



Idao • Learning Disabilities
Association of Ontario

The right to learn, the power to achieve

A PARENT'S GUIDE TO SPECIAL EDUCATION IN ONTARIO

**LEARNING DISABILITIES ASSOCIATION OF ONTARIO
2003**

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HOW TO BE A SUCCESSFUL ADVOCATE

Every child with special needs should have a parent who learns to be an advocate. This means putting forth the effort to learn about the child's strengths, aptitudes, weaknesses and difficulties. There are many ways to do this. There are books in libraries. There are meetings, lectures and films. Joining an advocacy group such as the local chapter of LDA enables a parent to meet other parents whose children have similar needs. These parents can compare notes, share experiences, give each other emotional support, and help each other find resources.

SOME GENERAL GUIDELINES:

1. Go to every meeting at the school when your child's progress, needs and future are to be discussed. Show interest and be willing to both learn and teach. Ask for pointers on helping your child at home. Participate in working out the ways s/he'll be dealt with at school. If you promise to do something, then do it. A parent with a reputation for being caring, concerned, reliable and involved has the respect of the professionals. It may be sad, but it is certainly true that if a child needs the benefit of doubt, the child of the respected parent is more likely to get it.
2. Keep files on your child. Keep a copy of every letter you send, as well as those you receive. Make and keep notes on telephone conversations, and send letters confirming the important parts of those conversations. Keep report cards, assessment reports and review reports in the file. You may never need them, but if you do, for example for the purposes of going to appeal or tribunal, you will have them.
3. Work with your child's teacher. Share information on your child's needs as well as on approaches that have worked for you at home. It is unrealistic to expect a child to do things s/he genuinely cannot do, but it's equally unrealistic to excuse a child from doing things s/he can do. If you back the teacher when s/he is making a reasonable demand, s/he is more likely to listen to you when you make suggestions and ask for changes.
4. Be sure that you know your rights and responsibilities. You should be well informed, assertive, persistent, but also courteous and respectful towards those who represent the school board and who are entrusted with teaching your child.
5. Involve your child as much and as early in the process as is possible. By the time s/he is 16, s/he is expected to participate reasonably independently. By 18, the IPRC process is the sole

responsibility of the student. It is up to you to ensure that s/he is ready to become an effective self-advocate well before these milestone ages are reached.

BEING AN EFFECTIVE ADVOCATE MEANS:

- Being informed about the Education Act and Regulations, your school board's plans and resources and what learning disabilities are
- Being an advocate at all times, not just when it is comfortable to be so
- Being assertive and communicating well with the educational system
- Being persistent, which does not mean being a pest, but it does mean not giving up at the first sign of difficulty
- Being realistic about your child's strengths and needs and about present and future prospects for your child
- Recognizing that there is strength in numbers and joining an advocacy group such as LDA which can help you and may lead to you being able to help others later
- Accepting that as parents who are effective advocates you may not be popular with the educational system all the time
- Accepting that as parents you must encourage your children to acquire the skills of self-advocacy and then learn to let go.

Under ideal circumstances, parents and educators cooperate for the benefit of the child. This requires **assertiveness** and good communication skills on the part of the parents and openness and commitment on the part of the educator.

It is sometimes hard to be assertive without being aggressive. At other times it feels more comfortable to remain passive. What is the difference?

A passive person defers to other people and hopes for the right result, without actively working for it.

An aggressive person forces his or her views on others and does not listen to other people's points of view. This person feels that they "know" the right outcome to their plan.

To be assertive means doing your homework, stating your case clearly, listening to the other person's point of view and then working for the right outcome cooperatively, preferably including the child in the discussion as much as possible.

ASSERTIVENESS IS:

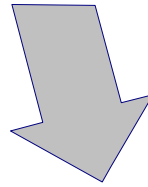
- Knowing, understanding and accepting your rights and your child's rights and the accompanying responsibilities;
- Asking questions to achieve full clarification and repeating the question until it is satisfactorily answered;
- Attending and participating fully in all school meetings where your child's educational progress is being discussed, and participating fully in the process;
- Keeping a full record of all communications regarding your child, including knowing who provided what and when and to whom;
- Ensuring that you know what is in the school's plan for your child's education this school year, including goals, objectives, and activities and being able to discuss any of these at any time that your child's progress is being reviewed;
- Letting people know, courteously but firmly, that you intend to resolve issues to ensure that your child is learning and that you are willing, if necessary and as a last resort, to pursue appeal procedures;
- Learning who the key people are and who can help you ensure that your child is learning to the best of his or her abilities;
- Knowing when to thank and praise people who have helped, in a positive manner;
- Never saying "Oh, I'm just a parent, so what do I know?"

THE ADVOCACY PROCESS

A Four Step Model

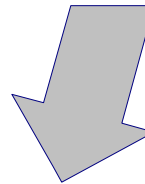
PREPARE

1. Define the issue
2. Gather information
3. Identify support



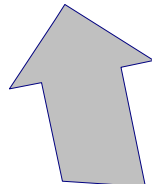
PLAN

1. Review the issue and identify the preferred solutions
2. Choose the route
3. Develop the Action Plan



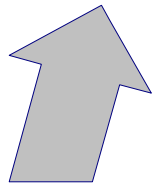
ACT

Carry out action steps



EVALUATE

1. Examine results
2. Review the effectiveness of the Action Plan



FIRST STEPS IN SEEKING HELP FOR YOUR CHILD

It is usually parents who first realize that their child learns differently. Trust your instincts. Consult your paediatrician or family doctor to rule out the more obvious problems such as difficulties with vision or hearing.

Children develop differently from one another. It is quite usual that some children are ready for academic learning at age 4, while others are not ready until age 6 or even later. This does not necessarily imply that late bloomers are all going to be identified as needing special education. All parents hope that their children will be taught as they learn best and that if there are some difficulties, the child's teacher will know what to do about this.

In this section we will outline some of the steps that parents can take when they are concerned about their child in school.

STEP 1. MEET WITH THE TEACHER:

If your child is not doing well in school you should request a special interview time with his/her teacher to review in detail your child's progress. Your child's teacher may have valuable insights into his/her strengths and learning needs. In turn, you can share your understanding of your child and his/her needs with the teacher. Remedial help or a modified regular class program and/or some extra help at home may be what is needed to help your child keep up with school work.

For ideas on parent-teacher interviews see Appendix A

STEP 2. SCHOOL-BASED MEETINGS:

When a child continues to have difficulties, in spite of the best efforts of the teacher, or if a particular difficulty has been identified by a professional, or where the child is becoming frustrated or discouraged, then it is important to initiate additional help. The formal way of doing this is by referral to a meeting called an IPRC (Identification, Placement and Review

Committee), where decisions are made about rights to special education services. In a later section we will look in detail at the IPRC process.

Many school boards have chosen to introduce a pre-IPRC or pre-special education referral process. These are sometimes called a case conference, a school (support) team meeting or a pre-IPRC meeting. In order to find out whether your school board has such a process, you should talk to your child's school principal, and ask for a copy of the *Parents' Guide*. Each school board has a Parents' Guide outlining the special education programs and services available and the process in that board to access these services. If you have a local chapter of LDAO they will be able to explain the local school board process to you, including such information as how long each step usually takes.

The pre-IPRC process is not included in the IPRC regulation or mentioned in any other relevant legislation. Therefore, there is no single consistent process or any rights set out in law, e.g. the right to be present, to take part in discussions, or to appeal decisions of the "team". However, this pre-IPRC process may lead to help for your child more quickly than waiting for the IPRC to take place. It may make sense to hold off on referral to an IPRC until the help and support recommended through a school team meeting are implemented and evaluated, especially if your child is very young, has minor academic problems and what is suggested makes good sense to you.

For a sample letter requesting a meeting with a school team to discuss your child's progress see Appendix C.

STEP 3. ASSESSMENT:

If, in spite of additional help, your child's level of achievement does not improve, it is time to pursue a psychoeducational assessment and/or an IPRC. A psychoeducational assessment (referred to in Ministry of Education Regulation 181 as a "psychological" assessment) can be done through the school board's psychological services department or by a psychologist or psychological associate in private practice. Some school boards do not have their own psychology staff, and use community psychologists on a contract basis. The school must obtain your written consent before a psychological assessment can be done.

In the school system there are often long waiting periods for psychological assessments. Occasionally assessments are available in a hospital setting and are covered under OHIP, or through a children's mental health centre, if there are emotional/behavioural concerns, but there are long waiting lists in these settings as well. If you have a group medical plan through an employer, you can check to see if assessment by a psychologist is covered and to what maximum fee. You would need a referral from a medical doctor to get coverage under the group plan, but you can refer your child directly to most psychologists. If you use a private psychologist/psychological associate, make sure that they are willing to write a report in the format used by the school board. You could suggest the protocol developed through the LDAO Promoting Early Intervention Project. *To read the "LDAO Recommended Practices for Assessment, Diagnosis and Documentation of Learning Disabilities" go to the LDAO website (www.ldao.on.ca) and click on Assessment Protocol, under LDAO's Definition of Learning Disabilities.*

A good psychological (psychoeducational) assessment should provide information about overall intellectual ability, but more importantly, about strengths and weaknesses. There should be recommendations about remedial strategies and ways of using areas of strength to compensate for areas of deficit. In older children, there should be recommendations for accommodations and use of technology to bypass weak areas, in addition to remedial strategies to work on deficits.

For a more detailed look at what is involved in assessment, see the article "Assessment of Learning Disabilities" under About Learning Disabilities on the LDAO website.

STEP 4. IPRC REFERRAL:

If there is going to be a significant delay in getting access to psychological assessment, it may be best to proceed with referral to an IPRC. The IPRC committee must obtain and consider an "educational" assessment, but this can be done more quickly, and does not require a parental consent. An educational assessment looks at academic skill levels and can be done by an educator. However the IPRC committee when it meets may decide it needs to obtain and consider a "psychological assessment" in order to make a correct identification and placement decision, and may delay any decisions until then. Some school boards wait to hold the IPRC meeting until there is a psychological assessment report, since that is required to diagnose learning disabilities.

WAITING FOR THE IPRC

HELPING YOUR CHILD AT HOME:

It is important to remember that you are your child's parent and *not* his teacher. Therefore, your support should focus on encouragement and ability, rather than on difficulties and problems.

Children with learning disabilities benefit from having the right environment at home as well as at school. Your child may need:

- a quiet area and a quiet time to focus on school work
- consistent discipline
- regular patterns
- the opportunity to practise new skills in a non-academic way, eg., sorting laundry, baking cookies, grocery shopping, etc
- positive encouragement from you and other family members
- a safe environment in which to practise social skills
- an opportunity for role-playing to prepare for new activities

TALKING TO YOUR CHILD ABOUT THEIR LEARNING DIFFICULTIES:

Children with learning difficulties must be reassured that they are not lazy or dumb. They have trouble learning because their minds process words or information differently. Be honest and optimistic: explain to your child that s/he may struggle with learning but that s/he *can* learn, and you are going to work to find the answers to how s/he learns best. Psychoeducational assessment can be introduced as a way of finding some of the answers. Focus on your child's strengths – point out what s/he does well.

When you have the results of the psychoeducational assessment, have the professional who did the assessment give feedback to your child, or provide ways that you can explain the results to him/her.

ORGANIZING INFORMATION ABOUT YOUR CHILD'S LEARNING DIFFICULTIES:

- start a folder of all letters and materials related to your child's education

- add copies of school files and names and dates of all tests and results, including medical exams and information from other professionals
- collect samples of school work that demonstrate your child's difficulties, as well as strengths
- keep a contact log of all discussions with professional and keep a log of your own observations.

CHECKING YOUR CHILD'S OSR:

In gathering information on your child's difficulties, you may want to see what information is in his/her OSR (Ontario Student Record). This is a file that is kept at the school, and contains basic identification information on your child, report cards, schools attended, and "additional information identified as being conducive to the improvement of instruction of the student". Students and parents of non-adult students have the right to access the OSR. You can make an appointment with the principal to view the OSR and ask to have a copy made of anything you would find useful.

There is a process for requesting that documents be removed from the OSR, if they are determined to be "no longer conducive to the improvement of the instruction of the student". You should also check to make sure that information you have shared with the school is included in the OSR.

DEVELOPING A SUITABLE NEEDS STATEMENT:

Creating a statement of strengths and needs of the child will be part of the IPRC process, but it can also be an important tool for planning appropriate remedial help at earlier stages. It would be very useful to develop your own statement of strengths and needs for your child as soon as you start negotiating with the school for services.

