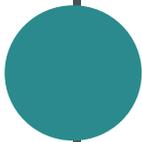


SPECIAL EDUCATION IN ONTARIO

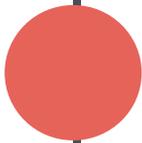
A GUIDE FOR STUDENTS AND CAREGIVERS



**Introduction to Special
Education in Ontario**



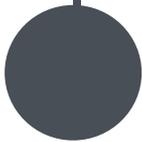
**The Identification,
Placement, and Review
Committee (IPRC)**



**Appealing the IPRC
Decision**



**The Individual Education
Plan (IEP)**



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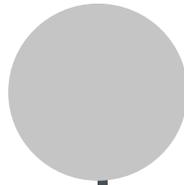
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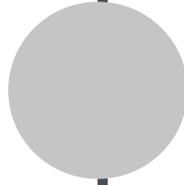


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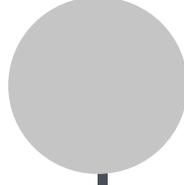
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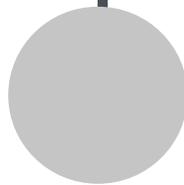
**The Identification,
Placement, and Review
Committee (IPRC)**



**Appealing the IPRC
Decision**



**The Individual
Education Plan (IEP)**



Glossary & Resources

Appeals

Disagree with the decision?

15
days

You have **15 days** to request a second IPRC meeting, or

30
days

you have **30 days** to file an appeal with the Special Education Appeal Board (SEAB).

Statement of Decision

As soon as possible after a decision is made, the Identification, Placement, and Review Committee (IPRC) must provide a written statement of their decision to the parent/caregiver and student 16+. This is called the Statement of Decision.

If the committee identifies the student as exceptional, the decision must include:

- The **category and definition** of exceptionality
- **Strengths and needs** of the student
- **Placement** decision
- **Reasons for placement in special education class**, if that is the decision
- **Recommendations** for a special education program and/or services

When you receive the IPRC Statement of Decision, you can:

- Agree with the decision, OR
- Disagree with the decision and choose one of these options:
 - **Do nothing.** The student will be placed after 30 days
 - **Request a second IPRC meeting** to review your concerns, within 15 days
 - **File an appeal** with the Special Education Appeal Board (SEAB), within 30 days

APPEALS AFTER THE IPRC MEETING

If you disagree with an IPRC decision

Within 15 days, make a written (email, typed, or handwritten) request to the principal to ask for a second IPRC meeting to review your concerns; or

Within 30 days, write to the secretary of the school board explaining why you disagree with the decision and to ask for an appeal to the Special Education Appeal Board (SEAB)



START

Second IPRC Meeting (Review)

After the meeting, the second IPRC will either agree with the first IPRC decision or change the decision. If you disagree with the second decision, you can appeal to the SEAB.

Special Education Appeal Board (SEAB)

This is a formal review process with a three person panel organized by the school board; parents choose one of the panel members.

The SEAB will review the documents related to the IPRC decision (including the decision).

If you have new and/or more complete expert information, you can ask the SEAB to consider it. The SEAB will host a meeting, also called a hearing, to consider the appeal.

School staff, parents, students 16+, and their representatives (if any) are usually at the SEAB hearing.



IPRCs are reviewed regularly; you can also ask for a review after the student has been in a special education program for at least three months

Special Education Tribunal (SET)

This is a formal process.

SET may dismiss the appeal, grant the appeal and set aside the identification and/or placement, or make changes to the identification and/or placement.

The school board usually has a lawyer and parents can also have a lawyer.

The SET decision will be made in writing, and is final.



SEAB Decision

Parents, students 16+, and the school board will receive a written statement of the recommendations.

The school board must decide whether to accept some, all, or none of the recommendations within 30 days.

If you disagree with the outcome, you can appeal to the SET within 30 days of receiving the school board's decision.



IPRC appeals are about the Identification and Placement decision only.

Disagreements about the Individual Education Plan (IEP) cannot be appealed. But if you have serious concerns about the IEP not meeting a student's needs you might be able to use human rights law options- e.g. complaint to the Human Rights Tribunal of Ontario.

See IEP pamphlet for further information.

Appeals

The second IPRC meeting

15
days

You have **15 days** to request a second IPRC meeting

15
days

Still disagree with the decision?

