

Strategies for Success

Navigating Special Education in Ontario

→ A Guide for Students, Parents and Caregivers



In Canada, the provincial and territorial governments are responsible for regulating public education.

In Ontario, there are specific laws, regulations, policies, and resources that affect students with a disability and neurodiverse students.

This guidebook is intended to provide information for parents, caregivers, and community organizations that support students with disabilities. No matter your role, access to information is key when advocating for students throughout their learning journey.

In this guidebook, we examine the key legislation and policies that govern schools and school boards, the different roles and responsibilities within the education system, human rights considerations, and the right to be in school.

About Community Living Ontario

Community Living Ontario is a non-profit provincial association that proudly works alongside over 120 local agencies and advocates on behalf of more than 100,000 people across Ontario. We support people who have an intellectual disability, their families, and member organizations to create inclusive communities across Ontario.

[CommunityLivingOntario.ca](https://www.communitylivingontario.ca)



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About PooranLaw:

PooranLaw is a multi-disciplinary law firm in Ontario. Founded in 2008, PooranLaw's team of highly skilled social justice lawyers is committed to building more inclusive and supportive communities for people with disabilities in Canada. The firm focuses on the promotion of a just society for persons with disabilities and other marginalized groups.

PooranLaw recognizes the many facets and nuances of disability, including the unique challenges of children and adults living with developmental disabilities, autism spectrum disorder, mental health and visual impairments. The firm has in-depth knowledge and understanding of therapies, medical treatment, educational, community-based supports, and other services available as well as the intersection between them.

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Reach out by email: info@pooranlaw.com or by phone: 416.860.7572



Disclaimer

This guidebook does not contain legal advice. It is meant to be an overview of the legal landscape and an introduction to the common issues that parents and students with disabilities face in the Ontario public education system. While we have tried to cover the most common issues, every situation is different and novel issues are consistently arising. This is especially the case when every school board in Ontario has its own unique circumstances and relationships. If you do not find what you need to answer your questions here, we recommend that you seek advice from a lawyer who understands education law and human rights law, as well as your unique situation.

We have also worked to provide the most up to date legal information available; however, the law is constantly evolving. While we hope to be able to update this book in a timely manner, we do not warrant or guarantee that the legal information in this book is current.

Finally, the information included in this book is general information only and does not constitute legal advice. We strongly recommend that if you are uncertain about entering into any arrangement with your school or school board, that you first obtain legal advice, and that you consult with your legal advisor before taking any significant steps related to any decisions or challenges you may be facing with your school or school board, including any discipline, exclusions, accommodations, or general dispute resolution needs.

Table of Contents

We have divided this book by subject matter to make it easier to navigate. Each chapter provides you with information about a particular law, relevant organization, key document, or process, and what you may need to know to navigate the special education system in Ontario. Briefly, here's an overview of each chapter:

Chapter 1

Introduction

This section provides an overview of the contents of this book.

[Read more →](#)

Chapter 2

Special Education: Legal Landscape

This section provides a plain language guide to some of the main laws and policies that affect students with accommodation and support needs.

[Read more →](#)

Chapter 3

Special Education: Who Does What?

This section provides a summary and overview of the roles and responsibilities for the various people, committees, and organizations that play a part in special education in Ontario. It also provides an overview of Special Education Plans and what you can expect to find in them.

[Read more →](#)

Chapter 4

The Individual Education Plan

This section provides an overview of the Individual Education Plan (IEP), what it is, how to get one, and the general process associated with developing and reviewing an IEP. It also provides a summary of what you can expect to find in an IEP, and the role this document plays in a student's development.

[Read more →](#)

Chapter 5

The Identification, Placement and Review Committee

This section outlines what an Identification, Placement and Review Committee (IPRC) is, what it does in the system, as well as its process and an overview of what you can do if you disagree with an IPRC decision. It also outlines the categories of student exceptionalities and placement options generally.

[Read more →](#)

Chapter 6

The Ontario Human Rights Code

This section looks at the public education system through a human rights lens. You will find a discussion on inclusive school environments, accessibility, and the duty to accommodate children with disabilities. This section also includes a discussion about the role of the Ontario Human Rights Tribunal.

[Read more →](#)

Chapter 7

Student Discipline, Attendance, and the Right to be in School

This section discusses issues that might impact a student's right to be in school, as well as their right to be free of violence and abuse. This includes processes for suspensions and expulsions, appeal rights of those decisions, and general rights and obligations associated with student discipline. It also discusses exclusions and the use of restraints and 'seclusion rooms' in schools.

[Read more →](#)

Chapter 8

Key Takeaways and Additional Resources

This section summarizes the key takeaways from each chapter and provides additional resources to help navigate Ontario's education system.

[Read more →](#)

Special Education Basics – The Legal and Policy Landscape

What's in this chapter?

- A** The *Education Act*
- B** Regulations of the *Education Act*
- C** Policy and Program Memoranda

This section provides a summary of the laws, regulations, and policies that impact how special education is delivered in Ontario. This includes the *Education Act* and its related regulations, and the Ministry of Education's Policy and Program Memoranda (PPMs) to name only a few.

Let's start with the *Education Act*. In Ontario, the *Education Act* governs the delivery of publicly funded elementary and secondary education. It sets out the powers and duties of the Minister of Education, school boards, and school board trustees. It also outlines and

defines the authority and duties of principals and teachers, and the rights and responsibilities of parents and students. It is also important to note that there are many regulations under the *Education Act*. Regulations provide more details about rules and procedures, including guidance on how special education programs are delivered.

This section also provides information on the PPMs, which are official policy statements issued by the Ministry of Education to direct school boards and schools.

The *Education Act*

Publicly funded elementary and secondary schools are governed by the *Education Act* and its regulations. Local school boards administer and oversee schools throughout the province of Ontario.

The goal of the *Education Act* is to ensure that the education system provides “students with the opportunity to realize their potential and develop into highly skilled, knowledgeable, caring citizens who contribute to their society.”

The *Education Act* includes many different terms and definitions. Here are three (3) important ones that relate to special education that you may often hear:



“EXCEPTIONAL PUPIL” means a pupil whose behavioural, communicational, intellectual, physical or, multiple exceptionalities are such that the student is considered to need placement in a special education program by an authorized committee of the board:

- of which the pupil is a resident pupil,
- that admits or enrolls the pupil other than pursuant to an agreement with another board for the provision of education, or
- to which the cost of education in respect of the pupil is payable by the Minister.

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

“SPECIAL EDUCATION SERVICES” means facilities and resources, including support personnel and equipment, necessary for developing and implementing a special education program.

As you’ll see here, the term **“exceptional pupil”** is one used often in special education and is generally used within many other definitions and sections under the *Education Act*. The bolded words above under “exceptional pupil” for *behavioural, communicational, intellectual, physical, or multiple exceptionalities* are also terms you may often see, particularly in the Identification, Placement, and Review Committee (IPRC) process. You can find more information on that process in [Chapter 5](#).

“Special education programs” are defined in the *Education Act* as set out above. Generally, they are set up to support the learning goals of exceptional pupils and students with special education needs. Special education programs should be based on ongoing assessment and evaluation and can be modified as needed to meet a student’s changing needs.

“**Special education services**” can be thought of as the specific tools used to implement the special education program and support a student’s needs. This can include, for example, equipment and support people.

**A student does not need to be formally identified as an “exceptional pupil” in order to access support. Some students access special education programs and services without going through the IPRC process.

Parents, students, and caregivers should pay particular attention to Section 8(3) of the *Education Act*. It explains that school boards have specific responsibilities regarding special education:

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

- a. require school boards to implement procedures **for early and ongoing identification** of the learning abilities and needs of pupils, and shall prescribe standards in accordance with which such procedures be implemented; and*
- b. in respect of special education programs and services, **define exceptionalities** of pupils, and prescribe classes, groups or categories of exceptional pupils, and require boards to employ such definitions or use such prescriptions as established under this clause.”¹*

1 *Education Act*, section 8(3).

In other words, this means, among other things, that schools and school boards have a duty to accommodate the varying needs of students within their system.

Regulations of the *Education Act*

The *Education Act* has a number of regulations. Listed below are the relevant regulations that speak to special education programs and services (note that “O. Reg.” is short for “Ontario Regulation”).

You can find a full list of the regulations here: <https://www.ontario.ca/laws/statute/90e02>

TITLE AND REGULATION NUMBER	DESCRIPTION
O. Reg. 181/98 Identification and Placement of Exceptional Pupils	This regulation generally governs the establishment and conduct of Identification, Placement, and Review Committees (IPRCs). It also sets out the procedures involved in identifying a student as exceptional, deciding the student’s placement, and appealing such decisions when you do not agree with the IPRC. This regulation also governs the establishment of the Individual Education Plan (IEP).
O. Reg. 296 Ontario Schools for the Blind and the Deaf	This regulation speaks to the operation of the Ontario Schools for the Blind and the Deaf and sets out the requirements with respect to admissions, fees, and transportation, as well as the duties of students, teachers, residence counsellors, parents, and the superintendent.

TITLE AND REGULATION NUMBER	DESCRIPTION
<p>O. Reg. 298 Operation of Schools – General</p>	<p>This regulation contains multiple sections that speak specifically to special education. For example, subsection 3(3) permits a reduction in the length of the instructional program for exceptional students to less than the required daily hours. It also sets out the duties of principals with respect to exceptional students, as well as the qualifications teachers must hold to be placed in charge of or to teach in a special education program.</p> <p>This regulation sets out the maximum enrolment in a special education class. The maximum enrolment depends upon the extent of the exceptionalities of the students in the class and the special education services that are available to the teacher. This regulation also sets out the maximum limits for self-contained classes.</p>
<p>O. Reg. 306 Special Education Programs and Services</p>	<p>This regulation defines the requirement for each school board to maintain a special education plan for the delivery of special education programs and services. It also sets out the authority for the Minister of Education to require a school board to amend its plan if necessary.</p> <p>More information on special education plans can be found in Chapter 4.</p>
<p>O. Reg. 464/97 Special Education Advisory Committees</p>	<p>This regulation governs the appointment and operation of Special Education Advisory Committees (SEACs). Every school board has a SEAC. This regulation contains requirements for SEACs such as their role, membership, and what they can do.</p> <p>More information on SEACs can be found in Chapter 3.</p>

What does the *Education Act* say about the Ontario Student Record (OSR)? How can I access it?

Every school must maintain a record for each enrolled student, which holds specific information. This record is called the Ontario Student Record (OSR).² The information inside the OSR is privileged (meaning that only certain people can access it).³ The contents of the OSR and the way it is maintained, stored, and disclosed is outlined in a policy document called the *Ontario Student Record (OSR) Guideline*.⁴ The Guideline refers to the *Education Act*, which states that “only supervisory officers and the principal and teachers of the school have access to the OSR for the purpose of improving the instruction of the student.”

Every student has a right to access their OSR. Parents also have the right to access the OSR if the student is under the age of 18.⁵ A student or parent may request that information in the OSR be removed if it is inaccurate or it is no longer “conducive to the improvement of instruction of the pupil.”⁶

Policy and program memoranda

Policy and Program Memoranda (PPMs) are official directives issued by the Ministry of Education. PPMs set out the Ministry’s expectations and provide direction to school boards and schools. PPMs outline specific standards relating to education in Ontario, and many of them can be used to help support disability-specific programming.

All PPMs can be found on the Ministry of Education’s website. Click [HERE](#) to access the full list.

2 *Education Act*, ss. 265-266

3 *Education Act*, s. 266(2).

4 Ministry of Education, *Ontario Student Record (OSR) Guideline*, (Toronto: Queen’s Printer for Ontario, 2000) online: Ministry of Education

5 *Education Act*, s. 266(3).

6 *Education Act*, s. 266(4). See also OSR Guideline, at 22.

Listed below are some PPMs that are relevant for neurodiverse students and students with disabilities.