The following are key components that you can think about:

What are your child's strengths?

All students, regardless of their specific exceptionality have some areas of strength. These may include such information as the student's innate abilities, talents, accomplishments and interests. These need not all be cognitive or academic skills, but should also cover artistic, kinaesthetic, psycho-social, emotional or other talents.

Contrary to what you might believe, these factors are every bit as important for students with disabilities as they are for students who are identified as gifted. In fact, for students with learning disabilities, this information can provide the best information and direction for suitable program modifications, the development of coping and compensatory strategies and appropriate accommodations of their areas of difficulties resulting from the learning disability. It is important to note that for students with learning disabilities, their average or better scores on standardised tests or the subtests of intelligence testing may also assist in programming initiatives.

What are your child's needs, under the following headings:

- physical needs
- intellectual or cognitive needs
- educational or academic needs

- emotional and/or behavioural needs
- social needs
- cultural needs

The following are some of the suggested components for developing your child's detailed needs statement under these headings:

For considering physical needs:

- age: chronological, functional, maturity level
- any visual impairments or problems
- any hearing impairments or problems
- any speech impediments or difficulties
- any motor difficulties: fine motor, gross motor, eye-hand co-ordination, co-ordination, sensory integration, etc.
- laterality: i.e. is student left-handed, right-handed or mixed dominance
- any involvement in sports
- observed activity level
- any medical issues, whether major or minor, e.g., medication, allergies, injuries, accidents, chronic conditions
- treatment or intervention for any of the medical conditions, such as allergy shots
- side effects arising from such treatments which may have an impact, whether regular or occasional on the student's participation in any of the activities in the classroom

For considering intellectual or cognitive needs:

- stage of cognitive development, e.g., concrete or abstract
- stage of language development, e.g., able to utilize and understand idiom, figures of speech, metaphors, etc.
- any identified modality or learning style preference
- ability to deal with and apply generalizations

- ability to deal with sequencing tasks, with or without practising
- ability to deal with non-verbal information, with or without practising
- level of adaptive behaviours
- any highly developed talents, aptitudes, interests

For considering educational or academic needs:

- academic achievement levels such as reading writing, spelling math. Are these at age appropriate level, above or below expected level for chronological age, innate ability, etc.
- knowledge base: academic and non-academic
- school subjects student likes and why
- past academic progress
- school attendance
- ability to handle tasks independently at home and at school
- support required to achieve independent functioning
- ability to analyse and learn from past errors
- task commitment
- motivation
- coping strategies tried and their success
- compensatory strategies tried and their success
- accommodation strategies tried and their success
- computer literacy

For considering emotional and/or behavioural needs:

- motivation: internal or external
- locus of control: internal and external
- level of innate and/or learned resilience
- self-concept
- ability or willingness to take risks
- attitudes to family, self and others

- any overt behavioural problems
- any overt emotional problems
- problems with attention
- impulsive
- aggressive
- any psychological or psycho-social concerns

For considering social needs:

- interpersonal relationships with adults, peers, family
- prefers company of older children, younger children, age appropriate peer group or comfortable with all ages
- most comfortable with adults
- loner
- active or passive in a group setting
- leader or follower
- introvert or extrovert
- level of social skill development: age appropriate, mature, immature
- good understanding of the consequences of actions
- able to defer gratification

For considering cultural needs:

- cultural background and the relevance of this to the situation, e.g., cultural attitudes to having a disability
- gender and its relationship to cultural issues as well as current situation
- past and present educational experiences
- parental and other family expectations
- customs which may have an impact on the educational situation, e.g., clothing and having to change in school for physical education, personal hygiene factors, culturally diverse social skill differences
- personal attitudes to cultural issues
- need for English as a Second Language or Second Dialect or other

language related supports

- if recent immigrant, current state of acculturation

While it may not be necessary to include all of the above, a review of all of these components may be very helpful when preparing for the IPRC.

KEEPING A FILE ON YOUR CHILD:

The following information should be collected and kept on file with photocopies available on request:

1. Birth Information:

- prenatal complications
- height, weight, APGAR scores
- complications during delivery
- complications after delivery

2. Developmental Information :

- age of walking
- age of talking
- coordination
- anything different from peer group at any stage
- laterality (Does the child generally use his right or left hand? If he uses both, for which activities does he use each?)

3. Medical Information:

- immunization records
- childhood diseases - note any ensuing complication
- asthma, allergies - note specifics including dates of medication given (beginning - ending)
- accidents, injuries- especially head injuries, convulsions, comas, concussions, high fevers
- medication - reasons for it - pheobarb, ritalin, insulin, dilantin, etc.- give dates (beginning- end)
- hearing tests- dates, information received even if it is normal - note who administered (family doctor, nurse, specialist)

- vision tests - note whether done by school nurse, optometrist, ophthalmologists
 - annual reports from family doctor - keep notes on results of interview even if nothing unusual noted.
4. A copy of all Report Cards.
 5. Any letters, IPRC notices and outcomes of review letters.
 6. Any testing that has been done outside the school.
 7. Always keep a list of the people you have spoken to, the date and the outcome.
 8. Any pertinent piece of information that will help profile your child.

UNDERSTANDING THE IPRC PROCESS

AN OVERVIEW

The Education Act in Ontario requires that school boards provide, or purchase from another school board, special education programs and services for "exceptional" students. Exceptional students are defined as those whose "behavioural, communicational, intellectual, physical, or multiple exceptionalities are such that they are considered to need placement in a special education program."

The Role of the IPRC:

- 1) to decide whether or not your child should be identified as exceptional;
- 2) to identify the areas of your child's exceptionality;
- 3) to decide an appropriate placement; and
- 4) to review the identification and placement at least once each school year.

To start an IPRC, you must contact your child's principal, in writing, and request that your child be referred to an IPRC. (*See Appendix B for a sample letter requesting an IPRC*). Your child's principal may also make the referral on his/her own initiative. Within 15 days of making the referral, the principal must send you written notification, including an approximate date of the IPRC meeting and a parent's guide containing information about the IPRC. The principal may also ask you for permission to obtain a psychological or health assessment of your child. While an educational assessment should also be performed, parental permission is not required for this.

At least 10 days before the IPRC is to meet, you (and your child, if 16 or over) will receive written notice of the meeting and an invitation to attend. This letter will list the date, time, and place of the meeting, and will ask you to indicate if you

can attend. Before the IPRC meets, you will also receive a copy of all information that the chair of the IPRC has received.

If you can't attend this meeting, contact the school principal immediately to arrange an alternative date or to let the principal know that you will not be attending. If, however, you cannot attend, the IPRC's written decision will be sent to you.

Either you or your child's principal may make a request for others to attend the IPRC meeting. As well, you are entitled to have a representative or advocate who may speak on your behalf.

What Happens at the Meeting?

After introductions are made, the IPRC reviews all available information about your child. They consider the educational assessments and the health or psychological assessments, if these were obtained. If they feel it will be useful, they may also interview your child (with your permission, if your child is under 16 years of age). They will also consider any information that you submit about your child or that the child, if 16 or over, submits on his or her own behalf. You are encouraged to ask questions during this meeting and to participate in any discussion.

Once all of the information has been presented and discussed, the committee will make its decision. This decision will include:

- whether or not the child is exceptional;
- if exceptional, the category and definition of the exceptionality;
- the strengths and needs of the student;
- the placement of the student. The IPRC will recommend placement in a regular class with special education services if, in the Committee's opinion, such a placement meets the student's needs and is consistent with the parent's preferences. Note that while the IPRC will consider the parent's preferences, these preferences are not binding, and the final decision about placement belongs to the IPRC.

- the IPRC's recommendations regarding a special education program and services; and
- where appropriate, the reasons for placing your child in a special education class.

What Happens Next?

You will receive a written statement of the IPRC's decision. If you did not attend the meeting, this will be mailed to you. You will be asked to sign this document to indicate that you agree with the IPRC's decisions and recommendations. If you attended the meeting, you may be asked to sign at that time, but it is wise to wait until you have had time to reflect. Note that you have 30 days to return the signed document to the IPRC. Once the document is signed and returned, the board will promptly notify the principal of the school at which the special education program is to be provided. That principal will then begin the process of developing your child's Individual Education Plan (IEP).

What If I Disagree with the Decision?

If you disagree with the IPRC's decision, you have 15 days to request a second meeting of the IPRC. If after your second meeting you are still dissatisfied, you have 15 days from the second decision to file an appeal. Chapter 5 will deal more fully with this topic.

A MORE DETAILED LOOK AT THE IPRC PROCESS

In the following section, we shall take you through the IPRC process, one step at a time.

Referral to the IPRC:

Section 14 of Regulation 181/98 describes the mandated process for referring a student to the IPRC. This process applies to all exceptionalities.

Local policy, described in the Parents' Guide and the school board's special education plan describes how and when a principal will initiate a referral for a child to an IPRC. It is important to note that the principal has no obligation to initiate a referral when a child is having difficulties in school. The legislation

states that the principal **may** initiate such a referral. However, if he chooses to do so, then he must notify the parents in writing within 15 days of making the referral. The regulation does not specify whether this is 15 calendar days or 15 school days. Most school boards tend to interpret this period as 15 school days.

If you as a parent wish to initiate referral, you can do so by writing a letter to the principal, giving the reasons for your concern and asking the principal to make the referral. The principal then **must** make the referral and notify you within 15 days that he has done so. (See sample letter at the end of this workshop material.)

Please note that if you telephone the school or talk to your child's teacher about an IPRC referral, then there is no legal obligation for the principal or teacher to follow up on this. Writing a letter to the principal is the only sure way of initiating this process.

Whichever process has initiated the referral, you must receive within 15 days, in addition to the notification/acknowledgement of the IPRC referral, a written statement of when the principal expects the IPRC to meet and a copy of the *Parents' Guide*. As of January 1, 1999, the *Parents' Guide* is supposed to be available to parents in alternative formats, such as braille, large print or on audio-cassette.

Students who are returning from a demonstration school placement to their home school board are eligible for an IPRC to determine their placement.

Ideally this IPRC should be convened before the student has been re-enrolled in a school of the home school board. Although there should be no question about the identification of the student as having learning disabilities, the IPRC will follow its full mandate in making its decisions. The staff of the demonstration school is a particularly useful resource for all aspects of the IPRC process as well as the later development of the student's educational and transition plans.

Assessments

Since the first task of the IPRC is to determine whether the student is exceptional

or not, any relevant and needed assessments should be initiated prior to convening the IPRC.

Educational assessments

Section 15 (1), Regulation 181/98 requires that the IPRC obtain and consider an educational assessment of each child referred to it. An educational assessment looks only at the child's academic achievement, most particularly in reading and math. It can be composed partly of regular classroom tests, and partly of scores on a variety of standard tests such as the Wide Range Achievement Test (WRAT) or the Canadian Test of Basic Skills. The assessment may be done by the classroom teacher, a special education teacher or consultant, a psychometrician or an educational psychologist. Educational testing cannot include intelligence testing, such as administration of the WISC-III. In order to carry out educational testing, the school does not require parental consent.

Medical and psychological assessments

Section 15 (2) and (3) Regulation 181/98 state that, subject to the *Health Care Consent Act, 1996*, an IPRC may request a medical and/or a psychological assessment, if it considers such assessments are necessary to enable them to arrive at the right identification for the student in question. Medical assessments are those carried out by medical practitioners, paediatricians, audiologists, speech pathologists, optometrists, etc. Such health care practitioners are listed in Section 2 of the *Health Care Consent Act*.

Under this legislation, such assessments may only be carried out if the parents (or the student who is 16 years of age or older and is deemed competent to give consent) have given written consent to the testing.

A **medical assessment** may be necessary when the IPRC is considering a child who has a visual or hearing impairment, is considered medically fragile, is autistic or if there is some additional medical condition which impacts on the child's learning. A medical assessment, if deemed necessary, is often obtained by asking the parents to approach their family doctor or paediatrician for a referral to

a specialist in the child's area of difficulty. The specialist's report is then sent, with the parent's written consent, to the chairman of the IPRC.

For children with learning disabilities the results of tests carried out by speech-language pathologists or audiologists may be relevant. For children who are receiving treatment for ADHD, the relevant medical information may also be useful to the IPRC members.

Psychological assessments include IQ tests, tests of cognitive function (how the brain processes incoming information and uses it), memory, fine and gross motor function, auditory and visual processing tests and may include tests and/or observations of the child's social and emotional functioning. The *Health Care Consent Act, 1996* applies to such tests in the same way as it applies to medical assessments.

