



Administrative Procedures

AP-614 REVIEWS – STUDENTS WITH INTENSIVE NEEDS	Date of implementation: October 1, 2018 Date of update:
	Related Administrative Procedures:

Purpose: To provide a framework for responding to a request for a review from a student with intensive needs or the parents/guardians acting on behalf of that student.

Procedures: The Board recognizes the right of a student with intensive needs or the parents/guardians acting on behalf of that student to request a review in accordance with section 178.1 of *The Education Act, 1995* of a decision related to the results of an assessment, a failure to conduct an assessment or the educational services provided to a student with intensive needs.

- 1) Further to section 55 of *The Education Regulations, 2015*, the right of 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 (i) to (iv) above; or
 - f) an allegation of discrimination pursuant to the Human Rights Code or the Canadian Charter of Rights and Freedoms.
- 2) The Director or designate may make any interim decision pending the review.
- 3) The Division personnel will attempt to make every effort to resolve a designation, placement and/or program decision in a manner amicable to the student, parents/guardians and the Division without the need to proceed to a formal review process including but not limited to:
 - a) setting up opportunities for the student or parents/guardians to discuss the decision in question with the teacher(s) and the in-school administration;
 - b) if there is no resolution at the school level, the student or parents/guardians may request that the Director's designate review the assessment, lack of assessment or the decision regarding the educational services to be provided.

- c) if there is no resolution, the Director's designate shall inform the student or parents/guardians of the procedures necessary for initiating a formal review process in accordance with section 178.1 of *The Education Act, 1995*.
- 4) The following steps outline the process required to initiate a formal review process:
- a) The request for a formal review shall be in writing directed to the Director of Education and shall set out the reasons for disagreement the assessment, lack of assessment or the decision regarding the educational services to be provided.
 - b) Within five (5) school days of receiving the request for a formal review of a decision, the Director of Education shall respond in writing to the individual(s) outlining:
 - i) the steps in the formal review process,
 - ii) the person or persons, as defined by *The Education Act, 1995*, proposed by the Division to conduct the review.
 - iii) the anticipated timeline of the formal review process.
 - iv) a request for the individual to advise as soon as possible whether or not the person proposed to conduct the review is acceptable to the individual.
 - c) The Director shall notify the Division personnel involved in the decision of the request for review and shall provide them with information concerning the circumstances of the review, including a copy of the written request for review.
 - d) At any stage of the review, the student or the parents/guardians of the student may choose to be accompanied by a friend or other person of their choice.
- 5) The person chosen to conduct the review:
- a) shall have appropriate levels of expertise and experience in educational programming and administration of services for students with exceptional needs.
 - b) may be an employee of the board or, in circumstances where no board employee meets the legislative criteria, may be a third party.
- 6) The person appointed to conduct the review shall be required to complete the review within thirty (30) days of the date the Board received the written request for review. The student or parents/guardians and their representative(s) will be invited to present their reason(s) for requesting a review. The representative(s) of the Division who participated in the educational planning/decision-making process will be called upon to provide information related to the review. The person conducting the review may consult with other parties as witnesses or experts, may conduct on-site observations and may request written submissions and reports from those individuals involved in the review.
- 7) The person conducting the review will submit a written report to the Board and the pupil or the parents/guardians requesting the review no later than thirty (30) days after completing the

review. The report will outline the situation under review and identify recommendation(s) related to the situation.

- 8) The Director will review the recommendations of the report with the Board and, based on that review, the Director will determine next steps after consultation with Division staff.

References:

[Education Act, 1995](#), Section 178.1

[Education Regulations, 2015](#), Section 55

Board Operations Policy BO-15 Appeals Regarding Student Matters