

PRINCE ALBERT ROMAN CATHOLIC SEPARATE SCHOOL DIVISION NO. 6

POLICY ITEM: Third Party Review Pertaining to Decisions Regarding Children with Disabilities	CODE: IQA
LEGAL STATUS: Section 186.1(1) of amendment to The Education Act, 1995, Board Motion #204.06	DATE APPROVED: 25 Sep 06

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

POLICY: In keeping with the amendment to Section 186.1(1-3) of *The Education Act*, the Board of Education has a set of procedural guidelines to follow when a disagreement over a student's designation (or the failure to be designated), program and/or placement is in question. The procedural guidelines may require the assistance of a third party review process.

- Guidelines:**
1. The school division will first attempt to make every effort to resolve a designation, placement and/or program decision in a manner amicable to the student, parents/guardians and school division.
 2. When parents/guardians are unable to resolve such a disagreement through discussions with the school division official, the parents/guardians will initiate a third party review process by making a request in writing to the Director of Education or designate. In their request, the parents/guardians will specifically identify the decision they want reviewed. Within five days of receiving the request for a review of a decision, the Director of Education or designate will respond in writing, identifying a neutral person to act as a third party.
 3. The third party person precludes parents or guardians, and an employee or trustee of the school division. The third party person carrying out the review process should be a mutually agreeable person to the Director or designate and the parents/guardians requesting the review.
 4. In the event there exists a difficulty attaining a third party person acceptable to the school division and the parents/guardians, the following process will be utilized:

- a) The parents/guardians will nominate three persons to the Director or designate. The Director or designate will review the listing and determine if one of the persons from the parents'/guardians' listing is a suitable choice as a third party representative.
 - b) If none of three persons selected by the parents/guardian is acceptable to the Director or designate, the Director or designate will suggest three different candidates to the parents/guardians. The parents/guardians will review the suggested list and determine if a selection can be made.
 - c) In the event there is no agreement, a three-person panel will be established consisting of a representative of the parent's/guardians, a representative of the school division, and a third person identified as the chair by the Board of Education.
5. The third party (panel) will receive written submissions from both the parents/guardians and the school officials. These submissions may be supplemented by representations from other parties called to the process by either the parents/guardians or the school officials. The third party will make a decision based on the information presented and consistent with *The Education Act*.
 6. The review will be completed in a timely manner, ideally within ten days of the selection of the third party. Within this time frame, the third party will submit a report to the Board of Education and to the individual(s) requesting the review. The report will include an analysis of the situation under review and, where appropriate, make recommendations regarding the reviewed decision. Upon receiving the report and the recommendations, the Board of Education will make the final decision as to whether, and/or to what extent, the recommendations will be implemented.
 7. During the appeal and review period, the parents/guardians have the right to either have their child exempted from school or have him/her attend the program/placement assigned by the school division.
 8. The Board of Education will pay the third party a per diem honorarium of 1/197 of a class IV teacher at step 0.