

ENGLISH MONTREAL SCHOOL BOARD

**Policy Governing
the Organization of
Educational Services
for
Students with Handicaps,
Social Maladjustments
or
Learning Disabilities**



POLICY:	POLICY GOVERNING THE ORGANIZATION OF EDUCATIONAL SERVICES FOR STUDENTS WITH HANDICAPS, SOCIAL MALADJUSTMENTS OR LEARNING DISABILITIES	CODE: SS-7
Origin:	Student Services	
Authority:	Revised by Resolution # 16-06-15-10	
Reference(s):	Resolution # 05-03-30-7.1 Refer to 1.3 in Section I of the Policy	

PREAMBLE

The English Montreal School Board has adopted, as part of its mission statement, the orientation to support its schools in their efforts to educate students within a caring, safe and inclusive learning community. The Policy Governing the Organization of Educational Services for Students with Handicaps, Social Maladjustments or Learning Disabilities has been developed to enable the Board's personnel in collaboration with the parents and its community partners, to provide the highest quality service to students with special needs so that each student may reach his/her maximum potential in acquiring the knowledge, the social skills and the qualifications to live a fulfilling and productive life.

Table of Contents

	Preamble	
I.	Policy Governing the Organization of Educational Services for Students with Handicaps, Social Maladjustments or Learning Disabilities.	page 4
II.	Procedures for Evaluating Students with Handicaps, Social Maladjustments or Learning Disabilities.	page 10
III.	Procedures for Integrating Students with Handicaps, Social Maladjustments or Learning Disabilities, for Providing Integration Support Services and for Weighting, Where Applicable	page 15
IV.	Procedures for Grouping Students with Handicaps, Social Maladjustments or Learning Disabilities in Specialized Schools, Classes or Groups	page 20
V.	Procedures for Establishing and Evaluating Individualized Education Plans for Students with Handicaps, Social Maladjustments or Learning Disabilities.	page 22
VI.	Confidentiality	page 25
VII.	Mechanisms for Addressing Issues Raised by the Application of the Policy	page 27
Appendix A	Glossary	page 28
Appendix B	Flow chart - Procedures for Evaluating Students with Handicaps, Social Maladjustments or Learning Disabilities	page 32
Appendix C	Request for Reconsideration of a Decision (extracts of Education Act)	page 34

I. POLICY GOVERNING THE ORGANIZATION OF EDUCATIONAL SERVICES FOR STUDENTS WITH HANDICAPS, SOCIAL MALADJUSTMENTS OR LEARNING DISABILITIES

1. Introduction

1.1 Terminology

This document, entitled “Policy Governing the Organization of Educational Services for Students with Handicaps, Social Maladjustments or Learning Disabilities” will hereinafter be referred to as this Policy or the Special Education Policy. The students who are covered by this Policy will hereinafter be referred to as students with special needs. The English Montreal School Board (EMSB) will be referred to as the Board.

1.2 Rationale

This Policy is adopted by the English Montreal School Board in accordance with Section 235 of the Education Act.

“Every school board shall adopt, after consultation with the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities, a Policy concerning the organization of educational services for such students to ensure the harmonious integration of each such student into a regular class or group and into school activities if it has been established on the basis of the evaluation of the student’s abilities and needs that such integration would facilitate the student’s learning and social integration and would not impose an excessive constraint or significantly undermine the rights of the other students.”

1.3 Supporting Documents

The present Policy is based on the following official documents:

- a. The Canadian Charter of Rights
- b. The Charter of Human Rights & Freedoms of Quebec
- c. The Education Act
- d. The Quebec Education Program
- e. The Act respecting Access to Documents held by Public Bodies & Protection of Personal Information
- f. The Basic School Regulation – pre-school, elementary, and secondary education
- g. The Youth Protection Act
- h. The collective agreements in force
- i. The Civil Code of Quebec
- j. Adapting Our Schools to the Needs of All Students, Policy Development Guide, Ministère de l’Éducation, du Loisir et du Sport (MELS), 2007.

- k. Organization of Educational Services for At-Risk Students and Students with Handicaps, Social Maladjustments or Learning Difficulties, MELS, 2007.
- l. Mission Statement – English Montreal School Board
- m. Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school, and workplace integration
- n. Codes of Ethics of Professional Orders of Student Services Department Professionals
- o. Individualized Education Plans: Helping Students Achieve Success-Reference Framework for the Establishment of Individualized Education Plans, MELS, 2004.
- p. Learning Difficulties- Reference Framework for Intervention, MELS, 2004.
- q. Complementary Educational Services: Essential to Success, MELS, 2002.
- r. Pedagogical Flexibility, Adaptations, and Modifications for Special Needs Students, MELS, March 2015.
- s. By-law No. 8 (2010) – i.e. Establishing the Complaint Examination Procedure for Students or their Parents or Guardians

2. Policy Statement

Within its mission “to instruct, to socialize, and to qualify”, the English Montreal School Board is committed to providing educational services that will encourage every student to strive to fulfill his/her full potential.

In meeting this commitment for students with special needs, the English Montreal School Board favours, where possible, the integration of these students in regular classes in a setting as close as possible to their place of residence. However, if integration is not deemed appropriate to effectively meet the needs of a student, then an alternate educational setting shall be recommended, always taking into account the best interest of the student.

The organization of such educational services shall be based on the individual evaluation of the abilities and needs of the students and on the available human and financial resources of the Board.

3. Field of Application

This Policy will apply to each eligible pre-school, elementary and secondary school student from the first day of the school calendar in the school year in which he or she attains the age of admission* to the last day of the school calendar in the school year in which he or she attains 18 years of age, or 21 years of age in the case of a handicapped person within the meaning of Section 1 of the Education Act.

*** When requested by parents, four-year old students with handicaps are eligible for placement in a pre-kindergarten or kindergarten program, where deemed appropriate by the Board as a result of collaboration with the parents and the Student Services Department.**

4. Guiding Principles

The Board's Special Education Policy is based on the following principles:

- 4.1 The Board shall endorse the fundamental right of every child to receive quality educational services which foster his or her overall development and promote the realization of his or her full potential.
- 4.2 The Board shall make every effort to ensure that the appropriate resources are in place to promote the integration of students with special needs in a regular class. This setting shall be as close as possible to their place of residence when such integration would facilitate the students' learning and social integration and would not impose an excessive constraint or significantly undermine the rights of other students. Thus, the Board shall endorse the "principle of inclusion" wherein every student is accepted and belongs in the regular classroom. Inclusion (to be used interchangeably with the term integration) involves the students' membership in a general education classroom with chronological age-appropriate classmates, having individualized and relevant learning goals, and being provided with the support necessary to learn.
- 4.3 If integration into a regular class does not address the student's needs as determined by the in-school personnel and the Student Services Department, in consultation with the student's parents (and the student, if applicable), and any other individuals as deemed appropriate (e.g. external professionals), then an alternate educational setting (e.g. self-contained class, special education school), shall be recommended in the best interest of the student.
- 4.4 The Board shall support its schools in helping students with special needs succeed in terms of knowledge, social development and qualifications (as outlined in the Quebec Education Program), by

accepting that educational success has different meanings depending on the abilities and needs of different students, and by adopting methods that favour their success and provide recognition for it.

