

Professional Judgement Matters

Professional Judgement and the Individual Education Plan

Professional judgement is an important concept for educators. It is now defined in our central agreement. Section C.2.5 of the Teacher/Occasional Teacher Central Agreement reads as follows:

“Professional Judgement” shall be defined 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.

Individual Education Plans (IEPs) are grounded in regulation and policy. As such, there are areas within the IEP that are mandated which teachers must complete as part of their professional obligations.

IEPs **must** be written for students:

- Identified as exceptional through an Identification Placement and Review Committee.
- Receiving accommodations on Education Quality and Accountability Office assessments.
- Assigned Special Equipment Amount equipment.

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. 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 on the transition plan that the student has no transition needs at this time.)

Teacher Professional Judgement

While Ministry policy mandates what information must be included in an IEP, the following are areas where there is room for the teacher to exercise professional judgement in relation to the IEP.

- 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.



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- Listing Strengths and Needs on IEPs of non-identified students. Strengths and Needs for IEPs of identified students are 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. The IEP Resource Guide 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 classifying the relevant subjects, courses, and programs accordingly. *The Individual Education Plan (IEP): A Resource Guide*, page 25.

- 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 on-going 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 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 a teacher believes their professional judgement is being challenged or they are unsure if a particular aspect of IEP development falls under the category of professional judgement they should speak with their local president as soon as possible. If the administrator continues to insist the teacher take the directed course of action, in order to avoid

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allegations of insubordination, the teacher must follow the instruction / direction of their administrator and indicate they are doing so under protest and continue to work with their local.

Related Resources about Professional Judgement

Check the ETFO provincial website for:

- Advice for Members
- Professional Judgement Section

Please discuss any concerns with your ETFO school steward or your ETFO local president.

Staff in Professional Relations Services (PRS) can be reached at 416-962-3836 or 1-888-838-3836. See also ETFO's website – Advice for Members.