

SPECIAL EDUCATION

Meeting the needs of students with disabilities and behaviour problems is one of the most difficult challenges facing the public education system in Ontario.

The laws governing public education in Ontario guarantee the right of your child to an appropriate education even if your child has special education needs. However, getting the appropriate services for children with special education needs can be a challenge.

Parents that are active in advocating on behalf of their children improve the chances of getting the education services and programs that their children need and deserve. As a parent or guardian, you have a responsibility to work with your child's school and the classroom teacher to make sure that your child gets the support and resources that he or she needs to succeed at school. This is only possible if:

you are informed;

you actively participate in the decisions made about your child's education; and

you work closely with school staff to plan, and to provide a home and school environment that will allow your child to make the most of his or her educational experience.

“What information will I find in the Special Education section of this website?”

This section of the website begins with a summary of issues of concern to parents of students with special education needs (see **Issues of Concern for Students with Special Education Needs**). Issues of concern to parents of children with special education needs can arise in the following areas:

Identification

The identification of your child as “exceptional” and the category of exceptionality

Classroom Placement

The classroom placement of your child

Special Education Services

The special education services that will or will not be provided to your child

Individual Education Plans (The IEP)

The development and implementation of your child's Individual Education Plan

Understanding Your Child's Abilities and Limitations

There is also a section on how to collect information about your child's abilities and limitations. Parents and guardians are often the first to recognize their children's challenges and gifts, and can help the school to gather the information about your child that the school will need to make good decisions about your child's education.

This section of the website will also provide you with more detailed information on . . .

The IPRC Process

The identification and classroom placement of students with special needs;

The IPRC Appeal Process

Your rights to request reviews and appeal these identification and classroom placement decisions; and

Individual Education Plans (The IEP)

The process of developing an Individual Education Plan for your child.

Issues of Concern for Students with Special Education Needs

Identification

Before a student can receive special education programs or services, he or she must first be identified as “exceptional”.

A student is considered “exceptional” if they have special learning needs, behavioural problems, or a specific disability or diagnosis. The Ministry of Education defines exceptional students as those whose behavioural, communicational, intellectual, physical, or multiple exceptionalities are such that they are considered to need placement in a special education program.

The decision to formally identify students as “exceptional” by an **Identification, Placement and Review Committee** (IPR Committee; or IPRC) is a problem area for many parents with children that have special education needs.

Part of the problem is that parents do not always understand the specialized language used by school and school Board personnel, or the process by which schools and School Boards make decisions. With an understanding of this process, and the specialized language used by school and School Board personnel, you can confidently advocate on behalf of your child.

Classroom Placement

The kinds of supports or accommodations the school can decide to provide to your child will depend on . . .

- i) whether your child is formally identified as exceptional by an IPR Committee,
- ii) the category and severity of exceptionality, and
- iii) the classroom placement of your child.

After identifying a student as “exceptional”, and deciding on the category of exceptionality, the IPR Committee must choose between placing your child in a regular class or a special class with other students with special education needs.

The IPR Committee must first decide whether the student can be accommodated in a regular classroom setting and what kind of supports the student would require in that setting. If the IPR Committee decides to place the student in a special education class, the committee must provide reasons for its decision.

Parents may request reviews and appeals of these decisions.

Special Education Services

Another problem area of the IPRC process is that the decisions of the IPR Committee do not include decisions about the specific services that will be provided to your child.

It is sometimes difficult for parents to have these issues discussed at IPRC meetings because they are not part of the formal identification and placement decisions that the IPR Committee needs to make.

Most of the decisions about specific programs and services for your child will be made during the development of your child's Individual Education Plan (IEP). However, IPR Committee meetings are good opportunities to begin discussions about the specific programs and services that will be provided for your child.

The IPR Committee, Appeal Boards, and Special Education Tribunals can make recommendations about specific special education services that should be provided to your child, but these recommendations are not binding, and cannot be appealed.

Individual Education Plans (The IEP)

Another common problem area for parents of children with special education needs is their children's Individual Education Plans (IEPs).

The Development of the Plan

In some cases, the thought and work that needs to go into developing a student's IEP does not happen. The result can be a poor quality plan that does not meet your child's needs, or which does not provide specific direction to teachers and other school personnel about the services that will be provided to your child.

The development of your child's IEP is also a good place to discuss school discipline issues if it is expected that a child's behaviour may cause problems. If parents and teachers can discuss potential problems and agree on what should be done in circumstances where these problems might arise, they can avoid conflict in the future, and problems can be prevented.

