RESPONSES TO CONCERNS RAISED BY DELEGATIONS TO THE 18 MARCH, 2019 SPECIAL BOARD MEETING ON SPECIAL EDUCATION

"I cry aloud to the Lord, and he answers me from his holy hill." Psalm 3:4

Created, Draft	First Tabling	Review
April 23, 2019	May 2, 2019	
Linda Maselli-Jackman, Superintendent of Education, Special Services		

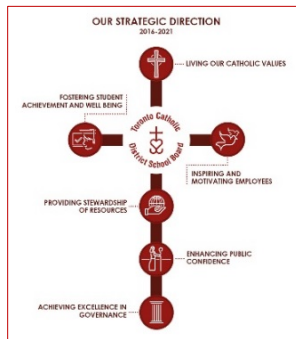## INFORMATION REPORT

Vision:
At Toronto Catholic we transform the world through witness, faith, innovation and action.

Mission:
The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.
We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.

Rory McGuckin
Director of Education

D. Koenig
Associate Director
of Academic Affairs

L. Noronha
Associate Director of Facilities,
Business and Community
Development, and
Chief Financial Officer

A.   EXECUTIVE SUMMARY

This report summarizes responses to concerns raised by three delegations/presentations to the 18 March 2019 Special Board meeting on Special Education.

Their concerns pertain to the following areas of focus:
i) **Autism Ontario:** the statistics regarding achievement by students with ASD (Autism Spectrum Disorder) that have been referenced in the Accountability Frameworks for Special Education (AFSE) 2018 Annual Report; and the efficacy of the PAST (Program to Assist Social Thinking), and Empower and Lexia reading programs for the development of skills in a broad range of TCDSB students with ASD;

ii) **TCDSB Parent and Behaviour Analyst:** action by the Board is needed to formulate creative and collaborative transition plans in view of recent governmental budget cuts to Ontario Autism Programs (OAPs); and

iii) **The Integrated Action for Inclusion (IAI)**: the concept of inclusion is not promoted in the AFSE report; and students with special needs should not be subject to progressive discipline.

The cumulative staff time required to prepare this report was 10 hours

B.   PURPOSE

1.   This report is on the Order Paper of the Student Achievement Committee May 2, 2019 meeting as a result of three motions passed by Trustees at the March 18, 2019 Special Board meeting on Special Education.

2.   The two delegations and one presentation were received by Trustees and referred to staff for a report.

3.   Three focus areas of concern raised by the delegations and presentation at this Special Board Meeting include: the accuracy of accountability for TCDSB Autism programs and services as outlined in the 2018 AFSE report; a call for the TCDSB to formulate creative and collaborative transition plans for students returning to schools following governmental budget cuts to OAPs; and perceived limitations to the promotion of student inclusion (in the

pedagogical mainstream) given the structure of the Special Education Accountability Frameworks.

C.   BACKGROUND

1.   The Accountability Framework for Special Education 2018 Annual Report was presented at the February 7, 2019 Student Achievement Meeting. At that meeting there was considerable discussion about the relevance of the current goals of the Accountability Framework for Special Education Committees (AFSEs), the format for the descriptions of the progress of the Framework Committees as outlined in the 2018 Annual AFSE Report, and whether or not the content of that report adequately addressed the work of *all* disciplines within the Special Services Department.

2.   Given the congruence of the timing of the Special Board Meeting with the Ontario Government's Autism Funding announcement, deep concerns were raised also about TCDSB's budget planning process and the potential impacts on Special Education programs and services, as well as the Board's plans to reintegrate into full-time education students with ASD who are currently receiving outside-agency programs and services during the school day.

D.   EVIDENCE/RESEARCH/ANALYSIS

1.   Autism Ontario's Concern Regarding the Reported Achievement Statistics of Students with ASD

   i) Students with Special Education Needs (SEN) without a formal identification
   Autism Ontario indicates that half of the total number of SEN students are without a formal identification through an IPRC (not specific to TCDSB). The total number of SEN students was reduced by 8.8% but the unidentified student numbers have increased by 3.64%. The current overall population rate for ASD is 1 in 66. There is potential for a much higher percentage of ASD students.

