

BOARD GOVERNANCE PROCEDURE	
Adopted	M19-0088 (May 15, 2019)
Last Revised	May 2019
Review Date	

SPECIAL EDUCATION ADVISORY COMMITTEE

POLICY

This Procedure is made pursuant to the Board's Special Education Advisory Committee Policy.

PURPOSE

This Governance Procedure provides direction to the Board of Trustees (the "**Board**") and the Board's Special Education Advisory Committee ("**SEAC**").

LEGAL FRAMEWORK

SEAC is established in accordance with Section 57.1 of the *Education Act RSO 1990 c E.2* and Regulation 464/97 made under the *Education Act*.

SEAC MEMBERSHIP

Regulation 464/97 provides that SEAC membership shall be comprised of:

- a) Representatives of local associations;
- b) the Board of Trustees; and
- c) Members at Large,

as more particularly described below.

(a) Local Associations

The Board may appoint one representative from each of up to twelve (12) local associations as a SEAC Member.

Regulation 464/97 defines a "local association" as:

"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."

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Local association representatives are nominated for appointment to SEAC by the Board by their local association.²

Where there are more than twelve (12) local associations, the Board shall determine which twelve (12) local associations may nominate a representative for appointment to SEAC.³ In so determining, the Board shall take into account the advantages of representation from a broad spectrum of the exceptionalities for which HDSB provides special education programs and services.

(b) Trustees

The Board of Trustees may appoint up to two Trustees as SEAC Members.⁴

(c) Community Representative

The Board of Trustees may appoint one or more additional SEAC Members, as Community Representatives, provided that any such additional Member is not a representative of a local association, a Trustee, or a member of another committee of the Board.⁵

¹ Regulation 464/97, at Section 1(a)

² *ibid*, at Section 2(1)(a)

³ *supra*, at Section 2(3)

⁴ *supra*, at Section 2(1)(c) and 2(4)

In considering community representative appointments, the Board shall take into account the benefits to the Board of:

- a diversity of backgrounds amongst SEAC Members;
- geographical representation from all areas of Halton;
- an appointee's specific knowledge and skills relating to special education;
- the underrepresentation of any exceptionalities on SEAC

ALTERNATES

A local association entitled to nominate a SEAC Member may also nominate one Alternate for appointment by the Board.⁶

The Board may appoint up to two Trustee Alternates.⁷

Alternates do not have the rights of SEAC Members, except where the SEAC Member for whom they are appointed as Alternate is absent, in which case the Alternate shall assume the rights and responsibilities of the Member during the Member's absence.

Alternates are entitled to attend public session SEAC meetings, and to receive public session meeting resources provided to voting SEAC Members.

With the permission of the Chair, an Alternate may participate in meeting discussions, but may not participate in the debate of a motion.

MEMBERSHIP ELIGIBILITY

To be eligible for nomination as a SEAC Member or Alternate, a nominee:

- a) must be a resident of Halton and qualified to vote for Trustees of the Halton District School Board;⁸ and
- b) cannot be an employee of HDSB.⁹

TERM

Appointees to SEAC shall hold office for the length of term of the Board of Trustees, until a newly elected Board is organized.¹⁰

NOMINATION FOR SEAC MEMBERSHIP

The Board shall request that local associations submit written notice of its SEAC Member and Alternate nominee by no later than one (1) month before the first SEAC meeting of the Board's term. The Board's request for nominees shall specify the date by which nominations must be received, and to whom they should be submitted. A copy of the Board's SEAC Policy and Procedure shall be included with the request for nominees.

The Board shall consider the appointment of local association nominees, community representatives, and Trustee SEAC Members and Alternates, at the January meeting of the Board of Trustees, or as soon thereafter as is practicable.

VACANCIES

Notwithstanding the length of term identified herein, a SEAC Member shall have vacated 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 meet the eligibility criteria for appointment to the committee.*¹¹

⁵ *supra*, at Section 2(1)(f) and 2(5)

⁶ *supra*, at Section 2(1)(b)

⁷ *supra*, at Section 2(1)(d)

⁸ *supra*, at Section 5(1)

⁹ *supra*, at Section 5(3)

¹⁰ *supra*, at Section 6

Vacancies shall be filled as soon as practicable, in the same manner as nominations for appointment.

DUTY OF CARE

Regardless of how SEAC Members are nominated, they have an obligation once appointed to provide advice which is in the best interests of the Halton District School Board and its provision of special education services to all exceptional students.

In order to meet this obligation, SEAC Members must become knowledgeable about the education-related needs of each exceptionality, and consider how the Board may support and accommodate all such needs.

ROLE OF BOARD STAFF

The HDSB Superintendent for Special Education and Student Services, or designate, shall:

- a) ensure the personnel and facilities necessary for the proper functioning of the committee, and electronic participation in meetings, are made available to SEAC Members.¹²
- b) provide administrative support to SEAC, including distributing notices of meetings, agendaes and supporting materials, minutes, and other communications to SEAC Members, and Alternates as appropriate;
- c) ensure SEAC Members and Alternates have access to appropriate orientation and ongoing training, respecting:
 - i. The role of the committee and of the Board in relation to special education; and
 - ii. Ministry and Board policies relating to special education, within a reasonable time after SEAC Members are appointed;¹³
- d) ensure SEAC Members have timely and sufficient access to information to make informed advice and recommendations to the Board, as contemplated by Regulation 464/97 and the Board's SEAC Policy and this Procedure.

CHAIR AND VICE CHAIR

A Chair and Vice Chair shall be elected from amongst SEAC Members at the first SEAC meeting of the term.

The process for the election of Chair and Vice Chair shall, with necessary modifications, follow the process for Board Chair and Vice Chair elections as outlined in the Board's By-Law.

The Chair and Vice Chair shall be a voting Members of SEAC.

Duties of the Chair

The duties of the Chair shall include:

- a) presiding over SEAC meetings;
- b) ensuring the development of meeting agendaes which reflect the priorities and responsibilities of the committee;
- c) communicating with the Board, as authorized by resolution of the committee;
- d) such other duties as may be assigned by the committee.

During debate of a motion, the Chair shall remain impartial, and shall ensure that:

- no Member or Alternate shall speak unless recognized by the Chair.
- a vote shall not be called until all Members who want to speak to the motion have had a fair opportunity to do so.

Duties of the Vice Chair

The duties of the Vice Chair shall include:

- a) presiding over SEAC meetings in the absence of the Chair; and
- b) assisting the Chair with duties as required.

¹¹ *supra*, at Section 7(1)

¹² *supra*, at Section 10(1)

¹³ *supra*, at Section 10(2)

SEAC MEETINGS

SEAC shall meet at least ten (10) times in each school year.¹⁴

The agenda for SEAC meetings shall be developed by the Chair, Vice Chair, and the Superintendent for Special Education and Student Services, taking into account any requests from SEAC Members.

Members who attend committee meetings by electronic means shall be deemed to be present at the meeting, for purposes of quorum and satisfying the attendance requirements of Regulation 464/97.¹⁵

The majority of SEAC Members present in person or by electronic means shall constitute quorum.¹⁶

The SEAC agenda may include items for training, discussion, information, decision, and follow-up from previous meetings.

In accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, and the *Personal Health Information Protection Act*, SEAC is prohibited from discussing the personal information or particular circumstances of any HDSB student or staff person.

SEAC meetings shall be open to the public, except where Section 207 of the *Education Act* allows that the committee may meet *in camera*. A copy of this section of the Act is attached as Appendix A to this Procedure.

DECORUM

SEAC Members and Alternates shall participate in committee meetings in a manner which respects the rights of all attendees.

Members agree to:

- arrive on time;
- review the agenda and any supporting documents prior to the start of the meeting;
- raise a hand in order to request acknowledgement and the permission of the Chair to speak;
- speak only as permitted by the chair;
- speak only to the agenda item being discussed;
- avoid personal comments;
- respect the procedural rulings of the Chair;
- respect the role of SEAC as an advisory body to the Board on the education-related needs of all exceptionalities.

The presiding officer may expel or exclude from the meeting any person who has been guilty of improper conduct at a meeting.¹⁷

ADVICE TO THE BOARD

SEAC may communicate its advice to the Board by the following means:

Special Education Plan

The Board shall ensure SEAC has the opportunity to participate in the Board's annual review of the Special Education Plan.¹⁸

Board Budget and Financial Statements

The Board shall further ensure that SEAC is provided with the opportunity to participate in the Board's annual budget process, as it relates to special education,¹⁹ and to review the Board's financial statements, as those statements relate to special education.²⁰

¹⁴ *supra* note 1, at Section 9(8)

¹⁵ Regulation 463/97, at Section 1

¹⁶ *supra* note 1, at Section 9(1)

¹⁷ *Education Act*, Section 207(3)

¹⁸ *supra* at Section 12(1)

¹⁹ *supra* at Section 12(2)

²⁰ *supra* at Section 12(3)

SEAC Minutes

The Board shall receive the approved minutes of SEAC meetings for information.

SEAC Trustee Members or Alternates may, if so directed by SEAC or the Board, provide background information regarding discussion at SEAC meetings.