TITLE (YEAR OF ISSUE)	DESCRIPTION
<p>PPM 1 Ontario Schools for the Blind and Deaf as Resource Centres (1986)</p>	<p>This PPM outlines the use of Ontario Schools for the Blind and Deaf and their use as resource centres, as well as the related services available to all boards and agencies.</p>
<p>PPM 8 Identification of and Program Planning for Students with Learning Disabilities (2014)</p>	<p>This PPM provides the Ministry of Education’s definition of the term ‘learning disability’, which must be used by an IPRC. It also outlines that school boards are required to implement procedures for early and ongoing identification and offers a discussion of appropriate instructional approaches and teaching strategies.</p>
<p>PPM 11 Early Identification of Children’s Learning Needs</p>	<p>This outlines the expectation that all school boards must adopt procedures to identify each child’s level of development, learning abilities and needs, and must ensure that educational programs are designed to accommodate these needs. Check your school board’s special education plan for more information on how that school board incorporates PPM 11 into its board-wide plan for special education.</p>
<p>PPM 59 Psychological Testing and Assessment of Pupils (1982)</p>	<p>This outlines what school boards should take into account when considering the provision of psychological services. This includes recommendations that outdated reports, which are no longer conducive to improvement of the student’s program, should be removed from the student’s record by the school principal.</p>
<p>PPM 76C Alternative educational programs and services for deaf, blind, and deaf-blind exceptional pupils (1991)</p>	<p>This PPM includes guidelines for programming for students who are deaf, blind, and deafblind. It includes minimum timeframes for direct instruction by qualified specialist teachers, as well as the directive that deafblind students must be supported by an intervener for 100% of their school day.</p>

TITLE (YEAR OF ISSUE)	DESCRIPTION
<p>PPM 81 Provision of Health Support Services in School Settings (1984)</p>	<p>This PPM represents the province’s commitment to ensure that all students with special education needs receive the support services required to benefit from an educational program. It outlines shared responsibilities by the Ministries of Education, Health, and Community and Social Services. It also requires the direct provision of services at the local level by school boards (i.e., agencies, facilities, centres).</p> <p>The School Health Support Services Program (SHSS) is a program of the Ministry of Health that is mandated to ensure that children with disabilities can access supports in school related to disability, medical, therapeutic and other health-related needs. PPM 81 articulates this delivery of support services, and the responsibilities shared between school boards, the Ministry of Education, the Ministry of Health, and the Ministry of Children, Community and Social Services. This can depend on the nature of the service required. Some examples of health support services include occupational therapy, nursing support, and speech language therapy.</p>
<p>PPM 119 Developing and implementing equity and inclusive education policies in Ontario schools (2013)</p>	<p>This memorandum provides direction to school boards on the review, development, implementation, and monitoring of equity and inclusive education policies to support student achievement and well-being. According to this PPM, all school boards are required to develop, implement, and monitor an equity and inclusive education policy. You can typically find a school board’s equity and inclusive education policy on the board’s website.</p> <p>Among other things, the equity and inclusive education policy of a school board <u>must</u> address the eight areas of focus outlined in PPM 119, which includes a focus on inclusive curriculum and assessment practices.</p> <p>More information on this PPM, as well as the Human Rights Code and inclusive programming and practices, can be found in Chapter 6.</p>

TITLE (YEAR OF ISSUE)	DESCRIPTION
<p>PPM 138 Daily physical activity in elementary schools, Grades 1-8</p>	<p>This PPM outlines the requirement that all elementary school students, including students with special education needs, have a minimum of twenty minutes of moderate to vigorous physical activity each school day during instructional time. The school principal is responsible for ensuring that this is done in a safe manner.</p>
<p>PPM 140 Incorporating methods of Applied Behaviour Analysis (ABA) into Programs for Students with Autism Spectrum Disorders (ASD)</p>	<p>This PPM provides direction to school boards in cases where applied behaviour analysis (ABA) is incorporated for autistic students. Important highlights include the necessity of program individualization, the use of positive reinforcement, and the collection of data.</p> <p>This memorandum also states that principals must ensure that ABA methods are incorporated into the IEPs of autistic students (where appropriate). The principal is also responsible for ensuring that relevant school board and community personnel who have previously worked and/or are currently working with the student are invited to provide input and participate in the IEP process.</p>
<p>PPM 141 School board programs for students on long-term suspension (2012)</p>	<p>This PPM provides direction to school boards regarding the development of programs for students on long-term suspension. In the case of students with special education needs, school boards are required to provide appropriate support consistent with the student’s IEP. School boards must also establish performance indicators for monitoring, reviewing, and evaluating the effectiveness of the board program. These indicators should be developed in consultation with the school community, principals, staff, and the Special Education Advisory Committee (SEAC), among others.</p>

TITLE (YEAR OF ISSUE)	DESCRIPTION
<p>PPM 142 School board programs for expelled students (2012)</p>	<p>The purpose of this PPM is to provide direction to school boards regarding the development of board programs for expelled students. In the case of students with special education needs, school boards are required to provide appropriate support consistent with the student’s IEP. School boards must also establish performance indicators for monitoring, reviewing, and evaluating the effectiveness of the board program. These indicators should be developed in consultation with the school community, principals, staff, and the SEAC, among others.</p> <p>More information on this PPM, as well as information regarding expulsion, student discipline, and the right to be in school, can be found in Chapter 7.</p>
<p>PPM 144 Bullying prevention and intervention (2018)</p>	<p>This PPM says that every school board must establish a plan for schools that integrates requirements and guidelines regarding bullying prevention and intervention into a comprehensive and achievable plan. Every board must require that all schools implement this plan.</p> <p>School boards must make this plan available to the public (usually on the school board website). If you cannot find the plan on the school board website, you can ask the school principal.</p> <p>School boards must also ensure that for students with special education needs, interventions, supports, and consequences are consistent with the child’s strengths and needs, as well as with the program goals and learning expectations documented in their IEP. Ongoing intervention and support may be necessary to promote and sustain positive student behaviour.</p>
<p>PPM 145 Progressive discipline and promoting positive student behaviour (2018)</p>	<p>The purpose of this PPM is to provide direction to school boards on their policies and guidelines concerning progressive discipline. Importantly, regarding school exclusions (or the use of s. 265(1)(m) of the <i>Education Act</i>), this memorandum says that exclusions are not to be used as a form of discipline.</p>

TITLE (YEAR OF ISSUE)	DESCRIPTION
<p>PPM 149 Protocol for Partnerships with External Agencies for Provision of Services by Regulated Health Professionals, Regulated Social Service Professionals, and Paraprofessionals (2009)</p>	<p>This PPM outlines direction to school boards concerning the review and/or development of a protocol for partnerships with external agencies to provide services in schools by regulated health professionals, social service professionals, and paraprofessionals. This PPM can be used when considering what a school board’s obligations are with respect to forming partnerships for the purposes of programming and transition planning for a student with special education needs.</p>
<p>PPM 151 Professional Activity Days Devoted to Provincial Education Priorities (2019)</p>	<p>This memorandum sets out requirements for mandatory professional activity days (PA Days) for school board staff. With respect to the equity and human rights in education (i.e., anti-racism and anti-discrimination) considerations in this PPM, it notes that school boards should consider the essential nature of equitable learning opportunities for students with disabilities and special education needs.</p>
<p>PPM 153 Applications for Temporary Letters of Approval (2010)</p>	<p>The Minister of Education has the authority under the <i>Education Act</i> to grant a “Temporary Letter of Approval” for a school board to assign or appoint a teacher to teach a subject, division, or hold a position even when that teacher does not have the required qualifications. This memorandum provides information on the application requirements for a Temporary Letter of Approval. It notes that, sometimes, a Temporary Letter of Approval is required to allow a teacher who does not have a qualification in special education to be assigned to teach or be placed in charge of a special education program or class.</p>

TITLE (YEAR OF ISSUE)	DESCRIPTION
<p>PPM 155 Diagnostic Assessment in Support of Student Learning (2013)</p>	<p>This PPM outlines how diagnostic assessment tools may be used effectively to inform teaching and learning practices in the classroom in support of student learning and achievement. It outlines a number of specific responsibilities for teachers, which include the requirement to integrate assessment with instruction, share learning goals and success criteria with students at the beginning to ensure common understanding, and help students monitor their progress toward achieving their learning goals.</p>
<p>PPM 156 Supporting Transitions for Students with Special Education Needs (2013)</p>	<p>This memorandum sets out requirements for schools and school boards regarding transition plans for students with special education needs from Kindergarten to Grade 12. Effective transition planning is important, and this PPM recognizes that individualized transition plans that reflect a student’s unique strengths provide the foundation for successful transitions.</p> <p>This PPM also indicates that, for students who have an IEP, the transition plan must be reviewed as part of the review of the IEP. The results of each review should be used to update the transition plan.</p> <p>More information on this PPM, transition planning, and Individual Education Plans can be found in Chapter 4.</p>
<p>PPM 159 Collaborative Professionalism (2016)</p>	<p>This PPM clarifies priorities and commitments to building a culture of collaborative professionalism in Ontario’s education system.</p>

TITLE (YEAR OF ISSUE)	DESCRIPTION
<p>PPM 160 Protected Time for Daily Mathematics Instruction, Grades 1 to 8 (2016)</p>	<p>The purpose of this PPM is to set out the expectation that school boards across Ontario will provide focused daily mathematics in Grades 1-8 during blocked periods of time. It outlines, among other things, that for students with special education needs, educators must provide any accommodations and/or modifications in these students' IEPs.</p>
<p>PPM 161 Supporting Children and Students with Prevalent Medical Conditions (Anaphylaxis, Asthma, Diabetes, and/or Epilepsy) in Schools (2018)</p>	<p>The purpose of this PPM is to provide direction to school boards about the components that should be included in their school board policies to support students with prevalent medical conditions in schools. This PPM indicates, among other things, that if school boards currently have policies to support students with diabetes or epilepsy, boards should ensure that their policies, at a minimum, meet the expectations outlined in this memorandum.</p>
<p>PPM 168 Reading Instruction and Early Reading Screening (2023)</p>	<p>This PPM recognizes that reading is a basic and essential skill that impacts students' lifelong success. This includes students with special education needs. This PPM refers to, among other things, the Ontario Human Rights Commission's release of its Right to Read inquiry report, and outlines that the Ministry is acting on the Commission's recommendations related to early reading screening.</p> <p>Regarding special education, the PPM indicates, among other things, that early reading screening should not be the sole method used to determine if a student requires special education programs and/or services.</p>

Key takeaways

Here are some key takeaways from this chapter:

- ✔ The Ministry of Education is generally responsible for providing a regulatory framework that identifies the roles and responsibilities of schools and school boards.
- ✔ The local school board is responsible for providing special education at the operational level.
 - ✔ The *Education Act* and the regulations made under it are the most comprehensive set of rules that govern public schools in Ontario. The Act imposes requirements that school boards must follow with respect to special education. This includes:
 - ✔ The creation, maintenance, and review of special education plans, and preparation of reports on special education programs and services.
 - ✔ Establishment of the IPRCs, as well as provision of IEPs.
- ✔ Policy and Program Memoranda, all publicly available on the Ministry of Education’s website, are important documents to reference when caregivers are trying to understand the expectations and responsibilities of school boards and school authorities.

Special Education – Roles and Responsibilities

What’s in this chapter?

- A** The different roles – who does what?
- B** Who do I contact with questions?
- C** What is a special education plan?

Special education engages many people at multiple levels – from the student, families, and caregivers, all the way up to the Ministry of Education. Each person has a role to play to ensure that every child in Ontario has meaningful access to education. This chapter outlines the different roles and responsibilities.

The Different Roles

Ministry of Education

- Sets out requirements for school boards
- Oversees the *Education Act* and its regulations

The School Board

- Trustees
- Directors
- Superintendents
- Special Education Advisory Committees (SEACs)

Special Education

The School

- The Principal
- The classroom teacher
- Special Education teacher
- Early Childhood Educators (ECEs) and Educational Assistants (EAs)
- School Councils

Home and Community

- Parents and students
- Community partners
- Parent Involvement Committee and Parent Council

Each player in the education system has a specific role. The following table lists some key players and provides a short description of what they do.

