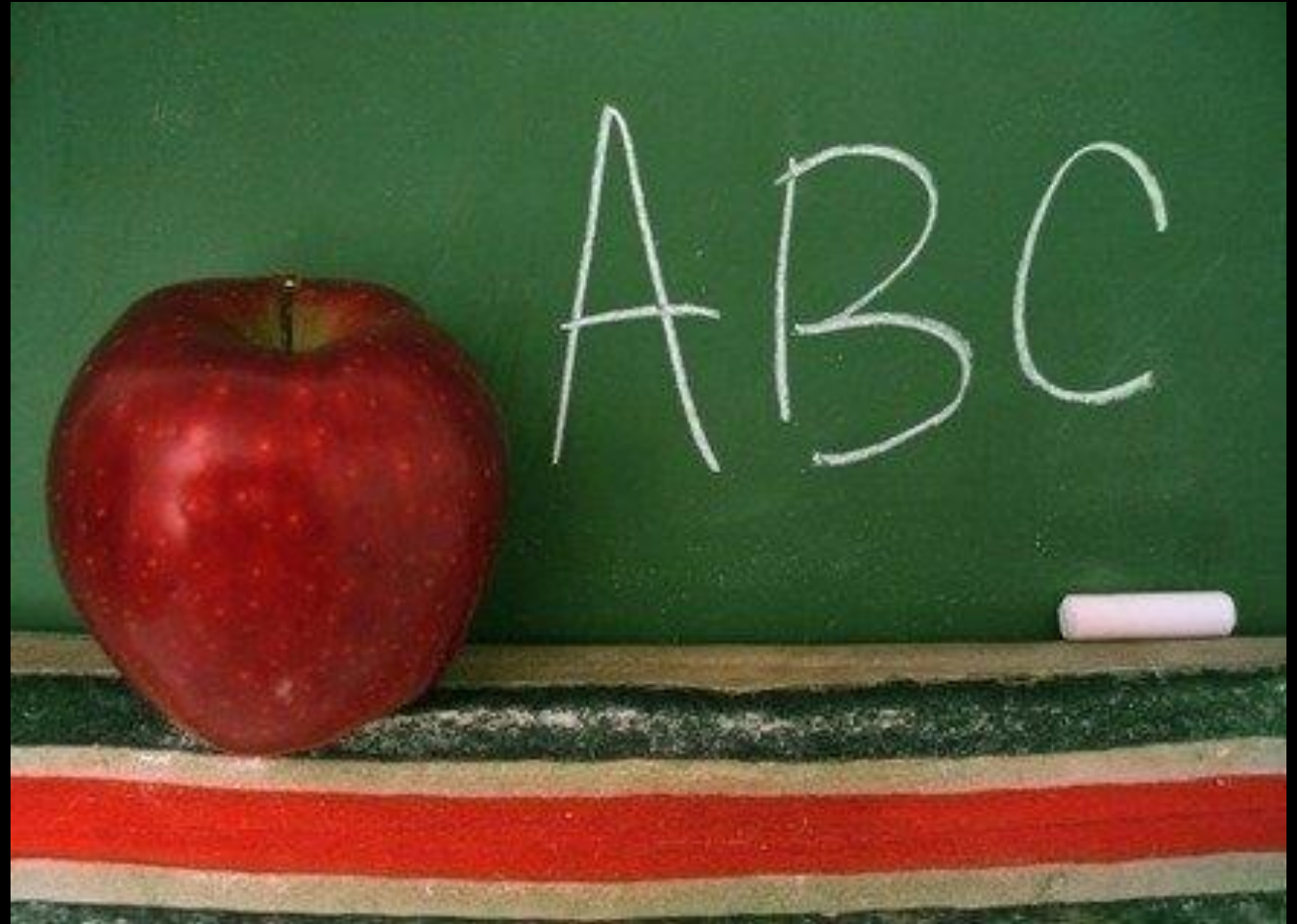


IPRC & IEP Success and Understanding your child's Legal Rights



Mark Courtepatte

March 7, 2019

Bio – Mark Courtepatte

- Co-chair Hamilton FASD Parent & Caregiver Support Group
- Frequent participation - IPRC and IEP School meetings
- Convinced Hamilton Wentworth District School Board (HWDSB) to recognize FASD under Exceptionalities (+ other Support Groups).
- Vice Chair HWDSB SEAC (**Special Education Advisory Committee**)
- Convinced Government of Ontario that grocery stores sale of alcohol is subject to Sandy's Law
- Assisted children in McMaster Psych Ward and Criminal Court Proceedings for FASD
- Member of the MCCSS FASD Website Advisory Committee



Presentation Overview

1.Intro

2.FASD Incidence

3.Success Factors

4.Education

- Challenges
- Achieving Success – the “process”
- Understanding your legal rights

5.Questions

1. Introduction



lost
at school

