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Legislation and Policy
PART A. LEGISLATION AND POLICY

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The Education Act

The Education Act\(^1\) and the regulations made under it constitute the core of the legislation governing the operation of schools and school boards\(^2\) in Ontario. Subsection 8(3) of the Act requires the Minister of Education to ensure that appropriate special education programs and special education services are provided in accordance with the Act and regulations.

It states that:

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

The current legal framework for the education of exceptional pupils originated with the Education Amendment Act, 1980 (frequently referred to as Bill 82), which made it mandatory for all school boards to provide, or purchase from another school board, special education programs and services for their exceptional pupils. This requirement is now found in paragraph 170(1)7 of the Education Act, which states that:

Every board shall . . . provide or enter into an agreement with another board to provide in accordance with the regulations special education programs and special education services for its exceptional pupils.

Subsection 1(1) of the Education Act includes the following definitions of exceptional pupil, special education program, and special education services.

An exceptional pupil is defined as:

a pupil whose behavioural, communicational, intellectual, physical or multiple exceptionalities are such that he or she is considered to need placement in a special education program by a committee, established under subparagraph iii of paragraph 5 of subsection 11 (1), of the board,
(a) of which the pupil is a resident pupil,
(b) that admits or enrolls the pupil other than pursuant to an agreement with another board for the provision of education, or
(c) to which the cost of education in respect of the pupil is payable by the Minister.

\(^1\) The Education Act, R.S.O. 1990, C.E.2, as amended, referred to hereafter as the Education Act, or the Act.

\(^2\) The terms school board and board are used in this document to refer to district school boards and school authorities.
A special education program is defined as:

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 are defined as:

facilities and resources, including support personnel and equipment, necessary for developing and implementing a special education program.

Regulations

A number of regulations made under the Education Act contain specific references to the education of exceptional pupils. The content of these regulations is quoted at appropriate points throughout this guide. The following table provides an overview only.

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<td>296</td>
<td>Ontario Schools for the Blind and the Deaf</td>
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<td>This regulation relates to the operation of the Ontario Schools for the Blind and the Deaf.</td>
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<td>298</td>
<td>Operation of Schools – General</td>
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<td>Subsection 3(3) permits a reduction in the length of the instructional program for exceptional pupils below the required 5 hours per day.</td>
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<td>Section 11 sets out the duties of principals, in addition to those in the Act.</td>
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<td>Section 19 sets out qualifications teachers must hold to be placed in charge of or to teach in a special education program.</td>
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<td>Section 26 sets out the relationship between principals and professional support staff, including psychiatrists, psychologists, and social workers.</td>
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<td>Section 30 provides for special education programs for preschool children who are deaf or hard of hearing.</td>
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<td>Section 31 sets out maximum enrolment for special education classes.</td>
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<tr>
<td>181/98</td>
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**Policy/Program Memoranda**

Policy/program memoranda (PPMs) are official numbered memoranda issued by the Ministry of Education and directed to school boards and schools. These memoranda are statements of ministry policy and often include information about the Education Act and regulations made under the act. The PPMs listed below contain information about the education of exceptional pupils. These memoranda are referred to in various locations in this guide.

<table>
<thead>
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<th>Policy/Program Memorandum Number</th>
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<td>1</td>
<td>Ontario Schools for the Blind and Deaf as Resource Centres. April 2, 1986</td>
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<td>Learning Disabilities. Revised 1982</td>
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<td>59</td>
<td>Psychological Testing and Assessment of Pupils. October 11, 1982</td>
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<td>Alternative Educational Programs and Services for Deaf, Blind, and Deaf-Blind Exceptional Pupils. October 4, 1991</td>
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<td>85</td>
<td>Educational Programs for Pupils in Government-Approved Care and/or Treatment Facilities. January 20, 1986</td>
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<td>89</td>
<td>The Residential Demonstration Schools for Students With Learning Disabilities: General Information and Details of the Referral Process. February 6, 1990</td>
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* This PPM is supported by the Interministerial Guidelines for the Provision of Speech and Language Services, September 1988, and by the August 14, 1989, assistant deputy minister’s memorandum clarifying interministerial responsibility regarding suctioning and catheterization.
ROLES AND RESPONSIBILITIES IN SPECIAL EDUCATION

Clearly defined roles and responsibilities are an essential part of delivering special education programs and services. The roles and responsibilities within special education are outlined below.

The Ministry of Education

The Ministry of Education:

- sets out, through the Education Act, regulations, and policy documents, including policy/program memoranda, the legal obligations of school boards regarding the provision of special education programs and services;
- prescribes the categories and definitions of exceptionality;
- requires that school boards provide appropriate special education programs and services for their exceptional pupils;
- establishes the funding for special education through the structure of the funding model. The model consists of the Foundation Grant, the Special Education Grant, and other special purpose grants;
- requires school boards to report on their expenditures for special education;
- sets province-wide standards for curriculum and reporting of achievement;
- requires school boards to maintain special education plans, review them annually, and submit amendments to the ministry;
- requires school boards to establish Special Education Advisory Committees (SEACs);
- establishes Special Education Tribunals to hear disputes between parents and school boards regarding the identification and placement of exceptional pupils;
- establishes a provincial Advisory Council on Special Education to advise the Minister of Education on matters related to special education programs and services;
- operates Provincial and Demonstration Schools for students who are deaf, blind, or deaf-blind, or who have severe learning disabilities.

