

Safety and Emergency Measures 10360	Administrative Application	
	Last Reviewed/ Approved on:	August 14, 2024
	References:	<i>Saskatchewan Human Rights Code</i> <i>The Education Act, 1995</i> <i>The Education Regulations, 2019</i> Policy 12 – Role of the Director Administrative Application 9510 - Administration of Prescription and Non- Prescription Medication and Medical Procedures
	Status:	Operational

Preamble

The Regina Catholic School Division students have a right to receive instruction appropriate to their age and level of education achievement as set out in Section 142 of *The Education Act, 1995*. This instruction is to be provided at the cost of the school division subject to specific exemptions found in the Act and *The Education Regulations, 2019*.

The *Saskatchewan Human Rights Code* provides in subsection S-13 (1) Every person and every class of persons has the right to education in any school, college, university or other institution or place of learning, vocational training or apprenticeship without discrimination on the basis of a prohibited ground other than age. The school division must accommodate a student with disabilities so the student receives meaningful access to education.

Note: Throughout this document, the term “parent” is used to describe any parent, guardian or representative legally able to act on behalf of the student in both singular and plural.

The accommodation process involves the following:

1. If the accommodation process is being initiated by the School Division or by the student and/or parent, the student and/or parent must:
 - Provide appropriate medical information (from a licensed medical professional such as a physician) identifying the student's medical restrictions requiring accommodation;
 - Cooperate with the medical professionals and with the school division in developing a reasonable accommodation plan;
 - Cooperate by attempting the accommodation plan; and
 - Monitor the accommodation, if changes are required, then updated medical information should be obtained and the accommodation plan updated accordingly.
2. The school division must:
 - Review the medical information provided on restrictions;
 - Determine the appropriate accommodation plan after consultations with the affected student, parent, medical professional, and school division personnel;

- Creates and implements the accommodation plan based on the medical restrictions identified in the medical information;
- Monitor the accommodation, if changes are required, then updated medical information should be obtained and the accommodation plan updated accordingly; and
- Provide the appropriate accommodation to the point of undue hardship. ("Undue hardship" is defined in the Code but generally means that the accommodation required would be so difficult, disruptive, and onerous that no reasonable person would expect the school to do it.).

The educational needs of a student with a disability shall primarily be accommodated by placing the student in the regular program of instruction in order to ensure that they remain in the least restrictive age-appropriate environment that meets their individual educational needs and abilities. However, when the School Division determines that the appropriate accommodation for a student is for the student to be provided with a placement in a location and/or specialized program that can better meet their intensive needs, the School Division shall take the steps necessary to provide these specialized educational services at no cost to the student or their parent (subject to subsection 50(5) of the *Regulations*).

Regina Catholic School Division supports the principle of appropriate parental involvement at all levels of decision-making and programming and will work to ensure the parent understands the role they can play in helping the division determine the appropriate accommodation for their child.

Procedures

1. Human Rights Principles

- a. The Board of Education is bound by law to not discriminate against students who have a disability. The following procedures are intended to provide a process to assist school division employees in complying with the legal obligation to accommodate students with disabilities.
- b. This document is subject to the provisions of the *Act*, *Regulations* and the *Code*. In the event of a conflict between the *Act*, *Regulations*, or the *Code*, the *Code* shall prevail.

2. Identification of Students requiring Accommodation

- a. Parents shall immediately advise the school division at the time of student registration if the student has medical restrictions that may prevent the student from fully accessing regular educational services provided by the school division.
- b. A teacher who believes that a student may be unable to profit from instruction ordinarily provided in the regular classroom because of a medical restriction shall collaborate with the Principal/School Student Support Team to start to address the student's educational needs. The Principal will then advise the Superintendent of Student Services that the student may require accommodation.

- c. Upon receiving notice that a student may require accommodation, the Superintendent of Student Services shall make an initial assessment based on the information supplied by the parent, student, teacher or Principal, as well as any other information that the Superintendent of Student Services believes is pertinent. The Superintendent of Student Services may:
 - i. Advise the student and/or parents that they must provide medical information regarding any medical restriction that may affect the ability of the student to fully access educational services; and
 - ii. Schedule educational assessments designed to determine any restrictions that may prevent the student from fully accessing educational services, provided that:
 - 1) The Principal or designate shall make every effort to ensure that the parent is informed that the student is scheduled for an educational evaluation and/or testing.
 - 2) The Principal or designate shall endeavour to obtain written acknowledgment from the parent confirming notification that the student has been referred for an educational evaluation and/or testing.
 - 3) The parent may request, through the Principal, a review of the test results.

3. Information Regarding Medical Restrictions

- a. When medical information about restrictions is required, the student and/or parent shall provide to the Principal or designate a written report or Medical Certificate from a medical professional setting out the specifics of the medical restrictions in as much detail as possible. Upon receipt of the medical information, the principal will consult with the Superintendent, of Student Services.

Note: The Medical Certificate should be edited so that the questions for the medical professional are relevant to the student's unique situation.

- b. Similar information may be provided in whatever format the medical professional prefers.
- c. The school division may require additional medical information in order to clarify or provide details with regard to the medical restrictions or if the medical information initially supplied is not sufficient to identify the medical restrictions requiring accommodation.
- d. If the student is prescribed medication by a physician to be consumed at school as part of the accommodation process, Admin Application 9510 - Administration of Prescription and Non-Prescription Medication and Medical Procedures applies i.e., Seizure protocols, Diabetic and life-threatening allergies. See Ministry Doc.

- e. A letter from the physician may be used by the parents as an initial method of providing information on medical restrictions.
- f. Additional information from other medical professionals, within their scope of practice may be used to supplement information provided by the physician.
- g. Parents are encouraged to provide medical reports, psychological reports, testing data etc. from other involved persons and/or agencies to the Superintendent of Student Services.
- h. All student records collected by, used or disclosed by the School Division are subject to *The Local Authority Freedom of Information & Protection of Privacy Act* and Administrative Application 5400 - Freedom of Information & Protection of Privacy applies.

4. Temporary Exclusion of Student Pending Receipt of Medical Information

- a. The Superintendent of Student Services may exclude a student from school for a temporary period of time if the Superintendent reasonably believes that:
 - i. The student's behaviour is of such a nature that the school cannot ensure the safety of the student and/or the safety of others due to the student's behavior; or
 - ii. The student has a disability as defined under *The Saskatchewan Human Rights Code* and the school does not have sufficient medical information to ensure the safety of the student, plan programming and put appropriate supports in place for the student.
- b. The temporary exclusion is a last resort, and the school must be able to show that there were no other alternatives. It should be used solely for the purposes of allowing the school division to obtain sufficient medical information to allow the school division to create an accommodation plan for the student that will appropriately address the medical restrictions and safety of the student as well as the safety of other students and staff.
- c. A temporary exclusion cannot be used for disciplinary purposes.
- d. The temporary exclusion may continue only until such time as:
 - i. The school division receives appropriate medical information clearly setting out any medical restrictions faced by the student; and
 - ii. The school division has prepared a plan for the safe return of the student to the school or program with any required accommodations in place.
- e. Parents shall be informed in a timely manner with regard to:

- i. The reasons for the temporary exclusion;
 - ii. The educational support that will be offered during the exclusion period;
 - iii. The estimated timelines;
 - iv. The medical information required by the school division;
 - v. The assessments the school will require and/or be able to perform; and
 - vi. The ways in which the parents and student can provide input into the plan for the safe return of the student to school or program.
- f. The school division will make its best efforts to provide educational support to the student while the student is temporarily excluded from the school which may include, but is not limited to:
 - i. Providing parents with learning resources and materials, for the student;
 - ii. Providing parents with access to teachers to discuss student work and assignments;

5. Determination by the School Division of Appropriate Accommodation

- a. After reviewing the student's medical information and any test results or assessments, the Superintendent or designate, should consult with teachers, parents, school division coordinator and consultants, other specialists, and any other person whom the Superintendent of Student Services believes would have relevant information about possible accommodations for the student.
- b. Following these consultations, the Principal or designate and Superintendent of Student Services or designate shall be responsible for creating the appropriate accommodation plan for the student.
 - i. The primary goal of the plan shall be to meet the appropriate educational program needs and abilities of the student as determined by the school division.
 - ii. Input and preferences of parents and students will be taken into account but are not determinative.
 - iii. If there are several possible accommodation choices that would meet the education needs of the student, the Superintendent of Student Services or designate may, at their sole discretion:
 - 1) Give the parents (and student as appropriate), the choice of which option they would prefer and,

- 2) If requested, make arrangements to provide further information regarding possible options; examples may include programming options and or alternative placement.
- iv. Options available for accommodation will depend on the unique facts and circumstances of each case and may include but are not limited to:
 - 1) Class placement in mainstream;
 - 2) Special placement in a specified program designated by the school division;
 - 3) Assignment of support services as required.
- v. In the event that appropriate programs/services are not available within the school division to meet the needs of the student, the Superintendent of Student Services or designate shall notify the Director or designate for further discussion on how the student should be accommodated.

6. Process after Accommodation is Determined

- a. Once the appropriate accommodation has been determined, the Superintendent or designate shall:
 - i. Inform parents (and student as appropriate), preferably at an in-person meeting, of the accommodation and the reasons for the choice;
 - ii. Contact and alert appropriate personnel (e.g. consultants, coordinators specialists, etc.) with regard to the proposed placement decision or program changes; and
 - iii. Notify, when appropriate, any external agencies who may be involved in the implementation of the accommodation plan.
 - iv. Ensure the necessary employees have the necessary training to accommodate

The attached reference chart provides a summary and visual process (see Appendix A.).

7. Appeal from Decision

- a. Subject to subsection 8b, when there is disagreement with regard to program changes or a placement decision and the disagreement has not been resolved with the Superintendent of Student Services, the parent may submit an appeal in accordance with Board Policy 13 - Appeals and Hearings Regarding Student Matters.
- b. Where a student has been designated as a student with intensive needs as defined by section 178 of the *Act*, the student's parent/guardian may request a



review in accordance with section 178.1 of the *Act* and Administrative Application 8732 - Placement of Student Requiring Intensive Supports. A section 178.1 Review is subject to the restrictions described in section 49 of the *Regulations*.

Appendix A

Process to Accommodate Student Disability

