



Learning Disabilities Association of Ontario

## LEARNING DISABILITIES ASSOCIATION OF ONTARIO February 2006

### Submission to the Safe Schools Action Team

[updated from December 2005 LDAO Correspondence to the Safe Schools Action Team]

The Learning Disabilities Association of Ontario (LDAO) represents the interests of students with learning disabilities, who comprise the largest number of exceptional students in Ontario schools. LDAO has developed a reputation for presenting positive recommendations for the whole special education sector, and we welcome the opportunity to comment on potential changes to the Safe Schools Act. According to the Ministry of Education Fact sheet, students with exceptionalities, are over-represented among students who are suspended and/or expelled from Ontario schools, and our chapter representatives tell us that students with learning disabilities are included in these numbers.

A board director and staff member from the LDAO Legislation and Policy Committee (a sub-committee of the LDAO board) attended the Safe Schools consultation meeting on December 1<sup>st</sup> in Toronto, and we were able to add feedback from that venue to points raised by members of the Legislation and Policy committee. We are pleased to provide the following summary of LDAO responses to the consultation questions, and further recommendations.

#### Prevention inside the school:

LDAO supports the recommendations in *Shaping safer schools: A bullying prevention action plan*, released by the Safe Action Team in November 2005. We hear from parents about students with learning disabilities who are victims of bullying, and who in some cases may be perceived as bullies. In any bullying prevention program, the effects of the disability itself must be considered in looking at the role of the victim and the role of the bully. In addition, diversity awareness training for staff, students and parents must promote understanding of different types of disabilities.

One way to work toward prevention of unsafe behaviour in schools is to develop a progressive discipline system with a range of consequences that are clearly outlined to students. In the case of students with special learning needs that affect behaviour, there should be plan for dealing with a continuum of behaviours, worked out with the parents and the student, and contained in the Individual Education Plan.

Another useful approach to prevention is to look at the antecedents of behaviours. Many students with learning difficulties who are not getting appropriate remedial programming become so frustrated that they may act out inappropriately. Others respond to triggers in their environment that with careful planning can be avoided. The draft Special Education Monograph No. 5, circulated in 1997, had some excellent guidelines for teachers and administrators on both prevention and behaviour management strategies. It talked about effective planning for anticipated incidents, with plans to be included in the student's IEP, and about training for staff and peers in observation skills to determine when a situation may erupt or escalate into a violent outburst. Recommended training included verbal intervention strategies, de-escalation techniques, conflict resolution, anger management and problem-solving techniques.

At the public consultation meeting we heard consensus that more support services are needed in schools, especially counsellors and youth workers at the elementary and secondary level.

### Prevention in the Community:

There needs to be a stronger partnership between support services in the school and community agencies such as children's mental health centres and youth counseling services. Timely referrals for treatment of emotional/behavioural issues could do a great deal to prevent unsafe behaviours in the school. Some children's mental health centres have developed risk assessment tools that could be valuable in deciding who needs intervention most urgently. The Ministry of Education should support and encourage such partnerships, and when individual schools and agencies see a role for agencies to locate inside a school, procedures should be in place to promote a smooth process of collaboration.

Participants at the public consultation suggested that collaboration between schools and local police departments could follow a model where community police officers are assigned to schools and interact with students in extra curricular activities. That way they are known to students and are not brought in solely as enforcers. At the public consultation meeting, there were many recommendations for structured activities for young people, both in school and in the community. This could be another area for community collaboration.

### Responses:

Many parents that we have heard from, as well as participants at the public consultation, have underlined the need for a mechanism for in-school suspensions. There are sometimes legitimate reasons for asking students to stay home, but students who do not enjoy school may view suspensions as a benefit rather than as a deterrent to inappropriate behaviours, and parents may be put in jeopardy of losing jobs. There should be a cascade model for movement from classroom, to in-school suspension, to full suspension, with a constant accountability for maintaining academic performance. Providing supervision of in-school suspensions will be a challenge, but a challenge that should be addressed in creative ways.

Parents have told us that they are sometimes pressured into accepting voluntary withdrawals in lieu of suspensions. Voluntary withdrawals can have their place long as parents are fully involved in the planning process and see the benefit.

Students who are subject to limited expulsions, in addition to students who get full expulsions, must have access to alternative educational programming. This would not necessarily be a strict discipline program, although that should be available if appropriate for the student. At the public consultation, stories were shared about students who missed credits due to limited expulsions or suspensions, and then grew discouraged and dropped out of school.

The present regulations permit but do not require principals to consider mitigating circumstances in cases which normally require mandatory suspensions or expulsions. Principals should be required to consider mitigating circumstances in all cases of suspension or expulsion, formal or informal. Legal terms such as mitigating circumstances should be further defined, and include the provisions of the present regulations (37/01 and 106/01).

For students with special learning needs, the principal should look at the Individual Education Plan to make sure that all the steps of the plan developed to deal with behaviours have been followed.



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The provision for regulatory exclusion was not designed to be used to circumvent procedures for suspension or expulsion. Regulatory exclusion, if used, should be subject to the same procedures and appeal processes as suspension and expulsion.

Further recommendations:

LDAO would like to draw the Action Team's attention to three documents that present important information for their consideration.

The first is the 1997 draft Special Education Monograph No. 5, mentioned earlier, which presents well thought-out guidelines for dealing with students with special education needs, in respect to safety issues.

The second is an article in Education and Law Journal by Eric M. Roher and Anthony F. Brown, titled "Special Education and Student Discipline". It provides a good discussion of relevant issues, from an Ontario perspective.

The third document is a submission provided by ARCH: A Legal Resource Centre for Persons with Disabilities to the Honourable Gerard Kennedy, Minister of Education, on December 4, 2003, entitled *The Safe Schools Act. Restoring Segregation in Ontario.*

Thank you for the opportunity to present our thoughts on this important issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Carew', with a long horizontal flourish extending to the right.

Chris Carew,  
Chief Executive Officer  
Learning Disabilities Association of Ontario