

# INTEGRATION ACTION FOR INCLUSION IN EDUCATION AND COMMUNITY (ONTARIO)

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November 5, 2010

The Honourable, Leona Dombrowsky, MPP  
Minister of Education  
22<sup>nd</sup> Floor, Mowat Block  
900 Bay Street  
Toronto, ON  
M7A 1L2

Dear Minister:

Re: Issues related to Ontario's Special Education Funding Review

Integration Action for Inclusion (IAI) appreciated the opportunity to discuss issues and options concerning special education funding at regional, PAAC on SEAC and MACSE meetings this Fall.

Although Ministry staff introduced these sessions as opportunities to discuss "allocation, but *not* utilization" of funds, we note that a **July 16<sup>th</sup> memo to all school boards expressed the Ministry's intention to discuss both utilization and allocation**. Specifically, this process was meant to "Share current practices of effective and efficient *use of funding* to support special education program and service delivery that resulted in improved student achievement and well-being" (emphasis added).

We appreciate the challenge the Ministry faces, to reconcile the great variation that exists among school boards in their High Needs Per Pupil grants. However, **we witness an alarming variation among school boards in terms of their rates of segregation, approaches to accommodating disability, willingness to consult with families and adoption of progressive and differentiated pedagogy**. The Auditor General has called for better use of tax dollars. **If better outcomes are to be achieved for Ontario students, available funds must be utilized in ways proven to be the most effective.**

The Ministry conducted a series of **Special Education Funding and Pilot Program Reviews** several years ago, the results of which have not been shared with the real stakeholders – students and their families and communities. The Ministry needs to study the actual differences between a board that claims 5.47% of its students are receiving special education programs and services, and one claiming 24.4%, when the provincial average is 14.39%.

We were alarmed to learn that almost 18,000 Ontario students did not access Ontario curriculum at all, according to what little we have been able to learn about last year's *Assessing Achievement in Alternative Areas* (A4) project, whereby \$1 million has apparently been spent without the involvement of the provincial associations relating to those students. **How can more**

**students reach Modified goals, with enhanced Accommodations? We ask that the Ministry engage in a careful process to understand who “high needs” (and “high cost”) students really are, to consider effective practices, and to promote better educational outcomes for them – no matter where they attend school in this province.**

As members of The Ontario Coalition for Inclusive Education since 1995, IAI communicated our grave concern when the Ministry adopted the Intensive Support Amount special education funding formula in 1998 that rewarded school boards for the documentation of student failure and dependency. We very much appreciated your government’s courage to stop that “ISA” process in 2004. A compromise was reached but the underlying issues remained unresolved by what began as the Working Table on Special Education Reform. In 2006, it was that group’s Co-Chairs’ own report that produced more general ideas about “transformation”.

### ***Is NEED – and are NUMBERS - INFLATED?***

Ever since 1998, we have seen mounting political pressure from school boards, repeating the mantra that some students cost more to educate and that numbers of those students keep increasing, even as overall enrolment goes down. This may have been true in the year or so when students typically began to complete secondary school in 4 years, but that cannot logically have kept happening every year since. We have heard school boards say that more medically fragile children are surviving now, but surely that would have minimal and indirect *annual* effects on school boards. If your Ministry had found any logical reason for the variation among boards, it could have presented a politically palatable rationale for the way High Needs funding is allocated.

No wonder school board reporting varies, since **there is no clear provincial definition of who those “students receiving special education programs and services” really are.**

Slide 19 – provided at the recent funding discussions – shows “Special Education Ranges”. Apparently, the prevalence of Identified students in Ontario has stayed quite steady since 2002. It is the prevalence of students who are *not* Identified that has increased. In Section J of their October Reports to the Ministry, boards have been providing numbers of students who have been Identified as “exceptional” as well as those who have Individual Education Plans (IEPs). We certainly support the practice of accommodating students without labelling and segregating them.

However, we were shocked to read that the Ministry now says that “at least 26,000 students reported to be receiving special education programs and services do not have an IEP”. **It defies logic to conclude that students without IEPs would be the ones for whom boards incur high costs.** In fact, since we know that most truly “high needs” students are Identified “exceptional”, **this chart seems to challenge school board assumptions about an increasing prevalence of such students across Ontario.**

If 96,627 Ontario students are not Identified as “exceptional” and about 26,000 of them have no IEP, we encourage the Ministry to examine school boards’ claims for increased funding.

