

LEARNING DISABILITIES ASSOCIATION OF ONTARIO

Response to the Special Education section (Sect. 3.14) of the 2008 Annual Report of the Office of the Auditor General of Ontario

The Learning Disabilities Association of Ontario (LDAO) and its 20 community based chapters represent and advocate for the interests of persons with learning disabilities (LDs) throughout Ontario. LDAO has regularly provided consultation and constructive recommendations on all government initiatives that affect persons with learning disabilities in Ontario, including a written response to the 2001 Provincial Auditor's Report. We welcome the opportunity to provide our comments on the 2008 Provincial Auditor's Report on Special Education.

In the intervening years since the 2001 Provincial Auditor's Report there have been many positive changes in special education in Ontario. The deeply flawed ISA funding model has been replaced. LDAO will continue to monitor ongoing changes to the funding formula to make sure that the needs of students of all exceptionalities are met.

There have been improvements across the province in educator use of Individual Education Plans (IEPs), due in part to inservicing provided by the Special Education Policy and Programs Branch of the Ministry of Education (EDU). However LDAO shares the concerns about IEPs that were raised in the 2008 Provincial Auditor's Report and we will outline these in our specific responses to recommendations.

The chart of Special Education Enrolment for 2006/07 (Figure 1) demonstrates a trend that LDAO finds of great concern. The number of students identified by IPRC under the 'Learning Disability' definition has been declining since 2001, while at the same time the number of students who receive special education programs and services without being identified has been increasing. This poses two major concerns. First of all, LDAO worries that parents are not being made aware of their legislated rights to the IPRC process. Secondly, the statistics that are being collected and reported to the Ministry are no longer reliable in documenting the exceptionality of students who are being served under special education funding. For example, many of the students who have IEPs without an IPRC are likely to have learning disabilities, but there is no way of documenting this.

LDAO applauds many of the recent initiatives in special education in Ontario, including the professional development programs developed under the Council of Ontario Directors of Education (CODE) Project, the assessment processes developed through the Ontario Psychological Association (OPA) Student Assessment Project, and the training in collaborative approaches to dispute resolution, based on *Shared Solutions*.

However, LDAO is concerned about many of the findings in the 2008 Provincial Auditor's Report, including the following:

- The information currently collected by school boards about students with special education needs is not yet sufficient to support effective planning and service delivery.

- IPRCs do not adequately document the rationale for their decisions and the evidence they relied on.
- Report cards do not adequately inform parents about progress and areas for improvement when there are modified or alternative expectations.
- School boards are not required to establish procedures to assess the quality of their special education services and supports, or to document whether schools comply with legislation, regulations and policies.
- Timelines have not been established to monitor whether early identification procedures at school boards have been effective.
- There was not enough evidence of parent contribution to the IPRC process and to the development of IEPs
- Only 50% of IEPs were completed within the time limits required by law (up from 17% in its 2001 Audit).

The following are summaries of the recommendations contained in the 2008 Provincial Auditor's Report and the Ministry of Education's responses, with LDAO's comments and recommendations.

RECOMMENDATION 1

To ensure that students with special education needs are identified in a timely manner, the Ministry of Education should work with school boards to establish procedures to monitor the effectiveness of schools' early identification practices and take corrective action where they have not been effective.

MINISTRY RESPONSE

The Ministry will work with boards to identify an appropriate period of assessment leading to the identification of student needs. This work will build on recent ministry work with the Ontario Psychological Association and the Learning Disabilities Association of Ontario's Web Based Teaching Tool.

LDAO COMMENTS

LDAO supports this recommendation.

Procedures to monitor the effectiveness of schools' early identification practices should ensure that identification practices include appropriate intervention strategies, such as those contained in the Web Based Teaching Tool (WBTT). Early identification is not useful or helpful without appropriate follow up intervention.

The Ministry of Education should continue to promote the use of WBTT as a model of an effective screening and intervention model.

RECOMMENDATION 2

To help ensure that Identification, Placement, and Review Committees (IPRCs) provide information that is useful to teachers, assists subsequent IPRCs in understanding past

decisions, and facilitates the review and improvement of procedures, the Ministry of Education should require IPRCs to properly document their proceedings, including:

- the rationale for their decisions and a record of the evidence that was submitted to the IPRCs and the evidence the IPRCs relied on in reaching each of their decisions regarding exceptionalities, placement, and strengths and needs; and
- in the event that they decide to place a student in a special education class, a description of the supports and services needed by the student that could not reasonably be provided in a regular classroom.

MINISTRY RESPONSE

The Ministry will work with school boards to improve the documentation of the IPRC process to support communication with parents, students, and relevant systems.

LDAO COMMENTS

LDAO supports this recommendation for more transparency in the IPRC decision-making process. Parents and/or students must have access to all information in order to fully understand the process, including their rights of appeal.

RECOMMENDATION 3

To help ensure that parents are informed about and involved in the Identification, Placement, and Review Committee (IPRC) process and that IPRCs have all the information necessary to make informed exceptionality and placement decisions, the Ministry of Education should require that school boards retain evidence, such as copies of letters to parents, that parents were informed about the IPRC process and that their input was sought on their child's strengths and needs before the original IPRC meeting.

MINISTRY RESPONSE

The Ministry will work with the education sector to improve the process for the collection, sharing, and storage of student information from parents.

LDAO COMMENTS

LDAO supports this recommendation.

The Ministry of Education should create a sample Parent/Student Consultation form for IPRCs, similar to the form in the IEP template, but with space for parent/student comments. Parental comments and concerns must be taken into account in all planning for students.

RECOMMENDATION 4

To help ensure that school boards maximize the benefits from special education expenditures, the Ministry of Education should compare the contribution to student outcomes made by the current resource-intensive formal identification process to the

contribution that additional direct services—such as more special education teachers—would provide and determine the extent to which formal identifications should be used.

MINISTRY RESPONSE

The Ministry will continue to work with school boards to optimize the use of resources to improve learning for students with special education needs without compromising the rights of parents to request the Identification, Placement, and Review Committee process when desired.

LDAO COMMENTS

LDAO strongly maintains that additional direct services should supplement and complement, not replace the formal identification (IPRC) process. Parents and/or students must continue to have access to their full rights under the IPRC process, and school boards have a responsibility to inform them of their rights.

RECOMMENDATION 5

To help ensure that teachers take all information relevant to students' education into account when preparing Individual Education Plans (IEPs), the Ministry of Education should:

- provide school boards with guidance on the type of information they should obtain from parents to help in preparing IEPs; and
- encourage school boards to ensure that information useful in preparing IEPs—such as summaries of information obtained from consultations with parents and psychologists and other professionals, strategies and accommodations tried by previous teachers, the results of educational diagnostic tests, and minutes of in-school support team meetings—is available to and used by the preparers.

MINISTRY RESPONSE

The Ministry will continue its strong focus on improving the IEP process. This will include creating additional resources to support schools in the gathering, recording, and sharing of information from parents to inform the IEP process. This would also continue to include training for school board and school staff around current ministry guidelines, use of the IEP template, and additional resources to support IEPs.

LDAO COMMENTS

LDAO supports this recommendation.

School boards need to inform parents and/or students of their role in the gathering of information and the development of the IEP, e.g. in a parent/student brochure. This should be in addition to the provision of the Parents' Guide to Special Education. SEACs can be a valuable resource in developing such communication strategies.

IEP templates, electronic or paper, must have a place for parent and/or student comments and input. The Ministry of Education online IEP template currently does not include this, even though it is a requirement within the existing IEP Standards.

RECOMMENDATION 6

To help ensure that schools properly monitor the progress of students with special education needs and identify effective practices, the Ministry of Education should provide schools with guidance on:

- how to measure the amount of students' progress in acquiring knowledge and skills, and use this information to assess the effectiveness of the teaching strategies and accommodations and make changes where appropriate; and
- monitoring the progress of students with special education needs against an appropriate benchmark—which would be, in many cases, regular curriculum expectations—and assessing whether changes in the gap between students' current levels of achievement and regular curriculum expectations are appropriate.

MINISTRY RESPONSE

The Ministry will continue to support boards in the use of the IEP to monitor effective instructional practices for students with special education needs. In addition, the Ministry is working with school boards to establish additional measures of success for students with special education needs.

LDAO COMMENTS

LDAO supports these recommendations for monitoring of student progress on the IEP. However, the IEP cannot be the sole accountability tool for monitoring student progress. Most students with LDs, especially in intermediate and secondary grades, are working on grade level curriculum expectations, with accommodations. However, many continue to need specific instruction in some basic academic skills.

Students who need instruction in basic academic skills but are otherwise working on grade level curriculum expectations, must have a place on the IEP to set measurable goals and monitor progress toward those goals. In such situations the basic academic skills could be considered Alternative Skills Areas for the purposes of the IEP. LDAO recommends that the Ministry of Education promote this use of Alternative Skill Areas to ensure monitoring of student progress.