   Staff Response
   There is a significant number of students who receive Special Education programs and/or services, who have an Individual Education Plan (IEP), but who are not formally identified as Exceptional. The following are possible

reasons for students' non-identification as Exceptional, while still receiving Special Education supports:

a) A student has come from another Board and is in queue for a TCDSB Psycho-educational assessment, but is receiving Special Education supports given an exceptionality that has been previously identified by either a medical professional or education professional from another Board;

b) An existing TCDSB student is in queue for a Psycho-educational assessment given conclusions made by the School Based Support Learning Team about the need for such an assessment to potentially identify the student within one of the five categories of exceptionality;

c) A Psycho-Educational assessment has been administered, but the student did not meet criteria for any exceptionality. However, the student continues to experience some needs and therefore receives Special Education supports;

d) A Psycho-Educational is not required for all identifications, such as: Language Impairment (LI), or Deaf or Hard of Hearing (D/HH). However, such students are receiving Special Education services and/or have an Individual Education Plan (IEP).

d) An IEP was created for a student in anticipation of an EQAO test administration in either Gr. 3 or Gr. 6 in order to enable the student to have access to specific accommodations. (However, with the updated EQAO universal design for learning protocols for granting accommodations during EQAO testing, there will no longer be the need to put students on an IEP in order to have access to required accommodations). Although the IEP had been implemented, it was never "end-dated" following its creation for the specific purpose/duration of said EQAO testing.

ii) PAST Program Service to A Minimal Number of Students
Autism Ontario indicated that the PAST Program serves a maximum of six high-functioning ASD/Asperger's students in six school locations (total of 36). There are 1,789 students formally identified as ASD and the PAST program serves 2% of ASD students at TCDSB. Not a large enough baseline. The PAST program is staffed daily by one Special Education Teacher and one Child/Youth Worker, and many times with the addition of the individual students' EA/teaching staff from the home school. The mainstream does not offer the same programming or level of support so the positive report on the

status of the goal is not a realistic or sustainable goal for ASD students in the mainstream without the same level of staff support and transition planning/support.

Staff Response
There are six schools with seven PAST programs. (St. Louis has two programs). These programs are three-year, evidence-based supports which house students as follows: six different students on each of the three days per week that the programs are run. Tuesdays are for Year One students, Wednesdays are for Year Two, and Thursdays are for Year Three students. Therefore, 7 programs x 6 students x 3 days = 126 total students served. As such, 126 students/1789 total TCDSB ASD students = 7% of TCDSB ASD students served.

Furthermore, regarding staff support, the program is staffed with one teacher and one Support Staff (CYW or EA). Staff from a student's home school, who work most closely with the student, are invited for a ½-day professional activity session during which the following information is provided: overviews of the program and diagnosis of Autism, along with Applied Behaviour Analysis (ABA) strategies. This session usually takes place at the beginning of the school year.

iii) Goal noted as "on target" in this intensively supported small classroom: how effectively would ASD students accomplish these targets in a mainstream class? What SMART goals are set and monitored on a system-wide basis for all ASD students, including those in the mainstream? We already know that the intervention and resource support is optimal for the acquisition of self-regulation skills in students with ASD. How does this goal translate to the mainstream for a framework built on equity for all ASD students?

Staff Response
Students with ASD in the mainstream are supported in a number of ways as are students with any other exceptionality within mainstream classrooms: with an IEP; by School Learning Improvement Plan (SLIP) SMART goals developed by School Improvement Planning Teams (SITs) for the benefit of all students and staff at the school, in accordance with a particular school's identified areas of critical need; and by engagement with required Special Education services intended to augment classroom accommodations and or modifications implemented in accordance with a student's IEP. Service

provision to students with exceptional needs is based on equity, with the caveat that equity and equality do not mean "sameness."

iv) Note that there are several math errors in the data readings in the various EQAO charts i.e. Appendix L – OSSLT PE – not successful: 336 is not 74% of 997 (should be 33% - just one of the errors). The calculation errors are reflected in the body of the AFSE report and show inaccurate gains where there are instead greater gaps. EQAO section and reference to EQAO percentages in AFSE report should be read with caution. AFSEs prior to last year's document focussed on decreasing the exemption rate and closing the large achievement gap between ASD students and all students. Exemption rates in previous EQAO report for ASD students ranged between 29-35% whereas the exemption rate for all SEN students was only 6-9%. What is the status of those goals? Were they met before moving onto the current goals? The EQAO website indicates a number of purposes for its assessments…Keeping in mind the EQAO accountability outcomes [*listed in the presentation and on the EQAO website*], the EQAO scores for students on the spectrum don't create a very positive reflection on the quality of learning that is being provided to these students in TCDSB schools. Why aren't there any SMART goals for ASD students to improve achievement in literacy/numeracy?

Staff Response
Autism Ontario's misunderstanding about the statistics used in the AFSE report stems from their potential overlooking of the notation provided at the end of Appendix L which reads as, *successful and not successful percentages are based on those students who were "fully participating."* The statistical relevance of this notation is that 336 ASD/452 fully participating = 74%.

<u>Background Information</u>
<u>In 2017-18</u> TCDSB (n=146 students with ASD). Exempt from Gr. 3 EQAO were the following: Reading = 53 students (36%), Writing = 52 students (36%); and Math = 52 students (36%). Therefore, 53/146 = 36% TCSB students. (Ontario students = 33%).

The following information will help to clarify why the TCDSB figures are higher than those of the province. As has been done for the last three years, a study of individual students/schools in 2017-18 has revealed the following about the students who were exempted from writing the EQAO assessment: 32 students = in an ME/DD Intensive Support Program (ISP); 2 students were

"future placed" in an ME/DD ISP (meaning a placement in this ISP was immanent). Therefore, 34/53 (64%) ASD students were exempt since they were/about to be in an ME/DD ISP. Furthermore, it would be inappropriate for them to write the EQAO standardized assessment. Of the remainder of the students, 19/53 who were exempt were not in an ME/DD ISP, but in a Regular Class with either Indirect Support or a Withdrawal Assistance placement. This figure warrants further future study.

The statistical concern for further consideration is the 19/146 (13%) of the total TCDSB students with ASD who did not write (Province = 33%). However, when comparing this total of 19 students with ASD who were exempt with the total of TCDSB students with special needs (1,064), then the total of 19/1064 = only 2% of all TCDSB students with special needs who did not write the EQAO assessment. All things considered, this figure is minimal.

In 2016-17 TCDSB (n=132 students with ASD). 46/132 (35%) students were exempt: 34/46 (74%) exempt students were in an ME/DD ISP and 12/46 (26%) were in a Regular Class placement. Of the 12 students, 1 was in Intensive Behavioural Intervention (IBI) thereapy 4 days/week; 2 had pending Psycho-educational assessments; 3 left the TCDSB (around the time of the assessment).

Therefore, the statistically relevant concern that warrants further future study is the 12/132 (9%) students with ASD who did not write.

In 2017-18 TCDSB (n=109 students with ASD). Exempt from Gr. 6 EQAO were the following: 39 students (36%) from Reading, Writing, and Math. (Ontario students = 26%).

The following information will help to clarify why the TCDSB figures are higher than those of the province. As has been done for the last three years, a study of individual students/schools in 2017-18 has revealed the following about the students exempted from writing the EQAO assessment: 31 students were in an ME/DD ISP class; 1 student was future-placed (meaning placement was pending) in the ME/DD ISP class; 7 students (6 in a placement of Regular Class with Withdrawal Assistance and 1 in a Language Impairment ISP Class) were in a position to write the EQAO assessment. Therefore, the statistic of 7/109 exemptions amounts to a 6% exemption rate (Ontario students = 26%).