The District School Board or School Authority

The district school board or school authority:

- establishes school board policy and practices that comply with the Education Act, regulations, and policy documents, including policy/program memoranda;
• monitors school compliance with the Education Act, regulations, and policy documents, including policy/program memoranda;

• requires staff to comply with the Education Act, regulations, and policy documents, including policy/program memoranda;

• provides appropriately qualified staff to provide programs and services for the exceptional pupils of the board;

• reports on the expenditures for special education;

• develops and maintains a special education plan that is amended from time to time to meet the current needs of the exceptional pupils of the board;

• reviews the plan annually and submits amendments to the Minister of Education;

• provides statistical reports to the ministry as required;

• prepares a parent guide to provide parents with information about special education programs, services, and procedures;

• establishes one or more IPRCs to identify exceptional pupils and determine appropriate placements for them;

• establishes a Special Education Advisory Committee;

• provides professional development to staff on special education.

The Special Education Advisory Committee

The Special Education Advisory Committee:

• makes recommendations to the board with respect to any matter affecting the establishment, development, and delivery of special education programs and services for exceptional pupils of the board;

• participates in the board’s annual review of its special education plan;

• participates in the board’s annual budget process as it relates to special education;

• reviews the financial statements of the board as they relate to special education;

• provides information to parents, as requested.

The School Principal

The school principal:

• carries out duties as outlined in the Education Act, regulations, and policy documents, including policy/program memoranda, and through board policies;

• communicates Ministry of Education and school board expectations to staff;

• ensures that appropriately qualified staff are assigned to teach special education classes;
• communicates board policies and procedures about special education to staff, students, and parents;
• ensures that the identification and placement of exceptional pupils, through an IPRC, is done according to the procedures outlined in the Education Act, regulations, and board policies;
• consults with school board staff to determine the most appropriate program for exceptional pupils;
• ensures the development, implementation, and review of a student’s Individual Education Plan (IEP), including a transition plan, according to provincial requirements;
• ensures that parents are consulted in the development of their child’s IEP and that they are provided with a copy of the IEP;
• ensures the delivery of the program as set out in the IEP;
• ensures that appropriate assessments are requested and that, if necessary, consent is obtained.

The Teacher

The teacher:
• carries out duties as outlined in the Education Act, regulations, and policy documents, including policy/program memoranda;
• follows board policies and procedures regarding special education;
• works with the special education teacher to acquire and maintain up-to-date knowledge of special education practices;
• where appropriate, works with special education staff and parents to develop the IEP for an exceptional pupil;
• provides the program for the exceptional pupil in the regular class, as outlined in the IEP;
• communicates the student’s progress to parents;
• works with other school board staff to review and update the student’s IEP.

The Special Education Teacher

The special education teacher, in addition to the responsibilities listed above under “The Teacher*”:
• holds qualifications, in accordance with the regulations under the Education Act, to teach special education;
• monitors the student’s progress with reference to the IEP and modifies the program as necessary;
• assists in providing educational assessments for exceptional pupils.
**The Parent/Guardian**

The parent/guardian:

- becomes familiar with and informed about board policies and procedures in areas that affect the child;
- participates in IPRCs, parent-teacher conferences, and other relevant school activities;
- participates in the development of the IEP;
- becomes acquainted with the school staff working with the student;
- supports the student at home;
- works with the school principal and teachers to solve problems;
- is responsible for the student’s attendance at school.

**The Student**

The student:

- complies with the requirements as outlined in the Education Act, regulations, and policy documents, including policy/program memoranda;
- complies with board policies and procedures;
- participates in IPRCs, parent-teacher conferences, and other activities, as appropriate.
Under the Education Act and its regulations, school boards are required to do the following.

**Enrol All Pupils Who Have the Right to Attend**

The general rules governing the right to attend school are briefly outlined below.

A person who is qualified to be a resident pupil of a board has the right to attend a school of the board. At the elementary level, to be qualified to be a resident pupil of the board, the person and the person’s parent or guardian must live within the area of jurisdiction of the board (section 33). In order to have the right to attend school at a separate school board or at a French language school board, a person must reside within the area of the board where the person’s parent is a school supporter. In order to support a Roman Catholic board, the parent must be Roman Catholic;* in order to support a French-language district school board, the parent must be a French-language rights holder.* However, there is no obligation on Roman Catholics or French-language rights holders to support their respective boards: these parents may send their children to the public or English-language board, as the case may be. Once the pupil is enrolled in school, he or she becomes a resident pupil of the board (subsections 33[6] and 36[5]). A person is qualified to be a resident pupil of a board for elementary school purposes from the ages specified in the Education Act (sections 33 and 34) until the age of 21.