- 4.5** The Board shall recognize the importance of prevention and early intervention, and is committed to intervening as quickly as possible after the first indication of any problem so as to prevent the escalation of such difficulties.
- 4.6** The Board shall make the adaptation of educational services a priority for all those working with students with special needs. The Board advocates the adaptation of instructional strategies and teaching materials as the preferred means to enable students with special needs to acquire competencies inherent in the Quebec Education Program, these strategies and adaptations being clearly supported by an individualized education plan (IEP) for each student with special needs.
- 4.7** If the adaptation of educational services does not effectively meet the needs of a student, then the modification of the objectives of the QEP as well as the evaluation criteria will then be considered subsequent to consultation with the student's parents, in-school personnel, and Board-level professionals. The modification of the above elements is generally temporary in nature with a view to assisting the student in reaching his/her full potential.
- 4.8** The Board shall promote the creation of true educational communities, starting with the child and the parents and continuing with outside partners and community organizations working with young people, in order to provide more consistent intervention and better-coordinated services. The presence of a private therapist / professional on a periodic basis in the school and for only consultative / observational purposes, will be determined on a case-by-case basis in accordance with the guidelines in effect in the Student Services Department.

5. Objective of the Policy

In compliance with Section 235 of the Education Act, the objective of this Policy is to provide for the organization of educational services for students with special needs which include:

- 5.1** Procedures for evaluating handicapped students and students with social maladjustments or learning disabilities; such procedures shall provide for the participation of the parents of the students and of the students themselves, unless they are unable to do so;
- 5.2** Methods for integrating those students into regular classes or groups and into regular school activities, as well as the support services required for their integration and, if need be, the weighting required to determine the maximum number of students per class or group;

- 5.3 Terms and conditions for grouping those students in specialized schools, classes or groups;
- 5.4 Methods for preparing and evaluating the individualized education plans intended for such students.

6. Rules of Application

6.1 Adoption

Prior to its adoption by the Council of Commissioners, the Special Education Policy shall be subject to consultation involving the Central Management Advisory Committee (CMAC), the Advisory Committee on Special Education Services (ACSES), and the Special Education Committee (SEC) in conformity with the pertinent sections of the Education Act and the Teachers' Collective Agreement.

6.2 Dissemination

Once the Special Education Policy is adopted by the Council of Commissioners, it is the responsibility of the Director of Student Services to give this Policy the widest distribution within the Board's community, which includes schools, governing boards, unions, parents' associations, the Board's website, etc.

6.3 Implementation

This Policy shall be implemented in all of the Board's schools after an appropriate interval of time for the purpose of permitting the proper dissemination, discussion and understanding required to effectively carry out this Policy.

6.4 Monitoring

It shall be the responsibility of the Director of Student Services or his/her designate, with the assistance of the Deputy Director General (Education Division), Regional Directors and the school principals, to monitor the application of this Policy and to take whatever necessary measures are required to successfully implement this Policy.

6.5 Evaluation

The application of this Policy will be evaluated on an ongoing basis by the Director of Student Services or his/her designate, with any necessary modifications or revisions made as per the above-mentioned consultation process.

7. Glossary

The following terms are defined in **Appendix A** of this Policy:

Ad Hoc Committee

Adaptations

Advisory Committee on Special Education Services (ACSES)

Allocation of Resources Committee (ARC)

At-risk Student

Available Financial Resources

Case Conference

Code

Collective Agreement

Home Tutoring (Special Education)

Inclusion/ Integration

Individualized Education Plan (IEP)

Modifications

Parent(s)

Professional

Special Education Committee (SEC)

Students with Handicaps, Social Maladjustments or Learning Disabilities



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II. PROCEDURES FOR EVALUATING STUDENTS WITH HANDICAPS, SOCIAL MALADJUSTMENTS OR LEARNING DISABILITIES

1. Purpose

1.1 The purpose of the procedures for evaluating students with handicaps, social maladjustments or learning disabilities is to outline the sequence of steps to follow in the evaluation of a special needs student. **(See Appendix B).**

2. Students New to the EMSB

2.1 Parents have the primary responsibility for their children, and therefore have an important role to play in their children's education. Parents with children new to the Board shall apply for admission to the school in conformity with the Enrollment Policy of the Board. If the student, about to be enrolled, has had any previous special education intervention and/or has been diagnosed by a professional(s) as having special needs, the parent is strongly encouraged to share this pertinent information with the school principal. The parent will have to provide either written copies of pertinent reports or written consent for the release of such information from outside parties in accordance with the procedures in effect in the Student Services Department. The principal shall then collect this information concerning the child's development and forward the file to the designated school professional (usually the psychologist or guidance counsellor).

2.2 The designated professional will examine all available data (academic, medical, speech and language, behavioral, social, psychological, etc.) and may recommend, to the principal and the parents, a further evaluation. Subsequently, a case conference will be held to discuss the student in question.

- 2.3** A case conference, held within the context of the ad hoc committee, shall include the school principal, the teacher(s), the parent, the student (if able to participate), the designated school professional, the special education consultant and any other Student Services Department staff members and/or external professionals as deemed appropriate for the purpose of determining the services (based on available financial resources) required for the student, the appropriate code (if applicable), and the recommended school placement. Subsequently, the principal of the school which the student will attend shall ensure that an IEP is established for the student in question. The coding process, if applicable, will take place in accordance with the Ministère de l'Éducation et de l'Enseignement supérieur (MEES) guidelines and the procedures in effect in the Student Services Department.
- 2.4** The services to be provided to a student with special needs shall be based on the individual evaluation of the abilities and needs of the student in question and on the available human and financial resources of the Board.

