

POLICY DEVELOPMENT GUIDE

**POLICY CONCERNING THE ORGANIZATION OF EDUCATIONAL SERVICES
FOR STUDENTS WITH HANDICAPS, SOCIAL MALADJUSTMENTS
OR LEARNING DISABILITIES**

Revised version, May 2007

FOR APPLICATION IN THE ENGLISH SECTOR

This document was prepared by the Comité patronal de négociation pour les commissions scolaires francophones in 2001 in collaboration with the consultant Eddy Dumoulin and the lawyer Claude Sauvageau of the law firm Pothier Delisle, s.e.n.c.

It was revised by the Comité patronal de négociation pour les commissions scolaires francophones in May 2007 to take into account the 2005-2010 E1 collective agreement.

ISBN 978-2-550-50109-1

Dépôt légal – Bibliothèque nationale du Québec, 2007

| | PAGE |
|--|-------------|
| 2. Introduction and object of the policy | 51 |
| A) Introduction..... | 51 |
| B) Object of the policy..... | 51 |
| 3. Underlying basis | 52 |
| 4. Basic orientation and main lines of action | 53 |
| A) Basic orientation | 53 |
| B) Main lines of action | 53 |
| 5. Definitions | 56 |
| 6. Procedures for evaluating handicapped students and students with social maladjustments or learning disabilities | 58 |
| A) Preamble | 58 |
| B) Participation and responsibilities of parents | 58 |
| C) Participation and responsibilities of students..... | 59 |
| D) Participation and responsibilities of teachers..... | 59 |
| E) Participation and responsibilities of school principals..... | 60 |
| F) Evaluation of students at risk..... | 60 |
| G) Identification of students as handicapped students or students with social maladjustments or learning disabilities | 61 |
| 7. Procedures for integrating handicapped students and students with social maladjustments or learning disabilities, for providing integration support services and for weighting, where applicable | 65 |
| A) Preamble | 65 |
| B) Organizing services to promote integration into regular classes or groups and other school activities..... | 65 |
| C) Conditions for integrating a student into a regular class or group..... | 65 |
| D) Integration support services | 66 |
| E) Rules governing the formation of groups and weighting..... | 69 |

| | |
|---|----|
| 8. Procedures for grouping handicapped students and students with social maladjustments or learning disabilities in specialized schools, classes or groups | 73 |
| A) Preamble | 73 |
| B) Principles..... | 73 |
| C) Type of group..... | 74 |
| D) Agreements for the provision of instructional services | 74 |
| 9. Procedures for establishing and evaluating individualized education plans for handicapped students and students with social maladjustments or learning disabilities | 75 |
| A) Preamble | 75 |
| B) The individualized education plan: a tool for concerted action | 75 |
| C) Joint establishment of the individualized education plan | 75 |
| D) Content of the individualized education plan | 76 |
| E) Evaluation and monitoring of the individualized education plan | 77 |
| F) Intervention in the case of at-risk students | 78 |
| 10. Mechanisms for solving the problems raised by the application of the policy | 81 |

PART III CONCLUSION

| | |
|---|----|
| Special education: an integrated educational service..... | 89 |
|---|----|

PREAMBLE

The education system as a whole is currently undergoing a series of reforms that will bring about far-reaching changes in terms of how schools are organized and how instruction is dispensed. The changes introduced will have an impact on all the educational services provided to students, and services aimed at students with handicaps or with social maladjustments or learning disabilities will also be affected by the broader reform process.

The major amendments made to the *Education Act*, the *Policy on Special Education*, article 8-9.00 and the relevant provisions of the teachers' collective agreement as well as a number of supporting documents mentioned under the heading "Underlying Basis" in Part II of this document (p. 52) are the main reference documents that must be taken into account by school boards as they design or update their policy on the organization of educational services for students with handicaps or with social maladjustments or learning disabilities.

This document is intended to help school boards and schools manage their responsibilities in the area of special education and, more specifically, can be used as a tool in developing or updating a policy on the organization of educational services for students with handicaps, social maladjustments or learning disabilities.

This guide should not, however, be seen as a standard policy for the organization of services for students with special needs. It in no way relieves each school from its obligation to work in collaboration with all partners in the local education community to ensure that its policy reflects the specific concerns of that community.

PART I

MAIN REFERENCE DOCUMENTS

1. FIRST REFERENCE DOCUMENT: *EDUCATION ACT (E.A.)*

A) THE NEW CONTEXT CREATED BY THE REFORM

The amendments made to the *Education Act* give schools greater latitude and broader powers to make choices that are appropriate for their students. The changes require school boards to review their policies and regulations concerning the services to be provided to students with handicaps or with social maladjustments or learning disabilities, to ensure that all services are harmonized. The *Education Act*¹ introduces changes that may have an impact on the way special education services, and the other services provided to students with special needs, are designed.

B) FOUNDING PROVISION: SECTION 235 OF THE *EDUCATION ACT*

Each school board must adopt a policy concerning the organization of educational services for students with handicaps or with social maladjustments or learning disabilities, and section 235 of the E.A. specifies the basic contents of the policy.

Handicapped students

235. *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.*

Content of policy

The policy shall include

- 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;*

¹ The underlining added to the sections of the E.A. reproduced in this document does not appear in the Act itself.

- 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;
- 3) terms and conditions for grouping those students in specialized schools, classes or groups;
- 4) methods for preparing and evaluating the individualized education plans intended for such students.

Specialized schools

Specialized schools referred to in subparagraph 3 of the second paragraph are not schools established under section 240.

C) OTHER SECTIONS OF THE EDUCATION ACT TO BE TAKEN INTO ACCOUNT IN DEVELOPING A POLICY

Right to instructional services

1. Every person is entitled to the preschool education services and elementary and secondary school instructional services provided for by this Act and by the basic school regulation made by the Government under section 447, from the first day of the school calendar in the school year in which he attains the age of admission to the last day of the school calendar in the school year in which he attains 18 years of age, or 21 years of age in the case of a handicapped person within the meaning of the Act to secure the handicapped in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1).

Right to educational services

Every person is also entitled to other educational services, student services and special educational services provided for by this Act and the basic school regulation referred to in the first paragraph and to the educational services prescribed by the basic vocational training regulation established by the Government under section 448, within the scope of the programs offered by the school board.

Age of admission

The age of admission to preschool education is 5 years on or before the date prescribed by the basic school regulation; the age of admission to elementary school education is 6 years on or before the same date.

Decision affecting student

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.

Request for reconsideration

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.*

Secretary general

The secretary general shall assist every student or parent of a student requiring assistance in the formulation of his request.

Prompt disposal

11. *The council of commissioners shall dispose of the request without delay.*

Examination by committee

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.

Hearing of parties

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

Power of council

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.*

Notification

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.

Responsibility of parents

17. *Parents must take the necessary measures to ensure that their child attends school as required.*

Teacher's right

19. *In accordance with the educational project of the school and subject to the provisions of this Act, the teacher has the right to govern the conduct of each group of students entrusted to his care.*

Teacher's prerogatives

The teacher is entitled, in particular,

- 1) *to select methods of instruction corresponding to the requirements and objectives fixed for each group or for each student entrusted to his care;*

- 2) *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 his care.*

Teacher's obligations

22. *A teacher shall*

- 1) *contribute to the intellectual and overall personal development of each student entrusted to his care;*
- 2) *take part in instilling into each student entrusted to his care a desire to learn;*
- 3) *take the appropriate means to foster respect for human rights in his students;*
- 4) *act in a just and impartial manner in his dealings with his students;*
- 5) *take the necessary measures to promote the quality of written and spoken language;*
- 6) *take the appropriate measures to attain and maintain a high level of professionalism;*
- 6.1) *collaborate in the training of future teachers and in the mentoring of newly qualified teachers;*
- 7) *comply with the educational project of the school.*

School autonomy

The *Education Act* grants schools greater autonomy and assigns an important role to parents, school personnel, the community and the students themselves.

Object

36. *A school is an educational institution whose object is to provide to the persons entitled thereto under section 1 the educational services provided for by this Act and prescribed by the basic school regulation established by the Government under section 447 and to contribute to the social and cultural development of the community. A school shall, in particular, facilitate the spiritual development of students so as to promote self-fulfilment.*

Mission

In keeping with the principle of equality of opportunity, the mission of a school is to impart knowledge to students, foster their social development and give them qualifications, while enabling them to undertake and achieve success in a course of study.

Educational project

A school shall pursue its mission within the framework of an educational project implemented by means of a success plan.

Educational project

36.1 *The educational project shall be defined, implemented and periodically evaluated with the participation of the students, the parents, the principal, the teachers and other school staff members, representatives of the community and the school board.*

Aims and objectives

37. *A school's educational project shall set out the specific aims and objectives of the school, and objectives for improving student success. It may include actions to promote those aims and objectives and integrate them into the life of the school.*

Needs and priorities

The aims and objectives of the project objectives shall be designed to ensure that the provincial educational policy defined by law, the basic school regulation and the programs of studies established by the Minister are implemented, adapted and enriched.

Respect of freedom

The educational project of the school must respect the freedom of conscience and of religion of the students, the parents and the school staff.

37.1 *The success plan of a school shall comprise*

- 1) the measures to be taken based on the aims and objectives of the educational project, in particular, those relating to the supervision of students;*
- 2) methods for evaluating the implementation of the success plan.*

Review and update

The success plan shall be reviewed each year and updated, if necessary.

Establishment

42. *A governing board shall be established for each school.*

Composition

The governing board, which shall have not more than 20 members, shall include the following persons:

- 1) at least four parents of students attending the school who are not members of the school staff, elected by their peers;*
- 2) at least four members of the school staff, including at least two teachers and, if the persons concerned so decide, at least one non-teaching staff member and at least one support staff member, elected by their peers;*
- 3) in the case of a school providing education to students in the second cycle of the secondary level, two students in that cycle elected by the students enrolled at the secondary level or, as the case may be, appointed by the students' committee or the association representing those students;*
- 4) in the case of a school where childcare is organized for children at the preschool and elementary school level, a member of the staff assigned to childcare, elected by his or her peers;*
- 5) two representatives of the community who are not members of the school staff, appointed by the members elected under subparagraphs 1 to 4.*

Right to vote

The community representatives on the governing board are not entitled to vote.

Educational project

- 74.** *The governing board shall analyze the situation prevailing at the school, principally the needs of the students, the challenges tied to student success and the characteristics and expectations of the community served by the school. Based on the analysis and the strategic plan of the school board, the governing board shall adopt, oversee the implementation of and periodically evaluate the school's educational project.*

Collaboration

In exercising such functions, the governing board shall seek the collaboration of persons having an interest in the school.

Concerted action

To that end, the governing board shall encourage the communication of information, dialogue and concerted action between students, parents, the principal, teachers and other school staff members and community representatives, and their collaboration in helping students to achieve academic success.

Student supervision

- 75.** *The governing board is responsible for approving the school's success plan, and any updated version of the plan, proposed by the principal.*

Rules of conduct

76. The governing board is responsible for approving the rules of conduct and the safety measures proposed by the principal.

Sanctions

The rules and measures may include disciplinary sanctions other than expulsion from school or corporal punishment; the rules and measures shall be transmitted to all students at the school and their parents.

Proposals

77. *The proposals made under sections 75 and 76 shall be developed in collaboration with the school staff.*

Procedure

The collaboration procedure shall be established by the persons concerned at general meetings called for that purpose by the principal or, failing that, shall be determined by the principal.

