Accessing Support Services for Students Experiencing Difficulties

A Non-Category Process

Document 1 of 2

2025

Since 2019, QPAT has consulted Youth Sector teachers, in Quebec's English education system, several times, through focus groups, surveys, committee meetings, and presentations to local union delegates. Through these consultative initiatives, QPAT has amassed considerable information on the functioning of the process for accessing services for students at both the school board and school level. This information has revealed there is much confusion about the process for accessing services, resulting in practices that are negatively impacting teachers and the students they teach.

The focus of chapter 8-9.00 of the Provincial Collective Agreement (PCA) is prevention and early intervention and the collective actions that should be carried out for the benefit of at-risk students, students with handicaps, social maladjustments or learning difficulties, and their teachers.[1] Of considerable importance, and specific to clauses 8-9.06 and 8-9.07 of the PCA, is the non-category process for accessing services. With this process, students do not require a prior diagnosis, special code, or an Individualized Education Plan (IEP) to access support services.

Although this process has been in effect in the PCA since 2005, teachers and their students, in the English education sector, continue to face difficulties when trying to access services due to school board and school level practices that do not align with the non-category process. This information document outlines the steps of the process for accessing support services for students having difficulties which aligns with chapter 8-9.00 of the PCA.[2]

[1] PCA 2023-2028; 8-9.00 – Provisions Concerning Students with Special Needs.
[2] See document 2 of 2 for additional information regarding the IEP process.

Why was this document created?

This document was created to:

- Clarify the process to access support services for students at the school level.
- Define the role and responsibilities of the teacher in the process.
- Define the role and responsibilities of the school administrator in the process.
- Maximize the effectiveness of the process at the school level.
- Follow up on the concerns raised by youth sector teachers who participated in various QPAT consultative initiatives on the topic of accessing support services for students.

The creation of this document is based on resources and legislation that govern our education system, notably:

- The PCA
- The Education Act (EA)
- Basic School Regulations (BSR)
- Québec Ministry of Education (MEQ) documents

How can this document be used?

As part of a presentation or conversation starter to identify:

- The process for accessing services at the school level.
- The roles and responsibilities associated with the process.
- Problematic practices that may be delaying access to services for students and teachers.
- To compliment local level resources, such as:
    - School Board resources (e.g., handbook, special education policy) aimed at supporting schools and students with specific needs.
    - Local union resources (e.g., website, handbook, presentations).

Accessing Support Services for Students Experiencing Difficulties

A Non-Category Process

1 As soon as a teacher observes a student having persistent difficulties, they can request support services for this student (8-9.06).

2 The teacher must report the situation to the school administrator by indicating the student's difficulties and the interventions that have been carried out over a significant period (8-9.06 a)). **Please note:** Reporting this information may be done verbally; however, an email facilitates tracking of the request for support services.

OR

The teacher must submit the case to the ad hoc committee via a written report that contains the following information: the identification of the student, the reason for the request, a description of the student's difficulties, the interventions carried out (type and duration, for example), and the support services requested (8-9.06 a)). The committe will use this information to begin studying the case.[3]

The request for support services, and the information required to do so, may be made using any other means when determined jointly by the school board and the local union (8-9.06 a)).

3 The school administrator must inform the teacher of a decision concerning the request for support services **within 10 working days of the request**. The decision must be based on the allocation of resources determined by the school level special needs committee (8-9.07 a)).

4 The teacher may ask the school administrator to provide the reasons for their decision regarding the request for services. The reasons must be provided in writing to the teacher by the school administrator (8-9.07 c)). The teacher may also communicate, in writing, with the School Level Special Needs Committee to follow up on the request (8-9.07 d)).

5 The requested support services must be set up as soon as possible and may be for the student, the teacher, or both (8-9.06 d), 8-9.07 b)). No prior diagnosis, special code, or IEP is required of the student for this step to happen.

Please note:
For a student with behavioural difficulties, a teacher may also request that the student be identified as such. This request **is valid after 40 working days of the request** and must be studied or monitored by the ad hoc committee, when the support services provided did not remedy the situation or no service was provided (8-9.06 c)).

[3]See QPAT document 2 of 2 which outlines the role of the ad hoc committee and the IEP process.

Appendix 1
PCA Excerpt: Clause 8-9.06

a) 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 8-9.08, as the case may be. Any request to have the case studied by the committee prescribed in clause 8-9.08 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.

In other cases, the request may be made using any other means determined by the board and the union.

b) A request for services may be made for any student with special needs. Support services requested must take into account the allocation of the available resources in the school as determined by the committee prescribed in clause 8-9.05.

c) A request to study the case may be made to determine whether the student satisfies one of the definitions prescribed in Appendix XXXI. 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 provided have not remedied the situation or no service was provided.

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

e) This clause applies to both regular groups and special classes.

PCA Excerpt: Clause 8-9.07

a) The school administration shall inform the teacher of its decision concerning the request for services made under subclause b) of clause 8-9.06 within 10 working days of the request. The decision shall be made based on the allocation of resources determined by the committee prescribed in clause 8-9.05.

b) Support services shall be set up as soon as possible.

c) At the teacher's request, the school administration shall provide him or her with the reasons for its decision in writing.

d) The teacher may make comments, in writing, to the committee prescribed in clause 8-9.05 concerning the processing of his or her request for services. The committee shall take note and adopt any measure it deems appropriate.

Appendix 2
Frequently Asked Questions

1. Do students need an IEP, a special "code", or a specific diagnosis to access support services?

No, students do not need an IEP, "code", or a diagnosis to access support services. The *non-category process*, in effect in the PCA since 2005, applies to at-risk students, students with handicaps, social maladjustments, or learning difficulties. Under this approach, it is not necessary for students to undergo a diagnostic evaluation or professional assessment prior to receiving services. Educational services must be structured based on **needs**, rather than according to a category to which a student belongs and should be set up as soon as possible.[4]

Unfortunately, teachers are still often told that students cannot receive support services if they have not undergone a diagnostic assessment and/or do not have an IEP or a code. This is incorrect. The EA requires school boards to provide and adjust their educational services according to a student's needs and in keeping with the student's abilities as evaluated by the school board.[5]

2. Does a student who is experiencing behavioural difficulties need to wait 40 working days before being able to access support services?

No, students with behavioural difficulties must have early access to support services like any other student experiencing difficulties. Prevention and early intervention are the focus of chapter 8-9.00 of the PCA, and this should be prioritized equitably for any student who may be experiencing difficulties.

The 40 working days criteria only applies when there has been a request to have a student *identified* as having behavioural difficulties as prescribed in Appendix XXXI of the PCA. If such a request has been made, support services must still be put into place as soon as possible. In such a case, it is the **request** that is valid after 40 working days whereby the ad hoc committee has studied or monitored the case, services were provided (or not) and the behavioural difficulties have persisted.[6]

3. What should I do if my administrator has not informed me within 10 working days of a decision regarding the request for support services that I made for a student?

Prevention and early intervention must be a priority and are necessary for ensuring student success.[7]
If your administrator has not informed you of a decision within 10 working days, you may send an email to remind them of your request for support services. The administrator must respond in writing and provide the reasons for their decision, based on the allocation of resources determined by the School Level Special Needs Committee (SLSNC).[8]

You may also reach out to the SLSNC, in writing, to follow up on the processing of your request. The SLSNC must consider your inquiry and can choose a measure of support it deems appropriate.[9]
If neither of these suggestions improve your situation, please contact your local union.

4. Why do I have to fill out so many forms to access services for a student who is having difficulty?

As per the PCA, only the request for services and the required information indicated in clause 8-9.06 need to be in a written report when asking the ad hoc committee to study a case. The means for this step may differ than what is indicated in clause 8-9.06 of the PCA and if this is the case, the local union and school board must jointly determine the means or form for making a request for services.[10]

[4]Provincial Collective Agreement (PCA) 2023-2025 8-9.06, 8-9.07; QPAT Referential: Special Needs Guide
[5]EA s. 234, October 2024; Basic School Regulation (BSR) s. 4 and 5, October 2024; QPAT Referential: Special Needs Guide
[6]PCA 2023-2028; clause 8-9.06 c)
[7]PCA 2023-2028; 8-9.01 a)
[8]PCA 2023-2028; 8-9.07 a)
[9]PCA 2023-2028; 8-9.07 d)
[10]PCA 2023-2028; 8-9.06 a)

5. When I request services for a student, I am told that I must create and implement a student *Action Plan* for a specific length of time before services will be made available to the student. Is this an acceptable procedure?

