

# LDAO Public Policy Manual 2002

## Section N: Individuals at Risk

The policies in this section relate to individuals “at risk” as a result of having learning disabilities and the need for cooperative intervention by all parties concerned. Students with learning disabilities may be truant, may perpetrate or be the victim of crime or violence or require medication for their learning disabilities. Policies address the need for comprehensive procedures by the school system for dealing with children at risk who have learning disabilities. Policies also address parent and community involvement in this process as well as services to adults with learning disabilities.

### Policies

- N1 Assessment of Offenders
- N2 Offender Programming
- N3 Young Offenders Act (“YOA”) and any successor legislation
- N4 Interministerial Cooperation I
- N5 Prevention of Suspension and Expulsion
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### Policy N1 – Assessment of Offenders

LDAO advocates that qualified assessment teams be attached to all courts so that individuals who are charged with committing an offence and who show signs of having learning disabilities may be appropriately assessed and diagnosed and have such information included in all pre-disposition reports.

#### Rationale

A range of assessment services should be available to all individuals, youths and adults, who are involved in the criminal justice system. Recognition and identification of a learning disability in a person who has been accused of or found guilty of an offence is an essential factor in dealing with or designing an appropriate rehabilitative sentence for that person.

#### References

- Young Offenders Act, 1984
- “Cognitive disorders and syntactical deficiencies in the inmate populations of federal penitentiaries in Canada”; Koopman, P., UBC, 1983
- “Learning Disabilities and the Young Offender: arrest to disposition”; LDAC, 1985
- “Did you ever wonder why?”; Nichols, E., LDAO, 1987
- “The LD/JD Link: causation or correlation”; Crealock, C., UWO, 1987

## **Policy N2 – Offender Programming**

LDAO advocates an emphasis on rehabilitation rather than punitive measures in sentencing individuals who have been found guilty of a criminal offence. Where the offender has learning disabilities, rehabilitation initiatives must include programming to address the needs of the offender including educational, vocational, social skills and life skills training.

### **Rationale**

In sentencing convicted offenders, rehabilitation of the offender should be the primary aim. The goal of rehabilitation must be, ultimately, to prevent the offence from reoccurring, i.e., to lower recidivism rates.

In order for rehabilitation to be effective when dealing with offenders with learning disabilities, the impact of the learning disabilities and their role in offending must be established and addressed. The goal should be to teach the offender new behaviours and strategies to deal with the challenges arising from having a disability.

### **References**

- Young Offenders Act, Government of Canada, 1984
- “Safety, Respect and Dignity for All”, amendments to the Young Offenders Act, 1999
- “Cognitive Disorders and syntactical deficiencies in the inmate populations of federal penitentiaries in Canada”, Koopman, P., UBC, 1983
- “Learning Disabilities and the Young Offender: arrest to disposition”, LDAC, 1985
- “Did You Ever Wonder Why?”, Nichols, E., LDAO, 1987
- “The LD/JD Link: causation or correlation”, Crealock, C., UWO, 1987
- Response to the consultation on amendments to the Young Offenders Act, LDAO, 1995

## **Policy N3 – Young Offenders Act (“YOA”) and any successor legislation**

LDAO advocates that the YOA and any successor legislation be amended to take into account the assessment, treatment, mental health, education, training, support and accommodation needs of young offenders with learning disabilities.

### **Rationale**

There is a high incidence of learning disabilities among the young offender population. The purpose of the YOA is to facilitate rehabilitation of young offenders before they become adults and subject to the full force of the law. Young offenders with learning disabilities may have different needs and problems arising from having learning disabilities which must be assessed as part of any rehabilitation program. The YOA should recognize this and mandate appropriate assessment, treatment and accommodation. For some time, the Federal Government has been working on a major revision to the YOA. The new legislation does not as yet have a formal name, but the consultation document has been entitled “Safety, Respect and Dignity for All”. LDAO endorses this direction for the new legislation.