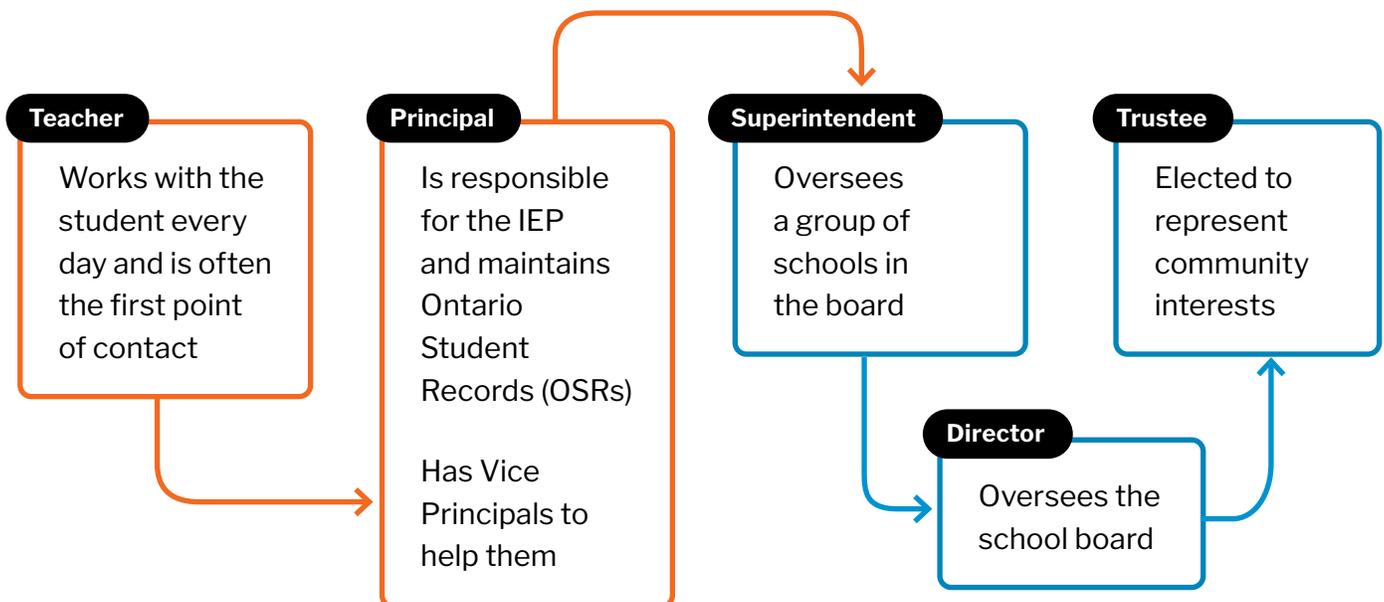
WHO?	DOES WHAT?
<p>The Ministry of Education</p>	<p>The Ministry sets out the responsibilities of school boards regarding special education programs and services. It does so through the <i>Education Act</i> and its regulations.</p> <p>Among other things, the Ministry sets the categories and definitions of ‘exceptionalities’ and requires that school boards maintain special education plans. The Ministry also requires that school boards establish Special Education Advisory Committees (SEACs).</p>
<p>The School Board</p>	<p>Every school board must establish their own policies and practices that comply with the <i>Education Act</i> and its regulations. School boards are also guided by Policy and Program Memoranda (PPMs) and must ensure that all staff are aware of and comply with those requirements.</p> <p>Some of the key responsibilities of school boards include developing and maintaining a special education plan, establishing one or more IPRCs, and establishing a SEAC.</p>
<p>School Board Trustees</p>	<p>School board trustees are elected during municipal elections to represent the interests of parents and students in their area. Among other things, trustees make decisions about the school board’s budget, which can include decisions that affect special education.</p> <p>There is one trustee for each municipal riding. You can find out who your trustee is by asking the school office or checking the school board’s website.</p>
<p>School Board Directors</p>	<p>The Director of Education is a senior position in the school board that has many executive roles. The Director reports to the Board of Trustees. Directors manage all areas of school board operations and implementing board policies.</p>
<p>Superintendents</p>	<p>Superintendents are school board staff responsible for groups of schools in each school board. Superintendents may be involved in special education meetings and other matters like suspension appeals.</p> <p>A superintendent may be a contact available to you if you do not get the help or information you need at the school level.</p>

WHO?	DOES WHAT?
<p>The Special Education Advisory Committee (SEAC)</p>	<p>Every school board must have a SEAC. The SEAC makes recommendations to the school board about any matter affecting the creation, development, and delivery of special education programs and services. Among other things, the SEAC participates in the school board’s review of its special education plan, as well as the school board’s annual budget process as it relates to special education.</p>
<p>The School Principal</p>	<p>The school principal carries out duties as outlined in the <i>Education Act</i>, regulations, and policy documents, including PPMs and board policies. Among other things, the principal is responsible to:</p> <ul style="list-style-type: none"> • Consult with school board staff to determine the most appropriate programs for exceptional students. • Ensure the development, implementation, and review of a student’s IEP, including a transition plan. • Ensure that parents are consulted in the development of their child’s IEP and that they are provided with a copy of the IEP. • Ensure that the program is delivered as set out in the IEP. • Ensure that appropriate assessments are requested and that, if necessary, parental consent is obtained for these assessments. <p>The school principal has specific duties outlined under section 265 of the <i>Education Act</i>, including the discretion to exclude people from school. This means that the school principal has a duty to, among other things:</p> <ul style="list-style-type: none"> • maintain proper order and discipline in the school; • support co-operation and co-ordination of efforts among the members of the staff team at the school; and, • refuse to admit to the school or classroom a person whose presence would, in the principal’s judgment, be detrimental to the physical or mental well-being of the pupils.
<p>The Classroom Teacher</p>	<p>Part of the classroom teacher’s role includes:</p> <ul style="list-style-type: none"> • Working with special education staff to help develop an IEP and stay up-to-date on the support provided to students. • Communicating the student’s progress to parents.

WHO?	DOES WHAT?
<p>The Special Education Teacher</p>	<p>The Special Education Teacher is responsible for:</p> <ul style="list-style-type: none"> • Holding qualifications outlined in the regulations of the <i>Education Act</i> to teach special education. • Monitoring the student’s progress with references to the IEP and modifying the program as necessary. • Assisting in providing educational assessments for exceptional students.
<p>Early Childhood Educator (ECE)</p>	<p>The Early Childhood Educator:</p> <ul style="list-style-type: none"> • Cooperates and coordinates with the classroom teacher. • Plans for and provides education to children in Kindergarten. • Observes, monitors, and assesses the development of Kindergarten students. • Performs duties assigned by the principal with respect to the Kindergarten program.
<p>The Education Assistant</p>	<p>The Education Assistant:</p> <ul style="list-style-type: none"> • Assists teachers and students with instructional and non-instructional tasks. • Supports behavior management in the classroom. • Helps teachers implement the IEPs.
<p>School Councils</p>	<p>Every school must have a school council. The members of the school council include parents, the principal, a teacher, a student (in high schools), a non-teaching staff member, and a community representative.</p> <ul style="list-style-type: none"> • School councils are able to make recommendations to principals and school boards (see O. Reg. 612/00 under the <i>Education Act</i>). • School councils provide advice to the principal and school board on issues like codes of conduct, school performance, and board policies that will affect the school. • Principals and school boards must consult with school councils on a variety of matters that affect students and student learning.

WHO?	DOES WHAT?
Parents, Families, and/or Caregivers	<p>Parents, family members, and other caregivers are crucially important to:</p> <ul style="list-style-type: none"> • Maintain open lines of communication with key staff in schools. • Be familiar with and informed about board policies and procedures that affect students. • Participate in any IPRC meetings, parent-teacher conferences, and other school activities. • Participate in the development of the IEP. • Get familiar with the school staff working with the student. • Support the student’s attendance at school.
The Student	<ul style="list-style-type: none"> • Students are expected to comply with school board policies and procedures (with necessary accommodations if required). Students can also participate in IPRCs, parent-teacher conferences, and other school activities where it is appropriate and if they are of age.

Who do I contact with questions?



Role of the Special Education Plan

Every school board is required to maintain a special education plan for the schools it represents. School boards must comply with the requirements for special education plans as set out in the *Education Act*.¹

A special education plan is an important document because it outlines the school board's special education programs and services. A school board's special education plan can usually be found on the school board's website.

A special education plan provides a lot of information about the school board's general model for special education, as well as roles and responsibilities, assessments, and staffing.

According to the [Special Education in Ontario, Kindergarten to Grade 12: Policy and Resource Guide](#), a school board's special education plan must comply with the following standards:

1. There must be information about **The Board's Consultation Process** for developing and modifying their special education plans.
2. There must be an outline of **The Board's General Model for Special Education**, which details the board's general philosophy and service-delivery model for special education programs and services.
3. There must be information about the **Roles and Responsibilities** in special education.
4. There must be recognition of **Early Identification Procedures and Intervention Strategies**.
5. There must be a description of the board's **Identification, Placement, and Review Committee (IPRC) Process and Appeals**, which will also include a copy of the board's guide for parents.

¹ Regulation 306, Special Education Programs and Services, defines the requirement for school boards to have special education plans, and authorizes the minister to require that a board amend the plan if necessary.

6. There must be information about the types of **Educational and Other Assessments** used within the board, including those for students who need special education programs and services.
7. There must be a description of the provision of **Specialized Health Support Services** in School Settings for students who require them.
8. The special education plan must list the ministry's **Categories and Definitions of Exceptionalities** and describe the ways in which the board's IPRC applies them in making decisions on identification and placement.
9. There must be information about the **Special Education Placements Provided by the Board**.
10. There must be information about **Individual Education Plans (IEPs)**.
11. There must be information about **Provincial Demonstration Schools in Ontario**.
12. There must be information about **Special Education Staff** within the school board who provide special education programs and services.
13. There must be an outline of the school board's plans for **Staff Development** of its special education personnel.
14. There must be a description about how the board determines whether a student requires individualized **Equipment**, such as assistive technology.
15. There must be information about **Accessibility of School Buildings**.
16. There must be a description of the types of students with special education needs who are eligible to receive **Transportation** and the ways in which those students can access it.
17. The special education plan must include information about **The Board's Special Education Advisory Committee**.
18. There must be information about **Coordination of Services with Other Ministries or Agencies**, including specific details about advance special education planning that is done for students with special education needs who are arriving from other programs.

Further information about each of the above standards, as well as other information, can be found in full within [*Special Education in Ontario, Kindergarten to Grade 12: Policy and Resource Guide*](#).

Key takeaways

Key takeaways from this chapter:

- ✔ There are many key players with different roles and responsibilities to ensure students with special education needs are getting the support they need.
- ✔ A school board is required to have a robust Special Education Plan that adheres to specific rules and standards set out in the law. This is an important resource to reference to get a better understanding of the school board's approach to special education programming and services.

The Individual Education Plan

What's in this chapter?

- A** What is an Individual Education Plan?
- B** Who is responsible for putting the Individual Education Plan together?
- C** How to get an Individual Education Plan
- D** What does an Individual Education Plan look like?
- E** Transition planning

An Individual Education Plan (IEP) is a written plan of action for students with special education needs.

Every student who has been identified as 'exceptional' by an Identification, Placement, and Review Committee (IPRC) must have an IEP. However, any student with special education needs can receive an IEP even if they are not formally identified through the IPRC process.

Certain students with disabilities have an IEP for their entire time in the public education system. The IEP is intended to be a written plan describing the supports and accommodations that are needed by a student based on their individual strengths and needs. An IEP can be

seen as an accountability tool for everyone who has responsibilities for helping the student meet the stated goals and learning expectations identified in the IEP.

This section will discuss the IEP generally as it applies to any student, whether formally identified by an IPRC or not. Specifically, this chapter provides information on how students can get an IEP, what goes into an IEP, information about transition planning, and other important tools to help students and caregivers navigate this document in their learning journey.

What is an IEP?

The IEP is an action plan designed to support the unique needs of students with special education needs. An IEP is available to students even if they have not been officially identified as ‘exceptional.’ It outlines the program and/or services that will be provided to the student. According to the Ministry of Education, the IEP “is a working document which describes the strengths and needs of an individual exceptional pupil, the special education program and services established to meet that pupil’s needs, and how the program and services will be delivered. It also describes the student’s progress.”

The IEP is generally referred to as a ‘working document’ because it is designed to adapt to the changing needs of the student as they develop through their years in school. It should be completed with consultation and ongoing review. Generally, the IEP describes a student’s learning strengths and needs, identifies specific learning goals, and tracks the student’s progress towards achieving those goals. The IEP also explains the special education services and strategies the school will use to support the student, as well as the specific areas that will be evaluated to assess the student’s achievement of their learning goals.

The IEP contains a fair amount of information, but it is not a document for everything impacting a student’s learning. For example, you should not expect to find daily lesson plans in an IEP, or a description of everything that will be taught to the student on a day-to-day basis. The IEP can, where appropriate, outline the teaching strategies and assessment tools that will be used to support the student’s progress.

Who is responsible for putting together the IEP?

While the school principal is ultimately responsible for the IEP, it is usually written with the classroom teacher in consultation with other staff who support the student. The IEP must be developed with input from parents/caregivers.

If the student is 16 years of age or older, they also have the right to be consulted. This input is collected in a variety of ways, including meetings (formal or informal), or ‘IEP questionnaires’ that you may receive directly from the school.

Educators and other professionals have important roles to play in the development and implementation of the IEP. A summary of individuals and their roles is outlined below:

WHO?	DOES WHAT?
Principal	The school principal is ultimately responsible for the IEP. The principal has many responsibilities, including but not limited to the facilitation of collaborative planning, evaluation, and updating of the IEP. ¹
Classroom Teacher	The classroom teacher contributes knowledge and understanding of the student’s strengths, needs, and interests. They work together with other staff and the principal to develop any modified or alternative learning expectations that may be required. They should also maintain communication with parents or caregivers, other teachers, and professionals and support staff involved with the student.
The Special Education Teacher	The special education teacher provides support by generating ideas and suggestions for developing accommodations, alternative programs, or modified expectations.
The Educational Assistant	There can be a number of other professionals, from the school board or the broader community, that participate in the IEP process and its implementation. Their work may involve conducting assessments as necessary (with parental and/or student consent), acting as a resource and support for families and caregivers, and developing strategies for the school environment to assist the student.
Other professionals	There can be a number of other professionals, from the school board or the broader community, that participate in the IEP process and its implementation. Their work may involve conducting assessments as necessary (with parental and/or student consent), acting as a resource and support for families and caregivers, and developing strategies for the school environment to assist the student.
Parents & Caregivers	The connection between school and home is important. Your role as a caregiver or student includes collaborating with the school in the IEP process, working with the school team on an ongoing basis, and sharing ideas for special education programming and services.

1 Regulation 181/98 (as outlined in [Chapter 2](#)) mandates certain responsibilities for principals when it comes to the IEP.

How to get an IEP

A student can be provided with an IEP in one of two ways:

- 1 An IEP **must** be developed for every student who has been identified as an “exceptional pupil” by an IPRC.
- 2 An IEP **may** be developed for a student to accommodate their needs without the formal IPRC process.

In other words, school boards are **required** to provide an IEP for a student formally identified as an “exceptional pupil.” On the other hand, a school board has the choice (but is not required) to provide an IEP for any student with special education needs that has not been formally identified. Sometimes a school will create an IEP for a student prior to an IPRC process while their needs are still being assessed, or to better support them even though an IPRC process is seen as unnecessary.

It is important to remember that just because a student is not formally identified by an IPRC, or the IPRC process has not yet begun, does not necessarily mean that a student should be deprived of an IEP if one may be helpful.

What does an IEP look like? What goes in it?

The IEP includes a fair amount of information about the student, as well as the programs, services, and processes in place to support that student’s individual learning needs.

The ***Special Education in Ontario, Kindergarten to Grade 12: Policy and Resource Guide*** contains an “IEP Checklist,” which outlines the items that the IEP **must** include. These are:

- Reasons for developing the IEP.
- A profile of the student, including the student’s name, date of birth, student number, current grade, exceptionality, and placement, as well as the name of the student’s school, its principal, and the date of the student’s most recent IPRC.²

2 Exceptionality, placement, and date of the student’s most recent IPRC will only be on the IEP if the student has gone through that process. As a reminder, the student may get an IEP even if they do not go through the formal IPRC process.

- Relevant assessment date (if any).

- The student’s strengths and needs.

- Specialized health support services required by the student.

- The subjects, courses, or alternative programs to which the IEP applies.

- Accommodations required by the student.

- Any accommodations for or exemptions from provincial assessments.

- The student’s current level of achievement in every subject or course in which modified expectations are required and in every alternative program.

- Modified or alternative expectations for the reporting period.

- Teaching strategies and other accommodations tailored to the student’s strengths, needs, learning style, and interests, to support learning and determine progress in achieving modified or alternative expectations.

- Human resources (both teaching and non-teaching) to be provided.

- Reporting dates for evaluations and an indication of the ways in which student progress will be reported to parents. A transition plan that identifies the student’s goals and the steps and actions required to enable the student to achieve those goals.

- A record of parent/student consultations.

- A record of staff review and updating of the IEP.

- Signatures of the principal, parent, and student if 16 years or older.

The IEP typically includes **accommodations (AC)** and/or **modifications (MOD)** to support student success and achievement. This includes readiness for post-secondary adult life, which is discussed further below under “Transition Planning.”

Accommodations are the teaching and assessment strategies, supports, and/or equipment (including technology) required to support a student’s individual learning needs. Modifications are the changes made to what the student is expected to learn (meaning that the curriculum may be changed or modified for the student). Accommodations change “*how*” a student is taught, while modifications change “*what*” the student is taught. Accommodations and modifications can be implemented in a variety of different ways based on the student’s individual strengths and needs.

Accommodations (AC):	Modifications (MOD):
Change <u>how</u> the student is taught.	Change <u>what</u> the student is taught.
Do <u>not</u> change the learning expectations for the grade level. The curriculum is not changed or modified.	Change the learning expectations for the grade level, which means that the curriculum may be changed or modified.
<p>There are different ways to provide accommodations:</p> <ul style="list-style-type: none"> • Accommodations to instruction: changes to the teaching strategies and the way the material is delivered to the student. Example: a student could be a strong visual learner and could benefit from visual cues. • Environmental accommodations: adjustments made to the classroom environment. Example: if a student needs a quiet setting. • Assessment accommodations: changes to the method of evaluation. Example: a student may need additional time to complete a test. 	<p>There are different ways to modify learning expectations:</p> <ul style="list-style-type: none"> • Adjusting complexity of the same grade level: the contents of the grade level the student is in can be adjusted from the regular curriculum. Example: if the student is in grade 4, the number or complexity of learning expectations can be adjusted from the regular grade 4 curriculum. • Different grade level: learning expectations can be adjusted in such a way that they are taken from either a higher or lower grade level entirely, including core subjects such as mathematics or language.

Alternative programs and courses

An IEP may also outline what is known as an “Alternative Program,” which is developed to help students gain knowledge and skills that are not represented in the Ontario curriculum. Sometimes, alternative expectations are not derived from a provincial curriculum policy document; at other times they may be modified (as mentioned above) so extensively that the Ontario curriculum expectations no longer form the basis of the student’s educational program.

Alternative Programs can be available in both elementary and secondary schools. Examples of alternative programs include speech remediation, social skill programs, and personal care programs.

Alternative Courses are available at the secondary school level, and they are non-credit courses. The course expectations are individualized for the student and generally focus on preparing the student for daily living. You may see school boards use “K” as a course code to identify an alternative course. Examples of alternative courses include Transit Training and Community Exploration, Culinary Skills, and Money Management and Personal Banking.

‘**Alternative (ALT)**’ is the term used to identify an alternative program or an alternative course on the IEP. The IEP typically has a “Program” page. If there are any alternatives for the student, they will typically be listed on this page. They will include the current level of achievement, annual goal(s), learning expectations, teaching strategies, and assessments for learning as may be appropriate for each student.

What are “Annual Program Goals”

Annual program goals are statements in the IEP that describe what a student can reasonably be expected to accomplish in a particular subject, course, or skill area by the end of the school year or semester.

Annual program goals are reasonable objectives rather than strict requirements. They may need to be revised as the classroom teacher and special education team develop more of an understanding of the student’s learning processes and/or any changes to the student’s rate of learning (remember that the IEP is a working document).

In the case of modified (MOD) expectations, the annual program goals may be modified from the overall expectations of the Ontario curriculum.

Transition planning

Transition planning is a requirement for all students from kindergarten to grade 12 who have an IEP, even if they have not been formally identified as ‘exceptional’ through the IPRC process. This requirement is outlined in Policy and Program Memorandum 156, “Supporting Transitions for Students with Special Education Needs” (2013), which is outlined in [Chapter 2](#).

PPM 156 applies to transitions in several areas, including:

- Entry to school;
- Between grades;
- From one program area or subject to another;
- When moving between schools or from an outside agency/facility to a school;
- From elementary to secondary school; and
- From secondary school to the next appropriate post-secondary pathway.

The physical, emotional, and learning needs of the student must be considered when developing a transition plan. PPM 156 specifically outlines, “Every transition plan will identify specific transition goals, support needs, the actions required to achieve the goals, roles and responsibilities, and timelines for the implementation and/or completion of each of the identified actions.”³

The transition plan is to be reviewed annually alongside the IEP. This is to ensure that assessment-informed instruction is well aligned with the goals and overall learning expectations for the student. It also ensures that progress is recorded and shared with the student and parents/caregivers for input.

3 <https://www.ontario.ca/document/education-ontario-policy-and-program-direction/policyprogram-memorandum-156>

Post-secondary transitions

A common thought amongst students, families, and caregivers is: “What happens after my child graduates? What will happen to them when they are done school? What supports exist for them? Where will they go and what will they do?”

To answer these questions, we can start by looking at the importance of transition planning while the student is in school, especially transition plans from secondary school to the next appropriate post-secondary pathway. As noted above under “Who is responsible for putting together the IEP,” the principal is responsible for ensuring that a transition plan for post-secondary pathways is developed for every student who is 14 years of age and older and has an IEP (unless the student is only identified as ‘gifted’).

Transition planning must contemplate exits to post-secondary pathways. This requires attention to post-secondary education and/or employment, as well as to any community supports that may be needed by the student.

Additionally, ***Policy and Program Memorandum 149 – Protocol for Partnerships with External Agencies for Provision of Services (PPM 149)*** indicates that the school board has obligations to form partnerships for the purposes of programming and transition planning throughout a student’s secondary school career. This means that the school board should be informing students, parents and caregivers of their options in terms of both in-school and community support, as well as designating roles and responsibilities for the student’s circle of support in order to achieve their transition goals.

Key takeaways

Key takeaways from this chapter:

- ✔ Every student who has been identified as ‘exceptional’ by an Identification, Placement, and Review Committee (“IPRC”) must have an IEP.
- ✔ An IEP can be thought of as a “working document” that evolves to meet the student’s changing strengths and needs. It must be reviewed at least once every year.
- ✔ The school principal is ultimately responsible for the IEP.
- ✔ Building and reviewing an IEP is a collaborative process.
- ✔ A student does not need to be formally identified as ‘exceptional’ in order to get an IEP.
- ✔ Transition planning is an important component of an IEP. Transition planning includes having a plan for students to move into post-secondary pathways.

The Identification, Placement and Review Committee

What's in this chapter?

- A** What is an Identification, Placement and Review Committee?
- B** Initiating and preparing for the review process
- C** The Special Education Appeal Board
- D** The Ontario Special Education Tribunal
- E** Exceptionalities
- F** Placements

This section outlines the process and purpose of the Identification, Placement and Review Committee (“IPRC”).

It includes specific information on student ‘exceptionalities’ and placements, what you can do if you disagree with any decision that arises from the IPRC, and your right to appeal a decision at the school board level as well as the Ontario Special Education Tribunal.

While the IPRC is not the only way special education programs and services can be accessed, it is a very important part of every school board’s process. All students with demonstrable learning needs may access special education services; still, the information provided in this section is intended to help you determine your options, including whether the IPRC process is right for you.

What is an IPRC? How do I access one?

An IPRC is required in every school board. This committee is responsible for deciding if a student should be identified as an ‘exceptional pupil.’

I (Identification)	Identification of whether the student needs special education programs within the exceptionalities (behavioural, communication, intellectual, physical, or multiple).
P (Placement)	Deciding the program Placement that will best meet the student’s needs.
R (Review)	The student’s special education needs must have a Review through the IPRC process at least once every school year. A parent can also request a review meeting once the student has been in a placement for three months.
C (Committee)	The Committee is made up of at least three school staff, one of whom must be a principal or supervisory officer of the school board.

Initiating the review process:

The initiation of the IPRC process (which is sometimes called a “referral” to an IPRC) can happen in one of two ways:

1. The school principal may refer the student to the IPRC on written notice to a parent of the student; or
2. The school principal must refer the student to the IRPC at the written request of a parent.

This generally means that the school principal has the option to refer a student to the IPRC; however, if a parent provides a written request to the school principal, then the school principal has to approve a referral to the IPRC.

The takeaway is, if you want an IPRC, ask for it in writing to the school principal.

Once a request for an IPRC meeting has been made, the principal must provide the school board’s guide to special education for parents within 15 days. The guide should clearly identify their internal IPRC process.

Preparing for the IPRC meeting

Who will be there:

At an IPRC meeting, you can expect at least three school staff to be present, including either the school principal and/or the superintendent. Other attendees may include the classroom teacher, special education staff, or other school board professionals who provide support.

Parents/guardians (and students 16 years of age or older) can bring a support **person of their choice** to the meeting. This can be a friend, partner, community support person, interpreter, and/or advocate.

How to prepare:

First, gather all supporting documents and information about the student's needs. This could include doctor's reports, psychoeducational assessments, past/current Individual Education Plans ("IEPs" – see section 4), teacher observations, report cards, and personal stories and descriptions from parents, caregivers, students, and other support persons.

The IPRC Chair should begin by introducing everyone at the meeting, explaining everyone's roles, and the purpose of the meeting. If at any point you do not understand something, do not hesitate to ask for clarification.

Some tips to prepare before and at the IPRC (whether an initial IPRC, or an annual review IPRC):

- Review the school board's guide to the IPRC. If the school did not already provide you with a copy, you should ask for one before the meeting.
- Attend any prior meetings about your child at the school (including, for example, any meetings with the classroom teacher).
- Keep a record of any plans, strategies, ideas, questions, concerns, or comments you may have about the student's special education programming and services, and levels of support, up to the meeting. Try to keep your thoughts clear and organized.
- Review all of the information you have about the student, including assessments, observations, and any reports. If you do not have copies of specific documents, you should request copies of any new assessments, reports, etc. that will be used in the IPRC.

- Organize the materials you would like to take to the meeting, including any recent IEPs, information from other service providers (e.g., a psychoeducational assessment), or previous IPRC statements of decision (if any).
- At the meeting, be ready to listen to the opinions and ideas of the school staff and have an open mind.
- Be as specific as possible with any concerns you may have.
- You can take someone with you to the meeting, including for example, a friend, relative, or advocate that can take notes and provide you with support.

