

**Synopsis of a report on Special Education\*  
from Ontario’s Auditor General December 8, 2008**

## Background

Under the *Education Act*, the Ministry of Education (Ministry) has overall responsibility for the development of legislation, regulations, and policies for the provision of special education programs and services to students with special education needs. The province’s 72 publicly funded school boards are responsible for delivering these programs and services in accordance with ministry requirements.

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 special behavioural, communicative, intellectual, or physical needs. School boards determine whether students have special needs, and, if so, they identify their strengths and needs and recommend the appropriate placements. As can be seen from

Figure 1, the most common categories of special needs are learning disability, giftedness, and mild intellectual disability.

The Ministry bases its special education policies and regulations on the principle that placing students with special education needs in regular classrooms should be the normal practice when it meets the students’ needs and parents agree to it. However, school boards may place a student in special education classes if this better meets his or her needs and is supported by the parents.

Special education grants are a significant component of school board funding, amounting to \$2.1 billion or over 12% of annual operating grants.

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

Source of data: Ministry of Education

Type of Special Need	# of students	Percentage
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 & 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>

*\*none of the words have been changed, some sections omitted and others edited for brevity only*

## Summary

While the Ministry of Education (Ministry) has increased special education funding since the 2001/02 school year by 54%, the number of students served increased by only about 5%. Although provincial test results and our audit indicated that progress has been made since our last audit in 2001, there are still a number of areas where practices need to be improved to ensure that the significant funding increases result in continuous improvement in the outcomes for students with special education needs in Ontario. Some of our more significant observations are as follows:

- **Completion of IEPs:** The proportion of Individual Education Plans (IEPs) in our sample completed by the due date improved from 17% in our 2001 audit to almost 50% in this audit. The availability of information from student information systems has also improved since our last audit, and a number of information system initiatives were under way at the time of our audit. However, the information that school boards currently collect about students with special education needs, how early they are identified, the educational programs provided to them, and the results achieved was not yet sufficient to support effective planning and service delivery, program oversight, and the identification of effective practices.
- **Quality of IEPs:** The IEPs that we examined varied in quality with respect to setting the learning goals and expectations for students with special education needs working toward modified curriculum expectations. The learning goals and learning expectations for numeracy and literacy were generally measurable. However, the goals and expectations for other subjects were often vague. As a result, schools could not measure the gap between the performance of students with special education needs and regular curriculum expectations and assess whether the change in the performance gap between reporting periods was appropriate in the circumstances.
- **Documentation of IPRC decisions:** Identification, Placement, and Review Committees (IPRCs) make significant decisions regarding the education of students with special education needs, but do not adequately document the rationale for their decisions and the evidence they relied on. As a result, information that would be of use to IPRCs conducting annual reviews and to teachers in connection with the preparation of IEPs is not available. The lack of detailed information on the proceedings also limits the ability of boards to identify areas for systemic improvement in IPRC procedures.
- **Consulting with parents on IPRCs and IEPs:** School boards did not have sufficient evidence to demonstrate compliance with the requirement in Regulation 181/98 of the *Education Act* to consult with parents in connection with IPRCs and in the preparation of IEPs. We also found that the Ministry's expectations in this regard were not sufficiently detailed.
- **The pros and cons of formal identification:** The process for formally identifying students with special education needs—including IPRC meetings and professional assessments—is resource intensive. One school board we audited conducted fewer formal assessments to help offset the cost of additional special education teachers. The Ministry needs to compare the contribution to student outcomes

made by the formal identification process to that made by additional direct services provided by special education teachers and identify the strategy that results in the greater benefits to students.

- **Report cards and IEPs:** The provincial report card is not designed to report on the achievement of the various learning expectations in the IEPs of students who are being assessed against modified and alternative learning expectations, and on the extent to which students with special education needs have met their learning goals. As a result, parents and students were not adequately informed about the performance of students who were being assessed against modified and alternative expectations.

We found examples, particularly at the elementary school level, where report cards discussed the student's positive attributes but did not provide a candid discussion of the student's performance relative to expectations. As a result, some parents may not fully understand their child's rate of progress and areas for improvement.

- **Transitions from school to work, community or further education:** The required planning form for the transition from secondary school to work, community living, or further education was being completed by schools. However, there was no documentation on whether the actions noted on the planning form were completed and with what degree of success. There was also no documentation on the work done by schools to manage the transition of students with special education needs from school to school and from elementary to secondary school.
- **No process for assessing the quality of special education programs:** The Ministry does not require that school boards establish procedures to assess the quality of the special education services and supports at their schools and whether the schools complied with legislation, regulations, and policies. None of the school boards we audited had established such procedures.

