

Chapter 6

Special Needs Education

Department of Education

Executive management

Carol Bellringer
Sandra Cohen

Principal

Vernon DePape

Auditors

Tiffany Beyer
Maria Nyarku
Ryan Riddell

Table of contents

Main points	249
Background	251
Audit approach	254
Audit findings and recommendations	255
1. Supporting the quality of special needs education	255
1.1 Standards, guidelines and program support documents	255
1.1.1 Standards and guidelines consistent with other provinces.....	255
1.1.2 Support documents mostly consistent with other provinces	256
1.1.3 Variety of user-friendly information for parents, but website difficult to navigate	257
1.1.4 Adequate periodic review of standards, guidelines and support documents.....	258
1.1.5 Many key stakeholders routinely consulted	259
1.2 Compliance with regulations, standards and guidelines	260
1.2.1 Education not monitoring school division compliance	260
1.2.2 Compliance with standards for individual education planning and progress reporting requires improvement	260
1.2.3 Allowed duties of educational assistants unclear	263
1.2.4 School divisions partially complying with requirement to publicly disclose local programming options.....	264
1.3 Support services for school divisions and schools	265
1.3.1 Education participated in many general and student-specific consultations.....	265
1.3.2 Learning resources for life skills programs under development.....	265
1.3.3 Purchasing of assistive technology not centralized.....	266
1.4 Qualifications and staffing levels of school personnel	267
1.4.1 Mandatory teacher certification, with Manitoba teacher education requiring special education instruction.....	267
1.4.2 Specialty certificates for special education teachers available, but not required	268
1.4.3 Certificate requirements verified and repeal processes in place.....	268
1.4.4 Special education continuous learning opportunities provided.....	269
1.4.5 No Provincial education requirements or certification for educational assistants.....	270
1.4.6 Awareness of clinician shortages, but no waitlist information.....	271
1.4.7 Support provided to respond to clinician shortages.....	272

2. Special needs grant funding 273

2.1 Eligibility criteria and application process273

2.1.1 Some eligibility criteria publicly available, but not detailed rules 273

2.1.2 Qualified and trained staff assessed initial eligibility 274

2.1.3 Funding applications reviewed for completeness..... 275

2.2 Funding decisions275

2.2.1 Funding decisions not adequately explained by rubrics or other documentation 275

2.2.2 Quality assurance process not linked to size of financial decisions 277

2.2.3 Verification of application information evolving, but needs further attention..... 277

3. Performance information and reporting 280

3.1 Information for management purposes.....280

3.1.1 Limited financial and operational information and analysis..... 280

3.1.2 Insufficient information on outcomes being achieved 282

3.2 Public reporting on special needs education283

3.2.1 Better public performance information needed..... 283

Response of officials and summary of recommendations..... 285

Main points

What we examined

Manitoba Education (Education) sets standards to ensure school divisions and independent schools deliver appropriate educational programming to students who require specialized services because of their physical, sensory, cognitive, social/emotional, behavioural, or communication needs. It also provides funding and programming support for these students.

We examined Education's systems and practices for supporting the quality of special needs education, funding special needs education, and measuring and reporting special needs education performance information.

Why it matters

Between 2000/01 and 2009/10, enrolment for student-specific special needs funding increased 86%, from 3,850 to 7,156 students, and related funding doubled from \$40.8 to \$82.0 million. During the same time period, total school enrolment decreased 7% and total Provincial school operating funding increased 26%, from \$730.6 to \$920.8 million. Given the significant growth in special needs enrolment and funding, we undertook this audit to assess how Education was managing its oversight of special needs education.

What we found

Education had developed regulations, standards, and guidelines that clearly outlined its expectations for the delivery of special needs education, but it was not monitoring for compliance. We found a low level of school division compliance with certain key standards, underlining the need for better monitoring.

Other significant areas requiring Education's attention were:

- It had limited processes to verify the information on funding applications received from the school divisions, and its documentation often did not adequately explain its funding decisions.
- Although one of Education's objectives was to maximize the outcomes being achieved for students with special needs (consistent with its objectives for all students), it did not monitor or publicly report the outcomes being achieved for these students.
- It was aware of clinician shortages and anecdotal accounts of long waitlists for students to receive clinical assessments (particularly in rural and

northern Manitoba), but needed to work with school divisions to determine if students were receiving timely access to clinician assessment services.

Other important findings included:

- Education consulted a wide variety of stakeholders in developing standards, guidelines, and support documents for school divisions and parents
- Standards, guidelines and support documents were all generally consistent with those in other provinces
- Stakeholders had differing views on when or if educational assistants (for whom Education set no educational requirements, consistent with other provinces) were performing any paraprofessional duties not allowed under the *Persons Having Care and Charge of Pupils Regulation*
- Education provided consultation services to school divisions and schools on general and student-specific matters, maintained a limited inventory of assistive technology devices for short-term loan, provided technical support for commonly used assistive technology purchases, and had begun developing learning resources for life skills programs for special needs students
- Education had not recently or formally investigated the potential cost savings and benefits of centralized purchasing of assistive technology licenses for school divisions
- Education ensured and supported teachers' special education knowledge through its teacher certification process and professional development offerings
- Detailed eligibility criteria for funding were not available to school divisions or parents
- Existing departmental financial and operational information on special needs education could be enhanced
- There was limited public reporting on the enrolment and costs for student-specific funding for special needs.

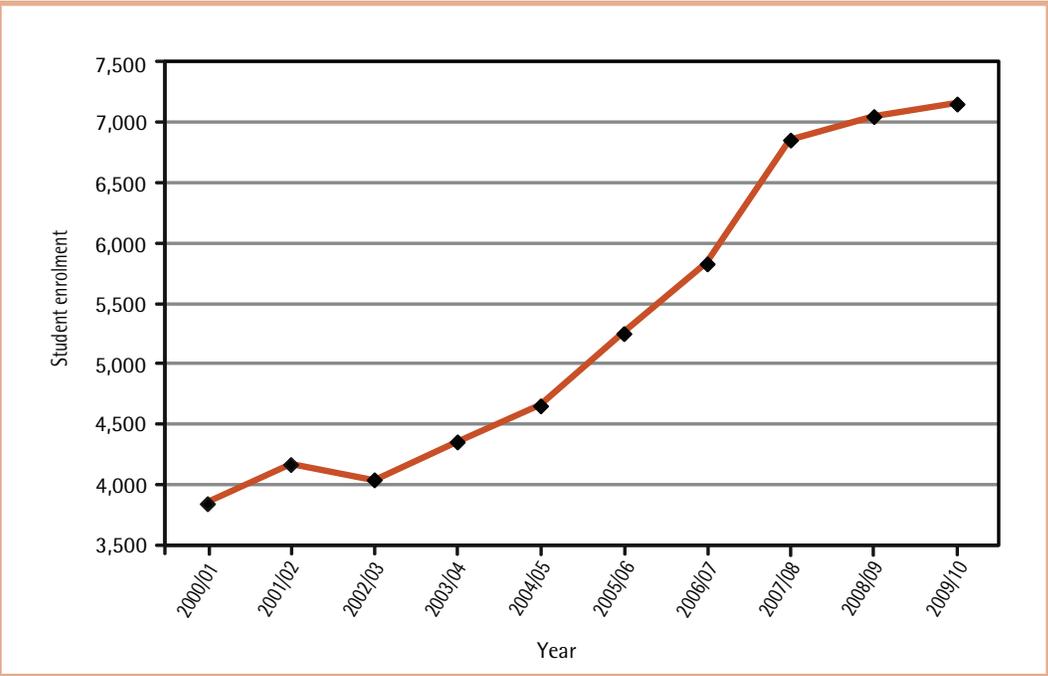
Background

Students with special needs

Students with special needs are those who require specialized services or programming when deemed necessary by the in-school team because of exceptional learning, social/emotional, behavioral, sensory, physical, cognitive/intellectual, communication, academic or special health-care needs that affect their ability to meet expected learning outcomes.

Figure 1 shows the public school trend in enrolment for student-specific special needs funding in Manitoba over the past 10 years. Between 2000/01 and 2009/10, enrolment increased 86%, from 3,850 to 7,156 students, primarily due to a broader definition of autism spectrum disorder, as well as more students identified in the emotionally or behaviourally disordered and multi-handicapped enrolment categories. During the same time, total public school kindergarten-to-grade 12 enrolment decreased 7%, from 189,912 to 177,500 students.

Figure 1: Student-specific special needs enrolment increased 86% from 2000/01 to 2009/10



Source: Schools' Finance Branch, Manitoba Education (based on funding statistics)

Roles and responsibilities

Education has overall responsibility for developing and overseeing the legislation, regulations, and policies for providing appropriate educational programming to students with special needs. It also provides student-specific funding for special needs, as well as consulting and other support services.

Manitoba's 37 school divisions can decide the types of programming they will provide to students with special needs, within the limits of Provincial legislation. In Manitoba, rights and responsibilities for education are defined in *The Public Schools Act*, *The Education Administration Act*, and related regulations. These set the provincial standards that school divisions must meet in providing access to appropriate educational programming and services for all students, including those with special needs.

Special education programming is delivered by school-based and division-based student support teams. These typically include school administrators, resource teachers, classroom teachers, school clinicians (such as school psychologists and speech language pathologists) and educational assistants.