Implementation of the IEP

There can also be problems with the implementation of Individual Education Plans. In too many cases, the Individual Education Plan that has been developed for a child is not used as a working document by the classroom teacher, and is ignored. Teachers need to work with these documents on a regular basis, making records of the services that are provided to your child, and revising these plans as necessary throughout the school year.

Individual Education Plans need to be reviewed and improved by parents and teachers on a regular basis. As a parent or guardian, you have an important role to play in

making sure your child's Individual Education Plan is implemented. Participating in the development and review of the IEP, and communicating with the classroom teacher about the IEP on a regular basis, will help to ensure that the teacher and other school personnel are doing their jobs as outlined in the plan.

Understanding Your Child's Abilities and Limitations

As a parent of a child with special education needs, it is important to be as informed as possible about your child's abilities and limitations.

Parents and educators do not always have all the information they need to make good decisions about whether a particular student is "exceptional" and the category of exceptionality.

Effective parent-advocates will gather as much information as they need to understand the challenges that their children are facing, as well as their gifts. The purpose of gathering this information is to be able to assist your child in overcoming the challenges that they face, and supporting them in developing their gifts.

Sharing this information with your child's education team can be useful when making decisions about your child's education, and in developing an education plan.

It is always a good idea to keep any information you find useful in your child's Home File.

Early Identification

The first part of the planning process for students with special education needs usually begins with early identification of learning problems, disabilities or diagnoses that need to be considered by the people that will make decisions about your child's education, and the people that will deliver education programs and services to your child.

[Early Identification of Children's Learning Needs – Policy/Program Memoranda No. 11](#) describes principles and resources recommended by the Ministry of Education for the identification of the learning needs of students prior to grade 3.

In grade 3, students can be formally identified as "exceptional" by an Identification, Placement, and Review Committee.

Where Can I Find Information?

There are many ways of gathering information about your child that will be useful in assessing your child's education needs, and deciding on an education plan. You can gather information on your child's specific disability or diagnosis by:

- Contacting a local parent group
- Meeting with professionals that work with children with a specific diagnosis or disability
- Reading books and journal articles

- Gathering information from web sites
- Attending lectures, conferences or workshops in your area

Your Own Observations

From your daily observations of your child, you will notice many things about their skills, their dreams, how they think and how they behave, that for parents will be a source of joy or concern.

Recording your observations and feelings in writing will be useful in making informed decisions later on.

Exercise

Write down your responses to the following questions. Make sure you write down the current date of your observations at the top of the page, and keep a copy of your responses in your child's Home File.

What are my child's strengths, skills, interests, challenges and limitations?

What about my child gives me the most joy?

What are my biggest fears or worries?

**What specific behaviours, or other problems, have I observed?
How did I react? What did I do in the situation? What could I do better next time, if anything?**

Have I recently noticed any changes in behaviour or ability?

Keep this list of questions in your child's Home File, and look at it every few months. Review the questions, write down your responses, and put the date at the top of the page.

Professional Assessments

If you have taken your child to see a doctor, nurse, counselor or social worker about difficulties with communication, learning, or behavioural problems, or a specific disability, ask for the professional's assessment of your child in writing.

Put a copy of all written assessments in your child's Home File.

Parent Groups

Probably the best way to find good information fast is to talk to parents that have children with the same diagnosis or disability as your child. These parents can speak from their own experience, provide support, and direct you to the best books, journal articles, web sites or e-mail news groups. Accessing these resources will help to keep you up-to-date and informed about your child's specific disability or diagnosis.

In Hamilton, and other communities across Ontario, there are many parent associations that can help you. In the **Education & Advocacy Links** section, we have included links to national, provincial and local associations of parents that have children with specific disabilities or diagnoses.

By networking with other parents and professionals, you can gain valuable information that will help you with day-to-day problem solving and long-range planning.

Research

If your child has received a specific diagnosis from a qualified professional (for example, autism, ADHD, dyslexia, Tourette's syndrome, or Fetal Alcohol Spectrum Disorder), you can do your own research on the diagnosis.

Do a web search for books and articles on your child's diagnosis or disability.

In Hamilton, you can contact the Disability Information Service Helpline (DISH) at [Disability Information Service Helpline \(DISH\)](#). DISH will direct you to the people and resources in the community that can provide you with the best available information about your child's disability or diagnosis.

Similar services are available in other community libraries across Ontario.

