

**A Cross-Canada Review**  
**of**  
**Selected Issues**  
**in**  
**Special Education**

**Prepared for**  
**Alberta Education**

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## **List of Appendices**

Appendix A Key Questions for the Project.

## BACKGROUND FOR THE PROJECT

Because Education is a Provincial/Territorial responsibility in Canada, there are no uniform requirements in either the training and certification of personnel who work with students with special needs or in the establishment of standards of educational practice relating to these students (or, indeed, in their definition.) For this reason, there are sometimes projects undertaken in which jurisdictions compare practices in the search for best options in light of their own circumstances.

Alberta Education identified five key areas of special education about which a pan-Canadian summary was needed:

1. Certification requirements for teachers working with students who have special needs – both those in regular classes and those in specialist positions.
2. Availability of in-service training and professional development in special education for both teachers and teacher assistants.
3. Current status of personnel working as Teacher Assistants/Education Assistants with students who have special needs.
4. Current requirements for the development of individualized plans for students with special needs and their evaluation.
5. Mediation/appeal processes across the country relating to students with special needs.

## METHODOLOGY

A set of 26 questions (Appendix A) was developed collaboratively between the contractor and Alberta Education personnel. These formed a framework for collecting information from each jurisdiction. The methodology used was:

- A search for previously published reports by educational organizations, Ministries, or in the academic literature that have a bearing on this project.
- A series of telephone interviews with key personnel in Ministries/Departments of Education with responsibilities for Special Education or Teacher Certification, or in those cases where certification is delegated, personnel from the College of Teachers (B.C. and Ontario).

- A review of the Mutual Recognition Agreement for the Teaching Profession in Canada (Montreal Draft, January 2008) which outlines current requirements for teaching credentials in Canada, to which 11 government Departments/Ministries of Education and two Colleges of Teachers were signatory.
- A review of the November 30, 2007 Trade, Investment and Labour Mobility Memorandum of Agreement for the Teaching Profession between Alberta and British Columbia
- Web searches of Ministry/Department websites and those of related organizations which are delegated responsibility through legislation. All Education/School Acts and related regulations, policies, and guidelines that could be located on-line were reviewed, along with other pieces of related legislation where cited.
- A review of several resource documents which were available in print or on line and which provide guidelines to school districts and schools in the area of Special Education.

In addition to questions posed in interview, the researcher identified documents already reviewed, and enquired as to whether there were other key documents available and their source. In some instances, respondents sent electronic copies of other material available, or additional url's where items could be found.

Mid-way through the project, the contractor learned that the Ministry of Education in Saskatchewan through a partnership with other agencies had already commissioned a report related to the question of teacher certification. The report had not yet been vetted or made public but through a series of contacts, a copy was obtained and reviewed, and arrangements were made to have the report shared with Alberta Education. It was agreed that only a synopsis of information already collected through this project or available in the Saskatchewan report would be included in the present project to avoid further duplication of effort on the certification component of this study.

The Reference section of this report identifies relevant documents and websites reviewed along, with date of access.

### **Limitations to Methodology:**

The information contained in this report is only as complete as that which could be garnered from interviews and from various documents that could be located either in print or through web searches.

Personnel interviewed were helpful in identifying other potential sources and in some cases forwarding electronic copies of documents. The researcher, in some instances, located other documents that had not been identified during interview and it is entirely possible that some may have gone undiscovered.

Websites vary considerably in terms of both the type of information available and the level of detail provided. Unless it is possible to locate print materials within the timeframes of a project, this could result in different levels of information from one jurisdiction to another.

In some cases, processes are still in developmental stages and information is not yet publicly available. In others, there is a lag time between materials being produced and their being available on the respective Ministry/Department website. In the case of Newfoundland, an electronic copy of the Education Act was not available. The researcher was informed that in light of several changes under way, the website did not contain several key regulatory and policy documents at the time of the survey.

In light of the discovery that some extensive information gathering had already been done in the area of teacher certification, the writer truncated searches of related documents in that area and summarized key points related to the questions originally posed.

## SUMMARY OF FINDINGS

Findings are reported based on each of the questions that were posed in the telephone interviews, supplemented by information from various published documents and websites for each of the jurisdictions. It may be that other documents exist which were either not located or not brought to the attention of the researcher through the interview process.

This section of the report represents a quick overview of what was learned for each of the research questions.

### **PART 1 - Teacher Certification:**

#### ***1. What are the certification requirements for ALL teachers in your jurisdiction regarding special education course requirements?***

There was no jurisdiction in which there was specific coursework in Special Education required for certification.

In some jurisdictions, there are teacher education programs which do specify coursework in Special Education as a requirement for graduation. (Examples include the University of Prince Edward Island and the University of British Columbia, among others.)