Annual report

82. *The governing board shall prepare and adopt an annual activity report and shall transmit a copy of the report to the school board.*

Services

83. *Each year, the governing board shall inform the parents and the community served by the school of the services provided by the school and report on the level of quality of such services.*

Basic school regulation

84. The governing board is responsible for approving the approach proposed by the principal for the implementation of the basic school regulation.

Programs of studies

85. The governing board is responsible for approving the overall approach proposed by the principal for the enrichment or adaptation by the teachers of the objectives and suggested content of the programs of studies established by the Minister and for the development of local programs of studies to meet the specific needs of the students at the school.

Time allocation

86. *The governing board is responsible for approving the time allocation proposed by the principal for each compulsory or elective subject and shall satisfy itself*
- 1) *that the compulsory objectives of the programs of studies established by the Minister will be achieved and their compulsory contents will be acquired;*
 - 2) *(repealed paragraph);*
 - 3) *that the rules governing the certification of studies prescribed by the basic school regulation are complied with.*

Educational activities

87. The governing board is responsible for approving the programming of educational activities, proposed by the principal, which entail changes in the students' regular time of arrival and departure or which require the students to leave school premises.

Student services

88. The governing board is responsible for approving the approach proposed by the principal for the implementation of the student services and special educational services programs prescribed by the basic school regulation and determined by the school board, or provided for in an agreement entered into by the school board.

Proposals

89. *Proposals under sections 84, 87 and 88 shall be developed in collaboration with the school staff; proposals under sections 85 and 86 shall be developed in collaboration with the teachers.*

Procedure

The collaboration procedure shall be established by the persons concerned at general meetings called for that purpose by the principal or, failing that, shall be determined by the principal.

Community services

90. *The governing board may organize educational services other than those prescribed by the basic school regulation, including instructional services outside teaching periods during the school days of the school calendar or on non-school days, and may organize social, cultural or sports services.*

School premises

It may also allow other persons or organizations to organize such services on school premises.

Contracts

91. *For the purposes of section 90, the governing board may, in the name of the school board and within the scope of the school's budget, contract with a person or body for the provision of goods or services. In addition, it may require a financial contribution from users of such goods and services.*

Submission to school board

A draft of a contract to be entered into under the first paragraph must be sent to the school board at least 20 days before its conclusion. Within 15 days after receiving it, the school board may indicate its disagreement on the ground of non-compliance with the standards governing the school board; in the absence of such indication, the contract may be concluded.

Meeting

96. *The meeting of parents called pursuant to section 47 shall decide whether or not to form a parent participation organization.*

Election

If the meeting decides to form a parent participation organization, it shall determine the name, composition and operating rules of the organization and shall elect its members.

Purpose

96.2 *The purpose of a parent participation organization is to encourage the collaboration of parents in developing, implementing and periodically evaluating the school's educational project and their participation in fostering their child's academic success.*

Advisory function

96.3 *A parent participation organization may advise the parents' representatives on the governing board regarding any matter of concern to parents or any matter concerning which the organization is consulted by the parents' representatives on the governing board.*

School premises

96.4 *A parent participation organization may hold its meetings on the school premises.*

Support services

The organization may also use the school's administrative support services and facilities free of charge, subject to the conditions determined by the principal after consulting with the governing board.

The new *Education Act* specifies the leading role played by the school principal, in particular with regard to special education.

Quality of education

96.12 *The principal, under the authority of the director general of the school board, shall ensure that educational services provided at the school meet the proper standards of quality.*

Functions

The principal is the academic and administrative director of the school and shall see to the implementation of the decisions of the governing board and of the other provisions governing the school.

Functions

96.13 *The principal shall assist the governing board in the exercise of its functions and powers and, for that purpose, the principal shall*

- 1) *coordinate the analysis of the situation prevailing at the school and the development, implementation and periodical evaluation of the school's educational project;*
 - 1.1) *coordinate the development, the review and any updating of the school's success plan;*
- 2) *ensure that the proposals required under this chapter are prepared and submitted to the governing board for approval;*
 - 2.1) *ensure that the governing board is provided all necessary information before approving the proposals made under this chapter;*
- 3) *encourage concerted action between the parents, the students and the staff, their participation in the life of the school and their collaboration in fostering academic success;*
- 4) *inform the governing board on a regular basis concerning the proposals approved by the principal under section 96.15.*

Failure to act

If the principal fails or refuses to submit to the governing board a proposal concerning a matter within the purview of the governing board within 15 days of the date on which the governing board requests the proposal, the governing board may act without such a proposal.

Handicapped student

96.14 *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.*

Education plan

The principal shall see to the implementation and periodical evaluation of the education plan and inform the student's parents on a regular basis.

Approval of proposals

96.15 *The principal is responsible for approving, on the proposal of the teachers or, in the case of matters referred to in subparagraph 5, of the members of the staff concerned:*

- 1) *in accordance with the policies determined by the governing board, the local programs of studies developed to meet the special needs of students;*
- 2) *the criteria for the introduction of new instructional methods;*
- 3) *in accordance with this Act and in keeping with the school budget, the textbooks and instructional material required for the teaching of programs of studies;*
- 4) *the standards and procedures for the evaluation of student achievement, in particular, how parents are to be informed of the academic progress of their children, in keeping with the prescriptions of the basic school regulation and subject to the examinations that may be imposed by the Minister or the school board;*
- 5) *the rules governing the placement of students and their promotion from one cycle to the other at the elementary level, subject to the rules prescribed by the basic school regulation.*

Consultation

Before approving the proposals under subparagraph 3 of the first paragraph and the proposals relating to how parents are to be informed of the academic progress of their children under subparagraph 4 of the first paragraph, the principal must consult with the governing board.

Procedure

The proposals of the teachers or the staff members under this section shall be made according to the procedure determined by the teachers or the staff members at general meetings called for that purpose by the principal or, failing that, according to the procedure determined by the principal.

Time limit

A proposal of the teachers or the staff members concerning a subject referred to in this section must be made within 15 days after the proposal is requested by the principal, failing which the principal may act without such proposal.

Reasons

If the principal does not approve a proposal of the teachers or the staff members, the principal shall give reasons, in writing, for the decision.

Staffing needs

96.20 *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.*

Staff management

96.21 *The principal is responsible for the management of the staff of the school and shall determine the duties and responsibilities of each staff member in accordance with the provisions of the applicable collective agreements or regulations of the Minister and, where applicable, with the agreements between the school board and university-level institutions concerning the training of future teachers or the mentoring of newly qualified teachers.*

Professional development

The principal shall see to the organization of such professional development activities for the school staff as agreed with the staff, in accordance with the provisions of the applicable collective agreements.

Requirements

96.22 *After consulting with the governing board, the principal shall inform the school board of the requirements of the school as regards goods and services, and of any required improvement, equipment, construction, conversion or repair of the premises or immovables placed at the disposal of the school.*

Policies

96.25 *The principal shall participate in defining the strategic plan, policies and by-laws of the school board.*

Committee on management

183. *For the purposes of sections 96.25 and 110.13, every school board shall establish, under the direction of the director general, an advisory committee on management composed of the school principals, the principals of vocational training centres, the principals of adult education centres and of members of the executive staff of the school board.*

Principals

The principals shall constitute the majority of the members of the committee.

Committee on services to handicapped

185. *Every school board shall establish an advisory committee on services for handicapped students and students with social maladjustments or learning disabilities.*

Composition

The committee shall be composed of

1) parents of the students concerned, designated by the parents' committee;

- 2) *representatives of the teachers, of the members of the non-teaching professional staff and of the members of the support staff, designated by the associations which represent them in their dealings with the school board and elected from among the persons who provide services to the students concerned;*
- 3) *representatives of bodies which provide services to handicapped students or to students with social maladjustments or learning disabilities, designated by the council of commissioners after consulting with those bodies;*
- 4) *a school principal designated by the director general.*

Director general

The director general or his representative shall take part in the sittings of the committee but he is not entitled to vote.

Functions of committee

187. *The functions of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities are*

- 1) *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;*
- 2) *to advise the school board on the allocation of financial resources to the services intended for those students.*

Special education program

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.

Financial resources

187.1 *Each year, the school board shall inform the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities of the amount of the financial resources available for services intended for those students and of the allocation of those resources in light of the policies defined by the Minister.*

Report

The school board shall report each year to the committee and the Minister on requests for reconsideration made under section 9 relating to services for handicapped students and students with social maladjustments or learning disabilities.

Parents' committee

189. A parents' committee composed of the following persons shall be established for each school board:

- 1) *one representative from each school, elected by the meeting of parents pursuant to the second paragraph of section 47;*
- 2) *one representative of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities, designated by and from among the parents who are members of that committee.*

Loss of qualification

A representative from a school whose child no longer attends the school may remain on the parents' committee.

Substitute

The parents who are members of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities may designate a second representative as a substitute to attend and vote at meetings of the parents' committee when their representative is unable to do so.

Functions

192. The functions of the parents' committee are

- 1) *to promote parents' participation in the activities of the school board and, for such purpose, to designate parents who shall take part in the various committees established by the school board;*
- 2) *to give advice on any matter conducive to the most efficient operation possible of the school board;*
- 3) *to inform the school board of the needs of parents as identified by the school representatives and by the representative of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities;*
- 4) *to give its opinion to the school board on any matter the latter is required to submit to it.*

Function

208. Every school board shall ensure that the persons who come under its jurisdiction are provided the educational services to which they are entitled under this Act.

Exception

The Minister may, in exceptional circumstances, relieve any school board in whole or in part from that function in respect of persons committed or placed under custody in its territory.

Functions

209. *In order to carry out that function, the school board shall, in particular,*

- 1) *admit persons who come under its jurisdiction to educational services;*
- 2) *organize educational services or, if the school board can establish that its resources are insufficient or if the school board agrees to grant the request of parents, entrust the organization of educational services to another school board, a body or a person with which or whom it has entered into an agreement pursuant to any of sections 213 to 215.1, while making sure the services are provided as near the students' place of residence as possible;*
- 3) *if it does not arrange certain vocational education programs or adult education services for which it receives no subsidies following a decision of the Minister pursuant to section 466 or 467, refer persons to a school board which provides such services.*

Persons from other school boards

In addition, a school board shall provide educational services to persons who come under the jurisdiction of another school board, to the extent indicated in a decision of the Minister pursuant to section 468.

Agreement with other board

213. *A school board may enter into an agreement, for the provision of instructional services at the preschool, elementary or secondary level, with another school board or an educational institution governed by the Act respecting private education (chapter E-9.1), or an educational body in Canada which provides educational services equivalent to those referred to in this Act.*

Special services

A school board may enter into an agreement with another school board, a body or a person for the provision of student services and special educational services, literacy services or popular education services or for any purposes other than the provision of services referred to in the first paragraph.

Consultation of parents and students

Before entering into such an agreement, the school board shall consult every student of full age and the parents of every student likely to be concerned by such an agreement. In the case of a handicapped student or a student with a social maladjustment or a learning disability, the school board shall consult the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities.

Service agreement

A school board may, pursuant to an agreement under this section, provide services to persons who do not come under its jurisdiction; it may also organize on-the-job training and apprenticeship programs.

Services

- 220.** *Every school board shall inform the population in its territory of the educational and cultural services provided by the school board and report on the level of quality of such services.*

Annual report

Every school board shall prepare an annual report giving the population in the territory an account of the implementation of its strategic plan.

Results

The report shall also give an account to the Minister of the results obtained with regard to the directions and objectives of the strategic plan established by the Ministère de l'Éducation, du Loisir et du Sport.

Copy

A copy of the report shall be sent to the Minister.

