

# **Access to Special Education in Ontario in a Social Justice Context**

**Identifying barriers and obstacles for students, parents and  
teacher-parents in accessing Special Education in Ontario**

June 2016

## 1. Abstract

In the following field research project we sought to identify barriers and obstacles for students, parents and teacher-parents in the current context of Special Education in Ontario. The objective of the project was to identify areas requiring changes in legislation, policy, mindset and operational practice, through an analysis of challenges in accessing Special Education and related services in publicly funded schools in Ontario.

We defined a barrier as a situation over which the parent or school had no control (such as cost of assessments, human or material resources, location, space). An obstacle was defined as a situation in which there was a lack of initiative, motivation, understanding and/or empathy from school personnel to bring about possible solutions to meet a student's needs. Consequently, the parent had to overcome the situation through their own creativity, innovation, alternative decision, funds or other personal sacrifice to 'make it work' or suffer further distress and consequences if unable to do so.

We adopted a mixed quantitative and qualitative method of research. A preliminary online survey to harvest quantitative data was sent to key contacts in parent support associations related to Special Education and shared on social media via Facebook, Twitter and LinkedIn. The survey asked one open question and eight closed questions with the option of adding comments (see Appendix A). It was completed by 49 parents of special needs children in Ontario.

Through this survey, we identified key recurring issues, as well as parents willing to be contacted for a telephone or in-person interview in the course of which they could expand upon their answers to the survey questions. Seventeen parents agreed to participate in this latter exercise, which allowed us to develop a qualitative understanding of access issues.

Our research identified the following barriers and obstacles to access Special Education:

- Inability to access adequate programming to accommodate for learning disabilities, psychological and mental health factors and other special needs;
- Inability to build and sustain open, responsive, and reciprocal communication between parents and schools;
- Teachers working with special needs children lacked training, understanding and empathy;
- Schools lacked transparency by not presenting parents with the full spectrum of placements and services available to their children;
- Lack of implementation of Individual Education Plans (IEPs); and
- Schools being unable or unwilling to offer the full spectrum of programs and services provided for in their Special Education policies, either due to lack of openness or lack of resources.

## 2. Context

### Special Education in Ontario

Special Education services in school boards are mandated by the *Education Act, 1990*. The Ministry of Education further publishes *Policy and Program Memorandums* (PPMs) to guide school boards in implementing legislated elements of Special Education programming and services. School boards receive additional funding to support students with special needs so that they may access general education in an equitable way to typical peers.

School boards must also have a Special Education Advisory Committee (Ont. Reg. 464-97) that meets ten times per year in order for Special Education-related parent associations to provide input in school board decisions regarding Special Education programs and services. In addition, schools hold Identification, Placement and Review Committee (IPRC) meetings to identify students with Ministry-defined exceptionalities and develop *Individual Education Plans* (IEP) for them to succeed (Ont. Reg. 181/98, 296, 298, 306).

School boards provide psycho-educational assessments to help identify the learning needs of a student, however, wait lists for this service are often over a year long. Parents can obtain private psycho-educational assessments to provide to the school, however, these are costly if a parent does not have an employer benefit plan to cover the cost. Professional assessment reports are needed to support a parent request for an IPRC meeting to consider identification under one of the Ministry-defined exceptionalities (communication, intellectual, physical, behaviour, multiple).

Parents can appeal the decision of the IPRC through a school board appeal process.

### Social Justice Context

Special Education legislation is intended to provide opportunities to students with special needs to access and succeed in public education in an equitable way to typical peers. The Ontario Special Education Tribunal is available to parents who wish to appeal decisions of the school board after an internal school board appeal process has not resolved a Special Education (IPRC) placement, program or service decision. However, in recent years, more parents have turned to the Human Rights Tribunal of Ontario to pursue unsuccessful school board appeals or to lodge a complaint for human rights violations against students due to lack of confidence in an internal appeal process and breakdown in communication between the parent and school board. Both tribunals form part of the Social Justice Tribunals available to citizens in Ontario.

### 3. Methodology

This research adopted a mix of quantitative and qualitative methods. A preliminary online survey sought out quantitative data and was accompanied by telephone and in-person interviews with respondents willing to offer qualitative accounts of systemic barriers to Special Education in Ontario.

In order to guide the drafting of our online survey questions, we reviewed the last ten years of jurisprudence from the Ontario Special Education Tribunal (ONSET), as well as the last five years of jurisprudence from the Human Rights Tribunal of Ontario (HRTTO). This allowed us to identify key recurring access issues. These included:

- The inability of parents to build open, responsive, and reciprocal means of communication between parents and schools;
- The inability of special needs students to access adequate programming and services;
- Lack of implementation of the IEP or psychologist's recommendations;
- Stigmatization of learning disabilities, special needs or psychological disabilities; and
- Lengthy timelines for the implementation of processes and accommodations.

Based on these recurring issues, we drafted a nine-question online survey posted on [surveymonkey.com](https://www.surveymonkey.com) between February 16th, 2016 and May 31<sup>st</sup>, 2016. The survey asked one open question and eight closed questions with the option of adding comments to each of the closed answers (see Appendix A). This format allowed us to gather data regarding the issues identified through our review of the jurisprudence, while remaining open enough to allow for identifying systemic issues which were not captured in the ONSET and HRTTO cases.

The survey was sent to key contacts in parent support associations related to Special Education and shared on social media via Facebook, Twitter and LinkedIn.

The survey was completed by 49 parents of special needs children in Ontario. Through this survey, we pinpointed key recurring barriers to access Special Education and challenges faced by parents seeking to find accommodations for their children. The results from the online survey have been compiled into graphs, which can be found in section 4.2 of this report.

Furthermore, the online survey allowed us to identify parents willing to be contacted for a telephone or in-person interview in the course of which they expanded upon their answers to the survey questions. All the parents who agreed to this exercise were notified that they could answer questions in either official language, could end the interview at any time and were under no obligation to answer all the interview questions. They were

also assured that their names and contact information would be kept confidential and only those who signed research consent forms participated in interviews.

Seventeen parents agreed to participate in these in-depth interviews. They were asked a series of 11 open questions (see Appendix B). These offered them an opportunity to provide a narrative of the challenges they faced and to explain how these challenges affected their children and shaped their decision-making regarding their children's education.

The answers provided through both these forums were categorized and compiled into quantitative data, which can be found in Section 4.3 of this report. They are analysed through the lens of the qualitative data provided in the comment sections of the online survey, as well as the interviews conducted with parents.

## 4. Findings

### 4.1 Review of Ontario Special Education Tribunal and Human Rights Tribunal of Ontario Jurisprudence

Reviewing the last ten years of jurisprudence from the Ontario Special Education Tribunal (ONSET), as well as the last five years of jurisprudence from the Human Rights Tribunal of Ontario (HRTO) allowed us to identify key recurring access issues:

- The inability of parents to build open, responsive, and reciprocal means of communication between parents and schools;
- The inability of special needs students to access adequate programming and services;
- Lack of implementation of IEP or psychologist's recommendations;
- Stigmatization of learning disabilities, special needs or psychological disabilities; and
- Lengthy timelines for the implementation of processes and accommodations.

It is relevant to note that parents facing access issues have not regularly turned to the ONSET in recent years:

- of only 31 ONSET decisions published between 2006 and 2012, none were published between 2013-2016,
- only between one and five decisions were published annually between 2006 and 2012.
- The only exception to this pattern occurred in the year 2006, in the course of which 12 decisions were published. This is to be contrasted with approximately 95 ONSET decisions published in the last ten years with the tag "Special Education" <sup>1</sup>

This trend may indicate a preference of parents to bring their cases to the HRTO as human rights issues rather than to the ONSET.

Qualitative data obtained through interviews indicates that parents feel that the ONSET is not equipped to enforce its decisions on schools and school boards and that the process to take a case to the ONSET is too lengthy. One parent said:

*'We did not go to the ONSET because it was not clear when you read the laws that the tribunal has enough power to implement accommodations [...] they can only rule on a limited number of things, we did not have a guarantee that the school*

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<sup>1</sup> According to the Canadian Legal Information Institute (CanLII) database of Ontario Special Education Tribunal Cases. Tribunal cases are officially published by the Tribunal on the CanLII online database: <http://www.canlii.org/en/on/onset/>. The ONSET confirmed that no new decisions have been issued since the database was last updated August 26<sup>th</sup> 2014.

*will implement the decision of the tribunal. [...] It is a lengthy process and requires a great amount of work, since Special Education laws are hard to understand.<sup>2</sup>*

Another parent cited fatigue and lengthy timelines as being their reason for abandoning the ONSET process:

*'I disagree with my son's placement in the mainstream class and have challenged the placement as per the IPRC through the Ministry's dispute resolution process. I made it through the Appeal Board stage before I became exhausted, and gave up.'*

Finally, another parent indicated that their school board convinced them not to turn to the Tribunal:

*'They were dismissive, bullying, aggressive, and intimidating. They threatened that if we brought our grievance to the Special Education Tribunal it would cost lots of money and that the Board would send a lawyer.'<sup>3</sup>*

This research did not yield sufficient data to identify conclusively the factors motivating parents to choose one appeal mechanism over the other. More research will have to be undertaken to investigate this choice.