RECOMMENDATION 7

To help ensure that teachers, parents, and students with special education needs have a common understanding of the learning goals and expectations for the coming school year, and to assist in monitoring the students' progress:

The Ministry of Education should update *The Individual Education Plan (IEP): A Resource Guide* so that it:

- provides examples of specific learning goals for all subjects, as it has done for language and mathematics; and
- clarifies its expectations regarding explanations of differences between the learning expectations in an IEP and those of the regular curriculum; and

School boards should ensure that schools set measurable learning goals and measurable learning expectations in IEPs

MINISTRY RESPONSE

The Ministry will continue to provide examples of effective practice in this area. The Ministry will also continue to provide training around the resource guide for IEPs and the sharing of effective practices regarding measurable learning goals. The Ministry will share effective practices that have led to a 17-point increase in grade 3 EQAO writing scores, and an 11-point increase in grade 6 writing scores this past year.

LDAO COMMENTS

LDAO supports clarity and a common understanding of goals and expectations in the IEP.

LDAO supports the updating of *The Individual Education Plan (IEP): A Resource Guide*, by a process that includes consultation with SEACs and provincial parent associations. LDAO also supports compliance with the existing standards for IEPs.

RECOMMENDATION 8

To help ensure that students with special education needs receive timely support as outlined in their Individual Education Plans (IEPs), the Ministry of Education should compare procedures and practices at a sample of school boards where the IEP deadlines are routinely met with those where they are usually not met, and include examples of timelines and effective practices in the IEP guide.

MINISTRY RESPONSE

The Ministry supports, encourages, and facilitates the sharing of effective practices in the use of IEPs. The Ministry will continue to audit the timeliness and appropriateness of IEPs. The Ministry will continue to use tools such as school board program and financial reviews to complete this process.

LDAO COMMENTS

LDAO agrees with this recommendation. LDAO agrees that the Ministry of Education has the responsibility not simply to audit school boards but also to ensure that students with special education needs receive timely support through the development and implementation of their IEPs.

LDAO recommends that the Ministry of Education set up a venue, such as an interactive website or chat room, for boards to share effective IEP practices.

RECOMMENDATION 9

To help ensure that parents and students understand how students are performing when they are being assessed against modified and alternative expectations, as opposed to regular curriculum expectations:

The Ministry of Education should:

- reconsider the suitability of the standard provincial report card for reporting on the performance of students who are working toward modified expectations;
 - provide examples of the type of performance reports it expects school boards to use for students working toward alternative expectations; and
 - provide guidance to assist teachers in assessing the performance of students who are working toward reduced expectations for the current grade's curriculum; and
- School boards should ensure that report cards provide parents and students with meaningful assessments of student performance relative to learning goals and expectations.

MINISTRY RESPONSE

The Ministry will review reporting for students with special education needs who are working toward modified and/or alternative expectations. The Ministry also supports communicating the achievement of students who are not accessing the provincial curriculum through an alternative format, for example, the Individual Education Plan (IEP). This communication of achievement will include information on how students' modified expectations are to be recognized through the Provincial Skills Certificate, the Ontario Secondary School Diploma, and the provincial report card. The Ministry will continue to enhance its guidelines for IEPs in the area of modified expectations to ensure that benchmarks are shared within the system.

LDAO COMMENTS

LDAO supports greater transparency and accountability in the reporting of achievement results to parents.

RECOMMENDATION 10

To help ensure that transitions of students with special education needs from school to school, from elementary to secondary school, and from secondary school to work, community living, or further education, are effectively managed, the Ministry of Education should:

- require that schools prepare plans for all transitions—not just transitions from secondary school—and report on the completion and, where applicable, the degree of success of each action in the transition plans; and
- provide more guidance on planning and managing the transitions of students who are working toward modified expectations

MINISTRY RESPONSE

Through the Student Success initiatives, the Ministry has focused on the transitions from grade 8 to grade 9 for all students, including students with special education needs. The Ministry will continue to review the IEP process as it relates to transition planning.

LDAO COMMENTS

Transitions are difficult for most students with special education needs. The Ministry of Education should build on their guidelines for transitions for students with ASDs by

creating guidelines for transitions for students with other exceptionalities. Such guidelines are particularly important for students with learning disabilities.

LDAO recommends that the Ministry of Education review research on transitions for students with learning disabilities, including the [Report from the Learning Opportunities Task Force \(LOTF\)](#) and the [annual reports of the follow-up longitudinal study](#)

RECOMMENDATION 11

To help ensure that schools comply with legislation, regulations, and policies, and to improve the quality of special education programs, the Ministry of Education should assist school boards in establishing periodic quality assurance and compliance inspection procedures.