<u>In 2016-17</u> TCDSB (n=130 students with ASD). 38/130 (29%) students were exempt. 32/38 (84%) exempt students were in an ME/DD ISP; 1/38 exempt students was in an Autism ISP class. 6/38 exempt students were in a Regular Class placement. Of the 6 students, 1 student's IEP addressed an alternative curriculum including functional language and mathematics expectations. Therefore, the statistically relevant figure that warrants further future consideration is 7/132 (5%) students who were eligible to participate but who did not.

In 2015-16 EQAO assessments for Grades 3 and 6 were not written.

There were no other specific references made to math errors in the AFSE Report.

When taking into consideration the perceived value of EQAO assessments for TCDSB students including those Special Education needs, careful consideration must be given to the fact that such accountability outcomes can be valid only for those students whose achievement outcomes can be appropriately indicated by a standardized measure (such as EQAO). Students whose individualized outcomes are most appropriately measured in accordance with goals as established in the IEP cannot be justly measured using standardized norms. Therefore, a call to use standardized norms for many students with Special Education needs stands in contradiction to concurrent calls to treat individually the needs of these same students.

v) Empower and Lexia [reading programs] would provide a platform to help close those gaps in achievement. Students with ASD are categorically excluded from these programs due to their identification, limited entry criteria, and availability even if ASD is accompanied by LD which is often the case in dual diagnoses. What is being done to improve student achievement and success for ASD students in the field of literacy (or numeracy)? What framework of programs and services is in place and what system SMART goals are you setting in order to foster and sustain opportunities for ASD students to gain access to equitable pathway choices and independence beyond K-12?

Staff Response
It is incorrect to conclude that ASD are categorically excluded from Empower programs. Students can be considered for Empower and, alternatively, Lexia reading program training. But like any other student, students with ASD must

meet the criteria for those. In the process, the School Based Support Learning Team (SBSLT) and Empower team would both look at students' behaviour (self-regulation); how students might transition to another school, if attending a HUB (regional) program; and how they measure up to all other Empower (or Lexia) program criteria.

An SBSLT is required to meet in order to assess student's ability to meet eligibility requirements, and to recommend to the IPRC (committee) the placement of candidates into the Empower program. (It is not necessary to convene an IPRC when considering the use of the Lexia Reading Program).

Empower eligibility criteria include the following:
a) appropriate age for entering the program;
b) the student is formally identified as Learning Disabled (LD) or Language Impaired (LI), or has been assessed/tracked for LD/LI difficulties;
c) the primary presenting concern is difficulty with decoding and or word identification or text comprehension;
d) the student has an IEP;
e) the student has demonstrated consistent attendance in past and is able to participate in the program regularly;
f) the student is able to participate appropriately in a group setting and has no disruptive behaviours that might impact on the delivery of the program.

vi) Advocacy for the delivery of ABA (Applied Behavioural Analysis) in the school setting: How can ABA help in the school setting? It incorporates strategies, methods, techniques, and principles to improve students' abilities and quality of life (PPM 140).

Staff Response
This query is a segue to a similar query (below) made by the Louis Busch delegation on the need for TCDSB schools to formulate creative and collaborative transition plans in view of changes to the Ontario Autism Program (OAP).

2. A Call for the TCDSB to Formulate Creative and Collaborative Transition Plans for Students Returning to Schools Following Governmental Budget Cuts to OAPs

As a result of the changes to OAPs, many children who are receiving part and full-time supports in specialized treatment clinics will be forced to enrol in school full time or their families will have to find alternative ways to support them…

Behaviour Analysts work with children, youth, and adults with Autism, developmental disabilities, acquired brain injuries, and mental health issues.

To the knowledge of this delegation, the TCDSB does not employ any Board Certified Behaviour Analysts (BCBAs)…

Third party policies have been a barrier to effective collaboration in many instances. But, by opening doors to BCBAs in the community, transitions are sure to be smoother.