At the secondary level, to be qualified to be a resident pupil of a board, the person and the person’s parent must live within the area of jurisdiction of the board; or the person must reside in the secondary school district and be the owner or tenant of residential property in the area that is separately assessed; or the person must be at least 18 years old and have lived in the area for at least a year (section 36). The rules outlined in the preceding paragraph with respect to school support at the elementary level apply at the secondary level as well (section 36). In addition to these rules, there is “open access” at the secondary level between public and separate boards that operate in the same area (section 42). “Open access” means that a person who is qualified to attend a secondary school of a public board is also eligible to attend a secondary school of a separate board that operates wholly or partly in the same area, and vice versa. To attend a school of a French-language board, the pupil must be the child of a French-language rights holder.

These are the general rules regarding enrolment rights. For circumstances not covered by these rules, the student and/or the student’s parent or guardian are advised to check with the superintendent of the board that the student wishes to attend.

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* Note: Asterisked terms are defined in section 1 of the Education Act.
In order to be admitted to secondary school, the person must be promoted to secondary school or the secondary school principal must be satisfied that the person is capable of doing the work of the secondary school (section 41).

School boards have the legal ability to direct secondary day school students to continuing education programs under certain circumstances (section 49.2). Students may be directed to a continuing education course or class operated by a board if:

- they have already attended secondary school for 7 or more years;
- they have been out of school for 4 years since the age of 16;
- they are funded at the continuing education level of grant (because they will have turned or will be turning 21 by December 31 of that year).

The appropriate school board supervisory officer should be contacted for answers to specific questions about whether a particular child has the right to attend a certain board or school.

Note: The fact that a person has the right to attend school within a particular school board jurisdiction does not mean that the person can attend whichever school he or she wishes. School boards may have attendance areas, and permission is required from the board (paragraph 171[1]7) for a person to attend school outside of his or her attendance area.

**Implement Procedures for Early and Ongoing Identification (Education Act, Clause 8[3][a])**

School boards are required to implement procedures for early and ongoing identification of the learning abilities and needs of students, as detailed in Policy/Program Memorandum No. 11.

**Provide Special Education Programs and Services**

Under paragraph 170(1)7 of the Education Act, each board is required to “provide or enter into an agreement with another board to provide in accordance with the regulations special education programs and special education services for its exceptional pupils”.

**Provide a Mechanism for Appeal**

Regulation 181/98, dealing with the identification and placement of exceptional pupils, provides a mechanism for parents to appeal the identification and placement decisions of an Identification, Placement and Review Committee (IPRC) to an appeal board.

Under the regulation a parent may request an appeal of an IPRC decision to a school board appeal board. It is up to the school board to administer the procedures related to the holding of the appeal board meeting. Part D of this guide contains a detailed discussion of these procedures.
Establish a Special Education Advisory Committee (Education Act, Section 57.1)

Under the Education Act, every district school board must establish a Special Education Advisory Committee (SEAC). In addition, the Lieutenant-Governor-in-Council has the authority to make regulations:

- requiring that school authorities establish SEACs;
- governing:
  - the establishment and composition of SEACs;
  - practices and procedures relating to SEACs;
  - the powers and duties of SEACs;
  - the duties of district school boards or school authorities in relation to SEACs.

This authority is exercised under Regulation 464/97. (For further information, refer to pages A27–28.)
REQUIREMENTS OF SCHOOL BOARDS
UNDER THE REGULATIONS

One of the purposes of a school board’s special education plan is to inform the Ministry of Education and the public about special education programs and services that are provided by the board in accordance with legislation and ministry policy on special education.

Under the regulations, school boards are required to do the following.

Establish Special Education Plans

Regulation 306 requires that all school boards establish and maintain special education plans. In its special education plan each board is required to outline how it intends to meet the needs of its exceptional pupils. The board must maintain the plan and ensure that it is amended from time to time “to meet the current needs of the exceptional pupils of the board”.

Individual students are not identified in the plan, but the system-wide method of providing programs and services is set out.

Each school board must:

• review the plan once a year and send any amendments of the plan to the minister;
• every two years, prepare and approve a report on the special education programs and services it provides;
• have its Special Education Advisory Committee (SEAC) participate in the annual review of board plans (see pages A27–28 for further information about SEACs).

Traditionally, the ministry has sent instructions to boards in the winter about how to submit their amendments/reports and what type of information to include. The reports and amendments must be submitted by July 31 of every year. The minister has the right to require a board to amend its plan in a manner that the minister considers necessary “so as to ensure that the board provides special education programs and special education services that meet the current needs of the exceptional pupils of the board”.

School board special education plans should be available at the school board office (or at individual schools) for parents to see. The ministry has issued a policy document, Standards for School Boards’ Special Education Plans, 2000, which describes the new province-wide standards that school boards must meet when developing their special education plans.
Provide for a Shortened School Day
Regulation 298, subsection 3(3), permits a school board to shorten the length of the instructional program on each school day to less than 5 hours for an exceptional pupil in a special education program. A board should not use this section for its own benefit, for example, because of a shortage of staff. This subsection applies in situations where it is for the benefit of the child that the instructional program be shortened. This might occur, for example, if the exceptional pupil does not have sufficient stamina to attend for a full school day, or is medically unable to attend for the full day.