## Parental Involvement in the IPRC Process

Regulation 181/98 requires school boards to provide parents with a Parents' Guide explaining the IPRC process. In addition, the Ministry's Special Education Guide for educators recommends that a staff member meet with parents before the IPRC meeting to discuss the IPRC process and to answer any questions. The Special Education Guide also suggests that IPRCs consider any information about the student submitted by parents, and that IPRCs encourage parents and students to ask questions and participate in IPRC meetings.

However, the majority of the files we examined did not contain evidence that the schools had sent a Parents' Guide to parents in advance of the original IPRC meetings. None of the files we examined contained evidence that a staff member had met with parents before the IPRC meeting or had attempted to arrange such a meeting. In the absence of documentation, we could not determine whether the members of the IPRC had encouraged parents and students to participate in the discussions at the meeting.

Although the Ministry's Special Education Guide states that IPRCs should consider information submitted by parents, the guide:

- does not suggest that school personnel should take the initiative to request information from parents that may be relevant to IPRC decisions; and
- does not include examples of the type of information that should be requested from parents to assist IPRCs in making their decisions.

## Monitoring Student Progress

The Ministry's IEP guide notes that IEPs provide "an opportunity for all those involved with the student to work together to provide a program that will foster achievement and success." One can, accordingly, judge the effectiveness of IEPs by the amount of progress students with special education needs make during each school year. In order to assess the amount of progress made by their students with special education needs, schools need to accurately measure students' positions at the beginning and again at the end of each school year. The IEP guide refers to these positions as students' current levels of achievement.

Helping students with special education needs realize their potential requires classroom teachers and special education teachers, in consultation with parents, to establish challenging but achievable learning goals. The Ministry's IEP guide defines an annual learning goal as a description of what a student can reasonably be expected to accomplish in a subject by the end of the school year. These learning goals provide teachers with the context they require to develop learning expectations for each term; students who achieve these expectations have accomplished these learning goals.

Students with special education needs are often not meeting the Ministry's regular curriculum learning goals for their age. For example, by the end of grade 3, a student with special education needs might have completed the learning expectations in language for the first two terms of grade 2. This is four terms behind the regular curriculum expectations (the student is behind by the last term of grade 2 plus the three terms of grade 3).

The IEP guide indicates that, in setting goals, teachers should consider the student's rate of acquisition of knowledge and skills (measured as the increase in the knowledge and skills the student has acquired over a given time period such as a school term or year). Monitoring changes in students' rates of acquisition of knowledge and skills would also assist teachers in assessing the effectiveness of teaching strategies and accommodations, and replacing those strategies and accommodations which are not working as expected. Determining students' rates of acquisition of knowledge and skills requires accurate measures of the extent to which students with special education needs achieve their learning goals each year. However, the Ministry and the boards we visited had not provided schools with detailed guidance on how to:

- measure rates of acquisition of knowledge and skills; and
- use this information to assess the effectiveness of teaching strategies and accommodations, and monitor the progress of students with special education needs.

As indicated in Figure 1, the most common exceptionality is learning disabilities. The psychological assessments of most of the students in our sample who had learning disabilities indicated that they were in the average range in most respects, except for their learning disability. Although students would have a gap between their current level of achievement and regular curriculum expectations at the time they were identified, with appropriate teaching strategies and accommodations, they would normally be expected to decrease this gap over time and begin meeting regular curriculum learning expectations. For these students, we expected to see:

- a clear assessment of the gap between the students' current level of achievement and regular curriculum expectations at the start of the school year for each subject where the students are being assessed against modified expectations;
- a clear goal for the change in the gap by the end of the school year, taking into account expected improvements in students' rates of acquisition of knowledge and skills as a result of the introduction and ongoing refinement of teaching strategies and accommodations;
- assessments of rates of acquisition of knowledge and skills, the extent to which annual learning goals were met, and the impact of these results on whether to continue or revise the current teaching strategies and accommodations; and
- the expected time frame for students to eliminate the gap between their current level of achievement and regular curriculum expectations.

None of the Ontario Student Records we examined met these expectations. For example, a student in our sample was identified as learning disabled in grade 2, but otherwise in the low average range of ability. This student's educational assessment stated that he was at the grade 1 level in language and mathematics. By the time this student was in grade 8, his IEP stated that he was working on the learning expectations for grade 5 language and grade 6 mathematics. Although the gap between this student's level of achievement and regular curriculum expectations had increased since grade 2, there was no evidence in his file that the school had assessed whether his lack of progress in closing the gap was appropriate in the circumstances.

Similarly, there was no assessment in the Ontario Student Records we reviewed as to why some students were performing better than expected. In our sample, several secondary school students designated by IPRCs as having mild intellectual disabilities, for example, were performing at grade level for applied courses, with average marks of over 70%. Our sample also included a student, designated by an IPRC as having pervasive developmental disorders, who had transferred from an alternative program to the regular secondary school program and was succeeding with intensive support. Such cases could have been the result of good practices that should be identified and shared with other schools, or the result of misidentifications that should be investigated with a view to improving the identification processes.

