

Toronto District School Board

Operational Procedure PR745

Title: **SPECIAL EDUCATION IDENTIFICATION, PLACEMENT AND APPEAL**

Adopted: May 28, 2024
Effectuated: September 1, 2024
Revised: N/A
Reviewed: N/A
Authorization: Executive Council

1. RATIONALE

This Special Education Identification, Placement and Appeal Procedure (the “Procedure”) supports the TDSB’s obligations under the *Education Act*, Ontario Regulation 181/98: Identification and Placement of Exceptional Pupils and the Board of Trustees’ Resolution No. 4698 of May 22, 2024, delegating decision-making authority related to recommendations of the Special Education Appeal Board (SEAB) from the Board of Trustees to the Director of Education.

2. OBJECTIVE

- To outline the special education identification and placement process for exceptional students;
- To outline the appeal process with regard to special education identification and placement.

3. DEFINITIONS

Board is the Toronto District School Board, which is also referred to as the “TDSB.”

Exceptional Student is defined by the Education Act as “...a pupil whose behavioural, communication, intellectual, physical, or multiple exceptionalities are such that they are considered to need placement in a Special Education Program”. Students are identified according to the categories and definitions provided by the Ministry of Education.

Identification, Placement, and Review Committee (IPRC) is a committee of at least three persons, that decides whether or not a student should be identified as

exceptional, that identifies the areas of a student's exceptionality according to the ministry's categories and definitions of exceptionalities, that decides an appropriate placement for the student, and that reviews the identification and placement at least once in each school year.

Individual Education Plan (IEP) is a plan developed (in consultation with parent(s)/guardian(s)/caregivers(s), and the student, where the student is 16 years of age or older) for each student who has been identified as exceptional by the IPRC process. An IEP is a written plan. It is a working document that describes the strengths and needs of an individual exceptional student, the special education program, and services established to meet that student's needs, and how the program and services will be delivered. It also describes the student's progress.

IPRC Annual Review Meeting is a meeting held every school year unless the principal of the school at which the special education program is being provided receives written notice from the parent(s)/guardian(s), waiving the Annual Review. Parent(s)/guardian(s) may request an IPRC Review meeting any time after a student has been in a special education program for three months.

SEAB is the Special Education Appeal Board (Ontario Reg. 181/98).

Special Education Tribunal is a part of Social Justice Tribunals Ontario and is established by the Lieutenant Governor in Council to make final and binding decisions regarding identification and placement of students.

TDSB is Toronto District School Board, which is also referred to as the "Board".

4. RESPONSIBILITY

Associate Director, Instructional Innovation and Equitable Outcomes
System Superintendent, Special Education and Inclusion

5. APPLICATION AND SCOPE

This Procedure applies to all TDSB staff, students, parents/guardians/caregivers and designated representatives involved with special education and inclusion and identification and placement appeals.

6. PROCEDURE

6.1. Guiding Principles

- 6.1.1. TDSB staff are committed to working collaboratively with parents/guardians/caregivers and students in a respectful and transparent way, that values partnership. The Special Education and Inclusion Department, in collaboration with all staff, is committed to providing equitable access to learning opportunities for all students. This includes an ongoing commitment to human

rights, anti-oppression, equity, anti-ableism, and anti-racism. This commitment is aligned with the foundation of the TDSB Equity Policy (P037), Human Rights Policy (P031) and underpins all programming across all grade levels.

6.2. Identification, Placement and Review Committee (IPRC)

- 6.2.1. In accordance with the *Education Act*, TDSB provides special education programs and services to students who are formally identified as exceptional students. As part of this process, TDSB is required to establish IPRC's which have the following mandate.
- 6.2.2. The IPRC will:
- (a) decide if the student should be identified as exceptional;
 - (b) identify areas of the student's exceptionality;
 - (c) decide an appropriate placement for the student; and
 - (d) review the student's identification and placement at least once in each school year at the IPRC Annual Review Meeting.
- 6.2.3. Requests to establish an IPRC are made by the school principal on recommendation of the Student Support Team (SST) or following a written request by parents/guardians/caregivers.
- 6.2.4. IPRCs will be composed of at least three (3) people, one of whom must be a school principal or a supervisory officer (i.e., superintendent). Other attendees and participants may include:
- (a) Parents/guardians/caregivers and student (students are welcome to attend as appropriate and students 16 or over are entitled to attend and participate in discussions);
 - (b) Principal/Supervisory Officer of the student's school;
 - (c) The teacher(s) who know(s) the student best, other resource people such as special education staff, Board support staff, or an agency representative who may provide further information or clarification;
 - (d) Additional resource persons if needed, arranged by the school principal or parents (e.g., Special Education and/or Professional Support Services staff such as a special education coordinator or a psychologist);
 - (e) An interpreter (when needed); or
 - (f) An advocate, if invited by the parents, to provide support or speak on their behalf.
- 6.2.5. The IPRC will determine if a student should be identified as exceptional. If yes, the IPRC must indicate the category of exceptionality according to those provided by the Ontario Ministry of Education (i.e., behavioural, communicational, intellectual,
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physical, and multiple) and the most appropriate placement for the exceptional student.