### **References**

- Young Offenders Act, 1984
- “Cognitive disorders and syntactical deficiencies in the inmate populations of federal penitentiaries in Canada”; Koopman, P., UBC, 1983
- “Learning Disabilities and the Young Offender: arrest to disposition”; LDAC, 1985
- “Did you ever wonder why?”; Nichols, E., LDAO, 1987
- “The LD/JD Link: causation or correlation”; Crealock, C., UWO, 1987
- Response to the consultation on amendments to the YOA, LDAO, 1995

## **Policy N4 – Interministerial Cooperation**

LDAO advocates that there be mandated collaboration, cooperation and sharing of costs between all federal and provincial government ministries and agencies to ensure that the needs of individuals with learning disabilities are met.

### **Rationale**

A holistic approach is essential to ensure that the needs of individuals with learning disabilities are met. Often services or funding are denied because it is not clear which ministry or agency should meet the needs of the individual concerned, resulting in a stalemate between the individual and the government.

### **References**

Report of the Interministerial Working Group on Learning Disabilities, 1992  
Response to the consultation on an Ontarians with Disabilities Act, LDAO, 1998

## **Policy N5 – Prevention of suspension and expulsion**

LDAO advocates that the Ministry of Education mandate all school boards in Ontario to:

1. Guarantee the provision of special education programs and services, as l included in their exceptional students' IEPs, and 2. Co-operate with their local MCSS Offices, children's mental health centres, children's treatment centres and Children's Aid Societies to develop intervention plans and support systems for exceptional students who are at risk for suspension and/or expulsion under Regulations 37/01 and 106/01, but for whom suspension and expulsion are not mandatory due to the noted impact of their disability.

### **Rationale**

Students with learning disabilities are often at risk for suspension and expulsion. Due to the impact of their disability, especially when they are not receiving all the needed special education programmes, services and accommodations, they may not have the ability to control or modify their behaviour and/or understand the potential consequences of their behaviour. The agencies mentioned in this policy may all have an involvement from time to time with these students, who are at risk for suspension or expulsion within the school system. Inter-agency co-operation and collaboration can help with preventing these negative circumstances.

### **References**

Regulation 37/01, Expulsion of Pupil, Ministry of Education, 2001\*  
Regulation 106/01, Suspension of a Pupil, Ministry of Education, 2001\*  
Response to the above regulations, LDAO, 2001  
Safe Schools Act, Ministry of Education, 2000 \* [Incorporated into the Education Act](#)  
Code of Conduct, Ministry of Education, 2000  
Policy on violence free schools, Ministry of Education, 1997  
Response to the above documents, LDAO, 1997-2000

## **Policy N6 – Truancy**

LDAO advocates that truancy be regarded as a possible sign of unidentified learning disabilities, inappropriate educational placement or inadequate programming. LDAO further advocates that before any punitive action is taken, possible causes of the truancy must be considered and, where identified, addressed.

### **Rationale**

Inappropriate behaviour and/or truancy may be a symptom of a greater underlying problem. It is important that the underlying problem be identified and to the greatest extent possible resolved as part of the response to the situation. Where the student is identified by the IPRC, the placement and the programming for the student should be immediately reviewed. Consequences for the student must be meaningful so as to ensure success at school.

### **References**

Education Act, ss21, 24, 25, 26

Response to Ministry of Education consultation on safe school and truancy, LDAO, 1997

See also: Policy Q13

## **Policy N7 – Suspension**

LDAO advocates that suspension and/or expulsion be used as a last resort, only when all other efforts, including assessment, consideration by an IPRC, implementation of special education programming, services and accommodations have failed to effect a change in behaviour.

### **Rationale**

Inappropriate behaviour and/or truancy may be a symptom of a greater underlying problem. It is vital that the underlying problem be resolved as part of the response to the situation. Where the student is identified by the IPRC, the placement and the programming for the student should be immediately reviewed. Consequences for the student must be meaningful so as to ensure success at school.

### **References**

Education Act, s23

Response to the consultation on safe schools and truancy, LDAO, 1997

See also: Policy Q13

## **Policy N8 – Programming for Expelled Students**

LDAO advocates that all programmes approved and/or established by the Government of Ontario and/or school boards for expelled students be based on the principles of rehabilitation, restoration and behaviour modification rather than punitive measures. Such programming should include a full range of special education programmes and services for those students who have been or are newly identified as needing these and whose inappropriate behaviour may be related to the presence of an exceptionality and its impact. As students return from a strict discipline program placement to the local school board, all special education programmes and services that were shown to be beneficial to them should be continued.

