning II
T19	07.12.01	Income Tax: Disability Tax Credit
T20	07.12.01	Income Tax: Medical Expense Tax Credit
T21	07.12.01	Access to information for Persons with Print Disabilities



Operationalizing the New Definition of Learning Disabilities for Utilization within Ontario's Educational System, LDAO, 2001

Introduction

Although the term "*learning disabilities*" has been in use since 1962, there is no single universally accepted definition of the condition. Current descriptions and definitions of learning disabilities are found in the World Health Organization's disabilities document, in legislation and policy pertaining to education, disability issues, psychology, medicine and human rights. In addition, groups such as the Learning Disabilities Associations and the National Joint Committee on Learning Disabilities have put forward their own definitions. While these definitions contain some common features, they are not consistent nor are they written in language readily understood and applied by those who have learning disabilities, their families and those who work in the relevant helping professions. This lack of a consistent definition represents a major barrier for people who have learning disabilities.

To address this and other related issues, LDAO's **Promoting Early Intervention for Learning Disabilities (PEI)** Project was established in 1999. The first deliverable for the project was a new definition of learning disabilities, meeting the following minimal criteria:

- the definition must be scientifically sound,
- based on and supported by current research findings,
- easily understood and utilized by all those who need to understand and use it,
- practical,
- and inclusive of the varying types of learning disabilities.

The new definition was developed by the Definition Working Group, a group of individuals representing all the relevant fields. The definition has been approved by the Steering Committee of the Promoting Early Intervention Project and subsequently endorsed by the LDAO Board of Directors. This supporting document has been developed to assist all those who utilize the definition of learning disabilities to understand the definition and its application and the underlying principles.

Section 1 – What are learning disabilities?

There are many different neuropsychological or neurobiological impairments or difficulties, which are collectively described as "*learning disabilities*". Learning disabilities are not a single or uniform condition and they do not affect solely one particular type of skill or area of learning. Other definitions have often used the term "*heterogeneous*" to describe this range. This definition uses "*variety of disorders*" instead, a more accessible term. Furthermore, it is important to note the diversity of the impact of learning disabilities. They range from mild to moderate to severe and an individual can have a number of different types of difficulties in different areas and at different levels of severity or complexity.

Establishing a context

The use of the term *disorder* indicates that the manifestations of learning disabilities are outside the normal range or continuum of human function, in terms of an individual's ability to process information and communicate. The word disorder is usually used to describe a "lack or loss of normal function". It is a term that appears in many psychological, psychiatric and other medical documents and manuals, including the DSM-IV. The level of observed diversity is often described as *clinically significant*.

The World Health Organization has, in the past, used a three-tier hierarchy of terms to describe the variations in human function, as related to disability issues. These were impairment, disability and handicap.

Impairment was defined as "loss or abnormality of psychological, physiological or anatomical structure or function". This made an impairment "intrinsic to the individual" (a phrase that appears in a number of other definitions of learning disabilities). An impairment is either functional or medical in nature and a learning disability is usually considered to be a neurological impairment.

An impairment became a *disability*, when the individual with an impairment was expected to carry out regular or routine tasks that relied on the use of skills or knowledge in the area(s), affected by the impairment.

Appendix G

Supporting Document to the Definition

The third level in this hierarchy was the term "*handicap*", which described the impact of the disability, when there were no accommodations or supports offered to the individual concerned. Most jurisdictions have eliminated the term "handicap" from legislation and regular use. However, this term still appears in the Ontario Human Rights Code and therefore it cannot be eliminated from usage until such time that the Human Rights Code is amended.

In December 2000, the World Health Organization released its new disability-related document, the *International Classification of Functioning, Disability and Health*. In addition to eliminating all references to handicap, this document also stressed the importance of matching the individual's strengths and needs to the demands of his or her environment. The LDAO definition also includes this important concept. (See section 3 of the definition)

People with learning disabilities usually have difficulties acquiring, retaining, processing, understanding, organizing and using information in all of its diverse forms. Within the educational system in the Province of Ontario, learning disabilities are included among "communication exceptionalities". In lay terms, they are often described as problems with information processing, especially verbal and non-verbal, symbolic and concrete information.

The ongoing debate about a discrepancy between intelligence and achievement

When the term learning disabilities came into use in 1962, Dr. Samuel Kirk introduced the concept of *psychological processing disorders*, which he said interfered with academic achievement. This was accompanied by an exclusion concept, that learning disabilities could not primarily be due to some other condition, including developmental disabilities (mental retardation). In 1965, Dr. B. Bateman expanded these concepts by emphasizing the importance of *underachievement* and a *discrepancy* between estimated potential and actual performance as key requirements for the identification of a learning disability.

Since the nineteen sixties most definitions of learning disabilities have included references to these key concepts of average intelligence and a measurable ability-achievement discrepancy.

This new definition does not restrict itself to the concept of a discrepancy between a global I.Q. calculation and achievement. However, the new definition does propose that learning disabilities are demonstrated by:

- impairments in one or more psychological processes related to learning, in combination with **otherwise average abilities essential for thinking and reasoning**, as well as
- **unexpectedly low academic achievement**, or
- **average or above-average achievement**, attained only at the expense of **unrealistically high levels of effort** and/or **educational support**.

Discrepancy factors have enabled diagnosticians to document the learning problems of people whose performances on measures of academic achievement or measures of specific processing skills are out of line with their level of measured intelligence. While a discrepancy may be observed at all levels of intellectual functioning, learning disabilities have been generally linked to average to above average intelligence. Applying a discrepancy formula enabled psychologists to deal with the inherent unreliability of many measures of ability by applying statistical procedures that take these sources of unreliability into account. As a result, psychologists are able to arrive at a more accurate differential diagnosis.

For people with learning disabilities and their families it has been particularly important to differentiate between intellectual or developmental disabilities and learning disabilities. Furthermore, this distinction has been crucial in ensuring that educational programs are accurately linked to the different needs of the two diverse populations. Nevertheless, the new definition does not contain any specific recommended criteria for intelligence testing or for the determination of a discrepancy. Any such recommendations will be found in the screening and assessment protocol that has been developed to support this definition the more appropriate location for diagnostic directions.

Recently, several researchers have begun to oppose the use of the discrepancy formula for the diagnosis of learning disabilities. Various reasons for this are explored below.

Supporting Document to the Definition**Learning disabilities versus reading disabilities**

A great deal of recent research has focused specifically and exclusively on reading disabilities. Reading disabilities are now believed to be predominantly the result of phonological processing deficits.

Some researchers have observed that phonological processing deficits (problems with awareness and understanding of the underlying sound structure of spoken words) are not directly linked to intelligence. In other words, severe phonological processing problems have been observed in some poor readers at all ages, independent of their level of measured intelligence. In contrast, some children with very limited measured IQs have been found to be able to rapidly and accurately decode unfamiliar printed words (albeit with limited comprehension) at a level considerably in advance of their age or grade. Based on such findings, these researchers have questioned the contribution of any measure of intellectual functioning towards the diagnosis of individuals with reading disabilities and have argued for the abandonment of the use of any discrepancy formula as a diagnostic criterion.

The Definition Working Group endorsed the importance of recognizing phonological processing as one of the key factors in an individual's ability to learn to read. However, it also recognized that reading consists of more than just decoding and learning consists of more than just reading. Therefore, in its work to develop a new definition of learning disabilities, the Working Group was not prepared to apply research findings related primarily to reading disabilities to the whole field of learning disabilities. In fact, it strongly supports the importance of recognizing that the term "specific learning disabilities" includes both academic and non-academic areas of difficulty.

