

SPECIAL EDUCATION ADVISORY COMMITTEE

Summary of SEAC Obligations and Expectations

1.0 Overview

- 1.1 Under Ontario's Education Act, every exceptional pupil is entitled to special education programs and services, which meets their needs. In further of this objective, the Education Act mandates that "Every district school board shall establish a special education advisory committee" (per: Section 57.1).
- 1.2 In the Durham District School Board (DDSB), the Special Education Advisory Committee (SEAC) plays a vital role in ensuring that exceptional pupils receive appropriate educational services and programs by carrying out its mandate to:
 - i. make recommendations to the Board in respect of any matter affecting the establishment, development and delivery of special education programs and services for exceptional pupils of the board;
 - ii. participate in the Board's annual review of its special education plan; and,
 - iii. participate in the Board's annual budget process under section 231 of the *Education Act*, as that process relates to special education.

Relevant excerpts from the Education Act are attached as Appendix 1.

- 1.3 Ontario Regulation 464/97 made under the Education Act further delineates the specific requirements for SEAC, including membership requirements, meetings, and the like.
- 1.4 Before making a decision on a recommendation of SEAC, the Board shall provide an opportunity for SEAC to be heard before the Board and before any other committee to which the recommendation is referred.

2.0 Accessibility

- 2.1 The DDSB is committed to providing inclusive, accessible, and barrier-free services, employment and learning and working environments in compliance with the Human Rights Code and the Accessibility for Ontarians with Disabilities Act.
- 2.2 The district will provide such accommodations as are necessary for all SEAC members to be able to participate in meetings, including but not limited to ensuring that meetings are held in accessible locations, and that specialized resources, including large print, electronic or Braille versions of documents, closed captioning or sign language interpreters, are available as required for members and attendees.

3.0 Responsibilities of SEAC Members

3.1 Rights and Responsibilities

The spirit and intent of SEAC is one of sharing, a positive attitude, trust and respect. It is vital that SEAC members work together to assist the Board to provide programs for all students with special education and strengths needs, including and not limited to helping DDSB:

- i. create welcoming environments for all students, staff and community members.
- ii. identify, prevent and address ableism and intersectional discriminatory barriers to equitable and inclusive education.

All SEAC meetings and events are considered extensions of DDSB learning and working environments and are subject to DDSB policies and procedures. Within the scope of SEAC's purpose, roles, and responsibilities, all SEAC decisions, recommendations, meetings, practices, activities and events (for example, initiatives, strategies, communications, etc.) will uphold and align with the DDSB's commitment to providing services, employment and learning and working environments that centre Indigenous rights and human rights and that are safe, welcoming, respectful, equitable, inclusive, accessible and free from all forms of discrimination.

3.2 Each member has rights and responsibilities and is expected to:

- i. respect the right to privacy of individual exceptional pupils;
- ii. acquire and maintain a working knowledge of the special education programs and services provided by the board for all exceptionalities;
- iii. represent and inform SEAC about the association they represent (where the member is appointed as a representative of a local association);
- iv. treat all SEAC members, meeting guests, community members and DDSB staff with dignity and respect;
- v. not engage in discriminatory or harassing conduct when conducting SEAC business;
- vi. recognize and respect the contributions, concerns, questions and opinions of SEAC members, invitees and DDSB staff; and,
- vii. act in accordance with the Provincial Code of Conduct which is applicable to all members of the school community, as well as DDSB's policies and procedures, including and not limited to the Indigenous Education Policy, Human Rights, Anti-Discrimination and Anti-Racism Policy, Safe and Respectful Workplace and Harassment Prevention Policy, the Board's Code of Conduct, and related procedures.

4.0 Membership Composition

In accordance with the Education Act, SEAC shall consist of the following:

- i. one representative from up to a maximum of 12 local associations from within the DDSB's jurisdiction, as nominated by the local association and appointed by the Board;
- ii. one alternate member for each representative as nominated by the association and appointed by the Board to serve in the absence of the representative;
- iii. Three members of the Board of Trustees;
- iv. Where the Board has one member appointed in accordance with a regulation made under section 188 of the Act, the SEAC shall include one person (plus an alternate) appointed to represent the interests of the First Nation.
- v. up to two Members at Large (community) members appointed by the Board who are not representatives of a local association or members of the Board or another committee of the Board
- vi. One, non-voting, liaison representative of the Durham Region Child Care Consortium.

5.0 Appointment Process

5.1 Indigenous Pupils Representation

- 5.1.1 Appointment process is akin to the appointment of First Nation Representative to Board of Trustees, with the Mississaugas of Scugog Island First Nation naming their SEAC representative and alternate and the Board of Trustees passing a resolution confirming the appointment.

5.2 Local Association Representatives – Voting and Alternate

A “**Local Association**” is defined by Regulation 464/97 and in this Procedure as an organization which:

- i. operates locally within the school board jurisdiction;
- ii. is affiliated with an incorporated organization that works on behalf of one or more exceptional students throughout Ontario; and
- iii. is not an Association or organization of professional educators, either locally or provincially.

Local Associations must have a primary member of SEAC and a designated alternate.

Reg. 464/97 allows up to twelve (12) Local Associations to nominate SEAC representatives for Board appointment.

5.3 Trustee Representatives

- 5.3.1 Trustee members of SEAC shall be appointed during the annual organization of the Board (November).

5.4 Members at Large

- 5.4.1 DDSB SEAC has two voting membership seats for members of the community (Members at Large)
- 5.4.2 Qualifications Required to be a Member at Large (Education Act, Ontario Regulation 464/97 SEAC):
 - i. Over the age of 18 years
 - ii. Residents in the school board area
 - iii. Qualified to vote for members of that board
 - iv. Not employed by the board
 - v. Active involvement or knowledge of programs and services for children & youth with exceptionalities is an important consideration
- 5.4.3 Members at Large need not have children in DDSB schools.

5.5 Support for SEAC – Board Personnel

- 5.5.1 SEAC is supported by a number of Board personnel:
- 5.5.2 **Superintendent of Education:** SEAC meetings are attended by the Superintendent of Education responsible for Inclusive Student Services.
- 5.5.3 **Senior Administrative Assistant:** The Senior Administrative Assistant to the Superintendent of Education, Inclusive Student Services, provides administrative support including recording and distributing minutes of the meetings, providing notification of meetings, and other communications, and ensuring meeting rooms and refreshments are available.
- 5.5.4 **District Staff:** Staff, across departments, may attend meetings to act as a resource to the Superintendent of Education, and may at the Superintendent's request provide presentation to SEAC about programs and services.

6.0 Vacancies

- 6.1 SEAC members, including both voting and alternate, will be deemed to have vacated their seat upon either:
 - i. conviction of an indictable offence;
 - ii. absence from three consecutive regular meetings of the committee without authorization by resolution entered in the minutes; or
 - iii. ceasing to be eligible for appointment, as outlined in Article 5.2 of this Terms of Reference.

- 6.2 If a seat on SEAC becomes vacant, the vacancy must be filled in a timely way in accordance with the provisions in the regulations.

If a position on the SEAC becomes vacant as a result of the resignation or as defined in Regulation 464/97, the vacancy must be filled in a timely way in accordance with the regulations. In the interim, pending this appointment, the alternate may take the place of the representative.

6.3 Process of Selection

- 6.3.1 There is a vacancy on SEAC, when SEAC is: comprised of fewer than twelve local associations and/or there is a Member at Large vacancy.
- 6.3.2 When there is declared vacancy, the DDSB shall publicly advertise the opportunity of SEAC members (e.g., through social media) and provide SEAC members with link or copy of advertisement to be shared.
- 6.3.3 Nominations are received through online form. <https://forms.ddsb.ca/Special-Education-Advisory-Committee-SEAC/SEAC-Association-Member-Nomination-Form>.
- 6.3.4 Nominations received by SEAC are verified to meet membership requirements.
- 6.3.5 Where there is a call for expression of interest for Member(s) at Large and more than one applicant meeting membership requirements is received, a sub-committee of SEAC comprised of at least 2 members shall review the submissions and make recommendation to SEAC based on the composition of SEAC at the time and the opportunity to augment the breadth of consult SEAC is able to provide.
- 6.3.6 Nominations are brought forward to SEAC for decision on recommendation to Board.
- 6.3.7 Recommendation for membership are brought forward to the Board of Trustees for approval.