Manitoba's philosophy of inclusion

Education bases its standards, regulations and policies for students with special needs on a philosophy of inclusion. It describes an inclusive school as one where *"all students are provided with the supports and opportunities they need to become participating students and members of their school communities"*.

Appropriate educational programming

Education defines appropriate educational programming as *"a collaborative school-family-community process where school communities create learning environments and provide resources and services that are responsive to the lifelong learning, social and emotional needs of all students"*. This recognizes that some students require accommodations (such as adaptations, curriculum modification, or individualized programming) to enable and improve learning. In practice, it also recognizes that different school divisions offer different types of educational programming to meet the diverse needs of students with special needs.

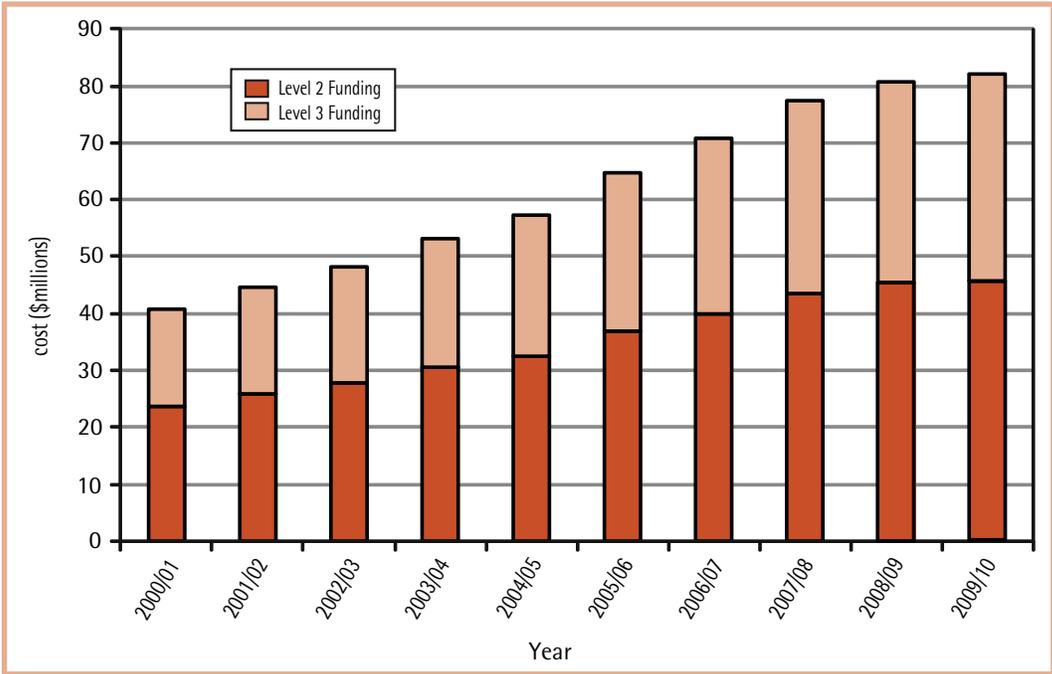
Education expects students with special needs will typically be placed in regular classrooms with other students in their age group. However, school divisions may also have specialized classrooms for particular student needs. The programming offered varies between divisions and depends on the severity of students' needs and the resources available.

Special needs funding

Education's funding process considers students as having Level 2 (severe) or 3 (more complex and profound) special needs. In 2009/10, individual student funding amounts were \$8,955 for students with Level 2 needs and \$19,920 for students with Level 3 needs. School divisions also receive a separate grant based on total student enrolment that includes funding for what in the past was referred to as Level 1 needs.

As Figure 2 shows, Education's funding for Level 2 and 3 special needs doubled from \$40.8 million in 2000/01 to \$82.0 million in 2009/10. As rate increases over this time were modest, this growth mostly reflects increased student enrolment for special needs funding. During the same time, total Provincial school operating funding increased 26% (from \$730.6 to \$920.8 million), with the portion for student-specific special needs funding increasing from 5.6% to 8.9% of the total.

Figure 2: Grant funding for Level 2 and 3 special needs doubled between 2000/01 and 2009/10



Source: Schools' Finance Branch, Manitoba Education

Audit approach

Audit objectives

We examined the adequacy of Education's systems and practices for:

- Supporting the quality of educational services delivered by school divisions to students with special needs, including processes for:
 - developing standards, guidelines and program support documents
 - monitoring compliance with regulations, standards and guidelines
 - providing consulting and other support services
 - ensuring qualified and sufficient school personnel
- Determining eligibility for student-specific special needs funding
- Tracking, monitoring and reporting financial and operational information for special needs education, including student outcomes.

Audit scope

We conducted the audit between November 2009 and March 2011 and primarily examined the systems and practices in place between September 2007 and June 2010. Our audit was performed in accordance with the value-for-money auditing standards recommended by the Canadian Institute of Chartered Accountants and, accordingly, included such tests and other procedures as we considered necessary in the circumstances.

The audit included review and analysis of applicable legislation; information on special needs programs in selected other provinces; and departmental policies and practices, files, records, reports, correspondence, and other program documentation. We interviewed staff from Education, other government departments, school divisions, various stakeholder organizations, and 4 parents (from both urban and rural school divisions) who volunteered to speak with us. As well, we visited 4 school divisions (2 large urban divisions, 1 rural division, and 1 northern division) and reviewed student files in those divisions.

We focused our audit on Education's oversight of special needs education in the public school system. Education also annually provides an additional \$2.0 million of special needs funding for 175-180 students in independent schools and requires these schools to comply with the same standards as public schools.

Audit findings and recommendations

1. Supporting the quality of special needs education

1.1 Standards, guidelines and program support documents

1.1.1 Standards and guidelines consistent with other provinces

Education had developed standards and guidelines to assist school divisions and schools with planning and implementing appropriate educational programming for students with special needs. It defined standards as "*province-wide criteria that school boards must try to meet*" and guidelines as "*elaborations on the requirements of legislation and regulations in a particular area*".

The *Appropriate Educational Programming Regulation* under *The Public Schools Act* set most of the regulatory standards directly related to special needs education, but there were other relevant regulations, such as the *Persons Having Care and Charge of Pupils Regulation* under *The Education Administration Act*. Education had also developed a separate document, *Appropriate Educational Programming in Manitoba: Standards for Student Services*. It reiterated and elaborated on the *Appropriate Educational Programming Regulation* and was physically distributed to school divisions and posted on Education's website.

Introduction of the *Appropriate Educational Programming Regulation* in 2005 was a significant milestone. The special needs of students were protected under both the *Canadian Charter of Rights and Freedoms* (proclaimed in 1981) and Manitoba's *Human Rights Code* (proclaimed in 1987) and Education had developed related guidelines for school divisions in 1989. But until 2005 Manitoba had no regulated standards for accommodating students with special needs. It was the last province to enact legislation and regulatory standards in this area.

In general, standards covered the following different areas:

- Identifying special needs
- Developing and implementing individual education plans
- Providing reasonable accommodation for all students based on identified needs
- Providing information on local educational programming options available for students with special needs
- Coordinating services with other government departments and agencies also serving children with special needs
- Assessing student learning and reporting on learning progress to parents
- Resolving disputes over the provision of special needs services

- Disciplining students with special needs
- Stipulating persons allowed to have care and charge of students and allowable paraprofessional duties
- Providing necessary and appropriate professional learning opportunities to teachers of special needs students
- Reflecting a commitment to inclusive education in divisional policies.

Examples of related guidelines and protocols included:

- A handbook with guidelines for developing and implementing individual education plans
- Guidelines for transitioning children with special needs into the school system and for registering students in care of child welfare agencies
- A protocol for transitioning students with special needs from school to the community as they reach adulthood (including any required interdepartmental coordination and communication).

We compared Manitoba's standards and guidelines to those in 4 other provinces (British Columbia, Alberta, Ontario, and Nova Scotia) and found they were generally consistent, although sometimes variable in degree of detail.

1.1.2 Support documents mostly consistent with other provinces

Education had developed many different support documents for special needs education. These were less prescriptive than the standards and guidelines, designed to provide more general direction to school communities on sound educational practice. They covered such diverse topics as:

- Planning for alcohol-affected students
- Supporting Deaf and hard of hearing students
- Developing and implementing programming for students with autism spectrum disorders
- Defining the role and responsibilities of educational assistants
- Developing and implementing modified and individualized programming
- Planning for behaviour issues
- Enhancing oral language in kindergarten children
- Providing counselling and guidance services in schools.

We compared Manitoba's support documents to those in the same 4 provinces we used to compare standards and found that Manitoba's were generally consistent. Many of Manitoba's support documents considered students' functional needs, rather than their diagnosed condition. As a result, they covered some topics (attention deficit hyperactivity disorder, mental illness, and intellectual disabilities)

indirectly. In contrast, some provinces had developed support documents specifically for these topics.

We also discussed Manitoba's support documents with officials from 4 school divisions. In all cases, the officials felt Education's existing support documents met their needs.

1.1.3 Variety of user-friendly information for parents, but website difficult to navigate

Education's main support document for parents was *A Handbook for Parents of Children with Special Needs in School*. It was available on Education's website and physically distributed to schools, as well as to various parent and other stakeholder interest groups. The Handbook had general information on identifying and assessing special needs, individual educational programming, transition planning, and communication with the school. The formal dispute resolution process set out in the *Appropriate Educational Programming Regulation* and the process for obtaining student-specific special needs funding were covered in other documents on the website, although not included in the Handbook.

Education's support documents for parents often included definitions for important terms that parents might be unfamiliar with, suggested questions for parents to ask, recommended which personnel within the school to contact for different issues, and provided checklists for parents. They also directed parents to related documents on Education's website, as well as related websites and resources. All website information was available in both English and French. The website also usually listed a department person or place to contact for more information on specific topics.

Standards, guidelines, and support documents intended for school divisions and schools were also available to parents on Education's website, as well as support documents intended for a very broad audience. As an example, the *Guidelines for Early Childhood Transition to School for Children with Special Needs* were designed to be useful to school and daycare personnel, support agencies, and other government departments providing services to children with special needs, as well as parents.

Website organization of parent information was not user-friendly, making it sometimes difficult to find the most relevant information quickly. Parents unfamiliar with the special education system would not necessarily know to look under "Student Services" in the "Information for Families and Communities" section of the website to find relevant information. And the website did not clearly alert a user to the fact that Education had sometimes created 2 similarly named documents on the same topic: 1 more highly summarized and intended

primarily for parents and 1 more detailed and intended for school divisions and schools. Also, in a few cases, website links to other information were expired.

Education officials participated annually in various workshops for parents of special needs children, where they presented and elaborated on the information in parent support documents. Some workshops were organized by Education itself, others by external stakeholders who would then invite Education to attend. Recent topics discussed included individual education plans, transition planning, behaviour plans, and progress toward inclusive education. There were also several workshops specifically for Deaf and hard of hearing issues.

We interviewed 4 parents of students with special needs. Two (2) were familiar with Education's website and 1 reported they found it helpful, although it had a lot of information to sort through. Two (2) were unclear about the link between the application process for Level 2 and 3 funding and the provision of appropriate educational programming. Two (2) had experienced difficulty obtaining what they felt were the necessary educational supports for their children, but only 1 was aware of the formal dispute resolution process.

Recommendation 1: We recommend that Education improve the organization of its website information to make it more user-friendly for parents of students with special needs.

1.1.4 Adequate periodic review of standards, guidelines and support documents

Education did not have a formal process for periodically reviewing standards, guidelines, and support documents (for school divisions and schools, parents and other stakeholders) to ensure they remained current and relevant. Instead, Education officials determined the need for new or updated standards, guidelines and support documents based on informal stakeholder feedback and general awareness of accepted best practices and stakeholder needs. They also monitored developments in western provinces and the territories through monthly conference calls with provincial and territorial Education officials. In addition, they considered issues raised and discussed by the Students Services Inclusive Education Advisory Committee, which had representation from most key stakeholder groups and provided a forum for discussion on inclusive education and special needs issues.

Once Education identified a need to update or develop new standards, guidelines, or support documents, it reviewed what was already in place in other Canadian provinces and territories, as well as any relevant best practices literature, and formally consulted with stakeholders. It might consider also periodically conducting an environmental scan of this nature to help identify potential needs.

1.1.5 Many key stakeholders routinely consulted

Education typically consulted several key stakeholder groups when developing and updating standards, guidance, and support documents. These groups represented teachers, parents, school clinicians, education administrators, school board trustees, and advocates, agencies and associations serving the disability community.

We selected a sample of standards, guidance, and support documents (the *Appropriate Education Programming Regulation*, the *Standards for Student Services* document, the *Individual Education Plan Handbook*, the *Handbook for Students with Autism*, and the support document for alcohol-affected students) and found that, in all cases, the key stakeholders described above were consulted.

The consultation process was extensive. Education officials held 49 meetings with education stakeholder groups and parents in 34 school divisions when it developed the *Standards for Student Services* document.

As circumstances warranted, Education consulted with officials from other government departments also serving students with special needs, albeit in different capacities (such as Family Services and Consumer Affairs, Health, and the Healthy Child Manitoba Office).

Education officials told us that their past consultations with school division personnel likely included some educational assistants. They had not typically consulted directly with representatives of educational assistants, even though a significant number of assistants worked closely with special needs students, and under the general supervision of teachers, were responsible for implementing many portions of students' individual education plans. Education consulted with the Educational Assistants of Manitoba (an organization formed in November 2008), as well as unions representing educational assistants, when it developed the *Educational Assistants in Manitoba Schools* support document. Education officials told us they planned to continue consulting with educational assistants, when appropriate.

Recommendation 2: We recommend that, as part of its broader consultation process, Education consult more regularly with representatives of educational assistants when it develops or updates standards, guidelines or support documents that may affect educational assistants' delivery of services to students with special needs.

1.2 Compliance with regulations, standards and guidelines

1.2.1 Education not monitoring school division compliance

Education did not monitor whether school divisions were complying with its regulations, standards and guidelines related to special needs education; nor did it ask school divisions to monitor and periodically self-report on compliance. Education officials told us that this was consistent with section 41(1)(y) of *The Public Schools Act*, stating "every school board shall comply with directives of the minister". They also told us that, while they did not monitor compliance, they offered help to school divisions and schools whenever they became aware of any significant non-compliance issues. In addition, officials noted that they considered compliance with regulations, standards and guidelines whenever they held formal dispute reviews to investigate parent complaints.

Compliance monitoring helps ensure that regulations, standards and guidelines are being followed and that planned service quality is being achieved. Setting standards without developing an accompanying monitoring system reduces their effectiveness.

We reviewed compliance monitoring in 4 other provinces. Two (2) provinces audited school divisions' student files and 1 province reviewed detailed school board special education plans to ensure compliance with provincial standards.

To further examine compliance issues, we selected the standards and guidelines in 3 important areas: individual educational planning, allowable paraprofessional duties, and public availability of descriptions of local educational programming and programming options for students with special needs. This work is discussed in sections 1.2.2 to 1.2.4.

Recommendation 3: We recommend that Education work with school divisions to develop processes to monitor and periodically verify the level of school division compliance with special needs education regulations, standards and guidelines.

1.2.2 Compliance with standards for individual education planning and progress reporting requires improvement

As described in Education's *Handbook for Student Services*, individual education planning is a process used by educators and other members of student support teams to:

- Develop a common understanding of the student's strengths, interests, and needs

- Share information and observations about the student's behaviour and learning in a variety of settings
- Establish current levels of performance
- Identify priorities for programming
- Communicate programming information to all members of the student's support team
- Monitor and report on student progress and achievement
- Ensure continuity in programming.

Section 5(2) of the *Appropriate Educational Programming Regulation* requires school divisions to prepare individual education plans (IEPs) whenever the usual supports will be insufficient to help students meet the learning outcomes they can reasonably be expected to achieve. IEPs must identify the learning outcomes that can reasonably be achieved and the pupils' requirements for meeting them, taking into account any behavioural or health needs. They must also be consistent with provincial protocols for transitioning special needs students to and from schools. And parents must be allowed to participate in preparing and updating the plans.

The *Standards for Student Services* document states that IEPs must be prepared for all students receiving Level 2 or 3 special needs funding, and be evaluated and updated at least annually. It also states that parents must be informed of students' progress at regularly scheduled reporting periods throughout the year.

The IEP Handbook states that appropriate student-specific outcomes are a fundamental component of IEPs and should be specific, measurable, achievable, relevant, and time-related.

We examined a sample of 78 Level 2 and 3 student files from 4 school divisions and found that:

- 99% had IEPs on file
- 90% had an IEP for the most recent school year
- Where applicable, in most cases there was some evidence of transition planning: 44% had written transition plans for entering school, 64% had written plans for graduation, and 65% of students in care of child welfare agencies had the required transitioning forms describing their background and programming needs.

Of the IEPs reviewed:

- 78% had evidence of parental involvement in developing the IEP
- 84% indicated whether the student was following a regular, modified, or individualized curriculum

- 93% included expected learning outcomes. Of these:
 - 32% had outcomes that were vague or not measureable (for example, *“the student will further develop her reading and comprehension skills”* or *“the student will develop the skills necessary to initiate and maintain peer relationships”*)
 - 24% had no change in some or all expected outcomes from 1 year to the next, without any indication that progress had been reviewed or considered (including 2 cases where progress reports indicated the outcomes had already been achieved)
- 24% lacked learning outcomes for some of the supports being provided.

Regular evaluation and reporting on student progress are critical. Without these, IEPs cannot be adjusted so that expected learning outcomes remain appropriate and supports remain effective. In the files reviewed that had IEPs with outcomes, we found that:

- 24% had robust progress reporting directly linked to the expected learning outcomes outlined in the IEPs
- 26% had more limited progress reporting generally linked to expected learning outcomes
- 7% noted progress reporting had been completed, but had no further details
- 43% had no documented reporting on outcomes at all.

In most cases, written reports to parents were standard report cards not linked to the expected learning outcomes in the IEPs. We also found examples where report card information was inconsistent with other information in the student files. In one case, the report card described a student as *“responsible and mature, an independent learner, and a pleasure to work with”*. But the funding application to Education at the same time described the student as verbally and physically assaulting staff and students several times a day, and displaying dangerous behaviours towards both self and others several times a week.