2. FASD Incidence

- LOW estimate is 2.9% in Ontario (1 in 33)
- CAMH (W.H.O.) Canadian Incidence study (April 2018)
 - Toronto District School Board
 - 46.9% of 8,209 completed consent form (53.1% did not)
 - 30.1% refused to allow child to participate
 - 40.9% biological mothers agreed to be interviewed (59.1% did not)
 - **Not one child identified had a prior FASD diagnosis**
- Down Syndrome, Spina Bifida, and Autism combined incidence is less than FASD incidence

3. Success Factors

1. Early diagnosis
2. Appropriate accommodations & support
3. Stable environment
4. Structure
5. Social integration
6. Abilities & expectations match
7. Validation and Understanding
8. Help them make sense of themselves
9. Others see them as having organic brain damage
10. Empathetic and compassionate interventions

3. Success Factors

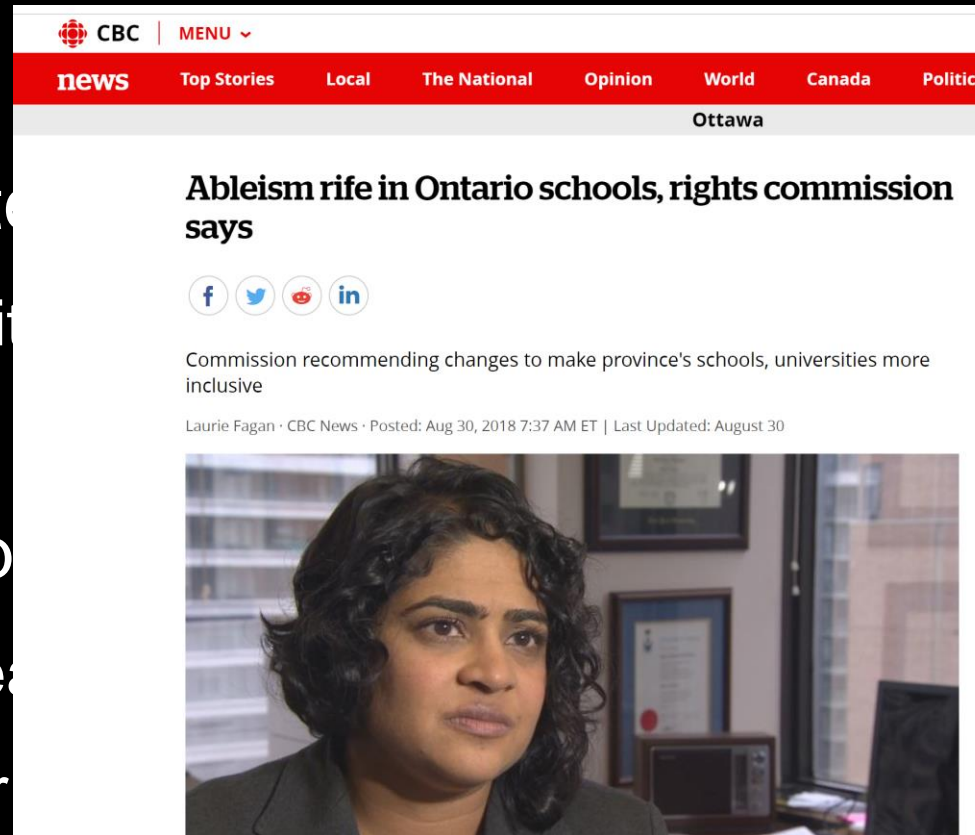
Making Mental Shifts about Students with FASD