Staff Response
Included in Ministry funding allocated to the Ministry pilot for dedicated spaces on school sites for the delivery of ABA services was also that for the hiring of a BCBA for this school year. It was the TCDSB's intent to capitalize on this unique opportunity to enlist this specialized support for students with ASD to complement the existing multi-disciplinary ASD team. As a result, efforts were made to hire a Board Certified Behaviour Analyst. Interviews had taken place and the position offered to two different successful candidates, both of whom declined the offer. It is important to note that since Ministry funding for the BCBA is guaranteed only until the end of this school year, the window of opportunity to hire anyone at this point has virtually closed. Any future action in this regard will be dependent upon the provision of any future funding for BCBAs.

The TCDSB Third Party Protocol does not preclude school staffs' ability to collaborate with outside agency providers. In fact, it is quite possible to collaborate with Board approved agency providers within the school context, as well as, in some cases, to receive direct service support to students. With other non-board approved outside agency providers, it remains possible to collaborate with those through exchanges of information that take place with school personnel to complement and support students' classroom learning.

Other creative means to support students with ASD engaged in by the TCDSB during the 2018-19 school year are the following online certificate courses

offered for educators by the Geneva Centre and funded by the Ministry of Education:
a) Functional Behaviour Assessment (FBA) Course (January 2019);

b) Charting a Path to Success in Your Classroom: An Introductory Autism Course for Educators (December 2018);

c) Applied Behaviour Analysis Certificate Course for Educators Level 1 (December 2018);

d) ABA for Educators Level 2: Practical Applications for Reinforcement and Prompting in the Classroom (December 2018); and

e) Special Topic for Educators: Supporting Children with ASD in an Inquiry and Play-based Learning Environment Using ABA.

Other forms of support include:
f) Providing direct instruction, program, and resource support from the Multidisciplinary Autism Team;

g) Providing interventions to students on a referral basis which include a professional activities component in order to build capacity;

h) Providing focused professional activities for Support Staff during professional activity (PA) days – including regarding ABA strategies;

i) Providing professional activities to schools, as requested, focusing on ASD and ABA strategies.

3. <u>Integrated Action for Inclusion (IAI)'s Perceived Limitations to the Promotion of Student Inclusion (In the Pedagogical Mainstream) Given the Structure of the Special Education Accountability Frameworks</u>

i) IAI indicated that inclusion is mentioned only twice in the Accountability Framework report: once on the first page as part of the TCSB Mission Statement and the second for the goals for the students of the Board with Blindness/Low Vision. They stated that there is no reference for inclusion as a goal for any of the other 15,503 students with special needs.

A summary of the reasons stated by IAI for why inclusion matters is: better academic results for all students because teachers develop better teaching skills and students learn from each other; students learn social acceptance of those who are different; students with special needs are more successful at school and after; and lower costs [such as for bussing] are incurred when delivering services to students with special needs.

Staff Response
IAI's focus on two overt mentions of the word "inclusion" runs the risk of overlooking the TCDSB's overarching goal of inclusion for all students, including those with Special Education needs, and its intended academic and social benefits for all TCDSB students. The IAI's use of the term "segregated" for congregated learning settings is a misnomer of the intended function of congregated Special Education Placement settings. The two Special Education settings of, "Partial Integration," and "Full Time" continue to exist within the TCDSB's philosophy of integration since inclusion is achieved in many different permutations and combinations of the school day and settings.

To have a congregated setting within a broader landscape of inclusion does not diminish a Board's focus on inclusion. To the contrary, the existence of congregated settings allows for staff to consider the most appropriate placements and learning opportunities for students of a wide variety of exceptionalities, in order to help them to experience academic, social, physical, and spiritual development within the least restrictive, or better stated, the most enabling environment. Such congregated environments help educators to address the individual and sometimes highly specialized education needs of students. Then, inclusion in a wide variety of other school settings can be achieved at various other times during the school day.

ii) Where there is a causal relationship between a student's disability and the behaviour in question the student should not be subject to discipline.
Suspensions and expulsions are governed by the Education Act. There are multiple allowances to not suspend or expel a student with special needs under the mitigating and other factors provisions.