In other jurisdictions the standards for teacher education include some reference, sometimes indirectly, to expectations that classroom teachers be able to address the needs of a diversity of learners, to assess the learning needs of children, and/or to vary their instructional methods to suit individual students and these are understood to be requirements for certification.

In discussion of teacher education programs with Provincial/Territorial administrators, it appears that in some cases there is considerable variation across teacher education faculties, even within the same province as to the extent and depth to which teachers in training are provided with basic information about special education. Some faculties offer an introductory survey course in special education as part of the basic training. Others attempt to incorporate the content in another course or series of courses.

Virtually without exception, personnel responsible for special education at the Provincial/Territorial level across the country see a need for improved skill and knowledge among classroom teachers in addressing education for students with special needs.

The general trend across Ministries/Departments of Education is toward encouraging local school districts/divisions to view training for classroom teachers about special education as being desirable in light of the trend over many years toward greater inclusion of students with special needs in regular classrooms.

There are some practical limitations to a more rigorous mandate in this area, among them the principles of academic freedom and independence for universities, and teacher recruitment and retention challenges in some areas of the country.

In both the Northwest Territories and Nunavut, the approach is to an entirely inclusive approach with a support teacher to assist the classroom teacher. The words "special education" do not appear in any Nunavut documents.

## **2. *Who/what bodies are responsible for teacher certification?***

Two provinces, British Columbia and Ontario, have removed the certification process from the direct control of the Minister through a College of Teachers established in legislation.

In all other jurisdictions, certification is through the Department/Ministry of Education.

Regardless of whether the authority for teacher certification rests with the Government or with an arms-length body established in legislation, there is generally a mechanism to ensure that the teaching profession in the jurisdiction and other stakeholders' interests can be reflected. The fundamental difference is that with a College, the governing body of the college makes decisions and governs the process of certification directly, while in other instances there are committees or councils which provide advice to the Minister but do not have decision-making authority.

Table 1 on the following page outlines the mechanisms used.

**Table 1**

**Certification Processes across Canada**

<b>Jurisdiction</b>	<b>Arms-length body established in Legislation</b>	<b>Department or Ministry of Education</b>	<b>Comment</b>
Alberta		X	The Council on Alberta Teacher Standards provide advice and recommendations to the Minister on matters related to teaching, including teacher certification
British Columbia	B.C. College of Teachers		The Teacher Profession Act ([RSBC 1996] CHAPTER 449) provides the legislative base. The Council of the College consists of 12 elected and 8 appointed persons.
Manitoba		X	
New Brunswick		X	Teacher Certification Regulation - Schools Act., N.B. Reg. 84-192 requires the Minister to establish an Advisory Committee on Teacher Certification
Newfoundland & Labrador		X	
Northwest Territories		X	
Nova Scotia		X	
Nunavut		X	A working group with representatives from the Teacher's federation and the government may make recommendations to the Nunavut Teacher Qualification Service.
Ontario	Ontario College of Teachers		The Ontario College of Teachers Act (1996) provides the legislative base. The Council of the college is its governing body and board of directors, comprised of 23 elected and 14 appointed persons.
Prince Edward Island		X	
Quebec		X	
Saskatchewan		X	There is a Board of Teacher Certification on which the Ministry is represented. They advise the Ministry.
Yukon		X	

**3. Are there any special requirements for teachers working in Special Education, and if so, what are they?**

Ontario is the only jurisdiction which currently has legislation with special requirements for teachers working in special education. There are Additional Qualifications (AQ's) established by legislation in a number of areas which require 125 additional hours of study, others which require two academic semesters of study, and still others which require three-session courses.

Generally these are organized along categorical lines (for example, Intellectual delays or gifts, ASL, deaf-blind, behaviour, learning disability etc.) There are also some non-categorical certifications in the area of Assistive Technology and Inclusive Classrooms. The latter is not confined to students with special needs has a focus on the multicultural classroom.

**4. Are the requirements (if any) in legislation, regulation, policy or guidelines?**

Except for Ontario, where additional requirements are legislated, generally, the approach to specialist qualifications taken by jurisdictions is to encourage rather than require.

Manitoba provides a departmentally-issued certificate for those who have met the standards for qualification as a special education teacher or a special education co-ordinator, but there is no obligation on the part of school divisions to require that personnel meet these standards.

Manitoba also makes available specialist certificates for special education co-ordinators, as well as special certificates for psychologists, speech/language pathologists, occupational therapists and physiotherapists who work in schools. Similarly, Newfoundland and Labrador have special qualifications for ancillary professionals – speech/language pathologists and educational psychologists.