## 4.2 Findings from the Online Survey

The nine-question online survey was completed by 49 respondents. They were not required to complete all survey questions, and were free to provide comments with any of their answers to the closed answer questions.

The online survey found that parents overwhelmingly encountered issues speaking with teachers and principals about their children's needs. While school and school board staff tended to be "somewhat receptive" to parents' concerns, parents noted that some of the main challenges they faced in seeking accommodation for their children included communication issues with school and school board staff, lack of implementation of the IEP or negotiated solutions to special needs issues, lack of empathy from teachers and other school staff as well as lack of transparency on the part of schools and school boards in presenting parents with the full range of programs and services available.

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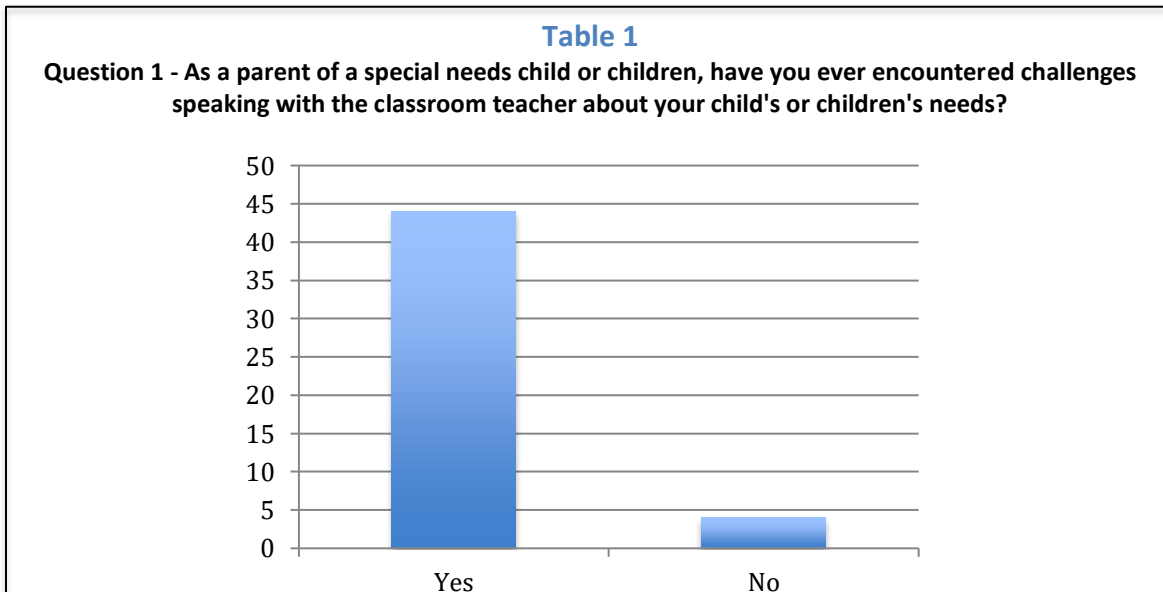
<sup>2</sup> Telephone interviews, Respondent no. 1.

<sup>3</sup> Telephone interviews, Respondent no. 2

#### 4.2.1 Communication with teachers

89.80% of the parents who responded to the survey encountered challenges in speaking with the classroom teacher about their child's needs. 8.16% of parents encountered no challenges at all in communicating with teachers. (See Table 1)

Parents commented that challenges in speaking with teachers included difficulty scheduling time to speak with teachers, difficulty finding sufficient time to discuss issues fully and school board practice to not give out staff work email addresses. One parent said: *"It is difficult to even find a quiet time to sit down with the teacher"*.<sup>4</sup>



Parents also noted that teachers sometimes asserted or insinuated that they knew their child and the child's needs better than them.<sup>5</sup>

One parent said: *"It has been somewhat challenging getting accommodations in place and/or having the teacher hear us about our observations and knowledge of our child and what he needed."*<sup>6</sup> Another commented: *"Generally teachers have been quite receptive, but I have encountered a teacher who was quite defensive about her system even though it clearly wasn't working well for my son."*<sup>7</sup>

Teacher-parents or parents who worked in the education or mental health sector expressed frustration with having their knowledge and expertise viewed as intrusive and unwelcome.

<sup>4</sup> Online interviews, Respondent no. 4, 28, 31

<sup>5</sup> Online interviews, Respondent no. 5, 8, 24, 25, 46

<sup>6</sup> Online interviews, Respondent no. 5

<sup>7</sup> Online interviews, Respondent no. 8

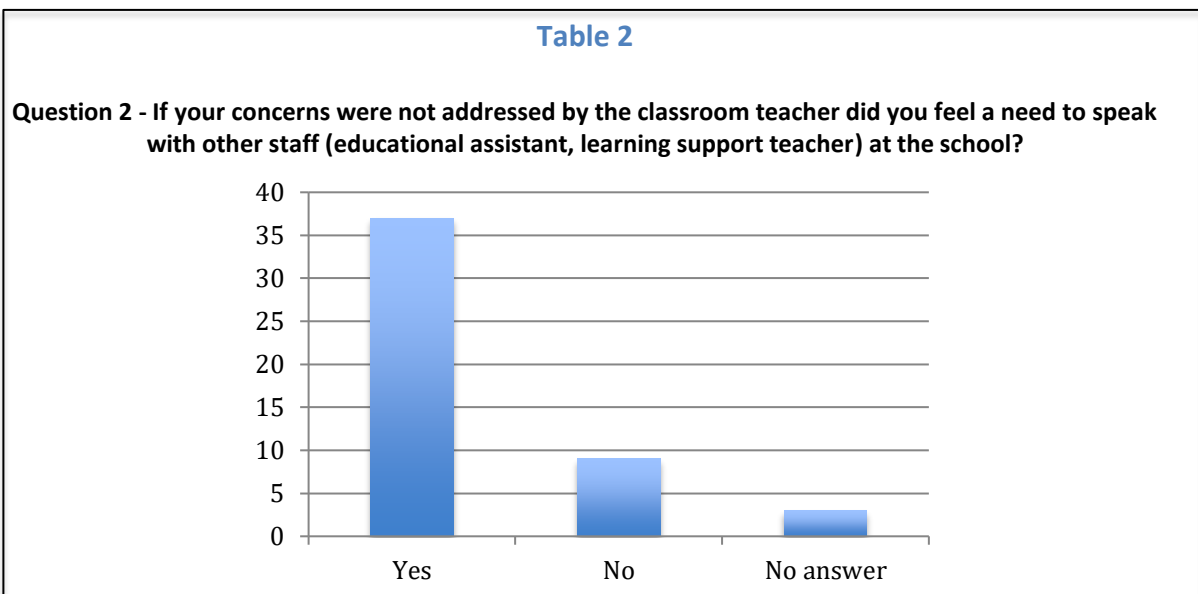


In more extreme situations, some parents claimed they were asked by the school administration or teachers to approach the principal instead of bringing concerns regarding their children's needs to teachers.<sup>8</sup>

Finally, some parents commented that despite teachers' good intentions, lack of training and education regarding learning disabilities and special needs made communication between parents and teachers and implementation of solutions considerably more difficult. One parent commented: *"They were trying to help but did not have the experience needed to help my son."*<sup>9</sup>

#### 4.2.2 Communication with other staff

75.51% of the parents who responded to the survey felt the need to approach other school staff to obtain accommodations for their children. (See Table 2) As will be further explored in Section 4.3, 46 out of the 49 parents who completed the survey approached the school principal with their concerns; however, nine parents also tended to include educational assistants in their discussions regarding their children's needs.



Parents cited many reasons for speaking to other staff about their concerns regarding their children's education. Although some parents cited disagreements with teachers as being the reason for approaching school administrators with their concerns,<sup>10</sup> most

<sup>8</sup> Online interviews, Respondent no. 9, 11, 29

<sup>9</sup> Online interviews, Respondent no. 15, 22, 25, 32, 35, 36, 44, 45

<sup>10</sup> Online survey, Respondent no. 23: "Spoke to both the Spec Ed department and the Principal. Both the teachers and the Spec Ed Dept thought that by modifying material we were "cheating". Fortunately the Principal agreed with us."

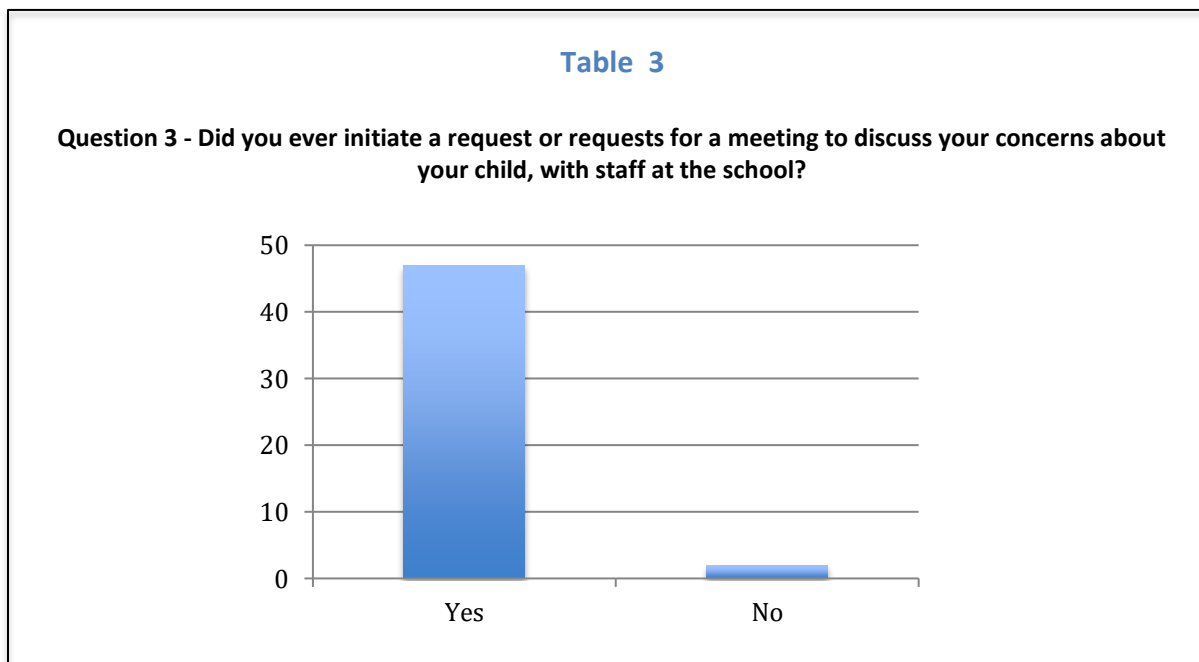
parents commented that they approached school administration because teachers were not equipped to accommodate their children’s needs. One parent stated the following:

*‘Going beyond the classroom teacher is the only way to get things accomplished most of the time. It’s not that the teachers don’t want to help but they don’t have the ability to help the children with the supports they are given.’<sup>11</sup>*

#### 4.2.3 Initiation of requests for meetings with school staff

95.92% of the parents who responded to the survey initiated at least one request for a meeting to discuss their concerns about their child’s needs with school staff.

(See table 3) Most parents noted that they felt that they had to initiate nearly all communications or actively request documentation regarding their children’s progress.<sup>12</sup>



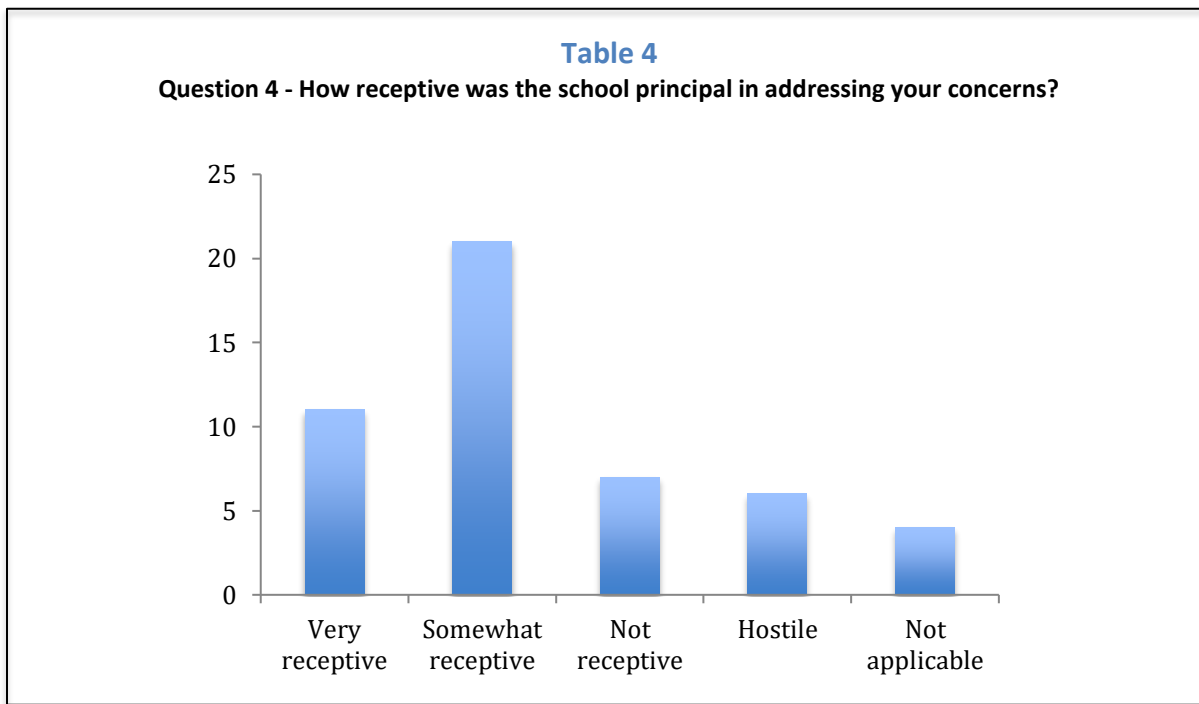
#### 4.2.4 Receptiveness of principals in addressing parents’ concerns

46.67% parents who responded to the survey encountered school principals that were “Somewhat receptive” to their concerns. 24.44% encountered school principals that were “Very receptive”, 15.56% encountered school principals that were “Not receptive”, and 13.33% encountered school principals that were “Hostile”. (See Table 4)

<sup>11</sup> Online survey, Respondent no. 24

<sup>12</sup> Online survey, Respondent no. 4, 9, 12, 23, 32, 46

Some parents who noted principals to be “very receptive” or “somewhat receptive” found principals to be very open to discussing various options and services, despite being limited in the accommodations they could offer due to the school’s lack of resources or their lack of authority to decide on such issues.<sup>13</sup> One parent commented: *“We found the Principal very receptive and our best ally in ensuring our daughter received what she needed to succeed.”*<sup>14</sup> Another commented: *“The school principal appeared to be receptive in addressing our concerns but failed to resolve the problem. We trusted the school as the experts we believed them to be until we found that this was not the case.”*<sup>15</sup>



However, other parents noted that principals were inflexible in accommodating their child’s needs, responding to parents’ concerns with indifference.

One parent commented: *“We get the sense that we, and our child are an inconvenience.”*<sup>16</sup> Another commented:

*‘It is clear that the school officials have a mandate as well as their own opinions on how a child should progress through school. As long as the student is passing*

<sup>13</sup> Online survey, Respondent no. 4, 14, 15, 23, 32

<sup>14</sup> Online survey, Respondent no. 23

<sup>15</sup> Online survey, Respondent no. 32

<sup>16</sup> Online survey, Respondent no. 9

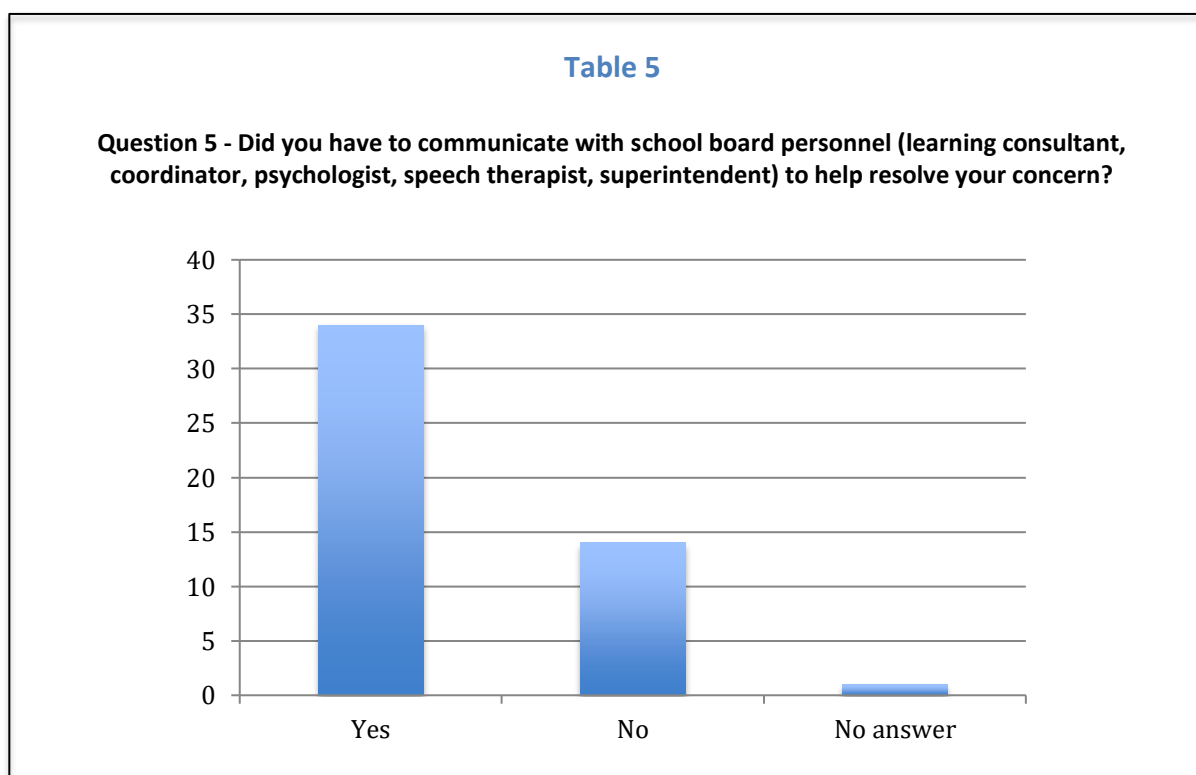
*and not creating trouble at the school, they are not inclined to provide more support.*<sup>17</sup>