Reviewing the IPRC Statement of Decision

After the meeting, the IPRC will provide what is called a “Statement of Decision.” This is a written statement of their decision about identification of the student’s type of exceptionality and needs, as well as their proposed classroom placement. If the student is identified as ‘exceptional,’ then the Statement of Decision must include the category of exceptionality, strengths and needs of the student, and a placement decision. If the IPRC decides that the student should be placed in a special education class, the IPRC must provide reasons for that decision.¹ The IPRC can also make recommendations for a special education program and/or services.

You should receive the Statement of Decision either at the end of the meeting, or shortly thereafter. You may be asked to sign it, however, **you are not required to sign the Statement of Decision when it is provided to you. You should only sign the Statement of Decision if you are satisfied with all of the decisions of the IPRC.**

You can take time to think about the committee’s decision and its recommendations. You can ask further questions or seek advice from a lawyer. You have a right to appeal parts of the decision with which you do not agree – see the next section for more information on what to do if you do not agree with all or part of the Statement of Decision.

1 O Reg 181/98, s. 18(2)(c).

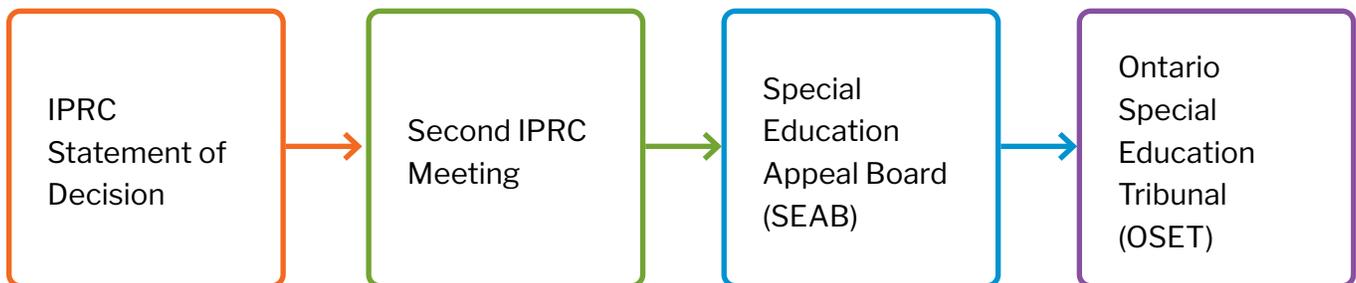
What if I disagree with the IPRC decision?

If you disagree with the Statement of Decision, you can ask for a second IPRC meeting. This request needs to be made in writing to the school principal within 15 days of receiving the Statement of Decision.

The disagreement may be about the **identification and/or placement** of the student. For example, you may agree with the *identification* of the student's exceptionality but disagree with the *placement* decision, for example if the recommendation is to place the student in a special education classroom.

If you still do not agree with the Statement of Decision from the second IPRC meeting, you then have another 15 days from the second IPRC to file an appeal to the Special Education Appeal Board ("SEAB").

You can also choose to skip the second IPRC meeting and proceed directly to the SEAB instead.



The Special Education Appeal Board (SEAB)

1 Filing a Notice of Appeal

To appeal to the SEAB, you must file a "Notice of Appeal" with the Secretary of the school board. This position is typically held by the Director of Education for the school board. The Notice of Appeal typically takes the form of a written letter. You do not need to worry too much about the format, the appeal request should be accepted even if it is not correctly written or does not fully describe the areas of disagreement.

What's in a Notice of Appeal?

The Notice of Appeal must include what you disagree with (the identification and/or placement) as well as why you disagree with the decision. If you have any further information to share (for example, a new psychoeducational assessment), you can also state this in your Notice of Appeal.

When a Notice of Appeal has been filed, the IPRC placement is put on hold. You can work with the school board to put in a temporary placement pending the final results of an appeal.

*****Note:** It is very important to be aware of the timelines. As long as a request is submitted on time, the appeal request should be accepted even if it is not correctly written or does not fully describe the areas of disagreement. In other words, an appeal request should not be rejected because it is incomplete, but it could be rejected because you are out of time.

2 At the SEAB

The SEAB is a panel of three people: 1) a representative selected by the school board, 2) a representative selected by the parent, and 3) a chairperson, selected by the first two representatives.

The SEAB is more formal than an IPRC meeting. The SEAB decision gives recommendations to the school board. The school board must consider the SEAB's recommendations; however, they are not required to follow them. The school board will provide notice in writing about what actions it decides to take following the SEAB's recommendations. When giving notice to a parent about its decisions, the school board must include information about a further right to appeal to the Ontario Special Education Tribunal ("OSET").

The Ontario Special Education Tribunal

If you do not agree with the school board's decision about whether or not to act on SEAB recommendation(s), you can appeal to the Ontario Special Education Tribunal (OSET) within 30 days of receiving the SEAB decision. The OSET is completely separate from any school board process. It is the final step if you are still not satisfied after the SEAB.

An appeal is done by filing the OSET's "Notice of Appeal," which can be found [online](#). When this form is filed, a copy of the original IPRC decision is included, as well as the SEAB report and the school board's decision.

Decisions made by OSET are guided by the mandate given in the law. The *Education Act* sets out the framework that applies to the OSET and specifically sets out your right to appeal:

Where a parent or guardian of a pupil has exhausted all rights of appeal under the regulations in respect of the identification or placement of the pupil as an exceptional pupil and is dissatisfied with the decision in respect of the identification or placement, the parent or guardian may appeal to the Special Education Tribunal for a hearing in respect of the identification or placement.
[emphasis added]²

The key parts above are underlined to emphasize two important points:

- 1 In order to appeal to the OSET, you first have to make sure that you have done everything at the school board level to appeal the IPRC decision. That means having gone straight to the SEAB or having requested a second IPRC meeting and then gone to the SEAB.
- 2 You must also be dissatisfied with the decision about an **identification or placement**. That means you disagree with any of the exceptionalities decided by the IPRC, the placement decided by the IPRC, or both.

2 *Education Act*, s. 57(3).

Regarding the first point, a parent is expected to pursue the IPRC and SEAB processes at the school board level before filing any appeal to the OSET. However, the OSET has previously decided it can hear an appeal where a parent or guardian has filed an appeal with OSET but not concluded the initial appeal process. The OSET has adopted this approach to address situations where the school board may have failed to comply with a request for an appeal, or the school board significantly delayed the appeal process.³

Questioning whether the IPRC process is right for you?

A main criticism some people have about the IPRC process is that the identification and categorization of students is overly formal, and they are concerned about the fact that a student needs to be “labelled” in order to receive supports.

On the other hand, some people prefer to have a formal, predictable process in place if they disagree with decisions made by the school board. The IPRC process gives an opportunity for an annual review, and there are appeal rights if you disagree with the IPRC decision.

It is important to remember that a student does not *need* an IPRC in order to receive accommodation while in school. Deciding on whether or not the IPRC process is right for a student is a personal decision. You may wish to seek advice from a lawyer or other qualified professional if you are unsure about an IPRC.

Exceptionalities

As outlined earlier in this guide, the *Education Act* identifies five general categories of exceptionalities for students.

The five broad categories are: behavioural, communicational, intellectual, physical, and multiple. These categories apply to students going through the IPRC process.

3 *D v. Toronto District School Board*, 2001 ONSET 2 (CANLII).

A student may be identified in one or more of the five categories. The categories are meant to capture a wide range of conditions that may affect a student’s ability to learn. This includes all medical conditions, whether diagnosed or not. The focus should always be on the needs of the specific student based on an assessment of individual strengths and required supports.

Below are the definitions outlined by the Ministry of Education for the five categories of exceptionalities as found on the Ministry’s website.⁴

TITLE	DESCRIPTION
<p>BEHAVIOURAL</p>	<p>A learning disorder characterized by specific behaviour problems over such a period of time, and to such a marked degree, and of such a nature, as to adversely affect educational performance and that may be accompanied by one or more of the following:</p> <ul style="list-style-type: none"> a. an inability to build or to maintain interpersonal relationships; b. excessive fears or anxieties; c. a tendency to compulsive reaction; d. an inability to learn that cannot be traced to intellectual, sensory, or other health factors, or any combination thereof.
<p>COMMUNICATION</p>	<p>AUTISM: A severe learning disorder that is characterized by:</p> <ul style="list-style-type: none"> a. disturbances in rate of educational development, ability to relate to the environment, mobility, perception, speech, and language; b. lack of the representational symbolic behaviour that precedes language. <hr/> <p>DEAF AND HARD OF HEARING: An impairment characterized by deficits in language and speech development because of a diminished or non-existent auditory response to sound.</p>

4 See for example: <https://www.ontario.ca/document/special-education-ontario-policy-and-re-source-guide-kindergarten-grade-12/categories>

TITLE	DESCRIPTION
COMMUNICATION	<p>LANGUAGE IMPAIRMENT: A learning disorder characterized by an impairment in comprehension and/or the use of verbal communication or the written or other symbol system of communication, which may be associated with neurological, psychological, physical, or sensory factors, and which may:</p> <ul style="list-style-type: none">a. involve one or more of the form, content, and function of language in communication; andb. include one or more of: language delay, dysfluency, voice and articulation development, which may or may not be organically or functionally based. <hr/> <p>SPEECH IMPAIRMENT: A disorder in language formulation that may be associated with neurological, psychological, physical, or sensory factors; that involves perceptual motor aspects of transmitting oral messages; and that may be characterized by impairment in articulation, rhythm, and stress.</p>

TITLE	DESCRIPTION
<p>COMMUNICATION</p>	<p>LEARNING DISABILITY: One of a number of neurodevelopmental disorders that persistently and significantly has an impact on the ability to learn and use academic and other skills that:</p> <ul style="list-style-type: none"> • affects the ability to perceive or process verbal or non-verbal information in an effective and accurate manner in students who have assessed intellectual abilities that are at least in the average range; • results in (a) academic underachievement that is inconsistent with the intellectual abilities of the student (which are at least in the average range), and/or (b) academic achievement that can be maintained by the student only with extremely high levels of effort and/or with additional support; • results in difficulties in the development and use of skills in one or more of the following areas: reading, writing, mathematics, and work habits and learning skills; • may typically be associated with difficulties in one or more cognitive processes, such as phonological processing; memory and attention; processing speed; perceptual-motor processing; visual-spatial processing; executive functions (e.g., self-regulation of behaviour and emotions, planning, organizing of thoughts and activities, prioritizing, decision making); • may be associated with difficulties in social interaction (e.g., difficulty in understanding social norms or the point of view of others); with various other conditions or disorders, diagnosed or undiagnosed; or with other exceptionalities; • is not the result of a lack of acuity in hearing and/or vision that has not been corrected; intellectual disabilities; socio-economic factors; cultural differences; lack of proficiency in the language of instruction; lack of motivation or effort; gaps in school attendance or inadequate opportunity to benefit from instruction.
<p>INTELLECTUAL</p>	<p>GIFTEDNESS: An unusually advanced degree of general intellectual ability that requires differentiated learning experiences of a depth and breadth beyond those normally provided in the regular school system to satisfy the level of educational potential indicated.</p>

TITLE	DESCRIPTION
<p>INTELLECTUAL</p>	<p>MILD INTELLECTUAL DISABILITY: A learning disorder characterized by:</p> <ul style="list-style-type: none"> a. an ability to profit educationally within a regular class with the aid of considerable curriculum modification and support services; b. an inability to profit educationally within a regular class because of slow intellectual development; c. a potential for academic learning, independent social adjustment, and economic self-support. <hr/> <p>DEVELOPMENTAL DISABILITY: A severe learning disorder characterized by:</p> <ul style="list-style-type: none"> a. an inability to profit from a special education program for students with mild intellectual disabilities because of slow intellectual development; b. an ability to profit from a special education program that is designed to accommodate slow intellectual development; c. a limited potential for academic learning, independent social adjustment, and economic self-support.
<p>PHYSICAL</p>	<p>PHYSICAL DISABILITY: A condition of such severe physical limitation or deficiency as to require special assistance in learning situations to provide the opportunity for educational achievement equivalent to that of students without exceptionalities who are of the same age or developmental level.</p> <hr/> <p>BLIND AND LOW VISION: A condition of partial or total impairment of sight or vision that even with correction affects educational performance adversely.</p>
<p>MULTIPLE</p>	<p>MULTIPLE EXCEPTIONALITIES: A combination of learning or other disorders, impairments, or physical disabilities that is of such a nature as to require, for educational achievement, the services of one or more teachers holding qualifications in special education and the provision of support services appropriate for such disorders, impairments, or disabilities.</p>

Placements

The IPRC will decide on special education placements, which can include a regular classroom with special education support, splitting time between a regular and special education classroom, full time in a special education classroom, etc. You may also hear recommendations or decisions for a “self-contained” classroom, which is another term used for a special education classroom.

If the student is placed in a special education classroom, the amount of integration into the regular classroom will be decided by the IPRC. If the IPRC decides that the student should be placed in a special education classroom, the IPRC must also provide reasons for that decision.⁵

The following as outlined by the Ministry of Education, provides the range of options an IPRC may consider in making its placement decision. It is also important to look at the school board’s special education plan about particular placements in each school board (see [Chapter 2](#))

PLACEMENT	DESCRIPTION
Regular Class: Indirect Support	The student is placed in a regular class for the entire day, and the teacher receives specialized consultative services.
Regular Class: Resource Assistance	The student is in a regular class for <i>most</i> of the day and receives specialized instruction, individually or in a small group. This specialized instruction takes place in the regular classroom from a special education teacher.
Regular Class: Withdrawal Assistance	The student is placed in a regular classroom and receives specialized instruction <i>outside</i> of the classroom for less than half of the school day from a special education teacher.
Special Education Class: Partial Integration	<p>The student is placed in a special education class for at least half (50%) of the school day, but is integrated with a regular class for at least one instructional period daily.</p> <p>The special education class has a teacher-student ratio, which is set by standards in O. Reg. 298 (see Chapter 2).</p>

5 O Reg 181/98, s. 18(2)(c).

PLACEMENT	DESCRIPTION
Special Education Class: Full time	The student is placed in a special education class for the entire school day.

Key takeaways

Key takeaways from this chapter:

- ✓ The school board must provide you with the school board's guide to special education within 15 days of an initial request for an IPRC meeting.
- ✓ If you are attending an IPRC meeting, do your best to be prepared. You can bring a support person of your choice with you, including an advocate.
- ✓ If an IPRC decides that a student is to be placed in a special education classroom, the IPRC must provide reasons for that decision.
- ✓ You do not need to sign an IPRC Statement of Decision if you disagree with anything in that document. Take your time to think about the Statement of Decision and discuss it with people you trust.
- ✓ You have a right to appeal both the IPRC's and the SEAB's decisions.

The Ontario Human Rights Code

What's in this chapter?

- A** What is the Human Rights Code?
- B** Defining “Disability”
- C** Discrimination and Reprisal
- D** The Duty to Accommodate
- E** Jurisdiction of the Human Rights Tribunal

So far, this guidebook has covered the *Education Act*, its regulations, and other policy and program documents that are relevant for special education. Another important area of law is the Ontario *Human Rights Code* (“the *Code*”). This section provides an overview of the *Code* and

looks at Ontario’s public education system through the lens of human rights. In this section you will find information on inclusive school environments, accessibility, and the duty to accommodate students of all abilities. It also includes a section on the role of the Ontario Human Rights Tribunal.

The Ontario Human Rights Code

The *Code* prohibits actions that discriminate against people based on protected grounds in the *Code*. Protected grounds include: race, colour, ancestry, place of origin, citizenship, ethnic origin, disability, creed, sex, sexual orientation, gender identity, gender expression, family status, marital status, and age.

The *Code* prohibits discrimination based on any of the above in educational services. This guidebook will focus on disability.

Students with disabilities are protected from discrimination, and school boards must make sure that students with disabilities have equal access to education.

The *Code* and human rights law establishes a **duty to accommodate a student to the point of undue hardship** (see below for a definition and discussion of this term).

This is a legal duty that exists whether or not a student with a disability is formally identified as an “exceptional pupil,” whether or not the student has an IEP, and whether or not the student has gone through the formal IPRC process.

What is “Disability”?

“Disability” is a broad term that covers a range of conditions. The *Code* itself outlines various types of conditions, but they are not meant to be a complete list. The *Code* is meant to be used in a broad way to advance the goal of eliminating discrimination.

“Disability” includes both present and past conditions, as well as “perceived disability.” This means, for example, that if a student does not currently have a diagnosis, but they are treated negatively because of a perception that they have or will develop a disability and/or require accommodation, then they are also protected from discrimination.

Some types of disabilities may not be visible or may not present in the same way in all environments or situations. Students with non-evident disabilities can face unique challenges in the education system. Regardless of whether someone has a diagnosis or an ‘evident’ disability, it is important to remember that **the needs of the student should be the focus**. While sometimes it may be necessary for the school board to get more information about a student (for example, asking for medical information), the focus should always be on the needs of the student, rather than on a specific label or diagnosis (if any).

Discrimination and reprisal

Discrimination can take many forms. The *Code* protects against a variety of forms of discrimination, including **direct** and **indirect** discrimination. It also protects against *constructive or adverse effect* discrimination. This includes situations where a requirement, policy, standard, qualification, rule or factor appears to be neutral but in fact excludes or disadvantages a group protected under the *Code*.

The *Code* also protects against **harassment**. The *Code* requires education providers to maintain a safe learning environment for all students. All students (including students with disabilities) have the right to learn in a harassment-free environment. Harassment based on disability is a form of a discrimination and the school has a duty to address it.

The *Code* also protects against “**reprisal**,” which is an action or threat intended as retaliation against a person who is asserting their human rights under the *Code*. In other words, a student (or others on their behalf) can say that their *Code* rights have been violated, or they can object to discrimination they have experienced. If this happens, the education provider cannot act, threaten, or retaliate against that person for attempting to enforce their *Code* protected rights. People associated with a student with a disability who have complained about discrimination are also protected from discrimination and reprisal.

Not all unfairness that people may experience is covered by the *Code*. There must be a connection between the protected *Code* ground (like disability) and any unequal treatment for those protections to apply. It may be a good idea to seek advice if you are having difficulty determining if your situation is protected by human rights law.

The duty to accommodate

The *Code* requires schools and school boards to accommodate the needs of students with disabilities. The Ontario Human Rights Commission has indicated that education environments should be designed inclusively and must be adapted to accommodate the needs of a student with a disability in a way that promotes integration and full participation.

School boards must work to remove barriers that prevent students with disabilities from accessing meaningful education. An “accommodation” is the support that a student needs in order to receive an education equal to that of their peers.

The duty to accommodate has two parts:

- **Substantive accommodation** is what is provided to the student as accommodation (for example, extra time during tests, sensory breaks, visual schedules, etc.).
- **Procedural accommodation** is the process that leads to what is provided to the student as accommodation.

Schools must comply with both the substantive and procedural duty to accommodate. In other words, the process is just as important as the accommodation. This means that where a school board does not give any thought or consideration to the issue of accommodation, or “jumps to conclusions” without meaningful discussion, it could be in breach of the procedural duty to accommodate.

Undue hardship

While students have a right to substantive and procedural accommodation, the *Code* sets limits on that right. The *Code* requires accommodation to the point of “**undue hardship.**”

This does not mean that a school board can deny accommodation just because it is difficult or inconvenient. Rather, it can only do so if the accommodation will result in undue hardship. The *Code* has three factors for undue hardship: cost, outside sources of funding (if any), and health and safety requirements (if any).

- **Cost and outside sources of funding:**
 - The Ontario government is responsible for ensuring that school boards receive funding for special education. School boards then have the responsibility to provide funding to schools to provide accommodation to students. The “cost” defense is generally a high bar. An education provider can also obtain grants, subsidies, and other outside sources of funding to help with any accommodation expenses.

- **Health and safety**

- In many cases, a student can be accommodated without difficulty. It is possible, however, that a student's behaviour, even if it is related to their disability, poses a health and safety risk to other students and staff in the school. Depending on the risk involved, a school or school board may argue that accommodating a student with a disability would cause undue hardship based on health and safety reasons. The seriousness of the risk should be looked at only after accommodation has been provided to the student and only after other strategies and solutions have been put in place to be proactive and prevent any potential risk.

If a school or school board is claiming that they cannot provide accommodation to a student, it is important to remember that there are only specific circumstances under human rights law where accommodation does not need to be provided. Schools and school boards must look at ways to avoid undue hardship and meet their duty to accommodate.

The student and parent/caregiver role in the duty to accommodate

The duty to accommodate is supposed to be **collaborative**. Everyone is responsible for the student's learning journey (see [Chapter 3](#) of this guide for roles in special education). This means that the student requesting accommodation (or their parent/caregiver) needs to cooperate and take part in the process.

There are many ways to participate in a student's learning journey to set them up for success. Some examples include:

- Going to meetings at the school.
- Working with the student's classroom teacher.
- Reviewing the school board's special education plan and other information the school board may provide, such as information about the IPRC process.
- Sharing information about any approaches that may work for the student at home or in the community.

The Ontario Human Rights Tribunal

The Ontario Human Rights Tribunal (the “HRTO”) resolves claims of discrimination and harassment that fall under the scope of the *Code*.

The HRTO has heard claims of discrimination related to educational services. However, the HRTO is not meant for claims that can be addressed by the IPRC process, which focuses on *identification* (type of exceptionality) and *placement* (type of classroom). If, however, you have concerns about accommodation generally, including, for example, the contents of an Individual Education Plan (IEP), you might be able to bring a claim to the HRTO.

It is important to remember that the *Code* has time limits for making an application to the HRTO. An application must be filed within **one year** of when the discrimination is alleged to have happened. If there is more than one incident of discrimination, you must file an application within one year after the last event. The HRTO can allow a late application if the HRTO is satisfied that the delay happened in good faith, and if the delay will not cause substantial harm to the other parties in the application.

More information on the HRTO application and hearing process can be found here: <https://tribunalsontario.ca/hrto/application-and-hearing-process/>.

Key Takeaways

Key takeaways from this chapter:

- ✔ School boards must make sure that students with disabilities have equal access to education.
- ✔ The *Code* establishes a duty for school boards to accommodate the disability-related needs of a student to the point of undue hardship.
- ✔ The duty to accommodate exists whether or not the student has an IEP or whether or not the student has gone through the IPRC process.
- ✔ Schools must provide substantive accommodation (the actual support provided) and procedural accommodation (the process used to identify the support). The process is just as important as substantive accommodation, and accommodation is supposed to be collaborative.

Student Discipline, Attendance and the Right to be in School



What's in this chapter?

- A** Suspensions
- B** Expulsions
- C** Exclusions and partial-day attendance
- D** Seclusion rooms
- E** The use of restraint on students

All students have the right to attend school, and to attend school without discrimination. Being excluded from the school or the classroom can have a significant negative impact on a student's learning, their social connections, and their mental health; in many cases it could even be a violation of their rights.

This section reviews issues that can impact a student's right to be in school, including suspensions and expulsions, the appeal rights related to those decisions, and more general rights and obligations associated with student discipline. It also reviews the issues of seclusion and restraint.

In the previous section of this guidebook, we covered the Ontario Human Rights Code and the education system's duty to accommodate the needs of students with disabilities. It is important to remember that even where a student may be showing "unacceptable behaviour," if that behavior is connected to a disability, then the school board has a duty to look at the student individually before taking steps that may affect the student negatively. This includes any potential discipline.

In 2021-2022, the Ministry of Education released statistics that indicated that 43.1% of suspensions and 40.7% of expulsions involved students with special education needs.¹

¹ Ontario Government: Safe Schools - School suspensions and expulsions: <https://www.ontario.ca/page/school-suspensions-and-expulsions#section-10> (retrieved July 2024).

Background on school discipline

The province of Ontario passed the *Safe Schools Act* in 2000 and subsequently made related changes to the *Education Act*. The *Safe Schools Act* gave school boards more power to suspend and expel students, among other things. Concerns about the potential discriminatory impact of this legislation and policies were raised by the Ontario Human Rights Commission (OHRC). In 2005, the OHRC filed a human rights claim related to concerns that the “zero tolerance” approach of the ‘safe schools’ provisions had a disproportionate impact on students with disabilities and racialized students.

In 2008, the *Education Act* was amended to transition from a “zero tolerance” to a “progressive discipline” approach. This is the framework and approach that is supposed to be applied today by school boards and is discussed throughout this section.

For more information specific to student discipline, you can look at regulations of the *Education Act* and Policy and Program Memoranda (PPMs) that are discussed earlier in this guide and specifically impact the right to be in school. For example:

- **O. Reg. 472/07 – Behaviour, Discipline and Safety of Pupils²**
 - This regulation of the *Education Act* includes mitigating factors that school boards need to consider when determining suspension and expulsion. These are outlined further in this section.
- **Policy/Program Memorandum No. 145 – Progressive discipline and promoting positive student behaviour³**
 - This PPM provides directions to school boards on their policies concerning progressive discipline. Each school board is required to have its own progressive discipline policy in place.
- **Ministry of Education – Caring and Safe Schools in Ontario: Supporting Students with Special Needs Through Progressive Discipline, Kindergarten to Grade 12⁴**
 - This resource document is available on the Ministry of Education’s website. It is meant to, among other things, provide information about strategies and resources to help address behavioural challenges for students, in particular students with special education needs.

2 <https://www.ontario.ca/laws/regulation/070472>

3 <https://www.ontario.ca/document/education-ontario-policy-and-program-direction/policyprogram-memorandum-145>

4 <https://www.ontario.ca/page/caring-and-safe-schools-ontario-supporting-students-special-education-needs-through>

Suspensions and expulsions

This section will review suspensions, expulsions, and appeal procedures. You can also find further information about procedures for suspensions and expulsions on the Ministry of Education’s website.

Suspensions

Only a principal can make the decision to suspend a student. Suspensions are recorded in a student’s Ontario Student Record (OSR).

