

## INTRODUCTION

The **Provincial Parent Association Advisory Committee on Special Education Advisory Committees (PAAC on SEAC)** was established in 1983 to provide a forum for parent associations whose members are eligible to sit on school board Special Education Advisory Committees to share ideas, strategies and address common concerns related to the work of Special Education Advisory Committees (SEAC) throughout the province. The provincial parent associations and their members are valuable resources not only to one another and to the Special Education Advisory Committees of school boards but also to the Ministry of Education, to school board officials, to education and service professionals, to parents and to the community at large in the decision making process for the provision of special education programs and services for exceptional pupils. The work of these associations in supporting their SEAC reps is further strengthened by their participation in the work of PAAC on SEAC.

This handbook is a revised and updated version of the **Handbook for Members of Special Education Advisory Committees** which was first published in January 1985 and was updated and reissued in 1995. Its purpose has been and continues to be to assist and guide members of SEACs to fulfil their role effectively. The information contained in this manual briefly reviews Ontario legislation and educational policies relevant to SEACs and provides suggestions and strategies to promote effective practices through the active participation of individual SEAC members.

### FOCUS ON SPECIAL EDUCATION ADVISORY COMMITTEES

The *Education Act* [Subsection 57.1(1)] requires every district school board to establish a Special Education Advisory Committee (SEAC). Regulation 464/97 requires that each school authority establish a SEAC. The composition and duties of this committee at both school boards and school authorities are set out in Regulation 464/97. The same Regulation also covers the majority of the procedural matters that relate to the effective and efficient functioning of SEACs.

The members of each SEAC include representatives of “local associations” ( a term that is defined in the Regulation and which has been clarified subsequently by the Ministry of Education), members of the school board and Native representatives. SEACs may also include additional members who do not belong to any of these groups.

The SEAC’s responsibilities include:

- C making recommendations to the school board in respect of any matter affecting the establishment, development and delivery of special education programs and services for the exceptional pupils of the board;
- C participating in the board’s annual review of its special education plan;
- C participating in the board’s annual budget process as it relates to special education;
- C reviewing the financial statements of the board as they relate to special education.

In the recently published *Special Education: A Guide for Educators 2001*, which has taken the place of the Special Education Information Handbook (1984), the Ministry of Education offered the following guidelines to school boards related to the functioning of SEACs. These are not in the Regulation, but should be considered as recommendations for useful practices.

1. The SEAC seats for representatives of local associations should be used to bring to the committee the perspectives of parents of children with a wide range of exceptionalities. Note that the ministry provides school boards with definitions of exceptionalities for use in the IPRC process. As many as possible of these exceptionalities should be represented on each SEAC.
2. Representatives of local associations should be persons who can express the concerns of the parents of the exceptional pupils of the board.
3. Representatives of local associations should bring the perspective and resources of a provincial or a national association that is incorporated and that operates throughout Ontario to further the interests of one or more groups of exceptional pupils.
4. The representative of the local association nominated by the association is normally the person appointed by the board.

As long as the association selects as its representative a member within the jurisdiction of the board, the actual address of the “branch” of the association should not be significant.

SEAC members (except those appointed to represent Native pupils) must be qualified to vote for members of the board and must be resident within the area of jurisdiction of the board. To be qualified to vote for school board members, a person must be:

- C a Canadian citizen;
- C at least eighteen years old;
- C in the case of a public school board, a public school elector;
- C in the case of a separate school board, a separate school elector;
- C in the case of a French-language DSB, a person with Section 23 Charter rights.

Employees of a school board are not eligible for membership on the SEAC of the board that employs them. However, employees of one school board may be members of the SEAC of another school board, subject to their eligibility to vote for members of the school board that appoints them.

In order to assist SEACs in making informed recommendations, boards should provide orientation sessions and may arrange for knowledgeable persons to provide in-service training sessions for members of the SEAC during the regular meetings of the SEAC.

## THE PAAC ON SEAC HANDBOOK FOR MEMBERS OF SPECIAL EDUCATION ADVISORY COMMITTEES

As stated earlier, the PAAC on SEAC Handbook for members of SEACs was originally published in 1985 and was reissued in 1995. Since that time a great deal has changed in the area of special education and in the legislation that governs it. As far as SEACs are concerned, the repeal of Section 206 of the *Education Act*, which dealt with SEACs in the past and the enactment of Regulation 464/97 in 1997 have represented the greatest change.