7.0 Term of Office

- 7.1 Term of SEAC members begins with their appointment by the Board and continues for the length of the Trustees' term of office, until such time as a new Board is organized and meets to appoint SEAC members for the coming term.

8.0 Absences

- 8.1 In the absence of a representative, the representative's alternate, if there is one, may take the place of the representative.

9.0 Elections of the Chair and Vice Chair

- 9.1 A Chair and Vice-Chair will be elected at the first meeting of SEAC following the election of the Board Chair and Vice-Chair. The term of office shall be the same as that of the Board Chair and Vice-Chair.
- 9.2 Chair and Vice-Chair shall be Association or Member at Large representatives.
- 9.3 The process for electing the Chair and the Vice-Chair shall be as per Board By-laws.
- 9.4 Annually, the Superintendent of Education, or staff designate, shall presume the position of Chair to open the meeting including the election of the Chair and Vice-Chair of SEAC. The Superintendent of Education shall preside over the election of the Chair. The Chair will preside over the election of the Vice-Chair and remainder of the meeting.
- 9.5 All members of SEAC are eligible to be nominated for the position of Chair and Vice-Chair at the SEAC meeting annually in December.
- 9.6 The Chair, or in the absence of the Chair, the Vice-Chair, will preside at SEAC meetings. If at any meeting neither the Chair nor Vice-Chair are present, the voting members present may elect a Chair for that meeting from amongst themselves.
- 9.7 If a vacancy occurs in the office of SEAC Chair or Vice-Chair, SEAC shall elect a new Chair or Vice-Chair at the meeting following the vacancy as per Board By-laws.

10.0 Meetings

- 10.1 Rules of Order will be followed as per the DDSB By-laws.
- 10.2 SEAC passes an annual resolution as to meeting start times, format, and schedule of meetings (10 per year)
- 10.3 The agenda will be prepared collaboratively by the Chair, Vice-Chair and the Superintendent responsible for Special Education and distributed one week prior to the meeting to SEAC members. The agenda will be posted on the board's website.
- 10.4 Minutes of each meeting will be kept as per DDSB Board By-laws. Minutes will be approved by SEAC and reported to a regular meeting of the Board.
- 10.5 Recommendations from SEAC to the Board will be contained in the minutes reported to the Board.
- 10.6 SEAC has the right to make presentations/delegations to the Board in support of any topic discussed at a SEAC meeting or recommendations made to the Board in accordance with Board By-laws.

11.0 Quorum

11.1 Quorum shall be the majority of the appointed members.

11.2 In accordance with Reg. 464/97, SEAC must have a quorum before any decision which binds the committee can be made.

11.3 Notwithstanding the foregoing, the Chair may convene a meeting of SEAC without a quorum, for the purposes of receiving information and engaging in discussion.

12.0 Public Gallery

12.1 SEAC meetings shall be open to the public.

12.2 SEAC meeting shall be live streamed for public accessibility.

12.3 Members of the public who are not members of SEAC may observe SEAC proceedings, in person, up to gallery capacity, but may not participate in committee discussion or debate.

12.4 Members of the public seeking to observe SEAC in-person shall pre-register through the district website ddsb.ca the gallery registration is open Sunday to Wednesday the week of each SEAC meeting.

13.0 Cancellation

13.1 The Chair may cancel a meeting, for reasons such as inclement weather or an undue number of confirmed absences.

13.2 In the event of a cancellation, the Chair will ensure that all SEAC members, registered in-person gallery members and affected staff are notified by the Board's website and social media will be updated to advise members of the public of the cancellation and a rescheduled date if applicable.

[Ontario Human Rights Code](#)

[Accessibility for Ontarians with Disabilities Act](#)

[Education Act](#)

- [Section 8 \(3\)](#)
- [Section 57\(1\)](#)

[Regulation 464/97 - Special Education Advisory Committees](#)

[Regulation 463/97 - Electronic Meetings and Meeting Attendance](#)

[Indigenous Education Policy](#)

[Human Rights, Anti-Discrimination and Anti-Racism Policy](#)

[Safe and Respectful Workplace and Harassment Prevention Policy](#)

[The Provincial Code of Conduct](#)

Appendix 1
Obligations Ontario Regulation 464/97
Special Education Advisory Committees

1. In this Regulation,

“local Association” means an Association or organization of parents that operates locally within the area of jurisdiction of a board and that is affiliated with an Association or organization that is not an Association or organization of professional educators but that is incorporated and operates throughout Ontario to further the interests and well-being of one or more groups of exceptional children or adults.

2.(1) Every district school board shall establish a special education advisory committee that shall consist of,

- a) subject to subsections (2) and (3), one representative from each of the local Associations that operates locally within the area of jurisdiction of the board, as nominated by the local Association and appointed by the board;
- b) one alternate for each representative appointed under clause (a), as nominated by the local Association and appointed by the board;
- c) such number of members from among the board’s own members as is determined under subsection (4), as appointed by the board;
- d) where the number of members appointed under clause (c) is less than three, one alternate, as appointed by the board from among its own members, for each member appointed under clause (c);
- e) one or two persons to represent the interests of Indian pupils, as provided by section 4; and
- f) one or more additional members appointed under subsection (5).

(2) The board shall not appoint more than 12 representatives under clause (1) (a).

(3) Where there are more than 12 local Associations within the area of jurisdiction of the board, the board shall select the 12 local Associations that shall be represented.

(4) The number to be appointed by the board under clause (1) (c) shall be the lesser of,

- a) three; and
- b) 25 per cent of the total number of members of the board, rounded down to the nearest whole number.

(5) For the purposes of clause (1) (f), the board may appoint one or more additional members who are neither representatives of a local Association nor members of the board or another committee of the board.

3.(1) Every school authority, other than a board established under section 68 of the Act, shall establish a special education advisory committee that shall consist of,

- a) two representatives from the local Associations that operate locally within the area of jurisdiction of the board, as nominated by the local Associations and appointed by the board;
- b) one alternate for each representative appointed under clause (a), as nominated by the local Associations and appointed by the board;
- c) one member from among the board’s own members, as appointed by the board;

d) one alternate, as appointed by the board from among its own members, for the member appointed under clause (c); and

e) one or two persons to represent the interests of Indian pupils, as provided by section 4.

(2) Where no local Association or Associations have been established, instead of the members and alternates required by clauses (1) (a) and (b), the board shall appoint two members and two alternates who are not members of the board.

4. (1) Where a board has one member appointed in accordance with a regulation made under section 188 of the Act, the special education advisory committee shall include one person appointed to represent the interests of Indian pupils.

(2) Where a board has more than one member appointed in accordance with a regulation made under section 188 of the Act, the special education advisory committee shall include two persons appointed to represent the interests of Indian pupils.

(3) One alternate shall be appointed for each person appointed in accordance with subsection (1) or (2).

(4) The representatives and alternates shall be nominated by the councils of the bands with which the board has entered into agreements under section 188 of the Act.

(5) The board shall appoint the persons nominated under subsection (4).

5. (1) A person is not qualified to be nominated or appointed under section 2 or 3 to a special education advisory committee of a board unless the person is qualified to vote for members of that board and is resident in its area of jurisdiction.

(2) Subsection (1) does not apply in respect of persons appointed under section 4.

(3) A person is not qualified to be nominated or appointed under section 2, 3 or 4 if the person is employed by the board.

6. Subject to section 7, each of the persons appointed to a special education advisory committee of a board shall hold office during the term of office of the members of the board and until a new board is organized.

7. (1) A member of a special education advisory committee vacates his or her seat if he or she,

a) is convicted of an indictable offence;

b) absents himself or herself without being authorized by resolution entered in the minutes from three consecutive regular meetings of the committee; or

c) ceases to hold the qualifications to be appointed to the committee.

(2) An alternate for a member of a special education advisory committee vacates his or her position if he or she,

a) is convicted of an indictable offence;

b) absents himself or herself without being authorized by resolution entered in the minutes from three consecutive regular meetings of the committee in respect of which the alternate received a notice under subsection 9 (9); or

c) ceases to hold the qualifications to be appointed as an alternate.

(3) Where a seat or position becomes vacant under this section, section 8 applies with respect to filling the vacancy.

(4) Despite subsection (3), where a member of the committee or an alternate for a member of a committee is convicted of an indictable offence, the vacancy or position shall not be filled until the time for taking any appeal that may be taken from the conviction has elapsed, or until the final determination of any appeal so taken, and in the event of the quashing of the conviction the seat or position shall be deemed not to have been vacated.

8. (1) If a seat or position on a special education advisory committee becomes vacant, the board that appointed the person whose seat or position has become vacant shall appoint a qualified person to fill the vacancy for the remainder of the term of the person whose seat or position has become vacant.

(2) The nomination requirements of sections 2, 3 and 4 apply with respect to appointments under this section.

(3) Where a seat of a member of the committee is vacant and has not yet been filled, the alternate for the member, if there is an alternate, shall act in the member's place for all purposes of this Regulation.

9. (1) A majority of the members of a special education advisory committee is a quorum, and a vote of a majority of the members present at a meeting is necessary to bind the committee.

(2) Every member present at a meeting, or his or her alternate when attending the meeting in his or her place, is entitled to one vote.

(3) The members of the committee shall, at their first meeting, elect one of their members as chair and one of their members as vice-chair.

(4) The vice-chair shall assist the chair and shall act for the chair at meetings in his or her absence.

(5) The chair or, in the absence of the chair, the vice-chair, shall preside at meetings.

(6) If at any meeting the chair and vice-chair are not present, the members present may elect a chair for that meeting.

(7) The chair may vote with the other members of the committee and any motion on which there is an equality of votes is lost.

(8) The committee shall meet at least 10 times in each school year.

(9) Where a member for whom an alternate has been appointed cannot attend a meeting of the committee, the member shall so notify the alternate.

(10) Where an alternate receives a notice under subsection (9), he or she shall attend the meeting and act at the meeting in the member's place.

10. (1) The board shall make available to its special education advisory committee the personnel and facilities that the board considers necessary for the proper functioning of the committee, including the personnel and facilities that the board considers necessary to permit the use of electronic means for the holding of meetings of the committee in accordance with the regulations made under section 208.1 of the Act.

(2) Within a reasonable time after a special education advisory committee is appointed, the board shall provide the members of the committee and their alternates with information and orientation respecting,

- a) the role of the committee and of the board in relation to special education; and
- b) Ministry and board policies relating to special education.

11.(1) A special education advisory committee of a board may make recommendations to the board in respect of any matter affecting the establishment, development and delivery of special education programs and services for exceptional pupils of the board.

(2) Before making a decision on a recommendation of the committee, the board shall provide an opportunity for the committee to be heard before the board and before any other committee of the board to which the recommendation is referred.

12.(1) The board shall ensure that its special education advisory committee is provided with the opportunity to participate in the board's annual review, under Regulation 306 of the Revised Regulations of Ontario, 1990, of its special education plan.

(2) The board shall ensure that its special education advisory committee is provided with the opportunity to participate in the board's annual budget process under section 231 of the Act, as that process relates to special education.

(3) The board shall ensure that its special education advisory committee is provided with the opportunity to review the financial statements of the board, prepared under section 252 of the Act, as those statements relate to special education.

13. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION).