

## **Section 4**

### ***The Identification, Placement, and Review Committee (IPRC) Process and Appeals***

#### **IPRC Process (as per regulation 181/98)**

The NPSCDSB policy, "Identification, Placement and Review Committee" outlines the local procedures related to the IPRC process (see Appendix 20). This IPRC is based on Regulation 181/98, "Identification and Placement of Exceptional Pupils".

The identification of learning needs process outlines the procedures leading to curriculum modification and/or placement in a specialized program. Education assessment occurs continually during the process in consultation with the parent and includes the teacher's own initial professional assessment of the student, the school consultation team screening, possible psychometric or psychological assessment, and the on-going evaluation of student progress.

The total number of students in the Board identified with exceptionalities is 459 (elementary) and 252 (secondary). This number includes both new presentations and reviews. Reviews are conducted at minimum once per year. There have been no appeals conducted in 2004-2005.

The process begins when the teacher and/or parent interprets student behaviour, learning characteristics and academic achievement to decide whether or not to refer a student to the school principal for consultation. The process may also be initiated after discussion with a parent regarding student achievement. Various steps are taken for the collection of data in order to decide on alternative strategies and/or recommending the student for identification as exceptional. These are outlined as follows:

- a) Initiate referral to the principal.
- b) Collect anecdotal observations and information from informal tests.
- c) Contact the student's parent/guardian. Case conference with parents/guardians and support services personnel is an opportunity for all parties involved to discuss assessment results and the recommendations regarding the student's learning needs.
- d) Implement alternative classroom strategies.
- e) Make referral to school level (screening) committee.
- f) Try other educational alternatives and initiate necessary educational assessments.
- g) Refer to IPRC.

Steps in the IPRC process:

- a) Principal refers students to IPRC either at the written request of the parent/guardian or on his/her own initiative.
- b) Within 15 days of making the referral, the principal notifies the parent that the student has been referred to the IPRC.

The parent receives the written notification of the referral, the approximate time the IPRC is likely to meet and a copy of **Special Education Services: A Guide for Parents and**

**Students** (Appendix 8).

- c) At least 10 days in advance, the principal must notify the parent and the student, if 16 years of age or over, in writing of the date of the IPRC.  
The parent/guardian, the student if 16 years of age or older, is entitled to receive all the information which is provided to members of the IPRC.
- d) The IPRC meets and:
- considers assessment reports (educational, psychological and/or health);
  - interviews the student, if this is considered useful;
  - may discuss and make recommendation for special education programs and services, but will not make decisions about these issues;
  - may recommend that an exceptional student who is 21 years of age or older remain in a secondary day school program;
  - decides
    - a) whether the student is exceptional or not
    - b) if exceptional, the category and definition of the identified exceptionality
    - c) the strengths and needs of the student
    - d) the placement of the student in a regular class with special education services or in a special education class. The IPRC will recommend placement in a regular classroom with special education services as the first option if in its opinion such a placement meets the student's needs and is consistent with parental preferences.

In the Nipissing-Parry Sound Catholic District School Board the majority of students identified as exceptional are placed in a regular classroom with special educational support.

If the IPRC recommends placement in a special education class, the reasons for this recommendation are set out in the decision.

The chair of the IPRC notifies in writing the parent/guardian, the student if he/she is 16 years of age or older, the principal who made the referral and a representative of the school board, of the IPRC's decision.

If the parent is not in agreement with the IPRC decision then he or she may, within 30 days of the IPRC:

- i) request a second meeting with the IPRC to discuss the decision further; or
- ii) request to have the matter referred to a Special Education Appeal Board.

- e) If the parent so requests, a second meeting of the IPRC is convened as soon as possible. The IPRC may:
- i) uphold its original decision and notify all parties listed above of this decision and the reasons for the revised decision.

If the parent is not in agreement with the upheld or revised decision, he or she may request to have the matter referred to a Special Education Appeal Board within 15 days of the second meeting of the IPRC.

- f) The School Board will implement the IPRC decision as soon as possible and notify the school principal of the decision.

Having received the IPRC's final decision in writing, the parent must provide written consent for the placement or if the parent is still not in agreement, begin an appeal to the Special Education Appeal Board within 15 days.

The student is placed in a special education program or is returned to a regular class in accordance with the IPRC decision if:

- i) the parent consents, or
  - ii) the parent has not consented but has not begun an appeal within 30 days of the final decision.
- g) Within 30 school days of the placement starting, an individual education plan (IEP) for the student is developed (see sample attached in Appendix 9). The IEP is provided to the parent and if the student is 16 years of age or older, the student. The parent and student (if over 16) are consulted on the contents of the IEP.

For the students who are 14 years of age or older, the IEP must include a transition plan for post-secondary school activities such as work, further education and community living. The IEP and transition plans are developed based on guidelines set out in the Individual Education Plan (IEP) Resource Guide 1998 and Individual Education Plans: Standards for Development, Program Planning and Implementation (2000).