3. Students Currently Attending an EMSB School

- 3.1** Any difficulties experienced by students are to be addressed by the teacher who shall incorporate adapted strategies and preventative approaches as part of regular classroom instruction while discussing his/her concerns with the student's parents and, as necessary, with other teachers, the resource teacher, the school principal, professionals, etc. Thus, support services shall be provided to the student as soon as he/she appears to be at risk. Parents may also signal to the teacher concerns they have about their child.
- 3.2** If the student's difficulties persist and/or the situation deteriorates resulting in the teacher signaling to the principal the case of a student with a possible learning disability, social maladjustment, or handicap, then the principal shall bring the case to the attention of the ad hoc committee in accordance with the pertinent clauses of the Teachers' Collective Agreement. Prior to the ad hoc committee meeting, the teacher shall submit written documentation to the principal which shall include a description of the presenting problem(s) as well as the steps/interventions undertaken to address the problem(s).

3.3 Recommendations of the ad hoc committee might lead to:

- a. Suggested interventions that could be provided in the classroom, school, community and/or the home.
- b. A referral to a Board professional (i.e. psychologist, guidance counsellor, speech-language pathologist, and occupational therapist) and/or an external professional (e.g. social worker, audiologist, psychiatrist, neurologist, etc.) for an evaluation. In this case, the appropriate Student Services professional shall be involved in the discussion prior to a decision being taken for such an evaluation(s). The referral process shall be in conformity with the Teachers' Collective Agreement and the procedures in effect in the Student Services Department. A case conference will follow as described in 2.3 above in this Section.

3.4 Prior to an evaluation by a Student Services Department professional, parents shall complete the appropriate consent form. Should the parents refuse consent, every effort will be made to address the parents' concerns while, at the same time, conveying to them the importance of conducting such an assessment in the best interest of the student in question. Subsequent to this process, if an agreement still cannot be reached with the student's parents, then the Board may nevertheless decide, in the best interest of the student, to apply paragraph 3.2 of Section III or, as the case may be, paragraph 3.1 of Section IV. If the parents do not agree with the above-mentioned decision, they can then refer to the "Mechanisms for Addressing Issues Raised by the Application of the Policy" (see Section VII).

4. Evaluation

- 4.1** In compliance with Section 19 of the Education Act, teachers have the primary responsibility for evaluating students' academic work and are entitled to "select the means of evaluating the progress of students so as to examine and assess continually and periodically the needs and achievement of objectives of every student entrusted to their care".
- 4.2** Students are required, to the best of their ability, to cooperate with the various partners (i.e. teachers, principals, professionals, etc.) in the evaluation of their abilities and needs.
- 4.3** The purpose of an evaluation by a professional is to assess the nature and causes of a student's presenting difficulties with a view to formulating both in-school and outside-of-school recommendations to address the presenting difficulties. In addition, a follow-up evaluation of the student is intended to measure his/her progress as well as adjust intervention strategies as deemed necessary. The results of all evaluations will be

discussed subsequently with the student's parent(s) and teachers and, where appropriate, with the student.

- 4.4** In order to properly coordinate services to a student, parents are strongly encouraged to inform the school if the student is receiving services from or has been evaluated by a partner organization (e.g. CLSC, hospital, etc.) or external professional in cases where the sharing of pertinent information has an impact on the student's functioning in the school.
- 4.5** An evaluation conducted by a Board professional (i.e. psychologist, guidance counsellor, speech-language pathologist, and occupational therapist) may include a focus on any one or more of the following:
 - a. intellectual ability
 - b. visual-motor skills
 - c. fine and gross motor skills
 - d. auditory/visual skills
 - e. sensorial skills
 - f. personality/behavior
 - g. social and emotional functioning
 - h. functioning levels in language arts and mathematics
 - i. speech and language skills
 - j. learning styles
 - k. strengths/areas for development
 - l. assessment of curriculum and instructional variables that may contribute to the presenting difficulties
 - m. assessment of cultural, family, environmental, medical and developmental data which may contribute to the problem.
- 4.6** An evaluation conducted by an external professional may focus on any one or more of the above-mentioned factors as well as on other elements which may be sensorial, physical, neurological, organic, and/or psychiatric in nature.
- 4.7** The evaluation, indicated in 4.5 and 4.6 above in this Section, may involve the use of standardized measures, informal assessments, student portfolios, classroom observations, student interviews, behavioral and adaptive functioning scales, as well as input from parents and students, in-school personnel, external professionals, etc.
- 4.8** The evaluation of the needs of at-risk students must be conducted primarily to determine the preventative, supportive, or corrective measures which are required to address the presenting problem(s).

5. Identification

- 5.1** Before a student is formally identified as having special needs, according to MEES guidelines, the focus must be on the promotion of early intervention and prevention.
- 5.2** Within the context of the ad hoc committee, if the student has a learning disability or social maladjustment or handicap, the designated professional, in consultation with the school principal, teacher(s), parents and other individuals (e.g. other professionals, etc.), officially identifies (codes) the student as such, subsequently leading to the development of the IEP.
- 5.3** In conformity with the pertinent clauses of the Teachers' Collective Agreement, the principal shall ensure that the teacher(s) is (are) provided with information on students with special needs who are integrated in a regular class or placed in a special education class or special education school provided that the information is available and that it is in the student's interest that the information be provided.
- 5.4** The ad hoc committee shall periodically review cases of students with special needs who have already been identified as well as recommend any possible change and/or withdrawal of classification in accordance with the Teachers' Collective Agreement and MEES guidelines.

III. PROCEDURES FOR INTEGRATING STUDENTS WITH HANDICAPS, SOCIAL MALADJUSTMENTS OR LEARNING DISABILITIES, FOR PROVIDING INTEGRATION SUPPORT SERVICES AND FOR WEIGHTING, WHERE APPLICABLE

1. Purpose

1.1 The purpose of the procedures for integrating students with handicaps, social maladjustments or learning disabilities is to delineate the methods for integrating those students into regular classes or groups and into regular school activities as well as to determine the support services required for their integration and, if need be, the weighting required to determine the maximum number of students per class or group.

2. Goal of Integration

2.1 The Board expects that the support services to integrated students and to their teachers will be organized in a way that promotes the students' successful integration in regular classes and regular school activities.

3. Conditions

3.1 The integration of a student with special needs in a regular class will take place if it complies with this Policy in terms of evaluation, integration, and the development of the child's IEP, and if it will facilitate the student's learning and social integration and not impose an excessive constraint or significantly undermine the rights of other students.

3.2 The Board shall make every reasonable effort to ensure that the appropriate resources are in place to promote the integration of a special needs student in a regular class. However, if the integration of a student with special needs in a regular class does not facilitate his/her learning and social integration or imposes an excessive constraint or significantly undermines the rights of other students, a decision will be taken by the Board with respect to placing the student in an alternate educational setting (e.g. self-contained class, special education school) after consultation with the appropriate Student Services Department professionals, in-school personnel, and the parents of the student in question. If the parents do not agree with the above-mentioned decision, then they have access to the "Mechanisms for Addressing Issues Raised by the Application of the Policy" as outlined in Section VII.