Employ Teachers With Appropriate Qualifications
According to Regulation 298, subsection 19(14), no teacher shall be placed in charge of special education or be assigned or appointed to teach in a special education class, in a class for deaf, hard-of-hearing, blind, or low-vision students, or as a resource or withdrawal teacher in special education programs unless the teacher’s Certificate of Qualifications indicates qualifications in special education.

Follow Maximum Enrolments Set Out for Self-Contained Classes
According to Regulation 298, section 31, the maximum class sizes for special education classes for various types of exceptional pupils are as follows:

- 8 in a class for pupils who are emotionally disturbed or socially maladjusted (behaviour),* have severe learning disabilities, or are below compulsory school age and have impaired hearing (who are deaf or hard-of-hearing);*
- 10 in a class for pupils who are blind, deaf, trainable retarded (have developmental disabilities),* or have speech and language disorders;
- 12 in a class for pupils who are hard-of-hearing, have low vision,* or have orthopaedic or other physical disabilities,*
- 12 in a class for pupils in the Primary Division who are educable retarded (mildly intellectually disabled);* and 16 in a class for pupils in the Junior and Intermediate Divisions who are educable retarded (mildly intellectually disabled);*
- 25 in a class for elementary pupils who are gifted;*
- 6 in a class for aphasic or autistic* pupils, or for pupils with multiple disabilities* for whom no one disability is dominant;
- 16 in a class for exceptional pupils consisting of pupils with different exceptionalities.

* Note: The asterisked terms have been clarified in a memo to school boards, dated January 15, 1999, regarding the categories and definitions of exceptionality. (See pages A18–20.)
Establish Identification, Placement and Review Committees (IPRCs)

An IPRC is composed of at least three persons, one of whom must be a principal or supervisory officer of the board. The process for school boards to follow when identifying and placing exceptional pupils is set out in Regulation 181/98. A detailed discussion of the process is provided in Part D of this guide. The regulation deals with the following matters:

- the referral to an IPRC
- the setting up of an IPRC meeting
- the composition of the IPRC
- the material presented to an IPRC
- the role of parents/students at an IPRC
- IPRC decision-making power
- follow-up IPRC meetings
- Individual Education Plans and transition plans
- IPRC reviews
- the appeal of an IPRC decision
- the composition and powers of an appeal board
- the Parents’ Guide

Provide Individual Education Plans (IEPs) for Pupils Identified as Exceptional

An Individual Education Plan (IEP) is a written plan. It is a working document that describes the strengths and needs of an individual exceptional student or of a student with special needs, the special education program and services established to meet a student’s needs, and sets out how the program and services will be delivered. It also describes the student’s progress.

In Regulation 181/98, “Identification and Placement of Exceptional Pupils”, sections 6 and 7 set out the requirements for creating and reviewing an IEP for any student identified as exceptional. The regulation states that principals are required to ensure that an IEP is developed for each student who has been identified as exceptional by an IPRC within 30 school days3 of the student’s placement in a special education program.

The IEP must include:

- specific educational expectations for the student;
- an outline of the special education program and services to be received by the student;
- a statement of the methods by which the student’s progress will be reviewed;

3. As amended by Ontario Regulation 137/01. See note on page H34 in Appendix 10.
• for students 14 years of age or older, a plan for transition to appropriate postsecondary school activities, such as work, further education, and community living, unless the student is identified as exceptional solely on the basis of giftedness.

In developing the IEP, the principal shall:

• consult with the parent and, where the student is 16 years of age or older, the student;

• take into consideration any recommendations made by the IPRC or the Special Education Tribunal, as the case may be, regarding special education programs or special education services;

• when developing the transition plan, consult with such community agencies and postsecondary educational institutions as he or she considers appropriate.

The principal shall ensure that the IEP for a student is included in the student’s Ontario Student Record (OSR), unless a parent has objected in writing to its inclusion.

Standards for the IEP are outlined by the Ministry of Education in a document entitled *Individual Education Plans: Standards for Development, Program Planning, and Implementation, 2000*.

A detailed discussion of the IEP is provided in Part E of this guide.
The following five categories of exceptionalities have been identified in the Education Act definition of *exceptional pupil*:

- behaviour
- communication
- intellectual
- physical
- multiple

These broad categories include the following definitions, as clarified in the memo to school boards of January 15, 1999:

**Behaviour**

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:

- an inability to build or to maintain interpersonal relationships;
- excessive fears or anxieties;
- a tendency to compulsive reaction;
- an inability to learn that cannot be traced to intellectual, sensory, or other health factors, or any combination thereof.

**Communication**

**Autism**

A severe learning disorder that is characterized by:

- disturbances in:
  - rate of educational development;
  - ability to relate to the environment;
  - mobility;
  - perception, speech, and language;

- lack of the representational symbolic behaviour that precedes language.

**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.
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:

a) involve one or more of the form, content, and function of language in communication; and

b) include one or more of:
   - language delay;
   - dysfluency;
   - voice and articulation development, which may or may not be organically or functionally based.

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.

