



REPORT TO

REGULAR BOARD

## RESPONSE TO SPECIAL EDUCATION ADVISORY COMMITTEE INQUIRIES OF MAY 13, 2015

For God, who said, "light shall shine out of darkness," is the One who has shone in our hearts to give the light of the knowledge of the glory of God in the face of Christ - 2 CORINTHIANS 4:6

Created, Draft	First Tabling	Review
9/21/2015	9/24/2015	<a href="#">Click here to enter a date.</a>
Cristina Fernandes, Superintendent of Special Services Paul De Cock, Comptroller for Business Services & Finance Paul Matthews, General Legal Counsel		
<b>RECOMMENDATION REPORT</b>		

### 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 rooted in the love of Christ. We educate students to grow in grace and knowledge and to lead lives of faith, hope and charity*



G. Poole

Associate Director of Academic Affairs

A. Sangiorgio

Associate Director of Planning and Facilities

Angela Gauthier

Director of Education

## **A. EXECUTIVE SUMMARY**

This report provides information to the Board as per their request on August, 27, 2015 in regards to the requests made by the Special Education Advisory Committee in May 13, 2015.

## **B. PURPOSE**

1. This report endeavours to provide responses to the Board approved motion to answer questions arising out of the May 2015 Special Education Advisory Committee.
2. The Board approved motion requested staff to respond to the following inquiries:
  1. That the Board change the qualification of the ASL interpreter to be a member of AVLIC versus certified by AVLIC.
  2. SEAC recommends that the Special Education Advisory Committee be provided with a comprehensive report outlining:
    - a) The exact number of identified and non-identified students that are in receipt of special education programs and services by exceptionality
    - b) Staffing allocations broken down by programs and services, sub-categorized by ward
    - c) The approved program and service reductions by sub-categories including and not limited to Junior Literacy and Gifted programs, teachers, EA's, resource teachers, social workers, student supervisors
    - d) The projected impact on student achievement for both identified and non-identified students receiving special education programs and services
    - e) How the TCDSB will ensure that identified and non-identified students in need of special education programs and services will continue to receive the programs and services necessary for student achievement
  3. SEAC recommends to Board that all budget and finance information pertaining to the TCDSB 2014-2015 Budget be sent electronically to all members of SEAC immediately for review by their respective associations with input to be brought back to the Board of Trustees for consideration before submission to the Ministry of Education deadline of June 30, 2015.
  4. SEAC recommends to the Board that from this point forward; SEAC be updated in the same timeline as the Board of Trustees on Budget and Finance matters so that SEAC members will be enabled to participate in an effective and informed manner, as per Ontario legislation 464/97, Section 12 (2) and (3) regarding financial statements and budget process thus providing for an opportunity for SEAC members to report to their associations for input.
  5. That SEAC recommends that TCDSB Policy A.23 Special Education Advisory Committee be revised to reflect that the Chair and Vice Chair positions be parents.

6. That legal counsel provide an understanding from both provincial legislation and TCDSB Bylaw on why SEAC is not permitted to sit on other committees in writing.

## C. BACKGROUND

1. Arising out of the minutes of the SEAC meeting on May 2015, SEAC requested the answer to a number of questions with respect to the Budget reductions and SEAC procedures.

## D. EVIDENCE/RESEARCH/ANALYSIS

Responses are provided to the above mentioned requests/queries:

### 1. Qualification of the ASL interpreter

SEAC requested that the Board change the qualification of the American Sign Language (ASL) interpreter to be a member of the Association of Visual Language Interpreters of Canada (AVLIC) versus certified by AVLIC. Currently we do not require the ASL interpreter to be a member of AVLIC or certified by the same for two reasons. First, staff have experienced difficulty hiring ASL interpreter without membership or certification by the AVLIC. By adding this requirement, it would make the process of hiring an ASL interpreter even more difficult. The second reason for not requiring membership or certification in AVLIC is that by doing so, would incur additional costs as the pay scale would be higher. **Staff does not recommend the approval of this request.**

### 2. Requests for Information

Below are responses to the requests for information posed by SEAC to report on programs and services, staffing, program reductions, and potential impact. **As per items a), b), and c), staff has provided the information as it was available.**

- a) **Appendix A** outlines students served through special services that were identified and non-identified by exceptionality at the end of the school year 2014-15.
- b) Staffing allocations broken down by programs and services is listed in **Appendix B**.
- c) The approved program and service reductions by sub-categories including and not limited to Junior Literacy and Gifted programs, teachers, EA's, resource teachers, social workers, student supervisors. **Appendix C** outlines the reductions for the fiscal year 2014-15.

- d) The projected impact on student achievement for both identified and non-identified students receiving special education programs and services is difficult to quantify as we begin the school year with a new special education model, however, staff will be monitoring the impact. **Staff cannot provide at this time the requested information.**
- e) The TCDSB will ensure that identified and non-identified students in need of special education programs and services will continue to receive the programs and services necessary for student achievement through a continued commitment to follow the processes presently used to process and identify students. That is support to the classroom teacher through the **School Based Support Team** at each school including the Special Education Teacher, the **School Based Support Learning Team** which includes the Social Worker, Psychologist, Speech and Language Pathologist and Assessment and Programming Teacher -APT (Elementary) or the Programming and Assessment Teacher –PAT (Secondary schools).

