



## LETHBRIDGE SCHOOL DISTRICT NO. 51

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Amended: February 14, 2006

Amended: February 28, 2017

### **505.9 Appeals**

1. Every decision must be directed toward the educational interests of the student and must consider the impact of the decision on the total population of students served and the availability of resources.
2. The first appeal of an employee decision shall normally be made to the employee who made the decision. This appeal should be made within five days of the appellant being advised of the decision. The employee to whom the appeal is directed shall, within three workdays of receiving the appeal:
  - 2.1. confirm, amend, or withdraw the decision and
  - 2.2. inform the appellant of the decision, the right to appeal, and to whom the appeal should be made.
3. The second appeal of an employee decision shall be made to that employee's immediate superior in the organization within five workdays of the date that the appellant was informed of the first appeal decision (e.g. a decision of a teacher would next be appealed to the principal of the school). The person to whom the appeal is made shall, after consulting (where possible) with the original decision-maker and the appellant:
  - 3.1. support the decision, amend the decision, or overturn the decision
  - 3.2. provide the appellant and the original decision-maker with the decision within five workdays of receiving the appeal, and
  - 3.3. notify the appellant of the right to appeal, and to whom the appeal should be made.
4. If, after the second appeal, the decision remains unacceptable to the appellant, the appellant may appeal to the next level in the organization. The appeal must be lodged within five workdays of receiving the results of the last appeal. The person receiving the appeal will follow the procedures outlined in Section 3. This process is repeated, if necessary, until the appeal reaches the Superintendent of Schools.
5. Appeals to the Superintendent of Schools must be in writing and the last decision-maker must present, in writing to the Superintendent, the history of the appeal to date and his/her reasons for the decision taken. The Superintendent will follow the procedures outlined in Section 3 within 10 working days of receiving the appeal. If the Superintendent requires more than 10 working days to gather information relative to the appeal, the appellant will be notified of this need and provided with an anticipated decision date.
6. Decisions of the Superintendent of Schools may be appealed to the Board.
  - 6.1. A notice of appeal to the Board shall be expressed in writing by the appellant, briefly setting forth the reasons for the appeal, to the attention of the Secretary-Treasurer.



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### 505.9 Appeals, cont'd

- 6.2. The Secretary-Treasurer, upon receipt of a Notice of Appeal to the Board, will:
  - 6.2.1. advise the Superintendent or designate of the request for a hearing;
  - 6.2.2. schedule the hearing on a regular Board meeting date, whenever possible, which allows the appellant and the Superintendent, or designate, whose decision is being appealed, sufficient notice and time to prepare for the presentation;
  - 6.2.3. advise the appellant of the following:
    - 6.2.3.1. date, time and place of the hearing
    - 6.2.3.2. the right to have a resource person(s) present
    - 6.2.3.3. the right to examine the student's school cumulative record, upon request, prior to the hearing, if applicable
    - 6.2.3.4. the right to present any information pertaining to the appeal, including expert medical, psychological and educational testimony
    - 6.2.3.5. the opportunity to decide whether or not the student will be present at the appeal hearing during the presentation of evidence, if applicable
    - 6.2.3.6. the expectation, if applicable, that matters under appeal must be specific to the student represented by the appellant unless authorized, in writing, by the other individuals to speak on their behalf
    - 6.2.3.7. the Board policy on *General Appeals Concerning Student Matters*, if applicable.
- 6.3. Appeals will be heard by the Board at a regular Board meeting, at the earliest date possible which allows the person making the appeal and the Superintendent, or designate, whose decision is being appealed, sufficient notice and time to prepare for the presentation.
- 6.4. Parents, 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. Expert witnesses may make representations on behalf of the district administration.
- 6.5. The Superintendent will supply the Board, in writing, the material provided in Section 3 and any other material deemed pertinent. The Board may request the parent and/or the student, and any employees who have made decisions on the matter under appeal, to appear before it to present their positions.



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### 505.9 Appeals, cont'd

- 6.6. The matter would normally be discussed in the committee of the whole before being acted upon by the Board.
- 6.7. 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.
- 6.8. After the Board has made its decision, the appellant and each person to whom an appeal has been made must be informed of the decision in writing forthwith. The appellant will be informed that the decision of the Board is final, except in regard to those matters listed in Section 124 (1) of the School Act (2000), which include:
  - 6.8.1. placement of a student in a special education program,
  - 6.8.2. a home education program,
  - 6.8.3. the expulsion of a student,
  - 6.8.4. access to and the accuracy or completeness of student record,
  - 6.8.5. the amount and payment of fees and costs,
  - 6.8.6. a matter referred to in Section 5 of the School Act (language of instruction).

With respect to these matters, a person may request, in writing, that the Minister review decisions of the Board.

7. The appeal hearing will be conducted in accordance with the following guidelines:
  - 7.1. The Chairman will outline the purpose of the hearing, which is to provide:
    - 7.1.1. 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;
    - 7.1.2. the Board with the means to receive information and to review the facts of the dispute;
    - 7.1.3. a process through which the Board can reach a fair and impartial decision.
  - 7.2. Minutes of the proceedings will be recorded for the purpose of the Board's records.
  - 7.3. The person who made the decision under appeal will explain the decision and give reasons for the decision.
  - 7.4. The appellant will present the appeal and the reasons for the appeal and will have an opportunity to respond to information provided by administration.
  - 7.5. Administration will have an opportunity to respond to information presented by the appellant.



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### 505.9 Appeals, cont'd

- 7.6. Board members will have the opportunity to ask questions of clarification from both parties.
- 7.7. The parties to the appeal will not have the right to cross-examine each other or any witnesses who may be called.
- 7.8. The Board will meet without the respective parties to the appeal in attendance to arrive at a decision regarding the appeal. The Board may have legal counsel in attendance.
- 7.9. 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.
- 7.10. The Board decision and the reasons for that decision will be communicated to the appellant by telephone and confirmed in writing following the hearing.
8. At any stage of the appeal procedure outlined above, the appellant may place the appeal in writing and provide supporting evidence and/or the employee receiving the appeal may ask for that appeal in writing with supporting evidence. If the appeal is made in writing, the employee must provide the decision and reasons for the decision in writing to the applicant.