FREQUENTLY ASKED QUESTIONS REGARDING STUDENTS WITH SPECIAL NEEDS AND STUDENTS AT-RISK

A teacher’s short legal reference to:

Rights
Obligations
Policies
Procedures
Each question addressed here provides a simplified answer and its corresponding legal framework.

All questions concerning complementary services must be understood within those legal frameworks which are defined by the collective agreement and the special education policies of the MELS and the school board.

It is important to note that all issues regarding complementary educational services must be handled in compliance with the teacher’s collective agreement as well as the policies on special education of both MELS and the school board.
Q 1
Simplified answer

What is the difference between a student who is at-risk and a student with special needs?

Students can be identified as students with special needs when they have been assessed by qualified personnel (e.g. doctor, neurologist, and psychiatrist) and have received a diagnosis from a professional.

Children are identified as students at risk, when they display behaviour or characteristics that would place them at risk with respect to learning or socialization without some kind of intervention. Some, but not all, students at risk may require further access to services in order to be categorized as students with special needs.

Legal Framework

1- Teacher’s Collective Agreement (2010-2015): Appendix XXXI

“1 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:

At risk students and students with handicaps or social maladjustments or learning disabilities (employer-union agreement)

Special needs students fall into 4 broad categories:

- Students with behavioural difficulties
- Students with learning disabilities
- Students with handicaps
- Students with severe behavioural difficulties linked to psychosocial disturbances

2- Organization of Educational Services for At-Risk Students and Students with Handicaps, Social Maladjustments or Learning Difficulties

“For a student to be considered as having a severe behavioural disorder or a handicap, three elements must be present:

- First, a diagnosis by qualified personnel. The diagnosis defines the disability or the nature of the disorder.
- Next, the disabilities and limitations hinder or prevent the student from learning the content of the Québec Education program or developing autonomy and achieving social integration.
- Finally, support measures must be taken to reduce the disadvantages created by a disability or a serious disorder, in order to enable the student to function at school despite his or her disability or difficulties." (p. 11)
Q 2  Simplified answer  Does the school board have a legal responsibility to support teachers who are dealing with at-risk or undiagnosed children in their class?

1. The Education Act requires the school board to develop and adopt a policy on the organization of educational services for at-risk students and students with handicaps, social maladjustments or learning difficulties. You must consult this policy in order to determine the necessary steps and procedures to be followed.

2. The teacher’s collective agreement (clause XXVI) explains how to put together a request for a case study in order to obtain support services. Support services can be provided to the student who you detect is at risk (e.g. resource time), to the teacher (e.g. professional development) or to both, the teacher and student.

3. You have a professional responsibility to seek out the support that you have determined you need to help the children you have identified as at risk. You can find a teacher with more experience who could provide guidance, contact your school board’s psychologist or special needs consultant, speak to your resource teacher, and/or seek out workshops.

Clause 8-9.02 refers to the parity committee comprised of union representatives and members from the school board.

Clause 8-9.03 refers to the special needs school-based advisory committee comprised of the principal and teacher representatives.

The committee prescribed in clause 8-9.06 refers to the school-based ad-hoc committee that is initiated by the principal after a teacher has requested services, in writing, from the school board for a given student. The ad-hoc committee is comprised of the principal, teacher(s) in question, a professional and parents.

Legal Framework

1. Education Act:
   - Section 234 - Obligation to adapt;
   - Section 235 - To have a policy Education Act: 96.14

   “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.

   A request for services may be made by a teacher for a 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.

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.

The support services put in place may consist of services intended either for the student, the teacher or both.

This clause applies to both regular groups and special classes.”
What should I do if I suspect a student is at-risk?

If at any point you suspect that a student may be at risk, you first need to begin collecting data on the student, including all your observations, interventions and the outcomes of those interventions over a period of time.

It would be important to meet with the parents as soon as possible to discuss the observations you have made, the interventions you have implemented and your plan of action over the course of the next few weeks.

The goal is not only to inform the parents, but to create a partnership to better support the child in question.

If the student has not made progress over the given period of time, then you must request a formal meeting with the principal and discuss the course of action that would best meet the needs of the given student, in accordance with the school board’s policy on the organization of educational services for at-risk students and students with handicaps, social maladjustments or learning difficulties.

Clause 8-9.06 refers to the school-based ad-hoc committee initiated by the principal after a case has been requested for advisory.

Legal Framework


“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.”
Q 4
Can a child without a code receive services?

Yes.

The laws and policies in place are meant to support success for all students, professionally diagnosed or not.

The notion of at-risk students was introduced in the Teacher’s Collective Agreement to include students who are not coded but may benefit from services.

The teacher and the principal, with reference to their school board’s policy on the organization of educational services for at-risk students and students with handicaps, social maladjustments or learning difficulties, determine what course of action and support is at their disposal.

Legal Framework

1- Teacher’s Provincial Collective Agreement (2010-2015): Appendix XXXI

“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.”

2 - Education Act, s.1:

“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.”

3- Organization of Educational Services for At-Risk Students and Students with Handicaps, Social Maladjustments or Learning Difficulties

“Implementation of preventive measures or adapted educational services should not be based on the fact that a student belongs to a particular special needs category, nor on the funding methods used by the MELS, but on a evaluation of each student’s needs and abilities.” (p. 3)

“The organization of services must occur in this context, regardless of whether the student experiences occasional, more significant or permanent difficulties, whether he or she is considered to be at-risk, whether he or she is a special needs student, or whether he or she is handicapped” (p. 3).
Can a child who will be held back in kindergarten for a second year receive support services?

Yes

Such a child can receive support services because admitting a child to an extra year of preschool education is not considered to be a complementary educational service.

Legal Framework

Complementary Educational Services Essential to Success

“The basic school regulation for preschool, elementary and secondary education now requires school boards to set up four complementary services programs that are to facilitate student’s progress in their various learnings.” (p. 14)

Adapting Our Schools to the Needs of All Students, pp. 16, 17.


“According to the Policy on Special Education, the favoured courses of action are to recognize ‘the importance of prevention and early intervention’ and ‘the first manifestations of problems and intervene quickly.’ A child is entitled to services aimed at correcting learning difficulties and behavioural problems as soon as they appear.”

Basic School Regulations: Article 3, 4.1, 4.2, 4.3

“According to the Basic school regulations, the goal of complementary educational services is to facilitate the student’s progress in his or her various types of learning. They are also intended to provide counselling services designed to help students throughout their studies and with any difficulties they encounter.”

For additional information on the funding of students with difficulties, see the document entitled Organization of Educational Services for At Risk Students and Students With Handicaps, Social Maladjustments or Learning Difficulties (19-7065-A).
Can a child obtain complementary support services in kindergarten, or do we have to wait until the child is in Cycle 1 to request a case evaluation and support?

Yes, a child can receive complementary support services in kindergarten. Refer to question:

Can a child without a code receive services?

Consult your school board’s policy on complementary services and the policy on the organization of educational services for at-risk students and students with handicaps, social maladjustments or learning difficulties to see how this is implemented in your school board.

**Legal Framework**

1 Education Act, 1.4.1

Student’s Rights (section 1)

“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.”

Teacher’s Obligations (s.22)

“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.”

Moreover, the school board has an obligation to “…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…” (section 234).

**Teachers’ Collective Agreement (2010-2015) 8-9.02**

Provides for the implementation of a parity committee within the school board for at-risk students and students with handicaps, social maladjustments or learning difficulties.

**Adapting our schools to the needs of all students: Policy**

“The Policy on Special Education stipulates its first line of action as recognizing the importance of prevention and early intervention, and making a commitment to devote additional effort to this area. Its fifth line of action is devoting particular attention to students who may be at risk, especially those with learning disabilities or behavioral difficulties, and determining methods of intervention that better meet their needs and abilities.”
Q 7
Simplified answer

How long should I wait before I can request support services for an at-risk student?

It is not a question of time but of the process involved. As soon as you suspect a child is at risk and may need support services, or may need to be evaluated, you need to begin documenting information on the student. Include all your observations, your interventions, and the outcomes of those interventions. If at that point the student has not made progress, then you need to request a formal meeting with the principal and discuss the course of action that will best respond to the needs of that student.

Please refer to question 3: What should I do if I suspect a student is at risk?

Once a child has been identified by the ad-hoc committee as at risk, you are obliged to communicate progress to the parents of that student once a month.

Legal Framework

1- The Teachers Collective Agreement (2010-2015) 8-9.04 states:

“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.

Any request to have the case studied by the committee prescribed in clauses 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.”

2- Basic school regulation: 29.2

“At least once a month, information shall be provided to the parents of a minor in the following cases:

1) the student’s results put him or her at risk of not obtaining the pass mark for the programs of studies or, for a child in preschool education, when the child’s progress indicates that he or she will not be ready to proceed to the first grade of elementary school at the beginning of the following school year;

2) the student’s behaviour does not comply with the school’s rules of conduct;

3) an individualized education plan providing for the information was prepared for the student.

The information is intended to foster collaboration between the parents and the school in correcting learning difficulties and behavioural problems as soon as they appear and, in some cases, in implementing an individualized education plan.”
Q 8
Simplified answer

What is a teacher’s responsibility regarding reporting progress to parents when a child has been identified as at risk?

Once you have identified a student as being at risk, you are obliged to communicate the child’s progress to the parent(s) at least once a month.

These communications can take several forms. Depending on what is more convenient for the parent, any of the following may be selected:

- phone calls
- written communications through the child’s agenda
- e-mails
- parent-teacher meetings
- report card
- progress reports

Depending on the form selected, it is important that you find a way to document your communications to parents. For instance, the date the conversation took place, what was discussed, questions the parents may have had, interventions that will be implemented and follow-ups, all need to be recorded somewhere.

Legal Framework

1- Basic School Regulation: Article 29 -1, 2, 3.

“At least once a month, information shall be provided:

(1) to the parents of students whose performance puts them at risk of failing the current school year or, for children in preschool education, when their achievement indicates that they will not be ready to proceed to the first grade of elementary school at the beginning of the following school year;

(2) to the parents of students whose behaviour does not comply with the school’s code of conduct;

(3) to the parents of students whose individualized education plan provides for that information. The information is intended to foster collaboration between the parents and the school in correcting learning difficulties and behavioural problems as soon as they appear and, in some cases, in implementing an individualized education plan.”
**What is an Individual Education Plan (IEP)?**

Individualized Education Plans: Helping Students Achieve Success. Reference Framework for the Establishment of Individualized Education Plans

"An IEP is a plan of activities coordinated jointly by the people involved [i.e. teachers, student, parents, resource teacher, technician, behaviour technician]. Its purpose is to help a student who, because of a handicap or difficulties, needs adapted intervention in order to progress optimally in developing the competencies required for success" (p. 22)

This means that it is based on a systematic view of the student’s situation and is implemented using a solution-centered approach.

It is “a process, and is based on continuity of action over time. It highlights all the elements that should be considered if the results are to be effective for both the student and the players involved [parents, teachers, administrators and even those outside the classroom context such as the school’s daycare service and lunch monitors. It is meant to promote cooperation among all the players and facilitates collaboration and communication with parents. Starting from the planning stage onward, it is a method of focusing communication on the student’s needs and strengths.” (p. 22).

**Legal Framework**

1- The Reference Framework for the Establishment of Individualized Education Plan produced by MELS in 2004, defines an IEP as:

"...a plan of activities coordinated jointly by the people involved. Its purpose is to help a student who, because of a handicap or difficulties, needs adapted intervention in order to progress optimally in developing the competencies required for success.

It is based on a systematic view of the student’s situation, and is implemented using a solution-centered approach.

An individualized education plan is a process and is based on continuity of action over time." (p.22)

Please refer to the document entitled: Individualized Education Plans: Helping Students Achieve Success Reference Framework for the Establishment of Individualized Education Plan to access more information regarding the phases of establishing an IEP and the roles and responsibilities of those involved.

2- Individualized Education Plans: Helping Students Achieve Success - Reference Framework for the Establishment of Individualized Education Plan

"The education act (s.235) provides that every school board, after consultation with its advisory committee, must adopt a policy concerning the organisation of educational services for students with handicaps and students with social maladjustments or learning disabilities.

A clear policy will provide the school with a solid basis for the management and implementation of its individualised education plans.

The policy shall include:
- procedures for evaluating students with handicaps and students with social maladjustments or learning disabilities
- methods for integrating those students
- grouping conditions
- methods used to prepare and evaluate individualized education plans." (p. 31)
Q 10
Simplified answer
When should I consider developing an IEP for a given student?

You may want to consider requesting an IEP for a student when:

1- You have decided that the student in question would benefit from a more concerted effort in adapting the learning situations to his/her needs and
   - you have documented your concerns for that student
   - you have kept track of the classroom and teaching interventions you put into place
   - you have made observations over time
   - you have continually communicated the student’s progress to the parents of the said child
   - you have seen no progress
   - you have met with your principal and it is agreed that an ad-hoc meeting be set to develop an IEP

and/or:
2- if at any point you find that the Preschool Education Program must be modified in any way to take into account that student’s specific situation, then an IEP must be developed.

Adaptation
Adaptation consists of action that can help reduce the gap between the present situation and the desired situation, so that the objective may be reached. Adaptation can lead to a change in the way students with specific needs experience learning and evaluation situations without modifying the evaluation criteria ([Framework for the Evaluation of Learning at the Secondary Level, 2006]).

Modification:
Modification consists of action that can help reduce the gap between the present situation and the desired situation, so that the objective may be reached. The means chosen lead to a change in the way students with specific needs experience learning and evaluation situations and modify the evaluation criteria. Remember that modifications may affect the possibility of obtaining a Secondary School Diploma ([Framework for the Evaluation of Learning at the Secondary Level, 2006]).

The student’s complex situation is such that a more sustained and coordinated effort is required on the part of the student, teacher(s), parents, principal and, in some cases, other players inside or outside the school, to find solutions to the difficulties encountered and thus enable the student to progress.

- The student’s situation calls for the introduction of specialized resources or for certain adjustments (teaching strategies, adapted materials, specific resources, etc.) in addition to the actions normally taken by the teacher, in cooperation with the cycle team, to adjust his or her actions to the student’s needs.
- The student’s situation requires certain decisions that will have an impact on the students’ educational path, such as decisions concerning adjustments to evaluation methods, departures from the Basic school regulation or special orientations regarding the student’s educational path or placement.” (p. 22)

(See next page)

Legal Framework

1- Individualized Education Plans: Helping Students Achieve Success
2- Reference Framework for the Establishment of Individualized Education Plan

“For some students, the need for an individualized education plan is clear. This is the case for students with handicaps, for example, for whom specialized resources may be required to compensate for their limitations and difficulties in the classroom. For an at-risk student, the decision to introduce an individualized education plan will be made when the usual methods, including differentiated instruction, prove to be inadequate to allow the student to progress in his or her learning. It is important to remember, however, that the MEQ first introduced the concept of at-risk student in order to trigger intervention at the first sign of difficulties, so that the student’s situation could be improved without the need for an individualised education plan.” (p. 22)
When should I consider developing an IEP for a given student?

3- Education Act (s. 96.14) stipulates that:

“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 enrolment 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.”

4- Education Act (s.234 and 235) stipulates that:

“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. “ 1988, c. 84, s. 234; 1997, c. 96, s. 72.

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. “

5- The Teachers’ Collective Agreement (2010-2015) 8-9.04 states:

“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

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”
Do all students with special needs require an IEP?

Yes

By law, children who have a code and are identified with a special need require an IEP. If a child arrives in kindergarten and has been identified as having a special need, you are obliged to develop an IEP for that child. By law, teachers must be notified that they have a child with special needs in their classroom. The teacher or resource teacher must consult the child's confidential file at the beginning of the school year to read all relevant reports, (CMR, occupational therapist, psychologist, neurologist, speech and language therapist,) as well as obtain feedback from any other professional working with the child.

Collecting as much information as possible at this point is essential to planning a smooth transition for the child and to facilitate the process of developing the IEP.

Legal Framework

Refer to these reference documents in our list.
1- Education Act: 96.14
2- Individualized Education Plans: Helping Students Achieve Success
3- Reference Framework for the Establishment of Individual Education Plans (pg. 21-29)
Q12: How do I develop an IEP?

It is important to have all individuals who are involved with the given child present when developing the IEP, to ensure that the specifics are tailored to the child’s needs and capabilities.

You must consult with your school board’s policy on the planning and implementation of IEP’s.

Legal Framework

Refer to these reference documents in our list.

1- Individualized Education Plans: Helping Students Achieve Success - Reference Framework for the Establishment of Individual Education Plans

or

2- GUIDE TO USING THE FRAMEWORK FOR DEVELOPING INDIVIDUALIZED EDUCATION PLANS (IEPs)
Q13
Are there different types of IEP’s?

The purpose of the IEP is to help a student who, because of a handicap or difficulties, needs adapted interventions in order to progress optimally in developing the competencies required for success.

It consists of a planned set of coordinated actions established as part of a joint action process.

It is part of a dynamic process to help the student and is based on a systemic view (including personal, family, social and academic factors) of his or her situation and is implemented using a solution-centred approach.

Although the process is the same for every school board, the format they use may differ. What is important however is that the current IEP format being used in your school is consistent with your school board’s policy on the organization of educational services for student’s with particular needs.

Legal Framework

Refer to this reference document in our list.

1- GUIDE TO USING THE FRAMEWORK FOR DEVELOPING INDIVIDUALIZED EDUCATION PLANS (IEPs)
Reference documents

- **Education act**
  

- **Basic school Regulations**
  

- **MELS : Direction de l’adaptation scolaire**
  
  Orientation et encadrements. A variety of documents on the topic. The original links lead to both French pages and documents with the possibility of switching to English.
  
  [Link](http://www.mels.gouv.qc.ca/enseignants/aide-et-soutien/adaptation-scolaire/orientations-et-encadrements/)

- **Adapting our schools to the needs of all students: Policy on Special Education**
  
  *Une école adaptée à tous ses élèves - Politique de l’adaptation scolaire*

  English Version , 582 kb, code: 19-6509A
  
  [Link](http://www.learnquebec.ca/en/content/curriculum_elem/kinder/specialneeds/Documents-MELS/polite00A.pdf)

  Version Française
  
  [Link](http://www.learnquebec.ca/en/content/curriculum_elem/kinder/specialneeds/Documents-MELS/politi00F.pdf)

- **Adapting our schools to the needs of all students: Plan of Action for Special Education**
  
  *Une école adaptée à tous ses élèves - Plan d’action en matière d’adaptation scolaire*

  English Version, 167 ko, code: 19-6509-01A
  
  [Link](http://www.learnquebec.ca/en/content/curriculum_elem/kinder/specialneeds/Documents-MELS/planade00A.pdf)

  Version française
  
  [Link](http://www.learnquebec.ca/en/content/curriculum_elem/kinder/specialneeds/Documents-MELS/planad00F.pdf)

- **Autism: A revised edition of the synthesis on Autism**
  
  How important is it? What do we know? What can be done? Additional references – According to the experts.
  
  [Link](http://www.child-encyclopedia.com/en-ca/child-autism/how-important-is-it.html)
A common framework for developing an individualized education plan to promote cooperation and follow-up with respect to students with handicaps, social maladjustments or learning difficulties

- **English Documents**
  - Individualized education plans: helping students achieve success - Reference framework
  - In Brief
  - Guide to using the framework for developing IEPs (in relation with the Interactive IEP form)
  - PowerPoint Presentation
  - Individualized Education Plan - interactive PDF form
  - Additional page (objectives)

- **Version française**
  - Le plan d’intervention... au service de la réussite de l’école : cadre de référence pour l’établissement des plans d’intervention
  - En bref
  - Guide d’utilisation en lien avec le canevas de base du plan d’intervention
  - Présentation PowerPoint
  - Canevas de plan d’intervention – formulaire PDF interactif
  - Page supplémentaires (objectifs)
Frequently Asked Questions Regarding Students with Special Needs and Students At-Risk

- **Learning difficulties: Reference framework for intervention.**
  Les difficultés d'apprentissage à l'école Cadre de référence pour guider l'intervention
  This document aims to shed new light on how best to provide assistance to students with learning difficulties and facilitate the search for effective intervention measures that meet their needs. It concerns the kindergarten teacher because it examines what needs to be put in place in order to foster student success beginning in preschool.

- **Organisation of Educational Services for At-Risk Students and Students With Handicaps, Social Maladjustments or Learning Difficulties.**
  L’organisation des services éducatifs aux élèves à risque et aux élèves handicapés ou en difficulté d’adaptation ou ‘apprentissage (EHDAA)

- **Teachers Collective agreement 2010-2015**