In more extreme cases, parents were faced with hostility. One parent commented:

*'The principal was flippant, hostile, told us as parents our child's assessment was too over the top! They gave advice on what they believed was the true nature of our child's special needs. Bullying techniques were used by the principal, towards us, the child and teachers of our child.'*<sup>18</sup>

#### 4.2.5 Communication with School board Personnel

70.83% parents who responded to the survey had to communicate with school board personnel to help resolve their concerns. 29.17% did not have to go beyond school staff and one parent did not provide an answer. (See Table 5)



Parents offered few commentaries to explain how they decided which school board resource person to contact.

<sup>17</sup> Online survey, Respondent no. 34

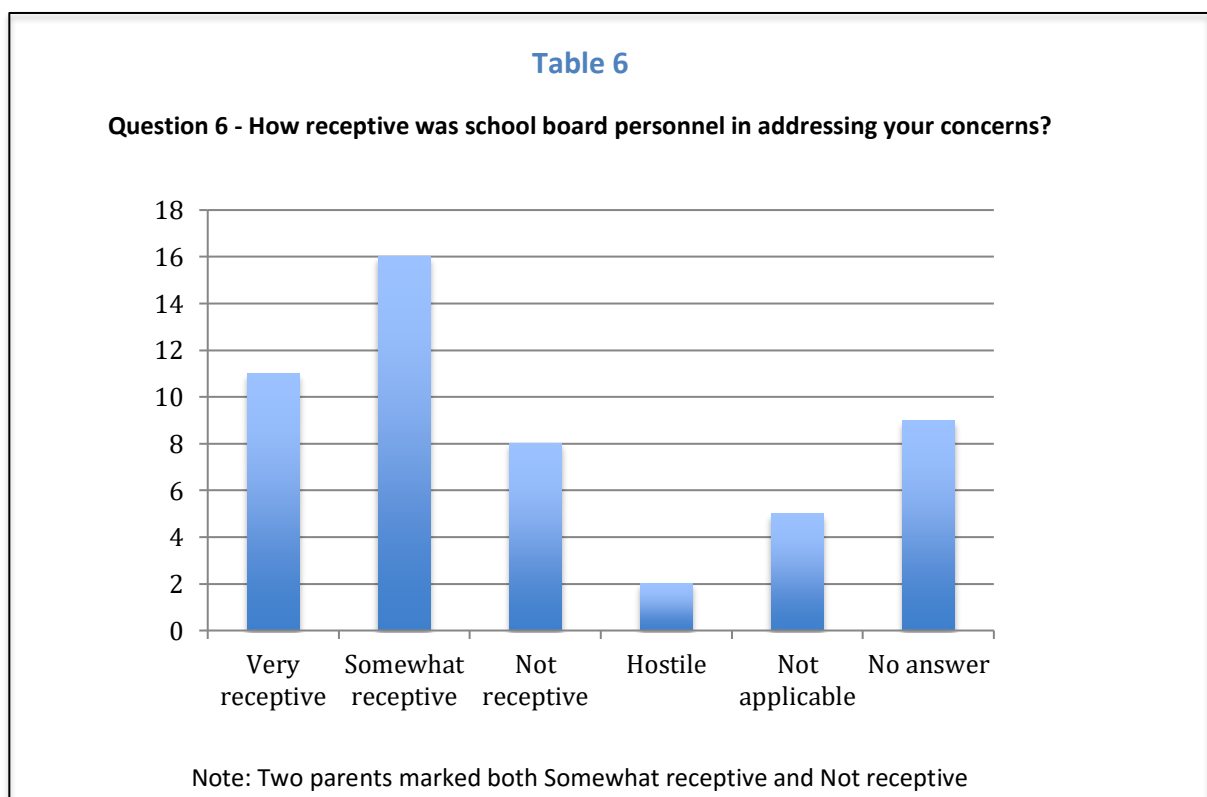
<sup>18</sup> Online survey, Respondent no. 28

Many parents who communicated with school board staff tended to contact multiple resource persons such as the Superintendent of Learning Support Services, the school board Trustee, a school board Psychologist or school board Occupational Therapist.<sup>19</sup>

Parents who did not communicate with school board staff cited various reasons for not doing so. Some parents commented that their principal was able to respond to their concerns, or obtain adequate support from the School board to provide adequate accommodations or programming.<sup>20</sup> Others, however, cited an inability to know which resource person to contact. One parent said: *“I haven’t tried that yet, mainly because I haven’t known whom to contact.”*<sup>21</sup>

#### 4.2.6 Receptiveness of school board personnel to parents’ concerns

41.03% of the parents who responded to the survey encountered school board personnel who were “Somewhat receptive” to their concerns. 28.21% encountered staff who were “Very receptive”, 20.51% encountered staff who were “Not receptive”, and 5.13% found staff who were “Hostile”. (See Table 6)



<sup>19</sup> Online survey, Respondent no. 9, 12

<sup>20</sup> Online survey, Respondent no. 8

<sup>21</sup> Online survey, Respondent no. 11

Parents who noted that school board personnel responded positively to their concerns said that issues were well noted by the staff. They acted as mediators between the school and the parents, and helped the parents obtain the appropriate accommodations or placements for their children. One parent commented: *“The superintendent of Special Education was very helpful and believed that our child was not receiving the necessary accommodations.”*<sup>22</sup>

Parents who found school board staff to be “Somewhat receptive” or “Not receptive” faced various challenges to the implementation of accommodations or adequate placements for their children. Some parents commented that while staff appeared open to their concerns, proposed solutions were never implemented in their children’s schools.<sup>23</sup> One parent commented: *“They tell you what they think you want to hear and then there is no follow through.”*<sup>24</sup> Other parents underlined the lack of transparency in the school board staff’s responses: *“The Board’s answers were vague and instead of replying in writing they often called (i.e. by calling there would be no record of their vague reply).”*<sup>25</sup>

In more extreme cases, parents were met with unresponsiveness and hostility from school board staff. One parent commented:

*‘The Superintendent of Special Education at one point questioned my decision to go through the dispute resolution process and warned me that the Board would be securing legal representation, and that this would end up costing me a lot of money. I found that to be quite hostile, if not threatening.’*<sup>26</sup>

#### 4.2.7 Top challenges in accessing Special Education, as identified by parents

Parents were invited to list the top three challenges that they encountered when trying to advocate for their child’s needs. Parents’ answers were categorized into ten broad categories. For the purposes of simplicity, we considered that at least four parents had to flag an issue falling into a category for it to be represented in the data.

