

REGULATIONS

Section 6

LEGISLATIVE PROCESS

- History
- Education Act
- Regulations
- Policy/Program Memoranda

Special Education: Legislation, Policy and Program Implementation

Legislative and Policy Framework for Special Education

- At one time school boards had a choice about whether or not to enroll students with special needs and the array of special programs and services they made available to such students.
- Bill 82 (1980) amended the Education Act, making it mandatory for school boards to provide special education programs and services for their exceptional pupils so that no child could be denied an education.
- The Ministry enacts legislation, regulations, Policy/Program Memoranda (PPMs) and guidelines from time to time to clarify how boards are expected to provide programs and services.
- The Minister’s Advisory Council on Special Education (MACSE) meets three times per year to advise the minister on special education policy and implementation. A succession of ministers has valued their advice.
- Broad Consultation has generally been helpful in determining recommended policy direction, given the sensitive and highly emotional nature of special education.
- In addition, the Policy and Program Branch contributes to the policy and program work of other branches (curriculum policy, teacher support documents and assessment and evaluation support documents, Ontario Student Record, etc.) by ensuring that considerations for students with special needs are addressed as appropriate.

Education Act – Key Sections

- Subsection 8(3) of the *Education Act* requires the minister to: “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...”
- Subsection 170 of the Education Act requires school boards to provide special education programs and services for students identified as “exceptional pupils” by and Identification, Placement and Review Committee (IPRC).

Key Regulations

- Regulation 306 sets out the requirements for school boards to report their special education plans to the ministry. Boards report to the ministry every other year in response to the ministry specifications for the report, and in alternate years, boards submit amendments to their special education plans.
- Regulation 464/97 governs the establishment, roles and responsibilities of Special Education Advisory Committees (SEACs). Every board must establish a SEAC and support it to meet at least 10 times per year. The members of SEAC include representatives of local associations (defined in the regulation), members of the school boards, Native representatives, and may include additional members who do not belong to any of these groups.
- Regulation 181/98 recently revised, governs the identification and placement of exceptional pupils, as carried out by identification, placement and review committees (IPRCs) of the board. The IPRC is composed of at least three persons, one of whom must be a principal or a supervisory officer of the board. Every board must have one or more IPRCs. The Education Act requires the Minister to define categories of exceptionalities: behaviour, communication, intellectual, physical, and multiple. Regulation 181/98 requires the IPRC to include the category of exceptionality and definition in its statement of decision, and students identified as such are entitled to the special education programs and services which will meet their needs. These are set out in an individual Education Plan (IEP).
- Regulation 181/98 clarifies ministry policy concerning integration (placement in a regular class). IPRCs must consider integration as the placement of first choice which it meets the pupil's needs and is consistent with parental preferences. If the pupil's needs cannot be met in the regular classroom, with appropriate support, the child may be placed in a special education class.
- Regulation 181/98 also sets out rules for developing IEPs including Transition Plans, as well as for appeals of identification, and placement and their reviews.
- Bill 212 - The Education Amendment Act: Progressive Discipline and School Safety - 2007

A. Policy Program Memoranda (PPMs)

PPMs address aspects of program delivery for students with special needs:

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|---------|---|
| PPM #1 | - Ontario School for the Deaf and Ontario School for the Blind as Resource Centres (revised 1982) |
| PPM #8 | - Learning Disabilities (revised 1982) |
| PPM #11 | - Early Identification of Children's Learning Needs (revised 1982) |

PPM #59	- Psychological Testing and Assessment of Pupils (1982)
PPM #79C	- Alternative program funding for Deaf, Blind and Deaf-Blind Pupils, 1984
PPM #81	- Provision of Health Support Services in School Settings, 1984
PPM #85	- Educational Programs for Pupils in Government – Approved Care and/or Treatment Facilities, 1986
PPM #89	- Residential Demonstration Schools for the Learning Disabled: General Information and Details of the Referral Process, 1990
PPM#120	- Violence Prevention in Schools, 1994
PPM#127	- Ontario Secondary School Literacy Course, 2004
PPM#128	- The Provincial Code of Conduct and School Board Code of Conduct, 2007
PPM#130	- Programs for Students Who Have Received a Full Expulsion, 2007
PPM#140	- Applied Behaviour Analysis, 2007
PPM#141	- Programs for Students on Long-Term Suspension, 2007
PPM#142	- Programs for Expelled Students, 2007
PPM#144	- Bullying Prevention and Intervention, 2007
PPM#145	- Progressive Discipline and Promoting Positive Student Behaviour, 2007
PPM#156	- Supporting Transition for Students with Special Education Needs, 2013

B. Special Education Funding:

- The Special Education Grant includes two parts: one part is a block grant (SEPPA: **S**pecial **E**ducation **P**er **P**upil **A**mount), based on a school board's enrollment (counting all students, not just students who have been identified as needing a special education program); and one part is provided in response to the demonstrated, high needs of individual students.

