

LDAO Public Policy Manual 2002

Section G: Placement (including Integration policies)

The policies in this section relate to placement of students identified as having learning disabilities. Policies address the need for a broad range of placement options and the determination of placement based on the strengths and needs of the individual. Policies also address the requirements for specific types of placements (for example, withdrawal or congregated classrooms and the Provincial demonstration schools) and the procedures to be followed for change of placement.

Policies

- G1 Broad Range of Interventions
- G2 Most Enabling Placement
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- G5 Range of Special Education Placement Options
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Policy G1 – Broad Range of Interventions

LDAO advocates that a broad range of interventions be considered in determining what placement and programming is required by a student identified as having learning disabilities. Such interventions may include one or more of alternate teaching strategies, modification of pace, process or product, provision of additional time and other modifications and accommodations.

Rationale

The interventions required to facilitate learning by a student identified as having learning disabilities will vary depending on the strengths and needs of the student. Modifications and accommodation may include, but are not restricted to, variation in pace, provision of additional time for tests or examinations or provision of support services. Alternate teaching strategies also fall within the purview of accommodation and modifications and should be considered as a means of facilitating the student achieving the same learning outcomes as his or her non-disabled peers.

References

- Response to the consultation on the IPRC process, LDAO, 1995
- Response to the consultation on secondary school reform, LDAO, 1997
- Response to consultation on Special Education Information Handbook, LDAO, 1998

Policy G2 – Most Enabling Placement

LDAO advocates that the determination of special education placement of an exceptional student be made on the basis of deciding the most enabling placement for the student which meets the student's strengths and needs and not on the basis of school board philosophy.

Rationale

The current trend is towards regular class placement as part of a larger emphasis on integration. However, Ministry of Education's direction on integration contains the proviso that placement of an exceptional student must still be determined in accordance with the student's needs and, secondarily, in accordance with parental wishes. This proviso is of fundamental importance.

Integration is not a placement but rather a long- term process, whereby individuals are assisted to develop the requisite skills and strategies to enable them to function to the best of their ability in the mainstream of society. Special education and/or programming can be one step in assisting in the development of these skills and strategies.

Education placement should not be determined in accordance with a predisposition towards "integration" or any other preconceived educational or social philosophy. Rather, the student's strengths and needs will determine what is the most enabling placement at any given time. This will vary between students and may change as the student advances through the education system.

References

Regulation 181/98
Eaton v Brant County of Education, Supreme Court of Canada, 1997
Memo on Integration, Ministry of Education, 1994
Response to the IPRC consultation, LDAO, 1995

Policy G3 – Most Appropriate Placement

LDAO advocates that the term "appropriate" in the Education Act be interpreted to mean "in the best interests of the student".

Rationale

The term "appropriate" is not defined in the legislation. Tribunal decisions set a precedent for a "best interest" standard, i.e., special education programs which meet the current needs of an exceptional student. The courts have indicated that the word "appropriate" should be interpreted in a special education context as "satisfying the needs of the student".

References

Listing of Special Education Tribunal decisions in Appendix C

Policy G4 – Terminology Used to Describe Special Education Classes

LDAO advocates that school boards in Ontario use clear and consistent terms to describe special education classes such that the age and exceptionality of the students is apparent (for example, "primary learning disability" or "intermediate gifted").

Rationale

The purpose of such terms is to inform parents, educators and students about the age and exceptionality of the students being served. Euphemisms such as "adaptive learning classes" merely

confuse. Further, it also means that parents will not know what is an appropriate class size as defined in the Regulations.

References

Special Education Information Handbook, Ministry of Education, 1984
Regulation 298, s31
Response to consultation on the revision of the IPRC process, LDAO, 1995
See also: Policy F1; Appendix F

Policy G5 – Range of Special Education Placement Options

LDAO advocates that, in accordance with Ontario legislation and Ministry of Education directions, a full range of special education placement options, including referral to a Demonstration School, self-contained special education class, withdrawal programming, in class resource support from a special education teacher and regular class placement, be available to all students with learning disabilities for the purposes of special education program delivery, regardless of the currently offered placement options at his/her school board.