Scope

- 221.** *This subdivision (sections 221 to 244)¹ does not apply to vocational training or adult education services.*

Basic school regulation

A reference to the basic school regulation is a reference to the basic school regulation established by the Government under section 447.

Implementation of regulation

- 222.** *Every school board shall ensure that the basic school regulation established by the Government is implemented in accordance with the gradual implementation procedure established by the Minister under section 459.*

Exemption

For humanitarian reasons or to avoid serious harm to a student, the school board may, following a request, with reasons, made by the parents of the student, by the student, if of full age, or by the school principal, exempt the student from the application of a provision of the basic school regulation. In the case of an exemption from the rules governing certification of studies referred to in section 460, the school board must apply therefor to the Minister.

Special project

The school board may also, subject to the rules governing certification of studies prescribed by the basic school regulation, permit a departure from a provision of the basic school regulation so that a special school project applicable to a group of students may be carried out. However, a departure from the list of subjects may only be permitted in the cases and on the conditions determined by a regulation of the Minister made under section 457.2 or with the authorization of the Minister given in accordance with section 459.

¹ There are no parentheses in the Act.

Implementation of programs

222.1 *Every school board shall ensure that the programs of studies established by the Minister under section 461 are implemented.*

Exemption

However, a school board may, at the request of a school principal, after consulting with the student's parents and subject to the rules governing certification of studies prescribed by the basic school regulation, exempt a student who needs special support services in the language of instruction, second language or mathematics program from a subject prescribed by the basic school regulation; no exemption may be granted, however, in respect of those programs.

Local programs

As well, a school board may, with the authorization of and subject to the conditions determined by the Minister, allow a school to replace a program of studies established by the Minister by a local program of studies designed for a student or a category of students who are unable to benefit from the programs of studies established by the Minister. Every such local program of studies must be submitted by the school board to the Minister for approval.

Special services

224. *Every school board shall establish a program for each student service and special educational service contemplated in the basic school regulation except in matters coming under the jurisdiction of a minister other than the Minister of Education, Recreation and Sports.*

Agreement

It may enter into an agreement with any person or body with regard to the contents of the programs in those matters which do not come under the jurisdiction of the Minister of Education, Recreation and Sports.

Conformity with regulation

The programs must be in conformity with the basic school regulation.

Adapted services

234. *Every school board shall, subject to sections 222 and 222.1, adapt the educational services provided to a handicapped student or a student with a social maladjustment or a learning disability according to the student's needs and in keeping with the student's abilities as evaluated by the school board according to the procedures prescribed under subparagraph 1 of the second paragraph of section 235.*

Consultation with teachers

244. *The functions and powers provided for in sections 222 to 224, in the second paragraph of section 231 and in sections 233 to 240 and 243 are exercised after consultation with the teachers.*

Procedure

The consultation procedure is the procedure set out in a collective agreement or, failing that, the procedure established by the school board.

Handicapped students

265. *Every school board shall appoint a person responsible for educational services for handicapped students or students with social maladjustments or learning disabilities.*

Operating subsidies

275. *Every school board shall allocate among its schools, vocational training centres and adult education centres, in an equitable manner and in consideration of social and economic disparities and of the needs expressed by the institutions, the operating subsidies granted by the Minister, including equalization grants, if any, school tax proceeds and income derived from the investment of all or part of those proceeds, reserving the amount determined by the school board to be necessary for its own needs and the needs of its committees.*

Governing boards

The allocation shall include resources for the operation of governing boards.

Allocation of resources

The school board shall make public the objectives and principles governing the allocation of subsidies, school tax proceeds and other revenues among its educational institutions as well as the criteria pertaining thereto, and the objectives, principles and criteria used to determine the amount reserved for its own needs and the needs of its committees.

IN SHORT

The *Education Act* promotes greater autonomy for individual schools, a fact that must be taken into consideration when developing a policy on the organization of the services for students with handicaps or with social maladjustments or learning disabilities.

The Act provides for the establishment of a governing board bringing together parents, school staff, community representatives and students to enrich the life of the school through their vision and expertise.

The Act offers schools a major challenge, that of working in close collaboration with the community. This approach has already been widely adopted by schools, but in the new context created by the *Education Act*, schools will have to ensure that their development defines a clearer role for parents, staff members and the community.

The Act specifies that the policy concerning the organization of educational services for handicapped students or students with social maladjustments or learning disabilities must ensure that every student with special needs is harmoniously integrated into a regular class or group and into the normal activities of the school, where an evaluation of the student's needs and abilities has shown that 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 (E.A., s. 235).

2. SECOND REFERENCE DOCUMENT: *POLICY ON SPECIAL EDUCATION "ADAPTING OUR SCHOOLS TO THE NEEDS OF ALL STUDENTS"*¹

A) EXCERPTS² FROM THE POLICY ON SPECIAL EDUCATION³

The following excerpts from the Policy on Special Education "Adapting Our Schools to the Needs of All Students" highlight the basic orientation of the Policy and the principles and lines of action it promotes.

"The Basic Orientation of the Special Education Policy

The new orientation involved in the reform—the move from the goal of access for as many students as possible to success for as many as possible—is ambitious and demanding for students in general and for those who guide them. It is even more so for students with special needs."

The basic orientation of the *Special Education Policy*: to help students succeed while accepting that educational success has different meanings for different students.

"[...] The school's mission, which is to impart knowledge to students, foster their social development and give them qualifications, defines the targets the reform is aiming to reach more successfully. The basic orientation of all action in special education is defined as follows:

To help students with handicaps or social maladjustments or learning disabilities succeed in terms of knowledge, social development and qualifications, 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.

[...]

The basic orientation, focused on success for students with special needs, puts our actions with these students in a new perspective. [...]"

¹ Ministère de l'Éducation du Québec, 1999.

² The underlining added to the excerpts from the Policy reproduced here does not appear in the Policy itself.

³ Pages 15 to 31 of the *Policy on Special Education "Adapting Our Schools to the Needs of All Students"*, MEQ 1999.

Six main lines of action to help students succeed.

"In order to implement this basic orientation, six lines of action have been chosen. [...]"

"Recognizing the importance of prevention and early intervention, and making a commitment to devote additional effort to this area"

[...] Prevention is therefore the first step toward achieving lasting results, and it must be carried out with the help of all partners, especially parents.

Two aspects of prevention deserve special attention. [...]"

"To create an environment conducive to learning and success for all students"

[...] In addition, the diversity of needs and abilities of the students, in particular those with handicaps or social maladjustments or learning disabilities, is being taken into account in the development or revision of the programs of study; the objective is to adapt the programs at the outset.

[...] Conditions favourable to new ways of doing things must be put in place, and the role of the school administration is a determining factor. Specifically, the school administration must encourage and support the school staff in developing innovative approaches and strategies and foster the management of diversity. It must also take measures to allow for change: planning time in the schedule for the sharing of expertise, teamwork and professional development."

"To recognize the first manifestations of problems and intervene quickly"

Some children come to school with particular needs resulting from an impairment or disability or unfavourable environment, or with expectations connected with services that they have already received and would like to continue receiving. For others, school signals their first encounter with problems. Without early intervention, they may be at risk of failing in school. [...]"

Furthermore, there are certain points in school life when students are particularly vulnerable. It is important to take the time to help students get through these periods, which include starting school, going from elementary to secondary school, and making the transition from school to the job market.

Excellent results can be achieved with students with special needs, provided that intervention begins early, during the first years in school. Special attention should be devoted to students who show signs of difficulties, in order to find the approach best suited to their needs as quickly as possible. Moreover, these students should continue to be given special attention throughout their school years, at every stage of their development, with a view to preventing further difficulties. [...]

The school is not the only actor in the area of prevention. It must ensure that its actions take into account what has been achieved from the students' early childhood by the parents and the school's other partners, particularly early childhood centres and the health and social services network. The parents' role in early childhood is crucial. [...]

"Making the adaptation of educational services a priority for all those working with students with special needs

[...] the adaptation of educational services should be considered, first of all, in the context of the services offered to all students, and then in terms of more specialized adapted services. Adaptation can be carried out in a number of ways. [...]"

"To adjust or modify existing methods

With regard to the organization of services for students with special needs, the adaptation of services is the basic orientation of the Act. Most students receive educational services in regular school, in regular classes, and adapting these services should be the first line of response to students with special needs. This may be done in a variety of ways:

- *developing programs that take account of student diversity;*
- *adapting teaching methods and instructional materials;*
- *adopting flexible pedagogical approaches that respect the students' learning rates;*
- *using the new information and communication technologies."*

"To offer students various options

[...] Educational paths that are planned with a view to preparing students for the job market can greatly increase students' chances of success. There has been progress in this area in recent years. For example, consider the practicums done by students with special needs in individualized paths for learning in social and employment integration, or the testing, begun in 1996 in secondary schools, of programs of study for students with intellectual impairments. Nevertheless, much remains to be done.

Giving students qualifications is a key element of the education reform. To take this new direction for success, certain adaptations and choices must be made in order to ensure that students with special needs have an equal chance to succeed. [...]"

"Placing the organization of educational services at the service of students with special needs by basing it on the individual evaluation of their abilities and needs, by ensuring that these services are provided in the most natural environment for the students, as close as possible to their place of residence, and by favouring the students' integration into regular classes"

"To understand the situation of students with special needs"

First of all, the needs of these students must be well understood and their interests taken into account when decisions that could affect them are made. At a time when schools are enjoying greater autonomy and when local bodies, particularly the governing boards, have significant decision-making power, it is essential that the governing boards be fully aware of the presence of students with special needs and take them into account in their decisions, especially those concerning the school's educational project and supervision policy.

It is thus important that governing boards be made aware of the situation of students with special needs. The advisory committee on services for handicapped students and students with social maladjustments or learning disabilities should be involved, since it knows what these students need. And other means should also be found to promote awareness of special education among the members of the governing boards.

"To organize the services on the basis of an individual evaluation of the students' needs and abilities and to favour the students' integration into regular classes or groups"

The first obligation of the school board is to adapt educational services to every student with special needs, following an evaluation of the student's needs and abilities.

The Education Act stipulates that educational services must be organized on the basis of an individual evaluation of the needs and abilities of students with handicaps or social maladjustments or learning disabilities. This evaluation must be carried out by the school board upon the student's admission, before enrollment and placement in a grade. It must be carried out according to the conditions set out in the policy on the organization of services. The student's parents must be in attendance, as should the student unless he or she is unable to be present.

The Education Act stipulates that the policy concerning the organization of services adopted by the school board must ensure the harmonious integration into a regular class or group of every student for whom an individual evaluation of abilities and needs shows that such integration would facilitate learning and social integration. Only if integration would impose an excessive constraint on the school board or significantly undermine the rights of the other students can a school board choose a course of action other than to integrate the student into a regular class or group. However, since rights are protected by charters, the school board would have to prove the existence of an excessive constraint. [...]"

"Creating a true educational community¹, 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"

"To consider the student the main author of his or her own success

Students are the main authors of their own success in school. However, they still need guidance and support to develop autonomy and fully exercise their responsibility. Parents, since they are the most closely involved, have a major role to play in their children's education. The school and its partners must also lend their support, so that the students acquire the learning they need to actively participate in their own success."

"To welcome the parents to the school and support their participation

Given the essential role of the parents, the school must make them feel welcome and support them in the task of making their children's needs known. They must also be encouraged to help set objectives for their children and to be attentive to their progress in school. [...]

The school administration has an important role to play so that all parents are actively involved in their children's success. [...]"