Make copies of information that you find useful, and keep them in your Home File.

Talk to Your Child

Children that are struggling at school need to be reassured that they are not lazy or stupid because they are having difficulty keeping up with their school work, or having other problems at school. Many children with disabilities are intelligent, but need support, and in some cases special accommodations, to help them succeed.

Be honest and optimistic when speaking with your child. Talk to them about problems and challenges in a way that they can understand, and tell them how you and the classroom teacher plan to support them. Make sure your child understands what is expected of them, and what they need to do to be successful in meeting these expectations.

Listen to what your child has to say. What are your child's thoughts and feelings? What is he or she most excited about? What are his or her fears?

Let your child know that you are confident that with hard work and the right help, he or she will be able to succeed in school.

Stay Organized

Make sure that you organize all of the information that you gather about your child.

Start a Home File that includes:

- letters and materials related to your child's education
- copies of school files
- names and dates of all tests and results
- medical or psychological assessments
- samples of schoolwork that demonstrate your child's difficulties as well as strengths

Keep a logbook of discussions with professionals, and a record of your own observations.

This information will help you to monitor your child's progress, and will provide your child's education team with the information that they need to make good decisions about your child's education.

The IPRC Process

What is an IPRC?

The decision to identify a student as “exceptional” is made by an Identification, Placement, and Review Committee (IPR Committee; or IPRC).

An IPRC is a committee made up of school and School Board personnel that makes decisions about the identification of your child as having special education needs or “an exceptionality”, the category of the exceptionality, and the appropriate classroom placement of your child.

The rules of this Committee are set out in *Ontario Regulation 181/98*.

What is the purpose of the IPRC?

The purpose of the IPR Committee is to . . .

1. Decide whether or not your child should be identified as exceptional;
2. Identify the area or areas of your child's exceptionality;
3. Decide on an appropriate classroom placement for your child; and
4. Review the identification and placement at least once each school year.

The IPRC can also discuss and recommend special education services, but this is not the main purpose of the IPRC.

Who will be at the Meetings of the IPR Committee?

The people at the meeting of the IPR Committee meeting may include:

- yourself as parent or guardian, and as advocate for your child
- the classroom teacher or teachers
- special education teachers or school resource people
- principals or vice-principals
- School Board personnel, including Superintendents of Education, or School Board social workers, or psychologists
- Your support person (see **Basic Advocacy Skills – Finding Support**)

School and School Board Personnel

The IPR Committee is made up of at least three school and School Board personnel.

The IPR Committee has a Chairperson. The chairperson of the IPR Committee must be a principal or a School Board supervisor.

The other members of the IPR Committee may include the classroom teacher, the Special Education Coordinator of the school, or a School Board social worker or psychologist.

You

Parents and Guardians are not official members of the IPR Committee and do not have a final say in the decisions of the committee. However, parents and guardians do have a right to participate in IPR Committee meetings, and to make recommendations to the committee.

As well, parents and guardians have the right to ask for a review of the IPR Committee decisions and to appeal these decisions.

Students 16 years or older also have the right to participate in IPR committee meetings, to speak on their own behalf, as well as request a review or appeal of these decisions.

Parents or guardians (and students 16 years or older) are *ex officio* members of the committee since it is up to the parents to decide whether they . . .

- agree or disagree with the written decisions of the committee;
- sign the written statement of the IPR Committee decisions;
- contact the chairperson to request a second meeting; or
- appeal the IPR Committee decisions in writing to the School Board.

Your Support Person

Either you or your child's principal may make a request for others to attend the IPRC meeting. As well, you are entitled to have a representative or advocate who may speak on your behalf, or come to the meeting as a witness.

It is a good idea to bring a support person to the meetings of the IPR Committee. In the section on **Basic Advocacy Skills**, we have included a section on **Finding Support**. We also provide a number of links to parent groups and community organizations in the **Education & Advocacy Links** section of this web site.

What Decisions About your Child's Education are made by the IPR Committee?

The IPRC will decide whether your child is "exceptional," the category of the exceptionality, and the appropriate classroom placement for the student.

The written decision of the IPR Committee decision will also include a description of the strengths and needs of the student, and may include recommendations about the special education services that will meet the needs of the student. The parent's recommendations may also be included in the IPRC decision.

