



ONTARIO SPECIAL EDUCATION (ENGLISH) TRIBUNAL File #23

IN THE MATTER OF the *Education Act*, R.S.O. 1990, C.E. 2 and Regulation 305 made under the
Education Act as amended,
AND IN THE MATTER OF the minor child, born 1983

BETWEEN

K. I. and C. I.

Appellants

- and -

The Timmins Board of Education

Respondent

Tribunal Members:

Wayne Tompkins
Gary Dubinsky
Donald Reilly

Chairman
Member
Member

APPEARANCES:

For the Appellants:

K. I. and C. I. (In person)

For the Respondent:

M. Hall

The hearing was held at 153 Third Avenue, Schumacher Ontario, on February 4, 1997.

INTRODUCTION

In his opening remarks the Chair stated that the Tribunal operated under the authority of the *Education Act* and the *Statutory Powers Procedure Act*. The *Education Act* limits the Tribunal to a decision which relates to identification and/or placement of the student.

The statements of issues prepared in advance of this hearing indicated that the parties agreed on the identification of the student and therefore the Tribunal convened to hear arguments concerning the placement of the student.

The Chair also noted for the record that both parties wished to have the hearing open and that both parties agreed to proceed without the assistance of legal counsel.

THE APPELLANTS' REQUEST FOR THE STUDENT

The appellant prefaced his remarks by stating that he worked all night and hence asks the Tribunal for understanding of his slow manner. He requested that his child remain with an aide in the regular classroom at the Public School until time presents itself that would see the child moving to a higher grade or a higher level of education with an aide.

He explains in his first point that although his child will be 14 years old at the child's birthday, the child is very small, about the height of a four to five year old. He wishes that his child remain in the Public School because his child's height is too different from the child's age peers in high school. He indicates that both he and his wife and others recognize that his child is never going to succeed academically, but his child's greatest achievement is the progress his child had made since beginning school and how his child is interacting with peers. His child has friends, gets along easy and is well liked. His child's placement should be based on his child's best interests rather than a dollar and cent value.

The appellant, in his second point, says that his child must be treated as a unique individual with the same rights as anybody else to attend a school in the child's school zone. He declares that he is a firm believer in that principle.

His third point is that his child be permitted to continue his child's schooling the same way his child began in the Province of New Brunswick in an integrated setting. Being integrated helps not only the child being integrated but also the whole community; it helps people to understand and get along. The children at the Public School see his child as no different from any other student. While shopping in the mall, children come to say "hello" to his child more frequently than to his other two children.

His fourth point is that he wants a stay (of placement) until both sides can agree on where his child will be placed in his child's best interests. He explains that he does not want his child to be in a self-contained class in a regular school (what the Board calls integration); he wants his child really integrated into a regular classroom. Through a series of meetings he believes that the board wants to place his child in a self-contained classroom at Pinecrest School. He thinks that this has now changed. During the meetings with the appointed mediator (an action agreed to by the Board and the appellants

which ended in a stalemate) the new proposal from the Board is a placement of 50% the Public School and 50% at Pinecrest (the latter so his child can learn life and social skills). The appellant believes these skills can best be learned from a child's peers. He proceeds to explain his disagreement with "labelling" people and children in particular.

The appellant explains that placement should not be based on costs and that the Board has indicated that costs could be \$300,000 for the career of a child to age 21 or about \$20,000 per year. He indicates that if this is true he would assist in raising the money in the community in a "fund raiser".

To sum up, the appellant says that he hopes the Board will provide the type of education which is best for his child: that is at the Public School where teachers are qualified and that his child will not leave a setting his child knows to go to a different one his child does not know.

CROSS-EXAMINATION OF THE APPELLANT BY MR. HALL

In response to Mr. Hall's question of where the appellants hope their child will be when their child is 21 years old - when their child finishes school – the appellant answers that he hopes his child will have more freedom to be on [his child's] own, but will likely be living with the parents until the end of their time. He explains that his child will always need somebody's attendance. He also sees his child as not succeeding in academics. The appellant declines to comment when asked for any further information.