MINISTRY RESPONSE

The Ministry will continue to conduct school board program and financial reviews to assist school boards with their compliance with special education legislation, and also to enhance the sharing of effective practices.

LDAO COMMENTS

In its response to the 2001 Provincial Auditor's report LDAO strongly supported the recommendation that the Ministry of Education introduce a compliance monitoring and verification process.

LDAO continues to advocate that the Ministry of Education hold school boards accountable for complying with special education legislation and regulations, yet there are still school boards which do not, for example:

- hold IPRCs
- abide by legislated timelines
- provide a range of placement options
- write Special Education Plans that comply with Ministry standards
- or inform parents of their rights of appeal.

LDAO strongly urges the Ministry of Education to establish and enforce an accountability mechanism, so that students have rights to a range of special education placements, programs and services based on identified student needs rather than school board philosophy. The services a student receives should not depend on where they live in the province or which school board they attend. It is not enough that school boards do their own quality assurance and compliance inspection. As LDAO recommended in its 2001 response, this should be a role of the Ministry's Regional offices.

RECOMMENDATION 12

To help improve the effectiveness of special education programs, the Ministry of Education should:

- identify the information that is required to support evidence-based program delivery models (for example, information about the circumstances and educational programs—

type, timing, and amount of services and supports—of students with special education needs, as well as the results the students achieve); and

- assist school boards in establishing processes to collect, maintain, and use this information to guide programming decisions.

MINISTRY RESPONSE

The Ministry will continue to develop and share instructional practices built on a foundation that is, wherever possible, evidence-based, research-informed, and connected to the Ministry's priority education goals for students with special education needs. This will build upon the Council of Ontario Directors of Education projects funded over the last three years, including the identification of innovative and effective practices. This will also build upon the recent successes of students with special education needs as identified through data provided by the Education Quality and Accountability Office (EQAO).

LDAO COMMENTS

LDAO commends the work of the Ministry of Education in documenting evidence-based instructional practices that are appropriate for most students with special education needs through Differentiated Instruction and Universal Design for Learning (e.g. Education for All), as well as specific techniques appropriate for students with ASDs.

What is missing is information on evidence-based, research-informed instructional techniques for improving academic skills for students with learning disabilities. Such research does exist, and information about it needs to be shared with educators.

LDAO recommends that the Ministry of Education set up a specific reference committee or working group to compile information on instructional techniques for students with LDs that are based on credible current research. The results should be made available to both new and experienced teachers.

RECOMMENDATION 13

To help ensure that specialized equipment purchased for students is provided to them within a reasonable time, meets their needs, and is acquired economically, the Ministry of Education should:

- include a service expectation in its guidelines for Special Equipment Amount claims, and require school boards to ensure that their processes achieve this expectation, with respect to the time between the date a professional recommends that a student be provided with specialized equipment and the date it is ready for use by the student;
- assess the level of savings that might be available from the purchase of group licenses for computer software; and
- require that boards assess the effectiveness of the equipment that they purchase.

MINISTRY RESPONSE

The Ministry will continue to work with school boards to optimize the use and timely acquisition of assistive equipment

LDAO COMMENTS

LDAO supports the need for clear school board processes for ordering of specialized equipment. A description of these processes should be available to parents and shared with SEACs.

Service expectations for SEA claims should take into account the fact that specialized equipment is only ready for use by the student upon completion of training for both the student and the classroom teacher on how to use the equipment.

Assessment of the effectiveness of purchased equipment should be based on achievement of IEP goals rather than on EQAO scores.

RECOMMENDATION 14

To ensure that Special Incidence Portion grants are correctly calculated, the Ministry should reconcile the funding provided to each board's actual claims annually.

MINISTRY RESPONSE

The Ministry has an annual reconciliation process. The Ministry will review its reconciliation process, including more timely adjustments after reconciliation.

LDAO COMMENTS

School board accountability for use of SIP funds should include tracking of the exceptionalities of the students for whom applications are made. In many cases there will be several co-existing disorders that combine to create very high needs.

In Summary

LDAO is pleased with progress in many aspects of special education in Ontario, while at the same time agreeing with most of the concerns and recommendations for improvement in the 2008 Provincial Auditor's Report on Special Education. In particular LDAO urges greater acknowledgement of the fact that students with learning disabilities are able to achieve provided that they have access to appropriate teaching, services, supports and accommodations in the most enabling special education placement.

We offer our comments and recommendations and look forward to working collaboratively with the Office of the Auditor General of Ontario and the Ministry of Education to continue to make progress toward the goal of greater academic achievement for all students with special education needs.