"To provide better coordination of interventions

The individualized education plan remains the essential tool for planning interventions to be carried out with students with special needs. This plan, which is adapted to the needs of the individual student, should foster cooperation among persons providing services to students with special needs. [...]

The school administrators must ensure that the development of individualized education plans provides a special opportunity for parents of children with special needs to take an active part in the entire process, and specifically in determining the objectives that the school and family should seek for the children. [...]"

"To open the school to partners, starting with parents, in order to create an educational community

The Education Act gives concrete expression to the desire to further open the school to parental involvement by giving parents an important role on the governing boards. This local decision-making structure, which also provides for the participation of representatives of the community—such as community, municipal and recreational organizations—introduces a new dynamic into the relationship with partners, one that changes the vision of the school.

¹ See the comments relating to the educational community on page 83 of this Guide, and the diagram on page 85 entitled "Complementary Educational Services" produced by the Direction de l'adaptation scolaire (DAS).

This partnership is intended to create an educational community of all those who, in one way or another, are responsible for young people and who share a common concern for their well-being and optimal development. [...]

However, the services that students with special needs may require are not provided only at school. They also come from other sectors (such as daycare, early childhood, health, social and public security services), which must work together to provide better-coordinated services."

"Devoting particular attention to students at risk, especially those with learning disabilities or behavioural difficulties, and determining methods of intervention that better meet their needs and abilities¹"

"To acquire more knowledge and determine appropriate methods of intervention [...]"

[...] In addition, we cannot ignore the fact that some students who have not been officially declared as having learning disabilities or behavioural difficulties nonetheless experience difficulties that make them vulnerable unless there is immediate intervention. [...]

[...] Specifically, it (the school board) should ensure that the schools have the resources they need to provide services that are appropriate for these students."

"To develop a comprehensive, integrated view of the difficulties experienced by young people with social maladjustments or learning disabilities and of strategies for intervention"

One cannot think about students with social maladjustments or learning disabilities without thinking about certain social problems experienced by this generation: drug abuse, violence, suicide, dropping out of school, etc. Young people's needs are complex and varied, and certain social factors, such as poverty and unemployment, have contributed to the growth of these needs. Strategies aimed at solving these problems must be viewed from the overall perspective of solutions to help young people in difficulty, in cooperation with the partners concerned. [...]

[...] This cooperation should exist on the provincial, regional and local levels."

"Developing methods for evaluating students' educational success in terms of knowledge, social development and qualifications, assessing the quality of services and reporting results"

¹ Appendix XXVI of the 2005-2010 collective agreement clearly states that at-risk students are not included in the definition of "students with handicaps, social maladjustments or learning disabilities". The notion of at-risk students is defined in that appendix.

To help students with special needs succeed, an accurate picture of their situation and the factors favourable and unfavourable to their success is required. The information gathered must concern the students, their progress and their successes as well as their difficulties and needs. [...]"

"To evaluate students' progress in order to adjust intervention strategies

[...] However, there are few indicators that allow us to evaluate other aspects of their learning and overall development, or measure their academic success or acquisition of qualifications. It is important to collect data that can be used to make the necessary adjustments. Student evaluation is valid only if it makes it possible to monitor the students' progress, to inform the school staff about the quality of their learning and social integration, and to make decisions that will help them in school."

"To improve the quality of the services provided

[...] It is essential that indicators be developed to give the school and the school board a more comprehensive vision of the situation, so that they can verify whether the decisions that have been made have produced the results sought and make informed decisions with respect to the priorities to be set in improving services. [...]"

The use of these indicators must be associated with an evaluation procedure that aims, on the one hand, to adjust the services according to the orientations of the policy on special education and, on the other hand, to improve the quality of the services on an ongoing basis. This procedure should draw on contributions by the school authorities, the personnel involved, the governing board and the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities, and it should cover the various aspects of life at school, with a view to the improvement of the services."

"To report the results obtained

[...] In fact, the Education Act contains certain provisions requiring schools and school boards to report the results obtained.

Thus, school boards must show how the resources allocated to services for students with special needs are distributed. It must obtain the opinion of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities with respect to the financial resources allocated for services to these students. It is accountable for the services provided for the monies allocated. [...]"

The school administrators also have a role to play in the evaluation of results. They must, for example, make the governing board and the school staff aware of the importance of evaluation with a view to improving the quality of services. [...]"

IN SHORT

The *Policy on Special Education* targets the same objectives as the broader educational reform process, and focuses on the need to ensure the educational success of all students, although success may be defined differently depending on the needs and abilities of each student.

Schools have primary responsibility for adapting services to respond to the individual needs of each student, taking into account the student's abilities and needs.

The challenge for school communities consists in planning overall services while allowing for an individual evaluation of the needs and abilities of each student with a handicap or a social maladjustment or a learning disability.

Each school board's policy on the organization of the services provided for students with handicaps or social maladjustments or learning disabilities must comply with the *Education Act* and be consistent with the *Policy on Special Education*, **in particular in the emphasis it places on prevention and early intervention with at-risk students or students who are especially vulnerable**. The policy must also reflect the willingness of the school community to give students with handicaps or social maladjustments or learning disabilities the best possible opportunity to succeed in terms of acquiring knowledge, improving their social development and gaining qualifications.

Governing boards also have important decision-making powers, and it is essential for the members of governing boards to be made aware of the situation of students with special needs if schools are to **become a true educational community** bringing together the school staff, the parents and the community organizations that intervene with the students. It is important for all the partners in the process to collaborate to ensure that their actions are complementary and that their interventions help students achieve educational success.

The Act clearly assigns priority to the integration of students with special needs into regular classes¹, where it is shown that this facilitates the student's learning and social development. The ministerial orientations favour an individualized approach, thus calling on school boards to ensure that any decision be focused on the student and be made in his best interest. For some students with special needs, however, more specialized services may be considered necessary to maximize their potential for learning and social integration. Each school board must be in a position to provide such services, in order to ensure that the organization of its services is genuinely beneficial for its students.

¹ See the conditions for integrating students into a regular class or group on page 65 of this document.

3. **THIRD REFERENCE DOCUMENT: THE TEACHERS' COLLECTIVE AGREEMENT (E5)**

The 2005-2010 teachers' collective agreement contains provisions that are in keeping with the orientations of the Ministry's *Policy on Special Education*. Article 8-9.00 of the agreement is reproduced below, including clause 13-15.11 (vocational education) and reference is made to Appendices XX, XXV and XXVI.

A) *Article 8-9.00* **PROVISIONS CONCERNING STUDENTS WITH SPECIAL NEEDS**

8-9.01

No later than April 1, the board shall identify provisionally, for the following school year, the specialized resources available for all categories of personnel and the financial resources available in the schools and the board for services offered to students with special needs and shall so inform the parity committee prescribed in clause 8-9.02.

Once the board has determined the total resources available, including those prescribed in Appendix XXV, it shall so inform the parity committee.

8-9.02

The board and the union shall set up a parity committee. The committee's mandate shall be:

- a) *to give its view on the policy on the organization of educational services for students with handicaps, social maladjustments or learning disabilities and to make recommendations concerning the implementation of the policy and the methods for integrating students into regular groups as well as the support services required for the students' integration;*
- b) *to give its view on the services to be offered at the board level;*
- c) *to verify all the resources available under clause 8-9.01;*
- d) *to determine the criteria for the allocation of resources to schools according to the policy in effect at the board;*
- e) *to analyze requests from schools in relation to the allocation criteria established;*
- f) *based on the total available resources allocated under clause 8-9.01, to recommend to the board:*
 - i) *the allocation of resources among the schools;*
 - ii) *the portion of resources to be allocated as compensation due as a result of the weighting prescribed in clause 8-9.07;*

- iii) *the reserve to be maintained for additional services that will be determined during the following year under clause 8-9.05;*
- g) *to receive and study the reports prepared under subclause e) of clause 8-9.03 and to make the recommendations it deems appropriate.*

8-9.03

A committee composed of teachers and of the school administration shall be set up in each school. The committee's mandate shall be:

- a) *taking into account the criteria defined by the parity committee set up under clause 8-9.02, to identify the specialized and financial resources that it deems necessary for the following school year intended for students with special needs and as support for teachers;*
- b) *for the following school year, to inform the parity committee, no later than April 1 or at another date that the board determines, of the resources prescribed in the preceding subclause;*
- c) *to distribute the resources allocated to the school under clause 8-9.02 as well as the additional services to be determined during the year and to define the conditions of access to services including, where applicable, the possibility of setting up provisional support services before a decision is made under subclause a) of clause 8-9.05;*
- d) *to periodically assess the effectiveness of the conditions facilitating access to the services in place;*
- e) *to report to the parity committee on the allocation of resources agreed to under the preceding subclause c).*

In carrying out its mandate, the committee shall take into account the recommendations formulated by the other categories of personnel in the school. Also, in the context of the application of subclauses a) and c), it shall take into account, where applicable, the school organization plan established under article 8-10.00.

8-9.04

- a) *When a teacher detects, in his or her class, a student who, in his or her opinion, demonstrates particular problems, he or she shall report it to the school administration indicating the problem or problems encountered by the student and the interventions he or she carried out over a significant period of time in order to request support services or submit the case to the committee prescribed in clause 8-9.06, as the case may be.*

Any request to have the case studied by the committee prescribed in clause 8-9.06 must be made in a written report and encompass the following information:

- *identification of student;*

- *reason for request;*
- *description of problem;*
- *interventions carried out and duration, where applicable;*
- *support services requested.*

In other cases, the request may be made using any other means determined by the local parties.

- b) *A request for services may be made for any student with special needs. The support services requested must take into account the allocation of the available resources in the school as determined by the committee prescribed in clause 8-9.03.*
- c) *A request to study the case may be made to determine whether the student satisfies one of the definitions prescribed in Appendix XXVI. The request to have a student identified as having behavioural difficulties shall be valid only after a period of at least 40 working days following the request for support services when the support services dispensed have not remedied the situation or no service was dispensed.*
- d) *The support services put in place may consist of services intended either for the student, the teacher or both.*
- e) *This clause applies to both regular groups and special classes.*

8-9.05

- a) *The school administration shall inform the teacher of its decision concerning the request for services made under subclause b) of clause 8-9.04 within 10 working days of the request. The decision shall be made based on the allocation of resources determined by the committee prescribed in clause 8-9.03.*
- b) *Support services shall be set up as soon as possible.*
- c) *At the teacher's request, the school administration shall provide him or her with the reasons for its decision in writing.*
- d) *The teacher may make comments, in writing, to the committee prescribed in clause 8-9.03 concerning the processing of his or her request for services. The committee shall take note and adopt any measure it deems appropriate.*

8-9.06

- a) *Within 15 working days of receiving the teacher's report under subclause c) of clause 8-9.04, the school principal shall set up an ad hoc committee to ensure that the case is studied and monitored. The committee shall be made up of a representative of the school administration, the teacher or teachers concerned and, at the committee's request, a professional. The committee shall invite parents to attend committee meetings. However, the fact that the parents do not attend a meeting shall neither impede nor prevent the committee from carrying out its work. Specifically, the committee's mandate shall be:*
- i) *to study each case submitted and, where applicable, make recommendations to the teacher on other intervention measures to be carried out immediately;*
 - ii) *to request, if the committee deems it necessary, pertinent evaluations from the competent personnel;*
 - iii) *to obtain, as soon as possible, the evaluations prescribed in paragraph ii), if need be;*
 - iv) *to make recommendations to the school principal on the services to be set up under clauses 8-9.02 and 8-9.03 and, where applicable, on the possibility of identifying the student according to one of the definitions prescribed in Appendix XXVI;*
 - v) *to assist the principal in establishing an individualized education plan by making appropriate recommendations;*
 - vi) *to oversee the implementation of the measures adopted concerning the individualized education plan, its follow-up and periodic evaluation.*
- b) *The school principal shall decide whether to act upon or reject the recommendations made under paragraph iv) of subclause a), within 15 working days of receiving the recommendations, barring exceptional circumstances.*
- c) *If the school principal decides to adopt measures based on the recommendations made under paragraph iv) of subclause a), the measures shall come into effect, whenever possible, within 15 working days of the decision.*
- d) *If the school principal decides to reject the recommendations made under paragraph iv) of subclause a), he or she shall state the reasons to the members of the committee prescribed in that subclause, within 15 working days of his or her decision.*
- e) *The ad hoc committee may, at any time, use additional resources and, if it deems it necessary, meet with the student.*

8-9.07

- a) *Students with special needs may be integrated totally or partially into regular groups or grouped together in special classes according to the policy in effect at the board.*
- b) *When students with special needs are integrated into regular groups or grouped together in special classes, the school principal shall give the teacher concerned information on the students, provided that the information is available and that the giving of the information is in the student's interest.*

The preceding paragraph applies subject to the respect for persons and for the code of ethics.

- c) *For the purposes of applying the rules governing the formation of student groups, when students with behavioural difficulties are placed in regular groups, they shall be considered as belonging to the student group into which they are integrated. In this case, the board shall maintain, where applicable, the support services already in place under clause 8-9.05 and shall weight the students in accordance with Appendix XXVII.*
- d)
 - i) *For the purposes of applying the rules governing the formation of student groups, when students with handicaps or severe behavioural difficulties or learning disabilities are placed in regular groups, they shall be considered as belonging to the student group into which they are integrated.*
 - ii) *In the case of handicapped students, the board shall provide support services to the teacher or, failing this, weight the students in accordance with Appendix XXVII; however, the policy may prescribe support services and weighting.*
 - iii) *In the case where students with severe behavioural difficulties are placed in regular groups, the board shall provide support services to the teacher and the students shall be weighted in accordance with Appendix XXVII.*
 - iv) *In the case of students with learning disabilities, if no support service was available during the year, the board shall weight the students in accordance with Appendix XXVII.*
- e) *Subclauses c) and d) do not apply to students enrolled in a temporary individualized path for learning.*
- f) *A student identified as being handicapped or as having severe behavioural difficulties shall continue to be identified as such until such time as the committee prescribed in clause 8-9.06 has had the opportunity to give its view on the reappraisal of his or her placement.*

- g) *On the date on which the entente comes into force, students with handicaps or with severe behavioural difficulties totally or partially integrated shall continue to be integrated until such time as the committee prescribed in clause 8-9.06 has had the opportunity to give its view on the reappraisal of their placement.*

8-9.08

On the date on which the entente comes into force, students considered at risk under the 2000-2003 entente so remain and are entitled to services without the teacher having to make a request in accordance with subclause b) of clause 8-9.04 during the first complete school year following the signing of the entente. During that school year, each case must be studied in order to determine whether the services are still required and, in the case of students identified as at risk with behavioural difficulties, whether these students will be identified or not as students with behavioural difficulties under Appendix XXVI. In the latter case, the members of the committee prescribed in clause 8-9.06 must participate in the study.

8-9.09

This article cannot be the subject of a grievance filed under Chapter 9-0.00. However, the union may, if it believes that the procedure prescribed in this article was not followed, file a grievance to that effect. The union may also file a grievance on the application of the last sentence of subclause c) or paragraphs ii), iii) and iv) of subclause d) of clause 8-9.07.

8-9.10

The board and the union may agree on an internal process for resolving the difficulties that may arise at the school-level committee. At any time and even in the absence of such a mechanism, a decision at the school level must be made without delay.

The composition and operating procedures of the committees prescribed in clauses 8-9.02 and 8-9.03 shall be determined under Chapter 4-0.00.

WARNING

School boards have several obligations with regard to special education under the *Education Act* and certain provisions of the collective agreement. In developing its policy concerning the organization of educational services for students with handicaps, social maladjustments or learning disabilities, each school board must act cautiously to avoid contracting extra obligations which, if not respected, could prevent the integration of a student with special needs from "taking place" pursuant to clause 8-9.07 of the agreement.

As a result, it is important to draft the policy using terms that do not impose an obligation to act on the school board in situations where it is not specifically required to act under the *Education Act* or the collective agreement. For example, where a school principal is not required to forward information, the policy could be worded as follows, *"the principal shall help forward the information [...]"* instead of *"the principal must forward the information [...]"*.

B) Chapter 13-0.00 Vocational Education

13-15.11

Article 8-9.00 applies with the exception of subclause c) and paragraph iii) of subclause d) of clause 8-9.07.

SPECIAL CONSIDERATIONS RELATING TO THE APPLICATION OF ARTICLE 8-9.00 TO VOCATIONAL EDUCATION

Section 235 of the E.A. provides that every school board is obliged to adopt a policy concerning the organization of educational services for handicapped students and students with social maladjustments or learning disabilities but does not apply to the vocational education sector under section 221 of the E.A.

Thus, the board, in its policy, is not required to determine special provisions for students in the vocational education sector.

However, clause 13-15.11 of the collective agreement provides for the application of article 8-9.00 to vocational education with the necessary changes.

C) Appendix XXVI *At-risk students and students with handicaps, social maladjustments or learning disabilities*

Substantial changes were made to this appendix during the last round of negotiations; the notion of "at-risk students" is no longer included in the special education definitions and the definition of students with learning disabilities was modified.

Particular attention should be given to the following excerpts from the Appendix.

I- *At-risk students*

At-risk students are students who display characteristics likely to affect their learning or behaviour that will place them in a vulnerable situation, particularly, with respect to academic failure or their socialization, without immediate intervention.

Particular attention must be devoted to at-risk students in order to determine the preventive and remedial measures required.

At-risk students are not included in the definition of "students with handicaps, social maladjustments or learning disabilities".

II- Definitions

For the purposes of applying the agreement, the Ministère shall adopt the following definitions concerning students with handicaps, social maladjustments or learning disabilities.

A) Students with social maladjustments or learning disabilities

3. Students with learning disabilities

a) Elementary level

A student is deemed to have learning disabilities when an analysis of his or her situation shows that the remedial measures, carried out by the teacher or by others involved in intervention efforts over a significant period of time, have not enabled the student to make sufficient progress in his or her learning to meet the minimum requirements for successful completion of the cycle with respect to the language of instruction or mathematics as provided for in the Québec Education Program.

b) Secondary level

A student is deemed to have learning disabilities when an analysis of his or her situation shows that the remedial measures, carried out by the teacher or by others involved in intervention efforts over a significant period of time, have not enabled the student to make sufficient progress in his or her learning to meet the minimum requirements for successful completion of the cycle with respect to the language of instruction and mathematics as provided for in the Québec Education Program.

D) Appendix XX Special classes and individualized paths for learning classes

Special classes and individualized paths for learning classes are organizational models for teaching designed to correspond to the particular needs of certain students and to ensure their educational success.

Individualized paths for learning are organizational models for teaching secondary school students who have fallen behind in their schooling to such an extent that, if only for a certain period of time, are unable to enroll in regular classes and require specific support measures.

Depending on how far behind the student is and on the nature of his or her needs, the student may be enrolled in a temporary or continuous individualized path for learning defined as follows:

- a) a temporary individualized path for learning is designed to enable students to integrate into a regular path with a view to obtaining a Secondary School Diploma or a Diploma of Vocational Studies;*

b) *a continuous individualized path for learning is designed to enable students to integrate into a program better suited to their interests, needs and abilities, such as a program in the work-oriented training path.*

E) *Appendix XXV Resources for At-risk Students and Students with Handicaps, Social Maladjustments or Learning Disabilities*

Appendix XXV may be summarized as follows:

- it reflects a desire for transparency in the allocation of resources intended for the students concerned, as of the 2005-2006 year, which is the reference year;
- it provides for 600 additional remedial teachers (support for learning) at the elementary level;
- it provides for 600 additional supporting teachers at the secondary level;
- it provides for an additional envelope of 30 million dollars for the hiring or maintaining of professional or support resources particularly for students with behavioural difficulties;
- the additional resources will be spread over the 2006-2007 to 2008-2009 school years and shall be protected from the decline in students until June 30, 2009.

PART II

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

WARNING

The following text should not be seen as a series of measures to be integrated as they stand into the policies drafted by individual school boards.

The *Education Act*, and section 235 in particular, prescribe the basic minimum contents of each policy concerning the organization of services for handicapped students and students with social maladjustments or learning disabilities.

The mechanisms for consultation and concerted action contained in the Act are designed to ensure that each local special education policy **reflects the actual situation faced by each school board**.

The suggestions made here respond to various concerns mentioned in the *Education Act* and the Ministry's *Policy on Special Education*.

In particular, the texts take into account the new article 8-9.00 of the collective agreement.

Each school board is encouraged to **define its own policy** in collaboration with other key partners in the education community, in order to enrich its policy in response to the immediate environment and the specific needs of its students.

1. PROCEDURES FOR DEVELOPING, ADOPTING, DISSEMINATING, IMPLEMENTING AND REVISING A POLICY

The policy should highlight some of the procedures connected with its development, adoption, dissemination, implementation and revision. The following items are particularly relevant:

A) PARTICIPATION OF SCHOOL PRINCIPAL

Pursuant to section 96.25 of the E.A., the school principal must participate in defining the policy.

B) CONSULTATION OF ADVISORY COMMITTEE ON MANAGEMENT

Pursuant to section 183 of the E.A., the advisory committee on management must be consulted.

C) OTHER CONSULTATIONS

The advisory committee on services for handicapped students and students with social maladjustments or learning disabilities must give its opinion concerning the policy pursuant to section 187 of the E.A., as must the board-level parity committee set up pursuant to clause 8-9.02 of the collective agreement. The latter committee is also responsible for making recommendations concerning the definition, review and implementation of the policy.

The local agreement (Chapter 4-0.00), which may provide for union consultation, should also be taken into consideration.

D) ADOPTION

The policy is adopted by way of a resolution of the council of commissioners.

E) DISSEMINATION AND IMPLEMENTATION

Each school board must define its own rules for the dissemination and implementation of its policies and by-laws.

It is important to remember the need to involve all the partners concerned in ensuring the educational success of the students, whether by imparting knowledge, fostering their social development or giving them qualifications.

F) EVALUATION OF THE RESULTS ACHIEVED IN SPECIAL EDUCATION

- The school board is responsible for evaluating the results achieved in special education at all levels within its organization.
- Each governing board prepares and adopts an annual report on its activities and transmits a copy of the report to the school board (E.A., s. 82).
- Each school board prepares an annual report describing the educational activities of its schools (E.A., s. 220). The report should focus in particular on the services provided to students with special needs.
- The school board is responsible for providing the resources required to plan and organize evaluations, in order to obtain all the information needed to gain an overall view of the situation.

G) REVISION

The policy may be revised from time to time by the school board, following the same procedure as when the policy is adopted (participation, consultation, etc.).

2. INTRODUCTION AND OBJECT OF THE POLICY

A) INTRODUCTION

The policy statement *Québec Schools on Course* proposes a review of the Québec school curriculum with regard to programs of study, educational paths and school organization.

Issued in the wake of the policy statement, the Québec Education Program presents an overall, integrated vision for youth sector education, and determines the essential components of their education that will allow schools to impart KNOWLEDGE to their students, foster their SOCIAL DEVELOPMENT and give them QUALIFICATIONS.