The purpose of the Handbook was and continues to be to assist and guide members of SEACs to fulfil their role effectively. The more knowledgeable SEAC members are about their role, about the relevant legislation, the special education plans and practices of their school board and the funding of special education, the more likely they are to be able to put forward effective recommendations to the school board and fulfill the other aspects of their important mandate.

The information contained in this handbook briefly reviews Ontario legislation and educational policies relevant to SEACs and to special education development and delivery practices. In addition, it provides suggestions and strategies to promote effective practices through the active participation of individual SEAC members.

The first section reviews Regulation 464/97 itself section by section, commenting, as appropriate, on the contents of the Regulation as written; the implications of the various sections of the Regulation for SEAC members and their organizations; and offers recommendations for effective practices. These effective practices are not contained in the Regulation itself, but comprise the experiences and contributions of the various organizations represented on PAAC on SEAC.

The second section of the Handbook focuses on the work of SEAC, describing the recommended regular and routine activities of SEAC members, supplemented by some more detailed effective and successful practices.

The third section offers a very brief overview of relevant legislation that SEAC members need to be aware of. The fourth section of the Handbook offers a historical perspective related to special education and to the role of PAAC.

There are a series of appendices containing additional useful information for SEAC members.

The Handbook does not contain any exceptionality-specific information nor does it address topics on which representatives of the various parent organizations may disagree. The strength of each SEAC lies in the ability of its members to co-operate and collaborate with one another and to focus on the rights of as well as the school boards' obligation to meet the needs of all exceptional pupils of the board.

Please note that direct quotes and legislative citations are all in italics.

## Section 1:

### **SPECIAL EDUCATION ADVISORY COMMITTEES** **In accordance with the *Education Act* and Regulation 464/97**

The existence of Special Education Advisory Committees is mandated by Section 57.1 of the *Education Act*. Section 57.1 reads as follows:

- 57.1 (1) *Special Education Advisory Committee.*---Every district school board shall establish a special education advisory committee.
- (2) *Same.*--The Lieutenant Governor in Council may make regulations requiring school authorities to establish special education advisory committees.
- (3) *Same.*--The Lieutenant Governor in Council may make regulations governing,
- (a) *the establishment and composition of special education advisory committees;*
  - (b) *practices and procedures relating to special education advisory committees;*
  - (c) *the powers and duties of special education advisory committees;*
  - (d) *the duties of district school boards or school authorities in relation to special education advisory committees.*
- (4) *General or particular.*--A regulation under subsection (3) may be general or particular and may be made to apply to any class of board and for the purpose a class may be defined with respect to any attribute and may be defined to consist of or to exclude any specified member of the class, whether or not with the same attributes.

1997, c. 31, s. 31.

**Regulation 464/97** is the Regulation that has been enacted under the *Education Act* to cover the work and function of Special Education Advisory Committees.

Section 1 of the Regulation defines “local association” for the purposes of SEAC, as follows:

*"local association" means an association or organization of parents that operates locally within the area of jurisdiction of a board and that is affiliated with an association or organization that is not an association or organization of professional educators but that is incorporated and operates throughout Ontario to further the interests and well-being of one or more groups of exceptional children or adults.*

Because there has been some ongoing debate about this definition, the Ministry has offered guidelines to school boards regarding the matter of nomination and appointment. However, the concerns about the obligation of school boards to appoint local association nominees as SEAC representatives have not been resolved so far. The Ministry of Education’s clarification has stated that school boards *must* appoint alternates and Indian representatives, as nominated. But when it comes to local association nominees, it is the Ministry’s *intent* that such nominees be appointed.