4. Parents

4.1 In all cases, the child's parents shall be consulted on all recommendations and the Student Services Department professional staff will be available to assist the principal in discussions with the

parents where it is deemed necessary. Parents may also request the presence of an external professional who has been involved in servicing the student in question.

5. Organization

- 5.1** The non-exhaustive menu of student support services and teacher support services (see 7.6 below in this Section) shall be established by the Board. The school principal, in consultation with the ad hoc committee and any other individuals, as deemed appropriate, in accordance with the Teachers' Collective Agreement, and the procedures in effect in the Student Services Department, shall identify those services which are appropriate with respect to the needs of each student and teacher. The Director of Student Services or his/her designate shall be responsible for the approval of any additional recommended resources (which have financial implications for the Board) subject to the established budgetary approval process.
- 5.2** Student Services Department professionals shall be available to assist in-school personnel with respect to ensuring, to the degree possible, the successful integration of students with special needs in regular classes and regular school activities.

6. Steps to be Taken in the Integration Process

- 6.1** The first step in addressing the needs of students who may have a possible handicap or some behavioral or learning difficulties shall be the regular classroom teacher making adaptations within his/her classroom. In this regard, the teacher shall contact the student's parents and, as well, may consult with other teachers, the school principal, the special education consultant, school professionals, etc. If the case has been signaled formally and has been discussed by the ad hoc committee, other in-class or out-of-class interventions may be recommended to address the student's presenting difficulties. See Appendix B.
- 6.2** In the case where a formal evaluation has been determined to be necessary, the recommendations of the professional(s) subsequently conducting the evaluation(s) will become part of the discussion within the ad hoc committee with respect to the degree of integration and the nature of the student support services and teacher support services required. However, in some cases, it may be determined that integration in a regular class or group is not deemed appropriate as per 3.2 above in this Section, and thus, a decision will be taken with respect to placing the student in another educational setting (e.g. special education school, self-contained class) as per the pertinent clauses in the Teachers' Collective Agreement and the procedures in effect in the Student Services Department.

7. Student Support Services and Teacher Support Services

- 7.1** Student support services are designed to address the student's presenting difficulties with a view to providing the student with special needs with the support required to allow him/her to succeed in terms of knowledge, social skills and qualifications.
- 7.2** Teacher support services are designed to assist teachers in educating students with special needs.
- 7.3** Student support services and teacher support services are not always mutually exclusive. Sometimes, a support service may benefit both the student and the teacher.
- 7.4** Student support services can be assistance provided in the class to an individual student or a group of students. Student support services can also constitute individual and/or group interventions outside of the regular class.
- 7.5** Student support services shall be described in the IEP of the student with special needs and reviewed periodically.
- 7.6** Examples of Student Support Services and Teacher Support Services
 - 7.6.1** The chart on the following page demonstrates examples of support services that could be available (non-exhaustive list):

SCHOOL	SCHOOL BOARD	COMMUNITY
Resource teacher	Psychologist	Nurse (CIUSS*)
Adaptation of evaluation	Speech-language pathologist	Social worker (CIUSS*/ Batshaw)
Child care worker (special education technician or attendant)	Occupational therapist	Dental hygienist (CIUSS*)
Alternative school placement	Guidance counsellor	Itinerant teacher for hearing impaired students
Oral and/or American Sign Language interpreter	Special education consultant	Itinerant teacher for visually impaired students
Professional development	Autism Spectrum Disorder (ASD) Consultant / ASD Technicians	MEES Centres of Excellence
Specialized classes (e.g. ASD Class, Language Class)	Behaviour management specialist	Partnerships with child and adolescent psychiatry hospital programs
Assistive technology	Spiritual community animator	Other outside services (e.g. community agencies, rehabilitation centres, etc.)
Adaptive equipment/ Adaptation to physical facilities	Centre of Excellence for Speech and Language Development	* CIUSS- Centre intégré universitaire de la santé et des services sociaux
Curriculum adaptations/ modifications	TEVA consultant (transition école vie active)	
Team teaching (with the cooperation of the school team)	Trauma Team	
Release time for teachers to attend meetings e.g. professional development, IEP preparation	Professional development (e.g. workshops, Resource Teacher Network)	
Special programs such as peer tutoring	Educational and Technology Services consultants	
Individual/ small group in class instruction	Violence Prevention Consultant	
Individualized Education Plan	Project Harbour Team	
	Mental Health Resource Centre	
	Inter-board Agreements	
	Information resources (e.g. newsletters, websites)	
	Career Exploration Program	

8. Allocation of Special Education Resources

- 8.1** The School Board shall be responsible for the allocation of special education resources (e.g. professionals, special education teachers, resource teachers, child care workers, etc.) to the schools, subject to available financial resources. Based on the evaluation of the needs in the system and, in an effort to provide assistance to schools in order to provide the best possible service to students with special needs, available human and financial resources shall be allocated in a fair and equitable manner.
- 8.2** Requests for resources and support are submitted by the school-based Allocation of Resources Committee (ARC), which is composed of a school administrator and teachers, to the centrally-based Special Education Committee (SEC) which is composed of Board administrators and representatives of the Montreal Teachers' Association. One of the primary functions of the SEC is to make recommendations with respect to the allocation of resources earmarked for students with special needs.
- 8.3** The Board shall commit itself to apply for any grants and/or supplementary allocations which are available in order to enable its personnel to more effectively service students with special needs.

9. Professional Development

- 9.1** According to Section 96.20 of the Education Act, "After consulting with the school staff, the principal shall inform the school board, on the date and in the form determined by the school board, of the needs of the school in respect of each staff category and of the professional development needs of the staff."
- 9.2** The School Board recognizes the important role of the principal with respect to professional development of staff, particularly training to assist teachers in adapting their teaching methods to the needs of students. The Student Services and Educational and Technology Services Departments shall support principals and teachers by providing opportunities for professional development with a view to enhancing the skills of staff to more effectively meet the needs of students.
- 9.3** The Board strongly supports ongoing professional development for its professional and special education support staff in the Student Services and the Educational and Technology Services Departments in order to provide them with updated knowledge as well as enhance their skills in order to more effectively meet the needs of the entire system.

10. Weighting and Support Services

- 10.1** For the purposes of applying the rules governing the formation of student groups and the weighting of students when students with handicaps, social maladjustments or learning disabilities are placed in regular groups, the pertinent clauses of the Teachers' Collective Agreement will be followed.

