



For Immediate Release,

DATE: May 05 2021

DISCRIMINATORY POLICY IMPLEMENTED BY THE TDSB WILL DO MORE HARM THAN GOOD

TDSB Seeks to Decrease Documentation of Supports Provided to Struggling Black Students

The TDSB has implemented a new kindergarten/grade one special education strategy that will now make it more difficult for Black students with disabilities to receive classroom accommodations. The strategy has been implemented in an effort to reduce the number of Black students receiving Individualized Education Plans (IEP). The TDSB feels that currently Black students with disabilities in kindergarten and grade one, especially boys, receive IEPs too often and that academic support or an IEP will have a negative consequence for these students. However, when questioned during a Special Education Advisory Committee (SEAC) meeting, the TDSB was unable to provide any evidence that IEPs cause negative outcomes. What is clear though, is the abundance of research which shows early intervention is crucial to positive outcomes. Early intervention programs have been linked to positive developmental outcomes, such as better school achievement, higher educational attainment, and lower rate of delinquency. ([Barnett, 1995](#); [Campbell, Helms, Sparling & Ramey, 1998](#); [Reynolds, Temple, Robertson & Mann, 2001](#); [Yoshikawa, 1995](#)).

The TDSB has used an anti-Black/anti-racism lens to justify this strategy, stating that Black students are disproportionately represented in special education programs, and that this new strategy will address this issue. The problem is, the TDSB is focussing on equality rather than equity. Equality means giving every student the exact same supports/resources while equity means providing students the supports they require to meet their potential. In an equitable environment proportionate representation is not relevant.

Students with a disability are entitled to accommodations under the Ontario Human Rights Code and the TDSB Human Rights Policy. IEPs are legal documents that outline what an individual student requires to be able to access the curriculum in its entirety and to achieve success. IEPs help teachers document accommodations and teaching strategies, monitor the student's progress, and provide a framework for communicating information about the student's progress to parent(s)/guardian(s) and students. By refusing IEPs for children with disabilities the TDSB is preventing the documentation of accommodations, thereby making it more difficult for parents to hold them accountable, and delaying the implementation of

supports for their disabilities. This policy prevents transparency and sets struggling students up for failure during their formative years. It also potentially opens the school board to human rights litigation.

The Centre of ADHD Awareness Canada, CADDAC fears that this new kindergarten/grade one strategy will not only hurt Black students, but will also affect any student with a disability that requires support, especially those who have a disability that is not listed in the categories of exceptionality set out by the Ministry of Education. This includes students with neurodevelopmental disorders such as Attention Deficit Hyperactivity Disorder (ADHD), Fetal Alcohol Spectrum Disorders (FASD) and Tourette Syndrome. Unlike other Ontario school boards, The TDSB has already made it impossible for these students to be identified as exceptional learners at an IPRC despite the [2011 Ministry Memorandum](#) stating that these students have a right to be identified as exceptional students if they express a learning need. A 2018 Ontario Human Rights Policy clearly recognizes ADHD as a disability requiring accommodation under the Code.

If the TDSB is genuinely concerned about the number of Black students receiving IEPs would it not be better to take a deeper look into why these students were given IEPs in the first place? What is causing these students to struggle? Is it perhaps due to a neurodevelopmental disorder that the TDSB does not recognize? Before rushing to become perhaps the only school board in Ontario to implement such a policy, the TDSB should be asking itself why they are so invested in making it more difficult for students with learning needs to access the appropriate accommodations for their disabilities and reducing transparency and accountability of schools in supporting struggling learners.

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