### **Rationale**

Students with learning disabilities are often at risk for suspension and expulsion. Due to the impact of their disability, especially when they are not receiving all the needed special education programmes, services and accommodations, they may not have the ability to control or modify their behaviour and/or understand the potential consequences of their behaviour. If in spite of this, students are expelled and are placed in a strict discipline program, it is imperative that the programming that they receive takes into consideration the possibility of having unidentified and unmet special needs.

### **References**

Regulation 37/01, Expulsion of Pupil, Ministry of Education, 2001\*

Regulation 106/01, Suspension of a Pupil, Ministry of Education, 2001\*

Response to the above regulations, LDAO, 2001

Safe Schools Act, Ministry of Education, 2000 \* [Incorporated into the Education Act](#)  
Code of Conduct, Ministry of Education, 2000  
Policy on violence free schools, Ministry of Education, 1997  
Response to the above documents, LDAO, 1997-2000

## **Policy N9 – Safe Learning Environment**

LDAO advocates that all school boards establish and implement a policy to ensure that all students, including exceptional students, as well as school staffs are provided with a safe supportive respectful learning and working environment. The school board's SEAC should be consulted on the components of the policy as they impact on exceptional students. Such a policy should always have a preventative and appropriate intervention focus, rather than being punitive.

### **Rationale**

It is essential that all students be guaranteed a safe learning environment, where they are not at risk for violence, bullying, exposure to drugs or other unacceptable circumstances. Similarly, teachers must also be assured that they can have a safe working environment. However, in many cases, school boards have introduced harsh punitive zero tolerance policies, where students who are at risk for being violent or for being the victims of bullying or violence due to their exceptionality cannot necessarily count on needed preventative programming. Guidance services, behavioural supports, values education, social skills training, anger and conflict management and the support of social workers and psychologists should all be available to such students at risk, before any punitive measures are introduced.

All teaching and support staff of each school board should be aware of community programmes, both day and residential, which meet the needs of at risk students. They should be aware of the referral process and communicate with the parents of students who would benefit from such programming. All staff should also be aware of the possible impact of learning disabilities and other exceptionalities on student behaviour. The possibility of an unidentified exceptionality should be considered for students who are repeatedly in trouble at school. In addition, it is important that all teaching and support staff be helped to identify students who are likely to be the victims of bullying and intervene promptly and effectively. Research indicates that exceptional students are not only prone to being victimized in this way, but that they are frequently the ones who are then blamed and even punished for the bullying episode.

### **References**

Regulation 37/01, Expulsion of Pupil, Ministry of Education, 2001\*  
Regulation 106/01, Suspension of a Pupil, Ministry of Education, 2001\*  
Response to the above regulations, LDAO, 2001  
Safe Schools Act, Ministry of Education, 2000 \* [Incorporated into the Education Act](#)  
Code of Conduct, Ministry of Education, 2000  
Policy on violence free schools, Ministry of Education, 1997  
Response to the above documents, LDAO, 1997-2000

## **Policy N10 – Code of Conduct**

LDAO advocates that all school boards, as part of their mandated roles and responsibilities outlined in the Ontario Code of Conduct\* (\*no longer in effect), ensure that they:

- meet the needs of all exceptional students, in accordance with the student's IEP and the IPRC decision for the student's special education placement, programming and services,

- accommodate their special needs in accordance with the school board's Human Rights Code and Education Act obligations, and
- communicate this commitment to all school staffs, school councils and the community at large.

### **Rationale**

It is essential that all students be guaranteed a safe learning environment, where they are not at risk for violence, bullying, exposure to drugs or other unacceptable circumstances. Similarly, teachers must also be assured that they can have a safe working environment. However, in many cases, school boards have introduced harsh punitive zero tolerance policies, where students who are at risk for being violent or for being the victims of bullying or violence due to their exceptionalities cannot necessarily count on needed preventative programming. Appropriate special education programmes, services, accommodations as well as guidance services, behavioural supports, values education, social skills training, anger and conflict management and the support of social workers and psychologists should all be available to such students at risk, before any punitive measures are introduced. All staff should also be aware of the possible impact of learning disabilities and other exceptionalities on student behaviour. The possibility of an unidentified exceptionalities should be considered for students who are repeatedly in trouble at school.