These three objectives (knowledge, social development and qualifications) underlie all the actions taken by schools to ensure that their students achieve educational success. Schools must accept, however, that success can mean different things for different students and adapt their actions to the needs of students, to ensure that all the students under their responsibility are able to make a contribution to building the world in which they will live. Reaffirming this mission with regard to students with handicaps or social maladjustments or learning disabilities means emphasizing the development of intellectual activity and the mastery of knowledge.

Schools must remain attentive to the concerns of young people, promote the values on which democracy is founded, and prepare their students to become responsible citizens. It must counter any risk of exclusion that could compromise the future of students who encounter difficulties in learning or adapting to life in society.

Each school board, in drafting its policy concerning the organization of services for students with handicaps, social maladjustments or learning disabilities, must clearly indicate its intention to give such students the best possible chance of achieving success in terms of knowledge, social development and qualifications.

B) OBJECT OF THE POLICY

The object of the policy is, in keeping with section 235 of the *Education Act*, to define the ways in which students with handicaps or social maladjustments or learning disabilities are evaluated and integrated into regular classes or groups and into the other activities of the school.

The policy must also provide for integration support services and, where applicable, for the weighting procedure used to determine the maximum number of students per class or group.

Lastly, the policy must provide for the preparation and evaluation of individualized education plans for students with special needs, and the ways in which those students are grouped in specialized schools, classes or groups.

3. UNDERLYING BASIS

The policy must be based, in particular, on the following documents:

- *Education Act* (E.A.) (R.S.Q., c. I-13.3).
- Ministère de l'Éducation, *Adapting Our Schools to the Needs of All Students, Policy on Special Education*, December 1999.
- Ministère de l'Éducation, du Loisir et du Sport, *Basic school regulation for preschool, elementary and secondary education*.
- Ministère de l'Éducation, *Individualized Education Plans: Helping Students Achieve Success* Reference Framework for the Establishment of Individualized Education Plans, 2004.
- Ministère de l'Éducation, *Learning Difficulties* Reference Framework for Intervention, 2003.
- Ministère de l'Éducation, *Complementary Educational Services: Essential to Success*, 2002.
- Ministère de l'Éducation du Loisir et du Sport, *Organization of Educational Services for At-Risk Students and Students with Handicaps, Social Maladjustments or Learning Difficulties*, 2006.
- Ministère de l'Éducation, du Loisir et du Sport, DGFJ, *Exigences minimales de réussite du cycle au primaire et au secondaire*, February 2007.
- The teachers' collective agreement in force.
- *Charter of Human Rights and Freedoms* (R.S.Q., c. C-12).
- *Act to secure the handicapped in the exercise of their rights with a view to achieving social, school and workplace integration* (R.S.Q., c. E-20.1).
- *Act respecting Access to documents held by public bodies and the Protection of personal information* (R.S.Q., c. A-2.1).
- *Civil Code of Québec* (S.Q., 1991, c. 64).

4. BASIC ORIENTATION AND MAIN LINES OF ACTION

The policy can reproduce the essential points of the basic orientation and lines of action set out in the Ministry's *Policy on Special Education*.¹ The basic orientation and lines of action should guide the school board in developing the principles, orientations and lines of action set out in its own policy on the organization of services for students with handicaps, social maladjustments or learning disabilities.

For example:

A) BASIC ORIENTATION

The basic orientation of the policy is to help students succeed while accepting that success may have different meanings for different students.

B) MAIN LINES OF ACTION

1. Recognizing the importance of prevention and early intervention, and making a commitment to devote additional effort to this area, in particular in terms of human and financial resources:
 - a) Introduce methods that take into account the diversity of student needs and abilities (innovative approaches, intervention methods, program adaptation, etc.).
 - b) Recognize that teachers are the primary intervenors for students in their care.
 - c) Recognize that parents have primary responsibility for their children, and ensure that the actions of the school are consistent with those of the parents.

¹ See pages 25 to 31 of this Guide.

2. Making the adaptation of educational services a priority for all those working with students with special needs:
 - a) Help teachers adapt their teaching methods to meet the individual needs of students.
 - b) Recognize the responsibility of the school administration for adapting the services provided to students.
 - c) Encourage the staff responsible for student services to offer teachers their support.

3. Placing the organization of educational services at the service of students with special needs by basing it on the individual evaluation of their abilities and needs, by ensuring that these services are provided in the most natural environment for the students, as close as possible to their place of residence, and by favouring the students' integration into regular classes:
 - a) Understand the situation of students with special needs.
 - b) Organize services on the basis of individual evaluations of student needs and abilities and favour the integration of students into regular classes or groups.

4. Creating a true educational community, 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:
 - a) Consider the student the main author of his or her own success.
 - b) Reaffirm the active role to be played by the school (staff, principal and governing board) to create a true educational community and coordinate all interventions, in particular, through the preparation of individualized education plans.
 - c) Reaffirm the willingness of the school board to establish procedures for collaborating with outside partners, particularly those in the health and social services network (MELS-MSSS agreement).

5. Devoting particular attention to students at risk, especially those with learning disabilities or behavioural difficulties, and determining methods of intervention that better meet their needs and abilities:
 - a) Reaffirm that prevention and early intervention are the most effective way to ensure that students receive help.

- b) State the requirements that governing boards be made aware of the situations of students with special needs when the educational project of a school, the student supervision policy and the rules of conduct are defined.
6. Developing methods for evaluating students' educational success in terms of knowledge, social development and qualifications, assessing the quality of services and reporting results:
- a) State the importance of evaluation in obtaining information in order to select the best intervention strategies.
 - b) Recognize the willingness of the school board to adjust services on the basis of the results obtained when a student is evaluated, and to report the results.

5. DEFINITIONS

WARNING

The school board should be careful adding definitions to the policy, and should limit their number. By defining words or expressions also used in the Act or the collective agreement, the school board could give them a different meaning that is more restrictive, or broader, than the original meaning.

Certain definitions can, however, be useful and pose no threat.

For example:

- **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, as defined in section 185 of the *Education Act*.

- **Board-level parity committee:**

The board-level parity committee dealing with students at-risk and students with handicaps, social maladjustments or learning disabilities, as defined in clause 8-9.02 of the collective agreement.

- **School-level committee:**

The school-level committee dealing with students at-risk and students with handicaps, social maladjustments or learning disabilities, as defined in clause 8-9.03 of the collective agreement.

- **Ad hoc committee:**

The ad hoc committee, as defined in clause 8-9.06 of the collective agreement, ensures that cases are studied and that the progress of a student with a handicap or a social maladjustment or a learning disability is monitored.

- **Collective agreement:**

The teachers' collective agreement.

- **Student with special needs:**

Students with handicaps or social maladjustments or learning disabilities.

- **E.A.:**

The *Education Act*.

- **Individualized education plan:**

An individualized education plan adapted to the needs of a student with a handicap or a social maladjustment or a learning disability, established by the school principal in accordance with the *Education Act*.

6. PROCEDURES FOR EVALUATING HANDICAPPED STUDENTS AND STUDENTS WITH SOCIAL MALADJUSTMENTS OR LEARNING DISABILITIES

A) PREAMBLE

Section 235 of the E.A. states that the policy must include:

"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."

B) PARTICIPATION AND RESPONSIBILITIES OF PARENTS

Evaluation methods must provide for the involvement of parents; for example, the following statements could be included in the policy:

- Parents have primary responsibility for their children (E.A., s. 17). They therefore have an important role to play in their children's education.
- Parents must notify the school principal of any problem, handicap, disability or event that could affect their child's progress in school, and that could require the school to adapt its intervention.
- The parents of a child who has received special services from a partner organization (in the area of daycare, early childhood, health, social services or public security services, etc.) must inform the school administration of that fact to allow a connection to be established with the organizations concerned and the coordination of the services offered to the child.
- Parents are consulted concerning the evaluation of the abilities and needs of their child, and the child's placement.
- Parents are invited to join the ad hoc committee provided for in clause 8-9.06 of the collective agreement.

C) PARTICIPATION AND RESPONSIBILITIES OF STUDENTS

- It is important to highlight, in the policy, the ways in which students are expected to participate in the evaluation, since students are the main author of their own success.
- For example, the policy can state that:
 - students must collaborate with various partners (teachers, principal, professionals, etc.) in the evaluation of the students' abilities and needs;
 - students must play an active role, unless they are unable to do so, in all meetings, in particular with professionals, for relevant evaluations.

D) PARTICIPATION AND RESPONSIBILITIES OF TEACHERS

Since teachers have primary responsibility for the children in their care, the policy should also state how teachers are expected to take part in evaluations, and the other responsibilities of teachers.

For example:

- Teachers should, as they are entitled to, *"select methods of instruction corresponding to the requirements and objectives fixed for each group or for each student entrusted to [their] care"*. (E.A., s. 19).
- Teachers, having primary responsibility for evaluating students' academic work, 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."* (E.A., s. 19).
- Teachers must, as soon as a student begins to experience difficulty, contact the student's parents to discuss the situation. The discussion must involve the parents in determining the steps to be taken to provide the student with assistance in learning and achieving educational success.
- Teachers must be encouraged to work with students in a preventive way, to adapt their teaching methods accordingly and to recommend to the school principal any relevant way of assisting the student with an emphasis on early intervention wherever possible, while avoiding categorizing the student.
- Teachers must take part in the study of a student's situation and in establishing an individualized education plan.

- When a teacher detects, in his class, a student who, in his opinion, demonstrates particular problems, he shall report it to the school administration indicating the problem or problems encountered by the student and the interventions he carried out over a significant period of time in order to request support services or submit the case to the committee prescribed in clause 8-9.06, as the case may be.

E) PARTICIPATION AND RESPONSIBILITIES OF SCHOOL PRINCIPALS

The policy must also provide for the participation of the school principal in the evaluation process, and state the principal's responsibilities. For example:

- When a student applies for admission, if significant difficulties are noted or reported by the parents or another person involved, the principal must ensure that the abilities and needs of the student are evaluated before the student's placement and enrollment at the school (E.A., s. 96.14).
- In accordance with clause 8-9.07 b) of the collective agreement, the principal must provide teachers with information on students with special needs who are integrated into his class, provided that the information is available and that it is in the student's interest for the information to be provided.
- In general, the principal gathers all the relevant information concerning the evaluation of the abilities and needs of a student, including information concerning interventions inside or outside the school.
- The principal shall encourage the participation of the parents of the child and of the child himself in the child's evaluation, unless the child is unable to do so.
- The principal shall set up a school-level committee and shall be a member thereof (clause 8-9.03).

F) EVALUATION OF STUDENTS AT RISK

- In keeping with the intent of the Ministry's Policy on Special Education, it is essential that the school board, in its own policy, emphasize that the evaluation of students at risk must target prevention and early intervention, as opposed to categorization.

- More specifically, the policy **should stress**, that special attention must be devoted to at-risk students **to determine the preventive or corrective measures to be provided.**
- From a prevention perspective, a principal may establish an individualized education plan for every at-risk student.

G) IDENTIFICATION OF STUDENTS AS HANDICAPPED STUDENTS OR STUDENTS WITH SOCIAL MALADJUSTMENTS OR LEARNING DISABILITIES

The school board is responsible for identifying a student as a student with a handicap, social maladjustment or learning disability. The definitions of students with handicaps, social maladjustments or learning disabilities are found in Appendix XXVI, which serves as a guide for school board and those involved in intervention efforts. The policy should therefore contain provisions governing identification, such as the following (given as an example):

- It is the responsibility of the school board to identify, or not to identify, a student with a handicap, social maladjustment or learning disability in the best interest of the student.
- A student identified as being a student with a handicap, social maladjustment or learning disability remains so identified until the ad hoc committee responsible for studying and monitoring each case (clause 8-9.06 of the collective agreement) has made a decision following a review of the case (clause 8-9.07 of the collective agreement).
- Every new identification, change of identification or withdrawal of identification must first be submitted to the ad hoc committee responsible for studying and monitoring each case.
- Each case must be reviewed periodically by the principal in keeping with the education plan.

**OVERVIEW OF SPECIFIC ROLES AND RESPONSIBILITIES IN CONNECTION
WITH THE EVALUATION OF STUDENTS WITH HANDICAPS OR
SOCIAL MALADJUSTMENTS OR LEARNING DISABILITIES**

| PARTICIPANT | RESPONSIBILITY |
|---|--|
| Student | <ul style="list-style-type: none"> - Responsible for his own success - Takes part in evaluation and collaborates with all involved, unless unable to participate - Takes part, unless unable to participate, in the committee studying his case |
| Parents | <ul style="list-style-type: none"> - Hold primary responsibility for their child - Pass on information when enrolling their child - Are consulted for the evaluation of abilities and needs and when their child is placed - Are invited to take part in the ad hoc committee (clause 8-9.06) |
| Teachers | <ul style="list-style-type: none"> - Primary intervenors for students - Communicate with parents - Evaluate learning - Adapt their teaching methods, target prevention and early intervention - Participate in establishing individualized education plans - Report problems to principal for additional help (clause 8-9.04) - Take part in ad hoc committee (clause 8-9.06) |
| Principal | <ul style="list-style-type: none"> - Ensures that abilities and needs are evaluated - Provides information on students at risk and students with special needs integrated into group - Receives information - Makes appropriate decisions and gives reasons to the extent provided for in the agreement - Encourages the student and the parents to participate - Ensures that the evaluation is reviewed in the best interests of the student - Promotes prevention and early intervention - Sets up the school-level committee and is a member - Establishes, if need be, ad hoc committee prescribed in clause 8-9.06 and coordinates its work |
| In-school partners | <ul style="list-style-type: none"> - Provide information on request - Evaluate, on request - Participate, in various committees, on request |
| Outside partners | <ul style="list-style-type: none"> - Inform, on request - Participate, in various committees, on request |
| <p>The school board ensures that its policy is applied and helps schools manage the policy.</p> | |

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

A) PREAMBLE

Section 235 of the *Education Act* provides that the policy must include:

"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;"

B) ORGANIZING SERVICES TO PROMOTE INTEGRATION INTO REGULAR CLASSES OR GROUPS AND OTHER SCHOOL ACTIVITIES

- The policy should expressly state that the school board expects services to be organized in a way that promotes integration into regular classes and into other school activities.
- It is also appropriate to reiterate the fact that, especially when students with special needs are integrated into a regular class, the teacher can and should *"select methods of instruction corresponding to the requirements and objectives fixed for each group or for each student entrusted to [the teacher's] care"* (E.A., s. 19).

C) CONDITIONS FOR INTEGRATING A STUDENT INTO A REGULAR CLASS OR GROUP

- The harmonious integration of a student with special needs into a regular class or group takes place *"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"* (E.A., s. 235).

WARNING

It is not appropriate to determine, in the policy, the cases in which integration would impose an excessive constraint or significantly undermine the rights of the other students. This is a matter for the courts, in particular with reference to the *Charter of human rights and freedoms*, the *Act to secure the handicapped in the exercise of their rights with a view to achieving social, school and workplace integration*, and the *Civil Code of Québec*. Each case of integration must be studied separately.

D) INTEGRATION SUPPORT SERVICES

PRIOR CONSIDERATIONS

Clause 8-9.02 a) of the collective agreement stipulates that the policy must define the support services for the integration. The school board is thus free to define support services in the policy, after consulting the other parties. To that end, it is important to note that such a definition does not ensue from the board identifying these students as students with handicaps, social maladjustments or learning disabilities (clauses 8-9.04 and 8-9.05).

Interrelated but not mutually exclusive services: integration support services

Certain support services can be provided primarily for students, while others are intended for teachers. It is important to state that the support services provided are interrelated but not mutually exclusive, and provide direct or indirect support to students and teachers.

As regards support services, the following provisions (given as examples only) could be integrated into the policy:

- The organization of special education services must serve the best interests of at-risk students and students with handicaps or with social maladjustments or learning disabilities.
- To allow students to achieve the objectives determined for them, in particular in their individualized education plans, and teachers to meet the needs of the student integrated into his group, the school board must recognize the importance of allocating human and financial resources to support services.

- Teachers have primary responsibility for adapting their teaching methods. To meet individual student needs and, at the same time, remain accountable for the learning of the group as a whole, the teacher may need support and conditions that facilitate the teacher's work.
- Support services can also be provided to at-risk students and their teachers for prevention purposes.
- The support services to be provided to students and their teachers on the basis of the procedures determined by the school-level committee (clause 8-9.03).
- The school board must recognize that the school principal has an important role to play as regards professional development, in particular training to help teachers adapt their teaching methods to the needs of the students.
- In accordance with 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*".
- The school board must recognize the importance, for the school principal, of supporting the staff by encouraging professional development to learn to use teaching methods and approaches and teaching materials, to master new technologies, and to use new technologies for teaching purposes.
- In general, support services provide support to both the student and the teacher, but can be provided to one or the other.

- Without limiting the generality of the foregoing, the following services constitute examples of what might also be considered support services:
 - technical and material assistance services;
 - services deemed appropriate by school principal;
 - training and professional development;
 - measures facilitating the consultation of other school intervenors and the sharing of expertise;
 - use of human resources including other teachers, particularly regarding supervision and support;
 - particular participation of principal;
 - specific services (photocopying, transportation of equipment, assistance with correction, compilation of marks, etc.);
 - assistance with student learning (remedial education, remedial work, pedagogical support, homework assistance, etc.);
 - assistance with student behavioural difficulties (special education, psychoeducation, psychology, code of procedure for managing crisis situations, etc.);
 - allocation of remedial periods for specific students;
 - assistance with student cognitive development and communication (special education, speech therapy, etc.);
 - time allocation (course preparation, meetings, training by peers or specialists, etc.);
 - assistance with student physical activity (accompaniment, travel, occupational therapy, adapted physical layout, etc.);
 - time with resource persons to discuss teaching methods;
 - specific, occasional or special meetings and training;
 - assistance with student integration (raising awareness and preparing the other students in the class).

E) RULES GOVERNING THE FORMATION OF GROUPS AND WEIGHTING

With respect to the formation of groups and weighting, it is advisable, in the policy, to repeat the provisions of the collective agreement.

The policy may contain some clauses. For example:

- As provided for in the collective agreement (clause 8-9.07 d) i), *"For the purpose of applying the rules governing the formation of student groups, when students with handicaps or social maladjustments or learning disabilities are integrated into regular groups, they shall be considered as belonging to those groups"*.
- *When students recognized by the board as students with behavioural difficulties or severe behavioural difficulties associated with a psycho-social deficiency are integrated into a regular class, they shall be weighted for the purposes of oversize-class compensation, under Appendix XXVII (clause 8-9.07 c) and d) iii).*
- *If during the year, no support service was available for the integration of a student recognized by the board as a student with a learning disability, the student shall be weighted for the purposes of oversize-class compensation under Appendix XXVII (clause 8-9.07 d) iv).*

**OVERVIEW OF ROLES AND RESPONSIBILITIES IN CONNECTION
WITH THE INTEGRATION OF STUDENTS WITH HANDICAPS OR
SOCIAL MALADJUSTMENTS OR LEARNING DISABILITIES**

| PARTICIPANT | RESPONSIBILITY |
|---|---|
| Parents | <ul style="list-style-type: none"> - Take part in discussions on integration - Are asked to participate in ad hoc committee (clause 8-9.06) |
| Teachers | <ul style="list-style-type: none"> - Adapt teaching methods - Provide information - Participate in various committees, make recommendations on integration, support services and placement, where applicable, etc. |
| Principal | <ul style="list-style-type: none"> - Makes appropriate decisions and gives reasons to the extent provided for in the agreement - Supports teachers in adapting teaching methods - Applies the measures contained in the school board's policy and the agreements - Ensures that integration does not impose an excessive constraint or undermine the rights of other students - Provides appropriate information - Establishes the school-level committee and is a member - Informs teachers of the support services available to them and to students - Informs the school board of the needs of the school, and of professional development needs in particular |
| In-school partners | <ul style="list-style-type: none"> - Take part in the evaluation and the discussions on integration, on request and make recommendations |
| Outside partners | <ul style="list-style-type: none"> - Provide information, on request and participate in various committees |
| <p>The school board ensures that its policy is applied and helps schools manage the policy.</p> | |

8. PROCEDURES FOR GROUPING HANDICAPPED STUDENTS AND STUDENTS WITH SOCIAL MALADJUSTMENTS OR LEARNING DISABILITIES IN SPECIALIZED SCHOOLS, CLASSES OR GROUPS

A) PREAMBLE

Section 235 of the *Education Act* specifies that the policy must include "terms and conditions for grouping those students in specialized schools, classes or groups."

B) PRINCIPLES

Various principles may be integrated into this section of the policy. For example:

- The policy must ensure that a handicapped student or a student with a social maladjustment or learning disability is harmoniously integrated into a regular class or group where integration is likely to benefit that student, in other words "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" (E.A., s. 235).
- Where the integration of a student with special needs into a regular class or group would impose "*an excessive constraint*" or would "*significantly undermine the rights of the other students*" (E.A., s. 235), the school board may provide the student with educational services in another type of group.
- The school board must attempt to organize services for students with special needs as near the students' place of residence as possible (E.A., s. 209).
- The type of group in which a student with special needs receives the educational services to which the student is entitled depends on the evaluation of the student's abilities and needs and not on the category to which the student belongs (clause 8-9.04 b)).

C) TYPE OF GROUP

Each school board is responsible for determining the different types of groups it requires on the basis of the anticipated numbers and needs of the students concerned.

The type of group may be defined annually by the school board to reflect the abilities and needs of the students concerned.

Lastly, Appendix XX of the agreement provides that "special classes and individualized paths for learning are organizational models for teaching designed to correspond to the particular needs of certain students and to ensure their educational success."

Appendix XX specifically deals with temporary or continuous individualized paths for learning.

D) AGREEMENTS FOR THE PROVISION OF INSTRUCTIONAL SERVICES

A reference to section 213 of the *Education Act* is required here, as follows:

- Where the resources of the school board prove insufficient, it may enter into an agreement for the provision of instructional services for a handicapped student or a student with a social maladjustment or learning disability, with another school board, an educational institution governed by the *Act respecting private education* (R.S.Q., c. E-9.1), an organization or a person, to the extent provided for in the *Education Act*. Before entering into such an agreement, the school board shall consult the parents or the student, if of full age, as well as the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities.

9. PROCEDURES FOR ESTABLISHING AND EVALUATING INDIVIDUALIZED EDUCATION PLANS FOR HANDICAPPED STUDENTS AND STUDENTS WITH SOCIAL MALADJUSTMENTS OR LEARNING DISABILITIES

A) PREAMBLE

Section 235 of the *Education Act* stipulates that the policy must include "*methods for preparing and evaluating the individualized education plans intended for such students*".

Some of the procedures for establishing or developing an individualized education plan are clearly set out in section 96.14 of the *Education Act*.

"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."