Learning Disability
A learning disorder evident in both academic and social situations that involves one or more of the processes necessary for the proper use of spoken language or the symbols of communication, and that is characterized by a condition that:

a) is not primarily the result of:
   - impairment of vision;
   - impairment of hearing;
   - physical disability;
   - developmental disability;
   - primary emotional disturbance;
   - cultural difference;

b) results in a significant discrepancy between academic achievement and assessed intellectual ability, with deficits in one or more of the following:
   - receptive language (listening, reading);
   - language processing (thinking, conceptualizing, integrating);
   - expressive language (talking, spelling, writing);
   - mathematical computations; and

c) may be associated with one or more conditions diagnosed as:
   - a perceptual handicap;
   - a brain injury;
   - minimal brain dysfunction;
   - dyslexia;
   - developmental aphasia.
Intellectual 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 program to satisfy the level of educational potential indicated.

Mild Intellectual Disability
A learning disorder characterized by:

a) an ability to profit educationally within a regular class with the aid of considerable curriculum modification and supportive service;

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.

Developmental Disability
A severe learning disorder characterized by:

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.

Physical

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 pupils without exceptionalities who are of the same age or development level.

Blind and Low Vision
A condition of partial or total impairment of sight or vision that even with correction affects educational performance adversely.

Multiple

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.
Ministry Documents Related to Program and Diploma Requirements for Elementary and Secondary Schools

Curriculum policy applies to all students in Ontario schools, including students who have special needs, and is outlined in the following documents:

- *The Ontario Curriculum* policy documents describe grade-by-grade expectations by subject for students in elementary and secondary schools in Ontario. Programs based on these documents are designed to provide the greatest possible opportunity for every student to develop, as completely as possible, his or her abilities and interests while addressing each student’s special needs.

- *Ontario Secondary Schools, Grades 9 to 12: Program and Diploma Requirements, 1999* (OSS) sets out the policies and requirements that govern the program in English-language secondary schools in Ontario. It outlines the policies of the Ministry of Education for programs in Grades 9 to 12, including the requirements for the awarding of the Ontario Secondary School Diploma (OSSD). Programs based on these requirements are designed to equip students with the knowledge and skills they will need to lead satisfying and productive lives in the twenty-first century. Some key policy directions outlined in this document and which affect students with special needs are described below.

**Ontario Secondary Schools, Grades 9 to 12: Program and Diploma Requirements, 1999**

The high school program is based on a credit system. In order to earn an Ontario Secondary School Diploma (OSSD), a student who entered Grade 9 in the 1999–2000 school year, or who enters in subsequent years, must earn a minimum of 30 credits, including 18 compulsory credits and 12 optional credits. Starting in the 2000–01 school year, students must also complete 40 hours of community involvement activities, and starting in 2001–02, they must pass the provincial secondary school literacy test.

To ensure that all students, including those identified as exceptional, are able to qualify for the OSSD, principals may substitute up to 3 compulsory course credits from the remaining courses offered by the school that meet the requirements for compulsory credits. Where there is a need to substitute a compulsory credit course for an exceptional pupil, the substitution:

- should be in keeping with the student’s strengths, needs, learning expectations, and accommodations as set out in the student’s Individual Education Plan (IEP);
- must be approved in writing by the student’s parents, if the student is not an adult;
- will be noted on the student’s Ontario Student Transcript.
Community Involvement
As part of the diploma requirements, students must complete a minimum of 40 hours of unpaid community involvement activities before graduating from secondary school. This requirement is in addition to the 30 credits needed for a secondary school diploma. Students will be able to choose their own community involvement activities, within guidelines that will be provided by the school and school board. Students will be responsible for fulfilling this requirement on their own time and for keeping a record of their activities on a form supplied by the school. (See Policy/Program Memorandum No. 124A, Ontario Secondary School Diploma Requirement: Community Involvement Activities in English-Language Schools.)

The Provincial Secondary School Literacy Test
Beginning with students who enter Grade 9 in the 2001–02 school year, all students, including those identified as exceptional pupils, must successfully complete the provincial secondary school literacy test in order to graduate with an OSSD.

The test evaluates students' reading and writing skills based on provincial curriculum expectations in language and communications up to and including Grade 9.

Accommodations, deferrals, or exemptions are available as appropriate to meet the individual needs of students who are receiving special education programs and services and who have an IEP. (See Policy/Program Memorandum No. 127.)

The Ontario Secondary School Certificate
The Ontario Secondary School Certificate will be granted on request to students who leave school before earning the OSSD, provided that they have earned a minimum of 14 credits (7 compulsory credits and 7 optional credits).

The Certificate of Accomplishment
Students who leave school before fulfilling the requirements for the Ontario Secondary School Diploma or the Ontario Secondary School Certificate may be granted a Certificate of Accomplishment, which will be accompanied by the student's Ontario Student Transcript. For students who have an IEP, a copy of the IEP may also be included.

Full Disclosure
Under the terms of the "full disclosure" policy, all Grade 11 and 12 courses taken or attempted by students, including students who are identified as exceptional pupils, will be recorded on the Ontario Student Transcript, with the percentage grades earned and the credits gained. The transcript may include an indication of any extraordinary circumstances affecting a student's achievement in Grade 11 or 12 courses.
A student’s parents or a student who is an adult (18 years of age or over) may request that the principal identify, by using a special indicator, any Grade 11 and 12 courses in which the student’s performance was affected by extraordinary circumstances. If the principal agrees with the student’s or parents’ claim, the special indicator “S” is entered in the “Note” column of the transcript for these courses. However, the student’s percentage grades are also recorded. The special indicator may also be used for courses from which the student has withdrawn because of extraordinary circumstances.

If the principal does not agree with the parents’ or student’s claim that extraordinary circumstances have had a significant effect on the student’s achievement, the parents or the student may request that the appropriate supervisory officer review the matter. [See OSS, section 6.2.2.] Full details may be found in The Ontario Student Transcript (OST): Manual, 1999 and in OSS.

**The Annual Education Plan (AEP)**

All students in Grades 7 to 12 will prepare an annual education plan with assistance from their parents, guidance counsellors, and teacher-advisers. (The program is now in place for all students in Grades 7 to 12.) The planning process will help students set goals and review and assess their achievements and progress along the way. The plan identifies:

- the student’s goals for academic achievement;
- the student’s course selections for the following year;
- the extracurricular activities, cooperative education programs, and work experience opportunities in which the student will be participating, both in and outside school;
- a range of possible postsecondary goals. Beginning in Grade 10, students should consider and research the requirements for continued study at a college or university or private vocational school, apprenticeships or internships, or direct entry into the work force.

Exceptional pupils, their parents, and teachers should take the student’s IEP and transition plan into consideration when developing an annual education plan.

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4. The following notations may also appear in the “Note” column:
- M modified curriculum expectations that do not lead to a credit
- I interdisciplinary studies
- F French Immersion
- C cooperative education
- A alternative expectations, which do not lead to a credit


Prior Learning Assessment and Recognition (PLAR)

Beginning in the 2001–02 school year, students may receive a credit without taking a course if they can demonstrate that they have the skills and knowledge from prior learning to meet the expectations for the course set out in the provincial curriculum. To receive a credit through the PLAR process, students are assessed through formal tests and other methods of evaluation appropriate to the subject.

Students may obtain a maximum of four credits through the PLAR process, but no more than two in one subject area. The PLAR process applies only to courses in Grades 10 to 12. PLAR will be implemented in a phased-in approach: Grade 10 in 2001–02, Grade 11 in 2002–03, and Grade 12 in 2003–04.

PLAR procedures must also be available to exceptional students. Assessment strategies must be adapted for this group in keeping with their special needs; for example, extra time might be allowed for the completion of work or a quiet environment provided for activities. While PLAR may be of benefit to some gifted students, it is not intended to be used as a replacement for or as an alternative to enriched programs or special education programs for gifted students.

Locally Developed Courses

School boards may develop two kinds of courses locally in Grades 9 to 12: compulsory credit courses and optional credit courses. School boards may develop locally one compulsory credit course in English, one in mathematics, and/or one in science. All locally developed courses, with the exception of religious education courses developed by Roman Catholic district school boards, must be approved by the Ministry of Education. (Note: You may wish to refer to the Guide to Locally Developed Courses, Grades 9 to 12: Approval Requirements and Procedures, 2000 for approval requirements.)

The Ontario Curriculum, Grades 9 to 12: Program Planning and Assessment, 2000

The Ontario Curriculum, Grades 9 to 12: Program Planning and Assessment, 2000 provides essential information on aspects of policy relating to program planning and the assessment, evaluation, and reporting of student achievement that pertain to all disciplines in the Ontario secondary school curriculum. It is a companion document to the curriculum policy documents for the individual disciplines, which identify the knowledge and skills students are expected to acquire in their secondary school courses. It provides teachers and others interested in secondary education in Ontario with a summary and discussion of relevant policies set out in Ontario Secondary Schools, Grades 9 to 12: Program and Diploma Requirements, 1999.
Choices Into Action: Guidance and Career Education Program Policy for Ontario Elementary and Secondary Schools, 1999

Choices Into Action describes the purpose and importance of Ontario’s guidance and career education program, its content, and its unique approach to teaching and learning. It describes the approaches that principals and teachers are expected to take when teaching students how to develop their learning skills, interpersonal skills, and knowledge and skills in the area of career planning. It also outlines program-planning strategies, accountability measures, and the roles and responsibilities of all involved – principals, teachers, students, parents, and community partners.

The policies outlined in this document complement related provincial policies outlined in Ontario Secondary Schools, Grades 9 to 12: Program and Diploma Requirements, 1999 and in the elementary and secondary school curriculum policy documents.
The Minister’s Advisory Council on Special Education

This council, established by Order-in-Council, advises the Minister of Education on any matter related to the establishment and provision of special education programs and special education services for exceptional pupils, including the identification and provision of early intervention programs for students with special needs.

In particular, the council:

• responds to proposals or positions of the Ministry of Education or other ministries, as submitted to the council from time to time;
• identifies concerns in the delivery of special education programs and services for exceptional pupils and provides information, advice, and recommendations for ministry consideration.

The council meets up to three times a year for a maximum of four and a half days and submits an annual report that includes the following:

• the council’s priorities and a plan for achieving them;
• an analysis of the achievement of the previous year’s priorities;
• recommendations to the minister.