LDAO supports the principles of the Ontario Code of Conduct. However, the implementation of this Code without considering the special education needs of exceptional students is not appropriate and will prevent the educational system from achieving the goals of the Code of Conduct.

### **References**

Regulation 37/01, Expulsion of Pupil, Ministry of Education, 2001\*  
 Regulation 106/01, Suspension of a Pupil, Ministry of Education, 2001\*  
 Response to the above regulations, LDAO, 2001  
 Safe Schools Act, Ministry of Education, 2000 \* [Incorporated into the Education Act](#)  
 Code of Conduct, Ministry of Education, 2000  
 Policy on violence free schools, Ministry of Education, 1997  
 Response to the above documents, LDAO, 1997-2000

## **Policy N11 – Behaviour management programming**

LDAO advocates that all school boards develop and implement, as part of their mandated roles and responsibilities outlined in the Ontario Code of Conduct\*(no longer in effect), appropriate intervention and behaviour management programmes, which, instead of merely “responding to infractions”, focus primarily on prevention and diversion. This is particularly important for exceptional students. Any specific measures that respond to infractions of the Code of Conduct standards, such as behaviour modification, detention, “time-out”, suspension (whether formal or informal), should be relevant and responsive to the identified needs of the exceptional student and his or her exceptionalities and should avoid any punitive components, such as isolation of the student, as much as possible.

### **Rationale**

It is essential that all students be guaranteed a safe learning environment, where they are not at risk for violence, bullying, exposure to drugs or other unacceptable circumstances. Similarly, teachers must also be assured that they can have a safe working environment. However, in many cases, school boards have introduced harsh punitive zero tolerance policies, where students who are at risk for being violent or for being the victims of bullying or violence due to their exceptionalities cannot necessarily count on needed preventative programming. Appropriate special education programmes, services, accommodations as well as guidance services, behavioural supports, values education, social skills

training, anger and conflict management and the support of social workers and psychologists should all be available to such students at risk, before any punitive measures are introduced. All staff should also be aware of the possible impact of learning disabilities and other exceptionalities on student behaviour. The possibility of an unidentified exceptionality should be considered for students who are repeatedly in trouble at school.

LDAO supports the principles of the Ontario Code of Conduct. However, the implementation of this Code without considering the special education needs of exceptional students is not appropriate and will prevent the educational system from achieving the important goals of the Code of Conduct.

School boards should be mandated to collaborate with the health sector and in particular with children's mental health centres to develop guidelines and policies for behaviour management based on accepted and well-researched principles. For example, with the increased use of time-out as a form of behaviour management, every school board should ensure that it has an appropriate policy and process in place.

#### **References**

Regulation 37/01, Expulsion of Pupil, Ministry of Education, 2001\*  
Regulation 106/01, Suspension of a Pupil, Ministry of Education, 2001\*  
Response to the above regulations, LDAO, 2001  
Safe Schools Act, Ministry of Education, 2000 \* [Incorporated into the Education Act](#)  
Code of Conduct, Ministry of Education, 2000  
Policy on violence free schools, Ministry of Education, 1997  
Response to the above documents, LDAO, 1997-2000

## **Policy N12 – Parent Training Programs for the Prevention of Behavioural Problems**

LDAO advocates that all school boards develop, support and deliver parent training programs, including programs designed to address specific issues relating to parenting exceptional students, such as behavioural and self-esteem issues.

#### **Rationale**

Effective parenting skills are an essential part of any prevention program. School boards have a role to play in facilitating a “whole person” approach to preventing violence in the schools.

#### **References**

“Parenting the Learning Disabled Child”; Kuzell, N. and Brassington, J., The Adlerian Centre for Counselling and Education, 1985

## **Policy N13 – Consent Requirement I**

LDAO advocates that informed, written consent be required before any professional intervention (including assessment, treatment or the disclosure of information) is undertaken. Such consent is to be provided by the individual or, for persons under the age of legal consent, by the parent or guardian.

#### **Rationale**

No intervention can be undertaken without informed consent. Informed consent means that the individual and/or parent is provided with a full explanation of any procedure, the prognosis, any possible consequences and any alternatives which are available.

Legal competence of the individual giving consent must always be ascertained as any person not competent cannot sign a consent form.

#### **References**

Health Care Consent Act, 1996

Response to the consultation by Ministry of Education and the Ministry of Health of Form 14, LDAO, 1998

### **Policy N14 – Consent Requirement II**

LDAO advocates that any forms requiring parental and/or student consent for the disclosure of information for the purposes of educational or related processes (for example, an IPRC, IEP or funding application) utilise the MET and Ministry of Health format which specifies:

- the purpose of disclosure
- the individual(s) to whom the specified information may be disclosed
- the duration of the period during which the consent lasts
- the date on which the consent is revoked

#### **Rationale**

Informed consent means a parent and/or student is given a full explanation of any procedure, the prognosis, any possible consequences and any alternative which are available. The Ministry of Education and Ministry of Health format meets the requirements for informed consent and should be used by all school boards at all times.

#### **References**

Health Care Consent Act, 1996

Response to the consultation by Ministry of Education and the Ministry of Health of Form 14, LDAO, 1998

### **Policy N15 – Process for Informing Parents about Disclosure**

LDAO advocates that all school boards develop a process for informing parents of the way that they are handling disclosure of any specific information required for school board processes, such as special education appeal boards or funding applications and for the removal of such forms from the student's records immediately upon the consent being revoked.

#### **Rationale**

Informed consent means a parent and/or student is given a full explanation of any procedure, the prognosis, any possible consequences and any alternative which are available. The Ministry of Education and Ministry of Health format meets the requirements for informed consent and should be used at all times.

#### **References**

Health Care Consent Act, 1996

Response to the consultation by Ministry of Education and the Ministry of Health of Form 14, LDAO, 1998

### **Policy N16 – Medication of Students with ADHD**

LDAO advocates that any decision about the use of medication in the treatment of ADHD be made



between a qualified medical practitioner, the parents of the student and, where appropriate, the student.

#### **Rationale**

The prescribing, monitoring and adjustment of any medication requires input from people involved with every facet of the child's education and home life. Medication should not be seen as a substitute for appropriate special education programs and services. At present, teachers often promote the use of medication; this should be discouraged.

#### **References**

Health Care Consent Act, 1996

Memorandum 81, the provision of health support services in school settings, Ministry of Education, 1984

See also: Appendix F (definition of ADHD); Policy F6

### **Policy N17 – Administration of Medication**

LDAO advocates that all school boards develop policies and suitable procedures for the administration and/or taking of medication by students to ensure that it is done in a sensitive and appropriate manner. Policies and procedures must be communicated to all staff and affected students.

#### **Rationale**

School staff must be sensitive to the needs of students when medication must be given or taken at school. It is important that no stigma be attached to medication and that the privacy and self-esteem of students are protected.

#### **References**

Health Care Consent Act, 1996

Memorandum 81, the provision of health support services in school settings, Ministry of Education, 1984

### **Policy N18 – Range of Services to be Available**

LDAO advocates that all individuals with learning disabilities requiring treatment for social, mental health and/or emotional problems arising from their learning disabilities have available to them a full range of options to address their specific needs.

#### **Rationale**

All interventions provided to individuals at risk for developing secondary and tertiary problems as a result of their learning disabilities must be holistic in nature. Any intervention must be specific to the individual's needs and difficulties.

#### **References**

Response to the consultation on an Ontarians with Disabilities Act, LDAO, 1998

Response to "Making Services Work for People", LDAO, 1997

Memo 81, the provision of health support services in school settings, Ministry of Education, 1984

### **Policy N19 – Community-Based Support**

LDAO advocates that individuals with learning disabilities have access to the same range of appropriate community-based support services as are provided for persons with physical and developmental disabilities.

**Rationale**

Many community-based support systems are already in place. However, they do not meet the needs of persons with learning disabilities or exclude, by policy, persons with learning disabilities. These include special services in the home, respite care and access to assistive devices. These programs should be either expanded or new programs created in order that the needs of persons with learning disabilities are met.

The provision of assistance must be based on demonstrated need and not on a predetermined classification of “needy” and “non-needy” disabilities or conditions.

**References**

Report of the Interministerial Working Group on Learning Disabilities, 1992  
Response to the consultation on an Ontarians with Disabilities Act, LDAO, 1998