

LDAO Public Policy Manual 2002

Section F: Definitions and Categories of Exceptionalities

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

The Learning Disabilities Association was involved in a research project called Promoting Early Intervention. As part of this project, LDAO has:

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

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

Policies

F1 Categories and Definitions of Exceptionalities

F2 Definition of Exceptionality I

F3 Definition of Exceptionality II

F4 Definition of Learning Disabilities I

F5 Definition of Learning Disabilities II

F6 Learning Disability as a Separate Category of Disability

F7 Differentiation Between Exceptional Students and Underachieving Non-exceptional Students

F8 ADHD and Learning Disabilities

F9 Learning Disabilities and Other Exceptionalities

F10 Learning Disabilities and Co-existing Conditions

F11 Learning Disabled/Gifted

F12 Appeal of Category and/or Definition

F13 Appeal by Student Over Age 16

Policy F1 – Categories and Definitions of Exceptionalities

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

Rationale

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

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

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

References

Education Act, s8(3)

Regulation 181/98

Special Education Information Handbook, 1984

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

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

Ministry of Education memorandum, January 15, 1999

Promoting Early Intervention materials, LDAO, 2001

See also: Appendix F; Policy R1

Policy F2 – Definition of Exceptionality I

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

Rationale

The Education Act s1(1) defines “exceptional student” and sets out the five categories of exceptionality: behavioural, communications, intellectual, physical and multiple. The Education Act s.8(3)(b) requires the Minister of Education to define exceptionalities of students and prescribe classes, groups or categories of exceptionalities and require boards to employ such definitions and prescriptions. The Special Education Information Handbook, issued in 1984, sets out the five categories and defines exceptionalities as required by s.8 of the Education Act. Regulation 181/98 provides that the IPRC, where engaged in identifying or placing a student, shall obtain and consider an educational assessment and may also obtain a health assessment or a psychological assessment or both.

Regulation 181/98 states that the IPRC, when engaged in Identifying a student, shall use the definitions and categories referred to in the Education Act s8(3). The Ontario Special Education Tribunal has established that school boards should use this three-part model (exceptional/category/definition of the exceptionality) when identifying a student as exceptional and in need of special education placement, program and services. Unfortunately, many school boards do not comply with these requirements. For example, many school boards continue to use their own terminology, such as “adaptive learning class”.

References

Education Act, ss1, 8(3)
Regulation 181/98, s18(3)(a)(ii)

McLean vs Simcoe County School Board, Special Education Tribunal, 1992
Special Education Information Handbook, 1984

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

See also: Appendix F

Policy F3- Definition of Exceptionality II

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

Rationale

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

References

Education Act, ss1 and 8, Ontario, 1990

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

Special Education Information Handbook, Ontario, 1984

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

Revised definitions of exceptionalities, Ontario, 2000

See also: Definitions of learning disabilities

Appendix F, current Ministry of Education definitions of exceptionalities

Policy F9, Appeal of category and/or definition

Policy F4 – Definition of Learning Disabilities I

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

Rationale

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

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

References

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

Correspondence with the Minister of Education, LDAO, 1997-2001

See also: Definitions of Learning Disabilities

Appendices

Policy F5 – Definition of Learning Disabilities II

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

Rationale

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

References

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

Correspondence with the Minister of Education, LDAO, 1997-2001
Submission to the Ontario Human Rights Commission, LDAO, 2000
LEAP Manual, LDAO, 1998
See also: Definitions of Learning Disabilities
Appendices

Policy F6 – Learning Disability as a Separate Category of Disability

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

Rationale

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

References

Ontario Human Rights Code, 1981
Report of the Interministerial Working Group on Learning Disabilities, 1992
Response to Bill 173, an Act Respecting Long Term Care, LDAO, 1974
Response to the consultation on the Ontarians with Disabilities Act, LDAO, 1998
See also: Definitions of Learning Disabilities

Policy F7 – Differentiation Between Exceptional Students and Underachieving Non-exceptional Students

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

Rationale

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

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

References

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

Policy F8 – ADHD and Learning Disabilities

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

Rationale

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

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

References

Ontario Child Health Study, Offord, D., 1984

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

Presentations on the co-morbidity of ADHD and learning disabilities; Denckla, M. at the LDAO Provincial Conference, 1991

Special Education Information Handbook, Ministry of Education, 1984

Refer: Appendix F (definition of ADHD)

Policy F9 – Learning Disabilities and Other Exceptionalities

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

Rationale

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

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

References

Response to the Consultation Paper on Categories of Exceptionality and Definitions, LDAO, 1995
See also: Appendix F

Policy F10 – Learning Disabilities and Co-existing Conditions

LDAO advocates that any student identified as having a condition that is deemed co-morbid with learning disabilities, e.g., Tourette’s Syndrome, Disruptive Behaviour Disorders, Anxiety or Mood

Disorders, or one which frequently affects learning, e.g., Cerebral Palsy, Spina Bifida, Hydrocephalus, Acquired Brain Injury, Epilepsy or Fetal Alcohol Syndrome, and for whom academic performance is a concern, be assessed for the presence of learning disabilities.

Rationale

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

References

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

ISA profiles, 2001* *No longer relevant*

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

Policy F11 – Learning Disability/Gifted

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

Rationale

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

References

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

See also: Appendix F (definition of gifted)

Policy F12 – Appeal of Category and/or Definition

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

Rationale

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

Regulation 181/98 provides that parents may appeal the identification and placement. Although the regulation mandates the use of category and definition of exceptionality, these may not be appealed. In this context, "identification" is interpreted by many school boards as whether or not the student is exceptional, and not the details of that exceptionality. However, there is precedent for the term "identification" to include the category and specific definition of the exceptionality. Therefore, LDAO

considers that a parent or student should be entitled to appeal the category or definition of exceptionality.

References

Regulation 181/98

Education Act s8(3)

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

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

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

Policy F13 – Appeal by Student Over Age of 16

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

Rationale

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

References

Regulation 181/98

Education Act s8(3)

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

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

See also: Appendix D