<https://education.alberta.ca/media/385140/re-defining-success-supporting-students-with-fasd-2009.pdf>

From seeing the student as ... Won't Bad, annoying Lazy, unmotivated Lying Fussy Acting young Trying to get attention Inappropriate Not trying Mean Not caring Refusing to sit still Resisting Trying to annoy me Showing off	To understanding the student as ... Can't Frustrated, challenged Trying hard, tired of failing Storytelling to compensate for memory Hypersensitive Developmentally younger Needing contact, support Displaying behaviours of young child Exhausted or can't get started Defensive, hurt Unable to show feeling Overstimulated, overwhelmed Doesn't "get it," lacks understanding Can't remember Needing contact, acceptance
From personal feelings of ... Hopelessness Fear Chaos, confusion Power struggles Isolation	To feelings of ... Hope Understanding Organization, comprehension Working with Networking, collaboration
<i>Rethinking FASD can shift how school staff see their roles and relationships with students. It could result in professional shifts such as the examples below.</i>	
Professional shifts from ... Stopping behaviours Behaviour modification Changing people Teaching one way	To ... Preventing problems by identifying what student needs Modelling, using visual cues Changing environments Teaching many ways many times

4. Education – Challenges Cause

- Lack of identified or suspected
- Lack of IPRC/IEP (vast majority)
- Teachers / EA not trained to
- Support Group member / Sp
- Neuro-psych testing (multi year)
- Suspensions (OHRC improper)
- OHRC – Ontario schools rife with Ableism



4. Education – the “Process”



IPRC – Individual Placement & Review Committee

OBJECTIVES

1. Identification of Exceptionality / Required support
2. Determine best placement option

4. Education – the “Process”

Identification of Exceptionality - Exceptionality categories

Exceptionalities	Characteristics
1. Behaviour	Behaviour disability
2. Communication	Autism, Deaf and Hard of Hearing, Speech Impairment, Language Impairment, Learning Disabilities
3. Intellectual	Gifted, Mild Intellectual Disability, Developmental Disability
4. Physical	Physical Disability, Blind and Low Vision
5. Multiple	Multiple Exceptionalities (2 or more prominent)

Ministry of Education – Dec 19, 2011 memorandum

Ministry of Education

Special Education Policy
and Programs Branch
18th Floor, Mowat Block
900 Bay Street
Toronto ON M7A 1L2

Ministère de l'Éducation

Direction des politiques et des programmes
de l'éducation de l'enfance en difficulté
18^e étage, édifice Mowat
900, rue Bay
Toronto ON M7A 1L2



- 2 -

depending on the presentation, and the degree of the impact that ADD/ADHD has on that student's learning. Some of the areas in which a student with ADD/ADHD may have demonstrable learning needs include (but are not limited to) attention/focus, organization, processing speed, working memory, executive functioning weaknesses, mathematical processes and skills, and expressive and receptive language. A student who presents with such learning needs can be identified within the Communication (learning disability) exceptionality category, regardless of whether the medical criteria for a Learning Disability are met. In other cases involving students with ADD/ADHD where

Inclusion of some medical conditions (e.g., autism) in the Guide's definitions of the five categories of exceptionalities is not intended to exclude any other medical condition that may result in learning difficulties, such as (but not limited to) Attention Deficit Disorder/Attention Deficit Hyperactivity Disorder (ADD/ADHD), Fetal Alcohol Syndrome, Tourette Syndrome, Myalgic Encephalomyelitis, Chronic Fatigue Syndrome, and Fibromyalgia Syndrome

The broad categories of exceptionalities set out in subsection 1(1) of the Act (Behaviour Communication, Intellectual, Physical and Multiple) are designed to address the wide range of conditions that may affect a student's ability to learn and do not include any medical condition.

student. The Ministry welcomes feedback to assist in the continuous improvement of the development and implementation of effective IEPs.

Thank you for your on-going support.

The determining factor for the provision of special education programs or services is not any specific diagnosed or undiagnosed medical condition, but rather the needs of individual students based on the individual assessment of strengths and needs.

setting and the student may be identified as exceptional within one or more of the categories of exceptionalities (including, Behaviour, Communication, Intellectual, Physical and/or Multiple)

.../2

Reference: <http://www.edu.gov.on.ca/eng/general/elemsec/speced/2011categoryexception.pdf>

4. Education – the “Process”

IPRC – Individual Placement & Review Committee

● PLACEMENT OPTIONS

1. A *regular class with indirect support* where the student is placed in a regular class for the entire day, and the teacher receives specialized consultative services.
2. A *regular class with resource assistance* where the student is placed in a regular class for most or all of the day and receives specialized instruction, individually or in a small group, within the regular classroom from a qualified special education teacher.
3. A *regular class with withdrawal assistance* where the student is placed in a regular class and receives instruction outside the classroom, for less than 50 per cent of the school day, from a qualified special education teacher.
4. A *special education class with partial integration* where the student is placed by the IPRC in a special education class in which the student-teacher ratio conforms to Regulation 298, **section 31**, for at least 50 per cent of the school day, but is integrated with a regular class for at least one instructional period daily.
5. A *full-time special education class* where the student-teacher ratio conforms to Regulation 298, **section 31**, for the entire school day.

4. Education – the “Process”

IPRC – Individual Placement & Review Committee

Regulation 298, section 31 Maximum enrolment student/teacher ratio

The maximum enrolment in a special education class shall depend upon the extent of the exceptionalities of the pupils in the class and the special education services that are available to the teacher, but in no case shall the enrolment in a self-contained class exceed,

- a) in a class for pupils who are emotionally disturbed or socially maladjusted, for pupils who have severe learning disabilities, or for pupils who are younger than compulsory school age and have impaired hearing, **eight pupils**;
- b) in a class for pupils who are blind, for pupils who are deaf, for pupils who have developmental disabilities, or for pupils with speech and language disorders, **ten pupils**;
- c) in a class for pupils who are hard of hearing, for pupils with limited vision, or for pupils with orthopaedic or other physical handicaps, **twelve pupils**;
- d) in a class for pupils who have mild intellectual disabilities, **twelve pupils in the primary division and sixteen pupils in the junior and intermediate divisions**;
- e) in an elementary school class for pupils who are gifted,
 - i. twenty pupils, if the class consists only of pupils in the primary division,
 - ii. twenty-three pupils, if the class includes at least one pupil in the primary division and at least one pupil in the junior division or intermediate division, and
 - iii. twenty-five pupils, if the class consists only of pupils in the junior division or intermediate division;
- f) in a class for aphasic or autistic pupils, or for pupils with multiple handicaps for whom no **one handicap is dominant**, **six pupils**; and
- g) on and after the 1st day of September, 1982, in a class for exceptional pupils consisting of pupils with different exceptionalities, **sixteen pupils**.

4. Education – the “Process”

IPRC – Individual Placement & Review Committee

HOW TO OBTAIN AN IPRC

1. Provide a **written** Request (Principal, Parent/Caregiver)
2. Principal **must respond within 15 days**
3. Student 16 years or older can also attend



4. Education – the “Process”

IEP - Individual Education Plan

It doesn't have
to be a
challenge!!



4. Education – the “Process”

IEP - Individual Education Plan

What is an IEP? (per the Ontario Ministry of Education)

The IEP must be developed for a student, in consultation with the parent.

It must include:

- specific educational expectations;
- an outline of the special education program and services that will be received;
- a statement about the methods by which the student’s progress will be reviewed; and
- for students 14 years and older (except those identified as exceptional solely on the basis of giftedness), a plan for transition to appropriate postsecondary school activities, such as work, further education, and community living.

The IEP must be completed within 30 days after the student has been placed in the program, and the principal must ensure that the parent receives a copy of it.

4. Education – the “Process”

IEP - Individual Education Plan

1. Active participation (do not
2. Collaborative effort
3. Ensure the IEP includes
 - Specific details of method
 - What works / what does not
 - Early signs of being overw
 - Approach to address
 - SMART goals
4. Legally binding

5 Principles from Legal Rulings on IEPs



- q Address all unique needs, not just academics
- q Write the IEP based on needs, not availability of services
- q IEP is a binding commitment of resources
- q IEPs must be individualized
- q All required components of the IEP must be included

-- Barbara Bateman

4. Education – the “Process”

IEP - Individual Education Plan

It is CRITICAL
to establish
SMART goals!!!



4. Education – the “Process”

Sample “POOR” IEP content *** warning of a lack of FASD training

Annual Program Goals:

██████ will continue to develop skills to express his disappointment and frustration while abiding by the school and classroom rules and using strategies that promote positive co-operation between his peers and adults.

Learning Expectation

- understands and follow expectations during familiar school routines
- understands and follows expectations in non-preferred social situations
- minimize speaking out of turn

*** warning of a lack of parent input (review and sign)

Consultation

Activity Date	Activity	Outcome
2017-10-17	Parent consultation for IEP Review	The following is an updated Individual Education Plan (IEP) for the school year 2017/2018. Please review the IEP and sign that you have received a copy. Keep a copy of the IEP for your records. If you have any further concerns or would like to meet regarding the IEP, feel free to contact the classroom teacher or me at the school. Thank you. Ms. M. Di Placido, Special Education Resource Teacher (905- 560-7616).

4. Education – the “Process”

Example of Human Rights Challenge

Dufferin Peel Catholic District School Board - Ontario Human Rights violation

(Dufferin-Peel Catholic District School Board (Commission Settlement

The Commission mediated a positive settlement of four complaints with the Dufferin-Peel Catholic District School Board. The settlement followed a Commission investigation of concerns that the application of school discipline policies was having a discriminatory impact on students from racialized communities and students with disabilities. Through cooperation and good will, the parties reached a very positive agreement, which will result in increased education and understanding around race and disability-related issues for the Board and the staff .and students at its schools

One of the key issues raised in the complaints was that mitigating factors were not being sufficiently considered before imposing a suspension or expulsion on a student. In one case, a student with attention deficit disorder asserted that his inability to sufficiently control his behaviour due to his disability was not considered nor accommodated before he was suspended. In other cases, students related that they were the target of racial or other harassment. It was agreed that such mitigating factors are to be taken into account in determining whether discipline .or measures less severe than suspension or expulsion are more appropriate

As part of the resolution of these cases, the Dufferin-Peel Catholic District School Board has committed to undertake a number of measures ranging from anti-racism awareness and disability accommodation training, to sharing information on accessing the appeal process. Other initiatives include making alternative educational programs and services available to all students under suspension or expulsion, and working .with the Commission to look at gathering statistics and ensuring measures undertaken respect the principles set out in the Code

4. Education – the “Process”


IEP - Individual Education Plan

1. **Specific** - Write a goal in a **targeted** academic, behavioral, or functional **area** (i.e. reading, writing, social skills, etc.), include **clear descriptions of the skills** being taught or observed, **how progress will be measured**, **direction of behavior** (i.e. increase, decrease, maintain, etc.) and **what environment progress will be measured in**, and **level of attainment** (i.e. to age level, without assistance, with one adult reminder, etc.)
2. **Measurable** - You **can count or observe it**, basically you must use numbers and they must be meaningful. It is important that the baseline measurement is comparable to the goal measurement, this way we can see how much progress has been made in a year.
3. **Attainable** - It is best to write a goal you feel the child can and **will achieve with the appropriate services and supports** rather than to shoot too high. Remember, if the student exceeds expectations and meets their goal early, you should add a new goal to continue on the progress already made.
4. **Relevant** - Although we often pull from a goal bank, it is important to **modify and individualize your goals** to address the **unique needs and disability of that particular student**.
5. **Time-Bound** - Start by **considering the baseline and present levels of the student**, then decide what exactly they need to be able to do after a year of special education. You should be able to **progress monitor goals at regular intervals**.