You have **another 15 days** to file an appeal with the Special Education Appeal Board (SEAB)

The IPRC is intended to support the student, but there are times when a parent and/or student 16+ may not agree with the IPRC decision. **The disagreement may be about the placement and/or the identification.**

To schedule a second IPRC meeting:

- Make a written request to the principal asking to talk about your concerns. This request must be made within 15 days of receiving the IPRC written statement of decision.
- Include **what** you disagree with, and the reasons **why** you disagree. Include any new information or documentation you have received from experts.

The IPRC team will then meet again to review their first decision. They will also read and consider any new information you provided to support your case in requesting a review.

The IPRC must send their second decision in writing to the parent and student 16+ as soon as possible.

If you still disagree with the second decision, you can choose to file a Notice of Appeal with the Special Education Appeal Board (SEAB). This must be done within 15 days of receiving the second/review decision.

You can choose to skip this step and go straight to an Appeal

Appeals



When a notice of appeal has been filed, the IPRC placement is put on hold

Parents & student 16+ can work with the school board to put in a temporary placement, pending the final results of the appeal

WHEN

You must file the appeal within 30 days of the original IPRC written decision
or
15 days of the second IPRC review decision

Filing a Notice of Appeal with the SEAB

To appeal the decision of the IPRC to the Special Education Appeal Board (SEAB), you must file a **Notice of Appeal** with the secretary of the school board.

The secretary of the board is usually the Director of Education for your school board.

You can find out who this is by asking the principal of your school, or searching online.

The **Notice of Appeal** must include:



WHAT you disagree with (identification and/or placement), and



WHY you disagree with the decision

Further information to include?

If you have further information and/or documents from experts that can be shared, such as medical reports or a new psychoeducational assessment, say so clearly in your notice of appeal letter.

Keeping to timelines is very important

As long as it is submitted on time, the request for an appeal should be accepted even if the notice is incorrectly written, or does not accurately describe the area of disagreement.

Appeals

The SEAB panel members

The Special Education Appeal Board (SEAB) will be made up of a panel of three people who will hear your appeal about the identification and/or placement of the student.

Who are the three SEAB members?



Representative selected by the school board



Representative selected by the parent



A chairperson, selected by the first two representatives

The SEAB makes recommendations about what they think the Identification and/or Placement of the student should be



Who can be chosen as the parent/student representative for the SEAB hearing?

Someone from a community organization. If you are not aware of any, the school board can provide a list



You cannot select:

- A Ministry of Education employee
- A member of the school board

The SEAB is a more formal process than an IPRC meeting. Their decision gives recommendations to the school board. The recommendations are persuasive, but the school board has the choice to accept or reject the recommendations.

What if I have questions before the hearing?

The school board must appoint a member of their staff to be the contact person, who will organize and prepare for the meeting.

Their role includes:

- letting you know how they will be sharing information (e.g. via email, or phone)
- being the contact person for any questions
- finding the meeting space - it must be a neutral space and reasonably close to the parents' home
- ensuring that parents and student 16+ are aware of their right to have a representative at the meeting

When is the hearing held and what can I do to prepare?

The meeting must be held at a convenient time and place, but no later than 30 days after the Chair of the SEAB has been selected.

30
days

The meeting can be held at a later date if the parent/student 16+ and school board have all agreed in writing.

If you have new or updated information, you should submit your documents to the board contact person and inform them that you would like it considered at the meeting

Can I bring a support person to the SEAB hearing?

In addition to submitting any new or helpful documentation, parents and students 16+ are entitled to be present for, and participate, in all discussions.

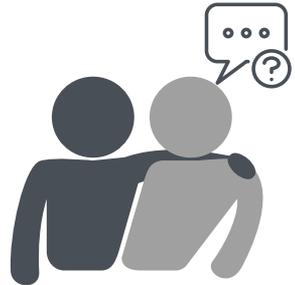
Parents and students 16+ are also entitled to have a representative at the hearing as a support, or to speak on their behalf.

The support person is different than the panel member that is chosen by the parent/student 16+

Who can I bring as a support?

You can bring anyone that you feel will help you through the process.

It could be a trusted adult, a family friend, or an advocate or staff member from a community organization.



Before the hearing, talk through your concerns about the IPRC decision(s) with the person you've invited to be your support.

You want to be clear on what you want from the hearing, as well as be clear with the support person what you want their role to be at the hearing.

Appeals

10
days

The school board or SEAB chair must give you written notice of at least 10 days before the appeal board meets

DID YOU KNOW?

The SEAB hearing

During the hearing, the SEAB panel members will review all prior IPRC decisions, any documents outlining the concerns with the decision(s) made, and will hear from any presenters.

After the hearing, the panel will provide a written statement of their recommendations and reasons for their recommendations.

Within 30 days of receiving the statement, the school board must decide whether to accept or reject the recommendations.



The school board must then send their notice of this decision to the parent and student 16+.

If you disagree with the school board's decision to accept or reject the SEAB decision, you can file an appeal with the **Special Education Tribunal (SET)**

There is no legal requirement for an official file to be kept following the SEAB decision.

Parents and students 16+ should keep copies of all information provided to them for their own records, including all written communications and notes about oral communications, any submitted information, the appeal board recommendations, and the school board decision.

The Special Education Tribunal (SET) is the final place to appeal the identification and/or placement of a student.

If you do not agree with the school board's decision to accept or reject the SEAB's recommendations, you must write to the SET within 30 days of receiving the school board's decision, to say that you would like to seek an appeal.

SET will send you a Form A: Notice of Appeal

You have up to 20 days to complete and file the Form A. You should include the IPRC decision, SEAB recommendations, and school board's decision to accept or reject the SEAB recommendations.



The school board has 10 days to file a response to your appeal with SET.



The SET has broad powers and the appeal is a formal hearing process



The school board usually has a lawyer, and parents may have a lawyer for the appeal



If you are a caregiver or student needing help to find a lawyer for the appeal, contact Justice for Children and Youth

As a first step, the SET will schedule a **voluntary mediation** prior to the pre-hearing conference, with the aim of settling the disagreement.

If issues remain after mediation, a **pre-hearing conference** will be held and **hearing** dates will be set.

Hearings can take 1-5 days.

Both sides will have a chance to present their arguments about what they think is the right identification and/or placement outcome for the student.



The decision from the SET will be made within 90 days of the hearing. The school and parent/student 16+ will receive the decision in writing.

There is no further process under the Education Act for appeals following the SET decision. The decision is final. Speak to a lawyer if you wish to consider further options to challenge the decision, outside the Education Act process.

IMPORTANT DEADLINES FOR IPRC APPEALS

START

Once you receive the IPRC Statement of Decision, you can:

Agree with the decision
or

Disagree with the decision and choose one of these options:

- **Choose not to appeal.** The student will be placed after 30 days
- **Request a second IPRC meeting** to review your concerns, within 15 days
- **File an appeal** with the Special Education Appeal Board (SEAB), within 30 days of the original IPRC decision

Appeal by filing in writing with the secretary of the school board

Second IPRC Meeting (Review)

After meeting, the second IPRC will either agree with the first IPRC decision or change the decision.

If you disagree with this decision, you can appeal to the Special Education Appeal Board within 15 days.

15 days

15 days

30 days

Special Education Tribunal (SET)

If you do not agree with the school board's decision to accept or reject the SEAB's recommendations, you have 30 days from receiving their decision to email or write the SET.

The SET will send you *Form A: Notice of Appeal*. You have 20 days to complete and return it. Include IPRC decision, SEAB recommendations, and school board's decision. School board has 10 days to file a response.

The SET has two steps to try and settle the disagreement before the hearing. First is a mediation. If issues remain, a pre-hearing conference will be held to set hearing dates (of 1-5 days).

The SET's final written decision must be given within 90 days of the hearing.

Special Education Appeal Board (SEAB) consists of three panel members



Parents and school board must select their SEAB panel representatives within 15 days

The two representatives must then choose the third SEAB panel member within the next 15 days

30 days

The SEAB must make its recommendations to the school board within 3 days of the hearing. The panel may agree with the IPRC Statement of Decision, or, disagree and make a recommendation about what they think should be the identification and/or placement of the student.

The decision made by SET is final and cannot be appealed. If you disagree with the SET decision contact a lawyer to talk about your options.



Justice for Children and Youth (JFCY) is a non-profit legal aid clinic that provides select legal representation to low-income children and youth in Ontario.

If you have a legal problem or have questions, contact us:
416-960-1633 or 1-866-999-5329 (toll-free in Ontario)
www.jfcy.org

Enhancing Access to Special Education (EASE)

A project by JFCY, designed to support students and families of students with special education needs to understand and navigate special education processes

 [@jfcy.ease](https://www.instagram.com/jfcy.ease)

JFCY would like to thank the numerous students, parents, caregivers, community supports, educators, and advocates that met with us and shared their experiences and expertise.

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