Rationale

Different students require different special education placements to ensure that their strengths and needs are met. Although Regulation 181/98 states that integration, i.e. regular classroom placement, be the first choice of the IPRC, this is only deemed appropriate if such a placement meets the needs of the students and is in accordance with parental wishes. Most school boards have eliminated their self-contained special education classes, citing the IPRC Regulation and the lack of adequate funding, as the reasons for this step. However, Regulation 298, s31 still sets out maximum class sizes for self-contained special education classes, s170 of the Education Act holds school boards accountable for the provision or purchase of appropriate special education programming for their exceptional students and the Ministry's funding formulae include a process for funding small classes as well as forms of special education program delivery.

References

Education Act, ss1 and 170, Ontario, 1990
Regulation 181/98
Regulation 298, s31
Ministry memoranda re the integration of exceptional students, Ontario, 1994-2000
Responses to Ministry consultations on special education, LDAO, 1995-2001
Ministry of Education reports and documents related to Demonstration schools, Ontario, 1995-2001
See also: Appendix E, Reynold's Cascade Model of Service Delivery

Policy G6 – Integration

LDAO advocates that integration in education be defined as the process of delivering to all students a quality education in the most enabling educational placement, determined on the basis of identified strengths and needs and by informed parental choice.

Rationale

Integration is not a specific placement, but rather a long term process, whereby individuals are assisted to develop the requisite skills and strategies so that eventually they can function to the best of their ability in the mainstream of society.

Integration is not the same as mainstreaming or inclusion (see policy G7). Some students with learning disabilities do well in a regular age appropriate classroom, provided that they have access to the

requisite accommodations and differentiated teaching methodologies set out in their IEP. Many students are most successful if the regular classroom placement is augmented by regular withdrawal into a smaller unit for the purposes of more direct small group instruction. Others may benefit considerably from an individualized program, delivered in a small class setting by a teacher knowledgeable in the field of learning disabilities. For others with complex and severe needs, access to an even more intensive program, such as those offered by the demonstration schools, is the only way to affect positive changes which in the long run will facilitate true integration. As such, the most enabling environment may not in the short term be the “least restrictive”.

There is no doubt that integration into the mainstream is the ultimate goal for all members of society, regardless of their special needs at a given time. However, the time when an individual is ready for that integration will depend on a number of factors, intrinsic to the individual.

References

Eaton v Brant County Board of Education, Supreme Court of Canada, 1997
Identification of Issues on Integration, Ministry of Education, 1993
Statement on the Integration Initiative, Ministry of Education, 1994
Response to the Consultation on the IPRC process, LDAO, 1995

Policy G7 – Inclusion

LDAO does not support inclusion as a goal, when this term is interpreted as the exclusion of all other special education placement options. LDAO has also not supported integration, mainstreaming or the placement of all students with learning disabilities into self-contained classes at all times. LDAO advocates that special education placement should always be determined based on the needs of the child and parental wishes.

Rationale

Inclusion has become the goal for certain individuals and groups who oppose any and all forms of special education programming that is categorical or may take place in a congregated setting rather than in a regular age appropriate classroom. Some students with learning disabilities do well in a regular age appropriate classroom, provided that they have access to the requisite accommodations and differentiated teaching methodologies set out in their IEP. Many students are most successful if the regular classroom placement is augmented by regular withdrawal into a smaller unit for the purposes of more direct small group instruction. Others may benefit considerably from an individualized program, delivered in a small class setting by a teacher knowledgeable in the field of learning disabilities. For others with complex and severe needs, access to an even more intensive program, such as those offered by the demonstration schools, is the only way to affect positive changes which in the long run will facilitate true integration. As such, the most enabling environment may not in the short term be the “least restrictive” or the most inclusive.

References

Eaton v Brant County Board of Education, Supreme Court of Canada, 1997
Identification of Issues on Integration, Ministry of Education, 1993
Statement on the Integration Initiative, Ministry of Education, 1994
Response to the Consultation on the IPRC process, LDAO, 1995
Statement on Inclusion, LDAO, 2001

Policy G8 – Withdrawal/ Remedial Assistance

LDAO advocates that a clear distinction be made between withdrawal and remedial settings; a remedial setting does not replace an appropriate special education program.

Rationale

Withdrawal means that up to 49% of instructional time is spent in a special education program tailored to the needs and strengths of an identified exceptional student. Such a student is entitled to all protection afforded exceptional students in law. By contrast, remedial programs (usually compensatory assistance for non-exceptional students) do not require teachers to be trained in special education and do not require identification of the students in the program as exceptional.