No, the EA, PCA, and the Ministry of Education do not recognize student *Action Plans* as an official planning tool for students experiencing difficulties or a requirement for accessing services.[11]

PCA clause 8-9.06 and the process for accessing services chart in this document outline the correct process for accessing services, which does not entail teachers having to create and implement *Action Plans*. The practice of having teachers create and implement *Action Plans*, before making support services available, delays services to students and disregards the necessity to prioritize prevention and early intervention.[12]

6. There are never enough support services available for students. Why should I bother making requests to access services for students who are having difficulties?

It is a teacher's duty to detect, report, and request additional services for a student who continues to experience difficulties, despite the interventions the teacher has carried out over a significant period of time.[13] Once a teacher has fulfilled this duty, it is then the responsibility of the school administrator to follow up on the request for services and to ensure support services are provided and adapted to meet student needs.[14]

Also, considering the new National Student Ombudsman (NSO) complaint procedure[15], it is important that teachers fulfill the first step obligation of detecting, reporting, and requesting support services for students in difficulty should a parent (or student), for example, file a complaint for services not rendered by the school or school board. In this situation, a teacher's written request is evidence of an attempt to acquire additional support services for a student in difficulty.

7. I've requested support services for a student experiencing academic difficulties. Does this mean that an Individualized Education Plan (IEP) should be established right away?

No, there are many steps and actions that need to be carried out **before** the decision to establish an IEP is made.[16] The process for accessing services and the IEP process are distinct. A student who accesses services and only needs temporary support, for example, will not require an IEP at all because the difficulty was temporary or resolved. A student who accesses services and whose difficulty continues to persist, for example, may need the ad hoc committee to further study the situation. In this situation, it is the ad hoc committee, after a data collection and analysis phase, who would recommend whether an IEP should be developed or not.[17]

8. I've requested that the ad hoc committee study the case of a student having difficulty. Does this mean the student must wait for the ad hoc committee to finish studying the case before support services are made available?

As indicated earlier, prevention and early intervention must be prioritized.[18] Students do not have to wait for the ad hoc committee to finish studying cases before support services are made available to them. Once a request for support services is made by a teacher, it is the school administrator's responsibility to inform the teacher (within 10 working days) of the support services that will be set up (based on the allocation of support services determined by the school level special needs committee) and to set them up as soon as possible.[19]

[11]PCA 2023-2028; 8-9.06, 8-9.08, EA 96.14, October 2024, MEQ 4 Phase IEP Framework
[12]CA 2023-2028; 8-9.01 a) – Prevention and early intervention
[13]PCA 2023-2028; 8-9.06 a)
[14]PCA 8-9.05, 8-9.07, BSR s. 5, October 2024
[15]NSO chapter P-32.01, MEQ - NSO Complaint Procedure
[16]MEQ 4 Phase IEP Framework, 2022, PCA 2023-2028, 8-9.06, 8-9.07, 8-9.08, MEQ Complementary Tool 3, 2021
[17]MEQ 4 Phase IEP Framework, 2022, PCA 2023-2028; 8-9.08
[18]PCA 2023-2028; 8-9.01 a)
[19]PCA 2023-2028; 8-9.07 a) b)

References and Additional Resources

Management Negotiating Committee for English Language School Boards (CPNCA)
Provincial Collective Agreement 2023-2028

CPNCA-QPAT School Level Special Needs Committee - Mandate and Timeline

Ministère de l'Éducation (2021).
Suggestions for the Individualized Education Plan Process. Complementary Tool 3
https://www.education.gouv.qc.ca/fileadmin/site_web/documents/education/jeunes/pfeq/differencitation-pedago_outil-complementaire3-AN.pdf

Ministère de l'Éducation (2022) MEQ 4 Phase IEP Framework

Ministère de l'Éducation (2024) MEQ - NSO Complaint Procedure

Publications Québec (2024, October 1)
p-32.01 - Act respecting the National Student Ombudsman

Publications Québec (2024, October 1)
i-13.3 - Education Act

Publications Québec (2024, October 1)
i-13.3, r. 8 - Basic school regulation for preschool, elementary and secondary education

QPAT-Guide_SN-Referential_Revised-2024-2025.pdf

The School Board Parity and School Level Special Needs Committees
QPAT-info-doc-SB-Parity-and-SLSNC-Committees-Representing-Teachers-2022-23-Final.pdfing-Teachers-2022-23-Final.pdf

If the process for accessing support services in your school does not seem to align with the information presented, or you have questions or are facing challenges, please contact your local union.