

Policy 11

DRAFT Appeals and Hearings Regarding Student Matters

BOARD POLICY #11

POLICY TITLE	Appeals and Hearings Regarding Student Matters
POLICY HOLDER	Board of Trustees Palliser Regional Schools
ORIGINAL DATE	July 2017
REVIEW DATE	December 15, 2020
REVISED DATE	
NEXT REVIEW	

Policy Statement:

While this policy is provided for in the relevant section(s) of the Education Act it is outlined in this document for clarity to parents, students, employees, and the general public.

Board Action:

The only matters on which the Minister of Education will consider appeals are with respect to:

1. Specialized supports and services to a student or to a child enrolled in early childhood services program;
2. Student expulsion;
3. Access to, or the accuracy or completeness of, student records; or
4. Board responsibility for a specific student.

The Board will hear appeals on administrative decisions on all matters that significantly affect the education of a student, other than expulsion of students, which are submitted in accordance with relevant section(s) of the Education Act. Prior to a decision being appealed to the Board, it must be appealed to the Superintendent.

1. The appeal to the Board must be made within a reasonable time from the date that the individual was informed of the Superintendent's decision.
2. The appeal must be filed in writing and must contain the name of the party filing the appeal, the date, the matter at hand and the reason for the appeal. If an appeal is sent electronically, the burden of proof of delivery is on the appellant.
3. Parents or students, as above, when appealing a decision to the Board, have the right to be assisted by a resource person(s) of their choosing. The responsibility for engaging and paying for such assistance rests with the parents or students.
4. Appeals will be heard by the Board at a regular Board meeting, whenever possible (see section 7 below). The hearing of the appeal must be scheduled so as to ensure that the person making the appeal and the Superintendent, or designate, whose decision is being appealed, has sufficient notice and time to prepare for the presentation.

5. The Board Chair will consider any requests for adjournments of hearings of appeals regarding student matters, and must consider the reason for the request and whether the person making the request has sufficient notice and time to prepare for the presentation.
6. Whenever possible the appeal will be heard at an in-camera meeting of the Board, with specified individuals in attendance.
7. Should a trustee feel they cannot render an impartial decision, that trustee may exclude themselves from the Appeal Committee.
8. The Board reserves the right to make its decision at a subsequent Board meeting. The parties to the appeal will be advised when the decision will be made. The Board decision will be made in open session.
9. The appeal hearing will be conducted in accordance with the following guidelines:
 1. The Chair will outline the purpose of the hearing, which is to provide:
 - i. An opportunity for the parties to make representation in support of their respective positions to the Board. This information may include expert medical, psychological and educational data and may be presented by witnesses. The information presented may include both written and verbal communications;
 - ii. The Board with the means to receive information and to review the facts of the dispute;
 - iii. A process through which the Board can reach a fair and impartial decision.
 2. Notes of the proceedings will be recorded for the purpose of the Board's records.
 3. The Superintendent and/or designate(s) will explain the decision and give reasons for the decision.
 4. The appellant will present the appeal and the reasons for the appeal and will have an opportunity to respond to information provided by the Superintendent and/or designate(s).
 5. The Superintendent and/or designate(s) will have an opportunity to respond to information presented by the appellant.
 6. Board members will have the opportunity to ask questions or clarification from both parties.
 7. No cross-examination of the parties shall be allowed, unless the Chair deems it advisable under the circumstances.
 8. The Board will meet without the respective parties to the appeal in attendance to arrive at a decision regarding the appeal. The recording secretary will remain in attendance. The Board may have legal counsel in attendance.
 9. If the Board requires additional information or clarification in order to make its decision, both parties to the appeal will be requested to return to the hearing for the required additional information.
 10. The Board decision and the reasons for that decision will be communicated to the appellant by telephone and confirmed in writing following the hearing. Included in the communication to the appellant shall be information that the appellant has the right to seek a review by the Minister if the appellant is dissatisfied with the decision of the Board, if the matter under appeal is a matter described in Section 43 of the Education Act.

Expulsion of a Student

In accordance with relevant section(s) of the Education Act, the Board delegates to the Superintendent the power to make decisions with respect to the expulsion of students. It is expected that each student will comply with their responsibilities as set out in the Education Act, Board policy, administrative procedures and school rules.

1. The Appeal Committee of the Board will hear representations with respect to a recommendation for a student expulsion in accordance with the relevant section(s) of the Education Act.
2. If a student is not to be reinstated within five (5) school days of the date of suspension, the Principal shall immediately report in writing all the circumstances of the suspension and provide a recommendation to the Appeal Committee of the Board through the office of the Superintendent. The student then remains suspended until the Board has made a decision.
3. The Appeal Committee will convene an in-camera hearing upon the call of the Superintendent, but in no event shall the meeting occur later than ten (10) school days from the first day of suspension.
4. Parents of students, or students sixteen (16) years of age or over, have the right to be assisted by a resource person(s) of their choosing. The responsibility for engaging and paying for such assistance rests with the parents or students.
5. The Appeal Committee may have legal counsel in attendance.
6. Notes of the proceedings will be recorded for the purpose of the Board's records.
7. The expulsion hearing will be conducted in accordance with the following guidelines:
 1. The Chair will outline the purposes of the hearing, which are to:
 1. Provide an opportunity to hear representations relative to the recommendation from the Principal;
 2. Provide an opportunity for the student and/or the student's parent to make representations;
 3. Reinstatement or expulsion of the student.
 2. The Chair will outline the procedure to be followed, which will be as follows:
 1. The Principal will present the report documenting the details of the case and the recommendation to expel the student;
 2. The student and the student's parents will be given an opportunity to respond to the information presented and to add any additional relevant information;
 3. Members of the Appeal Committee will have the opportunity to ask questions for clarification from both the Principal and the student and the student's parents;
 4. The Appeal Committee will meet without the respective parties to the appeal in attendance to discuss the case and the recommendation. The recording secretary will remain in attendance. Legal counsel may also remain in attendance;
 5. Should the Appeal Committee require additional information, both parties to the appeal will be requested to return in order to provide the requested information;

6. The Appeal Committee will then make a decision to either reinstate or expel the student;
 7. The Appeal Committee's decision shall be communicated in writing to the student and the student's parents within ten (10) school days after the initial date of the suspension, with copies being provided to the Principal and the Superintendent. (The Superintendent's office will attempt to inform the parent(s) and the student of the decision by telephone or personal communication as soon as possible after a decision has been reached.)
3. If the Appeal Committee's decision is to expel the student, the following information must be included in the letter to the student and the student's parents:
 1. The length of the expulsion, which must be greater than ten (10) school days;
 2. The educational program to be provided to the student and the name of the individual to be contacted in order to make the necessary arrangements; and
 3. The right of the student and the student's parents to request a review of the decision by the Minister of Education within sixty (60) calendar days of the date on which the parent of the student, if the student is sixteen (16) years of age or older, is informed of the decision.

Information and Monitoring Requirements:

The Board shall keep a record of all appeal hearings as required by the Legislation

Legal Reference: [Education Act](#)