Remedial programs should be available to all students whether or not they are identified as exceptional. Students with learning disabilities may benefit from remedial help where they have not had the opportunity to be taught some basic and important skills. For example, the Royal Commission on Education Report recommended that no child who lags behind peers in learning to read be labelled “learning disabled” unless he or she has first received intensive individual assistance in learning to read. However, this should not prevent the identification of students who do have learning disabilities and whose education and self-esteem would benefit from knowing why they are having difficulties. Remedial programs utilize the same teaching methods and group instruction as the regular stream. Placing students with learning disabilities in remedial programs in an effort to minimize the “social stigma” of special education has proven an ineffective process.

References

Description of placement, annual October report format, Ministry of Education
Response to the Report of the Royal Commission on Learning, LDAO, 1995
Response to the consultation on the IPRC process, LDAO, 1995

Policy G9 – Withdrawal Class Size

LDAO advocates that the maximum number of students in a withdrawal placement not exceed (at any given time) the full time equivalent of eight.

Rationale

The maximum class size for a learning disabilities class must be no more than eight, that being considered the maximum number for effective delivery of a special education program by a qualified special education teacher. Each school board should, in consultation with its Special Education Advisory Committee, establish a policy determining the maximum total numbers to be assigned to a resource withdrawal setting.

It is important to note that the regulation governing maximum average class sizes for Ontario schools and school boards does not apply to special education classes.

References

Regulation 298, s31
Regulation 118/98
LDAO Response to the consultation on the IPRC process, 1995

Policy G10 – Self-contained Special Education Classes I

LDAO advocates that any student with specific learning disabilities for whom the IPRC placement decision is a self-contained class, be placed in a class with a maximum class size of eight students in accordance with Section 31(a) of Regulation 298. That means that the class should at no time have more than eight students and all of these students should be identified as having learning disabilities.

Rationale

Self-contained placement is defined as a placement in which a student spends at least 51% of his or her day.

The Ministry of Education recognizes that the level of individual attention required by a student with a severe learning disability is such that a teacher cannot adequately support more than eight students at a time. The maximum class size for self-contained classes of students with learning disabilities is eight. However, this limit is often ignored by school boards.

Many school boards have eliminated all their self-contained learning disabilities classes and parents are told that they do not have this option available to them. Other school boards have made all special education classes mixed exceptionality classes with a student to teacher ratio of 16:1. For many students with severe learning disabilities such a class size is too large and the presence of students with other exceptionalities, usually mild intellectual disabilities and/or behavioural difficulties, detracts from the opportunity for direct instruction and individualization. Under these circumstances the placement frequently becomes inappropriate.

References

Regulation 298, ss31(a), (g)
Response to the consultation on the IPRC process, LDAO, 1995
Regulation 181/98
Student focussed funding formulae, 2000/01

Policy G11 – Self-contained special education classes II

LDAO advocates that where the IPRC placement decision is a self-contained special education class or a withdrawal placement, the written decision specify all the relevant details including the time that the student is to spend in the placement, the subjects which are to be taught in the self-contained class, the time that the student spends in an integrated setting, etc.

Rationale

According to the Ministry of Education's definitions of special education placements, a self-contained placement is defined as a placement in which the student spends at least 51% of the school day. In spite of this, some school boards call any withdrawal program into a small class setting as a self-contained placement. Therefore, to make the IPRC process fully accountable, parents should be informed of all the details of their child's special education placement and programming.

References

Regulation 181/98
Regulation 298, s31
Still Putting the Pieces Together, LDAO, 2000

Policy G12 – Placement of Students with Learning Disabilities

LDAO advocates that students identified as having learning disabilities who are placed in a special education class or are withdrawn to a part time special education program be placed only with other students identified as having learning disabilities.

Rationale

Placement of students with learning disabilities in mixed exceptionality classes has proven to be ineffective. Negative consequences include inadequate education progress and public misidentification of students with learning disabilities as developmentally delayed, resulting in low self-esteem and

secondary emotional problems. Self-contained congregated classes and resource withdrawal groupings consisting solely of students with learning disabilities can provide more specific and therefore more effective educational assistance.

References

Regulation 298, s31

Response to the consultation on the IPRC process, LDAO, 1995

Policy G13 – Demission from Special Education Placements/Programs

LDAO endorses Regulation 181/98 which prohibits a school board from demitting any student from a special education placement without the informed written consent of the parents or the student if he or she is 16 years of age or older. LDAO further advocates that school boards be held accountable if they act in contravention of this requirement.

Rationale

Regulation 181/98 provides that an IPRC has the right to decide placement, and must request consent from the student's parents or the student where he or she is over 16 years old. A change of placement may only occur where such consent has been received or the parent or student has not responded to the request for consent for 30 days after the date of such request.

Regulation 181/98 also provides that only an IPRC has the right to demit or “de-exceptionalize” students. Unilateral removal from a placement by a school board, principal or other person is in clear contravention of the Education Act and regulations.

References

Education Act ss8(3), 286(1)(e), 287(1)

Regulation 181/98

LDAO response to Bills 30 and 31, 1996

See also: Policy R1

Policy G14 – Liability for Altering Placement

LDAO advocates that punitive measures be applied to any principal or other individual who alters a student's placement, including returning a student to a full time regular class, in contravention of the provisions of Regulation 181/98 and the IPRC decision for the student in question.

Rationale

The Education Act provides that school boards shall require supervisory officers to ensure that schools operate in accordance with the Act and regulations. Further, supervisory officers can be suspended for violations of the Act and regulations. Unilateral placement of a student in contravention of Regulation 181/98 should result in punitive actions being taken.

References

Education Act ss8(3), 286(1)(e), 287(1)

Regulation 181/98

LDAO response to Bills 30 and 31, 1996

Policy G15 – Provincial and Demonstration Schools

LDAO advocates the continued existence of Provincial and Demonstration School placements for students with severe learning disabilities.

Rationale

The Education Act provides that the Minister of Education may establish, maintain and operate demonstration schools for exceptional students for whom a residential setting is required. These schools are an essential component of the continuum of services required to ensure assistance for all exceptional students in Ontario. In addition, these schools provide an excellent milieu in which to assess and improve the methods employed to remediate learning disabilities, and ultimately develop more effective programs throughout the system.

References

Education Act s13(5)

Response to the consultation on the IPRC process, LDAO, 1995

Response to the evaluation of Provincial and Demonstration School programming, LDAO, 1995

Response to the Royal Commission on Learning Report, LDAO, 1995

Response to Bill 160, LDAO, 1997

Response to the new funding formulae, LDAO, 1997

Policy G16 – New Directions for Provincial and Demonstration Schools

LDAO advocates that the number of places available in Provincial Demonstration Schools be sufficient to meet necessary demand and that satellite or regional programs, particularly in northern and remote areas, be established as necessary.

Rationale

The Education Act provides all exceptional students must have available to them appropriate special education programs and services without payment of fees. Demonstration schools are an essential component of the continuum of placement options.

At present, as a result of insufficient places or excessive distance, access to demonstration schools is denied to some students for whom such a program is necessary. Ensuring equality of access is an integral part of the duty to provide special education programs and services.

References

Education Act, ss8(3), 13(5)

Response to the consultation on the IPRC process, LDAO, 1995

Response to the Proposed Directions for Provincial and Demonstration Schools, LDAO, 1993

Response to Future Directions for the Provincial and Demonstration Schools: A Report to Stakeholders, LDAO, 1994

Policy G17 – Placement in a Demonstration School Program

LDAO advocates that one of the placement options considered by an IPRC be a referral to the Provincial Committee on Learning Disabilities, which may determine whether the student is eligible for placement in one of the demonstration school programs.

Rationale

In determining the appropriate placement for a student identified as exceptional, an IPRC must consider the full range of placement options and not just those currently offered by the school or

school board in question. For some students, placement in a residential program may be the most enabling placement and the appropriate referral should then be made by the IPRC.

References

Education Act s13(5)

Integration Memo, Ministry of Education, 1994

See also: Appendix E

Policy G18 – Demission from a Demonstration School Program

LDAO advocates that when a student is ready to leave the Demonstration School Program, an IPRC be convened in accordance with Regulation 181/98 to determine the most enabling placement and most appropriate special education programs and services for that student at the home school board. LDAO further advocates that the staff of the Demonstration School continue to be available to advise the school and school board on programming issues after placement.

Rationale

After two years or more in a Demonstration School program, students are generally returned to their home school board. Their identification as having severe learning disabilities will not have changed. However, after receiving the intensive programming and support at the residential school, their needs statement, placement and IEP may require amendment such that they correspond to the student's current strengths and needs and not those identified before the referral.

References

Education Act s13(5)

Integration Memo, Ministry of Education, 1994

See also: Appendix E