C. Special Education Report

- Regulation 306 requires that every school board maintain a Special Education Report and make it available to the public upon request.
- The Ministry directed school boards to submit a comprehensive Special Education Report for approval by September 1, 2010.
- The Board's Special Education Advisory Committee (SEAC) was required to submit their comments with the Report. Each board's Report outlines, among other things, the specified procedures for identifying exceptional pupils and determining their

placements, the range of special education programs and services made available by the board, eligibility criteria for them, how resources are allocated and determined and links to interministerial programs such as the Preschool Speech and Language Program.

D. Review of School Health Support Services

- The Ministry is in the process of trying to clarify roles and responsibilities in the provision of school health support services especially for high needs children served in local school boards rather than in special facilities.
- More children with complex mental health needs are attending neighborhood schools rather than institutional settings and school boards are reporting difficulty responding to their psychosocial needs.
- Responsibility for assessment, staffing and service delivery are prescribed in Policy / Program Memorandum 81 (PMM #81) as they relate to MOH, MCSS and MET.
- Support may include services such as toileting, mobility assistance, suctioning, catheterization, administration of medications, speech/language services, psychiatric services, behaviour management and occupational and or physiotherapy.
- PPM #81 was first written in 1984 and was supplemented by two further documents in 1988 and 1989 clarifying the respective responsibilities of each ministry in providing speech/language services and health services (related to suctioning and catheterization).
- The issues noted above have led the three ministries to conclude a further review is required at this time, and a working group has been struck which includes representation from inside and outside government.

E. Minister's Advisory Council on Special Education (MASCE)

- MASCE's mandate was established by the Order-in-Council.
- Provides advice to the Minister on special education policy and implementation.
- Meeting three times a year and consists of 21 members most representing an area of exceptionality or a profession which provides educational programs or services to exceptional students.

Ontario Special Education Tribunal

- Is the third level for parents who are unsatisfied with the identification and/or placement decision of a school board Identification, Placement and Review Committee (IPRC);

Note: level one is a second meeting with the IPRC committee and level two is an appeal board convened at the parents' request by the school board.

- Is appointed by Order – In – Council; and
- Has heard 1 – 3 cases annually.

LEGISLATIVE REFERENCES TO SPECIAL EDUCATION – ISSUES IN THE EDUCATION ACT AND THE REGULATIONS

The Education Act, R.S.O 1990, as amended by Bill 160

- Section 1 Defines: Exceptional pupil, special education program and special education services.
- Section 8(3) Outlines the duties of the Minister.
Makes the provision of special education programs and services mandatory;
Provides for the ability to appeal identification of exceptionality and/or proposed special education placement;
Requires school boards to implement procedures for early and ongoing identification of learning strengths and needs;
Provides for the establishment of categories and definitions of exceptionality; requires school boards to employ such definitions.
- Section 11 Gives authority for the enactment of Regulations governing special education programs and services and Identification, Placement and Review Committees (IPRCs).
- Section 13 Provides for the establishment and/or continuation of the Provincial School for students who are deaf, blind, deaf-blind and for Provincial Demonstration Schools for students who have severe learning disabilities.
- Section 23 Describes the process for suspending and expelling a student and for appealing suspensions and expulsions.
- Section 33 Defines resident pupil.
- Section 49.2 Services to adults who are identified as exceptional by and IPRC.
- Section 57 Provides for the establishment of special education tribunals.
Provides for the right to appeal identification and/or placement from an appeal board to a special education tribunal.
- Section 57.1 Mandates the establishment of Special Education Advisory Committees.
Gives authority for the enactment of regulations relating to the establishment, duties and mandates of SEAC's.

- Section 170 Defines the duties of school boards to: (among other things) provide instruction and accommodation for all resident pupils, provide or purchase special education programs and services for all identified exceptional students.
- Section 190 Sets out school board duties with regard to transportation, including transportation to the Provincial residential program for students who are blind, deaf, deaf-blind or have severe learning disabilities.
- Section 206 Formerly the section relating to Special Education Advisory Committees, repealed by Bill 160.
- Section 266 Provides for the right of parents and pupils to access pupil records.
- Section 266.1 Makes provision for the assignment of Ontario Education Numbers to all students.

RELEVANT REGULATIONS UNDER THE EDUCATION ACT

Regulation 11	Covers maximum average class size for all except special education classes.
Regulation 181	Provides detail information on the establishment and functioning of IPRCs, appeal boards and the duties of school boards with regards to these.
Regulation 296	Covers the operations of the Ontario schools for the blind and the deaf.
Regulation 298	Sets out the maximum enrollment in various types of special education classes. Covers the duties of principals, vice-principals and teachers. Covers the qualifications of teachers.
Regulation 306	Covers the provision of special education programs and services; provides the process for the amendment of each school board's Special Education Report and the reporting of these amendments to the Ministry of Education and Training.
Regulation 308	Supervised alternative learning for excused pupils.
Regulation 309	Qualifications and duties of supervisory officers.
Regulation 464	Special Education Advisory Committees
Bill 157	Keeping Our Kids Safe at School
Bill 168	Violence and Harassment in the Workplace
Bill 212	Progressive Discipline and School Safety

Annual General Legislative Grant Regulation (GLG)

Sets out the formulae for the funding of education, including special education and other special grants. The number of the Regulation changes from year to year.

YRDSB Special Education Policy and Procedures In Numerical Order

Number	Policy/Procedure Name
158	Freedom of Information and Protection of Individual Privacy
194	Appropriate Use of Technology
240	Respectful Workplace and Learning Environment Policy
305	Assessment and Evaluation
355	Psychological Assessment
358	Gifted Screening
360	Special Education: IPRC
407	Accessibility Standards
425	Provision of Barrier Free Facilities
534	Educational Assistants
NP656	Ontario Student Record Management
662	Provision of Health Support Services in School Settings
663	Special Education: Partnerships with External Agencies
668	Safe, Caring and Supportive Schools
680	Busing
S33	Special Education: Behaviour Management in Safe and Supportive Ways

YRDSB Special Education Policy and Procedures In Alphabetical Order

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Busing	680
Educational Assistants	534
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Gifted Screening	358
Ontario Student Record Management	NP656
Provision of Barrier Free Facilities	425
Provision of Health Support Services in School Settings	662
Psychological Assessment	355
Respectful Workplace and Learning Environment Policy	240
Safe, Caring and Supportive Schools	668
Special Education: Behaviour Management in Safe and Supportive Ways	S33
Special Education: IPRC	360
Special Education: Partnerships with External Agencies	663

DICTIONARY OF ACRONYMS

ABA	Applied Behavioural Analysis
ABC	Association for Bright Children
ABC	Antecedents, Behaviours, Consequences
ACCESS	Alternative Classroom and Counseling for Expelled and Suspended Students
ACE	Alternative Choice in Education Program
ACS	Academic Credential Service
ADHD	Attention Deficit Hyperactivity Disorder
AED	Automated External Defibrillators
AEP	Annual Education Plan
AHSS	Assistant Head Secretary Secondary
ALEP	Alternative Learning for Excused Pupils
ALP	Annual Learning Plan
AODA	Accessibility for Ontarians with Disabilities Act
APA	Alternate Professional Assignment (On Calls/Supervision)
ARC	Accommodation Review Committee
AQ	Additional Qualification
ASD	Autism Spectrum Disorder
AT	Assistive Technology
ATLAS	Markham Stouffville Adolescent Day Hospital Program
A/V	Audio Visual
BAS	Budgetary Administrative Suite
BAS 2000	Budgetary Administrative Suite
BBT	Broad-Based Technology
BIPSA	Board Improvement Plan for Student Achievement and Well-being
BPCI	Board Plan for Continuous Improvement (see SPCI as well)
BPM	Business Process Modernization Committee
BSC	Board Standing Committee
BWW	Board Wide Web
C3	Council of Curriculum Coordinators
CAMH	Centre for Addiction and Mental Health
CaGBC	Canadian Green Building Council

CAP	Community Access Program
CAYRE	Community Alliance for York Region Education
CBC	Conference Board of Canada
CBC	Canadian Broadcasting Company
CCAC	Community Care Access Centre
CCS	Coordinating Council of Superintendents
CDA	Communication Disorder Assistant
CEA	Canadian Education Association
CEC	Community Education Centre
CEC	Council for Exceptional Children
CEO	Chief Executive Officer
CFS	Connections for Students
CIS	Curriculum and Instructional Services
CIECYR	Community Inclusivity Equity Council of York Region
CMS	Content Management Systems
CODE	Council of Directors of Education
COMPASS	Community Partners with Schools
COSTI	Immigrant Services
CPI	Crisis Prevention Institute
CPIC	Canadian Police Information Centre
CRDI	Curriculum Review Development Implementation
CSA	Canadian Standards Association
CTN	Children's Treatment Network
CTS	Central Transcript Services
CUPE	Canadian Union of Public Employees
CYW	Child and Youth Worker
DAP	Director's Annual Plan
DART	Diagnostic and Resource Teacher
DC	Director's Council
DCC	Data Coordination Committee
DD	Developmental Disability
DECA	Distributive Education Clubs of America
DECE	Designated Early Childhood Educator
DI	Differentiated Instruction
DIP	Document Integration Portal
DIS	Document Integration Site

DPA	Daily Physical Activity
DQM	Data Quality Management
DVPA	Daily Vigorous Physical Activity
E&E	Energy and Environmental Services
EA	Educational Assistant
EAP	Employee Assistance Program
EASP	Employee Attendance Support Program
ECNO	Educational Computing Network of Ontario
ECS	Education and Community Services
EDU	Ministry of Education
EFIS	Education Finance Information System
EI	Emotional Intelligence
EIAC	Equity and Inclusivity Advisory Committee
EIC	Education Improvement Commission
EIS	Early Intervention Services
ELD	English Literacy Development
ELL	English Language Learners
EOP	Exploring Opportunities Program
EOT	Elementary Occasional Teachers
EPS	Enterprise Portal Strategy
EQAO	Education, Quality & Accountability Office
ESL	English as a Second Language
ESS	Elementary Student System
ETFO	Elementary Teachers' Federation of Ontario
EY	Early Years
EYE	Early Years Evaluation
FAQ	Frequently Asked Questions
FBA	Functional Behavioural Analysis
FCI	Facility Condition Index
FDK	Full Day (Every Day) Kindergarten
FI	French Immersion
FSL	French as a Second Language
FTE	Full-Time Equivalent
GPTL	Good Places to Learn

GSN	Grants for Student Needs
HRDC	Human Resources Development Canada (now HRDSC-Human Resources and Social Development Canada)
HRIS	Human Resource Information System
HSPC	Human Services Planning Coalition
IAP	Information Access and Privacy
IAS	Information Asset Services
IBI	Intensive Behavioural Intervention
ICE	International Co-op Education
IEAC	Equity and Inclusivity Advisory Committee
IEP	Individual Education Plan
II	Instructional Intelligence
IPP	Individual Pathway Plan
IPPS	Integrated Personnel and Payroll System
IPRC	Identification, Placement and Review Committee
IRS(P)	Intensive Resource Support (Program)
ISCS	Inclusive School and Community Services
ISE	International Student Exchange
JK	Junior Kindergarten
LD	Learning Disability
LDAC	Learning Disabilities Association of Canada
LDAO	Learning Disabilities Association of Ontario
LDD	Learning Design and Development
LEED	Leadership in Energy and Environmental Design
LMS	Learning Management Systems
LRS	Learning Resource Services
MACSE	Ministers' Advisory Council of Special Education
MC	Managers' Council
MCYS	Ministry of Child and Youth Services
MEN	Ministry Education Number
MFIPPA	Municipal Freedom of Information and Protection of Privacy Act
MID	Mild Intellectual Disability

