

# Chapter 4

## Section 4.14

Ministry of Education

# Special Education

Follow-up on VFM Section 3.14, *2008 Annual Report*

## Background

The *Education Act* defines a student with special education needs as one who requires placement in a special education program because he or she has one or more behavioural, communicational, intellectual, or physical exceptionalities. The most common categories of special needs are shown in Figure 1. School boards make this determination, identifying the student's strengths and needs and recommending the appropriate placement. Although the Ministry of Education (Ministry) supports placing students with special education needs in regular classrooms, school boards may place a student in special education classes if such classes better meet his or her needs and the move is supported by the student's parents.

Special education grants of \$2.2 billion in the 2009/10 fiscal year (\$2.1 billion in 2007/08) constitute about 12% of the province's funding for the 72 publicly funded school boards. The Ministry and school boards provided special education programs and services to approximately 298,000 students across the province in the 2008/09 school year (288,000 in 2007/08). Although provincial test results and our audit in 2008 indicated that progress had been made since our previous audit in 2001, we found that there were still a number of areas where practices needed to be improved to ensure that the significant funding results in con-

tinuous improvement in the outcomes for students with special education needs in Ontario.

In our *2008 Annual Report*, some of our more significant observations were as follows:

- Although special education funding has increased by about 54% since the 2001/02 school year, the number of students served has increased by only 5%.

**Figure 1: Special Education Enrolment by Area of Special Need in Publicly Funded Schools, 2006/07**

Source of data: Ministry of Education

Type of Special Need	#	%
learning disability	84,556	28.98
mild intellectual disability	23,718	8.13
behaviour	13,743	4.71
language impairment	11,769	4.03
developmental disability	10,406	3.57
multiple exceptionalities	9,557	3.28
autism	9,357	3.21
physical disability	3,598	1.23
hearing (deaf and hard of hearing)	2,416	0.83
vision (blind and low vision)	771	0.26
speech impairment	638	0.22
hearing and vision (deaf and deaf-blind alternative programs)	43	0.01
<b>Total Excluding Giftedness</b>	<b>170,572</b>	<b>58.46</b>
giftedness	26,609	9.12
<b>Total Identified Students</b>	<b>197,181</b>	<b>67.58</b>
non-identified students receiving special education services	94,583	32.42
<b>Total Students Receiving Special Education Services</b>	<b>291,764</b>	<b>100.00</b>

- The proportion of completed Individual Education Plans (IEPs) in our sample improved from 17% in our 2001 audit to almost 50% in our 2008 audit. The availability of information from student information systems had also improved. However, the information that school boards collected about students with special education needs, how early they were identified, the educational programs provided to them, and the results achieved was not yet sufficient to support effective planning, service delivery, and program oversight.
- The IEPs that we examined varied in how well they set the learning goals and expectations for students with special education needs working toward modified curriculum expectations. The learning goals and expectations for numeracy and literacy were generally measurable. However, those for other subjects were often vague. As a result, schools could not measure the gap between the performance of these students and regular curriculum expectations and assess student progress.
- Identification, Placement, and Review Committees (IPRCs) made significant decisions regarding the education of students with special education needs but did not adequately document why and how their decisions were made.
- The provincial report card was not designed to report on the achievement of IEP learning expectations that differ from curriculum expectations and on the extent to which students with special education needs met their learning goals. As a result, students and parents may not have been adequately informed about student performance and about the curriculum benchmarks against which student performance is measured.
- None of the school boards we audited in 2008 had established procedures to assess the quality of the special education services and supports at their schools. This made it difficult for both individual schools and the boards

to know what kinds of improvements were needed to better serve students with special education needs.

We made a number of recommendations for improvement and received commitments from the Ministry that it would take action to address our concerns. As well, the Standing Committee on Public Accounts held a hearing on this audit in April 2009.