Witnesses

For the Appellant

K. I.
Val Toner
Sheila Harrison

For the Respondent

Mark Hall
Ms. S.
Ms. M.
Bonnie Brush
Ms. V.

Summaries of Testimony

For the Appellant

MS. VAL TONER

Ms. Toner describes herself as an advocate and case manager for families who have developmentally challenged children; she has worked in such services for over 13 years; is presently in her third year in a baccalaureate program in psychology; has completed the Developmental Service Worker program from Algonquin College and has 13 years of experience in varied settings from community to institutions.

Ms. Toner describes the student's early education in New Brunswick in an integrated placement. The parents had to be convinced that this placement was in their child's best interests and in the end they saw that it provided the best opportunities for normal life experiences.

Ms. Toner agrees that the student will not succeed academically but she hopes that the Tribunal members have an open mind to understand what the appellants want for their child. She believes that the student has benefitted from integration. She observes that not having seen the student for a year (until the previous evening) revealed a marked change in that the student can sit at a table and attempts to communicate. She observes that the student loves school and that the student is a valued member of the school, the family and the community. The student has friends, attends parties and social functions with normal children and Ms. Toner believes that this is the best environment to learn life and social skills.

Ms. Toner recognizes that the appellants want the best for their child in spite of the apparent cost to the Board for a personal aide...“we can be creative to use our skills to open our minds, to stretch ourselves in new directions...I think we could find a solution”. (Transcript p. 24)

CROSS EXAMINATION BY MR. HALL

Mr. Hall questions Ms. Toner if in her opinion developmentally handicapped children should remain in the mainstream with their parents all of their life or should they join a peer group such as Special Olympics and group homes. Ms. Toner answers that from her experience children who have been integrated into regular classrooms are being very successful. She goes on to say that she works with many families who have a wide spectrum of beliefs with regards to integration, and her responsibility is to discuss opportunities with families and then support their choices. When specifically asked, she says that the more integration the child (has) the more chances that they will develop the skills they need to function within the community.

When questions from the Tribunal arise Ms. Toner explains that the student is non-verbal but communicates differently from others – the student squeals, uses pictures and gestures, and to the best of her knowledge is neither visually nor aurally impaired. However, the student has physical co-ordination problems.

In response to other questions, Ms. Toner indicates that integration allows the student to observe other children and “model” their behaviour. She notes she has not seen the suggested classroom placement in operation.

Mr. Hall interjects at this point and states that currently the preferred placement for the student is Schumacher Public School - integrated class; or Roland Michener (High School) which would be age appropriate. (Transcript p. 31)

The appellant explains that the student is non-verbal but uses vocalization, gestures, signs or a communications book. The student understands everything being talked about. The student brought the communication book from New Brunswick and the student also has a Wolf Communicator which is a high-tech voice simulator that must be programmed to respond to specific cues.

MS. SHEILA HARRISON

Ms. Sheila Harrison described her background as a Social Worker for the Timmins Association for Community Living. She attests that she believes in full integration of children into regular classrooms and that her association supports this view; her purpose in being present is to support the appellants in their decision to request that the student be given the right to attend the Public School - provided that the proper supports are in place to ensure the student's success.

In response to Tribunal questions she clarified that by "proper supports" she means that a personal teacher's assistant be assigned to the student. When asked for the extent of support Mrs. Harrison indicated that she does not know the student but if the student needs one-to-one support, it should be provided by the Board.

For The Respondent

MR. MARK HALL

Mr. Hall testified that the Timmins Board of Education and its staff very much believe in integration and went on to illustrate the programs that the Board uses to ensure that appropriate integration is implemented from primary right through to high school. In his view, however, integration throughout "all of the school years is not necessarily the best" and in this student's case, the student would be "better placed in an integrated developmentally handicapped class (Transcript p. 41). Mr. Hall recommended that the student be placed in the junior class at Schumacher Public School or senior class at Mitchener.

The student's placement has been at the Public School since August of 1994. The student has a full-time teaching assistant (TA.) which the student requires because the student's needs are great and the student requires "that kind of supervision". In Mr. Hall's opinion, the student's needs "cannot effectively be accommodated in a regular class".