Identification

Students are identified according to the categories and definitions of exceptionalities provided by the Ministry of Education. Currently there are 12 categories of exceptionality as defined by the Ministry:

- Behavior
- Autism
- Deaf and Hard-of-Hearing
- Language Impairment
- Speech Impairment
- Learning Disability
- Giftedness
- Mild Intellectual Disability
- Developmental Disability
- Physical Disability
- Blind and Low Vision
- Multiple Exceptionalities

Classroom Placement

The IPR Committee must also decide on the appropriate classroom placement of the student, whether in a regular class with special education services or in a special education class.

The school staff that will be involved in developing your child's IEP must eventually choose one of the following five special education program placements. It therefore makes sense for the IPR Committee to discuss the following placement options.

1. Regular class with indirect assistance

In-class accommodations (extra time for tests, for example), with no additional resources.

2. Regular class with resource assistance

Additional resources, such as a full-time or part-time educational assistant.

3. Regular class with withdrawal assistance

Part-time in a regular class and part-time outside the regular class.
Are additional resources necessary in the regular classroom? Will the program outside the regular class be . . .

one-on-one,

a special class with other students, or

idle time in a resource room?

4. Special education class with partial integration

Part-time in a special class with other students, and part-time in a regular class or in other social settings with regular classroom students.

5. Special education class full-time

Full-time in a special education class with other students.

The IPRC will recommend placement in a regular class with special education services if, in the opinion of the committee, such a placement meets the student's needs and the parent or guardian prefers placement in a regular classroom setting.

If the IPRC recommends placement in a special education class, it must set out the reasons for this recommendation in its decision.

Special Education Services

Most of the decisions about specific special education services for your child will be made during the development of your child's Individual Education Plan (IEP). However, IPR Committee meetings are good opportunities to begin discussions about the specific services that will be provided for your child.

The IPR Committee, Appeal Boards, and Special Education Tribunals can make recommendations about specific special education services that should be provided to your child, but these recommendations are not binding, and cannot be appealed.

According to Section 16 (1) of *Ontario Regulation 181/98*, the committee must discuss any proposal for special education programs or services at the request of the parent or student 16 years or older.

According to Section 9 (2) of *Ontario Regulation 181/98*, “appropriate education services must be provided to meet the pupil’s apparent needs.”

Other Responsibilities of the IPR Committee

The Annual Review

The IPR Committee is also responsible for meeting each year to review your child's progress and to revise your child’s education plan.

The annual review meeting of the IPRC is your chance to help ensure that your child begins each new school year in the best environment and with the appropriate support.

This review may be waived only with your written permission. Even if things have been going well, it is recommended that you do not waive this review because it is an opportunity to develop your relationships with the other members of your child’s education team.

Anytime after 3 months from the date of the IPR Committee meeting, you may request a review of IPR Committee Decisions.

Before the First IPR Committee Meeting

Requesting an IPR Committee Meeting

To start an IPRC, you must contact your child's principal in writing, and request that your child be referred to an IPRC. Your child's principal may also make the referral on his or her own initiative.

If you believe that your child would benefit from special education, write to your child's school principal requesting that your child be referred to an Identification, Placement and Review Committee (IPRC).

First Notification of the IPR Committee Meeting

Within 15 days of the request of the parent to refer a student to an IPR Committee, (or 15 days from the date that the parent, or student 16 years or older, received written notice that the student has been referred to an IPR Committee, the principal must provide the parent or guardian (or student 16 years or older):

written acknowledgement of the parent' request to refer the student to an IPR Committee;

a copy of the **Parent's Guide to Special Education**; and

an approximate date of the first IPR Committee meeting.

Read your School Board's **Parent's Guide to Special Education**.

Information Sharing

Before the IPR Committee meets, information about your child will be collected, and distributed to all members of the committee. This information will serve as the basis for the decisions of the IPR Committee.

The IPRC will consider all information that it considers relevant.

Make sure to send any information about your child to the committee that you would like the members of the IPR Committee to consider when they are making identification and placement decisions.

You should receive a copy of all information that the chair of the IPRC has received.

Request for Consent to Psychological or Health Assessment

The members of the IPR Committee will consider educational, psychological and health assessments.

A good assessment can make the difference in getting the services and resources your child needs to succeed in school.

An educational assessment is **required**. Parental consent is not necessary for an educational assessment.

Parents or guardians may also be asked to give their written consent to a psychological and/or health assessment in accordance with the *Health Care Consent Act*.

Psychological and health assessments will be considered only if:

The IPR Committee requests one or both;

The parent requests that one or both be considered; or

The student aged 16 or older requests that one or both be considered.

Assessments can be done through your child's school, at a hospital, or privately.