## Status of Recommendations

Based on the information received from the Ministry of Education, we noted that progress is being made on addressing all of the recommendations in our *2008 Annual Report*. The Ministry has taken action in a number of areas and continues to develop better guidance resources to assist school boards in meeting student special education needs. Monitoring school board and school compliance with policy requirements will be further enhanced with the establishment of a new school board internal audit function. The status of action taken on each recommendation at the time of our follow-up was as follows.

### IDENTIFICATION AND PLACEMENT

#### Timely Intervention

##### Recommendation 1

*To ensure that students with special education needs are identified in a timely manner, the Ministry of Education should work with school boards to establish procedures to monitor the effectiveness of schools' early identification practices and take corrective action where they have not been effective.*

##### Status

The Ministry advised us at the time of our follow-up that every school board is required to have procedures in place to identify the level of development, learning abilities, and needs of every child. School

boards are also to have an early identification process that includes intervention strategies aimed at ensuring that appropriate educational programs are established for every grade.

In the fall of 2009, the Ministry held consultations with school boards and other stakeholders to identify an appropriate period of assessment leading to the identification of students' strengths and needs. The Ministry indicated that the expectation is that, where a student has been a pupil of the board since kindergarten/Grade 1 and is receiving special education programs and services, an IEP is to be in place by the end of the primary division (Grade 3).

The Ministry pointed out a number of projects implemented and under way since our 2008 audit to assist school boards in the development and monitoring of early identification practices. Some of the more significant initiatives were:

- The Ministry distributed a resource guide, *Ontario Psychological Association Project Resource: Sharing Promising Practices (Kindergarten to Grade 4)*, to all school boards in 2009 that contains examples of effective, sustainable, and promising school board best practices regarding assessment and early interventions.
- The Ministry initiated and funded, through the Council of Ontario Directors of Education, the *JK–Grade 1 Assessment and Intervention Strategies Project*. The project will identify evidence-informed assessment and intervention strategies for students in junior kindergarten through Grade 1, including students with special education needs. The project report was to be released in October 2010.
- The Ministry developed *Caring and Safe Schools in Ontario: Supporting Students with Special Education Needs through Progressive Discipline, Kindergarten to Grade 12*, a new resource guide that was to be released in August 2010 that focuses on early identification practices and supporting students with

behavioural, mental-health, and communication challenges.

- The Ministry informed us that it released a revised *K to Grade 12 School Effectiveness Framework* in March 2010 that is to enhance school board and school planning through continuous needs assessment, evaluation, and monitoring focused on improving student learning. Starting in the fall of 2010, special education practices are to be integrated and reported on as part of the regular school board improvement and planning process.

The Ministry further informed us that it is encouraging school boards to make use of these and other resources and to monitor the effectiveness of schools' early identification practices, making improvements where necessary.

## Documenting IPRC Proceedings

### Recommendation 2

*To help ensure that Identification, Placement, and Review Committees (IPRCs) provide information that is useful to teachers, assists subsequent IPRCs in understanding past decisions, and facilitates the review and improvement of procedures, the Ministry of Education should require IPRCs to properly document their proceedings, including:*

- *the rationale for their decisions and a record of the evidence that was submitted to the IPRCs and the evidence the IPRCs relied on in reaching each of their decisions regarding exceptionalities, placement, and strengths and needs; and*
- *in the event that they decide to place a student in a special education class, a description of the supports and services needed by the student that could not reasonably be provided in a regular classroom.*

### Status

The Ministry informed us that it had undertaken consultations in 2009 regarding current school board practices and that it was developing a revised *Special Education Guide*, to be released in

the spring of 2011, that will include current special education regulations, policy directions, and effective practices. The revised guide is to stress the importance of best documenting processes to help ensure that IPRCs provide relevant information to teachers and contain all the necessary information to understand past decisions in order to make informed future decisions. Specifically, the guide is to clarify how to:

- properly document IPRC proceedings and use that information to inform classroom assessment and instruction;
- document the rationale for an IPRC decision, the evidence that was submitted, and the evidence relied on in reaching determinations regarding exceptionalities, placement, and strengths and needs;
- describe supports and services needed by a student placed in a special education class that could not reasonably be provided in a regular classroom; and
- use school board IPRC experience to inform improvements to school board IPRC processes.

### Parental Involvement in the IPRC Process

#### Recommendation 3

*To help ensure that parents are informed about and involved in the Identification, Placement, and Review Committee (IPRC) process and that IPRCs have all the information necessary to make informed exceptional-ity and placement decisions, the Ministry of Education should require that school boards retain evidence, such as copies of letters to parents, that parents were informed about the IPRC process and that their input was sought on their child's strengths and needs before the original IPRC meeting.*

#### Status

The Ministry informed us during our follow-up that its revisions to the *Special Education Guide* are expected to help clarify expectations for the collection, sharing, and retention of all IPRC-related correspondence with parents, including examples

of the type of information that should be requested from parents. In order to help ensure that parents are informed about and understand the IPRC process, the Ministry further informed us that it had reminded school boards that they are to provide parents with *A Parent Guide* explaining the IPRC process.

### Resources Allocated to the IPRC Process

#### Recommendation 4

*To help ensure that school boards maximize the benefits from special education expenditures, the Ministry of Education should compare the contribution to student outcomes made by the current resource-intensive formal identification process to the contribution that additional direct services—such as more special education teachers—would provide and determine the extent to which formal identifications should be used.*

#### Status

The Ministry informed us it had not compared the contribution to student outcomes made by the formal identification process to the contribution that additional direct services might provide. Instead, it told us that the revised *Board Improvement Planning (BIP)* and *K to Grade 12 School Effectiveness Framework (SEF)* require continuous monitoring of special education practices and regular reporting by school boards. As part of this process, school boards are required to evaluate their learning, financial, and human resource allocation decisions to ensure that special education resources are being optimized.

The Ministry also advised us that school boards have the flexibility to provide special education programs or services to address a student's needs without a formal identification process in order to achieve timely delivery of effective programming in a way that respects the integrity of the IPRC process and parents' rights while minimizing administrative requirements.

## INDIVIDUAL EDUCATION PLANS

### Information for Inclusion in IEPs

#### Recommendation 5

To help ensure that teachers take all information relevant to students' education into account when preparing Individual Education Plans (IEPs), the Ministry of Education should:

- provide school boards with guidance on the type of information they should obtain from parents to help in preparing IEPs; and
- encourage school boards to ensure that information useful in preparing IEPs—such as summaries of information obtained from consultations with parents and psychologists and other professionals, strategies and accommodations tried by previous teachers, the results of educational diagnostic tests, and minutes of in-school support team meetings—is available to and used by the preparers.

#### Status

The Ministry informed us that as part of an ongoing commitment to consolidate and update information related to serving students with special education needs, the revised *Special Education Guide*, scheduled for release in the spring of 2011, is to outline effective practices for the inclusion of information in IEPs. The Ministry further informed us that it plans to specify the sources and types of information that should be obtained from parents, psychologists, and other professionals, along with other relevant information that should be used to assist teachers in the preparation of IEPs.

The Ministry also advised us that it had undertaken a number of projects that provide a foundation for improving IEP development. This includes ensuring that pertinent information such as parent consultations are considered in the preparation of IEPs. Some of these initiatives included:

- The development of a website, *IEP 101 for Parents and Students* (in partnership with the Learning Disabilities Association of Ontario), that contains information about how parents

and students can best participate in the IEP process.

- The production of 49 sample IEPs, in collaboration with the Council of Ontario Directors of Education, that are accessible through the council's website. These samples demonstrate the effective use of information such as professional assessments in the development of IEPs and ways in which parents can be involved.
- The release in June 2009 of a draft resource guide, *Learning for All K–12*, that contains assessment and instructional approaches and tools that can be implemented in classrooms, schools, and school boards. The guide stresses that parents are an important source of information about student needs, and that input from parents should be used in the development of IEPs.