Recommendation 4: We recommend that Education work with school divisions to improve the level of compliance with the regulations, standards and guidelines for individual education planning, and to further develop the quality of expected learning outcomes and progress reporting.

1.2.3 Allowed duties of educational assistants unclear

Section 4(c) of the *Persons Having Care and Charge of Pupils Regulation* states that paraprofessional duties may not include “directing the learning experiences of pupils, including assessing individual needs, selecting materials to meet those needs and evaluating progress”.

Education developed its *Educational Assistants in Manitoba Schools* support document in an attempt to help clarify the role and responsibilities of educational assistants. The document has an appendix with separate columns listing the duties of teachers and educational assistants, with a third column listing “joint activities”. The document states that some of the practical skills of educational assistants include the ability to:

- Engage students in activities that promote learning
- Motivate and encourage student participation
- Support student learning by providing explanations and skill demonstrations, and by modelling appropriate classroom behaviour
- Assist students in interpersonal conflicts
- Apply strategies to build student self-confidence and promote student independence.

Not all stakeholders interpreted the regulation, together with Education's support document, similarly. Based on our discussions with various stakeholders, we found that some believed it meant educational assistants should perform only general administrative assistant functions or “non-professional” tasks; others believed it meant educational assistants should not be “instructing” or “teaching”; and still others believed it meant educational assistants should not be developing or assessing learning outcomes, strategies and supports.

Some school division officials told us that educational assistants were sometimes instructing individual students. And some educational assistants told us that, in their view, they were “teaching”. There was no consensus as to whether this was violating standards or inappropriately “directing the learning experiences of pupils”.

During our review of student files, we noted that educational assistants were often responsible for implementing many portions of the IEPs, typically under the general supervision of a resource teacher or a clinician. But it was unclear if their responsibilities extended to “directing the learning experiences of pupils” and we were unable to determine if they were complying with the *Persons Having Care and Charge of Pupils Regulation*.

Education officials told us that they believed that stakeholders' confusion partly stemmed from their varied interpretations of terms such as “teaching” and “directing learning experiences”. They felt that they could perhaps do more to

clarify the language being used in the regulation and in describing roles, but that the system might also need to tolerate some ambiguity.

Recommendation 5: We recommend that Education further clarify what constitutes allowed paraprofessional duties and communicate this guidance to school divisions and other stakeholders.

1.2.4 School divisions partially complying with requirement to publicly disclose local programming options

The *Standards for Student Services* document states, "School divisions should make available to the public written descriptions of local educational programming and programming options for students with exceptional learning needs".

We reviewed the special needs education information available in 4 school divisions, including website and hard copy information. The majority had some special needs information for parents (such as an explanation of inclusive education, a description of the individual education plan process, or a parent handbook similar to the one developed by Education).

Considering the differences in the school divisions we examined (2 large urban, 1 rural and 1 northern), we expected the local programming options for students with special needs and the level of detail in public information to vary, reflecting each school division's unique character. However, only 2 school divisions fully complied with the requirements of the standard and described the details of local special needs programming options. Another provided a list of resource personnel available (such as community school networker, inclusion specialist, and behaviour coach), from which one might infer some programming options.

Recommendation 6: We recommend that Education work with school divisions to ensure the public has easily accessible and complete information on programming options at all locations.

1.3 Support services for school divisions and schools

1.3.1 Education participated in many general and student-specific consultations

Education had 34 staff (16 consultants and clinicians for the general population of students with special needs, 10 consultants for Deaf and hard of hearing students and 8 consultants for blind and visually impaired students) available to consult with divisional clinicians and school teams. In the 2010/11 school year, Education reported that the generalist consultants and clinicians participated in 428 school-wide consultations and 427 student-specific consultations. Consultations were most commonly related to speech language pathology, autism, and positive behaviour supports, in that order.

During the same time, Education reported that consultants for the Deaf and hard of hearing participated in 1,106 sessions for 391 students and consultants for the blind and visually impaired participated in 1,806 sessions for 249 students, including 26 students receiving Braille instruction. These consultants typically provided more direct and intensive services than the generalist consultants.

School division officials told us that consultants were typically responsive and helpful.

1.3.2 Learning resources for life skills programs under development

Life skills programs are important to some special needs students. Life skills programs teach students how to manage money, groceries, transportation, personal grooming, cooking and other household duties, shelter, and personal safety issues, as autonomously as possible. They also help prepare students to participate in the workplace and community as fully as possible upon graduation.

Because life skills are important, we expected Education to have developed learning resources in this area. Education planned to develop several life skills learning resource modules, but only a draft shaving module existed at the time of our audit. Officials in the 4 school divisions we visited seemed unaware of Education's plans, and 3 of the 4 divisions were developing their own life skills learning resources, potentially duplicating Education's efforts.

Recommendation 7: We recommend that Education work with school divisions to ensure there is a full array of life skills learning resources available for students with special needs.

1.3.3 Purchasing of assistive technology not centralized

A wide variety of assistive technologies can help students with physical, sensory, cognitive, speech, learning or behavioural special needs to more actively engage in learning and achieve their individual learning goals. For example, students unable to read because of physical or learning disabilities can benefit from a text-to-speech software program, where electronic text is read aloud by a computer to a student.

Many devices and software programs are complex. Technical expertise is required to evaluate and select different technology options, and to make the best use of technologies once selected. Officials from 3 of the 4 school divisions we visited expressed concerns about Education's lack of technical support for assistive technology, although Education staff told us they provided this support for all commonly used technologies. Education may need to further clarify the support services available.

Education provided alternative format text in the form of Braille, large print, and electronic text for special needs students. It also worked with The Canadian Association of Educational Resource Centers to obtain inter-library loans of Braille, large print, and audio and digitized materials, free of charge. And it had a limited inventory of assistive technology equipment and software which it lent, on a short-term basis, to rural and northern school divisions. We also noted that school-age children were the primary clients of a not-for-profit organization funded by the Province that provided short-term technology equipment and software loans to Manitobans with speech impairments. In addition, Education led Manitoba's Augmentative and Alternative Communication Working Group, which provided a forum for speech language pathologists from Education, school divisions and various interest groups to share experiences and ideas and learn about new communication technologies.

Purchasing bulk—not single—technology licences can significantly save money. There may also be savings available in more centralized purchasing of assistive technology devices, as well as assistive technology software. Two (2) other provinces had government bodies that coordinated provincial purchases of assistive technologies and provided school divisions and schools with technical support, before and after the purchase. Education did not provide any similar centralized purchasing, although its staff told us they had discussed provincial licensing in the past. Officials from 1 province told us they purchased some software at 70% cost savings, and that suppliers provided more direct technical support once an on-going vendor relationship was established.

Recommendation 8: We recommend that Education investigate the potential cost savings and benefits of centralized purchasing of assistive technology for school divisions.

1.4 Qualifications and staffing levels of school personnel

1.4.1 Mandatory teacher certification, with Manitoba teacher education requiring special education instruction

Education issued teaching certificates that allowed people to teach in Manitoba under section 91(1) of *The Public Schools Act*, which states “No person is legally qualified to teach or to be employed by a school board as a teacher or principal unless that person holds a valid and subsisting certificate issued by the minister under *The Education Administration Act*”.

Section 3(2) of *The Education Administration Act* states “Programs taken by persons in teacher education institutions for the purpose of teacher certification shall be subject to the approval of the minister”. This allowed Education to set undergraduate course requirements for obtaining a Manitoba teaching degree.

Starting September 2008, Education required all provincial undergraduate teacher programs to include 6-credit-hours of instruction related to special education. We reviewed the 6-credit-hour course work developed by 1 university and found it covered:

- Teaching behaviourally challenged children and related classroom management issues
- Supervising educational assistants
- Communicating with parents of special needs children, including mediating differing points of view
- Coordinating actions and plans with outside agencies
- Adapting lesson plans for special needs students.

The Bachelor of Education degree granted in Manitoba also requires at least 24 weeks of student teaching. This may or may not involve teaching students with special needs.

Education certified Canadian teachers from outside Manitoba even if they did not have any special education courses or had less student teaching experience. Under Manitoba's *Labour Mobility Act* and the Labour Mobility section of *The Agreement on Internal Trade* (signed by the federal government and all provincial and territorial governments), a certified teacher from another province or territory must, upon application, be certified in Manitoba without being required to obtain

any additional training or experience. To partly compensate, Education sent these people letters encouraging them to take special education courses.

Although the Minister communicated the special education course requirement to Manitoba universities through correspondence in 2008, at the time of our audit Education had not yet reflected this change in the *Teaching Certificates and Qualifications Regulation*. Education officials told us this was because they were also working on other matters falling under this regulation unrelated to special needs education.

1.4.2 Specialty certificates for special education teachers available, but not required

Education issued specialty certificates for special education teachers (such as resource teachers) and special education coordinators. But it did not require people to have these specialty certificates, leaving this decision to school boards' discretion. Education officials told us they wanted to encourage specialty certification, but without causing staffing problems in northern and rural schools.

The Teacher Education and Certification Committee advised the Minister on educational requirements and certification issues for teachers and clinicians. Committee members were appointed by government and included representatives designated by the Manitoba Teachers Society, school trustees, superintendents, parent councils, and deans of education. Committee minutes showed that the Committee had recently discussed the current practice of non-mandatory special education certificates and recommended maintaining the status quo.

1.4.3 Certificate requirements verified and repeal processes in place

Education issued teacher and other certificates after it reviewed applicants' academic records, professional development, and experience under the *Teaching Certificates and Qualifications Regulation* and obtained satisfactory criminal record checks from them. It also verified teacher salary classification.

Education required clinicians employed by school divisions to be certified. Clinician certificates required them to hold appropriate degrees and were conditional until they completed a 3-credit-hour university course, *Legal and Administrative Aspects of Schools for Clinicians*, and 2 years of supervised clinical experience in a Manitoba school.

We examined a sample of 24 certificates to assess if Education officials had adequately verified all requirements before issuing the certificates. We found:

- The combination of educational and professional development requirements were met and verified in all cases

- Experience requirements were met and verified in all but 1 case (1 foreign teacher was certified without knowing if the student teaching experience totalled 24 weeks)
- All required criminal record checks were performed.

Education repealed certificates if teachers were criminally convicted and it had an unwritten agreement with Manitoba Justice for Crown prosecutors to notify it when teachers were charged with criminal offenses. Also, section 41(1)(t) of *The Public Schools Act* required school divisions to report to Education any teacher charged with or convicted of an offense relating to physical or sexual abuse of children.

1.4.4 Special education continuous learning opportunities provided

Education had not mandated post-certification compulsory professional development for teachers. This was consistent with other provinces. Ontario had tried to make teacher professional development mandatory, but was unsuccessful. Other Manitoba professional associations had implemented a requirement to self-report professional development hours, some with a mandated minimum number of hours and some with a related verification process.

Education instead made various professional development courses related to special needs education available to teachers. In 2008/09, it reported that 168 sessions on 49 different topics related to special needs education were provided. These were attended by 4,939 participants from 35 of 37 school divisions. It also provided 47 presentations on Deaf and hard of hearing issues to school staff.

In addition, some school divisions arranged their own special needs training. The 2009/10 professional development calendar for 1 of the larger school divisions in Manitoba had 9 sessions on special education topics. Annual grant funding provided by Education to school divisions included \$39-\$51 per student (depending on the distance from Winnipeg) for all types of professional development. In 2009/10, the budget for this funding totalled \$8.0 million. The Manitoba Teachers Society also periodically provided professional development sessions related to special education.

Education officials felt duplication in special needs professional development efforts was unlikely as their course content and perspective would be unique. They did not monitor or review the professional development sessions on special education topics offered by others.

Education officials decided what courses to offer by considering trends in special needs and inclusive education; their regular interactions with school division personnel; specific requests from school divisions; suggestions made on course evaluation forms; recently released standards, guidelines and other support

documents; and previous sessions that could not accommodate the related demand.

1.4.5 No Provincial education requirements or certification for educational assistants

The *Teaching Certificates and Qualifications Regulation* identified certification requirements for all key professional personnel providing direct support to students, but not for the educational assistants providing paraprofessional support. Education allowed school divisions to set their own individual qualification requirements for educational assistants.

At the time of our audit, 3 universities and 2 community colleges in Manitoba offered educational assistant certificate programs. These varied in scope, from a 4-month program to a 17-course program. There was also a not-for-profit organization funded by the Manitoba government offering a 7-month educational assistant internship. In addition, some school divisions had developed and provided their own educational assistant courses and programs.

Education officials did not typically actively monitor any of these educational assistant training programs or provide any direct input to their course requirements. However, 1 Education official sat on an advisory committee for 1 of the college programs to support the development of appropriate programming.

We reviewed job bulletins for educational assistants from 9 school divisions and found that the academic requirements varied from none to "high school or equivalent work experience" to "an educational assistant program certificate". Postings requiring educational assistant certificates did not specify the type of program certificate required, despite the variations in the different programs available. Some school divisions required a specific course, such as WEVAS (*Working Effectively with Violent and Aggressive Students*). In general, urban postings had higher education requirements than rural and northern postings.

Many educational assistants work closely with special needs students and many special needs students spend the majority of their school day with these educational assistants. Several of the stakeholders we interviewed noted the incongruity of having the least trained school staff spend the most time with the neediest students. And some parents told us that the educational assistants assigned to their children were sometimes insufficiently trained to understand their child's disability (such as autism), making it harder for the assistants to fully meet their child's needs.

Learning opportunities for educational assistants varied in the different school divisions we visited. In general, larger divisions provided more learning opportunities (both at the time of initial hiring and on an on-going basis) than smaller divisions. Some school division officials told us that more Provincial

coordination and assistance in this area would be welcome; others were content to be left on their own.

Learning opportunities offered by Education were equally available to teachers and other interested school staff, such as clinicians and educational assistants. In addition, Education officials were typically invited to make presentations at the Educational Assistants of Manitoba annual conference. However, Education's professional development calendar did not typically offer any courses specifically developed for educational assistants.

We could not find examples of any other provinces setting or certifying educational assistant qualifications. However, *The No Child Left Behind Act*, enacted in the United States in 2002, requires education paraprofessionals to complete 2 years of study at a post-secondary institution or to be able to show through rigorous assessment the knowledge and ability to perform instructional duties.

Education officials told us that they had discussed providing non-mandatory certification of educational assistants in the past, and decided at that time not to proceed.

Recommendation 9: We recommend that Education provide learning opportunities specifically for educational assistants in its professional development calendar.

Recommendation 10: We recommend that Education formally assess the potential benefits and impediments to providing non-mandatory certification of educational assistants.

1.4.6 Awareness of clinician shortages, but no waitlist information

Education recognized that some school divisions, particularly rural and northern divisions, had problems attracting classroom teachers, special education and resource teachers and, in particular, clinicians such as school psychologists and speech language pathologists.

Officials from 1 school division and other stakeholders told us there were sometimes long wait times for clinician assessment services, with some students waiting over a year for assessment. However, Education did not require school divisions to keep or report waitlist information and the school divisions we visited were unable to produce specific waitlist information to support their anecdotal accounts.

Some school division staff told us that creating official waitlists would create problems in managing parent expectations. Students were unofficially prioritized

for assessment based on perceived need and those with lesser needs sometimes had to wait a long time for service. And Education officials told us that different clinician waitlists may not be directly comparable as some clinicians focus more exclusively on assessment services, while others provide a broader range of services.

Despite the difficulties, better tracking and monitoring of the number of students waiting for clinician services would allow more evidence-based oversight of access to appropriate educational programming.

Recommendation 11: We recommend that Education work with school divisions to determine if students are receiving timely access to clinician assessment services.

1.4.7 Support provided to respond to clinician shortages

Education worked with stakeholders to try to reduce clinician shortages. Its work with the Student Services Administrators Association of Manitoba helped establish a Masters of Psychology degree program in Manitoba specifically focused on school psychology. And, at the time of our audit, Education was working with the Manitoba Speech and Hearing Association to respond to the shortage of speech language pathologists.

In 2008, Education also began providing up to \$25,000 in annual bursary support to rural and northern school divisions having trouble hiring clinicians. This funding was for existing teachers or local students willing to obtain clinician training and give back 1 year of service for each year of bursary support. During the first 2 years, 27 teachers and local students received bursaries. Education officials noted that 5 of 8 recent Masters of School Psychology graduates received these bursaries and were employed in rural school divisions.

School divisions unable to hire clinicians reported that they could usually obtain some clinician services on a consulting basis. In addition, Education staff sometimes helped maintain a minimal level of direct service. At the time of our audit, staff members were providing 2 days a month of speech language services to 2 school divisions as "stopgap" assistance.

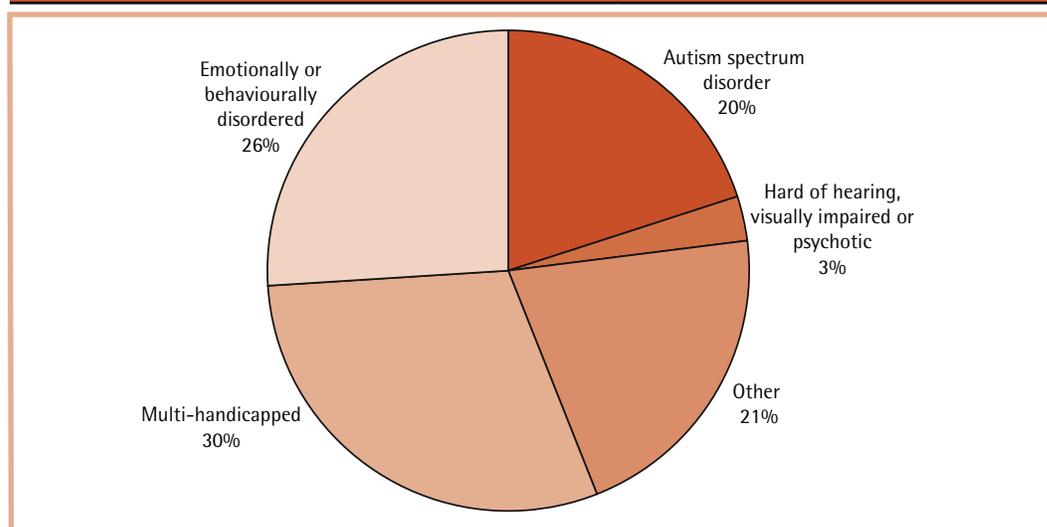
2. Special needs grant funding

2.1 Eligibility criteria and application process

2.1.1 Some eligibility criteria publicly available, but not detailed rules

Education had developed eligibility criteria for assessing applications from school divisions for Level 2 or 3 funding for specific students. There were 7 different categories of need: multi-handicapped; autism spectrum disorder; hard of hearing; severely visually impaired; emotionally or behaviourally disordered; psychotic (Level 2 only); and other (Level 2 only). As Figure 3 shows, the multi-handicapped, emotionally or behaviourally disordered, and autism spectrum disorder categories accounted for 76% of students receiving student-specific funding of \$82.0 million in 2009/10.

Figure 3: 76% of students receiving funding had multi-handicapped, emotional/behavioural or autism special needs



Source: Schools' Finance Branch, Manitoba Education

Education's *Guidelines for Level 2 and 3 Support* document, available to both school divisions and parents on Education's website, listed the criteria Education staff used to determine funding eligibility. The document described the physical, intellectual, and behavioural attributes and support needs of students that would qualify for Level 2 or 3 funding in all the various need categories (except the "other" category, which was simply described with the statement "*Other special conditions can be considered*"). For Level 2 funding, the various attributes were described as "severe" and the adaptations were described as "significant". For Level 3 funding, the attributes were described as "profound" and the adaptations as "extensive".

Education officials used professional judgement and decision tools (which were called rubrics) to guide all funding decisions, other than for the “Level 3 emotionally or behaviourally disordered” category. The rubrics were more detailed than the Guidelines. For example, while the Guidelines showed funding was available for cognitive disabilities, the multi-handicapped rubrics indicated that IQs of 50–70 were associated with Level 2 funding and lesser IQs with Level 3 funding. As a general practice, Education did not share the rubrics with school divisions.

Education approved applications for various funding periods: a single year, multiple years, or for the student’s entire remaining school life (which was called maximum funding). Multiple-year and maximum funding approvals were intended to reduce the time and paperwork of the annual funding process. But application forms did not ask school divisions to state a timeframe for requested funding and there were no publicly available criteria for determining funding periods. Education officials told us they approved maximum funding when a student had a lifelong disability and multi-year funding (which was generally to the student’s next major transition point, such as the move from primary to middle years) when it seemed likely that a student’s support needs would continue beyond 1 year. These criteria were included in the training material that Education provided to student services administrators.

During the 2010/11 school year, Education started a 3-year pilot project with 1 school division. The project suspended the Level 2 special needs application and approval process for individual students and replaced it with a grant based on historical funding levels and total student population. Education officials hoped this would allow school division staff to spend more time planning student supports and less time preparing funding applications. They noted that the information previously required on applications would still need to be gathered to guide programming. We did not assess this pilot project.

Recommendation 12: We recommend that Education make the detailed criteria for determining funding eligibility and funding periods available to school divisions and parents.

2.1.2 Qualified and trained staff assessed initial eligibility

Education staff who reviewed applications all held a Masters degree (at a minimum) and had special education experience as teachers, superintendents, division consultants or clinicians. Education had also developed training documents to help new team members become familiar with the application review process.

Representatives from Education, Justice, the Winnipeg Regional Health Authority, and Family Services and Consumer Affairs jointly reviewed applications for Level 3 funding in the "emotionally or behaviourally disordered" category. Applicants in this category were often involved with 2 or more of these departments and the departmental representatives were often already personally familiar with many of the applicants. Funding decisions were made jointly and by consensus.

2.1.3 Funding applications reviewed for completeness

Funding applications included a template designed to gather information about a student's diagnosis, academic status, school attendance record, physical and intellectual abilities, behaviour, social/emotional concerns, communication skills, social skills, self-management abilities, and support needs, including healthcare needs. School divisions were also required to submit student attendance information.

In a sample of 84 applications, we found that Education officials had judged 20% of them incomplete. In all cases, Education then requested and received supplementary information from the school divisions (such as IQ test results or additional details about behaviour).

2.2 Funding decisions

2.2.1 Funding decisions not adequately explained by rubrics or other documentation

Education officials completed rubrics to guide their decisions for all funding categories except the "Level 3 emotionally or behaviourally disordered" category. The standard rubrics used for most funding categories had boxes with descriptive information about student attributes and adaptations that described support for no funding, Level 2 funding, or Level 3 funding. Education officials checked off boxes based on their review of the funding applications and then used their professional judgement to make a decision. Rubrics for the "other" category had similar boxes with descriptive information about attributes and adaptations, but no indication of whether these supported no funding, Level 2 funding, or Level 3 funding.

We reviewed a sample of 63 completed standard rubrics to see if the boxes checked on the rubrics adequately explained the funding decisions made by Education. Our review did not assess the correctness of the professional judgement exercised in determining which boxes on the rubrics should have been checked off or the correctness of the funding decisions.

In 43% of the rubrics examined, we found that the checked boxes did not adequately explain the level of funding that was granted and there were no further explanations on the rubrics for the decisions made. Of these:

- 30% had boxes checked that equally supported no funding and Level 2 funding
- 11% had boxes checked that equally supported Level 3 and Level 2 funding
- 47% had boxes checked that supported no funding, but Level 2 funding was granted
- 4% had boxes checked that supported Level 2 funding, but Level 3 funding was granted
- 4% had boxes checked that supported Level 3 funding, but Level 2 funding was granted
- 4% had only 1 box on the rubric checked and so were considered incomplete.

The rubrics were simply guides for decision-making. They did not document the professional judgement exercised after checking the boxes.

A further 5% of the rubrics with checked boxes indicating no funding had notes stating funding was being granted "*to consolidate gains*". This reflected Education's practice of providing a transition year before withdrawing or decreasing previous funding levels. In 2009/10, 37 students received transition funding totalling \$419,055 to consolidate previous gains.

The boxes on the rubrics used to assess applications in the "other" category did not indicate if student attributes were severe or profound, or whether the adaptations required were significant or extreme. We therefore could not determine if the checked boxes were consistent with the level of funding granted. There was no other documentation kept of the professional judgement exercised or the rationale for these funding decisions.

The interdepartmental committee members reviewing applications for Level 3 funding in the "emotionally or behaviourally disordered" category completed a checklist indicating all application information had been received and the overall quality of a submitted Circle of Care plan considered. Education recommended these plans for all students with complex or intense needs that required coordinated involvement from multiple service providers and Education officials told us they followed up with service providers whenever the Committee felt a plan required significant improvement in order to adequately support a student. Some discussions about the plans and rationales for funding were documented, but these did not always adequately explain the funding decisions made.

Education officials approved about 90% of the funding applications we reviewed for more than a single year of funding. However, they did not document any

rationale for the funding periods approved. We reviewed 28 applications approved for remainder-of-school-life funding. Of these, 1 was a student who attended school only a handful of days each term in the past year (although an attendance plan was being developed for the upcoming year) and 3 did not have sufficient evidence of lifelong disabilities requiring such continuous long-term support. In 1 case, funding was approved before the student started kindergarten.

Recommendation 13: We recommend that Education clearly document in their files the logic and rationale for all individual special needs funding decisions, including the justification for providing, altering, or denying the funding requested by a school division, and the reason for the selected funding period.

2.2.2 Quality assurance process not linked to size of financial decisions

All applications (except those jointly reviewed by the inter-departmental committee) were reviewed at least once. If requested funding was denied or lowered to Level 2 from Level 3 by the first reviewer, a different reviewer performed a second review. If the two reviews produced different results, the team leader would make a final decision. The team leader also briefly reviewed all applications with completed rubrics.

The secondary review requirement and the thoroughness of the team leader review were not linked to the amount of money involved. Up to \$308,760 (maximum or remainder-of-school-life funding for a kindergarten student) could be approved without a second detailed review.

Recommendation 14: We recommend that Education ensure that all significant financial decisions for individual students receive additional review before approval.

2.2.3 Verification of application information evolving, but needs further attention

We expected Education to have processes in place to verify the validity of the information submitted on application forms. This would include verifying school attendance; the diagnosed conditions, learning issues, and behavioural issues described; and the adaptations and supports listed as needed. It would also include periodic verification that circumstances remained unchanged when multi-year or remainder-of-school-life funding was approved.

Education required school division student services administrators and school principals to sign application forms, verifying that the information being provided

was correct. We found that all applications reviewed as part of our audit had been properly signed.

Education also required school divisions to submit attendance reports so it could verify that students applying for special needs funding were attending school at least 70% of the time. If attendance was below 70% without a reasonable explanation, Education officials required a plan for improving attendance. We examined 11 applications where attendance was below 70% and found that they either had reasonable explanations for the poor attendance (such as a significant number of medical appointments), plans for improving attendance, or notes that an attendance plan was currently being developed. Education also used school enrolment records to ensure that students were enrolled in the division before disbursing funding each fall.

While the results of various assessment tests were often stated in applications, Education did not verify this information as part of the application review process. Education officials did not require copies of clinician reports to be submitted with applications because of privacy concerns related to *The Personal Health Information Act*.

All students receiving Level 2 or 3 funding were required to have individual education plans. But, unlike the Circle of Care plans that had to be submitted when applying for Level 3 funding in the "emotionally or behaviourally disordered" category, these individual education plans did not have to be submitted as part of the application process.

In 2010, Education pilot-tested a post-funding review process in 3 school divisions (including an urban, a rural, and a northern division). Under this process, Education officials intended to eventually visit all school divisions once every 3 years to review a sample of funded students. The review was designed to be very collaborative in noting strengths and potential improvements. Education officials spent about half a day at each school selected for review. During the visits, they:

- Viewed the students in the school setting
- Confirmed on-going attendance
- Confirmed that student files included individual education plans
- Provided a forum for general discussion with school division and school staff about programming, services, and supports for special needs students.

The total number of students selected for the pilot review in each school division was based on the total time available, rather than on the underlying risk.

Education officials then selected individual students by considering each school division's special needs profile and the students most likely to be at risk of not having their special needs met.

We reviewed Education's reports and notes from the pilot visits and found instances where Education officials were concerned that the funding levels and funding periods in place appeared inconsistent with their observations of a student's attributes and needs. Education officials told us that they intended to follow-up these concerns during the next application review period, including cases with multi-year and remainder-of-school-life funding (where an annual application would not normally be received).

The review process did not consider if the students' individual education plans complied with standards and guidelines, or if the students were receiving adequate supports. We noted a similar review process in another province assessed compliance with policies and guidelines, identified students no longer eligible for the funding being received and students being underfunded, and adjusted funding levels accordingly.

We compared the information provided in 70 Level 2 and 3 funding applications for the 2009/10 school year to other information in the students' school files, including past and current clinical assessments, individual education plans, and progress reports. Sixteen percent (16%) of the files had information inconsistent with the information in the application forms, such as inconsistent descriptions of behaviour. Of these, 45% had information inconsistent at the time the application was submitted (such as a report card inconsistent with a funding application, as previously described in section 1.2.2) and 55% had information indicating that student behaviour had improved or the level of supports had diminished since the time of the application. In cases where the files did not reflect the student supports described in the applications (such as specialized equipment), we could not tell if this was a file documentation issue or an indication that the supports described in the funding applications were not being provided.

School divisions reported attendance information annually, but did not have to annually confirm that circumstances remained unchanged in cases where Education had approved multi-year or remainder-of-school-life funding. In 1 case, a school division failed to notify Education when its reassessment of a student's hearing showed the student was no longer eligible for the remaining 3 of 4 years of funding approved. Education only became aware of the situation when the school division re-applied for the same student in a new category in the fifth year. It did not consider the student eligible in the new category, but nonetheless approved 1 final year of funding to consolidate gains.

Recommendation 15: We recommend that Education refine its post-funding review process by:

- Determining the number of post-funding student reviews to be conducted based on an assessment of the underlying risk
- Reviewing student files (in addition to observing students and holding discussions with school personnel) to verify and update application information
- Assessing if individual education plans reviewed during post-funding reviews meet Provincial regulations, standards and guidelines
- Ensuring prompt follow-up of all potential over- or under-funding situations.

Recommendation 16: We recommend that Education annually require school divisions to report any changes, or confirm that circumstances remain unchanged, for all students receiving multiple or maximum year funding.

3. Performance information and reporting

3.1 Information for management purposes

3.1.1 Limited financial and operational information and analysis

Because spending on special needs grants is significant (\$82.0 million in 2009/10), we expected Education to regularly compile and analyze the grant funding approved in various funding categories. We also expected that it would require school divisions to submit detailed financial and operational information showing how they were spending the funding for special needs education and the results being achieved.

Education could sort and analyze the grant funding it approved, but did not routinely do so. At our request, it calculated the dollar value of future years' commitments resulting from its approval of multi-year and remainder-of-school-life funding. As of February 2011, this commitment totalled \$389.2 million for the 2011/12 through 2026/27 school years.

In response to a specific media inquiry, Education determined that it had approved \$5.5 million of grant funding to help 505 individual students with Fetal Alcohol Spectrum Disorder (FASD) for the 2010/11 school year, even though FASD was not 1 of the 7 stand-alone categories of funding. Education officials could do this because there were 20 different detailed description codes on the funding rubrics. For example, there were codes for tracking the number of special needs

students with Attention Deficit Hyperactivity Disorder (ADHD), in a wheelchair, in care of Child and Family Services, and with diagnosed genetic conditions, such as Tourette's syndrome. This information was valuable as it supplemented wide-ranging funding categories, such as "multi-handicapped" or "other". However, Education did not collect this information for funding decisions made without rubrics. And Education did not typically extract and analyze this information to identify trends that could assist with program planning. For example, identifying an increase in the number of ADHD students might lead Education to develop an ADHD support document.

Education's accounting system for school divisions (known as FRAME – Financial Reporting and Accounting for Manitoba Education) tracked the total spending by all school divisions funded through both Provincial grants and school division levies. In the student support services category, the 3 sub-categories most related to students receiving Level 2 and 3 funding were as follows:

- Clinical and related services (although clinician costs were for all students)
- Regular placement: defined as all personnel (excluding classroom teachers) and other costs for supporting special needs students in a regular classroom setting
- Special placement: defined as all teaching and instructional support costs for activities outside the regular classroom for students with special needs.

In 2009/10, total Provincial public school spending in these 3 categories was as follows:

- Clinical and related services: \$36 million
- Regular placement: \$118 million
- Special placement: \$51 million.

However, FRAME costs were not sufficiently detailed to track the total costs and numbers of educational assistants, resource teachers, different types of clinicians, or assistive technology devices. This greater level of detail would make it easier for Education to identify and then respond to issues and trends. It would also provide better information for making decisions about the adequacy of the grant funding levels.

School division planning reports, required to be submitted to Education once every 3 years, had more detailed information on the different categories of school personnel than FRAME reports. However, school divisions were not all reporting on the same 3 year cycle and Education did not regularly compile or analyze this data.

School divisions also provided information to Education showing the high school students with modified and individualized programs. Education did not compile or analyze this data and did not receive any similar information for primary and middle year students.

Education tracked the number and types of its consultations with school divisions and schools, and the number and types of professional development offerings. But it did not set targets to measure this information against.

Some other provinces also collected and analyzed the following types of information:

- The number of classrooms with 0, 1, 2, 3, and 4 or greater students entitled to an IEP, by various grade levels
- The number of classrooms with assigned educational assistants
- Feedback on the level of satisfaction with special needs services and their accessibility (from periodic parent and school staff surveys).

Recommendation 17: We recommend that Education improve its special needs financial and operational information and analysis by:

- Tracking future year funding commitments
- Applying description codes to all funding applications and regularly compiling and analyzing this data
- Regularly gathering information on the numbers and costs of educational assistants, resource teachers, different types of clinicians, and assistive technology devices.

3.1.2 Insufficient information on outcomes being achieved

One of the stated objectives of Education's Program and Student Services Branch was to maximize the outcomes being achieved for students with special needs (which was consistent with its objectives for all students). We therefore expected Education to set targets and regularly measure progress in the outcomes these students were achieving. But Education had not set provincial targets or asked school divisions to set divisional targets. Nor had it asked school divisions to collect and report information on the outcomes being achieved.

Education had recently begun collecting information that would allow it to track all students graduating with high school diplomas or certificates of completion (for those not following a standard curriculum). It was also working with Advanced Education and Literacy to develop a process to track the number of students entering post-secondary institutions after completing high school. But Education was not compiling any information specifically related to Level 2 and 3 students. It did not track outcomes for special needs students separately from outcomes for all students.

Some other provinces set targets and tracked information such as:

- The numbers of students with special needs writing standardized provincial tests and their results
- The number of students with special needs graduating with high school diplomas or certificates of completion (for those not following a standard curriculum)
- The number of expected learning outcomes met for students on an ungraded curriculum
- The number of students with special needs transitioning to post-secondary institutions.

Recommendation 18: We recommend that Education work with school divisions to develop methods of monitoring the outcomes being achieved for students with special needs.

3.2 Public reporting on special needs education

3.2.1 Better public performance information needed

Because Education had only limited information available for its own internal management purposes, its public reporting on special needs education was similarly limited. Most provinces that collected and analyzed more detailed data, particularly on outcomes being achieved, publicly reported this information. In general, Manitoba reported less information on the outcomes being achieved for all students than several other provinces.

One province publicly reported on the results of its monitoring of school divisions. It reviewed student files to assess if school divisions were complying with provincial standards for students with special needs and then disclosed the percentage of files in compliance in a number of specific areas.

Manitoba published FRAME data annually. However, as section 3.1.1 notes, it was insufficient to determine the total costs and numbers of educational assistants, resource teachers, different types of clinicians, or assistive technology devices.

In 2008, Manitoba publicly reported the total number of students receiving Level 2 and 3 funding, as part of a 5-year Statistical Profile report. This provided information similar to that shown in **Figures 1 and 2** in the Background section of this report. Education officials told us that the Strategic Profile report would be updated, but that there was no firm date regarding its release.

Good public performance reporting is fundamental for accountability to the Legislature and Manitoba citizens. Without it, they cannot assess if Education is meeting its goal of maximizing the outcomes being achieved for special needs students, or if it is doing so cost-effectively.

Recommendation 19: We recommend that Education provide public performance information on its student-specific grant funding for students with special needs, including information on enrolment, associated costs, and the outcomes being achieved for these students.

Response of officials and summary of recommendations

Education supports and accepts the Auditor General's recommendations and will continue to refine services to ensure students with special needs in Manitoba receive appropriate educational programming, including compliance with legislation, financial accountability, and transparency.

Education's Philosophy of Inclusion states:

"Inclusion is a way of thinking and acting that allows every individual to feel accepted, valued, and safe. An inclusive community consciously evolves to meet the changing needs of its members. Through recognition and support, an inclusive community provides meaningful involvement and equal access to the benefits of citizenship.

In Manitoba, we embrace inclusion as a means of enhancing the well-being of every member of the community. By working together, we strengthen our capacity to provide the foundation for a richer future for all of us."

Education works in partnership with schools, families and communities to achieve this goal.

The Amendment to The Public Schools Act: Appropriate Educational Programming in 2005 was made with broad public input, and provides a legislative framework for school divisions in providing programming for students with special needs. Included in the regulation is a means for parents to resolve disputes in respect to programming or placement for students who have Individualized Educational Plans.

Education works collaboratively with school divisions to ensure compliance with both the regulations and the *Standards for Student Services*. The role of Education in the educational programming for students with special needs is not only to ensure compliance, but also to work with schools, families and service providers to build local capacity to meet the needs of diverse learners.

Supporting the quality of special needs education

Recommendation 1: We recommend that Education improve the organization of its website information to make it more user-friendly for parents of students with special needs.

Response: This recommendation is currently being addressed. The website was reviewed in the spring of 2011 and updated to make it more user-friendly for parents and more accessible for persons with disabilities.

Recommendation 2: We recommend that, as part of its broader consultation process, Education consult more regularly with representatives of educational assistants when it develops or updates standards, guidelines or support documents that may affect educational assistants' delivery of services to students with special needs.

Response: Education will ensure that educational assistants, as well as other educational stakeholders, are consulted as appropriate.

Recommendation 3: We recommend that Education work with school divisions to develop processes to monitor and periodically verify the level of school division compliance with special needs education regulations, standards and guidelines.

Response: Education will increase the focus on compliance in its existing monitoring processes, including:

- A 3 year cycle of review under the Planning in Education and Categorical Grant Review
- As of the 2010/11 school year, a Review and Reporting Process that follows up on a sample of students who receive Special Needs Funding
- Follow-up with individual school divisions in response to issues brought to the attention of the Department
- Investigation and recommendations as a result of a Formal Dispute Review
- Follow-up in response to Human Rights inquiry or hearing recommendations.

Recommendation 4: We recommend that Education work with school divisions to improve the level of compliance with the regulations, standards and guidelines for individual education planning, and to further develop the quality of expected learning outcomes and progress reporting.

Response: This recommendation is currently being addressed. Education will continue to work with school divisions to implement the regulation, standards and guidelines specifically related to the Individual Education Plan (IEP) process. The IEP process is at the basis for all the professional learning provided by Education for school division staff. The reporting of achievement to parents is a priority and Education is working with school divisions to improve reporting processes.

Recommendation 5: We recommend that Education further clarify what constitutes allowed paraprofessional duties and communicate this guidance to school divisions and other stakeholders.

Response: This recommendation is currently being addressed. The document *Education Assistants in Manitoba Schools* outlines responsibilities for educators and educational assistants and Education continues to work with school divisions to improve the understanding of the duties.

Recommendation 6: We recommend that Education work with school divisions to ensure the public has easily accessible and complete information on programming options at all locations.

Response: Education will work with school divisions to ensure that accessible and complete information for parents is available on local programming options.

Recommendation 7: We recommend that Education work with school divisions to ensure there is a full array of life skills learning resources available for students with special needs.

Response: This recommendation is currently being addressed. Family Services and Consumer Affairs are leading a working group called: "Preparing Youth in Care for Independent Living Training Curriculum Working Group". The modules will be made available to school divisions as well. Target date for initial drafts of the learning modules is December 2011.

Recommendation 8: We recommend that Education investigate the potential cost savings and benefits of centralized purchasing of assistive technology for school divisions.

Response: Education will continue to investigate potential cost savings, such as options for provincial licencing of software. Education has purchased equipment that is made available to school divisions through the Special Learning Equipment loan process which allows teachers and clinicians the opportunity to try expensive equipment before purchasing. The equipment available supports educational programming for students who have sensory, physical and learning disabilities.

Recommendation 9: We recommend that Education provide learning opportunities specifically for educational assistants in its professional development calendar.

Response: Learning opportunities offered by Education are open to educational assistants as well teachers and school divisions ensure that educational assistants are included as appropriate. Learning opportunities for educational assistants are often focused on training that is specific to an individual or group of children and Education will respond to requests to provide this type of training. Education has been a presenter at the annual Educational Assistants of Manitoba workshop.

Recommendation 10: We recommend that Education formally assess the potential benefits and impediments to providing non-mandatory certification of educational assistants.

Response: The Teacher Education Certification Committee (TECC) will formally assess the benefits and impediments of providing non-mandatory certification of educational assistants.

Recommendation 11: We recommend that Education work with school divisions to determine if students are receiving timely access to clinician assessment services.

Response: This recommendation is currently being addressed as part of the Clinical Outcomes project. Work is currently underway with school divisions to develop processes locally to better manage caseload and track wait lists at the division level. Education collaborates with rural and northern school divisions to develop processes to manage clinical services.

Special needs grant funding

Recommendation 12: We recommend that Education make the detailed criteria for determining funding eligibility and funding periods available to school divisions and parents.

Response: Education will increase the information sessions for school division staff and parents. Education staff currently meet with school division administrators annually to review criteria and the criteria are also posted on the Program and Student Services website. Education will work closely with school divisions and parent organizations to ensure that parents have accurate information.

Recommendation 13: We recommend that Education clearly document in their files the logic and rationale for all individual special needs funding decisions, including the justification for providing, altering, or denying the funding requested by a school division, and the reason for the selected funding period.

Response: The Funding Review Team has, as of the fall 2011, taken steps to enhance their documentation of the funding decisions.

Recommendation 14: We recommend that Education ensure that all significant financial decisions for individual students receive additional review before approval.

Response: As of fall 2011, 2 funding review team members sign-off on a funding period greater than 4 years. All significant funding decisions are also reviewed and signed-off by the co-leads before results are sent to the school division.

Recommendation 15: We recommend that Education refine its post-funding review process by:

- Determining the number of post-funding student reviews to be conducted based on an assessment of the underlying risk
- Reviewing student files (in addition to observing students and holding discussions with school personnel) to verify and update application information
- Assessing if the individual education plans reviewed during post-funding reviews meet Provincial regulations, standards and guidelines
- Ensuring prompt follow-up of all potential over- or under-funding situations.

Response: First bullet: The Funding Team indicates "visit" when processing an application for a student that may be at risk. Before conducting a Review and Reporting process on a school division, all applications with "visit" noted are included in the review.

Second bullet: Education will work with school divisions to explore ways in which student files will be included in the Review and Reporting process.

Third Bullet: The Review and Reporting process has been amended to include a review of the IEP.

Fourth Bullet: Efforts will be made to ensure the Funding Review Team members continue to regularly contact parents and school divisions and to promptly as possible follow-up on all over-or-under-funding situations that are brought to our attention.

Recommendation 16: We recommend that Education annually require school divisions to report any changes, or confirm that circumstances remain unchanged, for all students receiving multiple or maximum year funding.

Response: School division accountability for reporting changes has been further enhanced through the Review and Reporting process which began fully in 2010/11. This is in addition to the already required school divisions Fall and January additions/deletions reporting process. For the 2012/13 school year a statement/declaration (with a signature) will be added to the annual attendance reports that school divisions submit.

Performance information and reporting

Recommendation 17: We recommend that Education improve its special needs financial and operational information and analysis by:

- Tracking future year funding commitments
- Applying description codes to all funding applications and regularly compiling and analyzing this data
- Regularly gathering information on the numbers and costs of educational assistants, resource teachers, different types of clinicians, and assistive technology devices.

Response: Education will develop a more detailed compilation of future year commitments and approaches to compiling and analyzing data related to funding description codes. A more detailed descriptor of the numbers and costs will be investigated as part of the current reporting process used by school divisions in both FRAME and the Planning in Education Initiative.

Recommendation 18: We recommend that Education work with school divisions to develop methods of monitoring the outcomes being achieved for students with special needs.

Response: Improved processes for reporting to parents on student outcomes contained within IEPs are being explored as part of the development and pilot of a provincial report card.

Recommendation 19: We recommend that Education provide public performance information on its student-specific grant funding for students with special needs, including information on enrolment, associated costs, and the outcomes being achieved for these students.

Response: Education is exploring ways to include information on areas such as attendance, grade achievement/credits and graduation in the "A Profile of Student Learning and Performance in Manitoba" publication.