Additionally, student needs as identified through the Support Staff for Student Needs survey will continue to inform placement of support staff to support students based on incremental needs.

Area Superintendents in collaboration with APTs and PATs will continue to identify needs at the school level and respond to those needs through the deployment and redeployment of Itinerant Educational Assistants.

**Staff can ensure that appropriate monitoring of the evolving delivery of Special Education services meets the needs of our student population.**

### 3. Sharing Budget and Finance Information

The recommendation proposed by SEAC to Board that all budget and finance information pertaining to the TCDSB 2014-2015 Budget be sent electronically to all members of SEAC immediately for review by their respective associations with input to be brought back to the Board of Trustees for consideration before submission to the Ministry of Education deadline of June 30, 2015 has expired. **This information was shared with SEAC prior to the end of school year 2014-2015.**

### 4. Sharing Budget and Finance Information in Timely Manner

SEAC recommended to the Board that from this point forward, SEAC be updated in the same timeline as the Board of Trustees on Budget and Finance matters so that SEAC members will be enabled to participate in an effective and informed manner, as per Ontario legislation 464/97, Section 12 (2) and (3) regarding financial statements and budget process thus providing for an opportunity for SEAC members to report to their associations for input. **Staff will endeavor to inform SEAC of financial information in a timely manner that closely adheres to the presentations to board.**

5. Chair and Vice Chair Positions

Legal counsel has provided a response to the request where SEAC recommended that TCDSB Policy A.23 Special Education Advisory Committee be revised to reflect that the Chair and Vice Chair positions be parents in the memo attached in Appendix D. **Staff cannot recommend the SEAC request.**

6. Sitting on Committees

As per the request of SEAC, Legal counsel provided an understanding from both provincial legislation and TCDSB Bylaw on why SEAC is not permitted to sit on other committees in writing in the memo attached in Appendix D. **Staff cannot recommend the SEAC request.**

## **E. STAFF RECOMMENDATIONS**

That the Board approve the staff recommendations as outlined in section D, items 1 – 6.

## APPENDIX A

**Table of non-identified students and identified students served through special services by exceptionality**

<b>2014-2015</b>	<b>Elementary</b>	<b>Secondary</b>
<b>Identified (by Exceptionality)</b>	<b>4270</b>	<b>4754</b>
Autism	959	434
Behaviour	122	58
Blind and Low Vision	14	7
Deaf and Hard of Hearing	55	36
Developmental Disability	67	80
Giftedness	1084	1180
Language Impairment	549	163
Learning Disability	1106	2387
Mild Intellectual Disability	168	305
Multiple Exceptionalities	90	82
Physical Disability	55	23
Speech Impairment	1	0
<b>Not Identified (Non-Applicable)</b>	<b>5791</b>	<b>2334</b>
<b>Total by Panel</b>	<b>10061</b>	<b>7088</b>
<b>Overall Total</b>		<b>17149</b>

APPENDIX B

Special Education Staffing School Year 2014- 2015		
Total Itinerant /Flow Through		3
IF - Autism PAST		
IF-Itinerant Gifted	2	
IF- Language Impairment - KLP	1	
IF - MID Pals		
Total Congregated Classes	25	
Disability	1	
ISP -Multiple Exceptionalities	6	
ISP - Arrowsmith		
ISP - Learning Disabled	4	
ISP -Language Impairment	5	
ISP - Kind	2	
ISP Hearing Impaired		
ISP - Gifted	3	
ISP - Developmentally Delayed	1	
ISP- Behaviour	2	
ISP - Autism	1	
Empower Block	2	
Area 1		

Area 2	1.5	1	1					3	1		7		13		1	3	2	6
Area 3	3.5		3	3		3	1	4	2	1	8	1	26		2	2.25	2	6.25
Area 4	1.5		1	3	1.5			3	2		5		15.5	1	1	2		4
Area 5	4.5		4	2		3		4	5	1	7	1	27	1		1		2
Area 6	1.5	2	1		1		1	4	4		6	1	20	1	1	1.75	1	4.75
Area 7	0.5		3		1	1	1	2	5	1	7	1	22		1	2	1	4
Area 8	2.5	1	2	2			1	3	3	1	6		19		1	1		2
Total	17.5	5	17	11	6.5	7	6	28	26	4	52	5	167.5	3	8	15	6	32

# APPENDIX C

STAFF  
RECOMMENDATION

- APPROVED TRUSTEES'  
MOTIONS

Reductions		FTE	\$	FTE	\$
Classroom					
1	5th Block (Maintain 30 0.5 FTE Fifth B	12	\$ 1,200,000	6	\$ 600,000
2	JLI - Junior Literacy Program	20	\$ 2,000,000	20	\$ 2,000,000
3	Secondary Teachers	42	\$ 4,200,000	42	\$ 4,200,000
4	Music Prep	10	\$ 1,000,000	10	\$ 1,000,000