MISA	Managing Information for Student Achievement
MOE	Ministry of Environment (not to be confused with EDU-Ministry of Education)
MOHLTC	Ministry of Health and Long-Term Care
MOL	Ministry of Labour
MSDS	Material Safety Data Sheet
MTCU	Ministry of Training, Colleges and Universities
NAC	Negotiations Advisory Committee
NIRO	Neurologic Rehabilitation Institute of Ontario
NTIP	New Teacher Induction Program
NOEL	Northern Ontario Educational Leaders
OAC	Ontario Academic Credit
OARBS	Online Asset Resource Booking System
OASBO	Ontario Association of School Business Officials
OCA	Ontario Co-Op Education Association
 OCD	Oppositional Defiant Disorder
OCEA	Ontario Co-Op Education Association
OCT	Ontario College of Teachers
ODA	Ontarians with Disabilities Act
ODD	Oppositional Defiant Disorder
OELC	Ontario Educational Leadership Centre
OFA	Ontario Financing Authority
OFSAA	Ontario Federation of School Athletic Associations
OISE	Ontario Institute of Studies in Education
OKLN	Ontario Knowledge of Learning Network
O & M	Orientation and Mobility
OMERS	Ontario Municipal Employees Retirement System
OnSIS	Ontario Student Information System
OPA	Ontario Psychological Association
OPC	Ontario Principals' Council
OPHEA	Ontario Physical and Health Education Association
OPSBA	Ontario Public School Boards' Association
OPSOA	Ontario Public Supervisory Officials' Association
OSBIE	Ontario School Board Insurance Exchange
OSCA	Ontario Student Co-op Education Association

OSR	Ontario Student Record
OSRMS	Ontario Student Records Management Services
OSSD	Ontario Secondary School Diploma
OSSLT	Ontario Secondary School Literacy Test
OSSTF	Ontario Secondary School Teachers' Federation
OSTA	Ontario Student Trustees' Association
OT	Occasional Teacher
OTF	Occasional Teachers' Federation
OT/PT	Occupational Therapist/Physical Therapist
OWA	Outlook Web Access
OWA	Ontario Writing Assessments
OYAP	Ontario Youth Apprenticeship Program
PCS(R)	Primary Class Size (Reduction)
PDF	Portable Document Format
PEAC	Parent Engagement Advisory Committee
PECS	Picture Exchange Communication System
PISA	Program for International Student Assessment
PFM	Program Facilities Management Committee
PHIPA	Personal Health Information Protection Act
PPAG	Policy and Priorities Action Group (part of HSPC)
PPM	Policy and Program Memorandum (from the Ministry of Education)
PrIDE	Program for Individual Development and Enrichment
PSTT	Promoted Skilled Trades and Technologies
PTR	Pupil-Teacher Radio
PSW	Personal Service Worker (nurse)
PV	PhotoVoltaic
Q & A	Question and Answer
R&R	Repair and Replacement
RIMS	Recorded Information Management System
RLA	Reading Level Achievement
RW	Resource Withdrawal
RWLE	Respectful Workplace and Learning Environment
SALEP	Supervised Alternative Learning for Excused Pupils

SAS	Student Administrative System
SEA	Special Education Amount (previously ISA-Intensive Support Amount)
SEAC	Special Education Advisory Committee
SEAL	Social Emotional Academic Learning
SEEDS	Sustaining Equity Education and Diversity System-Wide
SEF	School Effectiveness Framework
SEPPA	Special Education Per Pupil Amount
SEPYR	Settlement & Education Partnership York Region
SERT	Special Education Resource Teacher
SES	Social Economic Status
SIP	Special Incidence Portion
SIPSA	School Improvement Plan for Student Achievement and Well-being
SK	Senior Kindergarten
SLP	Speech Language Pathologist
SO	Supervisory Officer
SOAA	School Office Administrative Assistant
SOAR	Supporting our Adolescents at Risk
SOFS	Supervisors of Facilities Services
SOS	School Office Supervisor
SPCI	School Plan for Continuous Improvement
SSC	Student Support Centre
SSP	School Support Program
STO	Short-Term Occasional Teacher
STS	Student Transportation Services
TCC	Technology Coordination Committee
TIMSS	Trends in International Mathematics and Science Study
TPA	Teacher Performance Appraisal
TRIPLE P	Positive Parenting Practices
TROLL	Teacher Rating of Oral Language and Literacy
TST	Technology Support Technicians
TWW	Teacher Wide Web
UWTR	United Way of York Region
VLAP	Voluntary Leave of Absence Program
WCB	Workers' Compensation Board

WSIB	Workplace Safety and Insurance Board
WWW	World Wide Web
YCDSB	York Catholic District School Board
YRAA	York Region Athletics Association
YRAC	York Region Administrator's Council
YRDSB	York Region District School Board
YRPC	York Region Presidents' Council
YR-OPC	York Region Ontario Principals' Council
YSSN	York Support Services Network