Mr. Hall outlined the Board's method of integration which, in essence, amounts to integration with partial withdrawal to a segregated setting where appropriate. The appellant refused to endorse a report on the student by Joyce Warren, a psychometrist, which the appellant objected to because, in his view, Ms. Warren gave "a biased report" which did not present an objective assessment of the student's condition. He did, however, acknowledge that the assessment was carried out with the parents' consent. (Transcript p. 43-45)

Ms. Warren recommended that the student be placed in the primary program for developmentally handicapped children at Pinecrest Public School, and that the student receive the requisite level of professional training and expertise in order to address the student's specific needs. This is not available in the regular classroom. Mr. Hall remarked that "seldom does a professional make such a clear recommendation". Mr. Hall outlined the student's Educational, Social and Safety needs (Transcript p. 52-56).

Intellectual/Academic

Mr. Hall stated that the student does not have intellectual/academic needs, but needs personal life skills training - how to feed, cook, take transportation, read signs and deal with the public.

Social

The student needs to develop in the student's own peer group which, in his view, the student cannot accomplish through full integration at the Public School.

Safety

Mr. Hall expressed concern for the student's safety and believes the student needs a full-time teaching assistant, even for lunch time routines. In his view, the student's needs could be better met in the classes set up at Schumacher School because staffing is there to provide supervision all day. In sum, the T.A. who is not a professional is teaching the student instead of working with a small group of students with similar exceptionalities as a peer group with experienced teachers running the program for the student and the group. Mr. Hall stated that at mediation the board offered a 50/50 solution (integration ½ a day and life skills program the other ½ of the day), but still believes that life skills should be taught more than ½ a day. He recommended the life skills program at Schumacher or Roland Mitchener.

CROSS EXAMINATION BY THE APPELLANT

Mr. Hall was unable to answer the appellant's question as to who was better able to judge what's best for the student, parents or him, and what would be the best setting for the student school-wise, peer-wise, group-wise, etc. Mr. Hall did express the view that the Board's recommended placement would benefit the student more because of the staff's superior training, expertise and experience. The appellant claimed that since the student's academic needs were negligible, the board's recommended placement would not appreciably benefit the student as far as appropriate peer group integration was concerned. However, in Mr. Hall's view, a peer group is the group that you really and truly interact with "being able to find a best friend". He believes that developmentally delayed kids in a fully integrated setting experience an "artificial situation" wherein the kids interact with a peer group that is not actually their friends. (Transcript p. 67) This is particularly apparent in the teen years (secondary school). Mr. Hall believes this artificial situation in a fully integrated setting for developmentally delayed kids is dangerous because it delays their ability to develop life skills they will require in adult life. In his opinion, the setting at the Public School will not provide these skills. The student is "going through the motions of being integrated". Essentially, the student works alone with the T.A. and is not really integrated academically or socially with school mates (peer group). (Transcript p. 70).

In Mr. Hall's view, the primary advantage of the Board's recommended placement is the life skills instruction the student will receive from trained professionals with lots of experience and expertise. This cannot be provided as well by the student's T.A. When working in a group where all are learning the same activity, the results are better and more efficient for all members of the group than if the student was in a fully integrated setting with a T.A. The appellant stated that there was a second

assessment on the student. The Tribunal agreed to accept it as well as the report made by Joyce Warren. (Transcript p. 77)

MS. S.

Ms. S. is the student's home room teacher at the Public School and has been teaching for 25 years. She takes the student's attendance and arranges with the T.A. special events at the school that the student might want to participate in. She is in the classroom with the student for 2 periods in the morning. When in the classroom the student works one on one with the aide who looks after the student's academic programming. The student also accompanies the class for gym and special events.

In her opinion, although the other classroom students are friendly to the student, the student does not have real friends among the student's peer group. Any social interaction is superficial. She stated that the student needed a good life skills program.

CROSS EXAMINATION BY THE APPELLANT

Under cross examination, the appellant attempted to focus on the aspects of the life skills program and its setting recommended by the Board that would be more beneficial to the student. Ms. S. believed that the Board's recommended placement would provide a safer setting for the student because of the student's need for supervision for dressing, undressing and managing a walker among the student population.

The appellant, on the other hand, countered that the student could as easily learn these life skills in an integrated setting which would allow the student to watch others and learn from them. In his view, there were as many risks to the student's physical well-being in the segregated schoolroom recommended by the Board as there was in the integrated setting at the Public School.

Mr. Hall countered that in the setting recommended by the Board, it would be possible for the student to dress and undress without going into the hall with the general population. In his opinion, it would be easier for the teacher to conduct dressing programs for the student. This could be instructional time for the student on a specific life skill rather than the student just milling about. In his view, the setting recommended by the Board would provide greater opportunity for the teacher to teach the student and dressing would become part of the student's academic program. The appellant stated that this type of instruction could be easily given by the T.A.

Ms. M.

Ms. M. is a Special Education Resource Teacher at the Public School. She works with junior division children and is in her 18th year of teaching. Ms. M. is in charge of timetabling the student's programming. She interacts with the student and reports to the appellants and sees the student 10-20 minutes each day. Resources for the programming she provides are drawn from the Board's offices, the Special Services Dept. as well as the Public School.

She noted that sometimes the student becomes frustrated and acts out when the student cannot get a point across and this concerns Ms. M. greatly. She believes that in the setting recommended by the Board, the student would be much happier and the student's needs would be met "more appropriately" (Transcript p. 93). As an example, she noted that the student seems happier, more independent and socializes more in the Regional School where the student is taken on Friday afternoons. The school setting provides an alternative program for the student and a touch screen computer to assist the student in communicating and reading. However, she was unable to articulate the specific benefits for the student at this setting as opposed to the setting at the Public School.

Mr. Hall interjected that the Regional School provides a segregated setting for developmentally handicapped children with partial integration into the general student population. He believes the student feels like the student belongs because the student has a peer group the student can identify with although he acknowledged that he has never personally observed the student at the Regional School.

The appellant, who has observed his child at both the Public School and the Regional School believes his child fits in as much if not more at the Public School. To stress this, he pointed out that his child bowls in a regular junior bowling league in South Porcupine. He also noted that neither Ms. M. nor Mr. Hall had observed his child at the Regional School.

MS. V.

Ms. V. is Vice Principal at the Public School and has assisted the student in a variety of ways, i.e. timetabling, liaising with and assisting the student's T.A., attendance at annual reviews, case conferences and parent interviews and assisting the T.A. and the resource teacher in writing reports. Ms. V. sees to it that the student is properly supervised during the 2 recesses and remarked that in her opinion the student required "constant supervision", especially because of the student's "allergies" to certain foods. She testified that the student requires a "knowledgeable teacher-aide who is familiar with the use of Epipens." (Transcript p. 106-107) She also expressed concern about the student's mobility in that the student "needs assistance or supervision going up and down the stairs" (Transcript p. 106-107). Ms. V. stated that she relies on senior students to volunteer to supervise the student at recesses and lunch hour. There are 3 teams of 2-3 girls with one spare team as a back-up. She indicated that the student's T.A. assists the student with feeding and mobility.

Academically, Ms. V. stated that the student was at a "pre-school level". Socially, she confirmed that the student only superficially socializes with school peers. She believes the student "needs life skills programming" to learn to prepare meals, use city transportation and to help with grooming, etc. (Transcript p. 109). In her view, the student would benefit by learning these skills in the setting at Schumacher Public School. Instead of being taught these skills individually by the T.A. as an independent activity, they could be taught by experienced professionals to the student in a peer group setting. While the student has progressed at the Public School, Ms. V. believes that the student would benefit more from the expertise, resources and materials that are on hand at Schumacher.

CROSS EXAMINATION BY THE APPELLANT

In response to the appellant's argument that the student would learn life skills just as well in the fully integrated setting at the Public School, Ms. V. replied that the student needs "step by step instruction" which can't be provided at the Public School or at home. The appellant replied that he had not seen any evidence to convince him that the student would be better off learning life skills in the setting recommended by the Board. In his view, his child interacts well with classroom peers and appears to be learning. By the Board's own admission, the student has improved at the Public School.

Ms. V. stated that because the student is now 14, putting the student with grade 4's at the Public School is not an age appropriate setting, but it is the only one available at the Public School given the student's needs and limitations. In response to a question from the Tribunal, Ms. V. acknowledged that she had not observed the student in the setting at the Regional School nor could she articulate a comparison of the quality of the life skills program at the Regional School with the Public School. However, Ms. Hall did point out that the Regional School was not the setting presently being recommended by the Board.

MS. BOBBIE BRUSH

Ms. Brush described the junior integrated class at Schumacher as the 2nd level of program for developmental children in the Timmins Public Systems. Children are moved into this setting once they have outgrown the primary one at Pinecrest Public School or if adjustments have to be made to programming (Transcript p. 129).

Children in the junior program form a small group ranging in age from 11 to 15 years and have a range of presenting disabilities, some more severe than others. There are 7 students with one highly experienced teacher and two teaching assistants who also monitor at lunch hour. It is a junior kindergarten to grade 8 school which provides greater opportunities for appropriate integration when the child is ready than at the primary level. In her opinion, the Schumacher program is the Board's developmental program with the highest level of integration.

Ms. Brush stated that some children in regular classrooms participate in the developmental program because their skills fit the specific aspects of this program. This also is known as reverse integration. In short, she pointed out that there is an ebb and flow in and out of the developmental program. In her view, because it is a junior kindergarten to grade 8 school, the Schumacher program also helps students "cope with the jump from very junior social skills to the more intricate and difficult adolescent social skills..." (Transcript p. 131)

Ms. Brush pointed out that developmental children need very specific instruction and guidance that is "continued, prolonged and repeated" for very simple kinds of personal care. In some cases it may take 4-5 years to achieve this. The program is "very highly sequenced and is a very long -term project". It is also "extremely individualized (Transcript p. 132-133).

In response to a question from the Tribunal as to the difference between the life skills program at Schumacher and the integrated setting at the Public School, Ms. Brush stated that the major

difference is the degree of expertise involved in the delivery and availability of resources, including expert professionals to communicate with and plan a specialized and individual in-house program for developmentally delayed students. She also stated that the structural facilities such as washrooms for personal grooming as well as kitchens and shops provide better opportunities to teach these children life skills. Some of the students from this program go to community college. Some go to Community Living in Timmins and some go into the world of work. Ms. Brush stated that the main aim is to give the student as much independence as possible (Transcript p. 137)

With respect to the Cascade Model, the program at Schumacher would be on the third rung with the objective of moving these students upward. It consists of a congregated developmental program in an integrated regular school setting with the opportunity for students to flow back and forth between the two settings. This is what the Board considers to be full integration which is something much less than full inclusion, but the Board should strive to provide the student with as “much inclusion as possible (Transcript p. 141).

In the appellant’s view, full integration means full inclusion where you take the disabled and mentally challenged, and you integrate them not only in the community but also into the school system “learning together with other regular children”. He is not convinced that the student cannot have a so-called individualized program setting at the Public School with the T.A. The appellant stated that he rejected the so-called 50/50 option put forward by the Board at mediation which would have the student stay half of the day at the Public School with a full-time T.A. After lunch his child would be bused to Schumacher for life skills where his child would be in a segregated class for developmental students within a regular integrated school. In the appellant’s view, his primary objection is that the Board has not been able to convince him that appropriate life skills can not be taught to the student at the Public School with a T.A. Therefore, he does not regard it as a suitable compromise.

In response to a question from the Tribunal, the appellant stated that he believes the student will regress if placed in a segregated setting. However, he was unable to specify how this might occur. He is of the view that the Board’s recommended placement is based more on financial considerations than what is most appropriate for his child. Since his child is progressing in the setting at the Public School, he sees no reason to change it.

CLOSING SUBMISSION – The Appellant

The appellant, in his summation, stressed that the Tribunal must listen with an open mind - that the IPRC is not an instrument to place children in an integrated placement and hence his child’s education, in his view, is proceeding well and he sees his child making progress but not in academics since his child performs mostly at a pre-grade one level. Again the appellant indicates the cost of a teacher aide through a child’s school career is about \$300,000. He says that if the community can raise over a quarter of a million dollars for a playground so children can have fun, it is not appropriate for the student to be restricted in a self-contained class. His child sees [child’s] self not as a disabled child but as normal because his child is treated normally.