B) THE INDIVIDUALIZED EDUCATION PLAN: A TOOL FOR CONCERTED ACTION

The individualized education plan is more than just a form. It 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 and referral action to help the student succeed.

C) JOINT ESTABLISHMENT OF THE INDIVIDUALIZED EDUCATION PLAN

The policy must expressly state the need for the joint establishment of the individualized education plan. For example:

- The school principal must ensure that, before the plan is established, the school board has evaluated the abilities and needs of the student concerned in compliance, in particular, with the procedure set out in the policy.

- An individualized education plan, adapted to the student's needs, must be established for every student identified as being handicapped or having a social maladjustment or learning disability.
- When establishing the plan, the principal shall ensure that the student's parents are treated as essential partners in all decisions made concerning their child's educational success.
- The principal shall ensure that the student plays an active role in the establishment of the plan, unless the student is unable to participate.
- When establishing the plan, the principal shall ensure that all partners whose presence is considered relevant make a contribution, and that the measures taken reflect the needs of the student in terms of knowledge, social development and qualifications.
- The principal shall, when establishing the plan, ask the members of the ad hoc committee established pursuant to clause 8-9.06 of the collective agreement to make appropriate recommendations.
- If an individualized education plan has already been established for a student by a partner organization (in the area of daycare, early childhood, health, social services or public security services, etc.), the school principal must ensure the coordination of the services provided to the student. The plan must set out the procedure for coordination.

D) CONTENT OF THE INDIVIDUALIZED EDUCATION PLAN

Although the content of the plan varies from one student to another, depending on the abilities and needs of the student concerned, the policy may state the basic content of the plan, to guide the principal but without making the measures compulsory.

A provision similar to the following may be included in the policy.

The individualized education plan may, for example, state:

- the abilities and needs of the student;
- the objectives pursued and the competencies to be developed;
- the support services needed by the student to develop those competencies;

- the types of intervention required;
- the role and responsibilities of each partner involved in ensuring that the student achieves educational success;
- the process for evaluating the results achieved and the date of the evaluation;
- the procedure for reviewing the individualized education plan;
- etc.

E) EVALUATION AND MONITORING OF THE INDIVIDUALIZED EDUCATION PLAN

The policy should also contain provisions relating to evaluation and monitoring. For example:

- The principal shall see to the implementation and periodical evaluation of the individualized education plan and inform the student's parents on a regular basis (E.A., s. 96.14).
- The principal shall ensure that the members of the ad hoc committee established under clause 8-9.06 of the collective agreement collaborate in the application of the measures specified in the plan.
- During a periodical evaluation of the individualized education plan by the principal, the principal shall take into account any change in the student's situation and the need to maintain the plan, or to change the support services planned for the student.
- Following the periodical review of a student's situation, the principal must decide whether or not to maintain (with or without change) the identification of the student as a handicapped student or a student with a social maladjustment or learning disability, after consulting the ad hoc committee.
- The principal may also ask the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities, established under section 187 of the *Education Act*, to give an opinion to the school board on the application of the individualized education plan established for a student.

F) INTERVENTION IN THE CASE OF AT-RISK STUDENTS

In order to reflect the main orientations of the ministerial *Policy on Special Education*, it is important to state, in the policy, that an individualized education plan may be established to help at-risk students in a particularly vulnerable situation.

In keeping with the goal of prevention, an individualized education plan may be established, based on the form deemed appropriate by the school principal, to help a student in a particularly vulnerable situation if no early intervention is carried out.

In such a case, the principal must make all the partners aware of the possible application, where necessary, of early intervention measures, in the best interest of the student.

OVERVIEW OF ROLES AND RESPONSIBILITIES IN CONNECTION WITH THE ESTABLISHMENT AND EVALUATION OF AN INDIVIDUALIZED EDUCATION PLAN

| PARTICIPANT | RESPONSIBILITY |
|--|--|
| Student | - Helps establish the plan, unless unable to participate |
| Parents | <ul style="list-style-type: none"> - Help the principal establish the plan - Inform the principal of all the individualized services provided by a partner organization - Are invited to participate in the ad hoc committee prescribed in clause 8-9.06 |
| Teachers | - Help the principal establish the plan |
| Principal | <ul style="list-style-type: none"> - Establishes the plan with help from the parents, the student and other partners - Coordinates the measures contained in the plan with the other services provided by partner organizations - Ensures the implementation and periodic evaluation of the plan - Where applicable, asks the advisory committee to give its opinion to the school board concerning the application of the plan - Makes appropriate decisions and gives reasons to the extent provided for in the collective agreement - Encourages all partners to give priority to early intervention, in the best interests of the student and make appropriate recommendations, in particular concerning student support measures - In keeping with the goal of prevention, may establish an individualized education plan for at-risk students |
| In-school partners | <ul style="list-style-type: none"> - Participate in the establishment of the plan - On request, participate in various committees, where applicable |
| Outside partners | <ul style="list-style-type: none"> - Collaborate with the principal, in particular when individualized services are already provided to the student by a partner organization - On request, participate in various committees, where applicable |
| The school board ensures that its policy is applied and helps schools manage the policy. | |

10. MECHANISMS FOR SOLVING THE PROBLEMS RAISED BY THE APPLICATION OF THE POLICY

Mechanisms to solve the problems raised by the application of the policy may be included in the policy, even though they will not necessarily protect the school board from litigation in the future. For example:

- The problems raised by the application of the policy must first be sent 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.
- The parents, in particular where they are dissatisfied with a decision made concerning the individualized education plan for their child, may apply to the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities, established under section 185 of the *Education Act*, to obtain the committee's opinion, which may then be sent to the school board.
- A student affected by a decision of the council of commissioners, the executive committee, the governing board or any other body under the authority of the school board, in particular a decision concerning special education, or the student's parents, may ask the council of commissioners to reconsider the decision (E.A., ss. 9, 10, 11 and 12).

EDUCATIONAL COMMUNITY

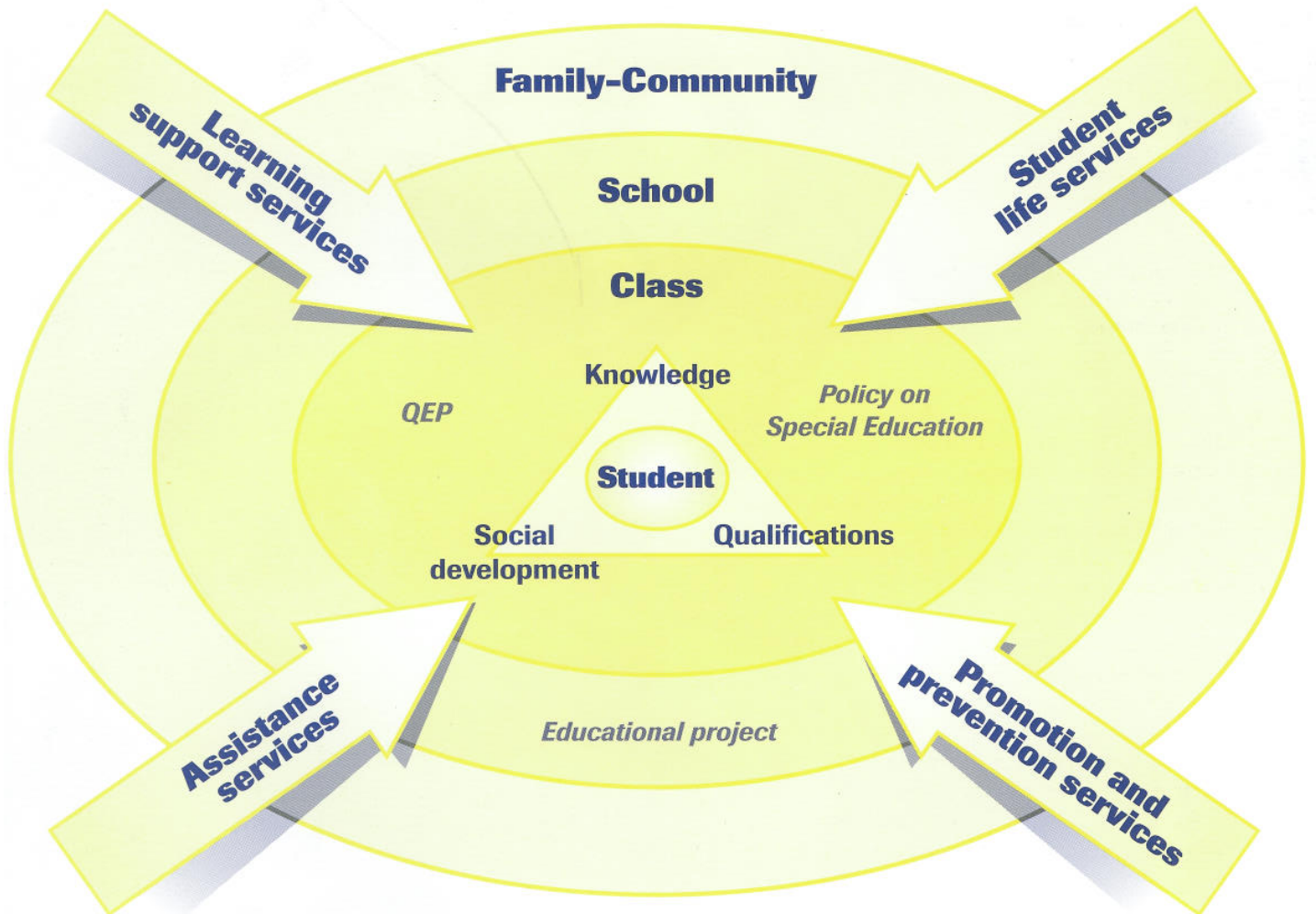
The *Education Act* enshrines the goal of making schools more open to the community, by assigning an important role to the governing board of each school.

This school structure relies heavily on the participation of parents and community representatives, in order to form an educational community designed to serve the students.

The services required by students with handicaps or with social maladjustments or learning disabilities are not all dispensed in schools. Other sectors of intervention (daycare, early childhood, health, social and public security services) must also collaborate in order to better coordinate the services provided.

- The school board must establish a clear procedure for collaborating with outside partners, in particular in the health and social services network, to ensure that schools benefit from the expert knowledge and resources available, in a manner consistent with the orientations of the two government departments concerned (MELS-MSSS).
- School principals must ensure that the new role assigned to parents and community representatives leads to genuine collaboration. While respecting the roles, responsibilities, jurisdiction and area of expertise of each partner, the principal must ensure that all partners strive to provide students with a stimulating educational environment that will allow them to succeed.

Integrated Complementary Educational Services ¹



¹ Diagram from the document entitled *Complementary Educational Services: Essential to Success, 2002*

PART III
CONCLUSION

SPECIAL EDUCATION: AN INTEGRATED EDUCATIONAL SERVICE

The special education policy proposes the placing of the organization of educational services at the service of students by basing it on an individualized approach in response to their needs and abilities. It is an important challenge based on a renewed vision of the organization of services to at-risk students and to students with handicaps or with social maladjustments or learning disabilities. This approach can only become a reality if the framework imposed is not perceived as an obstacle, but rather as support for the organization.

However, the spirit of the Act and the orientations of the Policy set further goals. The **real challenge set for Québec schools is to integrate the management of special education with their overall pedagogical and administrative management**. Special education should not be seen as an educational service completely separate from the services provided for the majority of students.

Special education must be seen as a way of adapting regular services to the needs and abilities of individual students. The objective of the adaptation must be not only to maintain the student in regular classes, but also to allow the student to achieve educational success according to the criteria set in the student's education, socialization and qualification.

