

LEARNING DISABILITIES ASSOCIATION OF ONTARIO

Response to Bill 78: An Act to amend the Education Act, the Ontario College of Teachers Act, 1996 and certain other statutes relating to education

The Learning Disabilities Association of Ontario, the Provincial organization advocating on behalf of, and providing support to individuals with learning disabilities in Ontario, is pleased to comment on the various aspects of Bill 78 and its potential impact on students with learning disabilities.

Introduction

The LDAO was originally founded in 1963 to assist parents of children with learning disabilities to obtain access to special education services and supports. In the more than forty years since its formation, the LDAO has expanded its activities and services to include youth and adults who have learning disabilities, in postsecondary and employment sectors. As part of its mandate, LDAO has always responded to the government on legislation that affects individuals who have learning disabilities.

As has been the Association's past practice, the recommendations that we are putting forward for consideration in this submission focus on the most positive and productive ways of helping vulnerable students, including but not limited to students with learning disabilities.

Education Act amendments

Part 1 of Bill 78 makes a series of amendments to the *Education Act*. LDAO's comments are focused on these amendments in the Bill.

This Bill recommends that a new section be added to the Act, Section 11.1, authorizing the Lieutenant Governor in Council to make regulations "prescribing, respecting and governing the duties of boards, so as to further and promote the provincial interest in education."

While the term "provincial interest" has not been formally defined, LDAO assumes that in this context it means a series of factors including:

- the achievement of the stated goals for student learning, such as the stated goals for student literacy levels, graduation rates, etc.;
- compliance with all relevant legislation governing school board activities, including the Ontario Human Rights Code, the Education Act and the related regulations;
- greater accountability for both the allocation of funding and the standards of student achievement.

In section 11.1 (2), there are a series of topics which may be included in new regulations.

It is LDAO's recommendation and expectation that the issues raised in 11.1 (2) (b), related to student outcomes and in 11.1 (3) related to elementary literacy and numeracy and secondary graduation rates, include all students. While there is no explicit suggestion that exceptional students or students receiving special education services are not included under these categories, we believe that the inclusive nature of these requirements should be stated.

In many cases, students in special education programmes are automatically excluded from activities that focus on enhanced outcomes, such as EQAO testing.

In section 11.2 (2) (d), there are references to the possibility of introducing a new regulation which would specify measures with respect to the provision of special education services. We recommend that if such a regulation is introduced it be linked to full compliance with the current special education related regulations, including Regulations 181/98, 306 and 298.

We also hope that if there is a new regulation related to special education programming and services, it will include and mandate the implementation of some of the recent excellent work carried out by groups such as the Working Table on Special Education Reform, the Expert Panel on Literacy and Numeracy Instruction for Students with Special Education Needs and the earlier exceptionality-specific standards working groups.

Another key component of a new special education related regulation would be improved access to assessment services for students whose identification depends on the provision of assessment services by health care professionals, including psychologists. This is particularly important for students with learning disabilities, whose exceptionality is often poorly recognized within the educational system, since they have no access to appropriate psychological assessments. In addition, finding patterns of specific strengths and weaknesses through psychological assessment informs decision-making around the development of Individual Education Plans and maximizes the likelihood of increased student success.

Bill 78 also introduces changes to Section 170 of the Act related to class sizes.

LDAO recommends that any new regulations related to class size also cover class size for self-contained classes for students with special needs, mandating compliance with section 31 of Regulation 298.

Part X.0.1. of the Act covers issues related to the induction of new teachers.

LDAO recommends that new teachers in the profession should not be assigned to teach classes of exceptional students or even classes where there are a number of students with special education needs, unless they have appropriate qualifications to do so. Furthermore, training programs for new teachers as well as professional development programs for experienced teachers should include specific training in teaching students with special education needs.

This also means that the evaluation of both new and experienced teachers by the school principal should cover a review of the teacher's capacity to implement an IEP for any student with any exceptionality who is placed in the teacher's classroom. This requirement should be included in the amendments related to Section 277 of the Act contained in this Bill.

Finally, there are two key issues that we wish to raise regarding the matter of introducing new regulations.

First, the Education Act already contains numerous references to the authorization of the

Lieutenant Governor to introduce regulations. However, in many cases there are no regulations. For example, in the past LDAO requested the introduction of specific regulations to govern the work of the Special Education Tribunal, but this had not happened.

Second, there are several regulations which relate to special education programming and services. In spite of the fact that these regulations have been in place for many years, school boards are frequently not held accountable for compliance for the processes and policies included in these regulations and the implementation of the contents. Examples of these include Section 31 of regulation 298, which governs class sizes for self-contained special education classes. In spite of the specific numbers in this section, many school boards either do not offer such self-contained classes to their exceptional students or if they do, they do not comply with the specified class size.

Similarly, Regulation 181/98 specifies the school boards' obligation to establish Identification Placement Review Committees in accordance with Section 11 of the Education Act and the right of parents to have access to an IPRC to determine the identification and/or special education placement of their child with special needs. In spite of this, there are boards which do not have the IPRC process in place, even in response to written parental request.

Our purpose in commenting on these factors is that there is limited benefit in suggesting that there will be additional regulations if they are not introduced or, when in existence, they are not utilized for the best interests of students.

We strongly urge the Ministry of Education to address these concerns about the introduction of new regulations and compliance with both existing and new regulations.

Respectfully submitted,

Christopher Carew
Chief Executive Officer
Learning Disabilities Association of Ontario