Learning disabilities in culturally and linguistically diverse populations

Recently, some researchers have opposed the use of any discrepancy formulae because they have specific concerns about cultural bias within all forms of formalized intelligence testing, especially for students who are recent immigrants or whose cultural or linguistic diversity invalidates the use of many standardized tests.

The Working Group supported the concerns expressed about the inappropriate use of tests of intellectual ability (or other skills) with students whose backgrounds differ significantly from children included in the tests' normative samples. However, this legitimate concern about a specific group of students should not lead to the elimination of an important diagnostic criterion for a significantly large group of students for whom potential cultural or language bias is not an issue.

Psychometric issues

Another problem associated with the use of discrepancy formulae involves problems with the psychometric properties of the tests used, as well as influences from statistical phenomena such as regression to the mean. The use of tests that measure ability and achievement based upon different normative samples greatly complicates the degree to which scores from these tests can be meaningfully compared. In addition, due to their imprecision, the use of age-equivalents and grade-equivalents as a basis for comparison between tests is indefensible and contributes to serious under- as well as over-estimation of students with learning problems.

The best practice would be to compare **standard scores** from co-normed tests of ability and achievement (i.e., tests based upon the same normative sample), using proper statistical procedures and tables for comparing the degree of discrepancy and the frequency of such a discrepancy among the normative sample.

Some of these psychometric issues are especially problematic in the assessment of students who are outside the traditional "average ability range" as far as standardized scores are concerned. It is generally accepted that the diagnosis of learning disabilities calls for greater diagnostic and clinical judgement when the student's full scale measured IQ is more than one standard deviation from the mean, i.e., is below 85 (16th percentile) and above 115 (84th percentile). The members of the Working Group contend that a good assessment, based on information collected from a variety of test and non-test sources and augmented by clinical judgement will focus on identifying the primary causes of the difficulties and the most appropriate forms of intervention. A key requirement is to ensure that in the diagnosticians' judgement, the manifestations of academic and other difficulties are related to the observed psychological processing deficits and that neither can be more accurately ascribed to another condition.

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Discrepancy related to delay in service provision

Recently, any use of the discrepancy formula has been opposed by those who think it will result in lengthy delays before students are deemed eligible for assessment, identification and access to special education programming. This has sometimes been described as "waiting to fail", resulting from an inappropriate application of the concept of discrepancy.

School systems often focus on grade or age equivalents rather than measured ability and performance. The problem occurs when an ability-achievement discrepancy is rigidly and arbitrarily set using grade levels. For example, demanding that in order to be deemed eligible for assessment for learning disabilities and special education help, a student must be academically at least two or more years behind his or her age-appropriate peers. As a result of this misguided approach, students often cannot receive help, however obvious their needs might be, until they are in at least grade 3 and at the same time are functioning at a kindergarten level or below in areas such as reading, writing or math. Instead, educational policies should recognize the value of non-categorical screening and the availability of early intervention, without having to make a formal diagnosis in the early primary grades. Policies based on this understanding will assist professionals in developing informed diagnoses later based upon the student's response to early intervention and the demonstrated capacity to learn with appropriate accommodations.

In other cases, where the student is receiving significant help at home or has above average ability, he or she may not reach the school's discrepancy threshold for special education until about grade 6 or later. In such cases the student is often really struggling and may end up failing or repeating a grade before being referred for help, making intervention more difficult and less effective. While it is never too late to offer appropriate special education help to a student with learning disabilities, early identification and intervention are particularly important.

Psychological processes listed in footnote (a)

The psychological processes cited in footnote (a) reflect recent advances in research. These are processes that have been well researched and they are the ones with which practitioners in the field are reasonably familiar. However, this is not offered as an exhaustive list and in time there will likely be other psychological processes added to it.

Phonological processing

The term *phonological processing* refers to the use of speech-sound information in processing both written and oral language. Phonological processing may include:

- (a) *phonological awareness*, which is an explicit knowledge of the individual sounds (phonemes or allophones) that make up spoken language, measured by the ability to identify or manipulate the constituent sounds in words;
- (b) *phonological coding* of information in short term involves the retention and manipulation of information in verbal form, measured by the recall of numbers, words and sentences and based on the representation of information about the sound structure of verbal stimuli in memory;
- (c) *phonological recoding*, which is the ability to retrieve from long term memory phonological codes or sounds (pronunciations), associated with letters, word segments and whole words as well as the translation of verbal information into a sound-based system for temporary storage in working memory for processes such as decoding unfamiliar words in fluent reading or during the beginning reading processes of blending and segmenting.

Difficulties with any of these phonological processes result in problems with reading and writing. (N.B. The above definitions may be found in S. B. Smith, D.C. Simmons & E.J. Kameenui, *Synthesis of research on phonological awareness: principles and implications for reading acquisition*. National Center to Improve the Tools of Educators: <http://idea.uoregon.edu/~ncite/documents/techrep/tech21.html>.

Memory and attention

- Short-term memory:* is the passive storage of a small amount of information (i.e., about 5 to 10 items) for a limited amount of time, usually no more than about 15 seconds. The information is quickly lost if it is not rehearsed or organized in some way.
- Working memory:* is the ability to hold information in short term memory while actively performing other mental operations which use this information (e.g., solving mental arithmetic problems).
- Long-term memory:* is the permanent storage of a seemingly infinite amount of information including knowledge of procedures, experiences and factual information. Long-term storage requires the activation of multiple cognitive abilities such as perception, thought, language, prior memories and, in particular, the use of strategies to process and organize the information meaningfully.
- Retrieval:* involves the use of cognitive strategies to efficiently and quickly access information stored in memory.
- Attention:* refers to the ability to selectively focus on some activities while ignoring others, to sustain concentration, to resist distraction and to shift attention among tasks. Attention is a complex and non-unitary activity. Attention may be passive (reflexive, non-voluntary and effortless) or active and voluntary. It is a necessary but not sufficient condition for any kind of learning activity.

Processing speed

Processing speed is the ability to perform simple cognitive or perceptual tasks rapidly and efficiently. Tests of processing speed typically require the individual to quickly carry out a sequence of simple mental operations (e.g., scanning visual items and marking those which are identical or which are different) with the stimuli being presented sequentially or randomly in either a visual or auditory mode.

Rapid automatized naming (also referred to as *speed of lexical access*) is a particular way in which processing speed may be measured. Recent research literature on the development of basic reading skills suggests that deficits in this skill may contribute to reading difficulties in some individuals. The nature of this type of disorder is not understood. Some researchers argue that slower performance on naming tasks (e.g., rapidly naming pictures, letters, numbers, etc.) reflects impaired phonological processing. Others claim that such a rapid naming problem is a separate deficit from phonological processing. Individuals who have both phonological processing and rapid naming deficits appear to be the most severely impaired readers.

Language processing

Receptive language processing refers to an individual's understanding of oral and written language. A student with difficulties in this area may have trouble understanding meaning conveyed by vocabulary (including multiple meanings and figurative language), word structure (such as suffixes and prefixes), sentence structure (syntax/grammar) and meaning conveyed across sentences (such as in stories or a conversation).

Expressive language processing refers to a student's ability to express ideas in oral and written language. This may include difficulties with recalling and using vocabulary, word structure, sentence structure and the conveyance of ideas across sentences.

Receptive and expressive language processing primarily relate to the *semantics* of the language. People with learning disabilities may also have difficulties with the *pragmatics* of language, which involves communicating in practical ways, using both verbal and non-verbal channels. A student who has problems with pragmatics may have trouble understanding social contexts (such as an informal meeting with friends versus a formal meeting) and social cues (such as body

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language) influence meaning or in modifying language to suit the specific social context and/or using non-verbal communication cues, such as body language and how they influence the meaning of any communication.