The following issues were flagged by four or more parents (See Table 7):

- **Communication issues:** This category included challenges such as non-responsiveness, inability to reach school or school board staff, or an inability to be adequately heard by school or school board staff;

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<sup>22</sup> Online survey, Respondent no. 32

<sup>23</sup> Online survey, Respondent no. 3, 12, 49, 46,

<sup>24</sup> Online survey, Respondent no. 46

<sup>25</sup> Online survey, Respondent no. 49

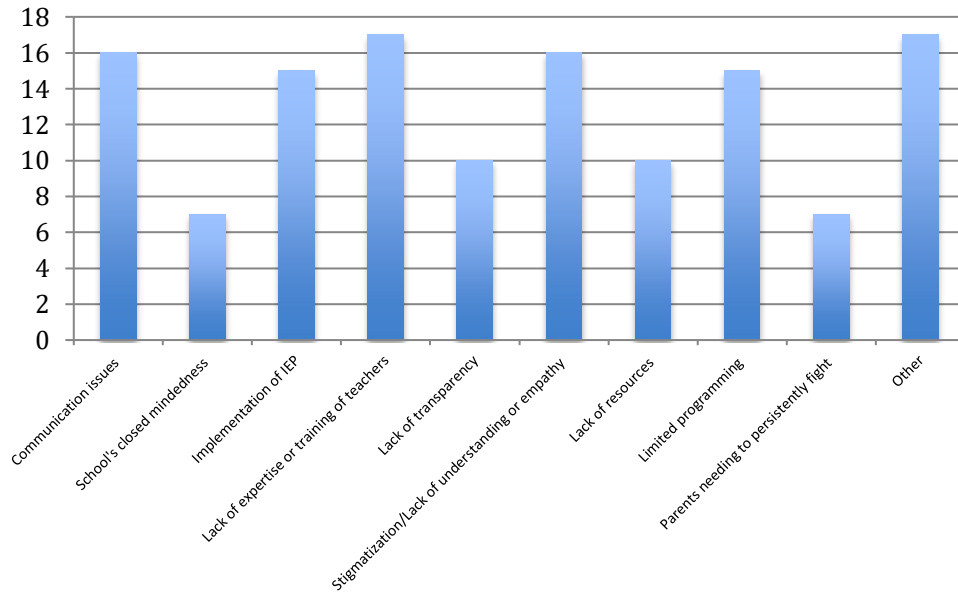
<sup>26</sup> Online survey, Respondent no. 14

- **School administration's closed mindedness:** This category included issues such as refusing to implement solutions offered by parents at their own expense and refusal to try parents' preferred placement or accommodation;
- **Implementation of the IEP:** This category referred to the school's failure to implement strategies stated in the IEP or the placement and/or program was changed;
- **Lack of expertise or training of teachers or school staff:** This category included teachers being unprepared or ill-equipped to respond to children's needs or to manage classroom disruptions;
- **Lack of transparency:** This category included issues such as not presenting parents with the full spectrum of placements available and not explaining the process for determining the appropriate placement or program;
- **Stigmatization/Lack of understanding or empathy:** This category included issues such as stigmatizing mental health or special needs and blaming or punishing special needs children for their behaviour and difficulties;
- **Lack of resources:** This category included issues such as inability to offer the appropriate accommodations, services or technology, and large classes;
- **Limited programming:** This refers to the school not offering advertised placements and services as per the school board website;
- **Parents needing to persistently fight for their children to be accommodated:** This category included parents needing to approach various levels of school and board staff, sending various messages and being faced with hostility from school or board staff;
- **Other:** This category included challenges that were flagged by less than four parents. These included: lack of support programs for parents, poor management of paperwork, lack of empathy of other parents, programming changing from one year to the next, offering services for some disabilities but not others, parents being pushed by school staff to medicate their children, and lack of services, programs or opportunities to help children improve and develop social skills.

Key recurring challenges included issues communicating with school and school board staff, lack of implementation of IEPs, lack of expertise or training of teachers, stigmatization and/or lack of understanding and empathy, and limited programming.

**Table 7**

**Question 7 –List three challenges you encountered when trying to advocate for your child's needs at the school or school board level (for example: in class support, communication, follow-up, implementation of the IEP, requesting an IPRC meeting, lack of understanding of staff, lack of expertise**



#### 4.2.8 Formal complaints

59.18% of parents who completed the survey considered launching a formal complaint over the way their concerns were handled by the school and school board personnel. 38.78% of parents did not consider launching such processes. (See Table 8) Some parents who wished to complain commented that they did not know how to proceed, that they were not certain about their rights, or thought the process would be too lengthy for it to be worthwhile.<sup>27</sup> One parent commented:

*'We did consider launching a formal complaint but by that time too much damage was done and nothing anyone could do would change the results of the years of neglect. Returning to school was no longer possible and advocating with the school was becoming a full time job with no results except for the damage to our child.'*<sup>28</sup>

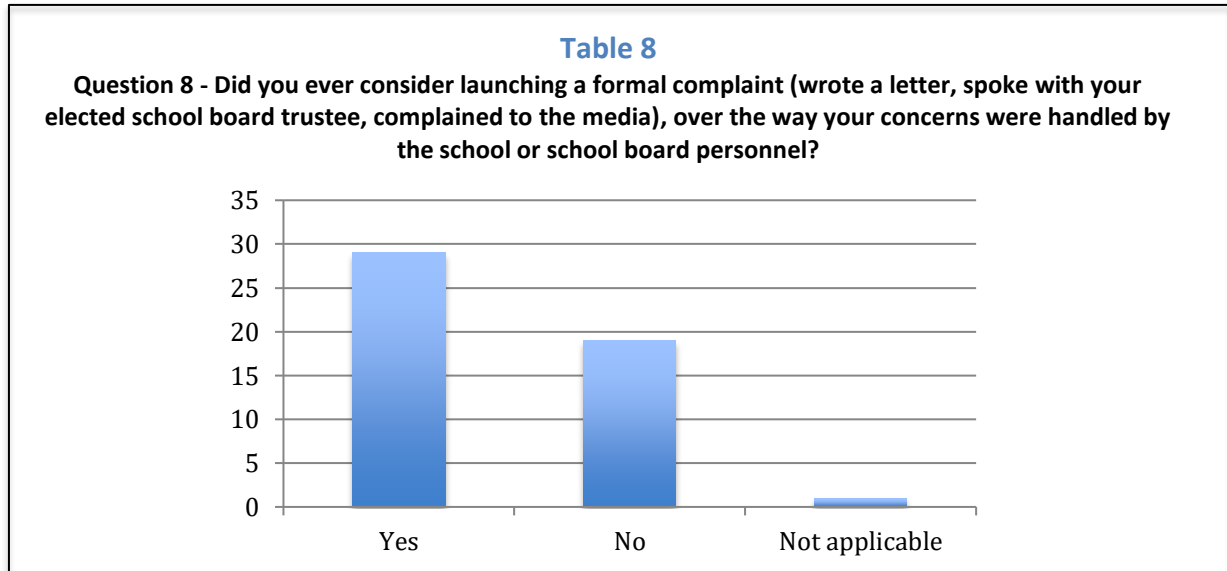
Some parents who did not feel the need to launch a formal complaint noted that they were satisfied with the accommodations that their child received.

<sup>27</sup> Online survey, Respondent no. 9, 32, 42 38,

<sup>28</sup> Online survey, Respondent no. 9

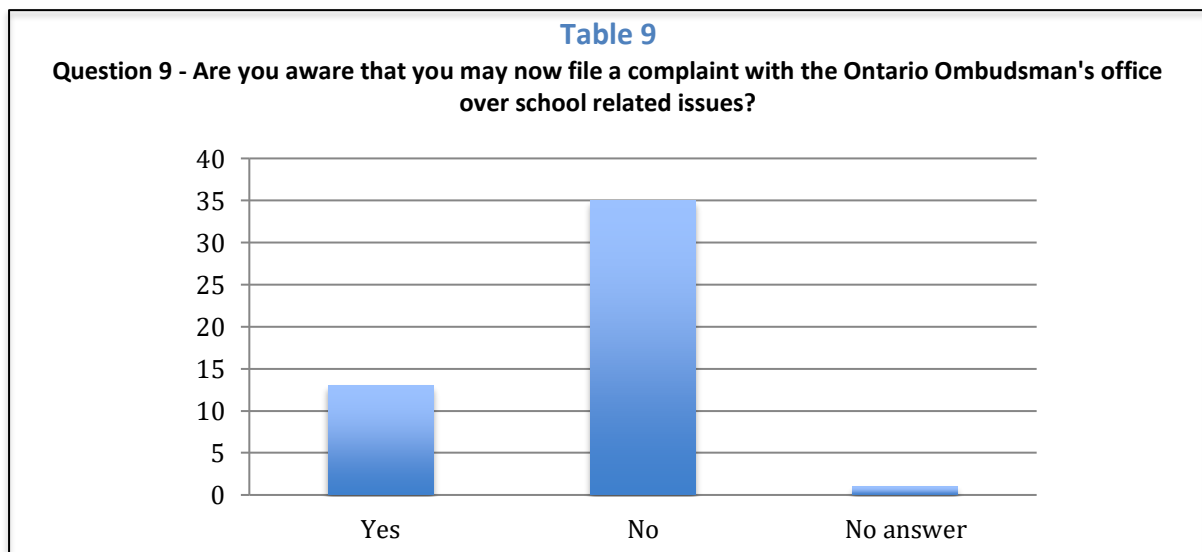


One parent commented: *“Our concerns have been met and communication has been great.”*<sup>29</sup> Other parents who did not feel the need to launch a formal complaint commented that they changed their child’s school, opting to stop working with school boards that mishandled their complaints.<sup>30</sup>



#### 4.2.9 Knowledge of the Ombudsman complaint process

71.42% of parents did not know that they could file a complaint with the Ontario Ombudsman’s office.