Staff Response
Staff agrees that there should be a focus on preventative action and the creation of a school climate that helps to avoid conflict and the need for escalating consequences for inappropriate student behaviours. In fact, such a

focus exists and is accompanied by continuous efforts to help staff engage in positive classroom strategies and interpersonal interactions with students of all abilities/needs. Additionally, continuous learning opportunities for all educators are offered and engaged in to address their understanding of mitigating factors and disciplinary strategies to be used in response to inappropriate behaviours. It must be noted, however, that an understanding of mitigating and other factors helps educators to better assess mitigating as well as aggravating factors when determining appropriate discipline. It is not to be understood as something that precludes staff from administering discipline in the first place.

iii) IAI suggests that staff focus on creating a positive relationship with students whose behaviour is concerning. Do not deny and ignore the relationship between disability, behaviour, and effective accommodations.

Staff Response
Staff agrees that creating positive relationships between staff and students is an effective preventative action against inappropriate and/or escalating student behaviours. In this Board's efforts to promote Universal Design for Learning (UDL) and inclusion for students of all abilities/needs, it understands the need to continuously provide learning opportunities for staff in all workgroups for all types of learner.

iv) SMART goals are specific, measurable, accountable, relevant, and timely…there is often a disconnect in the AFSE [report] between goals and how they will benefit the student or meet the Board's mission statement or other priorities…goals [are] buried in strategies and outcomes.

Staff Response
For as long as the AFSE Report has been in place, it has summarized the learning goals and strategies that have been designed by the various Accountability Framework committees to improve learning environments for students with a wide variety of learning needs.

Accountability Framework committees have long existed for most exceptionalities within the five categories of exceptionality, excluding MID (Mild Intellectual Disability) which has gotten underway only during this 2018-19 school year as a result of changes in the Ministry exceptionality

criteria (to Intellectual Disability); and Physical Disability (PD) (due to very low student numbers in this category). Following a Board motion to have it included, the PD exceptionality will be included (along with the ID exceptionality) in future.

Accountability Framework committees are comprised of a wide variety of TCDSB educators including: Subject Teachers (Secondary) curriculum Department Heads, Psychologists, Social workers, Speech/Language Pathologists, Programming and Assessment Teachers (Elementary), Assessment and Programming Teachers (Secondary), TCDSB Research Department specialists, and Special Services Chiefs.

These specialists have long met in committees that focus on the various exceptionalities and teaching/learning goal-setting for the benefit of students who fall under the various categories of exceptionality. Goals established by these committees have been a collaborative effort and intended as iterations of the most appropriate measures of progress by students with those exceptionalities. As such, it has been determined that SMART (Specific, Measurable, Achievable, Relevant, and Time-bound) goals per se, have not always been the most ideal form of measurement of student progress. The teams' rationale for this conclusion has been that while efforts are made to address the individual needs of students with special needs, it would be incongruous for those same teams to endeavour to measure growth and progress using standardized means such as EQAO or even SMART goals in which specific percentages are identified for changes in output. The use of percentages to identify change would be arbitrary or meaningless captures of potential growth and development.

In any event, concerns that have been expressed about a lack of the use of SMART goals by the various Accountability Framework Committees are being reviewed by the AFSE committees for additional consideration about the viability of the use of SMART goals to ensure comprehensibly measurable goals for teaching of/learning by students with the various exceptionalities.

Trust continues to be placed in the professional judgment of the various members of the AFSE Committees to determine the most appropriate teaching/learning goals and outcomes for students with Special Education Needs.

E. METRICS AND ACCOUNTABILITY

1. Information in this report will be monitored by the various Accountability Framework Committees and assessed in the next Accountability Frameworks for Special Education Report (regarding the 2018-19 school year) due in November 2019.

F. CONCLUDING STATEMENT

This report is for the consideration of the Board.