- 6.2.6. A Statement of Decision will be completed at each IPRC meeting. If placement in a special education class is decided, the IPRC must cite the reasons in its written Statement of Decision. The IPRC's written Statement of Decision will include:
- (a) the IPRC's description of the student's strengths and needs;
 - (b) the categories and definitions of any exceptionalities identified;
 - (c) the IPRC's placement decision;
 - (d) the IPRC's recommendations regarding a special education program and special education services; and
 - (e) if the IPRC has decided that the student should be placed in a special education class, the reasons for that decision.
- 6.2.7. Parents/Guardians/Caregivers will be asked to sign the IPRC Statement of Decision, indicating agreement with the identification and placement decisions made by the IPRC. If there is mutual agreement with the decisions, the principal of the school where the special education program will be provided will be notified of the need to develop an Individual Education Plan (IEP). The IEP must be developed within 30 days of the start of the special education placement. The development of the IEP will be done in collaboration with parents/guardians/caregivers.
- 6.2.8. Parents/Guardians/Caregivers who disagree with a decision made by an IPRC may submit a formal appeal in accordance with Sections 6.3. If no action is taken by the parent/guardian/caregiver within 30 days of the decision, despite potential disagreement, the Board will instruct the principal to implement the IPRC decision.

6.3. Reconsideration of IPRC

- 6.3.1. If parents/guardians/caregivers do not agree with either the identification or placement decision made by the IPRC, they may:
- (a) within 15 days of receipt of the decision, request that the IPRC hold a second meeting to discuss their concerns and revisit the decisions; or
 - (b) within 30 days of receipt of the decision, file a notice of appeal with the TDSB. Written notice should be addressed to:

Director and Secretary Treasurer
Toronto District School Board
5050 Yonge Street
Toronto, ON M2N 5N8

The notice of appeal must:

- indicate the decision(s) disagreed with; and
- include a statement that sets out the reasons for disagreeing.

6.4. Appeal Process

6.4.1. TDSB will convene a Special Education Appeal Board (SEAB) to hear appeals. The appeal board will be composed of three persons who have no prior knowledge of the matter under appeal.

SEAB Composition: TDSB will select one member, and the parent/guardian/caregiver will select one other member. These selections must be made within 15 days of receipt of the notice of appeal. The 2 selected members then have 15 days to select the third member, who will also serve as the Chair. None of the 3 members can be Trustees or employees of the TDSB.

6.4.2. The Chair of the SEAB will arrange a meeting to take place at a convenient time and place, but no later than 30 days after they have been selected (unless parents and the Board both provide written consent to a later date).

6.4.3. TDSB will provide the SEAB with secretarial and administrative services, including reasonable travel reimbursement where applicable in accordance with TDSB policies and procedures.

6.4.4. The SEAB will receive the material reviewed by the IPRC and may interview any persons who may be able to contribute information about the matter under appeal. Parents/Guardians/Caregivers and the student under appeal (if they are 16 years old or over), are entitled to be present at and to participate in all discussions.

6.4.5. The SEAB must make its recommendation within 3 days of the meeting ending. The SEAB may:

- (a) agree with the IPRC and recommend that the decision be implemented; or
- (b) disagree with the IPRC and make a recommendation to the Board about the student's identification and/or placement.

6.4.6. The SEAB will report its recommendations, and rationale for its recommendations, in writing to:

- (a) the parent/guardian/caregiver;
- (b) the student (if 16 years old or over);
- (c) TDSB's System Superintendent, Special Education and Inclusion;
- (d) the chair of the IPRC; and

(e) the principal and superintendent of the school in which the student is placed.

- 6.4.7. Within 30 days of receiving the SEAB's written report, a TDSB committee composed of: the System Superintendent of Special Education and Inclusion, a Trustee with no prior knowledge of the appeal case, and a Superintendent with no prior knowledge of the appeal case (who will serve as the Chair of the committee), will decide what action it will take regarding the recommendations.

In accordance with the governing legislation, TDSB is not required to follow the SEAB recommendations.

- 6.4.8. Parents/Guardians/Caregivers may accept the TDSB's decision, or, in case of disagreement, they may submit a written request/appeal to the Secretary of the Special Education Tribunal within thirty (30) days of receiving the Board's decision in 6.4.7 above.

7. EVALUATION

This Procedure will be reviewed as required, but at a minimum every five (5) years after the effective date.

8. APPENDICES

- NA

9. REFERENCE DOCUMENTS

Legislation

- *Education Act*
- Ontario Regulation 181/98: Identification and Placement of Exceptional Pupils

Policies

- Equity (P037)
- Human Rights (P031)

Other Documents

- Resolution No. 4698 of the Board of Trustees, May 22, 2024