## Setting Learning Goals and Expectations and Monitoring Student Progress

### Monitoring Student Progress

#### Recommendation 6

To help ensure that schools properly monitor the progress of students with special education needs and identify effective practices, the Ministry of Education should provide schools with guidance on:

- how to measure the amount of students' progress in acquiring knowledge and skills, and use this information to assess the effectiveness of the teaching strategies and accommodations and make changes where appropriate; and
- monitoring the progress of students with special education needs against an appropriate benchmark—which would be, in many cases, regular curriculum expectations—and assessing whether changes in the gap between students' current levels of achievement and regular curriculum expectations are appropriate.

### Status

The Ministry informed us at the time of our follow-up that it had released a policy document entitled *Growing Success, Assessment, Evaluation and Reporting in Ontario Schools, First Edition, Covering Grades 1 to 12 (2010)* that was to be implemented beginning in September 2010. It included:

- guidance to school boards and schools on how to measure, assess, and report progress for students with special education needs who are working toward modified curriculum expectations;
- alternative learning expectations (for example, a student who may need help to acquire everyday knowledge and skills such as money management); and
- suggestions for how to work with accommodations for students with special education needs (for example, students who may have access to specialized software or computers to help in developing their writing skills).

The Ministry further informed us that the policy document also provides guidance on assessing the progress of students with special education needs against standard provincial benchmarks.

The Ministry also released draft guidelines in the fall of 2009—*Assessing Achievement in Alternative Areas*—to enhance the assessing and evaluating of students with special education needs who do not follow the provincial curriculum, do not participate in the Education Quality and Accountability Office (EQAO) assessments, and are working toward alternative learning expectations.

As part of a regular review cycle, curriculum policy documents have been revised to include direction on the assessment and evaluation of students with special education needs (for example, *The Ontario Curriculum Grades 9 and 10 for Science* and *The Ontario Curriculum Grades 1–8 Health and Physical Education*). Also, the Ministry informed us that, under the revised *Board Improvement Planning (BIP)* and *K to Grade 12 School Effectiveness Framework (SEF)*, it is encouraging boards to monitor the effectiveness of schools' assessment and teaching

strategies for students with special education needs and to make changes to enhance the strategies when needed.

## Setting Learning Goals and Expectations

### Recommendation 7

*To help ensure that teachers, parents, and students with special education needs have a common understanding of the learning goals and expectations for the coming school year, and to assist in monitoring the students' progress:*

- *the Ministry of Education should update The Individual Education Plan (IEP): A Resource Guide so that it:*
  - *provides examples of specific learning goals for all subjects, as it has done for language and mathematics; and*
  - *clarifies its expectations regarding explanations of differences between the learning expectations in an IEP and those of the regular curriculum; and*
- *school boards should ensure that schools set measurable learning goals and measurable learning expectations in IEPs.*

### Status

The Ministry advised us that the revised *Special Education Guide* to be released in 2011 is to focus on developing a generic framework to develop measurable learning goals for all subjects, with a range of examples to illustrate IEP concepts. The Ministry further advised us that it also plans to clarify expectations regarding the differences between learning expectations in an IEP and the regular curriculum.

In addition, the Ministry informed us that it had released *Professional Activity (PA) Resources* designed to provide learning opportunities, resources, and other supports such as workshops to help parents and students, including those with IEPs, better understand the expectations and goals that have been set for them and to assist them in monitoring their learning progress.

## Timely Preparation of IEPs

### Recommendation 8

To help ensure that students with special education needs receive timely support as outlined in their *Individual Education Plans (IEPs)*, the Ministry of Education should compare procedures and practices at a sample of school boards where the IEP deadlines are routinely met with those where they are usually not met, and include examples of timelines and effective practices in the IEP guide.

#### Status

The Ministry informed us that it conducted a 2009 IEP Review and was addressing this concern through its revised *Special Education Guide*, which is to provide best practices to support the timely development of IEPs. The guide will also reinforce the regulation requirement that an IEP is to be in place within 30 days of a student being placed in a special education program and/or receiving a special education service.