IV PROCEDURES FOR GROUPING STUDENTS WITH HANDICAPS, SOCIAL MALADJUSTMENTS OR LEARNING DISABILITIES IN SPECIALIZED SCHOOLS, CLASSES OR GROUPS

1. Purpose

1.1 The purpose of the procedures for grouping students with handicaps, social maladjustments or learning disabilities in specialized schools, classes or groups is to delineate the terms and conditions for grouping such students in these specialized settings.

2. Integration

2.1 Where it has been established, on the basis of an evaluation of a student's abilities and needs, that integration would facilitate the student's learning and social integration, and would not impose an excessive constraint or significantly undermine the rights of other students, he/she shall be integrated in a regular class in a school as close as possible to the student's place of residence.

3. Special Education Placement

3.1 Where the integration of a student with special needs into a regular class or group does not facilitate his learning and social integration or imposes an excessive constraint or significantly undermines the rights of other students, the Board, in compliance with the pertinent clauses of the Teachers' Collective Agreement and the procedures in effect in the Student Services Department, shall provide the student with educational services in an alternate educational setting (e.g. self-contained special education class or special education school or, in exceptional cases, home tutoring).

3.2 Any decision with respect to the above-mentioned special education placement shall be discussed with the student's parents within the context of the ad hoc committee. If the parents do not agree with the above-mentioned decision, then they have access to the "Mechanisms for Addressing Issues Raised by the Application of the Policy" as outlined in Section VII.

4. Special Education Class or Special Education School

- 4.1** When placing a student in a self-contained special education class or special education school, the Board shall organize services for the student (as outlined in the student's IEP and subject to available financial resources) as near as possible to his/her place of residence within the currently existing special education network of the Board.
- 4.2** As well, when placing such a student in a self-contained special education class or special education school, the Board shall take into account the evaluation of the student's abilities and needs (e.g. intellectual ability, academic level, social and emotional development, behavioural functioning) in addition to the special education classification under which the student is designated according to the definitions contained in the Teachers' Collective Agreement and the MEES guidelines.
- 4.3** The Board shall determine, on an annual basis, the types and number of self-contained special education classes based on the needs of the students, the anticipated number of students concerned, and the available financial resources.

5. Reintegration of Students into Regular Classes

- 5.1** When placing a student in a self-contained special education class or a special education school, the Board intends to meet the particular needs of that student with a view to his or her possible eventual reintegration into a regular class in a school as close as possible to the student's place of residence. The student's partial integration into a regular class and/or school activities is provided when deemed appropriate (i.e., see elements outlined in 4.2 above in this Section) by the ad hoc committee.

6. Agreements with Other Schools and School Boards

- 6.1** In accordance with Section 213 of the Education Act, the Board may, in special circumstances, enter into an agreement with another school board or another recognized educational institution for the provision of educational services for a student with a handicap, social maladjustment or learning disability.
- 6.2** The School Board shall consult the parents or the student, if of full age, as well as the advisory committee on services for students with handicaps, social maladjustments or learning disabilities, when entering into such agreements.

V. PROCEDURES FOR ESTABLISHING AND EVALUATING INDIVIDUALIZED EDUCATION PLANS FOR STUDENTS WITH HANDICAPS, SOCIAL MALADJUSTMENTS OR LEARNING DISABILITIES

1. Purpose

1.1 The purpose of the procedures for establishing and evaluating individualized education plans for students with handicaps, social maladjustments or learning disabilities is to delineate methods for preparing and evaluating the individualized education plans intended for students with special needs.

2. Definition

2.1 The individualized education plan (IEP) is an essential tool, specially designed on the basis of the evaluation of the abilities and needs of a student with a handicap, social maladjustment or learning disability that targets concerted action to help the student succeed in terms of knowledge, social development and qualifications. The IEP is considered to be a living, flexible, and working document which helps the school team, the parents, and the student to plan, monitor, and evaluate his/her academic progress and/or social/emotional/behavioural growth.

3. Establishing the IEP

3.1 The school principal shall ensure that, before the IEP is established, the abilities and needs of the student concerned have been evaluated in conformity with the procedures set out in this Policy and the Teachers' Collective Agreement.

3.2 According to Section 96.14 of the Education Act: "In the case of a handicapped student or a student with a social maladjustment or a learning disability, the principal, with the assistance of the student's parents, of the staff providing services to the student, and of the student himself, unless the student is unable to do so, shall establish an individualized education plan adapted to the needs of the student. The plan must be consistent with the school board's Policy concerning the organization of services for handicapped students and students with social maladjustments or learning disabilities and in keeping with the ability and needs of the student as evaluated by the school board before the student's placement and enrollment at the school. The principal shall see to the implementation and periodical evaluation of the education plan and inform the student's parents on a regular basis".

- 3.3** Subject to Section 96.14 of the Education Act, the principal, when establishing the IEP, shall ask the members of the ad hoc committee, established pursuant to the pertinent clauses of the Teachers' Collective Agreement, to work together as a team in formulating recommendations that reflect the needs of the student in terms of knowledge, social development and qualifications. The Director of the Student Services Department or his/her designate shall be responsible for the approval of any additional recommended resources which have financial implications for the Board subject to the established budgetary approval process.
- 3.4** The principal shall ensure that the parents and the student, when appropriate, are considered as essential partners in all decisions concerning the student's IEP and, as such, are to be involved, whenever possible, throughout the process of formulating and/or modifying the IEP.

4. Target Clientele

- 4.1** All students, identified as having a handicap, social maladjustment, or learning disability must have an IEP.
- 4.2** In the case of a student not formally identified as a student with special needs, an IEP can be developed for such a student which shall include early intervention measures which are deemed to be in the best interest of the student before the student may possibly, at some point in time, be formally identified as having a handicap, social maladjustment or learning disability.

5. Content of the IEP

Although the content of the IEP will vary from student to student, depending on the abilities and needs of the student as established by evaluations, observations, and consultations with all concerned parties (e.g. students where appropriate, parents, teachers, principal, professionals, outside agencies, etc.), the IEP shall have measurable objectives and the strategies to attain them, any necessary accommodations (i.e. adaptations and/or modifications), support measures and required services. As well, the responsibilities of the different parties, including parents, are outlined in the IEP. The elements that shall be included in the IEP shall be in accordance with the policies of the Board taking into account the guidelines established by the MEES.

