

PRINCE ALBERT ROMAN CATHOLIC SEPARATE SCHOOL DIVISION NO. 6

POLICY ITEM: Third Party Review Pertaining to Decisions Regarding Children with Intensive Needs	CODE: IQA
LEGAL STATUS: Section 178.1 of The Education Act, 1995, Board Motion #204.06, #260.20	DATE APPROVED: 25 Sep 06, 26 Oct 20

Background: An amendment to *The Education Act*, passed in the spring of 1997, gives students with disabilities and their parents/guardians the right to request a review of the decisions related to the student's designation, placement and program. The amendment requires school boards to provide students and parents/guardians with access to a process for the review of decisions and to have written procedures for dealing with these situations.

POLICY: In keeping with *The Education Act*, a third-party review pertaining to decisions regarding children with intensive needs can occur as per these procedural guidelines.

Guidelines:

1. A student, or the parents/guardians of a student with a disability, shall have access to a review process in the event he/she disagrees with:
 - a) The designation of the student or failure to designate the student as having intensive needs.
 - b) The placement of the student.
 - c) The program provided to the student.
2. The right to a review is limited to decisions with educational or developmental implications for the student. The right for review does not apply where the disagreement with respect to the placement of the student is based on:
 - a) Parental preference as to the location of the delivery of the program;
 - b) Parental convenience;
 - c) Other factors unrelated to the impact of the location of the educational instruction on the student's education and development;
 - d) Location within an educational institution;
 - e) Any other reason that relates to or is similar in nature to those listed in clauses 2.a) to 2.d).
3. The school division will first attempt to make every effort to resolve a designation placement and/or program decision in a manner amicable to the student, parents/guardians and school division before the dispute goes for a third-party review.

Procedures:

1. The student or parents/guardians shall discuss the decision in question with the teacher(s) and the school principal.

2. If there is no resolution, the student or parents/guardians shall request that the Director of Education or designate review the designation, placement or program decision.
3. When parents/guardians are unable to resolve such a disagreement through discussion with the school principal, the parents/guardians may request that the director or designate review the designation, placement or program decision.
4. If there is no resolution, prior to initiating a review, the director or designate will invite a member of the Ministry of Education Student Supports Branch to facilitate a resolution.
5. If there is no resolution, the director or designate shall inform the student or parents/guardians of the procedures necessary for initiating a formal review process.
6. The request for a formal review shall be in writing directed to the Director of Education or designate and shall identify the decision they want reviewed.
7. If there is no resolution, within ten days of receiving the request for review of a decision, the Director of Education or designate will respond in writing, outlining:
 - a) The steps in the formal review process;
 - b) The procedure used to establish a neutral third-party;
 - c) The anticipated timeline of the formal review process and identifying a neutral person to act as a third-party;
 - d) Outlining both an analysis of the situation under review and any recommendations.
8. The third-party will be a person not involved in the decision in dispute, precludes parents or guardians or an employee or trustee of the school division. The third-party person carrying out the review process should be a mutually agreeable person to the director or designate and the parents/guardians requesting the review.
9. In the event there exists a difficulty attaining a third-party person acceptable to the school division and the parents/guardians, the following process will be utilized:
 - a) The parents/guardians will nominate three persons to the Director or designate. The Director or designate will review the listing and determine if one of the persons from the parents'/guardians' listing is a suitable choice as a third-party representative.
 - b) If none of three persons selected by the parents/guardian is acceptable to the director or designate, the director or designate will suggest three different candidates to the parents/guardians. The parents/guardians will review the suggested list and

- determine if a selection can be made.
- c) In the event there is no agreement, a three-person panel will be established consisting of a representative of the parent's/guardians, a representative of the school division, and a third person identified as the chair by the Board of Education.
10. The third-party (panel) will receive written submissions from both the parents/guardians and the school officials. These submissions may be supplemented by representations from other parties called to the process by either the parents/guardians or the school officials. All written information gathered will be shared with both parties. The third-party will make a decision based on the information presented and must be consistent with *The Education Act*.
11. The review will be completed within thirty days of the selection of the third-party. Within this time frame, the third-party will submit a report to the Board of Education and to the individual(s) requesting the review. The report will include an analysis of the situation under review and, where appropriate, make recommendations regarding the reviewed decision. Upon receiving the report and the recommendations, the Board of Education will make the final decision as to whether, and/or to what extent, the recommendations will be implemented
12. The director or designate may make any interim decision he/she considers necessary pending the decision of the review. During the appeal and review period, the parents/guardians have the right to either have their child exempted from school or have him/her attend the initial program/placement assigned by the school division until the dispute is settled.
13. The division will assume the costs of the neutral third party, for costs associated with persons appearing on behalf of the Division and for research and presentations on its behalf.
14. Parents/guardians will pay for costs associated with persons appearing at their request and for research and presentations they gather or commission