In addition, the Ministry has suggested to school boards that they consider the following:  
*“Please note that the language of the regulation may be capable of more than one interpretation. Therefore, the Ministry is encouraging school boards to act on the advice of their own board counsel if the interpretation involves a matter that is contentious.”*(May 29, 1998, Ministry of Education Policy Branch)

Recently, in response to the concern expressed by PAAC on SEAC and its member organizations about the practice of some school boards to request more than one nominee or to decline to appoint the local association’s nominee to the SEAC, Ministry staff added the following:  
*“Since SEACs are advisory committees of the boards and members must be appointed by the board, the ultimate responsibility for individual appointments must reside with the board. I would expect all school boards, in exercising their responsibility, to respect the preferences of the local associations with respect to appointments, unless there are very good reasons to do otherwise.”* (July 31, 2002, Alexander Bezzina, Project Leader, Special Education Project, Ministry of Education)

### **Membership of the Special Education Advisory Committee**

The Regulation states the following related to membership:

- 2.(1) *Every district school board shall establish a special education advisory committee that shall consist of,*
    - (a) *subject to subsections (2) and (3), one representative from each of the local associations that operates locally within the area of jurisdiction of the board, as nominated by the local association and appointed by the board;*
    - (b) *one alternate for each representative appointed under clause (a), as nominated by the local association and appointed by the board;*
    - (c) *such number of members from among the board's own members as is determined under subsection (4), as appointed by the board*
    - (d) *where the number of members appointed under clause (c) is less than three, one alternate, as appointed by the board from among its own members, for each member appointed under clause (c);*
    - (e) *one or two persons to represent the interests of Indian pupils, as provided by section 4; and*
    - (f) *one or more additional members appointed under subsection (5).*
  - (2) *The board shall not appoint more than 12 representatives under clause (1) (a) .*
  - (3) *Where there are more than 12 local associations within the area of jurisdiction of the board, the board shall select the 12 local associations that shall be represented. S. 2(3)*
  - (4) *The number to be appointed by the board under clause (1) (c) shall be the lesser of,*
    - (a) *three; and*
    - (b) *25 per cent of the total number of members of the board, rounded down to the nearest whole number*
  - (5) *For the purposes of clause (1) (f), the board may appoint one or more additional members who are neither representatives of a local association nor members of the board or another committee of the board.*
- 3 (1) *Every school authority, other than a board established under section 68 of the Act, shall*

*establish a special education advisory committee that shall consist of,*

- (a) two representatives from the local associations that operate locally within the area of jurisdiction of the board, as nominated by the local associations and appointed by the board;*
  - (b) one alternate for each representative appointed under clause (a), as nominated by the local associations and appointed by the board;*
  - (c) one member from among the board's own members, as appointed by the board;*
  - (d) one alternate, as appointed by the board from among its own members, for the member appointed under clause (c); and*
  - (e) one or two persons to represent the interests of Indian pupils, as provided by section 4.*
- (2) Where no local association or associations have been established, instead of the members and alternates required by clauses (1) (a) and (b), the board shall appoint two members and two alternates who are not members of the board.*
- 4 (1) Where a board has one member appointed in accordance with a regulation made under section 188 of the Act, the special education advisory committee shall include one person appointed to represent the interests of Indian pupils.*
- (2) Where a board has more than one member appointed in accordance with a regulation made under section 188 of the Act, the special education advisory committee shall include two persons appointed to represent the interests of Indian pupils.*
- (3) One alternate shall be appointed for each person appointed in accordance with subsection (1) or (2).*
- (4) The representatives and alternates shall be nominated by the councils of the bands with which the board has entered into agreements under section 188 of the Act.*
- The board shall appoint the persons nominated under subsection (4).*

### **SEAC Membership: Effective Practices**

To enhance the effectiveness of SEACs, parent associations should nominate members of their local chapters who are involved in association matters and actively participate in some manner within the local chapter of the association. For example, they may participate as members of the chapter's executive or participate on the local association's education committee.

SEAC members should be individuals who are willing to fulfil the recommended role of SEAC members, as described in section 2 of this Handbook.

### **Role of Alternate SEAC Representatives: Effective Practices**

The rationale for appointing alternates is three fold:

- (1) so that each local organization is always represented;
- (2) so that the committee is assured of having a quorum at each meeting;
- (3) so that individuals can receive the training that they need to become effective SEAC members. From this rationale follow the more detailed successful practices for SEAC alternates listed in section 2 of this Handbook.