In addition to cases where the gap between a student's current level of achievement and the regular curriculum expectations is expected to decrease over time, there are also cases where the gap will widen over time, with no expectation that the student will return to regular curriculum expectations. In these cases, regular curriculum expectations may not be an appropriate benchmark to assess students' progress against.

## Timely Preparation of IEPs

In addition to learning goals and expectations, IEPs set out the accommodations teachers are to provide to students with special education needs and the teaching strategies they should use. It is therefore essential that they be completed promptly. For this reason, Regulation 181/98 requires that IEPs be completed within 30 school days of:

- a student's initial placement in a special education program; and
- the start of school for students returning to a special education program in September. The due date for the 2007/08 school year was October 16.

The proportion of IEPs in our sample completed by the due date improved from 17% in our 2001 audit to almost 50% in this audit. At two schools we visited, the IEPs for all of the files we reviewed had been completed by the due date and signed by the principals, parents, and the students aged 16 and older. At the other schools, the IEPs that missed the due date were late by an average of almost four weeks at elementary schools and seven weeks at secondary schools.

At the secondary school where the IEPs had been completed on time, we were advised that it was the practice to have special education teachers begin meeting with parents and students 16 and older in early September to discuss objectives and plans for the coming year. The purpose of these meetings was to help ensure that parents, teachers, and students understood and agreed to the learning goals and expectations and accommodations.

## Recommendations

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.

## Meaningful Report Cards

We found examples, particularly at the elementary school level, where report cards discussed the student's positive attributes but did not provide a candid discussion of the student's performance relative to expectations. As a result, some parents may not fully understand their child's rate of progress and areas for improvement. Some parents said that they genuinely did not know how well their children were doing overall. Parents also felt that while their children may have received credit for creativity, oral skills, and effort, the fact that their reading and writing was poor was not reflected in the report card. For example:

- A report card contained comments on how well and independently the student worked, and the subsequent report card observed that the student had proven that a good work ethic resulted in success. After seeing this report card the parents cancelled all special education services. However, according to the IEP, the student was still well below curriculum expectations in language and mathematics.
- Another report card stated that in visual arts the student usually mixed primary colours to create secondary colours. However, since this action was not directly related to a learning objective for visual arts, this comment conveyed little meaningful performance information.

## Assessment Guidelines for Modified Expectations

Where students are working toward the curriculum expectations for an earlier grade level, teachers assess them against the expectations for that grade. However, neither the boards nor

the Ministry has provided teachers with guidance on how to assess students when they are working toward lowered expectations for the current grade's curriculum. As mentioned earlier, we found that learning expectations in these cases tended to be vague rather than measurable. The result, as teachers indicated to us, is that sometimes all that is being marked is effort. The May 2006 report *Special Education Transformation* also recognized the need to develop appropriate measures to assess and track the progress of students who have modified curriculum expectations.

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:

## Recommendations

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.

## Monitoring Program Effectiveness, Quality and Compliance

Principals are required to ensure that their schools comply with numerous legislative, regulatory, and policy requirements regarding the delivery of special education services and programs. Superintendents are responsible for ensuring that the principals who report to them have taken appropriate steps to meet these requirements.

However, the Ministry does not require boards to establish a formal inspection process to verify compliance by schools with legislative, regulatory, and policy requirements as, for example, financial institutions would have in place with respect to their branches. The work by superintendents is not a substitute for a formal inspection process that periodically examines the special education services and supports provided to a sample of students and reports on the results of the inspections. None of the boards that we audited had established formal inspection processes.

In addition to compliance, the scope of inspections would also normally include identifying:

- locally initiated best practices that should be considered for implementation across the board; and
- policies and practices that may no longer be appropriate in the light of changes in technology, educational practices, or new research. This information would enable school boards to update their own policies and to provide advice to the Ministry regarding outdated legislative, regulatory, and policy requirements.

As mentioned earlier, in response to our last audit, the Ministry reviewed large samples of IEPs for proper organization and content, in 2001 through 2003, and again in 2006/07. The number

and seriousness of the findings in the Ministry's report on its 2006/07 review, as well as our findings in this audit, support the need for formal inspection processes.

Starting in the 2007/08 school year, the Ministry's Literacy and Numeracy Secretariat began providing school boards with financial support—\$16million in 2007/08 and \$13million in 2008/09—and advice regarding a school effectiveness review process. The process is intended to “provide ways in which teachers and school and system administrators accept responsibility to hold themselves accountable for ensuring that research-based, effective strategies are consistently implemented across the province.” The Superintendent of Special Education at one of the boards we audited stated that it was her intention to expand the school effectiveness review process to more thoroughly cover special education program quality and compliance.