Some school boards insist on a psychological assessment, others do not. Some allow special education consultants or teacher diagnosticians to do psychological assessments under the supervision of a registered psychologist. Others provide the services of psychometricians and/or psychologists. Regulation 298 sets out the rules school boards must follow if they provide psychological services. In addition, school boards may accept assessments done by psychologists in private practice or working in hospitals, mental health clinics, etc.

Since the purpose of assessment is to identify learning strengths and weaknesses, a good assessment is of great value in planning an effective special education program. Assessment results also play a major role in decisions related to the category of exceptionality and the kind of special education placement the child will be offered.

It is important to recognize that when the IPRC identifies a student as having learning disabilities, it does not actually *diagnose* the presence of the condition. Under the *Regulated Health Professions Act, 1991*, *diagnosis* of certain conditions, including learning disabilities, and communicating that diagnosis to the client may only be carried out by certain designated professionals, including registered psychologists and psychological associates. The Ontario College of

Psychologists formally differentiates between the *diagnosis* of learning disabilities as a part of psychological practice and the *identification* carried out by the IPRC, even if the IPRC considered the results of a psychological assessment. Parents of students with learning disabilities need to be aware of the difference between these two processes.

The results of all assessments carried out by the educational system for the purposes of the IPRC as well as any other written information that the IPRC will be considering when making its decisions, are to be provided to the parent and the student who is 16 years of age or older.

If the IPRC is only planning to consider an educational assessment and the parent or student believe that medical and/or psychological assessments should also be considered, then they can submit such assessment information to the IPRC and the IPRC must consider these as part of its discussions.

Sometimes, you will not have available an up-to-date medical and/or psychological assessment of your child that the IPRC could consider. The school has only provided an educational assessment to the IPRC. If it becomes clear during the IPRC that other assessments are needed in order for the IPRC to carry out its mandate, then the recommendation to obtain such assessments may be made during the meeting. The IPRC should then be adjourned and reconvened after the assessments are obtained. The results of these assessments must also be available to both you and your child if he or she is 16 or older, prior to reconvening the IPRC.

Preparing for the IPRC meeting

Section 5 (5) of Regulation 181/98 states that at least 10 days in advance of the IPRC being convened, the chair of the IPRC will notify the parent and the student who is 16 years of age or older of the time and place of the IPRC.

It is recommended that if the proposed time and date are not suitable for you, you immediately contact the chair of the IPRC, requesting an alternative. While they do not legally have to change the timing of the IPRC, if you respond promptly and offer several alternative dates when you could attend, it is likely that

the change will be made.

Please note that the IPRC will go ahead in your absence. However, we strongly urge all parents to attend and participate fully in their child's IPRC. The decisions made at this time can have a really major impact on your child's education and future.

Although the legislation focuses on the role of the student who is 16 years of age or older, you may want to consider involving your child, even when he is younger. Although the legislation does not give younger students any legislated IPRC rights, we recommend that you discuss with your child the issues and if at all possible invite them to participate at the IPRC. This is obviously an individual decision. But since the legislation does allow for the IPRC to interview children who are under 16, their presence may help to ensure that the focus is really on the child and not on the system.

Parents and students who are 16 years of age or older may have a **representative** or **advocate** present with them or to speak on their behalf at the IPRC.

If you or your child intend to invite someone to accompany you and speak on your behalf at the IPRC, this should be done at an early stage. Although it is not required, it is courteous to notify the chair of the IPRC, if someone will be in attendance in addition to you and your child.

In preparation for the IPRC, you may wish to gather any relevant information that should be shared with the IPRC, including past report cards, assessments, etc. You are also urged to develop your own strengths and needs statement for your child to share with the IPRC. It is also useful to consider what issues you wish to have discussed at the IPRC meeting and what outcomes you will find acceptable. Many parents go to the IPRC with a written agenda, which they provide to the members of the IPRC. Some parents also find it useful to develop a written profile of their child. Then as the IPRC deals with various items, they can ensure that all of their issues are covered before the meeting is adjourned.

Convening the IPRC

All school boards have in place one or more levels of IPRC's. The school board's Parents' Guide to special education programs and services should spell out for your information the jurisdiction of each type of IPRC, i.e. what kind of cases each will consider, how the chair of the committee is appointed and the ways in which they carry out their legal responsibilities.

Section 11 of Regulation 181/98 states that the school board (this usually means the Director of Education or the Superintendent of Special Education, rather than the elected trustees) shall appoint three or more people to be the members of the IPRC. Among these members will be:

- a school principal
- a qualified supervisory officer, employed by the school board.

The other members are not specified in the Regulation. Usually, they are selected from among the school board's special education personnel and they may or may not know your child.

The principal does not have to be the principal of your child's school. The principal and the supervisory officer may designate another principal or supervisory officer to act on their behalf at the IPRC. It is not stated that the IPRC is invalid if neither a principal nor a supervisory officer are present. However, as a parent, you can certainly request a deferral, if the members of the Committee, as you expected them to be, are not present. School trustees are not eligible to sit as IPRC members.

Prior to the IPRC you have a right to find out who are going to be the members of the IPRC for your child. We strongly recommend that you do this as part of your pre-IPRC preparation tasks.

The IPRC chair should make sure at the beginning of the meeting to introduce the decision-making members of the Committee as well as all other school board personnel who are there to provide information, but who are not decision makers. In turn, the parents should introduce themselves, their child if he is present and

any other people who are attending the IPRC with them.

The IPRC Meets to Consider the Case

The Committee is convened to consider the identification and placement of the student. Whether this is a first IPRC or whether it is an annual review, the identification and the placement are under discussion.

During the IPRC, the members of the committee will consider all information that has been provided to them by the school, the parent, the student, who is 16 years of age or older, and any other available information that they consider relevant.

Relevant school board personnel, who have prepared the information provided to the IPRC or who have information for the consideration of the IPRC may be present. However, they are not part of the decision making process.

The IPRC may, if the parents consent and the committee considers it useful, interview the child in question. The parent has the right to be present at the interview. If the student is 16 years of age or older and is willing to be interviewed or provide any specific information to the IPRC, then the IPRC will consider this information.

The Regulation is silent on whether the parents may be present for the interview with the student who is 16 years of age or older. In order to avoid any potentially difficult situations, it is recommended that the parent and student discuss this and agree on an outcome, prior to the IPRC.

The IPRC must, unless the parent refuses to attend, interview the parents. The parent and the student who is 16 years of age or older may participate in all the discussions occurring at the IPRC and may be present when the IPRC makes its decisions. This should eliminate the common past practice of asking the parents to leave before the IPRC has made any decisions.

Deciding whether or not the student is exceptional

The *Education Act* in section 1 defines "exceptional" as:

"a pupil whose behavioural, communicational, intellectual, physical or multiple exceptionalities are such that he is considered to need placement in a special education program by a committee, established under subparagraph iii. of paragraph 5 of subsection 10 (1), of the board:

(a) of which he is a resident pupil;

(Note: Section 32 of the Education Act defines resident pupil as a pupil enrolled in a school operated by a board without the payment of fees.)

(b) that admits or enrolls the pupil other than pursuant to an agreement with another school board for the provision of education, or

(c) to which the cost of education in respect of the pupil is payable by the Minister."

Exceptional is a broad, umbrella term. Under this term are the five categories of exceptionalities: behaviour, intellectual, communication, physical and multiple.

Under these five categories are twelve specific exceptionalities that school boards are expected to use for the identification of their exceptional students. These definitions were last circulated to school boards in January of 1999. For the Ministry definition of learning disabilities, which is a Communications exceptionality, [click here](#).

LDAO has developed a new definition of learning disabilities. It is anticipated that the Ministry of Education may consider adopting this proposed definition (or one very close to it) as its new definition of learning disabilities. The new definition can be found at: www.ldao.on.ca/pei/defdraft.html.

The first task of the IPRC is to determine whether the student is exceptional or not. This decision is made on the basis of the above definition. In other words, does the student satisfy the requirement for needing to be placed in a special education program as a result of having one or more exceptionalities, in

accordance with the exceptionality categories and definitions set out by the Ministry of Education.

Deciding identification at the IPRC

As previously stated, the primary task of the IPRC is to decide the student's identification and placement. The decision regarding identification consists of a number of steps.

First, based on the assessments and other information provided to the members of the IPRC, they have to determine whether the student should be deemed exceptional, in accordance with the definition of exceptional student in section 1 of the Education Act.

If the student is deemed non-exceptional, either because the members of the IPRC so determine and/or because the parents so wish, then effectively this IPRC is over. This does not mean that the student may not need and receive extra help and support in school. Under the current funding formulae and special education related practices of most school boards, he may still be eligible to receive services directly funded by the Ministry of Education and may still have an Individual Educational Plan developed for him.

If the IPRC determines that the student is not exceptional and the parents do not agree, then the parents have the right to appeal this decision. (For more information on this, please see the section on appeal boards and the appeal process, Workshop 5.)

While each student is an individual with his or her strengths and needs, it is LDAO's recommendation that parents whose children have learning disabilities should pursue formal identification through the IPRC process. The reasons for this recommendation are as follows:

- learning disabilities are invisible and without the formal identification and the protection of the due process rights contained in the IPRC structure, the student may be denied future services as personnel within the school system change;

- even if the student has access to some directly funded special services, this may change at any time. Without the IPRC process, the change does not necessarily have to have parental approval;
- the IEP is the key to what happens in the classroom, and students who are not deemed exceptional may have a written IEP. However, when there is no annual IPRC review at which the IEP is formally discussed, parents may find it much harder to achieve substantive changes in their child's IEP and programming.

If it is clear that the student is exceptional, then the next task is to determine the student's specific categories and definitions of exceptionalities. The IPRC's exceptionality decision should be a three-part identification, stating that for example, this student is **Exceptional** with a **Communication** category exceptionality, specifically **Learning Disabilities**.

In the past, many school boards only identified students as exceptional, without ever specifying the category or definition of exceptionality as part of the identification. They were able to do this because the previous IPRC Regulation did not specify the requirement in detail. Also they were allowed to ignore the relevant section of the Education Act {Section 8 (3)} that states that the Minister shall prescribe categories and definitions of exceptionalities and shall require school boards to employ these.

But Regulation 181/98 is quite clear regarding this requirement. In spite of this, there are still school boards that choose not to specify the category and definition of the student's exceptionality. This can be a problem for parents, since the Regulation does not allow them to appeal this omission. Therefore, parents may have to be particularly effective advocates if they wish to have an accurate and proper identification made of their child's exceptionality.

Strengths and needs

The IPRC's next step is to identify the student's strengths and needs. The detailed process for doing this is not set out in the regulation, but school boards and parents can use the relevant sections of the Ministry's Individual Education

Plan Resource Guide, 1998. The key point is *“to record observable factors that influence the student’s learning and to record areas where the student demonstrates significant strengths or the need for significant support”*.

Parents have a major role to play in this. They can share the Statement of Strengths and Needs outlined in Chapter 2. They may find that the IPRC will be pleased to adopt their listing, provided that it is concise, realistic and reflects the student as s/he is, not as the parents may wish him or her to be.

Discussing programming at the IPRC

The Regulation states that the IPRC **may** discuss any proposal for special education programs and services and **shall** do so at the request of the parent or the student who is 16 years old or older.

We encourage all parents to take advantage of this newly legislated right to initiate discussion on programming and to prepare for this discussion by considering what programming or services would be particularly useful for their child. This does not mean that parents need to become programming experts. But you can mention and recommend programs, services, supports and accommodations that have worked well for your child in the past or which you have heard about and see as potentially helping your child. You can also point out any programming recommendations made in assessment reports. Based on this discussion of special education programs and services, the IPRC **may** make recommendations regarding programs and services, as part of its decision

The Regulation goes on to state that the IPRC will not make any decisions about special education programs and services. It further states that discussions and recommendations about special education programs and services do not make program appealable to a special education appeal board. Nevertheless, these discussions are important to pursue and the recommendations may be highly beneficial for the development of the student’s individual education plan (IEP). It may be up to you as the parent to insist that the programming recommendations and discussions are recorded in the IPRC decision.

The IPRC may also recommend that an exceptional student who is 21 years of

age or older remain in a secondary day school program. This recommendation is deemed effective for the purposes of allowing an exceptional student who is an adult to attend regular day school and receive special education services, without the payment of fees. This may be a very important recommendation since, without being identified, most adults must attend continuing education programs for their secondary school education, where they do not have access to special education supports.