## Disqualification of SEAC Members

5. (1) *A person is not qualified to be nominated or appointed under section 2 or 3 to a special education advisory committee of a board unless the person is qualified to vote for members of that board and is resident in its area of jurisdiction.*
  - (2) *Subsection (1) does not apply in respect of persons appointed under section 4.*
  - (3) *A person is not qualified to be nominated or appointed under section 2, 3, or 4 if the person is employed by the board.*
6. *Subject to section 7, each of the persons appointed to a special education advisory committee of a board shall hold office during the term of office of the members of the board and until a new board is organized.*
7. (1) *A member of a special education advisory committee vacates his or her seat if he or she;*
  - (a) *is convicted of an indictable offence;*
  - (b) *absents himself or herself without being authorized by resolution entered in the minutes from three consecutive regular meetings of the committee; or*
  - (c) *ceases to hold the qualifications to be appointed to the committee.*
  - (2) *An alternate for a member of a special education advisory committee vacates his or her position if he or she;*
    - (a) *is convicted of an indictable offence;*
    - (b) *absents himself or herself without being authorized by resolution entered in the minutes from three consecutive regular meetings of the committee in respect of which the alternate received a notice under subsection 9 (9); or*
    - (c) *ceases to hold the qualifications to be appointed as an alternate.*
  - (3) *Where a seat or position becomes vacant under this section, section 8 applies with respect to filling the vacancy.*
  - (4) *Despite subsection (3), where a member of the committee or an alternate for a member of a committee is convicted of an indictable offence, the vacancy or position shall not be filled until the time for taking any appeal that may be taken from the conviction has elapsed, or until the final determination of any appeal so taken, and in the event of the quashing of the conviction the seat or position shall be deemed not to have been vacated.*

## Vacancies on SEAC

8. (1) *If a seat or position on a special education advisory committee becomes vacant, the board that appointed the person whose seat or position has become vacant shall appoint a qualified person to fill the vacancy for the remainder of the term of the person whose seat or position has become vacant.*
  - (2) *The nomination requirements of sections 2, 3, and 4 apply with respect to appointments under this section.*
  - (3) *Where a seat of a member of the committee is vacant and has not yet been filled, the alternate for the member, if there is an alternate, shall act in the member's place for all purposes of this Regulation.*

## **Dealing with disqualification from, resignation from or filling a vacancy on SEAC: Effective Practices**

A SEAC member should inform his alternate and the local association which appointed him when becoming disqualified and/or resigning from the committee, thus giving the local association the opportunity to nominate a new member to the board. The local association should notify the board and the Chair of SEAC in writing of the resignation and then nominate a new representative.

If a SEAC member, due to personal or health related circumstances, needs to be absent from SEAC for more than three meetings, but intends to resume participation as soon as possible thereafter, he should make the necessary arrangements for his alternate to act in his stead for the period of his absence.

In turn, SEAC should notify the local association in writing when a member is to be disqualified for any reason. In the same communication, the Chair of SEAC should invite the local association to nominate a new representative or confirm the appointment of the alternate as the new member and nominate a new alternate.

If the local association does not nominate a new representative to fill a vacant position on SEAC, other associations may nominate representatives. This may mean that a particular exceptionality or local association will not be represented on SEAC.

Trustees appointed as representatives to SEAC should be regulated by the same rules of disqualification as association and community appointees.

### **Quorum for SEAC Meetings**

9.
  - (1) *A majority of the members of a special education advisory committee is a quorum, and a vote of a majority of the members present at a meeting is necessary to bind the committee.*
  - (2) *Every member present at a meeting, or her alternate when attending the meeting in her place, is entitled to one vote.*

### **Dealing with attendance at SEAC meetings: Effective Practices**

SEAC members should ensure that they or their alternate are available for all meetings to avoid having a meeting cancelled or postponed due to lack of quorum.

If unable to be present, SEAC members should notify the chair of SEAC of their inability to attend prior to the meeting and arrange for their alternate to be present so that their association is still represented.

## **Chair and Vice Chair of SEAC**

9. (3) *The members of the committee shall, at their first meeting, elect one of their members as chair and one of their members as vice-chair.*
- (4) *The vice-chair shall assist the chair and shall act for the chair at meetings in his or her absence.*
- (5) *The chair or, in the absence of the chair, the vice-chair, shall preside at meetings.*
- (6) *If at any meeting the chair and vice-chair are not present, the members present may elect a chair for that meeting.*
- (7) *The chair may vote with the other members of the committee and any motion on which there is an equality of votes is lost.*

## **Election of the Chair and Vice-Chair of SEAC: Effective Practices**

Each SEAC should develop a policy around the election of the chair and vice chair. For example, the SEAC could hold elections each January for the vice-chair position. The outgoing vice-chair would become the chair for the next year. In some school boards, where there are enough SEAC trustee representatives to make this feasible, the chair and vice chair positions alternate between trustee and local association and/or community representatives.

As part of the orientation and training of SEAC members, there should be training sessions on meeting planning and organization so that all members will feel qualified to assume the role of chair.

For a listing of successful practices on chairing a SEAC meeting, please see section 2 of this Handbook.

## **Access to Meetings**

9. (8) *The committee shall meet at least 10 times in each school year.*
- (9) *Where a member for whom an alternate has been appointed cannot attend a meeting of the committee, the member shall so notify the alternate.*
- (10) *Where an alternate receives a notice under subsection (9), he or she shall attend the meeting and act at the meeting in the member's place.*

## **SEAC meetings: Effective Practices**

A SEAC brochure should be distributed to all parents within the school board's jurisdiction in September of each new school year, so that all parents become aware of the existence of SEAC and the parents' right to attend the meetings to observe the work of SEAC. In addition, the SEAC brochure for the school board should be posted on the school board's website. The brochure should include contact information for all members of the SEAC.

Dates and times of SEAC meetings should be publicized by the school board.

Teachers, federation representatives, adult students and parents should be encouraged to attend

SEAC meetings.

SEAC alternate representatives should attend all meetings so that they will be well informed should they need to act as voting members.

SEAC meetings should be held at a time convenient to all SEAC members and parents to allow the maximum opportunity for involvement.

School boards should facilitate and pay the expenses of electronic meetings. School boards and local associations should cooperate to pay out of pocket expenses of SEAC members for mileage, parking, babysitting, attending approved conferences, workshops, etc.

### **SEAC meetings by Electronic Means**

- 10. (1) The board shall make available to its special education advisory committee the personnel and facilities that the board considers necessary for the proper functioning of the committee, including the personnel and facilities that the board considers necessary to permit the use of electronic means for the holding of meetings of the committee in accordance with the regulations made under section 208.1 of the Act.*

### **Electronic Meetings: Effective Practices**

SEAC, in consultation and co-operation with the school board, should develop procedures for holding meetings by electronic means. The school board should make available to SEAC information about companies that can assist with and manage electronic meetings.

For a listing of successful practices related to electronic meetings, please see section 2 of this Handbook.

### **SEAC Orientation**

- 10. (2) Within a reasonable time after a special education advisory committee is appointed, the board shall provide the members of the committee and their alternates with information and orientation respecting,*
- a) the role of the committee and of the board in relation to special education and*
  - b) Ministry and board policies relating to special education.*

### **SEAC Orientation: Effective Practices**

All school boards should organize and deliver information and training sessions pertaining to SEACs and special education to all SEAC representatives and alternates. These sessions should also be attended by special education personnel and trustees. The information provided at these sessions should include the following:

- C special education legislation and regulations;
- C school board policies and procedures pertaining to special education;

- C an organization chart of key special education personnel, services and facilities with contact phone numbers and locations;
- C copies of the annual Special Education Plan, the budget, financial statements and the most recently submitted October Report.

Each SEAC should develop its own orientation manual in consultation with the school board. All members of SEAC should be provided with a copy of the PAAC on SEAC Handbook, as downloaded from the internet website, the school board's parents' guide to special education and the Ministry's Special Education Guide. Information about special education, including the Special Education Plan and the Parent Guide, should be accessible on the Board's website.

