

**PROFESSIONAL
JUDGEMENT
MATTERS**

**PROFESSIONAL
JUDGEMENT AND
THE INDIVIDUAL
EDUCATION PLAN**



No two students are alike, and teachers play an integral role in helping identify students who may require accommodations/modifications and in creating learning environments that serve their unique needs. In some cases, this process may involve Individual Education Plans (IEPs).

Individual Education Plans are grounded in regulation and policy. As such, teachers must complete certain aspects of the IEP as part of their professional obligations.

IEPs must be written for students:

- identified as exceptional through an Identification Placement and Review Committee (IPRC)
- receiving accommodations on Education Quality and Accountability Office (EQAO) assessments
- assigned assistive tools through Special Equipment Amount funding

IEPs may be in place for students who are receiving special education programs and services but are not identified as exceptional through an IPRC. For example, students with significantly accommodated, modified, and/or alternative programs should have an IEP in place.

The timing of IEP creation each year, along with review and updates of the IEP, are mandated by the Ministry of Education. IEPs must be in place within 30 instructional days of the start of the student's program and must be reviewed and updated as appropriate a minimum of once per reporting period.

Parents/guardians must be consulted in the development of the IEP and these consultations must be documented.

A transition plan must be part of each IEP. If the student has no transition needs, it is appropriate to indicate this on the transition plan.



Teacher PROFESSIONAL JUDGEMENT

Since 2015, professional judgement has been defined in Section C2.5 of the Teacher/Occasional Teacher Central Agreement as:

Judgement that is informed by professional knowledge of curriculum expectations, context, evidence of learning, methods of instruction and assessment, and the criteria and standards that indicate success in student learning. In professional practice, judgement involves a purposeful and systematic thinking process that evolves in terms of accuracy and insight with ongoing reflection and self-correction.

While Ministry policy mandates what information must be included in an IEP, the following areas allow room for the teacher to exercise professional judgement:



Initiating collaborative discussions with principal and other relevant staff regarding the need for an IEP for a student (other than those mandatory situations outlined above).



Determining which relevant assessment data is included on the IEP. Information included in the Assessment Data section of the IEP should be directly related to the reasons that give rise to the need for a special education program and services for the student.



Listing strengths and needs on IEPs of non-identified students. For identified students, the Strengths and Needs section of the IEPs must be drawn from the IPRC statement of decision.



Determining subjects that are accommodated and/or modified and/or alternative programs and indicating these on the IEP. [*Special Education in Ontario, Kindergarten to Grade 12, Policy and Resource Guide*](#) (2017) states: "It is essential that the teacher(s) responsible for direct instruction to the student be the primary decision-maker(s) in the process of determining the student's programming needs and identifying the appropriate option with respect to each of the relevant subjects, courses, and programs."



Identifying accommodations the student is to receive.



Modified programs – Identifying the annual program goal, learning expectations, teaching strategies, and assessment methods related to the modified program.



Alternative programs – Identifying the annual program goal, learning expectations, teaching strategies, and assessment methods related to the alternative program.



Making ongoing revisions to the IEP. The IEP is a working document that can be revised at any point but must be reviewed and updated as appropriate a minimum of once per reporting period.



Determining transition plan goals, actions, and timelines, or indicating if the student has no transition needs at this time. Transition plans are mandatory for a student with Autism Spectrum Disorder (ASD).

Supporting Your PROFESSIONAL JUDGEMENT

As an educator exercising your professional judgement, you should be prepared to provide rationale for the decisions you make. As with the report card, the principal has the legal responsibility for an IEP. Situations may arise where a teacher disagrees with a principal's direction to:

- create an IEP for a student (in scenarios other than when mandated by ministry policy)
- not create an IEP for a student (in scenarios other than when mandated by ministry policy), even though the teacher recommends one be created
- include specific content (e.g., strategies, goals, curriculum areas, alternative programs) on the IEP

If such a situation arises, it is appropriate for the teacher to engage in respectful and professional discussions with the principal about the differing opinion. It is important to explain and document why the direction from the administrator is not the most appropriate and helpful course of action in the given situation. As with any discussions regarding students, it is important to have supporting documentation and rationale for why, in the teacher's professional judgement, it would (or would not) be appropriate to have the IEP created, or to include specific content.

If you believe your professional judgement is being challenged or if you are unsure if a particular aspect of IEP development falls under the category of professional judgement, speak with your local president as soon as possible. If the administrator continues to insist on the directed course of action, in order to avoid allegations of insubordination, you must follow the instruction/direction of the administrator and indicate you are doing so under protest. Continue to work with your school steward and local to help resolve the situation.



Related Resources about PROFESSIONAL JUDGEMENT

More information and resources about professional judgement are available in the [Professional Judgement Matters series](#) on the [ETFO members' website](#).

QUESTIONS?

If you have any questions or concerns about professional judgement and IEPs, reach out to your ETFO local president. Staff in Professional Relations Services (PRS) at the provincial office are also available to help. We can be reached at 416-962-3836 or 1-888-838-3836.