<sup>29</sup> Online survey, Respondent no. 48

<sup>30</sup> Online survey, Respondent no. 43

### 4.3 Findings from comment sections of online surveys and interviews

Qualitative data obtained from interviews was combined with qualitative data obtained through the comment sections of online surveys. This allowed us to identify systemic barriers to access to Special Education (section 4.3.1), to develop a basic understanding of the processes parents used to resolve these issues (section 4.3.2), and to identify long-term impacts of these barriers to Special Education on children and their families (section 4.3.3).

#### 4.3.1 Systemic barriers or obstacles to access Special Education

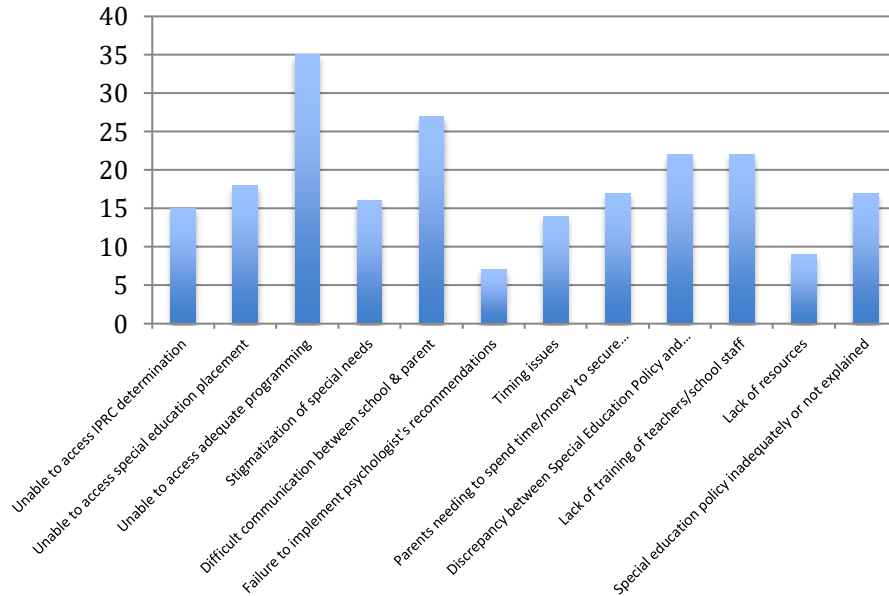
The following systemic challenges were faced by parents seeking accommodations for their children (see Table 10):

- Inability to access a determination of exceptionality from the Identification, Placement, and Review Committee (IPRC);
- Inability of children to access Special Education placements;
- Inability of children to access adequate programming to respond to their needs;
- Stigmatization of special needs on the part of school or school board staff;
- Strained or difficult communication between parents and School or School board staff;
- Lack of implementation of recommendations of psychologists or other expert practitioners (speech language pathologists, occupational therapists, behaviour consultants, private therapists);
- Timing issues;
- Parents having to spend time or money to secure adequate services for their children;
- Teachers and other school staff not being properly trained or equipped to work with special needs children;
- Schools lacking the resources to adequately respond to the needs of special needs children; and
- Special Education policies and processes not being adequately explained by school staff.

**Table 10**

**Systemic barriers to access to Special Education**

Categorized based on 49 online surveys and comments from telephone interviews.



**a) Inability to access a determination of exceptionality from the Identification, Placement, and Review Committee (IPRC)**

**30.61% of children were unable to access a determination of exceptionality.** This issue included situations in which IPRC determinations were significantly delayed (for instance, one parent had to inquire six times before being able to obtain an assessment for her child),<sup>31</sup> where schools were unresponsive to parents' requests to have their children tested, or where schools refused to test children, or where threshold determinations of exceptionality were not transparent.<sup>32</sup>

This delay typically resulted in parents needing to pay out of their pocket for private psychologists to undertake an assessment of their child, without which their requests for special needs services or placements continued to be denied. One parent commented: *"Since an assessment was not provided by the school we had our child assessed privately and provided the results to the school".*<sup>33</sup> Another parent commented: *"We paid for testing out of pocket, which is expensive, because the wait list was too long."*<sup>34</sup>

<sup>31</sup> Online survey, Respondent no. 33

<sup>32</sup> Online survey, Respondent no. 1, 12 20, 21, 33, 34, 37

<sup>33</sup> Online survey, Respondent no. 34

<sup>34</sup> Online survey, Respondent no. 2

## **b) Inability of children to access Special Education placements**

**36.73% of children were unable to access a Special Education placement.** This includes inability to access an adequate placement or inability to access the placement preferred by parents, as well as the inability to access a placement at all. One parent comments:

*'My child's original placement was a regular classroom with monitoring from a learning support teacher. We wanted a regular classroom with support, not just monitoring but actual support in the classroom, but our local school has two support teachers who were overwhelmed.'*<sup>35</sup>

This issue appears to be due to many factors: schools' lack of resources, school boards' inability to offer the full spectrum of placements provided for in their Special Education policies, and schools' refusal to provide placements to children who have not been identified as having exceptionalities by the IPRC.<sup>36</sup>

## **c) Inability of children to access adequate programming to respond to their needs**

**71.43% of children were unable to access adequate programming to respond to their needs.** This included the inability to access the programming, services, or accommodations needed to respond to children's needs. This also appears to be due to schools' lack of resources, school board inability to offer the full spectrum of placements provided for in their Special Education policies, but also schools' closed mindedness to creative solutions proposed by parents, sometimes at their own cost. This gap typically results in parents needing to pay out of pocket for their children to be able to access educational technology, services such as occupational therapy, speech therapy, reading support, therapy, accelerated learning, and tutoring.<sup>37</sup>

## **d) Stigmatization of special needs by school staff or school board staff**

**32.65% of parents experienced stigmatization of special needs from school staff or school board staff.** This included teachers or other school staff blaming or punishing special needs children for their behaviour and their difficulties, assuming that special needs children would not be successful, placing special needs children in segregated rooms when behavioural issues would occur, or pressuring parents to medicate their children.<sup>38</sup>

One parent commented: *"My child was frequently told he is a problem, that he is disruptive, that he is not listening or learning."*<sup>39</sup> Another parent recounted some

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<sup>35</sup> Online survey, Respondent no. 4

<sup>36</sup> Online survey, Respondent no. 4, 8, 9, 14, 15, 16, 17, 19, 21, 22, 23, 25, 28, 34, 36, 40, 45, 46

<sup>37</sup> Online survey, Respondent no. 2, 4, 8, 9, 13, 14, 15, 4, 8, 9, 13, 14, 15, 25, 29, 35, 39

<sup>38</sup> Online survey, Respondent no 4, 9, 12, 13, 16, 24, 25, 28, 37, 45, 49

<sup>39</sup> Online survey, Respondent no 12

*statements from school staff: "I can't tell you how many times I've heard his 'behaviour seems deliberate'. 'A child will do well if they can' <sup>40</sup>*

**e) Strained or difficult communication between parents and school or school board staff**

**55.1% of parents noted that communication between them and the school was strained or difficult.** This included situations in which schools were unresponsive to communications, where parents were unable to reach school or school board staff, where communication was censored by school or school board staff, where schools did not accept or believe parents' concerns, where school staff did not share documentation of assessments or updates with parents, or where schools would not implement solutions to parents' concerns despite making promises to do so in meetings with parents.<sup>41</sup> Some parents noted that either at the request of teachers or principals they were not allowed to interact directly with teachers, and were required instead to interact solely with the school principal.<sup>42</sup> One parent commented: *"The principal is incredibly unresponsive, not returning phone calls for two or three weeks. When I do speak with him it is generally disappointing or misleading."*<sup>43</sup>

Another parent described the interaction they experienced upon received an IEP which was drafted in a language and format that was not easy to understand from a parent's perspective:

*'We asked explanations repeatedly from the teacher, she asked that we stop contacting her. She asked instead that all our communications go through the principal. The Principal sent us to the Learning Support Teacher, who sent us back to the teacher.'*<sup>44</sup>

It is important to note that communication issues did not only occur at the school staff level: Parents underlined the non-responsiveness of school board Superintendents and Trustees and the lack of implementation of solutions promised by school board and ministry staff. One parent commented:

*'The Trustee intervened in our case but the school told him what they felt he needed to hear and it ended there. The Director of Education ignored my emails and voicemails. The MPP said they are doing "wonderful things" in terms of education and*

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<sup>40</sup> Online survey, Respondent no 36

<sup>41</sup> Online survey, Respondent no 5, 9, 11

<sup>42</sup> Online survey, Respondent no. 9, 11, 12, 13, 14, 15, 17, 19, 20, 24, 25, 28, 29, 31, 32, 33, 34, 38, 42, 46, 49