5	Secondary Gifted Program Teachers	14.4	\$ 1,400,000	14.4	\$ 1,400,000
6	Msgr. Fraser	6	\$ 600,000	4	\$ 400,000
7	Secondary Schools Student Supervisors	20	\$ 438,000	10	\$ 219,000
8	Teacher Librarians - Elementary	42.5	\$ 2,100,000	42.5	\$ 2,100,000
9	Teacher Librarians -Secondary	5.57	\$ 557,000	5.57	\$ 557,000
10	Contracted Support Workers (Reduce this spending by 2.25 million, while maintaining a safety reserve of 400,000 to assist with our most needy requests through the year.)		\$ 2,000,000		\$ 2,250,000
11	Child Youth Workers	15	\$ 900,000	7	\$ 420,000

		STAFF RECOMMENDATION		APPROVED TRUSTEES' MOTIONS	
Reductions		FTE	\$	FTE	\$
12	Resource Teachers	30	\$ 3,000,000	30	\$ 3,000,000
13	International Languages		\$ 1,600,000		\$ 900,000
	Sub-Total	217.5	\$ 20,995,000	191.5	\$ 19,046,000
Administration/non Classroom					
1	Board Administration and Governance (including reductions to Trustees Honorariums, Support Service Expenses, and Professional Development)		\$ 546,000		\$ 588,000
2	5% Reduction on non-classroom spending		\$ 2,288,000		\$ 435,770
3	Central Program Principals	14	\$ 1,800,000	14	\$ 1,800,000
4	Secondary Vice-Principals	4	\$ 464,000	4	\$ 464,000
5	Elementary Vice-Principals	4	\$ 440,000	4	\$ 440,000
6	Professional Development		\$ 450,000		\$ 500,000
7	Textbooks		\$ 2,700,000		\$ 1,700,000
8	Ombudsman	1	\$ 150,000		\$ 150,000
	Sub-Total	23	\$ 8,838,000	22	\$ 6,077,770
	TOTAL	240.5	\$ 29,833,000	213.5	\$ 25,123,770

Reductions		FTE	\$	FTE	\$
PLAN D					
1	Increased efficiencies in Planning and Evaluation time resulting in Staffing Reductions	10	\$ 1,000,000	10	\$ 1,000,000
2	Educational Assistants	30	\$ 1,521,000	30	\$ 1,521,000
3	Elementary Guidance Teachers	4	\$ 400,000	4	\$ 400,000
4	Reduce Secondary Special Education Classroom Teachers	12	\$ 1,200,000	12	\$ 1,200,000
5	Computer Technology		\$ 350,000		\$ 350,000
6	Director's Discretionary		\$ 50,000		\$ 50,000
	Sub-Total	56	\$ 4,521,000	56	\$ 4,521,000

Part C	240	\$ 29,833,000	213	\$ 25,123,770
Part D	56	\$ 4,521,000	56	\$ 4,521,000
	296	\$ 34,354,000	269	\$ 29,644,770

## APPENDIX D

September 14, 2015

### MEMO

**To:** Cristina Fernandes, Superintendent of Special Services

**From:** Paul Matthews, General Legal Counsel

**Re:** Special Education Advisory Committee

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The purpose of this Memo is to address the issues raised by the TCDSB Special Education Advisory Committee (“SEAC”).

The first issue is about who can be elected Chair and Vice-Chair of SEAC. Currently, Policy A.23 Special Education Advisory Committee provides at paragraph 9:

“that the Chair of the Committee shall be a non-Trustee member and a Roman Catholic and the Vice-Chair of the Committee shall be [a] Trustee member.”

However, Ontario Regulation 464/97 Special Education Advisory Committees provides at subsection 9(3) that:

“The members of the committee shall, at their first meeting, elect one of their members as chair and one of their members as vice-chair.”

Ontario Regulations are the law in Ontario, and any Board policy that is inconsistent with a Regulation is of no force or effect. Therefore, it is currently the law in Ontario that members of SEAC will choose “one of their members as chair and one of their members as vice-chair”. There is no legal requirement that the Chair or Vice-Chair be a Trustee, nor that either be Catholic.

It is of course advisable that Policy A.23 be revised to reflect the requirements of Ontario Regulation 464/97, but as already noted, paragraph 9 of the Policy is *ultra vires*, meaning, it has no legal validity.

The second issue is why are SEAC members not permitted to sit on other TCDSB Committees. The short answer is that a member of SEAC is only permitted to sit on another Committee other than SEAC where either the *Education Act*, an Ontario Regulation, a Policy, Committee By-Laws, or Committee Terms of Reference expressly permit a member to sit on that Committee.

Just as membership in SEAC is prescribed by Regulation, membership of other TCDSB Committees are prescribed by either the *Education Act*, an Ontario Regulation, a Policy,

Committee By-Laws, or Committee Terms of Reference. Thus, if SEAC members are not expressly authorized to sit on other Committees, they have no legal authority to do so.