6. Evaluation and Monitoring of the IEP

- 6.1** The principal shall see to the implementation and periodic evaluation of the IEP and shall ensure that the parents are informed on a regular basis in accordance with the Policy. During the periodic evaluation of the plan by the principal, he/she shall take into account any change in the student's situation and the need to maintain the plan, to change the support services planned for the student, or to remove the support services, if deemed appropriate, in accordance with the Policy.

- 6.2** The principal shall ensure that the IEP is reviewed and revised periodically throughout the school year on an as-needed basis. According to Section 29.2 of the Basic School Regulation, it is expected that there be contacts, at least once per month, with parents throughout the school year which may include progress reports, report cards, interviews, meetings, anecdotal reports, telephone or written contacts, etc.
- 6.3** Following the periodic evaluation, the principal must decide whether or not to maintain the identification of the student as a student with a handicap, social maladjustment or learning disability, after consulting the designated school professional and the ad hoc committee, pursuant to the pertinent clauses of the Teachers' Collective Agreement.

7. Parental Consent Regarding the IEP

- 7.1** Once the IEP has been developed or any subsequent revision has been completed, parents will be asked to sign it.
- 7.2** In the event that parents do not sign the IEP or do not present themselves for a pre-designated IEP meeting, a notation to that effect shall be made on the IEP. As a general rule, the school will then continue to implement the strategies and support measures outlined in the IEP. However, in cases where the modification of the student's program is being considered, then the school shall proceed to obtain the written consent of the parents.
- 7.3** In the event that parents do not approve of certain elements (e.g. recommended program modifications) in the IEP or the entire IEP, the parents' comments shall be taken into consideration always keeping in mind the best interest of the student in question. Subsequent to this process, if an agreement still cannot be reached with the student's parents, then the principal and/or parents can refer to the "Mechanisms for Addressing Issues Raised by the Application of the Policy" (see Section VII).

VI. CONFIDENTIALITY

It is important to emphasize that both the Charter of Human Rights and Freedoms of Quebec and the Quebec Civil Code oblige all citizens to respect the confidential nature of information. When working with students with special needs and their families, there is an obligation on the part of all employees of the English Montreal School Board to share information judiciously, with a view to protecting the privacy of the student and his/her family. (in accordance with “The Act respecting Access to Documents held by Public Bodies and the Protection of Personal Information”). In addition, EMSB employees, who are members of professional orders (e.g. Ordre des psychologues du Québec), are obligated to adhere to their respective Codes of Ethics as they pertain to the issue of confidentiality.

1. Confidential Files

- 1.1** A confidential student file shall be kept both at the school level and in the Student Services Department for each student identified as having a handicap, social maladjustment or learning disability. This file is separate from the school permanent record file which is required for all students.

2. Access

- 2.1** In accordance with procedures in effect in the Student Services Department, access to in-school confidential files is limited to in-school administrators, teachers, and Student Services Department professionals who are involved with respect to a specific student.
- 2.2** A parent may request copies of the contents of their child’s confidential file by filling out a Release of Information Form which will be forwarded to the Student Services Department. A parent may also request that a report contained within their child’s confidential file be forwarded to a third party. The parents must sign the Release of Information Form and indicate to whom the reports are to be forwarded.

3. Content of Files

- 3.1** The school-based confidential student file is typically comprised of any one or more of the following documents (non exhaustive list):
 - Individualized Education Plan (IEP)
 - Reports (e.g. psycho-educational/psychological, speech-language, occupational therapy) done by Student Services Department professionals and guidance counsellors
 - Pertinent medical, psychiatric, psychological or other reports from hospitals or external professionals/outside agencies

- Parental Authorization Forms regarding consultation, evaluation, and/or treatment services provided by Student Services Department professionals
- Parental Consent or Refusal Forms for Special Education Services
- Behaviour Reports
- Referral Form for Guidance and Psychological Services

3.2 The contents of the student file must not be duplicated and/or brought to a different location in the school other than the designated place where such a file is kept in a locked filing cabinet.

4. Transfer of Confidential Files

4.1 When a student transfers to a school outside of the English Montreal School Board, the school-based confidential student file is forwarded to the Student Services Department. The parent must sign the Release of Information Form in order for a copy of the above-mentioned file to be transferred to another school board.

4.2 When a student transfers to a school within the Board, the school-based confidential student file is forwarded by the psychologist (or guidance counsellor) of the student's former school to the psychologist (or guidance counsellor) of the receiving school. Parental permission is not required for the transfer of the file.

VII MECHANISMS FOR ADDRESSING ISSUES RAISED BY THE APPLICATION OF THE POLICY

- 1.** Issues raised or decisions contested by parents with respect to the application of the Special Education Policy must first be directed to the principal of the school concerned who must attempt to find appropriate solutions with the assistance, where necessary, of a resource person from the School Board.
- 2.** If the issue(s) cannot be resolved or if a decision remains contested at the level of the school, the principal and/or the parents shall refer the case to the Director of Student Services or his/her designate and the Regional Director responsible for the school.
- 3.** If the issue(s) is still not resolved or if a decision is further contested, the Regional Director and/or the parents shall refer the case to the Deputy Director General and subsequently the Director General if deemed necessary for purposes of a final decision.
- 4.** If the parents are still not satisfied with the results of the mechanisms, as outlined in steps 1, 2, and 3 above, the parents may submit, as per Section 6.4 of By-law No.8 (2010) – i.e. Establishing the Complaint Examination Procedure for Students or their Parents or Guardians - a written complaint to the Secretary General of the School Board. The Secretary General shall assist every parent of a student requiring assistance in the formulation of his complaint.
- 5.** If the complaint meets the criteria of Sections 9 to 12 of the Education Act to request the reconsideration of a decision (see Appendix C), the parents may choose to utilize that procedure or to forward their complaint directly to the Student Ombudsman.

APPENDIX A

1. Glossary

1.1 Ad Hoc Committee

A committee, as defined in the pertinent clauses in the Teachers' Collective Agreement, which is composed of a representative of the school administration, the teacher or teachers concerned, and, at the committee's request, a professional. The committee shall invite the parents to participate in the committee. However, the fact that the parents do not attend shall neither impede nor prevent the committee from carrying out its work which is primarily to ensure that cases are studied and that the progress of a student with a handicap or a social maladjustment or a learning disability is monitored.

* Following current practices, the Pupil Personnel Team (PPT), the Multidisciplinary Team (MDT), case conference, etc. all operate within the context of the ad hoc committee.

1.2 Adaptations

Adaptations are measures (i.e. strategies, support services, etc.) put into place to mitigate any obstacle a student with special needs may encounter as a result of his/her personal characteristics. Adaptations do not change expectations related to the Quebec Education Program. They are meant to help the student acquire and demonstrate autonomously the same learning as other students. Adaptations are used as part of a teaching, assessment, and evaluation approach that targets the student's specific learning needs and should be monitored frequently and phased out, if appropriate.

1.3 Advisory Committee on Services for Handicapped Students and Students with Social Maladjustments or Learning Disabilities

The advisory committee on services for handicapped students and students with social maladjustments or learning disabilities, (known as ACSES in the Board) as defined in Sections 185 and 187 of the Education Act. As per Section 187, the functions of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities are the following:

- a. to advise the school board on a Policy for the organization of educational services to handicapped students and students with social maladjustments or learning disabilities;

- b. to advise the school board on the allocation of financial resources to the services intended for these students

The committee may also advise the school board on the implementation of an individualized education plan for a handicapped student or a student with social maladjustments or learning disabilities.

1.4 Allocation of Resources Committee (ARC)

A committee composed of teachers and of the school administration (known as the ARC within the EMSB). Its primary functions are to identify the resources required to support students with special needs and to distribute the resources allocated by the centrally-based Special Education Committee.

1.5 At-risk Students

As outlined in the document “Organization of Educational Services for At-Risk Students and Students with Handicaps, Social Maladjustments or Learning Difficulties” (MELS, 2007) these students, who are at the preschool, elementary and secondary levels, present certain vulnerability factors that may affect their learning or behaviour, and who may therefore be at risk, especially of falling behind either academically or socially, unless there is timely intervention. Particular attention should be given to at-risk students to determine the appropriate corrective or preventive measures to be taken. At-risk students are not included in the “students with handicaps, social maladjustment or learning difficulties” category.

1.6 Available Financial Resources

Includes the annual budget reflecting the spending priorities, as adopted by the Council of Commissioners, and any other sources of financing, such as supplementary allocations of the MEES.

1.7 *Case Conference (another configuration of Ad Hoc Committee)

A meeting, the purpose of which may include any one or more of the following elements:

- a. to discuss the progress of a particular student with a view to formulating any recommendations, if necessary.
- b. to identify the support services (e.g. resource teacher, child care worker, etc.) and/or the appropriate educational services (e.g. school placement, program, etc.) required to meet the needs of the student in question.
- c. to formally identify or change the special education category (i.e. code), where applicable, of a particular student.

The participants at a case conference shall normally include the following individuals: principal, parent, teacher(s), student (if the student is able to do so), the psychologist or guidance counsellor and special education consultant (consultation is sufficient if members are unable to be present). Additional members may include other Board professionals (e.g. speech-language pathologist), external professionals, support staff, special education teachers, community representatives, etc.

* In exceptional circumstances, a case conference is sometimes convened by the Board at the Central Office and thus does not take place in the context of the ad hoc committee.

1.8 Code

Designation used in accordance with the categories of special education students as indicated in pertinent documentation from the MEES. A code may also include any “internal” codes (e.g. LD- Learning Difficulties) used by the Board in accordance with the above-mentioned document.

1.9 Collective Agreements

The current collective agreements (i.e. provincial and local) in force for teachers, professionals and support staff.

1.10 Home Tutoring

A measure which is occasionally implemented when a student must be tutored at home or at another designated location for a short period of time (usually no more than four weeks) so that a more appropriate educational placement can be found. The implementation of this measure is in accordance with the procedures in effect in the Student Services Department.

1.11 Inclusion/Integration

A philosophy and a vision based on the belief that each individual is accepted and belongs in the regular classroom. It involves students' membership in general education classrooms with chronological age appropriate classmates, having individualized and relevant learning goals, and being provided with the support necessary to learn. It involves melding special education and regular educational services, and instituting innovative instructional strategies and professional collaborative teaming approaches.

1.12 Individualized Education Plan (IEP)

The individualized education plan (IEP) is an essential tool, specially designed on the basis of the evaluation of the abilities and needs of a student with a handicap, social maladjustment or learning disability, that targets concerted action to help the student succeed in terms of knowledge, social development and qualifications.

1.13 Modifications

Modifications constitute an exceptional measure (i.e. a change to the content of the curriculum) meant to help a student with special needs progress, to the best of his/her ability, towards the learning set out in the Quebec Education Program. Introducing modifications means making certain decisions regarding competencies, key features, and evaluation criteria and reducing anticipated outcomes in connection with the Quebec Education Program. Modifications are used as part of a teaching, assessment, and evaluation approach that targets the student's specific learning needs and should be monitored frequently to ensure relevance and effectiveness. Constant modifications will not allow a student to earn a Secondary School Diploma.

1.14 Parent(s)

The person(s) having parental authority or, unless that person objects (or persons object), the person(s) having de facto custody of the student.

1.15 Professional

An individual whose position is covered by the Collective Agreement for Professionals and/or who is a member of a professional order in Quebec.

1.16 Special Education Committee (SEC)

The advisory committee of teachers and Board-level administrators dealing with students with handicaps or social maladjustments or learning disabilities (known as the Special Education Committee in the Board), as defined in the pertinent clauses of the provincial agreement and as specifically described in the local agreement between the Board and the Montreal Teachers' Association. Its primary functions are to provide input with respect to this Policy Governing the Organization of Educational Services for Students with Handicaps, Social Maladjustments or Learning Disabilities and to make recommendations regarding the allocation of resources to schools to support students with special needs.