<sup>43</sup> Online survey, Respondent no. 42

<sup>44</sup> Online survey, Respondent no. 9

*deferred me to MOE (Ministry of Education). The MOE took my info, said they would get back to me and never did.*<sup>45</sup>

**f) Lack of implementation by the schools of recommendations from psychologists or other expert practitioners,**

**14.29% of parents noted that the recommendations of psychologists or other expert practitioners were not implemented by schools.** In many cases these recommendations were ignored, while in others they were incorporated into IEPs but never implemented <sup>46</sup> 'One parent explains how the school refused to place their child in a gifted program even though: "[Our child] showed outstanding scores, the recommendation from the educational advisor was to go into a gifted program, the same recommendation from his grade 2 psychological report."<sup>47</sup>

**g) Timing Issues**

**28.57% of parents experienced timing issues.** These included long wait times for assessments or processes. This delay often discouraged parents from engaging in appeal or complaint mechanisms either because their children would be nearing the point of graduation, or because it was more efficient to change school boards to avoid further damage to their children's education.<sup>48</sup>

**h) Parents having to spend time or money to secure adequate services for their children;**

**48.9% of parents had to spend time or money to secure adequate services for their children.** This was nearly always because they could not obtain the service or program at their child's school due to long wait times, or refusal of the school to offer the service or program. Thus, parents paid for services such as psycho-educational assessments, Intensive Behavioural Intervention, speech therapy, reading support, occupational therapy, accelerated learning, and specialized tutoring tailored to special needs.<sup>49</sup>

**i) Teachers and other school staff not being properly trained or equipped to work with special needs children; and lack of resources.**

**48.9% of parents noted that teachers and other school staff were not properly trained or equipped to work with special needs children; and 18.37% of parents noted that**

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<sup>45</sup> Online survey, Respondent no. 46

<sup>46</sup> Online survey, Respondent no. 4, 9, 18, 28, 32, 33, 34, 36, 39,

<sup>47</sup> Online survey, Respondent no. 9

<sup>48</sup> Online survey, Respondent no. 1, 3, 4, 9, 14, 17, 20, 21, 22, 29, 33,

<sup>49</sup> Online survey, Respondent no. 2, 4, 8, 9, 13, 14, 15, 4, 8, 9, 13, 14, 15, 25, 29, 35, 39

***schools lacked the resources to adequately respond to the needs of special needs children.***

Lack of training included teachers being unprepared or ill-equipped to respond to children's needs or to manage classroom disruptions, or responding inadequately to children's needs or behaviour.<sup>50</sup> One parent commented: *"They were trying to help but did not have the experience needed to help my son"*.<sup>51</sup> Another parent commented: *"[our child] had an educational assistant who refused to work with him because they weren't educated on how to assist him."*<sup>52</sup>

Lack of resources included lack of training of staff, inability to offer the full spectrum of programs and placements provided for in the Special Education policy, large classes, and understaffing. One parent commented: *"Schools use many volunteers to provide support for special needs children. They have no training, and there is no consistency in education."*<sup>53</sup>

#### **j) Special Education policies and processes not being adequately explained by school staff**

***34.7% of parents noted that Special Education policies and processes were not adequately explained by school staff.*** This included school staff never pointing parents to the Special Education policy, never explaining appeal and complaint mechanisms available to parents if they were not satisfied with their child's placement, and not presenting parents with the full spectrum of programs available.<sup>54</sup> One parent commented:

*[the Special Education policy] is explained to an extent. The basics were explained. But when we asked what are all the options, they weren't forthcoming about that. I work in Special Education, and I hear about programs that are never suggested by the principal. It is impossible to get a list of the possibilities.*<sup>55</sup>

#### **3.3.2 Strategies and processes used by parents to solve access issues**

In line with our findings in section 4.1, we found that parents rarely used the formal appeal and complaint mechanisms set out by school boards and the Social Justice Tribunals in the Province of Ontario. (See Table 11) None of the parents who completed the online survey or were interviewed concluded an appeal with the Special Education

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<sup>50</sup> Online survey, Respondent no. 3, 4, 15, 22, 23, 25, , 28, 28, 31, 43, 44, 46, 47

<sup>51</sup> Online survey, Respondent no. 15

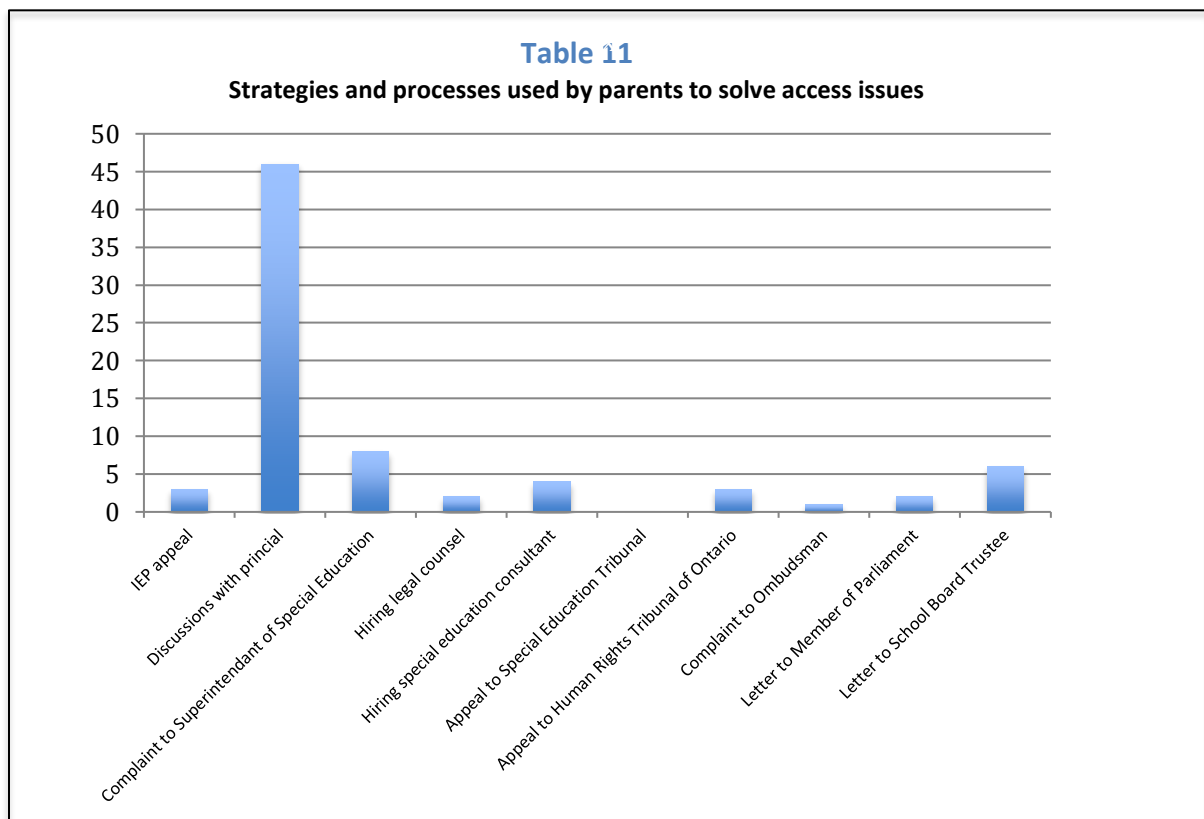
<sup>52</sup> Online survey, Respondent no. 25

<sup>53</sup> Online survey, Respondent no. 4

<sup>54</sup> Online survey, Respondent no. 1, 2, 3, 4, 5, 6, 8, 11, 15, 16, 17, 18, 22, 23, 25, 26, 28, 29, 31, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48 49

<sup>55</sup> Online survey, Respondent no. 8

Tribunal, although some parents began the process. Two parents brought their grievance to the Human Rights Tribunal of Ontario.



Overwhelmingly, parents opted to bring their grievances to their school’s principal. When this measure did not bring a resolution to access issues, they sometimes contacted their school board Trustee or the Superintendent of Special Education, or hired a Special Education consultant to help them explore options.

This research did not yield sufficient data to identify conclusively the factors motivating parents to choose one appeal or complaint mechanism over the other. More research will have to be undertaken to explore this issue.