In Saskatchewan, registration with the appropriate governing body (for example, College of Psychologists) is required for educational psychologists and speech-language therapists working in school settings. In other jurisdictions, these are generally in guidelines, or sometimes a condition of employment in job descriptions. Requirements for these ancillary personnel are not complete, as this item went beyond the scope of the current project.

In the Yukon, recruitment and assignment of personnel is done by the Department, and specialist qualifications are cited as desirable in the job postings.

Several respondents indicated that the Provincial/Territorial level identifies desirable levels of training, skills and knowledge which are set out in guidelines to Boards, and that most local Boards tend to use these in their recruitment efforts.

There are several barriers to moving toward specialist certification. One is the availability of qualified personnel who would meet the guidelines. Another is the language in collective agreements with teachers. This is understandable since specialist certification can reduce mobility of teachers within the system and impact

on seniority provisions, or as one interviewee put it the view is that “a teacher is a teacher is a teacher”. Table 2 provides an overview.

**Table 2**  
**Qualifications for Special Education Teachers**

<b>Jurisdiction</b>	<b>Required in legislation</b>	<b>In Standards or Ministerial Directive</b>	<b>In policy or guidelines but not required</b>	<b>Department places in job postings as desirable qualifications</b>
Alberta		x		
British Columbia			x	
Manitoba		x	x	
New Brunswick			x	
Newfoundland & Labrador			x	
Northwest Territories			x	x
Nova Scotia			x	
Nunavut				x
Ontario	x			
Prince Edward Island			x	
Quebec			x	
Saskatchewan			x	
Yukon			x	x

**5. Is there a special certificate for teachers working in special education?**

Two Provinces have special certificates for teachers working in special education – Ontario, in which possession of such a certificate is required and Manitoba where it is available from the Department but not required.

Saskatchewan has developed an interesting approach to the special training needed for teachers working in special education. The Ministry specifies the areas of course content required in order to obtain a letter from the Ministry verifying that the teacher has met the standard. When a teacher does not meet the standard, it has funding implications for the employing Board.

Although not tied to certification, some Boards in Nova Scotia have developed a unique approach to retaining qualified Resource Teachers. They have developed “virtual schools” which employ them and the person responsible for Special Services is designated as the principal. This helps to address seniority issues that arise at the school level in the face of declining enrolment.

## **PART 2 - Professional Development and In-Service for Teachers:**

### **6. *Does the jurisdiction provide policies/guidelines with regard to teacher training in special education?***

In general, there are four main approaches to the question of teacher training.

- a) Mandate training in order to be eligible for a certificate in special education (Ontario)
- b) Specify requirements to be eligible for a certificate, which can be obtained either through coursework in a post-secondary setting, short courses, institutes or conferences, or some combination. (Manitoba)
- c) Organize an approach in collaboration with post-secondary institutions, and provide funding or support in other ways to increase the supply of teachers trained to the Master's level in Special Education (Nova Scotia, Prince Edward Island, New Brunswick, Newfoundland)
- d) Provide policy or guidelines with the expectation that Boards will use these in their recruitment efforts. (B.C., Alberta, Saskatchewan, Yukon, N.W.T., Nunavut) The Saskatchewan variation on this is to tie it to funding support for districts.

### **7. *What are the definitions/criteria used for Labour Mobility agreements vis-à-vis training in special education? (B.C. and Alberta only).***

A November 20, 2007 Trade, Investment and Labour Mobility Memorandum of Agreement for the Teaching Profession between the provinces of Alberta and British Columbia and the B.C. College of Teachers was reviewed. The document describes an acceptable professional teacher education program as consisting of "at least 48 credits in pedagogy coursework, including content related to teaching students with special needs and an acceptable practicum, or equivalent." (Sect. 3.1, (b)).

The interpretation of what includes content related to teaching students with special needs tends to be quite broad and non-specific with respect to the knowledge and skills required.

The B.C. College of Teachers states as one of its standards that "Educators have the knowledge and skills to facilitate learning for all students (emphasis is that of the writer) and know when to seek additional support for their practice". The College has instituted a process of requiring an Attainment Standards Report (ASR) for each teacher education institution describing the way in which standards of the College are met.

Alberta has established standards through Ministerial Directive which apply to all teachers. These are stated in terms of competencies rather than coursework. Each of the teacher training faculties in the Province offer opportunities for coursework in Special Education but these are not necessarily mandatory for graduation.

**8. *What Professional Development and training requirements are in place for special education?***

Every jurisdiction makes provision for non-instructional or professional days in the course of a school year, but the content of these is decided at the local level. In most instances, teachers are expected to have a professional growth plan for themselves, and in many school districts also require a school improvement plan for each school in their jurisdiction. These plans are generally developed by the staff based on a number of factors and available data.

In Alberta, the requirement for a Professional Growth Plan is mandated by Ministerial directive and is based on a set of core competencies which are set out for all teachers.

In British Columbia, each school jurisdiction is expected to provide an improvement plan and to provide to the Ministry data which demonstrates growth.

While these processes are in place to varying degrees across the country, none of them guarantee that professional development will be in the area of special education or students with special needs, although that may be the case.

**9. *Who provides the professional development/training?***

These questions relate to opportunities or requirements which are in place once the teacher has acquired certification. Various terminology is used, including in-service, professional development and post-certification learning opportunities.

In all cases, the local School Board has the major responsibility for professional development opportunities, although when a particularly initiative is under way in a Province or Territory, the Ministry/Department may offer directly, or arrange to be offered, training about that initiative. In the latter case, these generally occur through a consultation process with the field.

It is not unusual for Ministries/Departments to enter into agreements with third parties for the delivery of professional development. These could include Universities, through either on-line or summer courses or institutes, specialized agencies that are arms-length from Government, or professional organizations, including Teacher's Federations. Generally these are described as being collaborative efforts in terms of the overview planning.

Sometimes external expertise is brought in for conferences or short training sessions, either by the senior government or by the local board, but interviewees describe that they are increasingly trying to build expertise at a local level or within the Province/Territory.

Several jurisdictions describe initiatives in which they partner with other Ministries/departments for some aspects of professional development. This

tends to be the case particularly in addressing behavioural/emotional difficulties in children and the needs of students with multiple disabilities.

In some instances, Provincial Departments/Ministries undertake specific initiatives for in-service training in special education. In Ontario, these are generally tied to the introduction of new policies or resources, in which case professional development occurs regionally, using a “trainer of trainers” approach.

British Columbia uses a similar model at the Provincial level with twice-a-year training opportunities through an agreement with the B.C. Council of Administrators of Special Education.

Nova Scotia has had funding incentives provided for school boards to enhance training of Resource Teachers.

In Manitoba, because of the geography of the Province, larger urban districts tend to use their own personnel since there is considerable local expertise, while the Department specialists focus on more rural and northern areas of the Province for their training.

Alberta has developed a Regional Consortium model.

However, none of these are in a “pure” form – there are permutations and combinations of approaches depending on the particular need, circumstance, and availability of expertise.

It is becoming more common that professional development opportunities are offered either on-line or through the production of CD’s, in which case the Department/Ministry sometimes plays a lead role, or contracts the development work to a third party. On-line training is cited as being limited by a lack of band width in the northern territories.

Table 3 on the following page provides an overview of the approaches taken by various provinces/territories in the provision of professional development/training opportunities in the area of Special Education.

**Table 3**  
**Provision of Professional Development/Training Opportunities**

<b>Jurisdiction</b>	<b>Opportunities provided by Ministry/ Department</b>	<b>Opportunities provided by local Board.</b>	<b>Third Party arrangements with Ministry</b>
Alberta		X	Regional Consortia, sometime Alberta Teachers' Association
British Columbia		X	PRP's, Council of Administrators of Special Education
Manitoba	X	X	
New Brunswick		X	
Newfoundland & Labrador		X	
Northwest Territories	X	X	
Nova Scotia		X	
Nunavut		X	Linkages with Memorial University
Ontario	X	X	Trainer-or trainer model or contracted expertise.
Prince Edward Island		X	Arrangements with University
Quebec		X	
Saskatchewan		X	Collaboration with professional organizations & Teacher's federation for some.
Yukon		X	

**10. Who decides on the professional development and training priorities?**

Responses to this question were situation-specific, but in general there were three categories of responses:

- a) Local boards decide on the priorities at the local level. (Most common response).
- b) There are consultations (in various forms) between representatives of Boards and representatives of Ministries/Departments. Themes which are identified by the field form the basis of Provincial/Territorial initiatives.
- c) When the Ministry/Department identifies an existing or emerging issue as a result of data which it collects, it may mount a professional development or training initiative.

Almost all interviewees described some kind of consultative process by which they identify emerging issues or priority needs in the field, and often the senior level takes these consultations into consideration in any initiative which it undertakes.

**11. *Is participation in these professional development and training opportunities mandatory or permissive?***

The only instances in which participation was seen as mandatory were those where teachers are provided with school time off from instruction through official “non-instructional” or “professional development” days. These generally occur at the school district or school level, and local administrators monitor attendance. There were no instances described in which the Department/Ministry was involved in the process of monitoring attendance nor did there appear to be any standard practice to deal with instances of non-attendance.

When the Department/Ministry provides in-service to address new legislation, policy or initiatives, it was generally expected that the school board would ensure that it has a representative present, but again, attendance is not considered mandatory.

**12. *What specific initiatives are currently under way in your Province (Territory) to provide training in special education for regular classroom teachers and for those who work in Special Education?***

The most common thematic areas identified were:

- Behavioural Intervention (Positive Behaviour Support specifically mentioned).
- Autism and Applied Behavioural Analysis
- Response to Intervention
- Literacy and Numeracy
- Dispute resolution (targeted at Administrators rather than teachers).

## **PART 3 - Teacher Assistants:**

Various terms are used for these personnel who act as helpers for teachers because of the presence of students with special needs in their classrooms – teacher assistants, education assistants, student support workers, personal care attendants are some examples of job titles.

### ***13. Are there Provincial/Territorial standards for Teacher Assistants?***

In some cases, guidelines make suggestions for the knowledge and skills which would be useful for Teacher Assistants to possess. However, no specific standards were articulated at any level of legislation or regulation. A standards and evaluation guidelines document was located for New Brunswick and a Guidelines document from Nova Scotia addressing requirements and roles for teacher assistants. The Northwest Territories has developed a competency profile to assist personnel who evaluate the performance of support assistant personnel.

British Columbia, through an inter-ministerial agreement, makes specific provision for training for teacher assistants who are responsible for medical procedures such as suctioning or catheterization, and require qualified medical professionals to do the training.

Representatives of jurisdictions in northern Canada commented that most of their teacher assistants come from the community. Although they seldom have training beyond high school for the positions they fill, the fact that they come from the community and know the culture is a valuable asset.

In some parts of the country (including Alberta) there were difficulties with recruitment and retention of teacher assistants because of the recent job market. This may change with changes in economic circumstances.

### ***14. What type of training is available for them? (Pre-service?)***

There is little consistency across the country in terms of pre-service training. A number of post-secondary institutions are developing or have developed programs to fill this need, but there appears to be substantial variation in the content of the curricula and the length of the program, both across the country and within provinces. Many require some type of practicum in addition to coursework.

A research project conducted by Malaspina College in British Columbia reviewed 23 of the training programs available in the Province for Teacher Assistants. It showed substantial variation both in length of program and content included in the curriculum.

Across Canada, there appears to be a significant gap between pre-service and in-service training and job expectations for teacher assistants. As their numbers increase, it appears this is becoming a more pressing issue.

**15. Are there professional development opportunities for Teacher Assistants? What are they and who provides them?**

Most respondents indicated that Teacher Assistants were welcome to attend professional development sessions which were offered to teachers where they seemed appropriate. However, they are not generally paid beyond their specified hours of work, and this appears to be a deterrent for some. There also appear to be issues around the role of Teacher Assistants on professional days when there are no specific training opportunities for them and they are often not paid for these days.

Some jurisdictions have an organization for Teacher Assistants that puts on a conference or training session for these personnel about once a year.

British Columbia reports training opportunities for Teacher Assistants in areas such as Braille transcription, autism, and the use of assistive devices. These are carried out by specialized staff from various Provincial Resource Programs.

In Nunavut, it is reported that all Student Support Teachers do in-service training with the Teacher Assistants.

The New Brunswick Department takes a relatively active direct role in providing professional development for Teacher Assistants. In the past a Learning week (5 days) was held for TA's – sponsored provincially, - Last year the theme was supporting Literacy and Numeracy in the classroom. An Autism training project is currently under way– 9 resource teachers and about 50 TA's go through an ABA program with the University in Fredericton and about 100 have been trained thus far.

**16. Does your jurisdiction currently track the number of Teacher Assistants who are employed in the education system? Do you notice any trends?**

Many jurisdictions do not have a specific data base which tracks Teacher Assistants. Those who do not have specific data sometimes derive information from secondary sources including financial data or other staffing reports, and feedback from the field as to changes which are occurring.

Others track data on this question more specifically. Regardless of whether or not there is specific tracking, there is one common theme: The number of Teacher Assistants is increasing each year.

The increase is attributed to a number of factors, including

- An increase in the number of students with special needs
- Improved assessment methods leading to greater awareness of student needs

Some interviewees observed that part of the demand appears to be coming from classroom teachers as a result of the move toward inclusion, either because they are unable to make the necessary accommodations for whatever reason, or because they feel an additional pair of hands is needed in the classroom to manage the physical and behavioural needs of some students.

Nova Scotia has noted an interesting trend worthy of attention. Between 1996 and 2002 demand for Teacher Assistants (T.A.'s) was increasing rapidly, even in the face of declining population. At that point, a review suggested that the Resource Teacher: student ratio needed to be improved. As this ratio has been improving, the growth in the number of Teacher Assistants has slowed. Another facet is there is a re-focusing of the role of the T.A. on personal health and safety and behaviour management, with less focus on instructional assistance, which is seen to be the responsibility of the teacher.

## **PART 4 – Individual Planning for Students with Special Needs**

### ***17. Are IEP's (IPP's) used by school authorities (required by law, regulation, guidelines?)***

There is substantial variation in terminology across the country for a plan that is individualized for a student – Individual Program Plan, Individual Education Plan, Student Support Plan, Student Services Plan, to name a few. The most common term is IEP.

There is little variation across the country in the requirement for an individual plan for a student with special needs. While jurisdictions use various names for the individual planning process, the requirement for school authorities to develop an IEP in either legislation or regulation exists in virtually every jurisdiction for some students.

### ***18. For which students are IEP's (IPP's) required?***

There are essentially two approaches to determining the need for an IEP:

- A categorical system in which there are definitions of exceptionality in either regulation, policy, guidelines or some combination thereof, which make a student eligible.
- Less categorical definitions in which it is determined that a student cannot meet the learning objectives of the curriculum without adaptations, modifications, accommodations, or substitution of a more functional set of learning objectives.

The determination of who should have an individualized plan generally rests at the school level, with a school-based team that includes the parent(s). There is often assessment information from personnel outside of the school as well.

### ***19. How are the students identified?***

Sometimes the child has been identified in the pre-school years and registers at the school with considerable information already available on which to make a determination. This is generally the case with children who have sensory, motor, or severe intellectual difficulties or significant health concerns.

The most common response to this question, however, was that a process is followed by which the classroom teacher, upon observation of a child's exceptionality, generally having tried various strategies in the classroom first, refers the child to a school-based team or a support or resource teacher for assistance. Depending on circumstances, this is sometimes followed by a request from the school level for other expertise from personnel such as a school psychologist, consultant at the Board level, speech pathologist, or other specialized personnel. Generally there is a process for obtaining parental permission prior to any kind of formal assessment occurring.

Where conditions warrant, personnel from other agencies are also asked for assistance, through either a formal agreement with other Departments/Ministries or on a more informal basis.

Ontario is the only jurisdiction in which identification is via an Identification, Placement and Review Committee (IPRC) and tends to be somewhat more formal process.

The table below shows the level at which the requirement for identification was found. *Please note that generic language which describes the powers of the Minister to make regulations was not considered in this analysis to be sufficient for inclusion in the "legislation" column, but only if there was specific reference found to the identification of a student's special need.*

**Table 4**  
**Identification of Students with Special Needs**

<b>Jurisdiction</b>	<b>Legislation</b>	<b>Regulation</b>	<b>Policy</b>	<b>Guideline</b>
Alberta	X	X		X
British Columbia				X
Manitoba	X	X	X	
New Brunswick				X
Newfoundland & Labrador				X
Northwest Territories				X
Nova Scotia			X	X
Nunavut				X
Ontario	X	X		X
Prince Edward Island		X		
Quebec				X
Saskatchewan	X		X	X
Yukon				X

**20. Is the required content specified, and if so, what is it?**

Generally there is some guideline or model which jurisdictions use to ensure or encourage school personnel to meet a desired standard in the content of IEP's. Several jurisdictions have begun to use electronic IEP templates so that personnel at the school level have a model which they can fill in. This approach serves two purposes:

- (1) To encourage improvement in the content of the IEP and
- (2) To ease the workload of personnel at the school level.

Generally these are not collected at the Department/Territorial level, but in some instances they are beginning to form part of an electronic student-level data collection system. (B.C. is one example).

The common elements across jurisdictions appear to be requirements or expectations with regard to:

- Demographic information
- Description of the strengths and needs of the child obtained from both informal and/or formal assessment processes.
- Goals – both short-term and longer-term
- Strategies for goal attainment
- Responsibilities of each member of the team with regard to each goal – who is going to do what, and when.
- Methods for evaluating goal attainment, often with timelines attached.

**Table 5**  
**Specification of IEP Content**

Jurisdiction	Legislation	Regulation	Policy	Guideline
Alberta		X (Ministerial Order)		X
British Columbia		X (Ministerial Order)		X
Manitoba			X	
New Brunswick				X
Newfoundland & Labrador				X
Northwest Territories		X		
Nova Scotia			X	
Nunavut				X
Ontario		X	X	
Prince Edward Island				X
Quebec			X	X
Saskatchewan			X	X
Yukon				X

### ***21. Who is responsible for developing the individual program?***

This question led to a variety of interpretations.

Legislation is generally written in a way that places ultimate responsibility with the Board. Frequently, there is some statement in legislation that says the principal of the school is responsible for ensuring that children receive the appropriate educational program, and this is interpreted to mean responsibility to see that the IEP is developed.

In practical terms, however, all of the respondents said that it was either the classroom teacher, the resource/learning assistance teacher in collaboration with the classroom teacher, or the school-based team. Some specified that at the planning

level, parents would have input at the planning meeting, although they would not necessarily prepare the IEP/IPP written document.

Most often, it is a support teacher (variously referred to as a resource teacher, support services teacher or a learning assistance teacher) who was described as doing the actual paperwork involved or preparing the electronic copy of the IEP and keeping track of it.

At the Provincial/Territorial level, Ministries and Departments tend to see this as a developmental process in which school-based teams are still developing the skills needed to do this well, and administrators are still learning that they have a critical role to play in the process.

## ***22. Who evaluates progress?***

There is little beyond generic statements about assessing and reporting on student progress in legislation or regulation which clarifies responsibilities for evaluating student progress. These legislative or regulatory statements generally refer to the responsibilities of the principal and the teacher.

Some jurisdictions, (Alberta, British Columbia, Saskatchewan, NWT) cite the responsibilities of Boards to see that an evaluation occurs, while some others (for example, Quebec) specify the principal's responsibility to do so.

At the Policy or Guidelines level, responsibility for evaluating progress toward IEP goals is somewhat more complex. Since the IEP is developed by a team and responsibilities are assigned during the planning process, most respondents tied the responsibilities for evaluation to the assigned responsibilities identified in the individual plan as they relate to outcomes, whether or not there is a specific policy to guideline to this effect.

In practical terms, most of this was described as falling to either the classroom teacher and/or the resource/support/learning assistance teacher.

## ***23. How effective is the IEP/IPP process in your opinion? Do you have any data on this?***

There was virtually universal agreement among respondents that the IEP process is important as both a planning and an accountability tool. Across the country, interviewees tend to see the use of individual planning as a developmental process, with different school districts and different schools at different stages of development.

Jurisdictions do not collect IEP data at a Provincial/territorial level. However, there are a number of processes in place which provide information about IEP development and use. Some of these involve site reviews which serve not only as an accountability tool but also as an opportunity for professional development for the personnel at the site.

Saskatchewan recently undertook a review of IEP development which has provided information to the Ministry for future processes.

British Columbia has recently worked on a process to include IEP's in its electronic Student Information System. Several boards are now using it. It is the only jurisdiction in which there was central electronic access to IEP's at this time, although it is not at this stage providing information from across the entire Province.

Newfoundland has just undergone a major review and some changes have been just recently announced.

There is a trend toward providing electronic templates, either on-line or on CD. These are intended to serve two purposes:

- (1) They provide a model for teams to use as they develop their own skills in IEP development and
- (2) They reduce the amount of repetitive paperwork required to update the IEP.

## **PART 5 – Mediation and Appeals in Special Education**

### ***24. What legislative and policy provisions and/or guidelines are in place for provincial/territorial mediation services for special education?***

Jurisdictions are at very different levels in both their development of legislation and regulations around mediation and appeal processes and their experience with it. In most jurisdictions, there is a relatively comprehensive framework around appeals, but the process of mediation is less well developed.

There are specific differences around what can be appealed. Some pieces of legislation are specific about this, while in others the language is more generic.

One of the longest-standing processes has been in Ontario through the IPRC process. It is focussed on identification and placement and there is no formal process for appealing the educational program for a child. By contrast, the legislative language in the Northwest Territories specifies that the parent may make an appeal if they disagree with the individual program plan.

In Manitoba, the experience with Provincial legislation has led to a new focus on more informal problem-solving processes closer to where individuals involved in the process reside.

The British Columbia experience has been quite different, in that the original legislation kept the focus at the local school district level, requiring Boards to put in place appeal procedures. Eventually the Ministry determined that a process was needed for appeal beyond the local Board level and legislation was amended to reflect this. Experience with the new legislation at this stage is limited, but an unintended consequence is that many local Boards have placed a renewed focus on their own policies and procedures around appeal and mediation processes.

In Saskatchewan, the provisions are reportedly also new and thus experience with it is limited at this time.

While the Yukon has had a formal appeal process ending with the Minister, there has been only one case reported as having gone to that level in 12 years since the legislation was originally in place.

In Quebec, there is no official mediation or appeal process per se at the moment, but it is anticipated that some policies will be in place by July, 2009.

### ***Who pays the costs of mediation/appeals/tribunals?***

Given the limited experience across the country, there is no clear pattern at this stage. In the Yukon, the Department meets the costs. In British Columbia, costs of mediators and adjudicators and their training is met by the Ministry, while other costs are shared between the Ministry, and the school district, with some personal costs being those of the appellants if they wish to appear personally.

### ***25. Is there anything you would change about these requirements, and if so, why?***

Given limited experience in most jurisdictions, generalizations cannot be made.

## **PART 6: Additional Observations and Comments**

***QUESTION: Is there anything that I have not asked you about any of these topics that you would like to comment on?***

Generally, interviewees used this question to elaborate on earlier questions as additional thoughts came to mind. Each was given the opportunity to add to their comments by e-mail at any time during the project or to include them as they reviewed notes of the telephone interview. There were, however, some additional observations that may be useful:

- (1) Some expressed a sense that there needed to be some National body to examine a Canadian perspective on the education of students with special needs. While recognizing that education is a Provincial/Territorial responsibility in the constitution, the lack of any structure to attend to current and emerging issues arose. One interviewee specifically observed that CMEC appeared to have little interest in Special Education and wondered why that organization was not more active in survey and research work in this area.
- (2) Personnel in the Territories observed that models which appeared to work "in the south" had little relevance to them given the vast distances and cultural differences. The need for improved connectivity and band width to deliver in-service training and consultation over great distances was raised.

### **Summary of Findings and Analysis:**

Although there are differences across the country, there are many similarities in the trends and issues encountered. Teacher preparation in the area of special education is uneven across the country. Given the need for increased knowledge and skill on the part of classroom teachers if inclusion of children with special needs is to be successful, there is a sense that teacher preparation programs have not necessarily kept pace with system needs.

Ongoing professional development is a challenge, particularly when in the field of education there are so many competing demands for teacher time. Skills in the planning and implementation of individual plans for students with special needs need further development, as do accountability systems.

The increase in the number of teacher assistants and their professional needs is creating a pressing need for some consistency in pre-service training and eligibility requirements. Access to training programs is somewhat uneven. Contractual issues are emerging around professional development and in-service access for these personnel.

While some sharing exists through the Western and Northern Canada Protocol and throughout collaboration among the Atlantic Provinces, this project suggested that in the areas of professional development and in-service training, more could be done cross-jurisdictionally to avoid duplication of effort in the development and design of those training materials that focus on conceptual understanding, knowledge and skill

development in the area of special education for both teachers and teacher assistants.

Jurisdictions are making increased use of electronic formats for dissemination of information and in the delivery of training modules. In some instances, particularly in Canada's north, these are limited by band width.

Differences in approach to some extent reflect the geography of Canada and the cultural and historical differences from one area to the next.

Development of appeal and mediation processes is uneven across the country, and experience with them tends to be quite limited at this stage. There is a stronger legislative framework for appeals, while mediation – particularly by an independent third party trained as a mediator – is rare.

There appears to be in some instances a disconnect between what is required in legislation or ministerial orders/directives and what is reportedly the case in the field. Since legislation or ministerial directives imply an obligation on the part of someone to carry out something, and language used is "shall" or "must" it would appear that the lack of hard data to demonstrate that these things are in fact occurring is a challenge to the system. The writer concluded that in some cases there is a lack of capacity to monitor compliance. Most jurisdictions have taken the approach that an educational, developmental approach to improving practice is more desirable. Generally, where consequences result from monitoring, the implications tend to be of a fiscal nature.

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## APPENDIX A

### Key Questions for the Project

1. What are the certification requirements for ALL teachers in you jurisdiction regarding special education course requirements?
2. Who/what bodies are responsible for teacher certification?
3. Are there any special requirements for teachers working in Special Education, and if so, what are they?
4. Are the requirements (if any) in legislation, regulation, policy or guidelines?
5. Is there a special certificate for teachers working in special education?
6. Does the jurisdiction provide policies/guidelines with regard to teacher training in special education?
7. What are the definitions/criteria used for Labour Mobility agreements vis-à-vis training in special education? (*B.C. and Alberta only*).
8. What Professional Development and training requirements are in place for special education?
9. Who provides the professional development/training?
10. Who decides on the professional development and training priorities?
11. Is participation in these professional development and training opportunities mandatory or permissive?
12. What specific initiatives are currently under way in your Province (Territory) to provide training in special education for regular classroom teachers and for those who work in Special Education?
13. Are there Provincial/Territorial standards for Teacher Assistants?
14. What type of training is available for them? (pre-service?)
15. Are there professional development opportunities for Teacher Assistants? What are they and who provides them?
16. Does your jurisdiction currently track the number of Teacher Assistants who are employed in the education system? Do you notice any trends?

17. Are IEP's (IPP's) used by school authorities (required by law, regulation, guidelines?)
18. For which students are IEP's (IPP's) required?
19. How are the students identified?
20. Is the required content specified, and if so, what is it?
21. Who is responsible for developing the individual program?
22. Who evaluates progress?
23. How effective is the IEP/IPP process in your opinion? Do you have any data on this?
24. What legislative and policy provisions and/or guidelines are in place for provincial/territorial mediation services for special education? Who pays the costs of mediation/appeals/tribunals?
25. Is there anything you would change about these requirements, and if so, why?

Is there anything that I have not asked you about any of these topics that you would like to comment on?