

AVON MAITLAND DISTRICT SCHOOL BOARD

ADMINISTRATIVE PROCEDURE

NO. 228

SUBJECT: IDENTIFICATION, PLACEMENT AND REVIEW COMMITTEE APPEALS

Legal References: *Education Act: Section 170 Duties of Boards: Special Education Programs and Services; Ontario Regulation 181/98 Identification and Placement of Exceptional Pupils; Ontario Regulation 298 Section 31: Special Education Programs and Services; Ontario Regulation 306 Special Education Programs and Services*

Related References: *Administrative Procedure AP 227 Identification, Placement and Review Committee; AP 235 Gifted: Criteria for*

1. Appeal of an I.P.R.C. Decision

- 1.1 Every effort will be made to have parent(s)/guardian(s) and the Identification, Placement and Review Committee (I.P.R.C.) reach a mutually agreeable decision with respect to the exceptionality of the pupil and the appropriate placement in a special education program.
- 1.2 The parent(s)/guardian(s) of a referred pupil who disagree(s) with the decision of the I.P.R.C. regarding the identification and/or placement of that referred pupil may give a written Notice of Appeal to the secretary of the board.
- 1.3 This Notice of Appeal must indicate the decision with which the parent(s)/guardian(s) disagree(s) as well as including a statement that sets out the nature of the disagreement.
- 1.4 This Notice of Appeal shall be tendered within thirty (30) days of receiving the I.P.R.C. statement of decision or within fifteen (15) days of receiving the statement of decision arising out of a follow-up meeting with the I.P.R.C. (*The same timelines apply to appeals as an I.P.R.C. review.*)
- 1.5 The Appeal Board cannot reject an appeal based upon any actual or alleged deficiency in the Notice of Appeal.
- 1.6 Where parent(s)/guardian(s) file(s) a Notice of Appeal, the I.P.R.C. placement being appealed is not implemented, pending the results of the appeal. However, there is nothing to prevent the parent(s)/guardian(s) and the board from agreeing to the terms of a temporary placement pending the results of the appeal.

2. Appeal Process

After receiving the request for an appeal, the board sets the appeal process in motion as follows:

- 2.1 The secretary of the board will record the date of receipt of the Notice of Appeal. This date will be utilized as a time reference for subsequent actions. This date will be known as Appeal Process Date A.

- 2.2 Within (30) days of the Appeal Process Date A, the board will establish an Appeal Board.
- 2.3 The school board will provide the Appeal Board with secretarial and administrative services as required. The board shall pay, in accordance with its own policies, the travelling, living, and out of pocket expenses of the members of the Appeal Board while engaged in their respective duties within the jurisdiction of the Appeal Board.
- 2.4 Within 15 days of the selections of the parent and school board representatives, the two appeal board members will select a Chair.
- 2.5 The Chair of the Appeal Board shall arrange, with the parents/guardians of the pupil, a meeting at a mutually convenient time and place.
- 2.6 The composition of the Appeal Board will be subject to *Ontario Regulation 181 Identification and Placement of Exceptional Pupils*. The proceedings of the Appeal Board will be subject to the rules of procedural fairness and natural justice.
- 2.7 The Appeal Board meeting is to be conducted “in an informal manner” with the goal of providing the Appeal Board members with the information they require in order to make their recommendations.
- 2.8 Where, in the opinion of the Appeal Board, all relevant information has been heard, the Appeal Board shall adjourn. The day of adjournment shall be known as Appeal Process Date B.
- 2.9 Within three days of the adjournment, the Appeal Board will report its recommendations in writing, providing the reasons for its recommendations. This written statement will be sent to:
- the parent(s)/guardian(s);
 - the student if sixteen (16) years of age or older;
 - the chair of the I.P.R.C. being appealed;
 - the principal of the school;
 - the Director
 - the representative of the purchasing board, if appropriate.
- The secretary of the board shall note the date of receipt of this report as Appeal Process Date C.
- 2.10 The recommendations of the Appeal Board may:
- a) agree with the determination of the I.P.R.C., and recommend that its decisions be implemented; or
 - b) disagree with the determination of the I.P.R.C., and make a recommendation to the board about the student’s identification or placement or both.

2.11 As a “Committee of the Whole”, within 30 days of Appeal Process Date C, the board will:

- consider the Appeal Board's recommendations;
- decide what action it will take with respect to the student;
- send a written statement of decisions to everyone who received the written recommendations from the Appeal Board and include an explanation of the further right to appeal provided by section 57 of the *Education Act* (Special Education Tribunal [SET]).

2.12 Such notice shall include reference to provisions in the *Education Act, Section 57*. These provisions deal with the right of further appeal to a Special Education Tribunal for a hearing.

2.13 The board decision may be implemented when:

- the parent(s)/guardian(s) consent in writing
- there is no appeal to SET within 30 days of the parent's receiving notice of the decision; or
- the appeal to SET has been dismissed or abandoned.