When the assessment is complete meet with the person who assessed your child to make sure you understand the main conclusions of the assessment, and to ask questions.

Final Notification of Meeting

At least 10 days before the IPRC will meet, you (and the student if 16 years or over) will receive written notice of the meeting and an invitation to attend. This letter will list the date, time, and place of the meeting, and will ask you to indicate if you can attend.

If you can't attend this meeting, contact the school principal immediately to arrange an alternative date or to let the principal know that you will not be attending.

If you cannot attend, the IPRC will be held without you, and a written decision of the IPRC will be sent to you.

What will happen at the IPR Committee meeting?

The Chairperson of the meeting, usually the Principal of your child's school, will introduce everyone at the table, and describe the purpose of the meeting.

The Committee will then review all available information about your child, including educational assessments, and health or psychological assessments if these were obtained.

The IPRC will also consider any information that you submit about your child or that the child, if 16 or over, submits on his or her own behalf.

If school staff think it will be useful, they may also request permission to interview your child (Permission of the parent is not necessary if your child is 16 years of age or older).

Both the parent or guardian and the student are **required** to give their consent to an interview before the interview may take place. Parents or guardians are entitled to be present for the interview.

You will be encouraged to ask questions during this meeting and to participate in any discussion.

Once all of the information has been presented and discussed, the committee will make its decisions regarding the identification of your child as having an exceptionality, the category of exceptionality, and the classroom placement of your child.

The written statement of the IPR Committee should also include a description of the strengths and needs, the abilities and limitations of the student. The IPR Committee may also make recommendations about special services that will meet the students special education needs.

The IPRC will also consider the parent's preferences, and you may ask the Chairperson of the committee to include your preferences in the written statement of IPR Committee decisions. However, these preferences are not binding. The parent's recommendations may be included in the written statement of the IPR Committee.

What will Happen after the IPRC?

The chair of the IPR Committee will notify the parent, and the student if 16 or older, in writing of the IPRC's decision. If you did not attend the meeting, this will be mailed to you. The principal of your child's school and a representative of the School Board will also be notified about the decision.

You will be asked to sign this document to indicate that you agree with the IPRC's decisions. If you attended the meeting, you may be asked to sign at that time. You have 30 days to return the signed document to the IPRC.

The principal is responsible for implementing the classroom placement decisions of the IPR Committee. As soon as your child is placed, the principal is responsible for beginning the process of developing your child's Individual Education Plan (IEP).

Signing the Written Statement of the IPR Committee Decisions

You do not have to sign the form at the IPRC meeting. Instead, you may ask to have some time to consider the decisions of the committee before you sign.

Make sure that you understand what programs and services the school and School Board is offering you.

If you are not sure that you support the IPRC decision, you may request a second meeting of the IPR Committee to discuss their decisions. If you have any doubts, or would like some time to think about the decisions of the Committee, you have 15 days from the date of the first IPR Committee meeting to request a second meeting of the IPRC. At the time of the next meeting, you can ask for clarification of the decision, sign the written statement, or give your reasons for not signing the written statement.

If you do not sign the written statement of the IPR Committee decisions, and you do not request a second meeting of the committee or appeal the decision to the School Board, the decisions of the committee will be implemented 30 days following the IPR Committee's first meeting.

Before the next meeting think about whether:

- a) you understand the decision
- b) you are happy with the decision
- c) you disagree with the decision

"I Understand, and I am Happy with, the IPR Committee Decisions."

If you understand, and you are happy with the decisions of the IPR Committee, you have 30 days in which to sign the written statement of the IPR Committee's decisions.

Within 30 days of the start of your child's placement, the education team is required to develop an Individual Educational Plan, or IEP. A copy of the IEP will be provided to the parent or guardian, and to the student if 16 years or older.

Once the document is signed and returned, the board will notify the principal of the school.

"I Do Not Understand the IPR Committee Decisions."

If you do not understand the IPRC Committee decisions, you can review the decisions with the chairperson of the committee, or request a second meeting of the IPR Committee to discuss the decisions of the committee.

“I Understand, but I Disagree with the IPR Committee Decisions.”

If you don't agree with the IPRC decision, you do not have to sign the written statement of the IPR Committee decisions.

You also have the right to request a second meeting of the IPR Committee, or to appeal one or more of the decisions of the IPR Committee in writing to the School Board.

If you do not request a second meeting or file an appeal, the placement decision of the IPRC will be implemented within 30 days of the IPR Committee decision. The parent or guardian will be notified in writing that the student has been placed.

What happens if I request a second meeting of the IPR Committee?

If you do not agree with the IPR Committee decision, you may request a second meeting of the committee to review the identification and placement decisions of the committee. The written request for a review meeting of the IPR Committee must be delivered within 15 days of receiving the written decision of the IPR Committee. On receiving such a request, it is the responsibility of the Principal to arrange a second meeting of the IPR Committee as soon as possible, and must inform the parent (or student 16 years or older) of the approximate date of the review meeting within 15 days of the request.

After this second meeting, the IPR Committee can decide to . . .

Uphold its original decision and notify all parties of this decision; or

Change its original decision and notify all parties of this decision and the reasons for the revision.

If there is still disagreement after the second meeting, parents, or students 16 years or older, have the right under the *Education Act* to appeal the decision of the IPR Committee within 15 days of receipt of the decision of the review meeting of the IPR Committee.

Parents may request a review of IPR Committee decisions 3 months after the student has been placed, and may request a review of these decisions every 3 months.

The IPRC Appeal Process

What happens if I decide to appeal the decision of the IPR Committee?

If you do not agree with either the identification or placement decision made by the IPRC, you may:

- within 15 days of receiving the IPRC decisions, request that the IPRC hold a second meeting to discuss their concerns
- within 30 days of receiving of the decision, file a notice of appeal with the secretary of the School Board

If the parent does not agree with the decision after the review meeting, he or she may file a notice of appeal within 15 days of receipt of the decision.

How do I appeal an IPRC decision?

If parents disagree with the identification or placement decisions of the IPRC, they can appeal in writing to the School Board.

The parent (or student 16 years or older) may, within 30 days of receipt of the original decision or within 15 days of receipt of the decision from the review meeting, give written notification of their intention to appeal the decision to the secretary of the School Board.

The notice of appeal must:

- indicate the decision with which the parent disagrees; and
- include a statement that sets out his or her reasons for disagreeing.

What Happens If I Appeal the Decisions of the IPR Committee?

The School Board will establish a Special Education Appeal Board. The Appeal Board will be composed of three persons (one of whom is selected by you, the parent or guardian. Members appointed to SEAB should have no prior knowledge of the matter under appeal.

What is a Special Education Appeal Board (SEAB)?

A Special Education Appeal Board (SEAB) is comprised of three members:

One member is selected by the school board;

One member is chosen by the parent; and

A chairperson, selected by the two members appointed by the School Board and the parent or guardian. When those members cannot agree, the Chairperson is appointed by a district manager of the Ministry of Education.

The Chair of the Appeal Board will arrange a meeting to take place no later than 30 days after he or she has been selected (unless both parents and the School Board member provide written consent to a later date).

The Appeal Board will receive the material reviewed by the IPR Committee, and may interview any person who can contribute information about the matter under appeal.

You, and your child if he or she is 16 years of age or over, are entitled to be present at, and to participate in, all discussions of the SEAB.

The Recommendations of the SEAB

The SEAB must make its recommendations within 3 days of the meeting.

The Special Education Appeal Board can:

- agree with the IPRC and recommend that the decision be implemented; or
- disagree with the IPRC and make a recommendation to the board about the student's identification, placement, or both.

The SEAB will report its recommendations in writing, to the parent and to the School Board, and provide the reasons for its recommendations.

Within 30 days of receiving the Special Education Appeal Board's recommendations, the School Board will decide what action it will take with respect to the recommendations.

The parent or guardian will be informed of the School Board decision in writing.

You may accept the decision of the School board, or may appeal in writing to the Secretary of the Special Education Tribunal.

Information about making an application to the Special Education Tribunal will be included with the recommendations of the SEAB.

Special Education Tribunal (SET)

If parents are not satisfied with the recommendations of the SEAB or the school board's response to the recommendation, the next step is to proceed to a formal Special Tribunal.

Special Education Tribunal provides final and binding decisions in the event of disagreements between parent(s)/guardians(s) and school boards concerning the identification or placement of exceptional pupils.

Application to request a Tribunal must be filed with the Secretary of the Special Education Tribunal to schedule a hearing.

A Special Education Tribunal is a legal hearing that falls under the *Statutory Powers Procedure Act*.

The tribunal has two members and one chairperson.

Both the parent or guardian and the School Board will both be given an opportunity to call witnesses and present their case before the tribunal.

Because the Special Education Tribunal is a formal legal proceeding, parents should consider carefully whether they need a lawyer to assist them in presenting their case to the Tribunal. It is advisable that parents or guardians contact one or more of the organizations listed in the section **Basic Advocacy Skills—“I need a Lawyer!”**

Judicial Review

According to the Education Act, the decision of a Special Education Tribunal is “final and binding” on the School Board and the parents. In some cases, however, the School Board or the parent or guardian may request a judicial review of the decisions of the Tribunal.

Individual Education Plans (IEPs)

What is an Individual Education Plan (IEP)?

The Individual Education Plan, commonly known as an IEP, is the school's written plan of action for students with special education needs. An IEP is a written plan describing the special education program and/or services required by a particular student.

The IEP identifies learning expectations that are different from the expectation for each grade, subject or class as outlined in the standard curriculum. The IEP also identifies any accommodations and special education services that are needed to help student achieve his or her learning expectations.

According to the Ministry of Education and Training, the IEP is a working document that describes

1. the strengths and needs of an individual exceptional pupil
2. the special education program and services established to meet that pupil's needs
3. how the program and services will be delivered
4. how the student's progress will be measured

The IEP is *not* a daily lesson plan describing everything that will be taught to the student.

The IEP should be updated periodically to record any changes in the student's special education program, and services provided for the student. Any changes to the programs or services provided to a student will be based on the on-going assessment and evaluation of the student's achievement of annual goals and learning expectations.

The IEP reflects the commitment of the school board and the principal to provide special education programming and services that are needed to meet the education goals of the student.

It is expected that parents and students will be included in the process of developing the IEP.

A copy of this document must be provided to the parents or guardian of a student (and the student if 16 or over).

Ministry Standards for the Development of IEPs

In 2000, the Ministry of Education released a document that sets provincial standards for the development and implementation of Individual Education Plans.

[Standards for the Development and Implementation of Individual Education Plans \(2000\) – Ministry of Education, Ontario](#)

The principal of your child's school is responsible for ensuring compliance with the requirements described in this document for the development and implementation of your child's Individual Education Plan.

Who Needs an IEP?

An IEP must be prepared for all students that have been identified as “exceptional” by an IPR Committee. After the IPR Committee has made its placement decision, they will notify the principal of the school at which the child will be placed. The principal is responsible for ensuring that the IEP is prepared and carried out.

Parents may request that an IEP for their child even if they have not gone through the IPR Committee process, or the school may suggest that parents or guardians of children with special education needs develop an IEP without the prerequisite of an IPRC. However, the written decision of the IPRC is the only guarantee that your child will receive the services he or she requires. It is therefore not advisable to develop an IEP without going through the IPR Committee process.

Parents and teachers may begin work on the development of the IEP prior to the IPR Committee meeting.

What are the Steps in Developing an IEP?

The development of the IEP involves five steps:

1. Gathering Information
2. Setting the Direction
3. Developing the plan
4. Implementing the plan
5. Reviewing and updating the plan

[The Individual Education Plan Resource Guide \(2004\)-Ontario Ministry of Education](#)

Transition Plans

For students 14 years of age or older, the education team is required to include in the IEP a Transition Plan for post-secondary employment, education, and/or housing.

A transition plan may also be developed for students who may experience difficulty making the transition from one grade level or course to another, or from one school or school board to another.

The transition plan should specify the student's specific transition goals, the actions required to achieve these goals, the partners in the transition plan and their responsibilities. A Transition Plan is not required in the case of gifted students.

Roles and Responsibilities

In Ontario, the development and delivery of special education programs and services is a shared responsibility. The *Education Act* and its Regulations specify clear responsibilities for the Ministry of Education, the School Boards, School Board supervisory officers, Principals, teachers, parents and students.

The Ministry of Education

According to the *Education Act* and its regulations, the Ministry of Education has the following responsibilities for special education:

- Establishing the legal obligations of school boards, such as the obligation to provide appropriate special education programs and services
- Defining special education words like “exceptionality,” and determining the categories of exceptionality
- establishing the funding for special education
- setting standards for programs and curriculum
- establishing Special Education Tribunals to hear disputes between parents and school boards regarding the identification and placement of exceptional pupils
- operating Provincial Schools that provide alternative education programs for deaf, blind, and deaf-blind students, and Demonstration Schools for students who have severe learning disabilities

School Boards

The *Education Act* requires that school boards provide, or purchase from another school board, special education programs and services for "exceptional" students.