Actions that can lead to a suspension fall into two general categories:

THE “MAY” suspend category	The “MUST” suspend category (suspension, investigation, and possible expulsion)
<p>Acts a principal <i>may</i> suspend for: (s. 306)</p>	<p>Acts a principal <u>must</u> suspend for: (s. 310) (When a student is suspended pending a potential expulsion decision, the principal must conduct an investigation as part of the process to decide whether or not to recommend expulsion of the student.)</p>
<ul style="list-style-type: none"> • Uttering a threat to inflict serious bodily harm on another person. • Possessing alcohol, illegal drugs or, unless the student is a medical cannabis user, cannabis. • Being under the influence of alcohol or, unless the student is a medical cannabis user, cannabis. • Swearing at a teacher or at another person in a position of authority. • Committing an act of vandalism that causes extensive damage to school property at the student’s school or to property located on the premises of the student’s school. 	<ul style="list-style-type: none"> • Possessing a weapon, including a firearm. • Using a weapon to cause or to threaten bodily harm to another person. • Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner. • Committing sexual assault. • Trafficking in weapons or in illegal drugs. • Committing robbery. • Giving alcohol or cannabis to a minor.

THE “MAY” suspend category	The “MUST” suspend category (suspension, investigation, and possible expulsion)
<p>Acts a principal <i>may</i> suspend for: (s. 306)</p>	<p>Acts a principal <i>must</i> suspend for: (s. 310) (When a student is suspended pending a potential expulsion decision, the principal must conduct an investigation as part of the process to decide whether or not to recommend expulsion of the student.)</p>
<ul style="list-style-type: none"> • Bullying (including cyberbullying). • Any other activity that is an activity for which a principal may suspend a student under a policy of the school board. 	<ul style="list-style-type: none"> • Bullying, if the student has previously been suspended for engaging in bullying, and if the student’s continued presence in the school creates an unacceptable risk to the safety of another person. • Any activity for which a student can be suspended that is motivated by bias, prejudice, or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor. • Any other activity for which a student can be suspended under school board policy.
<ul style="list-style-type: none"> • Students in Grades 4 to 12 can be suspended for the activities listed above. • The principal cannot consider suspension for students in junior kindergarten (JK) to Grade 3 for the activities listed above;⁵ instead, the principal must consider what positive behaviour supports can be provided to the student. 	<ul style="list-style-type: none"> • Students in Grades 4 to 12 can be suspended for the activities listed above. • Students in junior kindergarten (JK) to Grade 3 cannot be suspended for any of the above actions unless the principal has performed an investigation.⁶

5 O. Reg. 440/20: Suspension of Elementary School Pupils, s. 1(1) – JK, SK, 1, 2, or 3 shall not be suspended under s. 306 of the Act for engaging in an activity described in s. 306(1) of the Act (Activities leading to possible suspension).

6 O. Reg. 440/20: Suspension of Elementary School Pupils, s. 1(2) – JK, SK, 1, 2, or 3 shall not be suspended under s. 310 of the Act for engaging in an activity described in subsection 310(1) of the Act unless the principal has conducted an investigation respecting the allegations.

Before deciding to suspend and/or expel a student, the principal must consider each student individually. Principals must consider:⁷

- The student's history.
- Whether a progressive discipline approach has been used with the student.
- Whether the activity for which the student may be or is being suspended or expelled was related to any harassment of the student because of their race, ethnic origin, religion, disability, gender or sexual orientation or to any other protected ground.
- How the suspension would affect the student's ongoing education.
- The age of the student.

If the student has an Individual Education Plan (IEP), the principal must also consider:⁸

- Whether the behaviour was a manifestation of a disability identified in the student's IEP.
- Whether the appropriate individualized accommodation has been provided.
- Whether the suspension is likely to result in an aggravation or worsening of the student's behavior or conduct.

What happens if i disagree with a suspension decision?

You can appeal a decision about a suspension to the school board. The school board should give you information about your rights to appeal and the process at the time of suspension. This also includes cases where you believe that the school did not consider factors such as whether appropriate individualized accommodation was provided.

7 Reg. 472/07 Suspension and Expulsion of Pupils, s.3 – mitigating factors for purposes of s. 306(2)
Factors principal must consider before suspension.

8 O.Reg. 472/07 Suspension and Expulsion of Pupils, s.3 – mitigating factors for purposes of s. 306(2)
Factors principal must consider before suspension.

If you want to appeal a suspension, you must send notice in writing to the superintendent of the school board **within 10 school days** of the start of the suspension. The appeal must then be heard **within 15 school days** after the school board receives your notice of appeal, unless you and the school board agree to an extension.

On appeal, the school board can either confirm the suspension, reduce the length of the suspension, or cancel the suspension.

What happens during a suspension and return to school?

School boards need to offer programs for students who have been suspended for more than five days. If a student is suspended for more than five school days, the school principal will also hold a re-entry meeting with the teacher, student, and parents.

The Ministry of Education has also published a number of Policy/Program Memoranda that give directives about school board obligations during suspensions and expulsions. These include:

- **PPM 141 – School board programs for students on long-term suspension**
 - For a long-term suspension (more than 5 school days), school boards must offer at least one program for students. In the written notice of suspension, the school board must provide information on the board program to which the student on a long-term suspension has been assigned.
 - School boards are expected to provide homework packages for students who have been suspended for less than six days, to help ensure that the student does not fall behind in their school work.
- **PPM 142 – School board programs for expelled students**
 - School boards are required to provide at least one program for students who have been expelled from any school within the board.
 - School boards are also required to reassign a student who has been expelled from only his or her school to another school within the board.

Below is a summary of the steps required for suspended students, as outlined by the Ministry of Education:⁹

SUSPENSION LENGTH	PLANNING MEETING	STUDENT ACTION PLAN: Academic component	STUDENT ACTION PLAN: Non-academic component	RE-ENTRY MEETING
1-5 school days	Not required	Not required	Not required	Not required
6-10 school days			Not required	
11-20 school days				

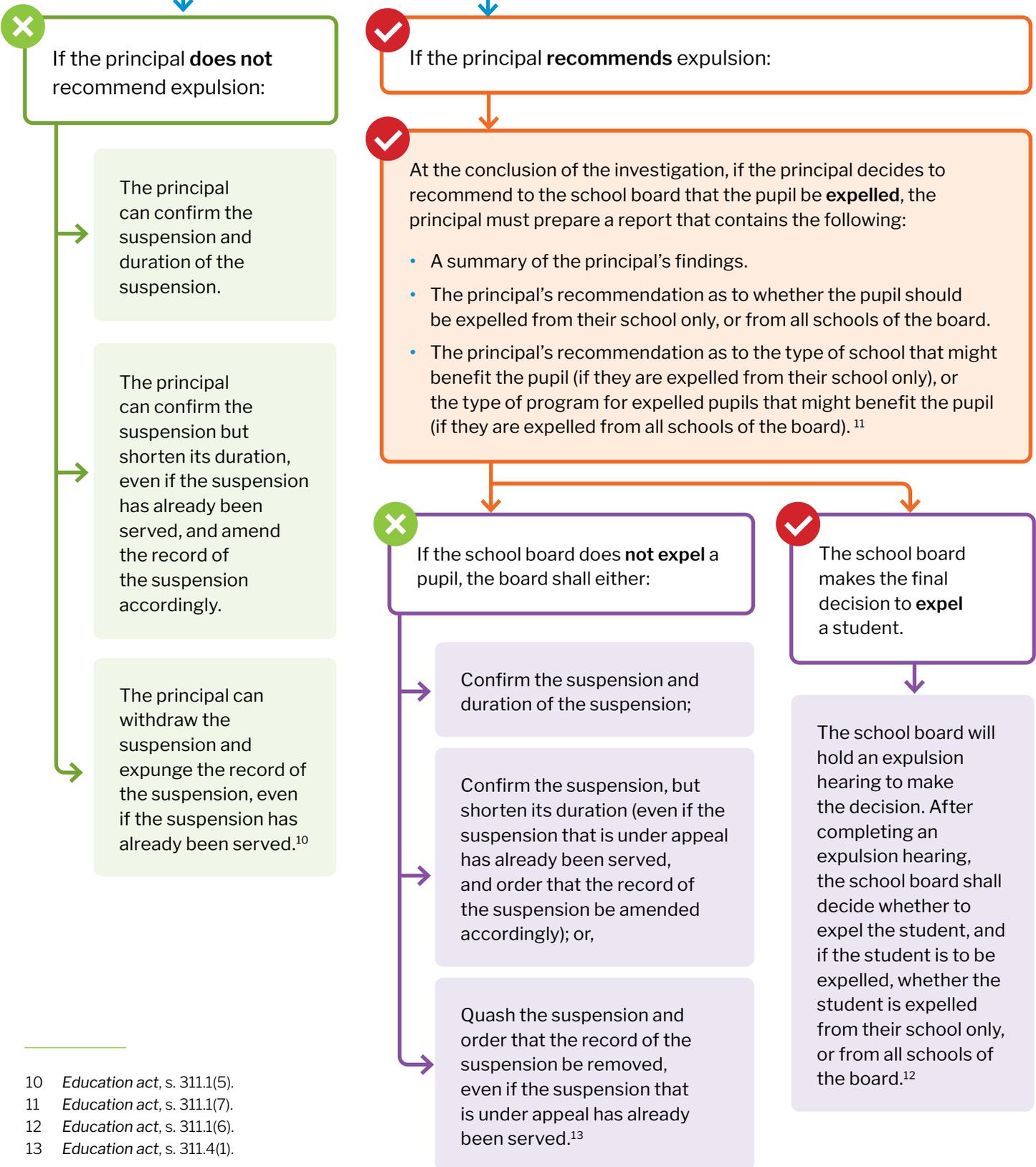
Expulsions

As outlined above, some types of suspensions are given in specific situations where the principal is also deciding whether to recommend an expulsion of the student to the school board. There are two kinds of expulsions: 1) being expelled from a school; or, 2) being expelled from every school in the school board.

The school principal must **investigate** before deciding to recommend whether a student should be expelled. The student is suspended while the principal investigates (see above).

9 <https://www.ontario.ca/page/school-suspensions-and-expulsions#section-2>

What happens after the principal's investigation and considerations?



10 Education act, s. 311.1(5).
 11 Education act, s. 311.1(7).
 12 Education act, s. 311.1(6).
 13 Education act, s. 311.4(1).

What can I do if the school board decides to expel?

If you disagree with the school board's decision to expel, you can appeal to the **Child and Family Services Review Board** (CFSRB). The school board should provide a written notice of expulsion about how to appeal the decision and what happens next.

You have 30 days to appeal to the CFSRB after you receive an expulsion decision from the school board. The CFSRB hearing will usually happen no more than 30 days after the CFSRB receives the student's notice of appeal.

The CFSRB may decide to confirm the expulsion, reinstate the student, change the expulsion decision from all schools to the student's school only, and/or order that the record of the expulsion be removed or changed.

If you are thinking about appealing an expulsion decision, you may wish to seek legal advice. You can also find more information on the CFSRB's process online here: <https://tribunalsontario.ca/cfsrb/appeal-a-school-board-decision-to-expel-a-pupil/>

Exclusions and modified days

The *Education Act* gives principals the power to exclude a student when their presence, in the principal's judgment, becomes harmful to others. This power is found at section 265(1)(m) of the *Education Act*, and is sometimes referred to as the "Exclusion Provision." This provision states that it is the "duty" of a principal, subject to an appeal to the board, to refuse to admit to the school or classroom a person whose presence in the school or classroom would, in their judgement, be detrimental to the physical or mental well-being of other students.

Exclusions are different from suspensions. If a student is suspended, the student has a number of additional rights. For example, the *Education Act* specifically says that a suspension cannot be longer than 20 days. While exclusions should not be indefinite, the *Education Act* does not have a similar time limit for exclusions.

Policy and Procedure Memoranda 145 – "Progressive Discipline and Promoting Positive Student Behaviour" specifically refers to the Exclusion Provision and says that it should not be used as a form of discipline. If a principal does decide that it is necessary to exclude a student from school, the principal is expected to notify the student's parents of the exclusion as soon as possible in the circumstances, and to inform them of their right to appeal.

What happens to a student when they are excluded?

In some cases, the school may deliver a letter formally telling the student that they have been excluded and giving reasons for the exclusion.

****Note: If you have not received reasons for an exclusion, you can ask for reasons or a letter outlining why the student was excluded. You may also want to talk to a lawyer or other qualified professional for advice.**

There is a right to appeal an exclusion of a student. If you believe the decision to exclude a student is unfair, it is important to look at the school board's appeal process. Some school boards have policies that specifically talk about Exclusions. You can check your school's website at any time to see if there are any specific policies that apply to your situation.