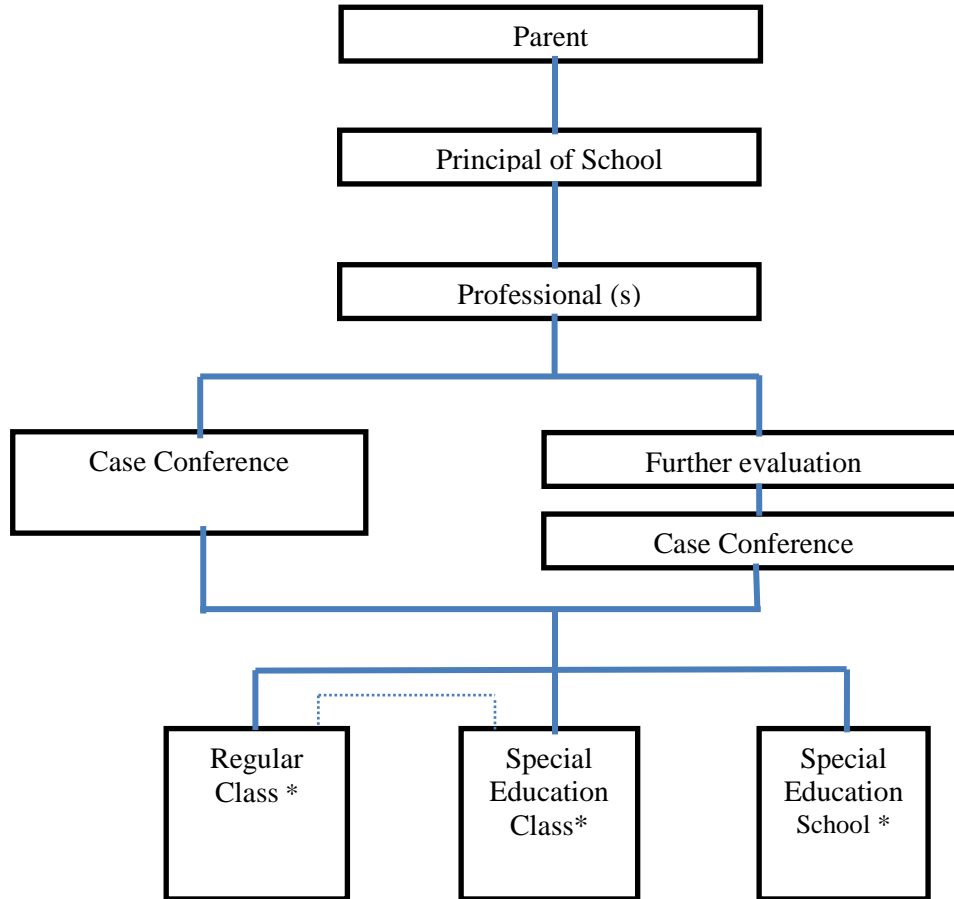
1.17 Students with Handicaps, Social Maladjustments or Learning Disabilities

Those students who are classified as handicapped, socially maladjusted or learning disabled according to the MEES guidelines and the Teachers' Collective Agreement.

APPENDIX B

PROCEDURES FOR EVALUATING STUDENTS WITH
HANDICAPS, SOCIAL MALADJUSTMENTS
OR LEARNING DISABILITIES

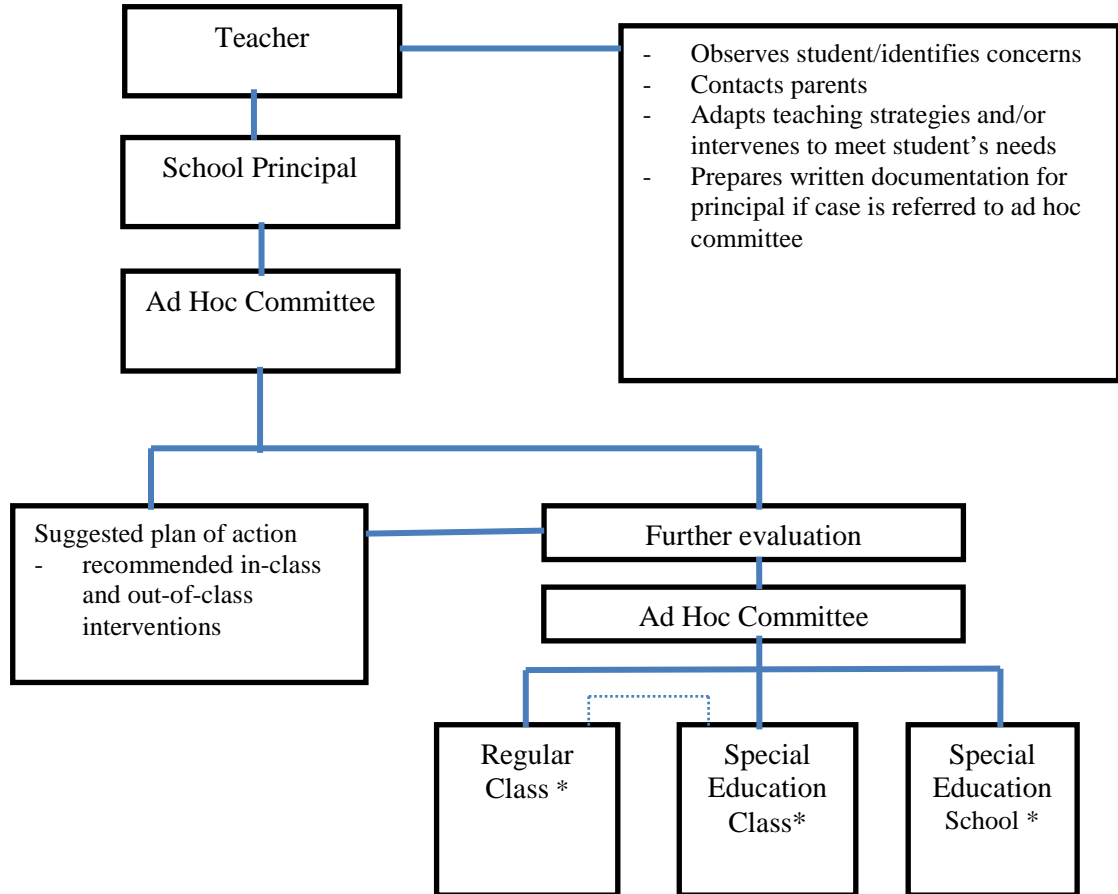
1.0 New Students with Special Needs (Attending an EMSB school for the first time)



* Includes any recommended student support services and teacher support services as outlined in the IEP.

APPENDIX B (cont'd.)

2.0 Students Currently Attending an EMSB School



* Includes any recommended student support services and teacher support services as outlined in the IEP.

APPENDIX C

Reconsideration of a Decision **(Education Act – Sections 9-12)**

9. A student or parents of a student affected by a decision of the council of commissioners, the executive committee or the governing board, or of an officer or employee of the school board may request the council of commissioners to reconsider such decision.
10. The request of the student or his parents shall be made in writing and shall briefly set forth the grounds on which it is made. It shall be transmitted to the secretary general of the school board. The secretary general shall assist every student or parent of a student requiring assistance in the formulation of his request.
11. The council of commissioners shall dispose of the request without delay.

It may submit the request for examination by a person whom it designates or by a committee which it establishes; such person or committee shall make a report of his or its findings and accompany the report, if it seems appropriate to do so, with recommendations.

During the examination of the request, the interested parties shall have the opportunity to present their points of view.

12. The council of commissioners may, if it considers that the request is founded, overturn, entirely or in part, the decision contemplated by the request and make the decision which, in its opinion, ought to have been made in the first instance.

The person who made the request and the author of the contested decision shall be notified of the council's new decision and informed of the grounds on which it was made.