SEAC Recommendations

SEAC has the right to make recommendations to the Board regarding the establishment, development and delivery of special education programs and services.²¹

Any such recommendation must be approved by resolution of the committee. Approval of a resolution requires a vote in the affirmative by a majority of the Members present, in person or by electronic means.²²

SEAC shall consider a motion to resolve approval of a recommendation to the Board in accordance with this Procedure and the Board's By-Law provisions relating to rules of procedure, as may be amended from time to time.

The SEAC Chair shall ensure that any SEAC recommendation approved by resolution of the committee is forwarded to the Board. SEAC may at its discretion approve that a report providing the background and rationale accompany the recommendation.

Any Trustee may move that the Board approve a resolution to adopt a SEAC recommendation.

Before making a decision on a recommendation from SEAC, the Board shall provide SEAC an opportunity to be heard by the Board, and any committee of the Board to which the recommendation is referred.²³

The Board shall provide the Chair of SEAC with written acknowledgement of receipt and consideration of any SEAC recommendation, and the Board's disposition of the recommendation, if any, copying the relevant section of the minutes from the Board meeting at which the matter was considered.

Delegations

A SEAC Member or Alternate may present a delegation to the Board, on a special education or other matter, in accordance with applicable Board By-law, Policy or Procedure provisions, provided that the delegation is not identified as made on behalf of SEAC.

Minority Reports

A report, including recommendations, which has not been approved by a resolution of the committee may nevertheless be submitted to the Board, provided that it is designated as a "Minority Report".

A Member intending to submit a Minority Report to the Board must provide a copy of the report to the Chair of SEAC on or before the date the report is submitted to the Board.

The Board shall provide the author(s) of the Minority Report with written acknowledgement of receipt, and shall append the Minority Report to the Special Education Plan.

Public Communications

As an advisory committee to the Board of Trustees, SEAC may communicate its recommendations to the Board in any of the means described above. Neither the SEAC Chair nor any Member or Alternate of SEAC may communicate publicly on behalf of SEAC, HDSB or the Board.

²¹ *supra* note 1, Section 11(1)

²² *supra* at Section 9(1)

²³ *supra* at Section 11(2)

Related Statutes

Education Act, RSO 1990 c E.2, at Section 8(3) (special education); S.57.1 (Special Education Advisory Committees); S.207(2) (in camera); 208.1 (electronic meetings); 212(2) (disturbances).

Municipal Freedom of Information and Protection of Privacy Act, RSO 1990, c M.56, Part II "Protection of Individual Privacy".

Protection of Personal Health Information Act, SO 2004, c 3, Sch. A, Part IV "Collection, Use and Disclosure of Personal Health Information".

Related Education Act Regulations

Regulation 467/97 "Special Education Advisory Committees"

Regulation 306 "Special Education Programs And Services"

Regulation 181/98 "Identification and Placement of Exceptional Pupils"

Regulation 463/97 "Electronic Meetings"

Related Board Policies and Procedures

Electronic Meetings

Operational Leadership

Policy Development and Review

Privacy and Information Management

Program and Accommodation Review

Governance By-Law

Related Ministry Documents

Caring and Safe Schools in Ontario: Supporting Students With Special Education Needs Through Progressive Discipline, Kindergarten to Grade 12

Learning for All – A Guide to Effective Assessment and Instruction for All Students, Kindergarten to Grade 12, 2013

Shared Solutions, A Guide to Preventing and Resolving Conflicts Regarding Programs and Services for Students with Special Education Needs (2007)

Special Education A Guide for Educators (2001), Section A, Legislation and Policy, Advisory Committees on Special Education, Page 26-29.

Standards for School Boards' Special Education Plans (2000)

The Individual Education Plan (IEP) A Resource Guide (2004)

**SPECIAL EDUCATION ADVISORY COMMITTEE
IN CAMERA MEETINGS**

Education Act

Open meetings of the board

207 (1) Subject to subsections (2) and (2.1), the meetings of a board and the meetings of a committee of the board, including a committee of the whole board, shall be open to the public, and no person shall be excluded from a meeting that is open to the public except for improper conduct.

Closing of certain committee meetings

(2) A meeting of a committee of a board, including a committee of the whole board, may be closed to the public when the subject-matter under consideration involves,

- (a) the security of the property of the board;
- (b) the disclosure of intimate, personal or financial information in respect of a Member of the board or committee, an employee or prospective employee of the board or a pupil or his or her parent or guardian;
- (c) the acquisition or disposal of a school site;
- (d) decisions in respect of negotiations with employees of the board; or
- (e) litigation affecting the board.

Closing of meetings re certain investigations

(2.1) A meeting of a board or of a committee of a board, including a committee of the whole board, shall be closed to the public when the subject-matter under consideration involves an ongoing investigation under the *Ombudsman Act* respecting the board. 2014, c. 13, Sched. 9, s. 19 (2).

Exclusion of persons

(3) The presiding officer may expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting.