FORWARD TOGETHER

WELCOME

MILLER THOMSON
AVOCATS | LAWYERS
Morning Recess
Principals’ 101
IEPs & IPRCs
Gillian Tuck Kutarna
Nadya Tymochenko
Agenda

• Definitions
• Individual Education Plans
• Identification, Placement and Review Committee
• Special Education Appeal Board
• Special Education Tribunal
Exceptional Pupil

“exceptional pupil” means a pupil whose behavioural, communicational, intellectual, physical or multiple exceptionalities are such that he or she is considered to need placement in a special education program by a committee, established under subparagraph iii of paragraph 5 of subsection 11 (1), of the board,

(a) of which the pupil is a resident pupil,
(b) that admits or enrolls the pupil other than pursuant to an agreement with another board for the provision of education, or
(c) to which the cost of education in respect of the pupil is payable by the Minister; (“élève en difficulté”)
Special Education Process

8(3) The Minister shall ensure that all exceptional children in Ontario have available to them, in accordance with this Act and the regulations, appropriate special education programs and special education services without payment of fees by parents or guardians resident in Ontario, and shall provide for the parents or guardians to appeal the appropriateness of the special education placement, and for these purposes the Minister shall,

(a) require school boards to implement procedures for early and ongoing identification of the learning abilities and needs of pupils, and shall prescribe standards in accordance with which such procedures be implemented; and

(b) in respect of special education programs and services, define exceptionalities of pupils, and prescribe classes, groups or categories of exceptional pupils, and require boards to employ such definitions or use such prescriptions as established under this clause.
Programs & Services

*Education Act*

S.1 “special education program” means, in respect of an exceptional pupil, an educational program that is based on and modified by the results of continuous assessment and evaluation and that includes a plan containing specific objectives and an outline of educational services that meets the needs of the exceptional pupil;

S.1 “special education services” means facilities and resources, including support personnel and equipment, necessary for developing and implementing a special education program;
IPRC

- Reg 181/98 s.10 requires each school board to establish an Identification, Placement and Review Committee
- S.11 requires each IPRC to have 3 members (staff)
- 1 member must be a principal or designate
- 1 member must be a superintendent or designate
- IPRC may have different compositions and jurisdictions
  - May be responsible for different regional jurisdictions
  - May be responsible for different types of placements
  - May be responsible for different grade levels
IPRC Meetings

• Student is referred to an IPRC by parent or principal referral
• IPRC will consider whether or not the student is an exceptional pupil and if so
  • Identification
  • Placement
• Review an existing identification and placement annually, unless parent waives the requirement for a review
  • Information considered by IPRC usually includes educational assessments, assessments conducted by health professionals, report cards, anecdotal reports by teachers, administrators, health professionals
  • IPRC may adjourn a meeting if there is insufficient information for an identification and/or placement
Identification & Placement

- Reg. 181/98 S.12 Decisions of the IPRC must be consistent with the School Board’s Special Education Plan
- Reg. 304 requires each school board to create a Special Education Plan
  - Standards for Special Education Plans, Ministry of Education 2000
  - Special Education Advisory Board must be consulted
  - Plan must be approved by the Board of Trustees
    - Special Education Plan identifies the School Board’s Placement options
    - Students deemed by an IPRC to be exceptional pupils are given an “identification”
    - Categories of identification and their definitions are prescribed by the Ministry of Education by Memo most recently December, 2011
Parent & Student Involvement

Reg. 181/98 5. (1) A parent of a pupil and, where the pupil is 16 years of age or older, the pupil, are entitled,
(a) to be present at and participate in all committee discussions about the pupil; and
(b) to be present when the committee’s identification and placement decisions are made. (2) A parent of a pupil and, where the pupil is 16 years of age or older, the pupil, are entitled to be present at and participate in all discussions about the pupil at the meeting held by the special education appeal board under section 28.
IPRC Decisions

IPRC decision must be in writing ‘statement of decision’

IPRC may:
• Not identify and place the student
• Identify the student as exceptional and prescribe an identification and
• Place the student in one of the special education program placement options that are offered by the school board
  • regular class with indirect or direct support
  • regular class with withdrawal support
  • self-contained class for 50% or more of the student’s program

17. (1) When making a placement decision on a referral under section 14, the committee shall, before considering the option of placement in a special education class, consider whether placement in a regular class, with appropriate special education services,

(a) would meet the pupil’s needs; and

(b) is consistent with parental preferences.

(2) If, after considering all of the information obtained by it or submitted to it under section 15 that it considers relevant, the committee is satisfied that placement in a regular class would meet the pupil’s needs and is consistent with parental preferences, the committee shall decide in favour of placement in a regular class.
Implementation or Appeal

- If a student is not identified and placed in a special education program placement the student may still receive special education programs and services outlined in an IEP
- Reg 181/98 s.20 Parent may agree with the statement of decision and sign it in which case it will be implemented and an IEP will be developed within 30 days
- Reg 181/98 s.20 Parent may do nothing in which case the statement of decision will be implemented and an IEP will be developed within 30 days
- Reg 181/98 s.19(1) Within 15 days Parent may request that the IPRC meet again to review concerns and the IPRC may change the statement of decision or maintain the statement of decision
- Reg 181/98 s.26 Within 30 days the Parent may appeal the decision of an IPRC to a Special Education Appeal Board
Regulation 181/98 Identification and Placement of Exceptional Pupils

6(3) The individual education plan must include,
(a) specific educational expectations for the pupil;
(b) an outline of the special education program and services to be received by the pupil; and
(c) a statement of the methods by which the pupil’s progress will be reviewed

9. (1) In accordance with requirements under the Education Act, no pupil is to be denied an education program pending a meeting or decision under this Regulation.
(2) Where an education program is provided to a pupil pending a meeting or decision under this Regulation,
(a) the program must be appropriate to the pupil’s apparent strengths and needs;
(b) the placement for the program must be consistent with the principles underlying section 17; and
(c) appropriate education services must be provided to meet the pupil’s apparent needs.
Special Education Appeal Board

- Reg 181/98 s.27 Composition
  - Three person panel with no prior involvement with the pupil
  - 1 person appointed by school board
  - 1 person appointed by parent
  - Chair appointed by the 2 appointments or Ministry of Education

- Reg 181/98 s.28 Within 30 days SEAB will meet and hear presentations by the parent and the school board

- Reg 181/98 s.29 Provide recommendation in writing with respect to identification and placement within 3 days of the meeting

- Reg 181/98 s.30 within 30 days the Board of Trustees shall consider the recommendations and make a decision

- If the parent does not agree with the decision of the Board of Trustees the parent may appeal the decision to the Special Education Tribunal
Special Education Tribunal

57. (1) The Lieutenant Governor in Council shall establish one or more Special Education Tribunals.

(3) Where a parent or guardian of a pupil has exhausted all rights of appeal under the regulations in respect of the identification or placement of the pupil as an exceptional pupil and is dissatisfied with the decision in respect of the identification or placement, the parent or guardian may appeal to a Special Education Tribunal for a hearing in respect of the identification or placement.

(4) The Special Education Tribunal shall hear the appeal and may,

(a) dismiss the appeal; or

(b) grant the appeal and make such order as it considers necessary with respect to the identification or placement.

(5) The decision of the Special Education Tribunal is final and binding on the parties to the decision.
Comments

• Identification and Placement is a method of providing procedural rights for accommodation of disabilities and other special needs that impact on student learning

• A student may receive programs and services without an identification

• An IEP may be created for any student who requires additional support for learning

• A student may not participate in a self-contained placement for more than 50% of the school day without parental consent

• A parent cannot appeal the contents of an IEP