### **Powers of the Special Education Advisory Committee**

- 11. (1) A special education advisory committee of a board may make recommendations to the board in respect of any matter affecting the establishment, development and delivery of special education programs and services for exceptional pupils of the board.*

### **Powers of the Committee: Effective Practices**

The SEAC is a committee mandated by legislation. Thus, the SEAC is a standing committee of the board. The SEAC is responsible for submitting carefully developed and appropriate recommendations to the board on all matters related to the provision of special education programs and services to its exceptional pupils. The SEAC must ensure that these recommendations focus on the most appropriate special education programs and services for all exceptional students, individually and collectively. The SEAC is not there to "rubberstamp" the recommendations or wishes of the members of the school board and/or senior administration. In turn, the school board must ensure that it involves its SEAC, in accordance with the ***Education Act*** and the Regulations, in all decision making related to the establishment, development, delivery and evaluation of special education programs and services.

Some suggested areas of focus for SEAC activities and debate, often incorporated in the school board's special education plan, are listed in section 2 of this Handbook.

## **Opportunity to be Heard by the school board**

11. (2) *Before making a decision on a recommendation of the committee, the board shall provide an opportunity for the committee to be heard before the board and before any other committee of the board to which the recommendation is referred.*

## **Opportunity to be heard: Effective Practices**

Members of SEAC should regularly attend board meetings as observers. It is imperative that they attend as a delegation, whenever a SEAC motion or recommendation comes before the Board. SEAC members should be encouraged and enabled to make presentations to all committees of the board to promote special education issues, especially when the topic under discussion has implications for fairness, equity, appropriate accommodations and access.

School boards should be aware of the statutory mandated advisory role of SEAC and enable SEACs to participate in all appropriate activities, discussions and decision making, hear the school board's responses to recommendations, receive all Ministry documentation pertaining to special education matters and to be heard, in accordance with the Regulation.

## **Annual Review of the School Board Plan**

12. (1) *The board shall ensure that its special education advisory committee is provided with the opportunity to participate in the board's annual review, under Regulation 306 of the Revised Regulations of Ontario, 1990, of its special education plan.*

## **Annual Review: Effective Practices**

The Annual Special Education Plan of each school board sets out how the Board will fulfill the legislated requirements to meet the special education needs of every exceptional student of the Board. The Special Education Plan is not a "wish list". It is a specific plan that outlines placements, programs and services for exceptional students. The Board can be held accountable if it does not meet the needs of exceptional pupils as outlined in its plan. The Special Education Plan must be developed and regularly reviewed in accordance with Regulation 306 under the *Education Act* and it must comply with the Ministry of Education School Board Special Education Plan Standards (2000).

For detailed information about the role of SEAC in this process, please see section 2 of this Handbook.

## **Funding/Budget**

12. (2) *The board shall ensure that its special education advisory committee is provided with the opportunity to participate in the board's annual budget process under section 231 of the Act, as that process relates to special education.*

## **Funding/Budget: Effective Practices**

The SEAC should appoint a representative to attend and participate in all budget meetings, present SEAC's issues and concerns to the budget committee and report back from the budget committee to SEAC.

Board personnel should supply SEAC with up to date data for the number of students in the board and the number of exceptional students. From this SEAC can calculate the Foundation Grant and the Special Education Per Pupil Amount (SEPPA) for all exceptional pupils.

Board personnel should inform SEAC about the total amounts granted to the school board for special education purposes under the allocation of the Intensive Support Amounts and the Special Incidence Portion.

SEAC should be prepared to attend the full school board's budget deliberations as a delegation.

## **Funding/Financial Statements**

- 12. (3)** *The board shall ensure that its special education advisory committee is provided with the opportunity to review the financial statements of the board, prepared under section 252 of the Act, as those statements relate to special education.*

## **Funding/Financial Statements: Effective Practices**

SEAC members should be provided with full detailed information regarding the funding of special education programs and services by the school board. This information should include:

- C the total allocation of funds,
- C the special education allocation, and
- C the funds required to meet the needs of identified exceptional students, in accordance with the programs and services described in the board's special education plan.

SEAC members should have knowledge and an understanding of the basic principles of education funding and how the board allocates the funds to the various parts of its budget.

SEAC needs to set up a process for monitoring the allocation of the funds that should be used for special education purposes. It is imperative that special education dollars be used to meet special education needs and not be diverted to other school board expenditures, however worthwhile.

SEAC must ensure, by passing a motion if necessary, that it receives regular reports on the school board's expenditure of special education funds.