**The Ministry needs to examine which “special education programs and services” boards say they provide to students who do not have IEPs and ensure that these justify use of funding from the protected special education “envelope”.**

## **STATISTICS and SEGREGATION:**

The recent consultation also provided statistics concerning the Placement of whoever those “students receiving special education programs and services” really are.

The Ministry now reports that approximately 80% of Ontario’s 288,526 “students receiving special education programs and services” are placed in regular classrooms for more than half of the instructional day.

A simple calculation thus reveals that 57,705 Ontario students are segregated for half or more of the instructional day. Since the law requires that students be Identified in order to be Placed in special education classrooms (and there are 191,899 Identified Ontario students), **it seems that 30% of Ontario’s “exceptional” students are segregated for much or all of the school day.**

**The vagueness of the category “students receiving special education programs and services” may actually be misleading people in this province about progress towards inclusion.**

We would encourage the Ministry to **examine closely the spending and claims about costs by the 6 Ontario school boards that persist in operating totally segregated schools for students with developmental and other disabilities.** Upper Canada District School Board recently voted to close such a school. The other 65 school boards in this province either never operated such schools or closed them many years ago. Toronto District School Board – at [http://www.tdsb.on.ca/wwwdocuments/about\\_us/budget\\_information/docs/080616%20Financial\\_Facts2008%20-%20Print%20File.pdf](http://www.tdsb.on.ca/wwwdocuments/about_us/budget_information/docs/080616%20Financial_Facts2008%20-%20Print%20File.pdf) - showed an \$11 million increase in the costs of segregated schools over a recent 5 year period. And, in that same period of seriously declining enrolment, the number of TDSB students segregated rose by 39% - that is, over 4600 more students were segregated. *How can that be justified – economically and pedagogically? Our members know – all too well – that parents often experience coercion over Placement decisions.*

## **EXCEPTIONALITY CATEGORIES MUST CHANGE:**

Some “labels” are more harmful than others. **The Ministry definitions of Mild Intellectual Disability and especially Developmental Disability need to be changed.** They involve VERY dangerous assumptions and prejudgments about what students cannot learn, which encourage schools not to provide academic instruction, accommodations and career development planning. It is wrong to use standardized psychometric assessment to apply a label that predicts – and limits - students’ futures. This creates additional attitudinal barriers that impede student success.

## **STUDENTS’ RIGHTS MUST BE PROTECTED:**

**The Ontario Human Rights Code - not referenced in special education funding background material – sets a very high standard for the discussion of challenges and responsibilities the Ministry is now conducting, and over-rides the Education Act and Regulations.**

The 2004 Guide to Accessible Education, from the Ontario Human Rights Commission, found at <http://www.ohrc.on.ca/en/resources/Guides/AccessibleEducation> explains that “*education providers must first make efforts to build or adapt educational services to accommodate students with disabilities in a way that promotes their inclusion and full participation*”.

Students with disabilities are entitled to accommodations that respond to their unique characteristics, and promote dignity and inclusion. School boards must meet rigorous tests – and consider many things beyond special education funding - before they can ever deny individual accommodations.

### **RESEARCH INFORMS PRACTICE:**

Research shows that segregation involves more than just increased financial cost to education providers. **Much evidence is available proving the many benefits of effective inclusive education – to students – now and in their futures – to school systems, and to Ontario.**

The Ministry funded IAI to conduct a research project concerning how selected secondary schools develop and sustain their motivation and strategies to teach students with significant disabilities as members of regular classes. This project supports an extensive body of literature which has provided ample information about “what” inclusive education is, and “why” it must happen. This research considers “how” to sustain and enhance secondary school inclusion, especially from the perspectives of the school staff directly involved. In spite of the fact that about 50 Ontario school boards have requested further information, that work ended when our report was provided to the Ministry, as required, at the end of February 2009. The full report – *Evidence of Effective High School Inclusion: Research, Resources and Inspiration* - is posted at [http://cal2.edu.gov.on.ca/april2009/IAI\\_EDU\\_research\\_report.pdf](http://cal2.edu.gov.on.ca/april2009/IAI_EDU_research_report.pdf). **Please make use of this evidence, by sharing the perspectives and expanding upon the expertise of these educators.**