Reference: <http://behaviorpsych.blogspot.ca/p/goal-bank.html>

HWDSB – Sample FASD IEP (pg 1-2)

*** Note that the sample lacks some specificity & SMART goals



HAMILTON-WENTWORTH DISTRICT SCHOOL BOARD

20 Education Court, Hamilton, Ontario, L9A 0B9, P.O. Box 2558, Hamilton, Ontario, L8N 3L1
 Phone: (905) 527-5092 IFax: (905) 521-2536
 Pam Reinholdt
 Interim Director of Education Todd White
 Chair of the Board

- Gross Motor Skills
- Kinesthetic Learner
- Visual Perception
- Drawing and Artistic Skills

- Executive Functioning (transitions, attention),
- Expressive Language Skills (Written)
- Receptive Language
- Self-regulation skills - frustration, anxiety, aggressive outbursts,
- safe movement through the building
- Sensory Integration
- Social Skills

FAST Track (Special Education)

Accommodations

Instructional Accommodations	Environmental Accommodations	Assessment Accommodations
<ul style="list-style-type: none"> • Always begin with a competency based activity • Frequent Breaks • Non-verbal signals/cues • Repetition of Information • Repetition of Information (concrete - using the exact same literal language each time) • clear and consistent expectations 	<ul style="list-style-type: none"> • Address sensory needs (i.e. Engagement, distraction and sensitivities - noise, movement, fidget, touch) • Consistent alternative work space • Establish a specific "quiet place" for self-calming • Establish clear and consistent routines • Maintain and Display Predictable Routines and Schedules • Use of technology • Staggered transitions 	<ul style="list-style-type: none"> • assistive technology • extra time for processing • Frequent Breaks • Oral Responses • reduced number of tasks to reach competency level • student conference • student demonstration • test review the day before

Areas of Strengths & Needs

STRENGTHS	NEEDS
Learning Skills - Responsibility	Alternative
Learning Skills - Self-Regulation	Alternative

Details

Alternative Program - Behaviour Skills	
Alternative	Alternative

HWDSB – Sample FASD IEP (pg. 3-4)

*** Note that the sample lacks some specificity & SMART goals

<p>Alternative Curriculum: Increasing Appropriate Behaviours</p> <p>Annual Program Goals:</p>		<p>Current Level of Achievement:</p> <p>XXXX is refusing to accept assistance saying "no I can do it". They are shutting down and being unresponsive. They are making poor choices and acting out and are often off task and unfocussed.</p>	
<p>Teaching Strategy</p> <ul style="list-style-type: none">• Use of a daily visual schedule• Provide praise continuously• Redirection and distraction• Alternative Curriculum• Use of Alternative Curriculum• Direct Instruction• Social Skills <p>Annual Program Goals:</p> <p>*Reminder: XXXX will accept help when offered (step by step support), ask just one.</p> <p>*Reminder: Due to the nature of the disability independence is not a matter of their chronological age to refer to their ability to do something. pudding we should not be saying "You're 14, you can do it" much lower age. Developmental Dysmaturity is the nature</p>		<p>Learning Expectations:</p> <p>1. XXXX will accept the help from others by saying yes, nodding or allowing the person to help.</p>	
<p>Teaching Strategy</p> <ul style="list-style-type: none">• Give step by step directions• Phrase tasks to be completed in simple direct sentences not formed in a question• Offer support in a positive way (not "you need help with your shoes again?" rather say "good job I can help you with that let's do it together."		<p>Assessment Method</p> <p>checklists and data collection</p>	
<p>Teaching Strategy</p> <ul style="list-style-type: none">• Modelling of correct phrases to use• Praise all requests for support ("I'm so glad you asked for help and I am happy to do that for you")		<p>Assessment Method</p> <p>checklist and data collection</p>	
<p>Teaching Strategy</p> <ul style="list-style-type: none">• Use of simple literal language and consistent scripting by all named.• Praise all attempts at asking and accepting help for the above.		<p>Assessment Method</p> <p>checklist and data collection</p>	
<p>Alternative Curriculum: Responsibility</p> <p>Annual Program Goals:</p> <p>XXXX will accept help when offered (step by step support), ask just one.</p> <p>*Due to the nature of the disability independence is not a matter of their chronological age to refer to their ability to do something. pudding we should not be saying "You're 14, you can do it" much lower age. Developmental Dysmaturity is the nature</p>		<p>3. XXXX will ask and accept help from 3 other people (list who the people are in your building).</p>	

HWDSB – Sample FASD IEP (pg. 5-6)

*** Note that the sample lacks some specificity & SMART goals

Learning Expectations:

1. XXXX will use a Role, Rule and Prop to support their transitions while being successfully dependent.

Teaching Strategy

- Role, Rule and a Prop (Role- last person to shut the door, Rule- must hold adult hand when transitioning, Prop - taking a transitional object)
- Direct modelling of moving to a new activity, turn taking, lining up with frequent practice
- Constant supervision
- Using first/then prompts consistently (competency based)
- Using consistent verbal praise
- Frequent positive interaction
- Provide transitional warnings (timer, visual, musical, physical) - avoid the abstract warnings of "in five minutes"

Assessment Method

checklist and data collection
student responses

XXXX will use socially acceptable habits (ie. using words, personal space, asking permission) when seeking attention during social interactions.

Current Level of Achievement:

XXXX has problems understanding abstract language, phrases, and concepts. This results in difficulties communicating with peers and teachers. This frustration and misunderstanding leads to 4-5 outburst and conflicts in a typical day.

Learning Expectations:

1. XXXX will use taught pro-social behaviours to replace outbursts and hands on difficulties.

Teaching Strategy

- Use cues and visual aids
- Provide concrete instruction and modeling of pro-social skills

Assessment Method

checklist student demonstration

transitioning in the classroom, lots of hitting and pushing occurs.

Learning Expectations:

1. XXXX will use a Role, Rule and Prop to support their transitions while being successfully dependent.

Teaching Strategy

- Role, Rule and a Prop (Role- last person to shut the door, Rule- must hold adult hand when transitioning, Prop - taking a transitional object)
- Direct modelling of moving to a new activity, turn taking, lining up with frequent practice
- Constant supervision
- Using first/then prompts consistently (competency based)
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Assessment Method

checklist and data collection
student responses

Human Rights & the Duty to accommodate is GLOBAL

United States 

Every Student Succeeds Act (ESSA)

<https://www.ed.gov/essa?src=rn>

Advances equity by upholding critical protections for America's disadvantaged and high-need students.

Office for Civil Rights (OCR): eliminate discrimination on the basis of disability against students with disabilities. OCR receives numerous complaints and inquiries in the area of elementary and secondary education involving Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794 (Section 504). Most of these concern identification of students who are protected by Section 504 and the means to obtain an appropriate education for such students.

Section 504 and the ADA

...designed to protect the civil rights of individuals with disabilities. The intent of these two laws is to prevent any form of discrimination against individuals with disabilities who are *otherwise qualified*.

... As well as individual State protections (Google search “Duty to accommodate student with disabilities ... and add the state or country name”

<https://www2.ed.gov/about/offices/list/ocr/504faq.html>

<http://www.ldonline.org/article/6108/>

<https://www.stimmel-law.com/en/articles/americans-disabilities-act-ada-and-educational-accomodation>

Human Rights - Duty to accommodate is GLOBAL

United Kingdom



It's against the law for a school or other education provider to treat disabled students unfavourably.

This includes:

- direct discrimination, for example refusing admission to a student because of disability
- indirect discrimination, for example only providing application forms in one format that may not be accessible
- discrimination arising from a disability, for example a disabled pupil is prevented from going outside at break time because it takes too long to get there
- harassment, for example a teacher shouts at a disabled student for not paying attention when the student's disability stops them from easily concentrating

An education provider has a **duty to make 'reasonable adjustments'** to make sure disabled students are not discriminated against. These changes could include providing extra support and aids (like specialist teachers or equipment).

Disability discrimination is when you are treated less well or put at a disadvantage for a reason that relates to your disability in one of the situations covered by the Equality Act.

The treatment could be a one-off action, the application of a rule or policy or the existence of physical or communication barriers which make accessing something difficult or impossible.

<https://www.gov.uk/rights-disabled-person/education-rights>

<https://equalityhumanrights.com/en/advice-and-guidance/disability-discrimination>

Human Rights & the Duty to accommodate is GLOBAL

Australia



Every Student Succeeds Act (ESSA)

<https://www.ed.gov/essa?src=rn>

Advances equity by upholding critical protections for America's disadvantaged and high-need students.

Office for Civil Rights (OCR): eliminate discrimination on the basis of disability against students with disabilities. OCR receives numerous complaints and inquiries in the area of elementary and secondary education involving Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794 (Section 504). Most of these concern identification of students who are protected by Section 504 and the means to obtain an appropriate education for such students.

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<https://www.stimmel-law.com/en/articles/americans-disabilities-act-ada-and-educational-accomodation>

Human Rights

- New Policy – August 2018
- 163 pages
- Support group member use as a visual

The policy:

- recognizes that education is vitally important to a person's social, academic and economic development
- reflects a broad definition of disability
- provides students and families with up-to-date information about their human rights and responsibilities
- offers practical guidance to education providers to meet their legal duty to accommodate
- reminds schools of their obligation to maintain accessible, inclusive, discrimination and harassment-free spaces.

http://www.ohrc.on.ca/en/news_centre/ohrc-releases-new-policy-and-recommendations-accessible-education


POLICY

Accessible education for students with disabilities




Ontario
Human Rights Commission
Commission ontarienne des
droits de la personne

4. Education – the “Process”


**Equality and
Human Rights
Commission**

[Home](#)[Advice and guidance](#)[Our work](#) ▾[Our legal action](#) ▾

[Home](#) / [Equality Act](#) / [Know your rights](#) / [Disability discrimination](#)



Disability discrimination

 **ADVICE AND GUIDANCE**

What is on this page?

- [What is disability discrimination?](#)
- [What the Equality Act says about disability discrimination](#)
- [Different types of disability discrimination](#)
- [Circumstances when being treated differently due to disability is lawful](#)
- [What else does the Equality Act protect against?](#)

Who is this page for?

- employers
- employees
- individuals using a service
- any organisation providing a service
- public sector

4. Education – the “Process” Approach



1. Request IPRC (**in writing**) to the principal.
2. Ensure your School Board recognizes the characteristics of FASD under the Ministry of Education Exceptionalities.
3. Actively participate in the IPRC process (provide medical info, testing, prior report cards, **collaborate** to reinforce needs)
4. Exceptionality and placement defined
5. Prepare **SMART** IEP (**collaborate** with the school board). Include triggers, early signs, supports, accommodations, methods to de-escalate, etc)
6. Once you are satisfied with the IEP and it is signed... the school board, teachers and EAs are “**legally**” bound to comply.
7. Communicate / confirm any communication **in writing**

ANY
QUESTIONS
?

Contact Info and Materials

Support Group Website: hamiltonfasdsupport.ca

Email : hamilton.fasd@gmail.com

KNOW
YOUR
RIGHTS

Thank
you