Deciding placement at the IPRC

The Government of Ontario released its integration policy on June 9, 1994. This policy stated that integration, i.e., regular class placement with special education programming, should be the placement of choice for exceptional students, provided such a placement meets their needs and is in accordance with parental wishes. The policy went on to state that school boards have an obligation to provide or purchase alternative placements for students who need such placements and whose parents wish an alternative placement.

Section 17 of Regulation 181/98 states that, before considering placement in a special education class, the IPRC must consider whether placement in a regular class with appropriate special education services would meet the students' needs and would be in accordance with the parent's wishes.

If the IPRC decides that placement in a special education class is the most appropriate placement for the student, then it must state its reasons for this decision.

If you as the parent wish to opt for a placement other than a regular class, then you need to be prepared to explain why such a placement would benefit your child. *A description of the range of placement options can be found in Appendix B.*

If you prefer or are prepared to accept regular class placement, you need to remember that your child is entitled to have a special education program and special education services in that placement, in accordance with the definition of "exceptional student" in Section 1 of the Education Act. The details of that

program and those services need to be recorded in the student's IEP.

The IPRC Reports

Section 18 (1) of Regulation 181/98 states that, as soon as possible after making their decision, the chair of the IPRC must send its written statement of decision to:

- (a) the parents of the student
- (b) the student who is 16 years of age or older
- (c) the principal who made the referral to the IPRC
- (d) the representative of the school board responsible for establishing the IPRC, usually the Director of Education or Superintendent of Special Education.

Section 18 (2) and (3) of Regulation 181/98 state that the statement of decision of the IPRC will set out the following:

- (a) whether or not the IPRC identified the student as exceptional;
- (b) where the student is identified as exceptional, the decision shall include
 - (i) the committee's description of the student's strengths and needs;
 - (ii) categories and definitions of the exceptionalities identified by the committee;
 - (iii) the placement decision;
 - (iv) any recommendations for programming and special education services made under *Section 16 (2) of Regulation 181/98* and
- (c) where the committee has decided that the student should be placed in a special education class, the reasons for that decision.

It is important to note that the IPRC makes a decision, rather than a series of

recommendations. In addition, the reference to categories and definitions of exceptionalities allows for more than one exceptionality being included in the IPRC decision.

Parents are sometimes asked to sign a form to give their consent to the identification and the proposed placement at the end of the IPRC meeting. Alternatively, the consent form may arrive later or the principal may phone and ask you to come to the school to sign. Remember, there is no obligation for you to sign at the time of the IPRC. You will not lose the ideal placement if you do not sign immediately. It may be helpful to think about the implications of what is being offered. If you have any doubts, then definitely do not sign.

You may wish to visit the class proposed or meet the teacher who is going to teach the class. It is a matter of school board policy whether or not you will be allowed to do so. But if you can, it is a good idea to do this, in that it gives you a clearer idea of whether or not this placement is likely to work for your child. You may also want to talk to other parents who may have a child in this class or ask for information from the local chapter of your exceptionality-specific parent organization. The better informed parents are, the more likely they are to make the right decision about the placement.

The Parents Decide to Accept the IPRC's Statement of Decision for their Child

If you are satisfied with the IPRC decision, then you will indicate this by signing the consent form. Once this has been done, then the principal or other person who made the referral to the IPRC will proceed to implement the IPRC's placement decision, as soon as this can be done. The implementation steps described below arise from the placement being implemented.

The vast majority of IPRCs conclude at this stage.

Implementing the IPRC placement decision

The IPRC placement decision will be implemented as soon as the school board is legally allowed to do so.

1. When the parent consents in writing to the IPRC decision, the placement is implemented as soon as possible or at the earliest date specified in the statement of decision. This may be the case when the placement decision refers to the following school year, starting in September or to the following semester, starting in the new year.
2. If the parent does not consent to the IPRC decision, but does not ask for a second meeting or initiate a special education appeal, the school board shall implement the IPRC decision. This can occur 30 days after the parents receive the written statement of decision from the IPRC.

As soon as the school board implements the IPRC decision, the parents or the student if he is 16 years of age or older and the principal of the school, where the special education program named in the IPRC decision is to be provided, will be notified in writing of the implementation date.

The next steps following the implementation of the IPRC's placement decision:

These steps are set out in the subsections of *Section 6 of Regulation 181/98*

The school board notifies the principal of the need to develop an IEP for the student who is to receive a special education program at the school.

The IEP is to be developed in consultation with the parents and the student, when the student is 16 years of age or older and must take into consideration any recommendations made by the IPRC for special education programs and services for the student. Consultation in this context means inviting the parent and/or student to meet with the school personnel who are responsible for developing the plan, prior to finalizing the plan.

The plan must include:

- (a) specific educational expectations for the student
- (b) an outline of the special education programs and services to be provided

(c) a statement of how the student's progress will be evaluated and reviewed.

For all exceptional students who are 14 years old or older, other than those whose identification is gifted, the plan must also include a plan for transition to post-secondary education, work and community living. Developing the transition plan calls for the principal to consult relevant community agencies, post-secondary educational and/or training institutions.

5. Within 30 school days of the placement having started, the principal must provide the written plan to the parents and the student, where the student is 16 years of age or older.

6. It is important to note that while the development of the individual education plan is pending, the student must be receiving an education program that is appropriate to meet his strengths and needs, as decided and recorded by the IPRC.

7. If the student already has an individual education plan, but as a result of the IPRC, school board or tribunal decision his placement is changed or confirmed, the above steps apply fully to reviewing and amending his individual education plan.

8. The student's individual education plan is to be kept in the student's Ontario Student Record, (OSR) in accordance with Section 265 of the Education Act, unless the parents have objected to this in writing

THE INDIVIDUAL EDUCATION PLAN (IEP)

THE INDIVIDUAL EDUCATION PLAN (IEP): AN OVERVIEW

The Individual Education Plan, commonly known as the IEP, is the school's written plan of action for the special education student. According to the Ministry of Education and Training, the IEP "is a working document which describes the strengths and needs of an individual exceptional pupil, the special education program and services established to meet that pupil's needs, and how the program and services will be delivered. It also describes the student's progress."

The Ministry also defines what an IEP is not. It is not:

- a description of everything that will be taught to the student;
- an educational program or set of expectations for all students
- a means to monitor the effectiveness of teachers; or
- a daily plan.

An IEP must be prepared for all special education students, and a copy of this document must be provided to the parents (and the student, if 16 or over). With the recent changes to the Special Education Act, IEPs may now be prepared without the prerequisite of an IPRC, and some schools are suggesting that parents of special needs students take this route. While there is a clear benefit in avoiding the delay of waiting for an IPRC meeting, it is important to note that the IEP is not binding without the IPRC. Despite the best efforts and intentions of your child's school, the written decision of the IPRC is the only guarantee that your child will receive the services he or she requires. Therefore, while there is no harm in starting to develop an IEP prior to the IPRC, it is inadvisable to forgo the IPRC process.

After making its placement decision, the IPRC will notify the principal of the school at which the child will be placed. The principal of this school is responsible for ensuring that the IEP is prepared and carried out. The preparation of the IEP involves five phases:

- 1) gathering the information;
- 2) setting the direction;
- 3) developing the plan;
- 4) implementing the plan; and
- 5) reviewing and updating the plan.

Gathering the Information

According to the Ministry, information may be gathered about the student's academic achievements; attendance; school behaviour; likes and dislikes; talents; learning style; self-concept; mobility; personalized equipment requirements; and communication, social, and problem-solving skills.

Sources for this information include the IPRC's written statement; the student's OSR and previous IEP; the student's current work; consultations with parents, teachers, and others who know the student; observations of the student; and, beginning in September 1999, the student's annual education plan for students in Grade 7 and beyond.

Once gathered, the information should be consolidated, and any discrepancies should be examined and resolved.

Setting the Direction

A collaborative approach should be taken in developing the IEP. The principal responsible for the IEP should, as early as possible, assemble a team of individuals who together can provide a complete and accurate profile of the student. Team members may include the student's teacher(s), guidance

counsellor, principal, and special education and support staff, as well as the student and his or her parents.

Roles and responsibilities will be assigned by the principal. Typically one teacher is given the primary responsibility for coordinating the development of the IEP.

Developing the IEP

The completed IEP document should address the following areas:

The student's strengths and needs

A description of the student's strengths and needs must be based on and consistent with the description contained in the IPRC's statement, but me elaborate on it to reflect the results of any further assessments conducted or observations made of the student.

The student's current level of achievement

The IEP must contain information summarizing the student's current level of achievement relative to the modified curriculum expectations he is working toward in each subject, course or skill area to which the IEP applies.

Annual program goals

Annual goals are statements describing what a student can reasonably be expected to accomplish by the end of the school year in a particular subject, course or skill area where curriculum expectations are modified or where he/she is working toward alternative learning expectations.

Learning expectations

Learning expectations are statements that describe the specific knowledge and skills that the student should be able to demonstrate within a specified time

period during the school year, while working towards his/her annual goals in a particular subject, course or skill area. However, expectations do not need to be recorded for subjects where the student is working on provincial curriculum expectations at their regular grade level.

Teaching strategies, accommodations and resources

Teaching strategies, accommodations, human resources and individualized equipment required to facilitate the student's learning must be identified in the IEP. These should be based in part on the recommendations for special education services made at the IPRC. Such support and services should be listed whether the student is working on expectations from the Ontario curriculum, or on modified or alternative curriculum expectations. An example of a teaching strategy is "using learning materials that provide direct experiences of seeing or touching". An example of an accommodation is "allowing the student to complete tasks or present information in alternative ways (e.g. through taped answers, demonstrations)".

Assessment, Evaluation and Reporting

The student's achievement of learning expectation and his/her progress towards meeting identified goals should be monitored and assessed continuously, using a wide variety of methods and techniques, with appropriate accommodations. The student's progress must be evaluated at least once in every reporting period and the results reported to parents using the provincial report card.

Transition plan

For students 14 or older, the IEP must include a plan for transition to postsecondary school activities, such as work, further education, or community living. The transition plan should specify the student's specific transition goals, the actions required to achieve these goals, and the transition partners and

responsibilities. A transition plan is optional for students who are only identified under the Gifted category.

Parent/student consultation

Parents and students 16 years of age or over must be consulted in the development and review of the IEP, and a copy must be provided to the parents and student when completed. They must be asked to sign a form to say they were consulted (or declined) and received a copy. While a space for comments is included, parents and/or students do not have to agree with the IEP for it to be implemented.

Implementation and monitoring

Within 30 school days of the student's placement in the special education program, the principal must ensure that the IEP is completed and a copy sent to the parent (and student, if 16 or over). The IEP team should ensure that everyone involved with the student is aware of the contents and requirements of the IEP. The principal is responsible for making sure that the IEP is being implemented and that a monitoring plan is in place.

Review and updating

If the student is not meeting, or is exceeding, the expectations described in the IEP, and it is determined that the cause is related to his/her exceptionality, the IEP must be adjusted. If there are any revisions that result in significant changes in the student's learning expectations or in the accommodations or services provided, the parents and student (if 16 or older) must be consulted before the changes are implemented.

THE IMPORTANCE OF THE IEP

In the past much of the focus in being an effective parent advocate has been on the IPRC process itself, namely the identification of the student's strengths and needs, exceptionality and determining the placement most suitable for the student. However, more recently it has become obvious that the development of a suitable IEP and the implementation of that IEP are the key components of what is appropriate special education programming for exceptional students and others with special needs.

The following are some key points about the individual education plan for an exceptional student.

The IEP:

- is an individualized education plan created for each exceptional student; is written down;
- is flexible;
- is a working document;
- is based on the identified strengths, interests and needs of the student;
- is based on the program discussions and recommendations that took place at the IPRC;
- is developed in co-operation and collaboration with the parent and pupil;
- when finalized, is provided to the parent and the student who is 16 years of age or older;
- is the basis of the annual review and any decisions that may be made about changing the pupil's exceptionality and/or placement;
- contains goals, objectives and specific measurable outcomes;
- delineates the necessary modification of the curriculum;
- spells out the necessary accommodations which will enable the pupil to achieve the expected outcomes;
- is a tool of accountability, on the basis of which the student's progress is measured and is reported to the parent;
- a record of the programming provided to the student;

- is *not* a detailed description of every single thing taught to the student or a daily plan on the basis of which the parent can evaluate the student's teacher.

In 1998, the Ministry of Education released its **IEP Resource Document, 1998**, which recommended that a useful IEP should include:

- student's strengths and needs as recorded in the IPRC decision
- relevant medical/health information
- relevant formal assessment data
- student's current level of educational achievement in each program area
- goals and specific expectations
- program modifications
- accommodations
- special education and related services
- assessment and evaluation strategies
- regular updates, showing dates, results and recommendations
- transition plan if appropriate, i.e. the student's identification is not gifted and the student is 14 years of age or older.

IEP STANDARDS

In January, 2000, the Minister of Education, in response to concerns expressed by many parents about the poor or limited level of implementation of their children's IEP, announced that the Ministry of Education would develop a series of standards for IEPs and monitor their content and implementation for the benefit of students with special needs.

The newly released document, **Individual Education Plans: Standards for Development, Program Planning and Implementation, 2000**, sets out fourteen

specific standards, delineating for each its purpose, its requirements and the compliance expectations. These standards are essentially Ministry policy and they take precedence over the information contained in the 1998 Resource Guide.

The IEP is defined as: *“ a written plan describing the special education program and/or services required by a particular student. It identifies learning expectations that are modified from or alternative to the expectations given in the curriculum policy document for the appropriate grade and subject or course and/or any accommodations and special education services needed to assist the students in achieving his or her learning expectations.”*

It is important to note that for students who do not have modified or altered curriculum expectations, the IEP will focus on accommodations and special education services. This may be the case for many students with learning disabilities.

Additional positive key points include the following:

- The IEP is expected to help teachers to monitor and report to parents on the student's progress.
- The IEP needs to be updated regularly to reflect the student's progress.
- The IEP must reflect the school board's and the principal's commitment to provide special education programs and services needed to meet the student's strengths and needs.
- The principal is responsible for ensuring compliance with all of the requirements described in the IEP standards document for the development and implementation of the IEP.
- Parents and students who are 16 years of age or older must be consulted in the development and review of the student's IEP.
- The IEP must be developed within 30 school days following the start of the student's placement in a special education program.
- The document contains standards for implementation, monitoring, review and updating. Compliance with this standard will require the principal to

give his or her assurance that the plan is being implemented according to the guidelines contained in the standards document and that an evaluation and monitoring plan is in place.

These are all positive steps towards the development and implementation of more effective IEPs. However, the process will still call for parents to act as effective advocates and monitors. And even more importantly, the process and the effectiveness of the IEPs will still depend on knowledgeable teachers and principals creating a truly individualized plan with measurable and observable components based on the student's strengths and needs, rather than relying on the standard computerized form, which includes the same components for every student with learning disabilities.

LDAO has expressed its concern to the Ministry about two aspects of this document. Firstly, the compliance components all depend on someone **“reviewing”** the IEP. But the standard does not mention who will be the reviewer and if they note any omissions, what processes and time line will be implemented for amending the document.

Secondly, and more importantly, while references to the school board's and principal's commitment are very important, they are limited by having to be made and delivered **“within the resources available to the school board”**. It is not stated who will determine the validity of this claim and how this is linked to the school board's obligations set out in Section 170 of the Education Act or their obligation to accommodate students with disabilities, unless such accommodations represent an undue hardship. The Ministry states that school boards have adequate funds to meet all their legislated obligations. School boards frequently deny services, supports and accommodations to their students on the grounds that they do not have the funds or staffing to deliver these.

Provincial Assessments

The IEP standards document states that effective IEPs must include provisions for the accommodation of students with special needs, especially when it comes to provincial assessments, such as the grade 3 and 6 tests and the upcoming grade 10 literacy test. Students with learning disabilities should participate in such testing, especially the grade 10 test which is one of the new high school graduation requirements. However, their successful participation depends on receiving the needed accommodations, which must be included in their IEP.

The Ministry of Education recently published a Policy/Program Memorandum on the accommodation, exemption and deferral of students with special needs when writing the grade 10 literacy test. PPM 127 specifies that in order to receive the requisite accommodations, the student's IEP must list those accommodations and the accommodations must be appropriate for the test being written. What that means that the IEP must list all potential accommodations in a specific manner rather than in general terms. For example, if the students needs to use audio-taped materials or record any answers with a word processor on which there is a spell check program, then the IEP should state this rather than referring to unspecified alternative formats.

For the purposes of the IEP and the provincial testing program, parents and those who are entrusted with developing and implementing IEPs must be well aware of the differences between modifications and accommodations.

Modifications are supports, services or strategies, which may change any part of the teaching and learning process and may result in providing the student with different content, a slower pace or by changing the expectations for the amount of material learned or the standards of achievement that are expected to be demonstrated. When it comes to testing, modifications may alter the test results obtained by changing the content or level of difficulty of the test.

Accommodations are supports, services and strategies that students with special needs to demonstrate their competencies in a different manner.

Accommodations do not interfere with the content, expectations, level or validity of the assessment process.

In conclusion, an effective IEP and its implementation are the key to appropriate special education programs and services for all students with special needs.

MAKING SURE THE IEP IS IMPLEMENTED

Sometimes the implementation of the IEP proceeds as planned, but more often than not, you as the parent (and/or your child as s/he grows older) need to make sure that the strategies and accommodations outlined in the IEP actually happen. If you or your child have concerns, it may be best to talk first to the teacher involved, then to the special education resource teacher, then to the principal. If the teachers involved really understand the needs of their student, compliance with the IEP is much more likely to happen. Usually, helping the teacher understand why your son or daughter needs to have class notes instead of copying off the board is a better strategy than simply pointing out that they are not complying with the IEP. While you do need to stand firm, a collaborative approach, with acknowledgement that the teacher has a lot to do, usually works best. If a teacher's attitude does not change, you may have to "go up the ladder". The school principal is responsible to ensure that the IEP is implemented and monitored. In the following section we will look at some general principles about resolving school based conflicts, including those about IEP's.

RESOLVING CONFLICTS

When problems arise that cannot be solved with the teacher alone, you might ask for a meeting with the teacher, principal and the special education resource teacher. Such a problem-solving meeting can be very useful to try and resolve any number of issues that come up at school. If you feel intimidated, having someone to go with you, even to take notes, can be a good support. If school

level personnel do not understand or acknowledge your child's needs, it can sometimes be helpful to get support from the psychologist who did the assessment, especially if it was a board assessment. If there are behavioural issues involved it can be useful to include in the discussions any treatment personnel that are dealing with your child.

If the situation cannot be resolved at the school level, it may be necessary to call someone at the Board office. This may be an area superintendent or a special education coordinator. If you have a local chapter of LDAO they should be able to give you the appropriate names, and may have a perception of who in the board is likely to be sympathetic to the needs of students with LD. Some chapters have volunteers or staff who can go to meetings with their members as support.

Sometimes a superintendent or special education coordinator can mediate a problem-solving meeting at the school, and issues can be resolved. If not, you may have to go "up the ladder " again, to the Director of Education for the Board, and then to the District office of the Ministry of Education.

(In some cases your local trustee can be helpful.)

At this stage you should be putting any concerns in writing, and keeping a record of all your contacts. A brief outline of events and dates is very useful to have, so that you don't have to go over facts every time you contact someone new.

ANNUAL REVIEWS OF THE IPRC

Annual reviews are another way that parents can monitor what is happening with their child's special education program.

At least once in each school year, or more often if so requested by the parent, or the school or the school board's designated representative (such as a Director of Education or Superintendent of Special Education), there must be a review of the child's identification and placement.

The parents may initiate such a review by requesting it in writing provided that the current special education placement for the student has been in place for *at least three months*. If there are serious concerns about the placement, or new information that could change the category of identification, it might be worthwhile to request an IPRC before the scheduled annual review. Usually concerns about program are best handled at informal case conferences, but there may be circumstances where requesting a review IPRC might be in order, if program concerns are closely linked to placement, and informal attempts at resolution have not worked.

The process and time table for responding to the written request for a review IPRC is exactly the same as the process and time table for dealing with the initial request for the referral of the student to an IPRC.

The parents may also indicate in writing that they wish to dispense with the annual review.

There is no obligation for parents to agree to a request to dispense with an annual review, if it is initiated by the school board or their child's school principal. LDAO recommends that no parents should agree to this, given that the annual review hearing is their opportunity to review the student's progress under the programming and services described in the student's individual education plan, the validity of his identification and the appropriateness of his placement.

Implementing the review process and the time table follow the initial IPRC process and time table. The review is done by an IPRC, although it may not be the same people participating, who made the original decisions. It is up to the referring principal to determine which of the school board's IPRC's is most appropriate to review the student's progress.

The IPRC must consider the student's progress with reference to the student's individual education plan

Based on this, the IPRC will decide whether it is satisfied with the student's identification and/or placement. It will then issue a written statement of decision about the student's identification and/or placement and provide this to the people who were the recipients of the initial IPRC decision. The details of the information to be provided are the same as for the initial IPRC decision, including:

- a statement whether the student is still exceptional
- the category and definition of the exceptionality, if the student is exceptional
- a listing of the student's strengths and needs
- the recommended placement.

If the identification or placement has changed or if the placement decided upon is a special education class, then the Committee must spell out the reasons for the changes proposed or for the special class placement decision.

The steps that the parents have available to them for agreeing with or disagreeing with the IPRC's review decision are exactly the same as for the initial IPRC decision.

The IPRC carrying out an annual review cannot change a student's identification and/or placement without notifying the parents in writing and without getting the parents' consent in writing, even if the parents chose to absent themselves from the IPRC review, as described above. If the parents disagree with the recommendations of the IPRC review decision, they can take the same steps with respect to appeal as they can with the initial IPRC decision. If, however,

they do not agree in writing to the IPRC review decision and have not indicated their decision to appeal, the school board shall implement the IPRC decision, as described previously for the implementation process. The school board shall notify the parents in writing that the IPRC decision has been implemented.

The sections of the Regulation covering the review process do not make any specific references to students who are 16 years of age or older. However, it is assumed that the relevant sections apply in exactly the same way, giving the student the same rights as he has in relation to the initial IPRC. The steps following the implementation of the IPRC's review decision are exactly the same as the steps described for the initial IPRC, relating to the development or review of the student's individual education plan and transition plan.

DISAGREEMENT WITH THE IPRC

OPTIONS AVAILABLE

If Parents do not accept the IPRC Decision: they can either request a second meeting of the IPRC or request an appeal directly. The decision of the IPRC will automatically be implemented after 30 days unless a second meeting or appeal is requested in writing within 15 days of receiving the IPRC decision.

A SECOND MEETING WITH THE IPRC

If parents have reservations about the IPRC's statement of decision, they are allowed to request, in writing, within 15 days of receiving the IPRC decision, a second meeting with the IPRC to discuss their concerns. The letter requesting this goes to the referring principal, who arranges the meeting. *For a sample letter asking for a second IPRC meeting see Appendix C.*

If the written IPRC decision was sent to a designated representative of the school board, rather than to the student's school principal, then the request for the second meeting is also submitted to that person.

In either case, the person who received the request shall arrange for a second meeting with the parent and with the student, if he is 16 years of age or older.

A second meeting with the IPRC can be very helpful. Since this is not an appeal, you can discuss the details of the identification, such as the category and definition of exceptionality, the details or absence of the strengths and needs statement, the programming discussions, etc. A successful second meeting often resolves all points of concern and disagreement and eliminates the need for an appeal.

As soon as possible after the second meeting, the chair of the IPRC will send a follow up letter to all the people who received the original IPRC decision. This letter will state whether any of the IPRC decisions were changed and, if so, the reasons for these changes. If any changes were made, then the IPRC will also issue a revised and up to date statement of decision to all these people. If you still do not agree, you should not sign the consent form. However, refusal to sign does not prevent the student's school principal from implementing the IPRC decision, unless you decide to take the next step and appeal the IPRC decision

APPEALING THE IPRC DECISION

Section 26 (1) of Regulation 181/98 states that a parent who disagrees with the IPRC's statement of decision may appeal to a special education appeal board the following:

- (a) the decision that the student is exceptional;
- (b) the decision that the student is not exceptional;
- (c) the recommendation of the placement.

When a parent wishes to appeal, the parent must, within 30 days of receiving the written decision of the initial IPRC or 15 days after receiving the written statement of the second meeting with the IPRC mentioned earlier, write a letter to the Secretary of the school board, (usually the Director of Education) asking for an appeal board to be appointed. *For a sample letter requesting an appeal board see Appendix C.*

Section 26 (4) of Regulation 181/98 states that the notice of appeal should indicate what aspects of the IPRC decision the parent disagrees with and give the reasons for disagreement. It is important to note, however, that the school

board cannot refuse to appoint an appeal board nor can the appeal board refuse to deal with the appeal, because the parent did not adequately set out the reasons for the appeal or did not specify what is being appealed.

Setting up an Appeal Board

Once the Director of Education receives the parent's letter asking for an appeal, s/he must arrange for the appointment of the appeal board.

The appeal board has three members::

- one member selected by the school board
- one member selected by the parents
- a chair selected by the other two members appointed.

The first two members named above are to be appointed by the Director of Education of the school board within 15 days of receiving the parent's written request of appeal.

The chair of the appeal board is to be appointed within 15 days of the other two appointments. In other words, the appointment of the appeal board should be made within 30 days of receiving the request.

Appeal board members cannot be school trustees, Ministry employees or anybody who has had prior involvement in the matter under appeal. When you decide to launch an appeal, you will be asked to nominate an appeal board member almost immediately. At a later stage you may have the opportunity to comment upon or agree to the proposed chair of the appeal board. Parents of exceptional students can usually receive help with these matters by contacting the local chapter of their parent association. LDAO and its chapters usually provide advocacy advice and support to parents of students with learning disabilities who are proceeding to an appeal and who are members. Such help is usually provided through the local chapter. Under certain circumstances, the local chapter may ask for and receive guidance and direct support from the Provincial Office.

Since the appeal board members can have no prior involvement in the case, it is important that, if the appeal board member nominated by the parent requires advice or guidance about the appeal process or the specific case under appeal, he or she gets such help from the parent association. There must be no direct communication between the parent who has launched the appeal and the appointed appeal board member.

The parent association, either locally or provincially, may also help with the selection of the appeal board chair, by providing information, if requested, to the appointed appeal board member who represents the parent.

No parent launches a special education appeal frivolously. It is a significant step. School boards do not like to have special education appeals launched against them. Therefore, quite often the parent may be approached to have an informal discussion to see if the grounds for disagreement can be eliminated and the appeal request dropped.

While the special education appeal board is a very important due process right for parents and students, proceeding to an appeal simply on principle may not be wise. If the school board offers the parent a resolution that is acceptable and meets the student's needs, many parents choose to accept this, rather than continue with the appeal.

This does not mean that parents should be intimidated or give up their rights because of concern about the possible consequences.

Providing Information to the Appeal Board

It is up to the chair of the IPRC whose decision is under appeal to provide the documentation and other relevant information to the special education appeal board.

Parents are usually asked to sign a release form, allowing the members of the appeal board to be provided with information contained in the student's OSR or any other files that the school board has on the student. If the parents are concerned about what information may be provided to the members of the

appeal board, they may review the contents of their child's OSR, in accordance with Section 266 of the Education Act. They may wish to do this prior to agreeing to the release of information. The student's OSR is kept in the office of the student's school. If the school board refers to any other files or information that they wish to provide to the members of the special education appeal board, then the parents can make their approval dependent on their receiving the same information at the same time.

If the parents have any additional information that they feel would be useful for the members of the appeal board to see before making their decision, they may provide such information directly to the chair of the appeal board.

The Appeal Board is Convened

Section 27 (7) of Regulation 181/98 requires the school board to provide whatever secretarial and administrative services are needed by an appeal board. This covers minutes, reports and gathering together of all the relevant information, as well as notifying all those involved of the date, time and place. The school board is also responsible for paying the costs incurred by members of the appeal board in carrying out their duties. Section 28 (1) of Regulation 181/98 states that the chairman of the appeal board shall make the arrangements for the meeting of the appeal board and shall notify the parents and the student if he is 16 years of age or older of date, time and place for holding of the appeal hearing. The meeting of the appeal board must be convened no later than 30 days after the chair of the appeal board has been appointed, unless both parties have agreed in writing that the date is not suitable and have agreed to a later date.

Section 28 (4) of Regulation 181/98 states that anyone whom the appeal board chair considers able to contribute relevant information must be invited to attend the hearing, and that the hearing must be held in an informal manner. If the student's special education program is purchased by one board from another, then the chair of the appeal board will ensure that representatives of both boards are aware of the appeal and are present to contribute to the information being considered by the members of the appeal board.

If parents want certain people, such as psychologists or tutors to attend, they should either ask the appeal board chairman to invite them or ask for agreement that the parents can invite them. Under these circumstances, it is advisable to discuss the anticipated date and time, when these people may be able to address the appeal board. Parents need to be aware that they are responsible for any costs related to the attendance of such people at the appeal board meeting.

Parents can also have a lawyer or advocacy worker present. Generally, school boards do not use the services of a lawyer at an appeal board hearing. Therefore, parents should not feel that they need formal legal representation. However, there is no rule that they cannot have a lawyer present, if they so wish. In any case, parents should notify the chair of the appeal board of all those whom they have invited to accompany them to the meeting of the appeal board.

The meeting is ideally held in an informal manner in an effort to make things more comfortable all around. This is not a court of law, run according to rules of evidence. It is intended to be a thorough examination of issues with the intent of identifying the best interests of the child, resolving differences and eliminating misunderstandings and misconceptions.

Although the appeal board meeting is more formal than the initial IPRC meeting, it is run entirely under the dictates of the Education Act, which guarantees the right of appeal to parents. {Section 8 (3) of the Education Act and Regulation 181/98}

The Ministry issued a monograph in 1985, describing its recommended “best practices” for making special education appeal boards work. Although the structure and role of the appeal board have been changed by Regulation 181/98, the agenda and other non-legislation related components of the monograph should still form the basis of how appeal boards function. Copies of this monograph are available to parents who are embarking on an appeal from their parent associations’ offices or the local district office of the Ministry of Education.

The Appeal Board's Decision

Section 28 (6) of Regulation 181/98 states that, when the appeal board believes that all the relevant people have presented all the relevant information, the appeal board adjourns the meeting and goes into private session to make its decision. They have three days in which to do this, although they may not take that long. The appeal board must decide either:

- that the IPRC was right and recommend that its decision be implemented

or

- that the IPRC was wrong, and make a recommendation to the school board about the student's identification and/or placement.

You will notice that an appeal has only to do with identification issues and placement, not programming strategies.

Section 29 (1) of Regulation 181/98 requires the appeal board to report its decision in writing to:

- the parents
- the student where he is 16 years of age or older
- the chair of the IPRC, whose decision was under appeal
- the principal of the student's school
- the Secretary of the school board (Director of Education)
- if the student's program is purchased, the Director of the purchasing school board.

The written statement will be accompanied by written reasons for the decision.

The School Board's Role in Dealing with the Appeal Board decision

The recommendations of the appeal board are not directions for action. They are submitted to the school board that appointed it. Then it is up to the school board to make the relevant and appropriate decisions about the student's identification and/or placement.

Section 30 (1) of Regulation 181/98 states that, within thirty days of receiving the report of the appeal board, the school board must decide whether to accept or

reject the decision of the appeal board. In making its decision, the school board is not limited to the actions that the appeal board recommended or could have recommended.

For this reason, parents may choose to make a personal appeal to the members of the school board under the board's delegation rules. In this presentation, without revisiting all the issues that the appeal considered, they may ask the school board to uphold or overturn the appeal board's decision and tell them why. Since the board's administration will make a recommendation to the members of the school board regarding the appeal board's decision, parents should also try to have their point of view considered. This is especially important if they feel that the school board may overrule a decision that is favourable to the student and the parents, but may not be in accordance with the school board's usual practices.

The Director of Education will notify each of the persons listed above of the school board's decision. This notification must be in writing. In this notice the school board must also tell the parents how to go about appealing to a tribunal, in accordance with Section 57 of the Education Act, should they disagree with the school board's decision.

If the parent agrees in writing to the decision made by the school board, then the school board shall implement its placement decision arising from the appeal board decision. This step follows the process described previously.

If the parent does not agree with the school board's decision arising from the decision of the appeal board, but does not initiate a further appeal to a special education tribunal, then the school board shall also implement the placement decision, once the time for initiating an appeal to a tribunal has expired.

The school board can reverse its decision regarding the appeal board decision, even if the parent has initiated an appeal to the special education tribunal, provided that it does so before the decision is implemented, i.e., less than 30 days after the school board has made its decision and communicated this to the parent in writing. If the school board changes its decision about the appeal board

decision, it shall communicate this changed decision to each of the persons listed above who received the appeal board decision.

If the parents disagree with this changed decision, then they may initiate an appeal to a special education tribunal at this stage.

APPEALS TO THE SPECIAL EDUCATION TRIBUNAL

If the appeal board and the school board uphold the original IPRC decision, and the parents are still not convinced that the proposed identification and/or placement are appropriate, the parents have the option of appealing to the Special Education Tribunal. A parent who wishes to have his or her child's case reviewed by a tribunal should write to the Secretary of the English or French language tribunal at the Ministry of Education in Toronto, stating that he or she is not prepared to accept the appeal board's recommendation and the school board's decision regarding the identification and/or placement of the child.

The Special Education Tribunal is an independent body appointed by the Minister of Education under Section 57 of the Education Act. Its mandate is to deal with special education appeals and to make final and binding decisions on the identification and/or placement of the student in question. The Special Education Tribunal may make an order for the school board to carry out its decision. Such an order is binding. The tribunal functions under the auspices of the Statutory Powers Procedure Act. This makes the Tribunal a much more formal process than the IPRC or the appeal board.

So far, there have been very few hearings in front of the Special Education Tribunal. However, former tribunal decisions do set precedents for the purposes of current and future IPRC and appeal board decisions.

Although Section 57 of the Education Act gives the Lieutenant Governor the power to establish regulations governing the tribunal process, this has not in fact happened. As a result, tribunals follow the traditional administrative tribunal process set out in the Statutory Powers Procedure Act. School boards usually use the services of a lawyer when facing a tribunal hearing. Parents are strongly advised to hire an appropriately qualified and knowledgeable lawyer or to ensure

that they are assisted by a very knowledgeable advocate when appearing before a tribunal. There are several legal processes such as the issuing of subpoenas, the questioning of witnesses, etc., which are an integral part of the tribunal process and with which parents may need help. Organizations such as LDAO are usually able and willing to provide advocates to advise and/or assist their members with the process or to help them find an appropriately qualified lawyer, if that is their preference.

The tribunal decision is final and binding. The tribunal also has the right to fix and assess costs against either party. If, in the opinion of the parents or the school board, the tribunal erred in carrying out its duty under the Statutory Powers Procedure Act, then an appeal for judicial review may be made.

MEDIATION

The Special Education Tribunal is a much more formal process than the IPRC or even the special education appeal board. As mentioned above, school boards frequently use lawyers to represent them at a tribunal hearing. This makes the process a great deal more adversarial than the other two previous steps.

Sometimes, the disagreement can be resolved by participating in a mediation hearing. When parents notify the Secretary of the Special Education Tribunal of their wish to appeal to the tribunal, they will be invited to consider mediation as an intermediate step.

There is no obligation to participate in mediation. However, it is worth considering the step, before proceeding to tribunal. The school board must also consent to mediation, before mediation can be considered.

Mediators are usually experienced people who have had no direct involvement in the case and who do not have any direct relationship to the school board in question. There is a roster of mediators established by the Ministry of Education.

All costs related to the mediation process are covered by the school board. Lawyers are not part of the mediation process, although it is strongly recommended that parents involve their parent association and a knowledgeable advocate when they agree to mediation.

The process generally results in an outcome that is somewhere between the two positions held by the parents and the school board. The mediator issues a written statement, which sets out the agreement reached. Both sides sign this, indicating their agreement and commitment. If there is no agreement, then the parents can, of course, pursue the tribunal hearing. If an agreement is reached, then the parents must withdraw their request for a tribunal hearing.

The advantage of mediation is that it is quicker, generally less stressful and certainly less adversarial than going on to tribunal. On the other hand, if an agreement is reached and is then not implemented by the school board, the parents have forfeited their legal due process rights and must begin the process from the beginning. The mediator, even if s/he is willing to contact the non-compliant school board, has no legal powers to insist on compliance or institute penalties for non-compliance.

APPENDIX A

PARENT-TEACHER INTERVIEWS

The first and most important point in developing an open line of communication with your child's teacher is **DON'T WAIT FOR THE FIRST INTERVIEW**. Find the time within the first couple of weeks of school to go in and meet your child's teacher. If you have any special concerns make sure the teacher is aware of them. Otherwise a simple "How do you do, here's where I can be reached during the day" meeting is all that's necessary. From that point on, whenever you sense that your child is having a problem in school, discuss it with the teacher immediately. When parent-teacher interview time arrives, there should be no surprises.

When a parent-teacher interview date is set, ask the teacher how the interview will be structured. Find out if student work will be examined, how much information is to be covered, and how much time is allotted for each interview. Note anything specific you want to discuss with the teacher at the beginning of the session.

The teacher will usually begin by telling you how your child is doing in the subject areas. Often work habits, attitude, and areas of strength are discussed. Listen for statements as to how your child is progressing and how he ranks with the other students in the class. Ask for clarification if you don't understand terms being used, or the meaning of statements. Repeat things back as you heard them to make sure you understood correctly.

Prepare a list of questions you want answered **BEFORE** you arrive for the interview. As the meeting progresses, check off any points discussed and ask for information on omitted topics. Remember to ask about your child's friends and his social skills, both in and out of the classroom.

If you notice continuing problems with certain subject areas or lack of progress, bring up your concerns. Ask for the teacher's perspective, and give yours. Offer to help in any way you can. You may even convey your frustration with a problem area at home. Remember, communication is the beginning of problem solving.

Discuss how you and the school can work together to help the child. Establish what the teacher will do at school and tell what you can do at home. Resolve to keep communications channels open. Set a date for another meeting in the near future to review the effectiveness of the plan and follow through on all commitments made.

Occasionally, situations occur when neither teacher nor parent are satisfied. Set up a meeting for another time after both have had time to think. Ask that an administrator (e.g. school principal) sit in to help resolve the differences. Stay cool and keep the issue on the table until a plan is developed that everyone can live with. Ensure that the interests of the child are of foremost consideration.

Following each parent-teacher interview, sit down with the student and talk about the meeting. Let your child know what was discussed and any plans that were developed. Decide how the family can assist the child in his/her learning. Encourage your learner and offer any support that is necessary.

Increasingly schools are inviting students to parent-teacher interviews. Students discuss their own goals and their learning progress while sharing work samples. It is a powerful way to get students to be responsible for their own learning. Often the student sets his goal(s) for the next two months, which enables parent-teacher-child to work together as a team. As early as Grade 1 children can be encouraged to set goals with appropriate guidance from adults. If your child's school does not yet involve students, you might request that your child attend the interview with you for all or part of the discussion.

It is expected and anticipated that parents will be actively involved in their child's program. Schools are looking at ways to increase opportunities for parents to take part in the planning and carrying out of educational experiences for their children. Take advantage of these opportunities to build a good relationship with the school. Your involvement can only benefit your child.

**Adapted from an article in Perspectives, newsletter of LDA of Alberta/
Calgary chapter, Spring '92. Used with permission.**

APPENDIX B

SPECIAL EDUCATION DEFINITIONS

You need to know that the *Education Act* defines the terms special education program and special education services. These definitions appear in Section 1 of the *Act*. They are defined as follows:

“Special education programs” is defined as:

“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” is defined as:

“facilities and resources, including support personnel and equipment, necessary for developing and implementing a special education program”.

There are two other important terms that are used throughout this book and in the legislation that are not defined in law. These are **“appropriate”** and **“special education placement”**. Since we cannot provide you with a legal definition, we are including a description of each of these terms to help you understand the context better.

Appropriate

The adjective “appropriate” is used in legislation to describe special education programs and services that school boards are obliged to provide to exceptional students, in order to meet their identified needs. Although this term is not

formally identified in the legislation, based on the precedents set through the decisions in several Special Education Tribunals, appropriate should always be interpreted as “in the best interest of the student”.

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 (according to the above definition) to meet their needs. If the IPRC believes that their needs cannot be met in such a setting and/or their parents wish to have a different placement for them, then the Committee may decide to place the student in another setting. Under these circumstances the IPRC decision must state the reason for this alternative placement.

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. Many school boards do not provide self-contained or congregated classes for all exceptionalities. However, in their annual report to the 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.

Placement Options:

The Ministry describes these placement options (listed in bold lettering below) for the purposes of the school boards’ annual reporting. These reports are called the October reports. Please note that the comments in the brackets following some of these descriptions are LDAO’s interpretations and clarifications.

- ***Fully self-contained*** - special education class placement for the entire school day. (It is important to note that Regulation 298 in Section 31 defines the maximum class sizes for all exceptionality specific and mixed exceptionality self-contained classes. For students with severe learning disabilities this is defined as a maximum of 8 students in one class, with an

appropriately qualified special education teacher. Mixed exceptionality classes may have up to 16 students.)

- ***Partially integrated or partially self-contained*** - special education class placement with integration into a regular class for at least one instructional period a day but for less than 50% of the school day.

(That means that the student will spend more than 50% of the time in the self-contained class. In many cases, school boards do not differentiate between fully and partially self-contained settings.)

- ***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.

(Such instruction is usually received in a small class setting or on an individual basis.)

- ***Resource assistance*** - receiving direct specialized instruction, individually or in small groups, from 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.

This range of placements does not include provincial schools or other residential or treatment programs. However, at the time of the IPRC, the placement discussion should include all options, in order to determine what may be the most appropriate for the student in question.

Your school board's ***Parents' Guide*** should list all of the special education placements available at your school board, placements purchased from other school boards and the other, more intensive residential and day treatment programs that students have access to. It is important to note that while school boards may choose to purchase a special education placement for a student from a neighbouring board, there is no obligation on school boards to sell such

placements to another school board. This sometimes makes the purchase provision of limited value.

The Ministry of Education operates four **residential demonstration schools** for students with severe learning disabilities and in some cases for students who have attention deficit hyperactivity disorder in addition to their severe learning disabilities. There are three Anglophone schools, the Trillium School in Milton, the Sagonaska School in Belleville and the Amethyst School in London. There is one Francophone school in Ottawa, the Centre Jules Leger. Admission to demonstration schools is through application by the school board on behalf of the child. All of the demonstration schools provide teacher training programs as well as educational programs and consultation to school boards.

The **Education Act** allows school boards, with the approval of the Minister of Education to provide educational programs, including special education, to students in hospital group homes, children's mental health centres, training schools and institutions, if the Ministry is not already doing so. These educational programs may be provided on the institution premises or in a school. Joint programming is fairly common in some municipalities, with the school board providing the educational component and a treatment centre or children's mental health agency providing care and treatment.

These programs are referred to as Section 20 placements, (formerly known as Section 19 placements) due to their funding currently being based on Section 20 of the General Legislative Grants Regulation. Students with learning disabilities, unless they also have significant emotional and/or behavioural problems, do not tend to be referred to Section 20 programs.

The memorandum that accompanied Regulation 181/98 stated that "*the Regulation will reinforce the ministry's commitment to integration, while providing a range of placement options to meet the needs of exceptional pupils*". This statement should provide some support to any parents who feel that their child needs placement in a special education class, but whose school board only provides regular class placements for all of its exceptional students.

APPENDIX C: SAMPLE LETTERS

SAMPLE LETTER REQUESTING A SCHOOL TEAM MEETING

The Principal
Name of School
Address of School
Date

Dear Mr. or Ms. (Name of Principal):

Re: (Name of Your Child) (Date of Birth)
e.g. Mary Jones, d.o.b. 11-06-82

We wish to request a school team meeting to discuss the progress that our child has made over the last twelve months.

We have met with the classroom teacher a number of times and she/he has been very helpful. She/he has explained the learning process to us and we are very concerned about how Mary is functioning in class.

We understand that the school team is the first step in the identification of students' special needs and we are willing to agree to assessments that will help the team and ourselves understand Mary's needs in a more detailed fashion.

Please advise us regarding the next step in this process. We wish to attend the school team meeting, and would like a summary of any assessment outcome prior to this meeting.

Thanking you and your staff for supporting this request.

Yours sincerely,

(your name)

cc: Family Doctor or other professional
you have been working with
LD Association

SAMPLE LETTER REQUESTING AN I.P.R.C.

The Principal
Name of School
Address of School
Date

Dear Mr. or Ms. (Name of Principal):

Re: (Name of Your Child) (Date of Birth)
e.g. Mary Jones, d.o.b. 11-06-82

The purpose of this letter is to request that you refer immediately my daughter, (Mary Jones), to the school board's Identification, Placement and Review Committee for the purpose of identifying her as an exceptional child, determining the category of her exceptionality and deciding the most enabling educational placement for her.

As you know, I have been concerned for some time about (Mary's) difficulties and I think that the time has come to take some prompt action on her behalf.

I shall contact you in about three weeks' time to find out the progress of this referral.

Thank you for your prompt action on my child's behalf.

Yours sincerely,

(your name)

cc: (Superintendent of the School Board)
LD Association

SAMPLE LETTER TO REQUEST FURTHER DISCUSSION WITH THE I.P.R.C.

The Principal
Name of School
Address of School
Date

Dear Mr. or Ms. (Name of Principal):

Re: (Name of Your Child) (Date of Birth)
e.g. Mary Jones, d.o.b. 11-06-82

On (date of I.P.R.C. meeting) the I.P.R.C. met at (location of I.P.R.C.) to consider the identification of my daughter, Mary, as an exceptional student, the category and definition of the identified exceptionality and the recommended educational placement for her. As you will recall, I did not sign the I.P.R.C. determination at the time of the I.P.R.C. since I do not agree with it.

I am aware that I have thirty days to request the convening of an Appeal Board to review the I.P.R.C. determination. However, before proceeding to this stage, I should like to request the opportunity as quickly as possible to meet with the I.P.R.C. members again to discuss further Mary's (identification and/or placement). I understand that this intermediate step does not remove my right to appeal the I.P.R.C. determination, should I wish to do so.

Thank you for your prompt attention to this request.

Yours sincerely,

(your name)

cc: I.P.R.C. Chair
LD Association

SAMPLE LETTER FOR AN APPEAL

Secretary of the School Board
Name of the School Board
Address

The purpose of this letter is to inform you that I wish to appeal the determination of the I.P.R.C. held on (date of I.P.R.C.) regarding my child.

We disagree with the I.P.R.C.'s finding in the following areas: (spell out specifics applicable to your child)

- i) we believe that (Mary) is/is not an exceptional pupil, contrary to the I.P.R.C. statement
and/or
- ii) we believe that (Mary's) exceptionality is:
- category and definition -
and wish to have this stated on the I.P.R.C. determination
and/or
- iii) we wish to have (Mary) placed in (spell out what you wish) instead of the placement recommended by the I.P.R.C

Our nominee to the Appeal Board will be a member of the Learning Disabilities Association of Ontario who is eligible to serve on an Appeal Board on our behalf, as defined in the Act.

We shall provide to you the name of the specific individual to be named to the Appeal Board within the next 10 days. We understand that until the Appeal Board makes its recommendation to the School Board, our child's identification and/or placement will remain unchanged.

Thank you for your prompt attention to the matter. I look forward to hearing from you.

Yours sincerely.

(your name)

cc: LDA (local chapter)
Chair of the School Board
Regional Office of the Ministry of Education

LETTER REQUESTING A REVIEW PRIOR TO THE ANNUAL REVIEW

Director of Education
Name of School Board
Address

Dear (name of director) or Sir/Madam:

Re: Review of Placement for (Name of Your Child) (Date of Birth)
e.g. Mary Jones, d.o.b. 11-06-82

At an I.P.R.C. meeting held on (date of I.P.R.C.) it was determined that my child (name) should be placed in (describe specific placement). I agreed to this placement, recognizing that if the placement does not meet my child's identified strengths and needs, I can always request a review after three months in the placement.

The purpose of this letter is to request such a review as soon as possible. I do not wish to wait until the annual review. It is my opinion that this placement does not meet my child's needs in the following respects:

(spell out concerns, e.g. he or she is not making any gains or he or she is not receiving the required time in the resource room or his or her class size is significantly larger than I expected in a self contained L.D. class)

Thank you for your prompt attention to the letter.

Yours sincerely,

(your name)

cc: Child's Principal
LD Association

APPENDIX D: IEP CHECKLIST

The following checklist is set up to include the 14 standards for IEP's that are mandated by the Ministry of Education. It can be used to check over your student's current IEP to see if all applicable portions are included.

Individual Education Plan

Checklist

Pupil's Name: _____

School: _____

Reporting Time:

Elementary : Term 1 2 3

Secondary: Semester 1 Mid Term Final
2 Mid Term Final

Date I.E.P. Received: _____

STANDARD 1 REASON FOR DEVELOPING AN I.E.P.

Identify clearly for parents, school staff, and the Ministry of Education the reason for developing an I.E.P. for the particular student.			
Criteria:	Yes	No	N/A
Reason for I.E.P. given?			
Comments:			

Additional Information

I.E.P.s reflect two major shifts in practice for the development of I.E.P.s.