The responsibilities of school boards and school authorities that are specific to special education include:

- hiring qualified staff to provide programs and services for exceptional students
- obtaining funding for special education
- preparing an annual special education budget
- Establishing a Special Education Advisory Committee (SEAC)

- developing and reviewing a Special Education Plan for the schools operated by the School Board
 - preparing a Parent Guide to provide parents with information about special education programs, services, and procedures
 - establishing Identification, Placement, and Review Committees (IPRCs) to identify exceptional pupils and determine appropriate placements for them
 - establishing Special Education Appeal Boards for the purpose of reviewing IPRC decisions

Principals

The principal's specific responsibilities for special education include:

- communicating board policies and procedures about special education to staff, students, and parents
- ensuring that appropriately qualified staff are assigned to teach special education classes
- Appointing a Special Education Coordinator
- ensuring that the identification and placement of exceptional pupils, through an IPRC, is done according to the procedures outlined in the Education Act, regulations, and board policies
- ensuring that necessary assessments are requested and that parental consent is obtained
- consulting with parents and school board staff to determine the most appropriate program for exceptional pupils
- ensuring the development, implementation, and review of a student's Individual Education Plan (IEP), including a transition plan, is carried out according to provincial requirements
- ensuring that parents are consulted in the development of their child's IEP and that they are provided with a copy of the IEP
- ensuring the delivery of program and services as set out in the IEP

Teachers

Teachers' specific responsibilities with respect to special education include:

- following board policies and procedures regarding special education
- maintaining up-to-date knowledge of special education practices
- where appropriate, working with special education staff and parents to develop IEPs for exceptional pupils
- providing the program for an exceptional pupil in the regular class, as outlined in his or her IEP
- communicating the student's progress to parents
- working with other school board staff to review and update the student's IEP

Special Education Teachers

In addition to the responsibilities listed above under "Teachers", special education teachers have the responsibility to:

- hold qualifications to teach special education
- provide programs for exceptional pupils, as outlined in their IEPs, in a regular class, or in an alternative setting, such as a special education class, for all or part of the day
- monitor the student's progress with reference to his or her IEP and modify the program as necessary
- advise regular classroom teachers on strategies and accommodations
- assist in providing educational assessments for exceptional pupils

Parents and Guardians

The responsibilities of parents and guardians that have children with special education needs include:

- participating in IPRCs, parent-teacher conferences, and other relevant school activities
- participating in the development of the IEP

- becoming acquainted with the school staff
- working with, and supporting, your child at home
- working with the school principal and teachers to solve problems

Students

Students are responsible for:

- attending classes
- meeting evaluation and assessment requirements
- exercising self-discipline and behaving courteously towards both their teachers and fellow students
- complying with board policies and procedures
- participating in IPRCs, IEP development, transition planning, parent-teacher conferences, and other activities if 16 years or older, or at the request of parents and school personnel

Special Education Advisory Committees (SEACs)

Each School Board is required to establish a Special Education Advisory Committee (SEAC), made up of School Board officials and representatives from local and provincial agencies that work with children and families with special education needs.

Parents, guardians, and members of the general public, may contact members of their School Board's SEAC to offer comments, raise concerns, and discuss the board's system-wide planning and development of special education programs and services.

Members of the public may also attend SEAC meetings to make their views on special education issues known to the committee, and to the district school board.

The Special Education Advisory Committee (SEAC) of each board:

- makes recommendations to the board on issues affecting the establishment, development, and delivery of special education programs and services for exceptional pupils
- participates in the School Board's annual review of its Special Education Plan
- participates in the School Board's annual budget process as it relates to special education
- reviews the financial statements of the board as they relate to special education
- provides information to parents, as requested

Your notice of appeal must be sent to the Director of Education at the School Board within 15 days of receiving the IPRC decision.

If you disagree with the IPRC's decision, you have 15 days to request a second meeting of the IPRC, or 30 days to appeal directly to a Special Education Advisory Board.

If you are still not satisfied with the decisions about the identification or placement of your child after the second meeting, you have 15 days from the second decision to file an appeal.

Your request for an appeal must be made in writing to the secretary of the school board. The name and address of this person can be obtained from the Principal of your child's school or you can contact the School Board directly. You must indicate the decision or decisions with which you disagree, and your reasons for disagreeing.

If parents disagree with the pupil identification and / or placement they may, within 15 days of receipt of the decision, request an I.P.R.C., hold a second meeting or, within 30 days of receipt of the decision, file a notice of appeal to the Board.