#### 4.3.3 Long-term impacts of failure to access adequate programming

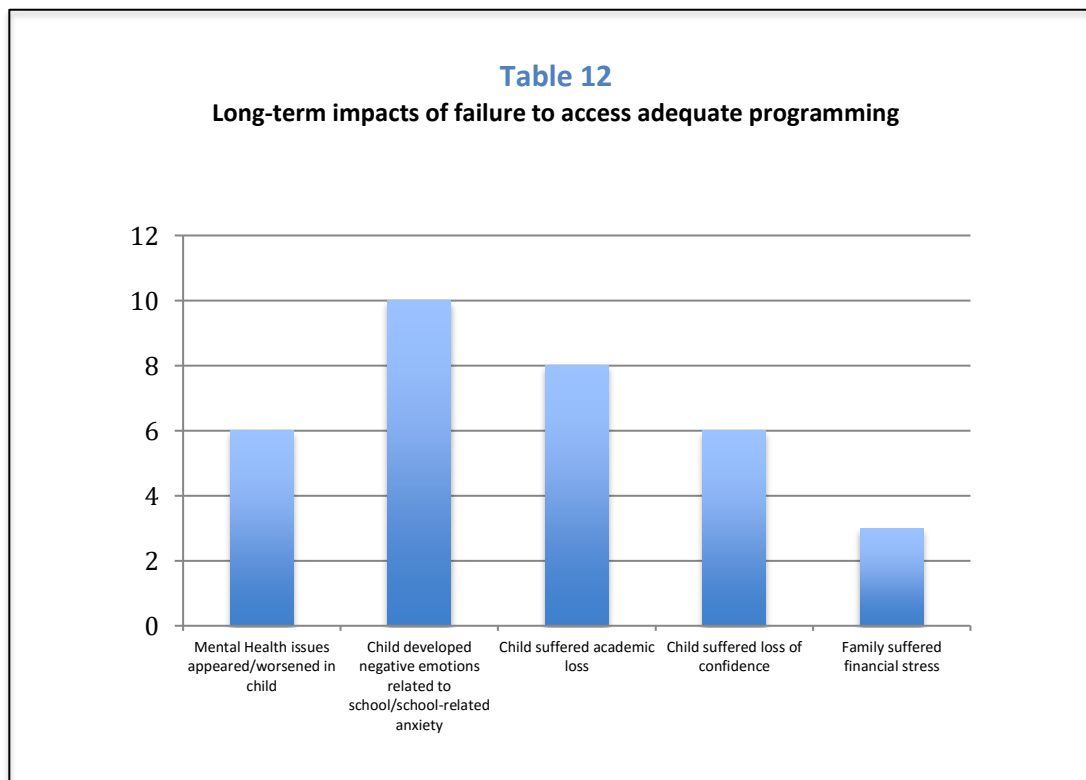
Only parents contacted for telephone interviews and a small subset of parents who offered more developed answers in the comment section of the online survey answered the question concerning the long-term impacts of a failure by their child to gain access to adequate programming. A total of 17 respondents offered an answer to this question.

58.9% of parents noted that their children tended to develop negative emotions related to school or school-related anxiety due to challenges in learning or stigmatization of their



special needs. 47.1% of parents noted that their children suffered often irreparable academic loss due to their children’s inability to access specialized educational services. 35.3% of parents noted that mental health issues either appeared or worsened in their children due to stress and frustration with learning at school, and 35.3% of parents noted that their children lost confidence in their ability to succeed. 17.7% of parents noted that their family suffered financial stress due to the need to spend money so that their children could access the services and programs they needed in order to advance in school and succeed.<sup>56</sup> (See Table 12) One parent commented:

*‘It seems like every year [my child] gets more jaded about school. He gets down on himself and feels like he isn’t good because he can’t focus. He hasn’t been set up for success, and it affects self-esteem and his anxiety about school. Often, he says his stomach hurts in the morning, and doesn’t want to go to school.’<sup>57</sup>*



<sup>56</sup> Online survey, Respondent no 1, 2, 4, 8, 9, 13, 14, 17, 22, 25, 29, 31, 32, 33, 35, 36, 39

<sup>57</sup> Online survey, Respondent no. 8

## 5. Conclusion and Recommendations

Through qualitative and quantitative research, this project aimed to identify key issues and challenges faced by parents of special needs children in accessing Special Education in Ontario, with the objective of identifying changes required in legislation, policy, mindset and operational practice. We conclude that the following six issues are the barriers and obstacles to accessing Special Education in Ontario:

- Inability to access adequate programming to accommodate for learning disabilities, psychological and mental health factors and other special needs;
- Inability to build and sustain open, responsive, and reciprocal communication between parents and schools;
- Teachers working with special needs children lacked training, understanding and empathy;
- Schools lacked transparency by not presenting parents with the full spectrum of placements and services available to their children;
- Lack of implementation of Individual Education Plans (IEPs) and
- Schools being unable or unwilling to offer the full spectrum of programs and services provided for in their Special Education policies, either due to lack of openness or lack of resources.

Parents with whom we conducted interviews were asked what policies, programs, services or reforms could have eliminated these challenges or facilitated their child's access to adequate programming and services. Based on the feedback, this research report recommends:

### **In terms of operational practice:**

1. The Ontario Ministry of Education should increase funding to school boards specifically intended for investment in Special Education programs, services and training to ensure that teachers are well-versed in inclusive education, equipped to work with special needs children and are sensitive to their needs.
2. School boards should ensure timely access to psycho-educational assessments, including the implementation of mandatory procedures to respond to parents requesting an IPRC determination and timelines for producing assessments.

### **In terms of mindset (Communication policy oriented towards better Customer/Client Service):**

3. Ensure timely responses from school and school board staff to parents' voicing concerns regarding their child's education.

4. Establish transparent processes for psycho-educational assessments.
5. Establish processes and programs to ensure that alternate solutions to special needs are implemented while more permanent solutions are sought

**In terms of legislation & policy:**

6. The implementation of a third party complaints resolution mechanism independent from school boards to help parents seeking accommodations for their children through an expeditious and efficient process other than tribunals (Review purpose, function and relevance of Special Education Tribunal).
7. Enforce policies and regulations to ensure that schools and school boards are transparent with parents regarding their processes, including requiring schools and school boards to present parents with all Special Education placement and program options available to their children.

This research did not yield sufficient data to identify conclusively the factors motivating parents to choose one appeal mechanism over the other. More research will have to be undertaken to expand on this issue. However, this research did reveal a gap in parents' knowledge of how to access complaint and appeal processes and the lack of information forthcoming from school board personnel.

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*This document does not contain legal advice. Pro Bono Students Canada is a student organization. This document was prepared with the assistance of PBSC University of Ottawa Common Law Section law student volunteers. PBSC students are not lawyers and they are not authorized to provide legal advice. This document contains general discussion of certain legal and related issues only. If you require legal advice, please consult with a lawyer.*

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## Appendix A– Online Survey questions

1. As a parent of a special needs child or children, have you ever encountered challenges speaking with the classroom teacher about your child's /children's needs?  
☐ Yes  
☐ No  
Comments:
2. If your concerns were not addressed by the classroom teacher did you feel a need to speak with other staff (educational assistant, learning support teacher) at the school?  
☐ Yes  
☐ No  
Comments:
3. Did you ever initiate a request or requests for a meeting to discuss your concerns about your child, with staff at the school?  
☐ Yes  
☐ No  
Comments:
4. How receptive was the school principal in addressing your concerns?  
☐ Very receptive  
☐ Somewhat receptive  
☐ Not receptive  
☐ Hostile  
Comments
5. Did you have to communicate with school board personnel (learning consultant, coordinator, psychologist, speech therapist, superintendent) to help resolve your concern?  
☐ Yes  
☐ No  
Comments:
6. How receptive was school board personnel in addressing your concerns?  
☐ Very receptive  
☐ Somewhat receptive  
☐ Not receptive  
☐ Hostile  
Comments

7. List three challenges you encountered when trying to advocate for your child's needs at the school or school board level (for example: in class support, communication, follow-up, implementation of the IEP, requesting an IPRC meeting, lack of understanding of staff, lack of expertise):

Challenge 1:

Challenge 2:

Challenge 3:

8. Did you ever consider launching a formal complaint (wrote a letter, spoke with your elected school board trustee, complained to the media), over the way your concerns were handled by the school or school board personnel?

☐ Yes

☐ No

Comments:

9. Are you aware that you may now file a complaint with the Ontario Ombudsman's office over school related issues?

☐ Yes

☐ No

Comments:



## Appendix B –Interview Questions

1. What school(s)/ School board(s) did your child attend?
2. When and how did issues with your child's education begin and develop?
3. What was the nature of the issue you/your child faced?
4. How was the school's Special Education policy explained to you? Were you familiar with the placement process and the options available to you if you were unsatisfied with the placement or the special needs services offered?
5. How did you manage these issues?
6. What was the school/school board's response to your course of action?
7. What were some of the challenges you faced in trying to manage the resolution of these issues?
8. How was this finally resolved?
9. If the issue was not resolved, how far in the internal complaint process did you go? Did you resort to external complaint mechanisms such as consulting a lawyer, Ombudsman, ONCERT, HRTO or other? What were some factors that affected how far you went/were able to go in this process?
10. What are some of the long-term repercussions of the issues you faced?
11. What could have facilitated the resolution of this issue?
12. Other comments