- h) Once a year, the IPRC is reconvened to review each student's identification and/or placement. The parent, however, may request a review three months after the placement has begun.

### **Special Education Services: A Guide for Parents and Students** (Appendix 8)

Special Education Services: A Guide for Parents and Students is distributed to all parents of students who are being presented to an IPRC. Copies are available at the school office or on the Board's website at [www.npsc.edu.on.ca](http://www.npsc.edu.on.ca).

### **Appeal Process**

The Special Education Monograph #1 (March 1985) provides guidelines for Special Education Appeal Boards. In the monograph it states that principles of natural justice and procedural fairness must be adhered to. Parties before the appeal board must receive equal treatment and the individual presiding at the meeting must be impartial and independent.

Regulation 181/98 requires that the Special Education Appeal Board shall be composed of:

- a) one member selected by the Board in which the pupil is placed;
- b) one member selected by the parent/guardian of the pupil; and
- c) a chair selected jointly by the members selected in (a) and (b) above. The person selected as chair must not only be fair and unbiased, but must be seen to be such (Monograph 2).

The selection of the committee members must take place within 15 days of receipt of the notice of appeal by the secretary of the board.

The chair of the IPRC committee the decision of which is being appealed shall provide the Special Education Appeal Board with the record of the committee proceeding, including the statement of decision and any reports, assessments and other documents considered by the committee.

The Board shall provide the Special Education Appeal Board with the secretarial and administrative services it requires, and shall pay the traveling and other expenses incurred by

the Special Education Appeal Board while engaged in their duties.

The chair of the Special Education Appeal Board shall arrange for a meeting of the Special Education Appeal Board to discuss the matters under appeal and shall give notice of the meeting to a parent or a guardian of the pupil and where the pupil is 16 years of age or older, the pupil.

The meeting shall be arranged to take place in a convenient place and at a time that is no more than 30 days after the day on which the chair is selected and the meeting shall be conducted in an informal manner.

With the written consent of the parents/guardians of the pupil and the designated representative of the board, the meeting may be scheduled for a time that is more than 30 days after the day on which the chair was selected.

The chair of the committee must request the parents/guardians sign a release of information form as some members of the Appeal Boards are not authorized by the legislation to have access to pupil records.

The chair should ensure that all pertinent information be sent five days prior to the meeting to the Appeal Board and parents for review, including an indication of those persons the parties intend to call to present information to the Appeal Board. Any materials placed before the Appeal Board should also be placed before both parties involved in the discussion.

The chair should also determine the procedures to be utilized for developing the record. All written formal documents which are placed before the Appeal Board should be preserved and should form part of the record.

The record of the documents placed before the Appeal Board should be preserved by the School Board for future reference and for forwarding to a tribunal if required.

The chair of the Appeal Board will require the Board to complete a regulation checklist. This activity is undertaken to ensure that the provisions of the regulation have been observed.

When the chair advises the parties of the Appeal Board meeting the notice should also include some explanation of the procedural safeguards to the parents. This explanation may include:

- an opportunity to examine the pupil record;
- the right to an independent educational and/or psychological evaluation.

The notice should also advise both parties of the following:

- the right to be accompanied and advised by counsel or individuals with special knowledge;
- the right to open the meeting to the public;
- the right to prohibit the introduction of new materials that have not been disclosed at least five days prior to the meeting;
- the right to obtain a written record of the meeting, providing both parties are in agreement and can settle the issue of cost;
- the right to appeal the decision of the Appeal Board;
- the right to conduct the meeting in the language of instruction of the pupil.

When the Special Education Appeal Board is satisfied that the opinions, views and information

that bear on the appeal have been sufficiently presented to it, the Special Education Appeal Board shall end the meeting and, within three days of ending the meeting shall:

- a) agree with the committee and recommend that its decisions be implemented; or
- b) disagree with the committee and make a recommendation to the Board about the pupil's identification, placement or both.

The Special Education Appeal Board shall send a written statement of its recommendations to:

- a) the parent/guardian of the pupil;
- b) where the pupil is 16 years of age or older, the pupil;
- c) the chair of the committee; and
- d) the principal of the school in which the pupil is placed.

This written statement shall be accompanied by written reasons for the recommendations.

Within 30 days of receiving the Special Education Appeal Board's written statement the Board shall consider the Special Education Appeal Board's recommendations; shall decide what action to take with respect to the pupil and shall give notice in writing to each of the people listed above.

The Board shall implement the decision when one of the following events occurs:

- a) the parent of the pupil consents in writing to the decision;
- b) 30 days have elapsed from receipt of the notice and no appeal has commenced;
- c) the appeal is dismissed or abandoned.

The Nipissing-Parry Sound Catholic District School Board has had one appeal in the last 11 years.