In 2004, the Canadian Association for Community Living created a Knowledge Network, reviewing the literature and highlighting effective “transition” practices from locations across Canada. It found that:

- Young people with disabilities wanted to graduate, not just “transition” from one system to another, after high school. They wanted a life, not just adult services.
- Their true goal was “career development, employment, and lifelong learning” – which required enhancing their high school learning and real options for future life.
- Their families saw the importance of starting early to think about their children’s futures, and sharing innovative school, career and planning ideas.
- Students who are well-included in regular classrooms have opportunities for more social connections and academic learning.
- For the past 20 years, Alberta has helped students with significant developmental disabilities to attend university and college, after which they have been shown to need less government support.
- Better use of scarce resources is important in Ontario, where the Ministry of Education estimated (in 2002) that 1000-1200 students a year leave school needing ongoing government support.
- In spite of high provincial unemployment, Newfoundland has established supports so people with significant disabilities can remain employed and even run their own businesses.
- One Ontario school board’s investment in job developers and coaches helps students develop career interests, which guide their choice from a full range of high school courses – no matter their disability.
- Most people get jobs because of “who they know”. Opportunities improve for young adults who have friends in high school and when their families have strong networks of allies.

- People don't get jobs by focusing on their disabilities. Families need support to capitalize on their sons' and daughters' strengths and interests.

Philip Burge and his colleagues at Queen's University have researched both the benefits of and public opinions about inclusive education of students with an intellectual disability – in a report found at [http://www.umanitoba.ca/publications/cjeap/pdf\\_files/Burge\\_etal.pdf](http://www.umanitoba.ca/publications/cjeap/pdf_files/Burge_etal.pdf) They concluded that **“the benefits of educating children with intellectual disabilities alongside those without disabilities must be better communicated to the public in order to further strengthen support for inclusion and increase available educational resources to address the remaining challenges.”** The researchers show that negative attitudes defy both advocacy efforts and research evidence:

Some educators and researchers have critiqued the practice of segregating children with intellectual disabilities from their peers in special classes or schools; they advocate that all children, including those with intellectual disabilities, be educated in regular classrooms that reflect the diversity of Canadian society and our inclusive values (Lupart & Webber, 2002; New Brunswick Teachers Association, 2004; Porter, 2004). While such advocates acknowledge that children with intellectual disabilities may not accomplish the same academic goals as other children, they believe that inclusive education, when adequately funded and supported by educators, enables all students to be treated with dignity and to have their unique contributions recognized, while enhancing inclusion of all citizens in many facets of society (Downing & Peckingham-Hardin, 2007; Thousand, Villa, & Nevin, 2002). Those advocating this position cite research findings which suggest children with disabilities who are educated in regular classes are more likely to be engaged with learning (Hunt, Farron-Davis, Beckstead, Curtis, & Goetz, 1994) and to communicate with their classmates and teachers (Foreman, Arthur-Kelly, Pascoe, & Smyth King, 2004). Other benefits have included increased academic skills for students with disabilities (Salend & Garrick Duhaney, 1999) and enhanced awareness and understanding of disabilities for their classmates (Hunt, Soto, Maier, & Doering, 2003). Research shows that those with intellectual disabilities who participate in contexts where they have opportunities to make choices and to develop self-determination are more likely to participate fully in adult life and to fare better across multiple life categories including employment, access to health and other benefits, financial independence, and independent living (e.g., Shogren, et al., 2007; Wehmeyer & Palmer, 2003).

The positive impacts of having direct contact with people who have intellectual disabilities have been described in the research over three decades and in many countries including the United States, Australia, and Japan (e.g., Begab, 1970; Tachibana & Watanabe, 2004; Yazbeck et al., 2004).

Results from prior attitude studies have suggested that when contact is minimal or non-existent individuals tend to hold the dominant, usually negative, societal views toward people with intellectual disabilities.

**We would encourage the Ministry to continue to highlight practices that have been proven to be effective both to improve student outcomes and to maximize use of available funding. Information about differentiated instruction, universal design and access to technology, curriculum adaptation, etc. provides considerably more help to teachers than information relating to categories of exceptionality.** When the Ministry already must contend with great variations among school board High Needs per Pupil Amounts, when it seems politically daunting to change the ways boards utilize funds, we suggest that **it is not the time to introduce either “standards” or “guidelines” related to exceptionalities.**

***FOR YOUR CONSIDERATION:***

We can understand that the Ministry’s evolution to a more equitable model will involve finding a way forward that minimizes the number of school boards that stand to lose High Needs funds, especially in this, an election year. The following considerations are important:

1. No board will object to a new formula that garners them more money.
2. The Ministry knows which boards receive the most funding and can access more detailed information to ascertain whether that can be justified, both practically and politically.
3. Many school boards tell families that they have less special education funding this year, but Ministry information about grants to each school board at <http://www.edu.gov.on.ca/eng/funding/1011/funding10.pdf> shows that most, in fact, have more, in spite of declining enrolment. That message needs to be affirmed publicly.
4. The special education funding formula must be understandable by all – parents, staff, Ministry personnel, etc. If more questions can be asked, there is less chance that large variations will persist among boards.
5. Some families experience a great deal of pressure for segregation, some of which seems to be tied to misconceptions about funding. All school principals and teachers must understand that special education funding is tied to neither Identification nor Placement.
6. Although education funding is allocated in a series of “envelopes”, special education money is supposed to pay only for the “incremental costs”. Instead of claiming that “special ed” is overspent, boards must ensure that their students enjoy the benefit from all other funding envelopes available.
7. Education Act Regulation 298 Section 31 (g) provides an incentive to boards to increase the size of congregated classes by grouping students who have a variety of Exceptionalities – e.g. in the situation where 3 groups of 5 students with autism were combined with 1 otherwise Identified student, because classes of 16 are allowed for students with different exceptionalities.

8. The Ministry must ensure that school board trustees and staff are fully aware of the the 2004 *Guide to Accessible Education*, from the Ontario Human Rights Commission, so that their policies and practices uphold the Ontario Human Rights Code.
9. *Learning For All* encourages schools to “raise the bar” and “close the gap” - to improve achievement one student at a time. The Ministry must ensure that classroom teachers, particularly in secondary schools, benefit from current research on inclusion, and apply information about differentiated instruction, universal design, Growing Success Assessment Strategies, etc.
10. Please ensure that any new funding formula does not take us back to the “diagnosis for dollars” debacle of ISA formula.
11. We would not want school boards to divert funding to the gathering of statistics for any purpose other than to enhance student learning.
12. We understand that it is uncertain how the Statistical Prediction Model will continue to be applied, since it will be impacted by changes in the way the Canadian census is conducted.
13. The Measures of Variation now used are very confusing. It is best that the formula be transparent, so that further misconceptions not arise.
14. **The future special education funding formula must NOT rely on Measures of Variation that create financial incentives for *reducing* student outcomes.** It is already far too difficult to ensure that students of all abilities have real choices and accommodations for success in high school, but this year boards profit when students fail to achieve credits or are denied access to non-credit-bearing courses! Boards need to be encouraged to have *more* students participate in EQAO tests, if they continue to be required. Boards should be encouraged to *maximize* the number of accommodations they provide on EQAO tests.
15. **If there are to be financial incentives, they should relate to enforcement of the law and regulations** – e.g. to ensure that IEPs are completed in a timely manner and with proper parent consultation. Since 2000, the Ministry’s own IEP Standards have required school board IEP formats to have a section for parents’ comments, and yet the Ministry’s own IEP Template lacks this!
16. **Misunderstandings may arise about the Behaviour Expertise funding** – i.e. – does it relate only to Autism? Does it misinterpret Autism as only a “behavioural” issue?
17. **The Ministry needs to ensure that Special Equipment Amount funding is fully utilized by school boards to purchase computer-assisted technology - and not set aside in reserves.** While the new process will encourage progressive boards to create new mechanisms for universal design and access, in other boards it remains far too difficult for some students to access such help, especially if their schools resist setting academic goals. There is a danger that families will be told that the Ministry no longer

provides funding “for individual students” this year. Instead of utilizing equipment to make regular class lessons accessible for all, there is a danger that students with disabilities will be forced to share equipment in segregated classes and resource rooms. The Ministry’s A4 project needs to promote access to technology for the 18,000 Ontario students whose education is completely dissociated from the provincial curriculum. It is important to share effective practices – for use of technology in after-school homework clubs, and to allow students to take equipment home for homework.