## REPORTING ON STUDENT PERFORMANCE AND PROGRESS

### Recommendation 9

To help ensure that parents and students understand how students are performing when they are being assessed against modified and alternative expectations, as opposed to regular curriculum expectations:

- the Ministry of Education should:
  - reconsider the suitability of the standard provincial report card for reporting on the performance of students who are working toward modified expectations;
  - provide examples of the type of performance reports it expects school boards to use for students working toward alternative expectations; and
  - provide guidance to assist teachers in assessing the performance of students who are working toward reduced expectations for the current grade's curriculum; and

- school boards should ensure that report cards provide parents and students with meaningful assessments of student performance relative to learning goals and expectations.

#### Status

The Ministry informed us that while a standard report card is still being used to report student performance, its *Growing Success* policy document, which was to be implemented in September 2010, contains refinements to better recognize and monitor the performance of students working toward modified curriculum expectations or alternative learning expectations, and/or working with accommodations. Under the new policy, teachers are to evaluate a student's achievement in relation to regular curriculum expectations, modified curriculum expectations, and/or alternative expectations that will be clearly noted in the report card and explained to students and parents. The policy also provides direction to assist teachers in assessing and reporting on the performance of students who are working toward modified expectations for the current grade's curriculum.

## TRANSITION PLANNING

### Recommendation 10

To help ensure that transitions of students with special education needs from school to school, from elementary to secondary school, and from secondary school to work, community living, or further education, are effectively managed, the Ministry of Education should:

- require that schools prepare plans for all transitions—not just transitions from secondary school—and report on the completion and, where applicable, the degree of success of each action in the transition plans; and
- provide more guidance on planning and managing the transitions of students who are working toward modified expectations.

#### Status

The Ministry informed us that it had conducted a series of consultations in the fall of 2009 to

determine the current school board practices regarding transitions for students with special education needs. The Ministry also informed us that it was developing a policy on transition planning (for transitions from school to new school, and from elementary to secondary school) for students with special education needs, including students working toward modified curriculum expectations. Under this new policy, school boards will be required to monitor the effectiveness of transitions as part of the IEP review process. The policy, which was to be released in the fall of 2010, is also to provide further direction for managing transitions of students who are working toward modified curriculum expectations. The Ministry also advised us that the revised *Special Education Guide* is to provide additional guidance on timely transition planning for school boards.

In addition, the Ministry informed us that it had launched several initiatives that reflect the importance of transition planning for students with special education needs. For example, working with the Ministry of Children and Youth Services, the Ministry supported *The Collaborative Services Delivery Model (Autism)* project, which provides frameworks to help school boards, schools, teachers, and parents in the transition process for students with autism spectrum disorders. These models are also useful to support transitions for students with other special education needs.

## MONITORING PROGRAM EFFECTIVENESS, QUALITY, AND COMPLIANCE

### Recommendation 11

*To help ensure that schools comply with legislation, regulations, and policies, and to improve the quality of special education programs, the Ministry of Education should assist school boards in establishing periodic quality assurance and compliance inspection procedures.*

### Status

The Ministry informed us that it is providing \$5 million in the 2010/11 fiscal year to establish an internal audit capacity at school boards. The school board internal audit function is to include a risk assessment framework that will assess financial and operational compliance. Through this initiative, the Ministry would encourage school boards to include special education programs and services in their audit plans. Further, school boards are to establish audit committees to oversee internal audit activities and ensure overall financial and operational compliance.

## COMPLETENESS OF STUDENT RECORDS AND INFORMATION FOR RESEARCH

### Recommendation 12

*To help improve the effectiveness of special education programs, the Ministry of Education should:*

- *identify the information that is required to support evidence-based program delivery models (for example, information about the circumstances and educational programs—type, timing, and amount of services and supports—of students with special education needs, as well as the results the students achieve); and*
- *assist school boards in establishing processes to collect, maintain, and use this information to guide programming decisions.*

### Status

The Ministry advised us at the time of our follow-up that it had conducted research on special education program best practices and procedures, including benchmarks, indicators, and standards. The results of the research were used in the development of the revised *K to Grade 12 School Effectiveness Framework* and to identify the information required to support the evidence-based program delivery model. The revised framework document provides guidance on the data that school boards should collect to help identify gaps in achievement among various groups of students, set targets to minimize

the gaps, monitor the progress of strategies aimed at addressing the gaps, and help guide future programming decisions, such as ways to improve the effectiveness of all programs and services, including special education.

Also, the Ministry provided school boards with \$10 million in the 2009/10 fiscal year to assist teachers, principals, and board administrators in using information technology to make better decisions and improve learning for all students, including those with special education needs.

Furthermore, the Ministry advised us that it began in 2009 to share disaggregated student achievement data from the EQAO tests on a provincial level by exceptionality. (EQAO testing measures student achievement in specified subjects, at designated grade levels, and against a provincial standard.) These data are intended to help school boards assess the progress of various groups (such as students with special education needs) when compared to the entire school population.

## SPECIALIZED EQUIPMENT

### Recommendation 13

*To help ensure that specialized equipment purchased for students is provided to them within a reasonable time, meets their needs, and is acquired economically, the Ministry of Education should:*

- *include a service expectation in its guidelines for Special Equipment Amount claims, and require school boards to ensure that their processes achieve this expectation, with respect to the time between the date a professional recommends that a student be provided with specialized equipment and the date it is ready for use by the student;*
- *assess the level of savings that might be available from the purchase of group licences for computer software; and*
- *require that boards assess the effectiveness of the equipment that they purchase.*

### Status

The Ministry informed us that it had reviewed special education funding and changed the process to reduce the administrative burden for boards and provide greater flexibility to expedite equipment purchases and facilitate savings that may result from group purchasing. The differences in procurement and training requirements for different types of equipment do not lend themselves to establishing a service expectation for the delivery of new equipment. The Ministry indicated that, for this reason, it is not pursuing a service expectation with respect to the time between the date a professional recommends that a student be provided with specialized equipment and the date it is ready for use. However, the Ministry advised us that, beginning in the 2010/11 fiscal year, it had developed a six-week service expectation for the transfer of specialized equipment when a student moves from one school board to another.

To help school boards provide equipment to students with special education needs within a reasonable time and acquire the equipment economically, the Ministry advised us that it reviewed and changed the Special Equipment Amount funding guidelines. The Ministry further advised us that it introduced a five-year plan in the 2010/11 fiscal year to convert 85% of such funding into a per-pupil amount for the purchase of computers, software, other computing-related devices, and training and technician costs. The Ministry also informed us that the guideline changes are to provide predictable funding so that school boards can realize savings by acquiring specialized equipment for groups of students and by establishing purchasing consortia with other boards.

The Ministry also advised us that in the last two years in particular it has worked with the Ontario Software Acquisition Program Advisory Committee to make a priority the negotiation of provincial licences for software and specialized equipment to support students with special education needs.

With respect to requiring school boards to assess the effectiveness of the equipment they purchase,

the Ministry informed us that boards are required under the revised Special Equipment Amount funding guidelines to report, beginning in December 2010, to the Ministry how the new per-pupil amount allocation is improving student access to specialized equipment and supporting student learning.

## **OTHER MATTER**

### **Recommendation 14**

*To ensure that Special Incidence Portion grants are correctly calculated, the Ministry should reconcile the funding provided to each board's actual claims annually.*

### **Status**

The Ministry informed us that it is reconciling school board claims on a more timely basis following receipt of the school board's audited financial statements so that the following year's board funding payments are adjusted for any differences. In both the 2008/09 and 2009/10 school years, Special Incidence Portion claims approvals were completed and the school boards were informed of their final allocation before the end of the school year.