

## SECTION B: MINISTRY AND BOARD DIRECTIVES

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# Special Education Legislative Foundations

## Special Education Legislative Foundations: A Legal Framework

The provision of special education programs and services in Ontario's publicly funded elementary and secondary schools is mandated by the Education Act and the regulations made under it. This legislation and various Ministry of Education directives and policies set out the terminology, documentation, and process requirements that are used by school boards in the delivery of special education. The Peel District School Board Special Education Plan is developed with a commitment to the provision of special education programs and services for students and complies with the Ministry framework regarding special education roles and responsibilities as set out in Standards for School Boards – *Special Education In Ontario*, 2017.

## Philosophy

The Peel District School Board believes that all children can learn. Within that view, the board has an obligation to ensure that the abilities of all children are acknowledged and respected. Children have the right to the best education available, irrespective of their exceptionalities. The special education plan is designed to comply with the Canadian Charter of Rights and Freedoms, the Ontario Human Rights Code, the Education Act and regulations made under the act, and any other relevant legislation.

## Requirements of The Standard

The Peel District School Board's Special Education provides information on the roles and responsibilities of:

- the Ministry of Education
- the school boards
- the board's SEAC
- principals and teachers of the board
- parents or guardians
- students

## Roles and Responsibilities in Special Education

The Peel District school board is committed to the belief that education is a shared responsibility. It is important that everyone involved in special education understand their roles and responsibilities as outlined in the Ministry of Education *Special Education In Ontario, 2017*.

### The Ministry of Education

- defines, through the Education Act, regulations, and policy/program memoranda, the legal obligations of school boards regarding the provision of special education programs and services, and prescribes the categories and definitions of exceptionality;
- ensures 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 Peel District School Board

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

- requires staff to comply with the Education Act, regulations, and policy/program memoranda;
- provides appropriately qualified staff to provide programs and services for the exceptional pupils of the board;
- obtains the appropriate funding and reports on the expenditures for special education;
- develops and maintains a special education plan that is amended 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 and as requested;
- 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; and
- provides professional development to staff on special education

### 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:

- carries out duties as outlined in the Education Act, regulations, and 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 parents and 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 if necessary and that parental consent is obtained.

### **The Teacher:**

- carries out duties as outlined in the Education Act, regulations, and policy/program memoranda;
- follows board policies and procedures regarding special education;
- maintains up-to-date knowledge of special education practices;
- 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:**

- in addition to the responsibilities listed above under "the teacher":
- holds qualifications, in accordance with Regulation 298, 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:

- 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:

- complies with the requirements as outlined in the Education Act, regulations, and policy/ program memoranda;
- complies with board policies and procedures;
- participates in IPRCs, parent-teacher conferences, and other activities, as appropriate

*Special Education In Ontario, 2017*