He indicates that he wants what is best for his child - an integrated placement where his child is with his child’s brothers and sisters and with the other people his child learns from – the peer group at the

Public School; so if it's money that is needed, the same committee which raised money for the playground can help to raise money to get "some aides for the school kids".(Transcript p. 169)

CLOSING SUBMISSION - Mr. Hall

In summary, Mr. Hall stated that he believes "The student's special needs are better met in a junior or senior integrated developmental program. He also stated that, in his view, "as [the student] grows older [the student's] placement at the Public School becomes more problematic". Since the student is likely to remain there until the student leaves school, this would not be an age appropriate setting for the student. He pointed out that the provision of a teaching assistant for the student is a decision "within the rights of the Board of Education" (Transcript p. 172-173).

In his opinion, the most age appropriate setting for the student would be at Roland Mitchener Public School, but personally he feels that the student would be better at Schumacher. He stressed that although he spent six years teaching exceptional students in a segregated setting, he believes in "integration when it's appropriate" (Transcript p. 174).

He has observed Boards where full integration takes place with a teaching assistant and, in his view, the children are "cast adrift" in this setting. In his opinion, time for these children would be better spent academically and socially in a setting with experienced teachers teaching students with these exceptionalities in a segregated group setting in a regular school, where appropriate integration can take place (Transcript p. 175).

DECISION

The Tribunal unanimously denies the appeal and affirms the decision of the I.P.R.C. of August 31, 1994 concerning the Identification of the student, that is, "That the student be identified as an exceptional pupil in need of special education programs and service. The Tribunal notes that the I.P.R.C. of Oct. 5, 1994 recommended the Placement of the student to be the Pinecrest Developmentally Handicapped Program. (A Primary level program)

The recommendations of August 31, 1994 concerning both the Identification and Placement of the student were affirmed by the I.P.R.C. meetings of Oct. 5, 1994 and Oct. 17, 1994.

The Tribunal supports the Placement recommended for the student by the Oct. 5, 1994 I.P.R.C. as it may be amended to recognize the student's age in 1997. i.e. **placement in the Junior Developmentally Handicapped program.**

(Transcript p. 174)

THE BASIS FOR THE DECISION

Legislation requires that an Identification Placement and Review Committee report identify the child's exceptionality and a recommended placement of the child. On the basis of the evidence presented to the Tribunal that is what happened in this case at the meeting of Aug. 31, 1994, and the subsequent meetings of Oct. 5, 1994 and Oct. 17, 1994 called to carry on the discussions concerning an

appropriate Placement for the student. There is no evidence that the I.P.R.C. was not properly constituted. There is no dispute as to identification and in spite of the criticism levelled at the report with respect to placement, the evidence presented shows that the contents of the I.P.R.C. reports relating to placement would lead to a comprehensive program for the student.

In his initial statement of issues and in his opening statement to the Tribunal the appellant emphasized the wishes of the parents that the student continue in a regular classroom (at the Public School) with an aide until a transfer of the student and an aide into a regular high school classroom setting was mutually agreed to.

The student had been in a regular classroom with an aid in New Brunswick and the parents wished to arrange for the same program at the Public School. (Transcript p. 5-8)

Mr. Mark Hall, Superintendent with the Timmins Board of Education, testified to the commitment of the Timmins Board to integration "appropriate for the kids." (Transcript p. 43)

The Timmins Board has developed its program for developmentally handicapped pupils as segregated classes located in a regular school with a trained staff and a specific program to move the developmentally handicapped pupils out of the segregated class and into the regular stream in classes appropriate to their level and their needs. (Transcript p. 43)

In order to facilitate the development of a program designed to meet the student's needs the parents agreed to have an assessment completed by the Timmins Board. Mrs. Joyce Warren, a Psycho-Educational Consultant was contracted to do this assessment.

Mrs. Warren found in Sept. 1994 when the student was 11 years 6 months old that the student was successful on a Binet test at the 2 ½ to 3 year level. Mrs. Warren's recommendations are summarized in the judgement. A full copy of her report is contained in the Timmins Board of Education submission to the Tribunal.

The Tribunal notes the following recommendations from Mrs. Warren's report:

- The student requires an emphasis on the development of basic skills and eye\hand coordination and in the development of simple concepts;
- The student should be provided with a level of professional expertise which is not available in a regular classroom in order to address the student's specific needs;
- The student should be placed in the primary program for developmentally handicapped children;
- The student should receive physiotherapy directed toward gross motor development and occupational therapy directed toward the student's fine motor development;
- The student should be taught a signing program;

- The student should be referred to a Speech and Language Pathologist;
- The student is likely to benefit from integration with [a] peer group for activities such as physical education, swimming, and music;
- Application should be made for Special Services at Home funding to provide activities for [the student] out-of-school hours and holiday periods.

Note: for a full text of Mrs. Warren's recommendations please refer to the original report signed by Joyce Warren dated Sept. 21, 1994 contained in the Board's Submission Section #2.

The appellant requested that a copy of an assessment of the student completed in February 1995 by Mr. Gary Dowe, Psychometrist, also be considered by the Timmins Board staff and by the Tribunal.

Mr. Dowe estimated that the student, who was eleven when tested, was functioning at a 3 year 7 month level. On the receptive vocabulary test the student achieved an age equivalent of 2 years 5 months. He found the student's socialization skills more highly developed than the student's other skill areas.

Mr. Dowe felt that the development of the student's communication skills, mobility and attention would lead to a decreased reliance on the student's aide. Concerning the student's program Mr. Dowe's recommendations are:

- provide a highly individualized program in a setting where a personally tailored program can be delivered;
- provide assistance in Speech Programming to refine the student's augmentative communication skills;
- provide for the development and refinement of basic functional and cognitive skills;
- provide for Occupational Therapy

Note: for a full text of Mr. Dowe's report please see Exhibit Two in the Transcript.

The evidence presented to the Tribunal by the appellants did not establish that a highly concentrated and individualized program which would address the issues raised by these assessments could reasonably be expected to be provided by the staff the Public School.

The Tribunal members are cognizant of the discrepancy between the student's age and physical development in relation to the student's peers. A carefully planned integration program for the student will not happen, in the opinion of the Tribunal, if the student continues the current arrangement. Responsible integration does not just mean arbitrarily placing an individual in a situation. There must be acceptance, interaction, and spontaneous mutual involvement. Yet a careful review of the evidence

presented throughout this case by both appellant and respondent, leads to the conclusion that in the regular class placement this simply has not been happening, and that indeed there is a widening gap between the student and the student's peers.

The evidence supports the position, that the accelerating intellectual distance between the student and the student's present peers, combined with the unsophisticated social behaviour of the age group, makes natural and spontaneous integration unlikely.

It is therefore the Tribunal's opinion that the integration the parents seek will not occur naturally, at this time, in a regular class placement, and that in fact it is more likely to occur in the situation described at Schumaker School where the student and the student's peers can approach one another from a basis of mutual emotional comfort and academic success. This setting will provide for appropriate integration into classrooms from JK to grade 8. (Transcript p. 129)

The evidence presented by the Timmins B. of E. Staff and the psychological reports from Mrs. Warren and Mr. Dowe are consistent in recommending a placement for the student in a Junior level program for developmentally handicapped pupils with appropriate integration into regular classes. (Transcript p. 139)

The Tribunal members recommend that:

- can the staff clarify the terms which they use so that the term integration means the same thing to everyone;
- the staff develop an individualized program for the student with measurable outcomes and expectations as part of the detailed individual education plan.
- the staff involve the parents in this developmental process to provide understanding and to utilize parental support at home;
- program developed should include the utilization of community resources where possible e.g. speech or physiotherapy.

The members of the Tribunal were impressed with the obvious concern of parents and staff for the best interests of the student and encourage the parents to continue to be active partners in their child's program. The ultimate goal for both the parents and the staff must be to assist the student to develop a range of skills to help the student become as independent a person as possible.

COSTS

The Tribunal makes no order as to costs.

Wayne Tompkins. Chair

Gary Dubinsky, Member

Donald Reilly. Member

May 9, 1997