Perceptual-motor processing

Perceptual-motor processing refers to an individual's ability to use sensory feedback to guide physical movements, i.e., linking perceptual input to motor output. This type of functioning involves reasoning and judgement as it relates to the processing and elaboration of complex perceptual or sensory inputs. Perceptual-motor processing relies on the integration of the senses (vision, hearing and touch) with co-ordination of the eyes, hands and both sides of the body. Problems may arise when the child's perceptual systems are immature (for example, resulting in a faulty visual interpretation of a design or faulty auditory processing of directions given), when motor skills are impaired (for example, resulting in difficulties in having the hand copy what the visual system recognizes), or when required information from the sensory perception system is unavailable to the motor system. Effective perceptual-motor processing calls for short term memory storage of the original sensory stimulus. This allows time for recognition of the stimulus, processing it e.g., organizing or integrating it and making the appropriate motor response.

Visual-spatial processing

Visual-spatial processing refers to an individual's ability to organize visual information into meaningful patterns. This broad ability also includes such sub-processes as the perception of spatial orientation as well as the ability to analyse, interpret and make sense of visual stimuli.

These skills represented some of the earliest developmental functions studied in relation to learning disorders in childhood. For some time, it was believed that reading disabilities were due exclusively to problems with visual-spatial processing. While subsequent research into phonological processing and its relationship to the development of reading skills has modified this belief, visual-spatial processing remains an important developmental area for many essential skills, including school-based skills.

The following components are considered key visual-spatial skills:

- **figure-ground discrimination**, which is the ability to differentially attend to a specific aspect of a visual stimulus (*the figure*), by separating it from the rest of the visual field (*the ground*);
- **perception of constancy**, which is the ability to recognize that objects have invariant properties even though their perceptual representation changes in response to how and where they are seen;
- **perception** of the position of an object in space and its **spatial relationships** with other objects or visual stimuli.

Executive functions

Executive functions is a term used to describe specific proactive mental (frontal lobe) control processes, the use of higher level cognitive functions or strategies, that reflect an "anticipatory, goal-oriented preparedness to act" in various cognitive processing, problem-solving and social situations. (Denckla 1994)

The key functions usually included under the heading of *executive functions* include **planning, monitoring, regulation, organization and metacognition**.

Planning is defined as "a dynamic, transactional process involving the conscious or deliberate specification of a sequence of actions, aimed at achieving some problem goal". (Herbert, 1994)

Monitoring is described as observing and evaluating one's own performance in problem-solving situations that require goal-oriented intentions and the application of strategies in relation to achieving a desired outcome.

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Regulation (or self-regulation) is defined as having three distinct components:

- motivation (setting goals and expectations),
- cognition (perception, including the observation and evaluation of the application of strategies and skills)
- and affective skills (the use of feedback to modify one's performance to achieve a desired outcome Mithaug, 1993)

Organization is usually described as the development and implementation of reasoned and logical plans of action that anticipate the consequences of alternative solutions.

Metacognition refers to an awareness and understanding of skills and strategies, including what one knows, how one learns, how one applies knowledge and understanding to the learning process, including the application of coping and learning strategies and the patterns of utilizing prior successes and failures. Flavell et al. (1993) defined metacognition as "cognition about cognition", while Torgesen (1994) recommends the inclusion of motor functions under this heading thereby covering both metacognitive knowledge and metacognitive behaviour.

Section 2 - The impact of learning disabilities on skill acquisition and execution

Learning disabilities are often first noted when a child enters school and is expected to learn to perform specific academic skills at an age appropriate level.

However, it is important to recognize that, in addition to difficulties with school-based skills, learning disabilities may impact work and life skills. There has been significant debate in the learning disabilities literature concerning the relationship between deficits responsible for academic difficulties and those which contribute to social perception and social interaction skill deficits, problems with self-esteem and difficulties in certain non-academic intelligence areas, such as kinesthetic or emotional intelligence. The evidence suggests that social skill problems can be the result of processing deficits which occur in learning disabilities, especially non-verbal learning disabilities. The new definition refers to problems in non-academic areas to reinforce their importance in the lives of people with learning disabilities. However, social skill deficits should not be viewed as specific learning disabilities, unless they are accompanied by one or more of the other more traditionally recognized information processing deficit areas.

Section 3 - The lifelong impact of learning disabilities

While it is not usual to diagnose learning disabilities during the pre-school years, some impairments may be noted during that period - for example, language processing difficulties or the failure to meet certain developmental milestones. Prior to school entry, it is often reported by parents, that their children demonstrated uneven or delayed development in the acquisition of basic skills. These may include early language skills (e.g. listening and oral language), motor skills that are initially noted as difficulties with laterality - using pencils or crayons or learning to tie shoelaces, but may later affect writing or printing, as well as more traditional academic readiness skills (e.g. pre-reading skills such as rhyming, or sound-symbol recognition). Parents often describe these difficulties as "**unexpected**" and not in keeping with their children's level of general development which appeared average or above in other areas, such as problem-solving or intellectual functioning.

The work of the Screening and Assessment Working Group, in developing the screening and assessment protocol will elaborate on these observable factors. However, it is important to note that there is ongoing debate about the validity and reliability of psychometric testing, when a child is less than seven years of age. At such a young age, non-categorical screening and intervention may be more appropriate than the use of psychometric tests.

During the early primary grades, these same types of unexpected difficulties have often been noted through classroom observation and screening programs offered by the school system. For example, the development of phonological processing skills, usually acquired by the age of 6 or 7 by most children, may be delayed or compromised for some students with learning disabilities. Other children with learning disabilities may have difficulty acquiring basic writing and

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math skills. This is not due to poor teaching or lack of instruction, nor is it due to lack of effort on the part of the student. In fact, many parents report spending an inordinate amount of time with their child, completing homework assignments or providing tutors in an effort to remediate or reinforce basic academic skills to have their children achieve. Teachers, while not necessarily aware of the time and effort expended by students and/or their parents in order to enhance school achievement, often comment on the difference they observe between some students' skills in structured academic tasks and their apparent cognitive development.

These problems persist beyond elementary and secondary school into post-secondary and even into the workplace. As a result, individuals with learning disabilities will require ongoing accommodations, supports and services in order to be successful.

Since learning disabilities relate directly to the way that the human brain processes information, the condition does not disappear over time. However, its manifestations will change both in expression (the type of observable difficulties that the learning disability produces) and severity at different life stages, as both the individual and the environmental demands change. In order for adults with learning disabilities to overcome barriers, it is crucial to create a positive match between the demands of the learning, working and living environment and the individual's strengths and needs. Adults with specific learning disabilities can learn to identify such a positive match and to advocate for the accommodations that will ensure their potential future success.

Often, services available to students within the educational system change as the students enter secondary school and a streamed academic setting. The identification and the accompanying services are often discontinued, frequently to the detriment of the student. Many such students are led to believe that they no longer have learning disabilities. This can have a significant detrimental impact on their future post-secondary education and employment prospects since the challenges of living with a learning disability will persist.

Section 4 - How learning disabilities relate to other conditions which affect learning

It is very important to differentiate specific learning disabilities from more global intellectual or developmental disabilities. The primary purpose of such differentiation is to ensure that individuals are provided with services, supports and accommodations that are appropriate for them and that meet their specific needs. Mild to moderate intellectual disabilities are sometimes designated "general learning disabilities" within the educational system, which results in confusion and the delivery of inappropriate special education services. This is misleading and should not be done. In some jurisdictions, especially those countries whose educational system is linked to or modelled on the British system, the term "learning disabilities" is used to describe individuals with below average intelligence. At the same time, "dyslexia" is often the sole learning disability recognized for educational purposes. As a result, good readers are sometimes called dyslexic in spite of the fact that they have some other specific learning disabilities.

In developing this definition, it was decided to limit the use of related terms and not to include any of the terminology that is sometimes used to describe learning disabilities, such as dyslexia, dysgraphia, dyscalculia, etc.

It is useful to consider both intrinsic and extrinsic factors that are involved in the development of learning disabilities and about other conditions which may co-exist with learning disabilities. If these factors are fully understood and utilized in developing and delivering programs, services and supports to persons with learning disabilities, then many of the potential problems and barriers faced by this population may be reduced or even eliminated.

Congenital versus acquired causes of learning disabilities

It is obvious that anything which affects the brain will affect learning. It is now well substantiated that factors within the brain itself, genetic influences as well as in the environment can have an impact on learning and consequently on learning disabilities. In the area of reading disabilities, for example, careful research has estimated that about half of the individual differences in these conditions are related to genetic factors.

Other studies have emphasized that learning disabilities can be due to the effects of a number of different genes, acting in combination with environmental influences. In other words, there is no single gene that can be identified as responsible for all of the variation in learning strengths and deficits observed in individuals with learning disabilities. In fact, a number

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of different chromosomal disorders (for instance, Fragile X and XYY syndrome in boys and Turner's syndrome in girls) can be expressed in forms which include learning disabilities.

Environmental factors which contribute to learning disabilities are also broad. These can roughly be divided into factors that influence the development and integrity of the brain during pregnancy, during the birth process, and after birth. During pregnancy, it is well established that both prescription and non-prescription drugs (especially alcohol and nicotine) can contribute to disorders which may include learning disabilities. Fetal Alcohol Syndrome and Fetal Alcohol Effects are the best known syndromes in this group. Infections of the mother during pregnancy (such as rubella or measles) can also negatively affect the fetal brain, leading to different types of learning difficulties, depending on the nature of the infection and the gestational period during which it occurs.

Traumatic conditions during the birth process, particularly those resulting in lack of oxygen during birth (e.g., cerebral palsy resulting from anoxia), can cause brain damage and result in learning disabilities. At birth, both low birth weight (which is significantly more common for women who smoke during pregnancy) and prematurity (especially in combination with Respiratory Distress Syndrome) are associated with a variety of negative outcomes, including learning disabilities. Following birth, any source of acquired brain injury may result in a range of effects, including learning disabilities. These include traumatic events ("shaken baby syndrome", falls, accidents), exposure to toxic chemicals (e.g., to heavy metals such as mercury or lead from contaminated soil or through solvent inhalation or "gas sniffing"), hypoxia (loss of oxygen to the brain as a result of suffocation or choking), infections (especially meningitis and encephalitis) and inflammation of the brain (e.g., Reyes Syndrome).

As reported in the McCain & Mustard *Early Years Study*, 1999, both physical and emotional abuse and neglect during the early years of development have also been found to be associated with later learning problems and learning disabilities. There is also some evidence that recurrent middle ear infections (which are known to be aggravated by second-hand smoke) may contribute to language processing difficulties, depending on the age when they occur.

In older individuals, strokes and tumours may also result in learning disabilities. It has also been noted that post-traumatic stress syndrome, often observed in individuals who have had traumatic experiences such as being held in a prison or concentration camp for a long time or who were the victims of torture, also gives rise to symptoms which are similar to or actually are acquired learning disabilities. Sometimes it may not be possible to determine whether the observed difficulties, such as memory loss, inability to concentrate, poor motor co-ordination, etc., are actually acquired learning disabilities or not. However, the same interventions that assist those who have learning disabilities will often prove beneficial to these individuals.

It should also be noted that all of these conditions described above can lead to global impairments in some individuals, and to learning disabilities in others, depending upon a variety of factors.

Considering coexisting conditions or comorbidity

Comorbidity is described as a situation where two or more conditions that are diagnostically distinguishable from one another tend to occur together. The exact nature of the relationship between comorbid conditions is a matter of some debate in the research literature (Martini, Heath & Missiuna, 1999; Clarkin & Kendall, 1992; Goff, 1992). It is particularly difficult to determine whether one condition is in fact a symptom of the other - causality versus correlation. These important debates aside, research provides support for a number of conditions co-occurring with learning disabilities more often than expected "just by chance".

The largest body of studies supports a comorbid relationship between learning disabilities and attention deficit disorder (with or without hyperactivity). This extensive research, featuring comorbidity estimates as high as 70%, was summarized recently by Riccio, Gonzalez & Hynd (1994) and Maynard, Tyler & Arnold (1999).

In fact, learning disabilities are sometimes confused with Attention Deficit Hyperactivity Disorder (ADHD). It is important to note that these are **two distinct conditions**, in spite of the significant level of co-morbidity. ADHD is **not** a specific learning disability. The distinguishing characteristics of students with ADHD include being more easily distracted, failing to finish assignments, weaker persistence of effort, day dreaming, looking away more often from activities they are requested to do and demonstrating less persistence of effort when completing boring activities (Barkley, Dupaul &

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McMurray, 1990). As well, children with ADHD have been distinguished from those with LD based on their higher levels of activity and impulsiveness. As mentioned above, a very large percentage of those who have ADHD also have accompanying learning disabilities, while approximately 30% of those who have learning disabilities also have ADHD. Nevertheless, the interventions that benefit people with ADHD and those who have learning disabilities are not the same. Therefore, it is important to diagnose these conditions accurately, before developing an Individual Education Plan for the student.

Confusion sometimes also arises for students who have learning problems arising from an **acquired brain injury**. While several symptoms of this condition also occur in children with learning disabilities, acquired brain injury is sometimes treated as distinct from learning disabilities. It is important to note that neither ADHD nor acquired brain injury are identified as specific exceptionalities within the Ontario educational system. As a result, many students with these conditions are included under the learning disability designation for the purposes of special education service delivery.

A group of disorders also found frequently to be comorbid with learning disabilities is that involving social, emotional, and/or behavioural difficulties (Kamphaus, Frick & Lahey, 1991; Glassberg, Hooper & Mattison, 1999). Studies suggest that anywhere from 24% to 52% of students with learning disabilities have some form of such a disorder (Rock, Fessler & Church, 1997). This group encompasses diagnoses such as conduct disorder and oppositional/defiant disorder (DeLong, 1995; Shaywitz & Shaywitz, 1991), as well as social adjustment disorder (Lyon, 1996).

Research also suggests that depressive or dysthymic disorders co-occur with learning disabilities (San Miguel, Forness & Kavale, 1996) although the nature of the relationship continues to be controversial (Wiener, 1998).

Research provides significant evidence supporting the co-morbidity of the following disorders with learning disabilities:

- Tourette's Syndrome (Burd, Kauffman & Kerbeshian, 1992; Shady, Rulton & Champion, 1988; Chase, Friedhoff & Cohen, 1992; Walter & Carter, 1997);
- Schizophrenia (James, Mukherjee & Smith, 1996; Gillian, Johnstone, Sanderson, Cunningham & Muir, 1998);
- Epilepsy (Kerr & Espie, 1997; Espie, Kerr, Paul, O'Brien, Betts, Clark, Jacoby, & Baker, 1997; Laidlaw, Richens & Chadwick, 1993);
- Language/communication disorders (Riccio & Hynd, 1993; Schoenbrodt, Kumin & Sloan, 1997);
- Hearing impairment (Bunch & Melnyk, 1989);
- Visual disabilities (low vision, blindness) (Erin & Koenig, 1997); and
- Developmental co-ordination disorder (Missiuna, 1996; Fletcher-Finn, Elmes, & Strugnell, 1997; Martin, Heath & Missiuna, 1999);

Section 5 - What do people with learning disabilities need in order to be successful in school and in life?

This is an important part of LDAO's new definition of learning disabilities and it differentiates it from many others. Most do not include references to treatment and management issues, such as how individuals persons with learning disabilities may be helped to cope with and compensate for the impacts of their condition.

Research indicates that all of the following four components need to be an integral part of the services and supports that are available to people with learning disabilities, in order to help them achieve their goals and overcome any barriers resulting from the condition.

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"Specific skill instruction" describes appropriate teaching and training that is built on an individual's identified strengths. It focuses on the development of compensatory strategies in those weaker skill areas where the learning disability interferes with the learning process. Specific skill instruction must be individualized. The teaching/training process must be adjusted to match the individual's learning style, rather than assuming that the individual will eventually learn, no matter what the teaching process is, provided that "he/she tries harder". Traditional remedial techniques of teaching, testing and re-teaching in essentially the same way frequently do not work for students with learning disabilities. Examples of specific skill instruction include differentiated teaching strategies, for example, reducing the number of tasks without reducing the standard or expected quality; allowing for an extended learning period to achieve mastery; reteaching a particular skill in a substantially different way than that used to instruct the rest of the class; and emphasizing the importance of acquiring learning and compensatory strategies.

Compensatory strategies" are ways in which individuals who have learning disabilities can apply coping skills to help themselves overcome the impacts of their learning disabilities, without necessarily having to rely on the assistance of other people or draw particular attention to their needs. Examples of successful compensatory strategies include using colour-coding, applying visual cues such as highlighting, drawing arrows, using a notepad or a handheld tape recorder to ensure that directions are not forgotten, learning a format for approaching certain complex tasks, etc.

Self-advocacy training" is an essential part of enabling and empowering people with learning disabilities to identify and ask for the accommodations that they need in order to achieve their potential. Successful self-advocacy relies on self-awareness and a thorough understanding of personal strengths and difficulties.

Accommodations are defined as alterations and changes in the way individuals with disabilities are enabled to function to demonstrate and apply their skills and knowledge. Accommodations are aimed at eliminating or ameliorating a disadvantage without altering the validity of the work in doing so. Examples of successful accommodations may include using adaptive technology, getting assistance from another person such as a note taker or scribe or having extra time to carry out certain tasks. It is particularly important that any identified and recommended accommodations are directly linked to the strengths and needs of the person with a learning disability. The obligation to provide accommodations is mandated in the Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code. This obligation applies throughout the individual's life span.

During the consultation process, it was suggested many times that the term "*modification*" should also be included in this section of the new definition, as a requirement for students with learning disabilities. The Definition Working Group declined to include this recommendation.

Modifications are not synonymous with accommodations nor are they mandated in law. In an educational setting, modifications are usually viewed as ways in which the learning expectations, curriculum content, materials used, standards demanded and/or outcomes are changed - usually lowered. This is why modifications are not acceptable during the administration of standardized tests and examinations, (including high stakes tests such as those administered by the Education Quality Accountability Office in the Province of Ontario) as well as the licensing examinations that individuals write to be able to work in certain professions and occupations.

Students with specific learning disabilities are *able* to learn, provided that they are taught the way in which they learn best. They can usually demonstrate their skills and knowledge provided that they have access to accommodations appropriate for their needs. While access to specific skill instruction is an essential component of the teaching and learning process, most students with learning disabilities are able to work within the parameters of the provincial curriculum, without having to rely on significant modifications.

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Differentiating between diagnosis and identification

For the purposes of "operationalizing" the new definition of learning disabilities, a clear distinction must be made between "**learning disability**" as a psychological **diagnosis** made by an appropriately qualified professional under the Regulated Health Professions Act (RHPA), 1993, and as a formal **identification** through the Identification, Placement and Review Committee (IPRC) process, governed by the *Education Act*, and Regulation 181/98, the regulation which sets out the IPRC process. Such appropriately qualified professionals include registered psychologists and psychological associates. School board personnel working in the special education field must familiarize themselves with the differentiation between these two processes. This is necessary so that they can accurately communicate the information expected and needed by parents, students and those who develop programming for students with learning disabilities, based on the results of assessments.

Learning Disability as an Identification at an IPRC

Identification at the IPRC occurs through reference to the definitions provided by the Ministry of Education and contained in the Special Education Information Handbook. These definitions are also included in every school board's special education plan. The latest version of the definitions of exceptionalities was circulated to school boards on January 15, 1999 and school boards were advised that they were expected to utilize these specific definitions for identification purposes. It is important to note that identification in this context centres on a **need**, while a diagnosis centres on a **cause**. This differentiation follows from the definition of an Exceptional Pupil under Section 1 of the *Education Act*.

"A pupil whose behavioural, communicational, intellectual, physical or multiple exceptionalities are such that he is considered to need placement in a special education program." (Emphasis added)

Identification involves consideration of a variety of information in order to determine whether a pupil meets the criteria for the Ministry of Education's definition of "learning disability", as an area of exceptionality. Information used to make an identification includes reports from teachers, parents, and regulated health professionals including, but not limited to, members of the College of Psychologists. Unlike diagnosis, which involves an individual professional's formal opinion concerning the cause of an individual's symptoms, identification is accomplished through a school board committee and is carried out solely for the purpose of planning how best to meet the pupil's strengths and needs.

Under the Regulated Health Professions Act, "communication of a diagnosis" is listed as one of the Controlled Acts, the performance of which is legally restricted to members of certain professional colleges, including the College of Physicians and Surgeons of Ontario and the College of Psychologists of Ontario. Since the Controlled Act is **only** performed when information is communicated to a client or his/her personal representative, communicating such information to other individuals (e.g., to other professionals, in multi-disciplinary teams, or at I.P.R.C. meetings where the client or his/her representative is not present) does **not** constitute performance of the Controlled Act. However, the policy of the College of Psychologists also stipulates:

"Normally, the outcomes of psychological assessments, including any psychological diagnoses, have been communicated to the pupil or his or her parents, guardians or personal representatives prior to the IPRC meeting because of the implications of potential harm and the right of the client to have direct access to the regulated professional who is accountable to the public. Unless a member of the IPRC team is authorized under the law to perform the controlled act, a diagnosis should not be conveyed to the client or his or her personal representative at, or following the meeting, unless this has already been done by a legally authorized health care professional."

Learning Disability as a Diagnosis

Section 27(1) of the *Regulated Health Professions Act* defines the Controlled Act of communicating a diagnosis as:

"Communicating to the individual or his or her personal representative a diagnosis identifying a disease or disorder as the cause of symptoms of the individual in circumstances in which it is reasonably foreseeable that the individual or his or her personal representative will rely on the diagnosis" (emphasis added)

All three elements underlined must be present for the Controlled Act to be considered to have been performed. The following statements further clarify the legal and procedural requirements surrounding the controlled act of diagnosis:

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"In the course of engaging in the practice of psychology, a member (of the College) is authorized, subject to the terms, conditions and limitations imposed upon his or her certificate of registration, to communicate a diagnosis identifying, as the cause of a person's symptoms, a neuropsychological disorder or a psychologically-based psychotic, neurotic or personality disorder."²

"The formulation of a diagnosis is usually made in the course of a psychological assessment that takes the observations of an individual's strengths and weaknesses further to identify and integrate causes, antecedents and determinants in such a way as to provide a psychological interpretation consistent with an accepted nomenclature and associated body of knowledge and research."³

"In the course of providing assessment and consultation services, a diagnosis is formulated in circumstances where the assessment or consultation ... determines that a person has a learning disability in that his or her skill level in an area of academic functioning is markedly below the level expected on the basis of the person's intellectual capacity, where the discrepancy is not due to deficient educational opportunities, cultural or linguistic difference, hearing or vision impairment, physical disability, or primary emotional disturbance."⁴

Considering all of the above points, the term "learning disability" constitutes a diagnosis when it is used to provide an explanation for a learning problem through a classification, formulation or causal statement linking it to a neuropsychological disorder and when this information is communicated to the individual, or to his or her personal representatives under circumstances in which he/she or they could be expected to rely upon the diagnosis (i.e., generally in a face-to-face meeting or through a written report).

In the overall interest of public protection (which is the fundamental basis of the RHPA), the only persons legally entitled to communicate such a diagnosis in Ontario are members of a Regulated Health Profession with access to the controlled act. There are substantial penalties under RHPA for individuals who perform the controlled act of diagnosis without authorization, as well as penalties for their employers. Restrictions imposed on the performance of controlled acts are not uniquely the policy of the College of Psychologists of Ontario. They are legislated under the RHPA and apply to all regulated health professionals, unregulated service providers, and the public generally.

Diagnosis Versus Identification of Learning Disabilities

Several exceptionality groupings, including "learning disability", describe conditions which fall within the meaning of the controlled act as defined in the Psychology Act. The policy of the College of Psychologists of Ontario states:

"If a pupil is included in one of these categories due to a determination of the cause of the disorder, this would require a psychological diagnosis. This is in contrast with the use of similar terminology by the IPRC to refer to the nature of services provided by the educational system. Care must be taken in making this distinction clear to the client so as to avoid the unauthorized communication of a diagnosis."⁵

While the College of Psychologists recognizes the distinction between the diagnosis and identification of learning disabilities, the College has stated to the Ministry of Education that communication of a diagnosis of a learning disability is a controlled act within the meaning of the *Regulated Health Professions Act* and should be carried out only by qualified health practitioners. This position has been formally acknowledged by the Minister of Education and Training:

*"With regard to the definition of 'qualified professionals,' it is the responsibility of the Ministry of Health and the professional colleges, operating under the *Regulated Health Professions Act*, to determine the meaning of the term "qualified professional" with respect to the diagnosis of medical and health-related conditions, including those conditions that underlie learning disabilities."⁶*

The Registrar of the College of Psychologists has made the following recommendation to the Minister of Education and Training:

"The College would like to stress the importance of having learning disabilities formally diagnosed in school systems by qualified health professionals, in particular members of the College of Psychologists, prior to identifications being made

Appendix G

Supporting Document to the Definition

through I.P.R. Committees. This will ensure that all relevant factors and other possible conditions are considered and minimise the likelihood of students being mis-diagnosed or mis-labelled as having a learning disability when they do not.

*"Many parents are not sufficiently knowledgeable to appreciate the difference between a psychological diagnosis of a learning disability and the identification of a learning disability through the I.P.R.C. process. To ensure that all students who receive this identification have been previously diagnosed would eliminate this source of confusion and contribute to better programming, based upon carefully identified areas of strength and weakness. Accurate diagnoses would reduce confusion for students and parents alike and ensure appropriate allocation of needed resources."*⁷

Endnotes

1. Communication of a Diagnosis: A Controlled Act in Psychological Practice (Statutory Requirements and Policy of the College of Psychologists of Ontario, December 1997, *The Bulletin*, Volume 24 No. 2., page 9)
2. *Psychology Act*, 1991, Section 4.
3. Communication of a Diagnosis: A Controlled Act in Psychological Practice (Statutory Requirements and Policy of the College of Psychologists of Ontario, December 1997, *The Bulletin*, Volume 24 No. 2., page 5)
4. Communication of a Diagnosis: A Controlled Act in Psychological Practice (*ibid.* page 9)
5. Communication of a Diagnosis: A Controlled Act in Psychological Practice (*ibid.* page 9)
6. Letter from the Hon. David Johnson, Minister of Education and Training, to Dr. Catherine Yarrow, Registrar of the College of Psychologists of Ontario, December 29, 1998.
7. Letter from Dr. Catherine Yarrow, Registrar of the College of Psychologists of Ontario, to the Hon. David Johnson, Minister of Education and Training, April 12, 1999.

Looking at the definition as a whole

It is recommended that the new definition of learning disabilities be utilized as a whole, in documents such as the Ministry of Education's **Special Education Information Handbook** and the Ministry of Education's program standards that are currently under development for all exceptionalities. The definition should always be referenced to the supporting document. It is also important to use this definition in conjunction with the screening and assessment protocol.

References

References related to the contents of the definition of learning disabilities and the supporting document are available from the Learning Disabilities Association of Ontario.

Glossary of Terms and Acronyms

ACRONYM	MEANING OF THE ACRONYM
ABC	Association for Bright Children
ADHD	Attention Deficit Hyperactivity Disorder
ADP	Assistive Devices Program
ARCH	Advocacy Resource Centre for the Handicapped
BSWD	Bursary for Students With Disabilities
CEC	Council for Exceptional Children
CHS	Canadian Hearing Society
CP	Cerebral Palsy
EQAO	Education Quality and Accountability Office
ESD	English as a Second Dialect
ESL	English as a Second Language
ETAO	Elementary Teachers' Association of Ontario
IEP	Individual Education Plan
IPRC	Identification Placement Review Committee
ISA	Intensive Support Amount
LD	Learning Disabilities
LDAC	Learning Disabilities Association of Canada
LDAO	Learning Disabilities Association of Ontario
LEAP	Learning and Employment Assessment Profile
MACSE	Minister's Advisory Council for Special education
MCSS	Ministry of Community and Social Services
NEADS	National Education Association of Disabled Students
OAC	Ontario Academic Credit
OACL	Ontario Association for Community Living
OACMHC	Ontario Association of Children's Mental Health Centres
OAD	Ontario Association of the Deaf
OAPSW	Ontario Association of Professional Social Workers
OCSOA	Ontario Catholic Supervisory Officers' Association

ODA	Ontarians with Disabilities Act
ODSP	Ontario Disability Support Program
OECTA	Ontario English Speaking Catholic Teachers' Association
OMA	Ontario Medical Association
OPA	Ontario Psychological Association
OPSOA	Ontario Public Supervisory Officers' Association
OSAC	Ontario Society for Autistic Citizens
OSAP	Ontario Student Assistance Plan
OSCA	Ontario School Counsellors' Association
OS:IS	Ontario Schools: Intermediate and Senior
OSLA	Ontario Association of Speech-Language Pathologists and Audiologists
OSR	Ontario Student Record
OSSTF	Ontario Secondary School Teachers' Federation
OST	Ontario Student Transcript
OTF	Ontario Teachers' Federation
PAAC	Provincial Parent Associations' Advisory Committee on SEACs
PCLD	Provincial Committee on Learning Disabilities
SEAC	Special Education Advisory Committees
SEPPA	Special Education Per Pupil Amount
VRS	Vocational Rehabilitation Services
YOA	Young Offenders' Act

Appendix H

Glossary Of Terms and Acronyms

Functional testing describes the administration of academic and other skill based testing to identify how well the person is coping with the impact of the disability. Functional testing does not have to be administered by psychologists, although it is frequently done so. The results of functional testing should have no impact on the results of previous diagnostic testing.

Standardised tests contain specifically selected materials, with specific directions for administration, scoring and interpretation. The use of standardized tests provide data on validity, reliability and enable the testing to reflect adequately derived norms. Standardized tests enable comparisons to be carried out and reported.

Summative testing is testing focussed on individual intellectual and/or other function. Such testing is usually carried out by psychologists or other qualified to utilize psychometric tests and make recommendations for coping and compensatory strategies.

Compensation

This term is used to describe the skills that an individual with a disability develops to use accommodations and modifications to demonstrate his or her abilities to carry out specific tasks or achieve goals. Compensatory skills enable persons with disabilities to overcome the barriers arising from the presence of the disability.

Congregated

This is a term used to describe self-contained special education classes, consisting of students with a particular exceptionality. It came into use to counter the negative connotations of the term "segregated".

Consent

This term means giving agreement to something. In an educational, health or social service context, it is usually interpreted as giving informed, written approval to assessment, treatment or the disclosure of information, in accordance with the Health Care Consent Act, 1996.

Controversial therapies

This is an umbrella term used to describe interventions that are used by some persons to assist others with disabilities. The reason why they are described as controversial is usually due to the fact that they are not based on scientific evidence and/or the benefits are frequently described in anecdotal ways, rather than scientifically. It is LDAO's policy to provide information about such treatments, if available. However, LDAO does not endorse any treatments or therapies.

Co-operative Education

A work/study arrangement in which a student earns both a credit and gains practical work experience.

Coping strategies

These are methods, systems and/or behavioural strategies that people use to help themselves what they want or need to do. It is important for students with learning disabilities to be helped to develop their own coping strategies to overcome the impacts of their learning disabilities. One important accommodation for persons with learning disabilities is allowing and enabling them to use their coping strategies.

Credit

A secondary school credit is granted when a course of at least 110 hours is completed successfully. Partial credits may be granted for courses that are shorter.

Glossary Of Terms and Acronyms

The following list of terms should assist the user of the Public Policy and Procedure Manual to understand and/or clarify the terminology used within the policies. This is not an exhaustive list of all terms relating to education, advocacy or learning disabilities. There are numerous other lists available to cover those topics. LDAO chapters, satellites and/or the Provincial Office should help with finding them, should you require more information.

Accommodation

Accommodation is a term used to describe the supports provided to persons with disabilities to enable them to compensate for the difficulties arising from the disability. Examples of accommodations include extra time to complete tasks or achieve mastery of certain skills, the use of assistive devices or technology. Changing the requirements in an educational setting, such as lowering the pass mark for a course is **not accommodation**.

The Ontario Human Rights Code mandates the accommodation of persons with disabilities, provided that the accommodation required does not represent undue hardship for the organization or institution. (For the definition of undue hardship, see below.) The educational accommodation of students with learning disabilities is not likely to represent undue hardship for any educational institution.

Advocate

To advocate for something or to act as an advocate on one's own or someone else's behalf, means speaking out or recommending the provision of equitable services, as legislated or mandated. The primary purpose of advocacy is to ensure that vulnerable individuals are supported and receive services that are rightfully theirs.

SEAC representatives act as systemic advocates on behalf of the organization that they represent on the SEAC. Parents and students are engaged in individual advocacy during the IPRC process and may have the support of a third party advocate or representative, in order to achieve their goals.

Annual Education Plan

A plan that students in Grade 7 - 12 will develop to identify their goals and their course choices. Please note that this plan does not replace the IEP or the transition plan for exceptional students.

Appropriate

The adjective "appropriate" is used in legislation to describe special education programmes and services that school boards are obliged to provide to exceptional students, in order to meet their identified needs. Although term is not formally identified in the legislation, based on the precedents set through several Special Education Tribunals, appropriate should always be interpreted as "in the best interest of the student". The Supreme Court of Canada ruling in Eaton v. Brant County Board of Education, 1997, upheld that interpretation.

Assessments

An assessment is the administration of a series or battery of tests and the interpretation of the results. The tests selected for an assessment will vary, depending on the purpose of the assessment and the suspected needs of the individual.

Diagnostic testing is an intensive, in-depth evaluation process using formal, standardized tests as well as informal tests and observations, designed to determine the nature and severity of the specific problems identified. Under Ontario law, the diagnosis of learning disabilities can only be done by or under the supervision of a registered psychologist or psychological associate (for definitions, see below). Therefore, in order to identify a student as having specific learning disabilities, the IPRC needs to consider a psychological or psycho-educational assessment.

Formative testing usually focuses on materials that the student has learned and is carried out by the student's teacher. The focus is mastery of the skills to be acquired and/or the content to be learned.

Glossary Of Terms and Acronyms**Disclosure**

In general terms, disclosure means telling people something that is not common knowledge. For people with learning disabilities, disclosure usually relates to telling people about and explaining the impact of having a learning disability. It is important that the disclosure is made appropriately and in a non-threatening manner. Without disclosure, people with learning disabilities cannot expect to receive needed accommodations for their learning disabilities.

Exceptional pupil

Exceptional pupil is defined in section 1 of the Education Act as "a pupil whose behavioural, communicational, intellectual, physical or multiple exceptionalities are such that he or she is considered to need placement in a special education program by a committee".

Expulsion

Expulsion means the permanent removal of a student from school. The details for the reasons and the process for expulsion are set out in section 23(3) of the Education Act.

Identification

In special education terms this refers to the identification of a student as an exceptional pupil. The IPRC process calls for a three tier identification process, whereby the student is identified as exceptional, the category of the exceptionality is determined, together with the specific definition of the exceptionality. Once identified as an exceptional student, the student must be placed in a special education program, delivered in a setting determined by the IPRC and agreed to by the parent and/or the student.

Individual Education Plan

Different school boards have handled the requirement for preparing a written plan for exceptional students in different ways. These plans were sometimes called Individual Pupil or Program Plans (IPP) or Individual Special Education Plans (ISEP). Some boards did not put their plans in writing. The IPRC Regulation, the IEP Resource Guide (1998) and the IEP Standards Document (2000) set out in detail the requirements for IEPs. IEPs, which must be prepared 30 working days after the placement begins, must comply with the Ministry's standards.

Integration

Many people interpret the term as full time regular class placement or mainstreaming. LDAO defines integration as the most enabling educational placement, where students can receive the most appropriate special education programs and services and where they are enabled to develop the requisite skills and strategies so that eventually they can function to the best of their ability in the mainstream of society.

Intervention

Intervention is a collective noun used to describe the supports, services, modifications and accommodations that persons with learning disabilities need in order to achieve to their full potential. The range of interventions relate to the range of needs that the individual has.

Literacy

Traditionally literacy means the ability to read and write. More recently, the ability to spell, to use computers and to do math have been added to a broader interpretation of literacy. From the point of view of people and organizations who represent the interests of persons who are identified as print handicapped, i.e. people who are blind or severely

Glossary Of Terms and Acronyms

dyslexic, and those whose physical and learning disabilities interfere with their ability to write, the terms "read and write" need to be re-interpreted in the broadest possible way. For example, using Braille, taped materials, voice activated software, etc. all will enable persons with certain disabilities to demonstrate their comprehension of text and their ability to apply, analyse, synthesize and/or evaluate information or materials written by others and respond in ways which do not necessarily call for putting pen to paper.

Modification

In special education the term modification used to mean the way in which a teacher changed or differentiated

- the pace at which he or she delivered the educational content to some students;
- the process which he or she used to teach, ensuring that the teaching process matches the student's learning strengths and abilities;
- the product, which the student delivered to the teacher to demonstrate mastery of the requisite skills and knowledge.

Modifications in this context may have resulted in the student progressing faster than the other student in the class, slower progress while acquiring mastery or other differentiated outcomes. Since the introduction of the IEP Standards, the ISA funding formula and the implementation of the EQAO Accommodation Policy as set out in PPM 127, modifications are now viewed as changes which will generally result in lowered standards, reduced outcomes and changes to the validity, reliability and integrity of the educational program and/or the evaluation process. As a result, LDAO generally recommends that students with learning disabilities receive accommodations rather than modifications. Where it is beneficial for the teaching process to be adapted to the student's learning needs, these should be called differentiated teaching methodologies, rather than modifications. This can ensure that students with learning disabilities are not denied access to secondary school credits and a graduation diploma.

Most enabling

This is a term that is used to balance the more commonly applied "least restrictive" designation, used to describe educational placements. In the least restrictive setting students with learning disabilities are unlikely to receive the range of modifications and supports that they need in order to be successful.

Multidisciplinary

The term multidisciplinary refers to the involvement of varied professionals in the assessment and support of persons with disabilities, thereby ensuring that the focus is on the whole person, rather than on one particular aspect of his or her difficulties.

Ontario Student Record (OSR)

The OSR is the official record kept by a school for every Ontario student. The OSR contains achievement results, such as report cards, credits earned, diploma requirements completed and other relevant and important documentation such as IPRC documentation and the student's IEP, if there is one.

Ontario Student Transcript (OST)

The OST is the official record of credits earned and graduation requirements completed for every secondary school student in Ontario. The OST is kept in the student's OSR. For Grades 9 and 10, only successfully completed credit courses will be recorded. For Grades 11 and 12 all courses taken by the student, whether successfully completed or not, will be recorded in the transcript. The student's final result on the Ontario Secondary School Literacy Test (taken in Grade 10) as well as confirmation of the community involvement requirement will also be included in the transcript.

Placement

Special education placement is not defined in law. The IPRC Regulation states that exceptional students should be placed in a regular class where they will receive special education programming to meet their needs, unless their needs cannot be met in such a setting and/or their parents wish to have a different placement for them. School boards are expected to provide or purchase special education programs and services for their exceptional students and they are expected to have available to these students a range of placement options, depending on the students' needs.

Although many school boards do not provide self-contained or congregated classes for all exceptionailities, in their report to Ministry of Education each fall, they are expected to report on the numbers of identified exceptional students and the placement where those students are educated.

The Ministry defines these placements for the purposes of the October reports as follows:

Fully self-contained - special education class placement for the entire school day;

Partially integrated or partially self-contained - special education class placement with integration into a regular class for at least one instructional period a day (less than 50% of the school day);

Withdrawal assistance - regular class placement, where the student receives instruction from a special education teacher for part of the school day (which is less than 50% of the day);

Resource assistance - receiving direct specialized instruction, individually or in small groups, by a special education teacher, within the regular classroom;

Indirect services - regular class placement, where the school board provides special consultative services to the classroom teacher only.

Post-secondary education documentation

Certificate is an official document awarded by a community college to a student who satisfactorily completed the requirements of an approved program of less than two years' duration.

Degree is a designation awarded upon completion of a university or college program. Degrees may be general, awarded after 3 years or honours, awarded after 4 years of undergraduate study. Postgraduate degrees may be awarded at the Master's and Doctoral level.

Diploma is an official document awarded by a community college to a student who satisfactorily completed the requirements for an approved program of two years' duration or more; or a designation awarded by a university upon completion of a non-degree program.

Pre-disposition report

This is a report prepared by a probation officer and presented to the Court prior to sentencing an offender.

Prevention

Primary prevention refers to interventions which prevent the occurrence of a condition.

Secondary prevention refers to interventions which prevent the results of the condition from interfering with the tasks of daily living.

Appendix H

Glossary Of Terms and Acronyms

Tertiary prevention refers to interventions and supports which prevent the difficulties and problems arising from having the condition and its secondary effects from interfering in the individual's ability to lead an independent successful life.

Psychological associate

An individual, who does not have the qualifications of a registered psychologist, but who has satisfied the certification requirements of the Ontario College of Psychologists and is therefore eligible to carry out the tasks of a psychologist in diagnosing conditions such as learning disabilities. Psychological associates usually have an M.A. or an Ed. D. degree.

Psychometrist

An individual who has studied and is qualified in psychometry, the measuring of an individual's ability and performance on tests, but who can only carry out the tasks of interpreting test results under the supervision of a registered psychologist or psychological associate. Psychometrists usually have an M.A. degree.

Registered Psychologist

An individual who has a Ph.D. in psychology and has fulfilled the OCP requirements for registration.

Rehabilitation

This is a term used to describe non-educational activities relating to teaching persons with disabilities certain basic skills. Some professionals have switched to "habilitation" to describe such tasks, while others prefer to use training in its stead.

Remediation

This term means the reteaching of skills and/or knowledge that had not been learned at the usual time or in the usual way. Frequently, the reteaching is done in exactly the same way as the information was delivered the first time. For students with learning disabilities remediation without modification and/or accommodation is frequently unsuccessful.

Secondary school course selections

In Grade 9 and 10, students will choose either *Academic* or *Applied* courses. They are defined as follows:

Academic courses will cover the essential concepts of a subject as well as explore related materials. Knowledge and skills will be developed through theory and practical applications. The emphasis will be on theory and abstract thinking as a basis for future learning and problem solving.

Applied courses will also cover the essential concepts, but the focus will be on practical applications. Familiar real-life situations will be used to illustrate ideas.

In Grades 11 and 12, students will choose from among *workplace preparation*, *college preparation*, *university/college preparation* and *university preparation* courses.

Workplace preparation courses are for students who plan to enter the workforce or an apprenticeship after leaving secondary school. Courses focus on employment skills and practical applications of concepts learned. Many courses will include co-operative education components.

The other courses all focus on assisting students to meet the entrance requirements for the post-secondary educational institution which they wish to enter. They differ in the level of theoretical and practical applications of the concepts studies. In Grade 10 and 11, there will be *transfer courses* available to assist students to move from one type of course to another.

Glossary Of Terms and Acronyms**Special education programs**

This term, defined in section 1 of the Education Act, means (in respect of an exceptional pupil) "an educational program that is based on and modified by the results of continuous assessment and evaluation and that includes a plan containing specific objectives and an outline of educational services that meets the needs of the exceptional pupil".

Special education services

This term, defined in section 1 of the Education Act, means "facilities and resources, including support personnel and equipment, necessary for developing and implementing a special education program".

Streaming

This term means the grouping of students according to the levels of difficulty of the courses that they are taking and/or relating to the students' abilities. The provision of special education programming is not a form of streaming, nor should streaming be used to replace the provision of special education programs or services.

Suspension

This term describes the temporary removal of a student from school. The reasons for suspending a student and the process for dealing with suspensions is set out in section 23 of the Education Act.

Therapy

This is a term that is used as an alternative for intervention. It generally relates to interventions delivered by certain professionals, such as certain medical and mental health professionals.

Transition

Transition is used to describe the movement of persons from one stage to another or from one location to another. In an educational setting this may mean moving from one grade to another, from one division to another or from one type of education to another. Transition does not necessarily mean that certain achievement requirements have been satisfied, i.e. it is not necessarily dependent on grade promotion. Exceptional students who are over 14 years of age and whose primary exceptionality is not gifted are to have a transition plan attached to their IEP.

Treatment

This term is generally used as a description of medical interventions. Generally speaking, LDAO prefers not to talk about treatments for learning disabilities, reflecting the fact that LD is not an illness and is not a condition which can be fully eliminated or "cured" as a result of certain interventions.

Undue hardship

Undue hardship is what individuals, organizations or institutions may claim when they plan to deny certain accommodations to persons with disabilities or other special needs. Undue hardship may be claimed if the requested accommodation would create major problems in terms of costs, health and safety requirements or in other ways interfere with the integrity of the situation. When it comes to the accommodation of learning disabilities, there are no forms of accommodation that should endanger the health and safety of others. Nor is it likely that the cost would be so excessive that it would alter "the essential nature or would substantially affect the viability of the enterprise responsible for the accommodation". In an educational setting lowered standards or pass marks are not considered an appropriate accommodation of a learning disability. The provision of appropriate accommodations, such as extra time or the use of assistive devices do not interfere with the integrity of the educational program or the institution. Therefore, they cannot be viewed as undue hardship.