****Note: The school board should give you information about how to appeal an Exclusion when the decision to exclude is given to the student. However, if the school does not provide you with a policy on appealing an exclusion, you should ask for the policy/procedure as soon as possible in order to see what steps are needed to start an appeal.**

The appeal of an exclusion decision is heard by the Board of Trustees. The Board of Trustees can reverse the decision to exclude if they think it is wrong. The process and form of the appeal depends on the school board. Typically, an exclusion appeal is held in accordance with the *Education Act*, the school board's policies, and any specific exclusion appeal guideline the school board may have. Sometimes, an exclusion appeal process will request that a documentation package be prepared by both the school board and the appellant (the student) to present to the Board of Trustees.

The Board of Trustees can either uphold the exclusion or set aside the exclusion (and may also make any related orders or directions depending on their decision).

****Note: It is also important to remember that students have rights under the Ontario *Human Rights Code* to attend school without discrimination (discussed more in [Chapter 6](#)). The *Code* requires school boards to properly accommodate students before disciplining or excluding them. An exclusion of a student could violate that student’s human rights.**

It is important to consider contacting a lawyer or other qualified professional if you want to appeal a decision to exclude to the Board of Trustees, and/or if you are concerned whether any exclusions may violate a student’s human rights.

What if the school is asking the student to stay home for all or part of the school day?

The *Education Act* (specifically, O. Reg. 298 Operation of Schools – General) allows school boards to shorten the school day of an exceptional pupil to less than the normal hours of instruction. However, a school board should not shorten a school day for the school board’s own convenience—the decision or suggestion to shorten the length of a school day must be for the benefit of the student.

Modified days typically need to be approved by the school board superintendent in consultation with the student (where appropriate) and the student’s parents/ caregivers. Modified days should only be done after other strategies (like additional classroom supports, changes to the IEP, etc.) have been considered and implemented.

The *Education Act* requires school staff to monitor the effectiveness of modified day attendance for a student, and to determine the earliest opportunity to increase the student’s instructional day.

If the school is suggesting a shortened school day for a student, some view this as a “partial” or “informal” exclusion. If you disagree with the decision or suggestion to shorten the length of a student’s school day, you should ask the school to give their reasons in writing.

Similarly, schools may also ask that a student be kept home on particular days – for example, in cases where teaching and/or support staff are unavailable. It is important to remember that a student has a right to be at school, and the school board needs to give valid reasons for their suggestions or decisions to keep a student out of school.

****Note: If you are concerned about the school's suggestion that a student be kept at home for all or part of a school day, it is important to tell the school that you disagree with this decision and ask for the school's reasons in writing. Before you do this, you may wish to speak to a lawyer or other qualified professional about your case specifically.**

If your child is on a modified schedule and you feel that they could be attending more regularly, you have options. For example, you can contact the Special Education Advisory Committee (or a particular representative on that committee), and/or you can contact your school board trustee with an overview of the situation and your concerns.

Please see [Chapter 3](#) where we outline places you can take your concerns about special education, starting at the school level up to the board of trustees.

Seclusion rooms

Some students with disabilities benefit from spending time in quiet spaces, called 'sensory rooms' or 'calming rooms.' Students may access these rooms to help with self-regulation during the school day. However, some parents report that school staff also move students into these spaces against their will.

When we refer to 'seclusion rooms,' we are referring specifically to spaces where students may be separated from peers against their will, or for a reason that is not for their benefit. For example, some parents report that these spaces may be used to discipline students, where they are otherwise lacking accommodations.

In 2019, Autism Advocacy Ontario published the results of a survey of 568 special education students and their caregivers. 16% of students reported being secluded in a separate room or space that was either locked or physically barred by an education worker. Of these students:

- 73% were secluded more than six times;
- 57% were forcibly moved to the seclusion room and/or physically restrained while in the room;
- 50% indicated at least one instance of seclusion where the parent was not notified.

If you are concerned that your child may be placed in a seclusion room and that it will not be for their benefit, there are several steps you can take:

- Ask the Superintendent of Special Education if your school board has a policy on the use of seclusion rooms.
- Ask the school principal if the school has one or more spaces that are used to seclude students against their will. (As noted above, sometimes these rooms can also be accessed voluntarily by students who need a quiet and calming space).
- Ask your child's teacher or the school principal if your child has been placed, or is at risk of being placed, in a seclusion room.
- Consider working with the school to create a Safety Plan for your child. More information about Student Safety Plans can be found on the Ministry of Education website.¹⁴

14 Government of Ontario (2023). Workplace violence in school boards: A guide to the law. See <https://www.ontario.ca/document/workplace-violence-school-boards-guide-law/student-safety-plan>.

If your child has been placed in a seclusion room, you can:

- Set up a meeting with the classroom teacher and school principal to discuss why this happened. **See [Chapter 3](#) where we outline where you can escalate your concerns starting at the school level up to the school board.**
- Create a Student Safety Plan so that school staff can (a) anticipate and prevent situations that lead to heightened stress while your child is at school, and (b) provide the resources necessary for your child to attend school safely and without undue stress. **See [Chapter 2](#) where we note your obligations in the duty to accommodate and participate in that process.**
- Notify the Superintendent of Special Education and the Special Education Advisory Committee.

The use of restraint on students

In 2019, Autism Advocacy Ontario published the results of a survey of 568 special education students and their caregivers. 23% reported that the student had been physically restrained. Of these:

- 66% reported being restrained more than six times;
- 35% of caregivers reported not being told of restraint use.

When we refer to ‘restraint,’ we mean physically stopping a student from being able to move. So for example someone holding a student in a chair and not letting them move away, holding them on the ground, or holding their shoulders and forcing them out of a classroom.

The use of physical restraint on students is not clearly addressed by the *Education Act*. However, it is important to remember that human rights law in Ontario says that education environments should be designed in a way that promotes integration, full participation, and respects the dignity of the student. **See [Chapter 6](#) for more information.**

If you are concerned at all about the use of restraint in school, you can:

- Ask the Superintendent of Special Education if your school board has a policy on the use of restraint.
- Set up a meeting with the classroom teacher and school principal to understand if your child has been restrained, or is at risk of being restrained. **See Chapter 3 where we outline where you can escalate your concerns starting at the school level up to the school board.**
- Consider whether there is any Student Safety Plan in place, or if one needs to be created, so that school staff can (a) anticipate and prevent situations that lead to heightened stress while your child is at school, and (b) provide the resources necessary for your child to attend school safely and without undue stress.¹⁵ **See Chapter 2 where we note your obligations in the duty to accommodate and participate in that process.**
- Reach out to members of your school board’s Special Education Advisory Committee.

15 Government of Ontario (2023). Workplace violence in school boards: A guide to the law. See <https://www.ontario.ca/document/workplace-violence-school-boards-guide-law/student-safety-plan>.

Key takeaways

Key takeaways from this chapter:

- ✔ You have the right to be in school and can only be denied the right to go to school in specific circumstances.
- ✔ You have the right to appeal suspension, expulsion, and exclusion decisions.
- ✔ A student should not be excluded or disciplined for behaviour that is not accommodated.
- ✔ Modified days typically need to be approved by the school board superintendent in consultation with the student (where appropriate) and the student's parents/caregivers.
- ✔ Human rights law in Ontario says that education environments should be designed in a way that promotes integration, full participation, and respects the dignity of the student.

Summary of Key Takeaways and Other Resources

What's in this chapter?

A

Summary of Key Takeaways by Chapter

B

Other Resources

Summary of Key Takeaways

Chapter 2: The Legal Landscape

- The Ministry of Education is generally responsible for providing a regulatory framework that identifies the roles and responsibilities of schools and school boards.
- The local school board is responsible for providing special education at the operational level.
- The *Education Act* and the regulations made under it are the most comprehensive set of rules that govern public schools in Ontario. The *Act* imposes requirements that school boards must follow with respect to special education. This includes:
 - The creation, maintenance, and review of special education plans, and preparation of reports on special education programs and services.
 - Establishment of the IPRCs, as well as provision of IEPs.
- Policy and Program Memoranda, all publicly available on the Ministry of Education's website, are important documents to reference when caregivers are trying to understand the expectations and responsibilities of school boards and school authorities.

Chapter 3: Roles and Responsibilities

- There are many key players with different roles and responsibilities to ensure students with special education needs are getting the support they need.
- A school board is required to have a robust Special Education Plan that adheres to specific rules and standards set out in the law. This is an important resource to reference to get a better understanding of the school board’s approach to special education programming and services.

Chapter 4: The Individual Education Plan

- Every student who has been identified as ‘exceptional’ by an Identification, Placement, and Review Committee (“IPRC”) must have an IEP.
- An IEP can be thought of as a “working document” that evolves to meet the student’s changing strengths and needs. It must be reviewed at least once every year.
- The school principal is ultimately responsible for the IEP.
- Building and reviewing an IEP is a collaborative process.
- A student does not need to be formally identified as ‘exceptional’ in order to get an IEP.
- Transition planning is an important component of an IEP. Transition planning includes having a plan for students to move into post-secondary pathways.

Chapter 5: The Identification, Placement, and Review Committee

- The school board must provide you with the school board’s guide to special education within 15 days of an initial request for an IPRC meeting.
- If you are attending an IPRC meeting, do your best to be prepared. You can bring a support person of your choice with you, including an advocate.
- If an IPRC decides that a student is to be placed in a special education classroom, the IPRC must provide reasons for that decision.

- You do not need to sign an IPRC Statement of Decision if you disagree with anything in that document. Take your time to think about the Statement of Decision and discuss it with people you trust.
- You have a right to appeal both the IPRC's and the SEAB's decisions.

Chapter 6: Ontario Human Rights Code

- School boards must make sure that students with disabilities have equal access to education.
- The *Code* establishes a duty for school boards to accommodate the disability-related needs of a student to the point of undue hardship.
- The duty to accommodate exists whether or not the student has an IEP or whether or not the student has gone through the IPRC process.
- Schools must provide substantive accommodation (the actual support provided) and procedural accommodation (the process used to identify the support). The process is just as important as substantive accommodation, and accommodation is supposed to be collaborative.

Chapter 7: The Right to be in School

- All children and youth have the right to be in school and can only be denied the right to go to school in specific circumstances.
- You have the right to appeal suspension, expulsion, and exclusion decisions.
- A student should not be excluded or disciplined for behaviour that follows a failure to accommodate their needs.
- Modified days typically need to be approved by the school board superintendent in consultation with the student (where appropriate) and the student's parents/caregivers.
- Human rights law in Ontario says that education environments should be designed in a way that promotes integration, full participation, and respects the dignity of the student.

Other Resources

The Ministry of Education has a number of special education policy and resource guides. They can be found on the Ministry of Education's website.¹

You can also look at: [*Special education in Ontario, kindergarten to Grade 12: policy and resource guide*](#). It is a comprehensive document that supports and sets standards for school boards and schools to deliver special education for students.

Some other resources include:

- [Caring and safe schools in Ontario: supporting students with special education needs through progressive discipline, kindergarten to Grade 12](#)
 - This resource is a framework for school administration to address behavioural challenges for students, in particular students with special education needs.
- [Effective educational practices for students with autism spectrum disorders](#)
 - This resource guide contains information, strategies, and practices that can be used in the school and the classroom. It includes sample materials as well as further references such as foundations, teaching and learning, communication and behaviour, and tools and techniques.
- [Support for students with autism](#)
 - This publication outlines supports for students with autism in starting school, going to a new classroom/grade/school, making an IEP, teaching methods, the use of applied behaviour analysis (ABA), and after school skills development programs.
- [Learning for all: a guide to effective assessment and instruction for all students, kindergarten to Grade 12](#)
 - This resource guide includes information on assessment for learning, universal design for learning, differentiated instruction, the tiered approach, planning tools (including class and student profiles), and models for professional learning (including professional learning communities).

1 <https://www.ontario.ca/page/special-education-laws-and-policies#section-5>

- [Share solutions: a guide to preventing and resolving conflicts regarding programs and services for students with special education needs](#)
 - This resource guide is for parents, educators, and students with special education needs to work together to prevent conflicts and resolve them quickly. It includes approaches and techniques for conflict prevention and resolution that are already in place in many school boards
- [Overview of policy and program requirements in Ontario schools](#)
 - This document includes an overview of the broad range of policies and programs that impact the educational experience of students in Ontario schools from kindergarten to grade 12. You can find more information and guidance on special education at the elementary and secondary school levels throughout this document.
- [Elementary and secondary report templates for use by schools and school boards](#)
 - This includes instructions for reporting the achievement of students with special needs (including exceptional pupils) whose Individual Education Plans (IEPs) document accommodations or modifications to the student's learning expectations.
- [Education Funding](#)
 - You can find information and policy documents discussing funding on the Ministry's website.
- [Education Quality and Accountability Office \(EQAO\)](#)
 - EQAO is responsible for provincial testing in Grades 3, 6, and 9. It is also responsible for the provincial secondary school literacy test. EQAO provides guidance to school boards about the inclusion of students with special needs (including exceptional pupils) in provincial testing, as well as appropriate accommodations that may be made for these students during provincial testing.