18. It is important to carefully consider how the Special Incidence Portion is utilized – board by board. **It is totally unacceptable that SIP funding now creates a financial incentive for segregation – a bounty, in fact!** The formula is configured in such a way that boards are less likely to qualify for SIP funding when students are in regular classes. These students are at risk of suspension, expulsion and exclusion; so **this funding should be tied to school attendance.** Boards should consider a great variety of accommodations before assigning more than 2 support staff per student, because over-dependency on staff support during school years can limit opportunities later in students’ lives.
19. New information about Educational Assistants is available in the doctoral dissertation of Joyce Mounsteven, PhD, Educational Consultant and a former Supervising Principal of Special Education from the Toronto District School Board (see [www.inclusiveeducation.ca/learn/practices.asp](http://www.inclusiveeducation.ca/learn/practices.asp)). It refers to data from former Assistant Deputy Minister of Education George Zegarac, showing that - between 1999 and 2006 - the number of EAs in Ontario grew by 68.4%, while the number of students receiving special education support grew by only 10.79%. We hope the ministry will carefully consider the findings and recommendations of this research. **Much must be done to ensure that money spent on support staff does improve outcomes for students.** The Upper Canada District Board recently informed their Special Education Advisory Committee that its reduced enrolment will necessitate a reduction in the number of EAs. However, they proposed to offer instead more professional development on effective inclusion, planning time and reflective collaboration for classroom teachers, and to ensure that EAs are paid to attend team meetings. Instead of focusing on students’ vulnerabilities, they want to better support schools with extraordinary training needs.
20. While the Ministry’s new *Safe and Caring Schools* document provides helpful information about understanding behaviour as communication, it does not really address students’ disability-related rights to Accommodation. We are concerned that too much emphasis is on reacting, and too little information is provided about Antecedents and proactive ways to avoid problems.
21. School boards practices vary with respect to the impact of Education Act section 265 (1) (m). **It is not acceptable that students may still be “excluded” totally from their own schools – for indefinite periods, without alternative education provision, and with uncertainty about appeal - even when the law would protect them against suspension or expulsion.** The lack of provincial clarity about this law causes great concern to families, who sometimes feel pressured to keep their children home because schools deny necessary accommodations. Such families often have little support for the child who must be kept at home, and risk catastrophic job loss and income reduction.

**22.** The statistics shared indicate large variations between boards and call for further investigation, before recommendations are made. **There is a need to ensure that any special education funding reform aligns special education policies and programs with the Ministry's own Equity and Inclusive Education Strategy.**

We appreciate this opportunity to review recent statistics and provide input.

Integration Action for Inclusion has assisted the Ministry before. When it was determined in 1994, that regular class Placement of exceptional students should be "the norm" in Ontario, the Ministry asked us to be part of the *Building Inclusive Schools* project – to help schools understand and implement "integration". In 2007, then Assistant Deputy Minister George Zegarac and Special Education Branch Director Bruce Drewett asked us to conduct research into effective practices that would address their concern over the high degree of "segregation" of Ontario students with Developmental Disabilities, especially in high school. That research holds considerable potential to help Ontario schools implement policies and practices that conform to the Ontario Human Rights Code and fulfill the promises of "inclusion" inspired by Education For All and Learning For All.

We hope you will find further opportunities for our association to contribute to positive educational change across Ontario. Thank you.

Sincerely,

Wendy MacDonald, Vice President

cc.

Brampton Caledon Association for Community Living  
Canadian Association for Community Living  
Community Living Ontario  
Community Living Toronto  
Community Living Welland Pelham  
Down Syndrome Association of Ontario  
Early Childhood Resource Teacher Network of Ontario  
Family Alliance Ontario  
Lakehead Association for Community Living  
People First Ontario