The council consists of the following members:

a) a minimum of 9 and a maximum of 12 voting members representing exceptionalities recognized by the Ministry of Education (autism, developmental disability, low vision, giftedness, physical disability) and the support professions (medical practitioners, psychologists, social workers, speech-language pathologists);

b) 9 voting members representing educator groups (supervisory officers, principals, teachers, educational assistants, trustees);

c) one voting member representing students/youth;

d) one voting member representing Native persons.

The council has positions for up to 24 voting members plus one non-voting member from each of: the Ministry of Health and Long-Term Care; the Ministry of Community and Social Services; the Ministry of Training, Colleges and Universities; and the Integrated Services for Children Division. Roman Catholic and Franco-Ontarian representation are also mandated. These representatives are selected from the existing members. The chair and vice-chair are appointed by the minister from among the voting members. All members are appointed by the minister.

5. In this guide, the terms educational assistant, teaching assistant, and teacher assistant are used interchangeably.
The full council meets three times annually. The council also establishes ad hoc committees as required and has a number of active subcommittees that explore and respond to specific issues throughout the year. These committees bring recommendations to the council at its regular meetings. The chair of the council meets regularly with ministry staff.

Further information about the Advisory Council (e.g., membership, annual report) is available on the Ministry of Education website [http://www.edu.gov.on.ca](http://www.edu.gov.on.ca) and in Appendix 1 of this document.

**Special Education Advisory Committees (Regulation 464/97)**

Subsection 57.1(1) of the Education Act requires every district school board to establish a Special Education Advisory Committee (SEAC). Regulation 464/97 requires that each school authority establish a SEAC. The composition and duties of this committee at both district school boards and school authorities are set out in Regulation 464/97, as are most of the procedural matters related to its operation. (This regulation is provided in Appendix 10.)

The members of the committee include representatives of local associations (defined in the regulation), members of the school board, and Native representatives, and may include additional members who do not belong to any of these groups. The SEAC’s responsibilities are:

- to make recommendations to the board in respect of any matter affecting the establishment, development, and delivery of special education programs and services for exceptional pupils of the board;
- to participate in the board’s annual review of its special education plan;
- to participate in the board’s annual budget process as it relates to special education;
- to review the financial statements of the board as they relate to special education.

The following are some guidelines (not in the regulation) that school boards may find useful.

1) The SEAC seats for representatives of local associations should be used to bring to the committee the perspective of parents of children with a wide range of exceptionalities. Note that the ministry provides school boards with definitions of exceptionalities for use in the identification, placement, and review process. As many as possible of these exceptionalities should be represented on the SEAC.

2) Representatives of local associations should be persons who can express the concerns of the parents of the exceptional pupils of the board.

3) Representatives of local associations should bring the perspective and resources of a provincial or a national association that is incorporated and that operates throughout Ontario to further the interests of one or more groups of exceptional pupils.
4) The representative of the local association nominated by the association is normally the person appointed by the board.

As long as the association selects as its representative a member who lives within the jurisdiction of the board, the actual address of the “branch” of the association should not be significant.

SEAC members (except those appointed to represent Native pupils) must be qualified to vote for members of the board and must be resident within the area of jurisdiction of the board. To be qualified to vote for school board members, a person must be:

- a Canadian citizen;
- at least eighteen years old;
- in the case of a public school board, a public school elector;
- in the case of a separate school board, a separate school elector;
- in the case of a French-language district school board, a person with section 23 Charter rights.

Employees of a school board are not eligible for membership on the SEAC of the board that employs them. However, employees of one school board may be members of the SEAC of another school board, subject to their eligibility to vote for members of the school board that appoints them.

In order to assist the SEACs in making informed recommendations, boards should provide orientation sessions and may arrange for knowledgeable persons to provide in-service training sessions for members during regular SEAC meetings. These in-service training sessions might focus on:

- sections of the Education Act relating to special education;
- regulations regarding special education;
- Ministry of Education memoranda;
- *Special Education: A Guide for Educators*;
- the board policies regarding special education;
- the board special education plan;
- the roles and responsibilities of the SEAC;
- the funding of special education.

A sample agenda for such a training session is provided in the *Handbook for Members of Special Education Advisory Committees* mentioned in the following section.

Information about membership on the SEAC, procedures to be followed in the event of vacancies, and other matters relating to SEACs are outlined in Regulation 464/97.
**Provincial Parent Association Advisory Committee on Special Education Advisory Committees (PAAC on SEAC)**

The Provincial Parent Association Advisory Committee on Special Education Advisory Committees (PAAC on SEAC) was established in 1983 to provide a forum for sharing ideas and strategies and addressing common concerns related to SEACs throughout the province. It may include any association/organization that is provincial and has SEAC representation. (A list of organizations involved with special education is provided in Appendix 2.) The mission statement of the PAAC on SEAC is “to provide support to and sharing of opportunities among the parent associations and to promote successful practices for Special Education Advisory Committees”.

An extremely valuable resource for SEAC members is the *Handbook for Members of Special Education Advisory Committees*, developed by the PAAC on SEAC. Its purpose is to assist and guide members of SEACs to fulfil their roles effectively. The handbook provides:

- models of successful practices in many areas;
- procedures for appointing alternative SEAC representatives (prepared prior to the requirements for appointing alternative members set out in Regulation 464/97);
- details of the annual review of special education plans;
- a sample SEAC agenda;
- a sample parent association report;
- parliamentary procedures at a glance;
- a preparation checklist for SEAC meetings;
- a list of skills that will improve the effectiveness of SEAC members;
- an index of reference and resource materials.

Additional information about the PAAC on SEAC and the handbook may be obtained by contacting the chair of the PAAC on SEAC. Contact information is available from the local district office of the Ministry of Education (see Appendix 3).
In addition to the Education Act, there is other legislation that affects school boards. Acts that are directly relevant to the education of students with special needs are discussed briefly below.

**The Ontario College of Teachers Act, 1996**

The Ontario College of Teachers is a professional body responsible for governing the teaching profession in Ontario and was established under the Ontario College of Teachers Act in 1996.

The mandate of the college includes:
- regulating the profession of teaching and governing its members;
- establishing teaching qualifications, setting membership criteria, and creating a provincial register of teachers;
- establishing professional standards and ethical standards for the teaching profession;
- accrediting pre-service and in-service teacher-education programs;
- receiving and investigating complaints against members of the college and dealing with issues of discipline and fitness to practise.

Membership in the college is mandatory for anyone employed in English- or French-language publicly funded schools whose job requires teaching qualifications.

Regulation 184/97 – Teachers Qualifications, which is made under the Ontario College of Teachers Act, states the requirements for becoming certified as a teacher in Ontario, including those for teaching exceptional pupils. This regulation specifies the process for obtaining teaching qualifications for teaching the deaf and those with developmental disabilities. It identifies the additional qualifications that can be acquired for teaching special education, the blind, the deaf, the deaf-blind, and children with language difficulties/aphasia.

**Freedom of Information Legislation**

The Freedom of Information and Protection of Privacy Act (FIPPA) governs the collection, use, and disclosure of personal information at the Provincial Schools for the deaf, blind, and deaf-blind and the Demonstration Schools for children who have severe learning disabilities.

The Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) governs the collection, use, and disclosure of personal information at publicly funded school boards and schools.
Under both acts, any personal information received by an “institution” (as defined in the legislation) is considered to be a “collection” of information for the purposes of the act. The information collected may be either oral or written.

When personal information is collected from an individual, the individual must be informed, by means of a “collection statement” printed on the form on which the personal information is to be provided, of:

• the legal authority for the collection;
• the principal purposes for which it is intended to be used;
• the title, business address, and business telephone number of an officer or employee of the institution who can answer the person’s questions about the collection.

This type of collection statement is generally included on forms such as application forms or registration forms and is found on several of the Ontario Student Record (OSR) documents. The collection statement is an important part of compliance with the legislation, because it indicates to the individuals from whom personal information is collected the uses to which the information will be put.

If the personal information collected is written, it becomes a “record” under both acts. The acts do not dictate to school boards how many or what types of files to keep or what to include in them. This is up to the board/school. Most boards will have policies about records retention as well as policies about various other types of files (e.g., discipline files, guidance files) kept by schools. The acts do outline requirements related to the use and disclosure of personal information by school boards.

The Regulated Health Professions Act, 1991

Many health professionals work with students. Some of them train and minimally supervise school staff to carry out certain health-related tasks. Such activities are regulated by the Regulated Health Professions Act (RHPA), proclaimed in 1991. The act provides for the regulation of twenty-one health care professions in Ontario. It specifies thirteen controlled acts in health care that may be performed by a member authorized by the act, or by a person delegated by such a member. One such controlled act is:

Communicating to the individual or his or her personal representative a diagnosis identifying a disease or disorder as the cause of symptoms of an individual in circumstances in which it is reasonably foreseeable that the individual or his or her personal representative will rely on the diagnosis.

The Regulated Health Professions Act is a law that describes what members of specific professions do. It sets up colleges for the various professions that govern the activities of members of those professions and adjudicate any complaints made about members.
The Psychology Act, 1991
The Psychology Act established the College of Psychologists of Ontario to regulate the practice of psychology in the province. The college sets the standards of practice for the profession and is responsible to the public and the profession for maintaining the quality of practice, for regulating the qualifications for registration, and for investigating complaints involving members. There are two levels of college membership: a psychologist is a practitioner with doctoral-level training and registration with the college, and a psychological associate is a practitioner with master’s-level training and registration with the college.

According to the Psychology Act:
In the course of engaging in the practice of psychology, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to communicate a diagnosis identifying, as the cause of a person’s symptoms, a neuropsychological disorder or a psychologically based psychotic, neurotic or personality disorder.

The Audiology and Speech-Language Pathology Act, 1991
The Audiology and Speech-Language Pathology Act authorizes a regulation which:
• includes the requirement that informed consent must be obtained before service is initiated;
• includes the stipulation that only certified members of the college can call themselves speech-language pathologists or therapists; and
• deals with the availability of records and reports.