Criteria:	Yes	No	N/A
1. I.E.P. has been developed within the framework of the provincial curriculum.			
2. I.E.P. has been written in a way that is easily understood by parents.			
3. I.E.P. is a working document and: a. is useful to the teacher in planning. b. is relevant to an individual student. c. is informative to parent.			
4. I.E.P. shows interdependence of: a. Assessment b. Strengths and needs c. Goals d. Learning expectations as outlined in provincial curriculum			

STANDARD 2 STUDENT PROFILE

To provide essential information about the student that was used to support the decision to provide the Special Education program and services.			
Criteria:	Yes	No	N/A
Student's full name			
Gender			
Student ID #			
Current school year			
Name of school			
Date of student's most recent IPRC			
Student's exceptionality			
If no IPRC, then a statement of characteristics of the student that make a special education program and/or services necessary is listed			
IPRC decision (if applicable)			
Student's current grade and/or special education placement			
Subjects or courses to which the I.E.P. applies			

Relevant medical conditions			
Relevant assessment data: 1) Date 2) Source 3) Results/Recommendations (includes 1-2 key points - assessment data flows into strengths and needs)			
Comments:			

STANDARD 3 THE STUDENT’S STRENGTHS AND NEEDS

<p>To identify the student’s strengths and needs clearly as the basis on which an appropriate special education program and services are developed.</p>			
Criteria	Yes	No	N/A
<p>Strengths are to be consistent with IPRC documentation. (Can add to reflect current assessments) The following are some strengths to focus on:</p> <ul style="list-style-type: none"> Physical Intellectual Educational Cultural Emotional Social 			
<p>Needs are to be consistent with IPRC documentation. (Can add to reflect current assessments) The following are some needs to focus on:</p> <ul style="list-style-type: none"> (a) connect to assessment data (b) representative of why a student is not progressing through the curriculum in the “normal” way. <p>Sample statement of need:</p> <p>The student needs support to ... (i.e. to develop reading skills, phonological awareness, decoding skills, reading comprehension skills)</p>			
<p>Comments:</p>			

STANDARD 4 THE SPECIAL EDUCATION PROGRAM

Standard 4.1 The Student's Current Level of Achievement

<p>To provide a starting point from which to measure the student's progress towards achieving the learning expectations and annual goals set out in the I.E.P..</p>			
<p>Criteria:</p>	<p>Yes</p>	<p>No</p>	<p>N/A</p>
<p>1. Information summarizing the student's current level of achievement in each of the subjects, courses, or skill areas to which the I.E.P. applies is included.</p>			
<p>2. Current level of achievement for all modified curriculum expectations is indicated by letter grade or mark as per Provincial Report Card.</p>			
<p>3. Grade level or range of levels of Ontario Curriculum from which expectations in modified program have been derived.</p>			
<p>4. Modified expectations are expectations derived from a provincial curriculum policy document for a grade level <u>above</u> or <u>below</u> age appropriate grade level.</p>			
<p>Comments:</p>			

Standard 4.2 Annual Program Goals

<p>To inform the students, parents, and teachers of the goals towards which the student is progressing through the achievement of the learning expectations set out in the I.E.P..</p>			
<p>Criteria:</p>	<p>Yes</p>	<p>No</p>	<p>N/A</p>
<p>1. Annual goals describe what a student can reasonably be expected to accomplish by the end of the school year/semester if student has modified or alternative expectations.</p>			
<p>2. Annual goals take into account strengths, needs, current level of achievement.</p>			
<p>3. Annual goals describe <u>realistic</u> and <u>observable</u> achievements.</p>			
<p>4. Annual goals meeting these requirements are recorded in the I.E.P. for <u>each</u> subject, course, or skill area to which the I.E.P. applies.</p>			

Comments:

Standard 4.3 Learning Expectations

<p>To provide a focus for learning that is based on the student's strengths, and current level of achievement and to clearly identify the knowledge and skills that the student is expected to acquire while working towards his or her annual goals in a particular subject, course, or skill area.</p>			
Criteria:	Yes	No	N/A
1. Representative sample of student's learning expectations that describe the specific knowledge and skills that the student should be able to demonstrate within a specified time period during the school year/semester is included.			
2. Representative learning expectations that student must acquire in order to progress from current level of achievement to related annual goals identified in I.E.P. are included.			
3. Learning expectations are based on strengths, needs, and reflect annual learning goals in each subject, course or skill area.			
4. Each subject area is clearly identified as having modified <u>or</u> alternative expectations.			
5. If modified, identification of grade level is included.			
6. <u>Specific</u> , <u>realistic</u> , and <u>observable</u> achievements are included.			
<p>Comments:</p>			



STANDARD 5 SPECIAL EDUCATION STRATEGIES, ACCOMMODATIONS, AND RESOURCES

<p>To ensure that teachers, parents, and the student clearly understand the range of strategies, accommodations, and resources that will be employed to facilitate the student's learning.</p>
<p>Comments:</p> <ol style="list-style-type: none"> 1. If some strategies/accommodations needed in all subjects, they may be grouped. 2. If specific to some subjects, only, must be listed separately. <p>Must take into account special education programs and services made by IPRC, Appeal Board, or Tribunal statements of decision.</p>

Standard 5.1 Teaching Strategies and Accommodations

Criteria:	Yes	No	N/A
<p>1. Individualize teaching strategies, special resources listed (i.e. reading material consistent with student's reading levels, learning style, videotapes, audiotapes are listed)</p>			
<p>2. Individualized accommodations: Criteria:</p> <ol style="list-style-type: none"> a. Must meet strengths and needs (i.e. taped exams, extra time, taped lessons, use of scribes, calculators) 			
<p>Comments:</p>			

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Standard 5.2 Human Resources

Criteria: (Fill in position of person providing service i.e. Special Education Teacher)	Yes	No	N/A
A. 1. Type of services provided by:			
2. Initiation date			
3. Planned frequency			
4. Planned intensity			
5. Location in which support provided.			
B. 1. Type of services provided by:			
2. Initiation date			
3. Planned frequency			
4. Planned intensity			
5. Location in which support provided.			
C. 1. Type of services provided by: C			
2. Initiation date			
3. Planned frequency			

4. Planned intensity			
5. Location in which support provided.			
Comments:			

Standard 5.3 Individualized Equipment (i.e. computer hardware and software, braille readers, print enlarger)

Criteria:	Yes	No	N/A
1. Equipment listed.			
Comments:			

STANDARD 6 ASSESSMENT, EVALUATION, AND REPORTING

Standard 6.1 Assessment Methods and Accommodations

To ensure that an appropriate range of methods and strategies is used to give the student the opportunity to demonstrate the full extent of his or her achievement of the learning expectations.			
Criteria:	Yes	No	N/A
1. All accommodations are suited to student's strengths and needs.			
2. All accommodations are listed (ie longer time for tests, oral responses, providing quiet environment)			
Comments:			

Standard 6.2 Evaluation and Reporting of Student Achievement

<p>To ensure regular evaluation and reporting of the student’s achievement of the learning expectations. Progress towards annual goals and learning expectations must be evaluated at least <u>once</u> in <u>every</u> reporting period and appear on Provincial Report Card.</p>			
Criteria:	Yes	No	N/A
1. I.E.P. indicates date of evaluation.			
2. I.E.P. indicates format used			
3. I.E.P. includes teacher’s comment on student’s strengths			
4. I.E.P. includes teacher’s comments on student’s areas for improvement			
5. I.E.P. includes next steps in relation to the annual program goals and learning expectations.			
<p>Comments:</p>			

STANDARD 7 PROVINCIAL ASSESSMENTS

Standard 7.1 Accommodations for Participation in Provincial Assessments

To ensure that students who have an I.E.P. are given the opportunity to participate and demonstrate the full extent of their knowledge and skills in provincial assessments.			
Criteria:	Yes	No	N/A
1. Accommodations based on strengths & needs			
2. Strategies listed			
3. Accommodations listed			
4. Resources listed & described in specific terms			
Comments:			

Standard 7.2 Exemptions from Provincial Assessments

To ensure that any exemption from a Provincial assessment is justified for the particular student.			
Criteria:	Yes	No	N/A
1. Refers to policy document (EQAO)			
2. Describes why assessment not appropriate			
Comments:			

STANDARD 8 THE TRANSITION PLAN

To ensure that the student is well prepared to meet post-secondary goals that are appropriate to his/her strengths, needs and interests and that he/she receives the assistance necessary for making a smooth transition.

(Only required if student is 14+ years old. Not required for gifted)

Criteria:	Yes	No	N/A
1. Specific goals for student transition to post-secondary are listed			
2. Goals are realistic			
3. Goals reflect strengths/needs & interests			
4. Actions required now are noted			
5. Actions required in future are noted			
6. Person/agency responsible for or involved in completing identified actions listed			
Comments:			

STANDARD 9 PARENT/STUDENT CONSULTATION

To ensure that parents and the student, if the student is 16 years of age or older, are consulted in the development and review of the I.E.P., in accordance with Regulation 181/98.			
Criteria:	Yes	No	N/A
1. Date of each consultation noted			
2. Outcome of each consultation noted			
3. Parent/student consulted in developing I.E.P.			
4. Parent/student declined opportunity to be consulted			
5. Parent/student received copy of I.E.P.			
6. Comments allowed			
Comments:			

STANDARD 10 STAFF INVOLVEMENT IN THE DEVELOPMENT OF THE I.E.P.

<p>To ensure that the I.E.P. is developed collaboratively and that the individuals involved in its development bring together the knowledge and experience that will best serve the needs of the student.</p>			
<p>Criteria:</p>	<p>Yes</p>	<p>No</p>	<p>N/A</p>
<p>1. <u>All</u> teachers working with the student contribute to the I.E.P.</p>			
<p>2. A team approach is used by the teachers contributing to the I.E.P.</p>			
<p>3. All team members have knowledge of the student</p>			
<p>4. All persons involved in development are listed on I.E.P. (support staff, adjunct teachers)</p>			
<p>5. The I.E.P. Team meets the criteria listed on page 19</p>			
<p>6. Principal's signature on I.E.P.</p>			
<p>Comments:</p>			

STANDARD 11 INFORMATIVE SOURCES

To ensure a sound and reliable basis for the development of every student's I.E.P. through the use of a variety of appropriate sources of information about the student and his or her educational needs.			
Criteria:	Yes	No	N/A
1. IPRC decision used to develop I.E.P.. (See standard 2, 3)			
2. Previous I.E.P. used and noted			
3. Classroom observations used and noted			
4. Previous report card used and noted			
5. Private assessments used and noted			
Comments:			

STANDARD 12 DATE OF COMPLETION OF THE I.E.P.

To ensure the timely preparation of the student's I.E.P., in accordance with Regulation 181/98.			
Criteria:	Yes	No	N/A
1. I.E.P. completed within 30 instructional days as per Reg 181			
2. Date student began placement			
3. Date I.E.P. completed			
Comments:			

STANDARD 13 IMPLEMENTATION AND MONITORING

To ensure the effectiveness of the I.E.P. through proper implementation and monitoring.			
Criteria:	Yes	No	N/A
1. Evidence of monitoring plan in place			
2. Author reviewed I.E.P. with principal			
3. Author met with classroom teachers, support staff to discuss their responsibilities			
4. Author informed teachers, parents, student of modified or alternative curriculum			
5. Author informed teachers, parents, student of strategies and resources to be used.			
6. Author discussed with teacher advisor and classroom teachers the importance of parental involvement in support of plan			
7. Shared monitoring plan with parents and student, school, and support staff			
Comments:			

STANDARD 14 REVIEW AND UPDATING

To ensure that the student's special education program and services remain effective and appropriate to the student's needs and strengths over time.			
Criteria:	Yes	No	N/A
1. Significant changes made in learning expectations; therefore, parents consulted <u>before</u> changes made			
2. Significant changes in accommodations/resources; therefore, parents consulted before changes made			
3. Consultation re changes recorded			
4. I.E.P. revised and updated at each reporting period			
5. Date of revision recorded on I.E.P.			
Comments:			

NOTE: Revisions review must be made at the following intervals:

Elementary :	Term	Fall, Spring, End of School Year
Secondary:	Semester 1	Mid Term Final
	2	Mid Term Final

Additional Resources:

The following documents are produced by the Ministry of Education,
www.edu.gov.on.ca. You will need these to complete your understanding of the
Individual Education Plan.

- Individual Education Plan Resource Guide 1998
- Individual Education Plan: Standards for Development, Program Planning, and
Implementation, 2000
- The Ontario Curriculum Guides for Grades 1 to 8
- The Ontario Curriculum Guides for Grades 9 to 12
- available for all subject areas.

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