

### 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. Five work days following the end of the Dispute Resolution Process outlined in Policy 1003.1 *Channels of Communication and Disputes Resolution*, the parent/guardian or student shall clearly outline the remaining concern or dispute regarding the decision of the staff member in writing to the Principal, principal designate or direct supervisor in the form of an appeal. The person to whom the appeal is made shall, after consulting (where possible) with the original decision-maker and the appellant:
  - 2.1. Support the decision, amend the decision, or overturn the decision
  - 2.2. Provide the appellant and the original decision-maker with the decision within five workdays of receiving the appeal, and
  - 2.3. Notify the appellant of the right to appeal, and to whom the appeal should be made.
3. If, 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 2. This process is repeated, if necessary, until the appeal reaches the Superintendent of Schools.
4. 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 2.3 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.
5. Decisions of the Superintendent of Schools may be appealed to the Board within ten work days of receiving the decision of the Superintendent in writing.
6. 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.
  - 6.1 The Secretary-Treasurer, upon receipt of a Notice of Appeal to the Board, will:
    - 6.1.1 advise the Superintendent or designate and Board Chairperson of the request for a hearing;
    - 6.1.2 establish a time and place for the Appeal Committee of the Board to hear

- the appeal 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;
- 6.1.3 advise the appellant of the following:
- 6.1.3.1 date, time and place of the hearing
  - 6.1.3.2 the right to have a resource person(s) present
  - 6.1.3.3 the right to examine the student record, upon request, prior to the hearing, if applicable
  - 6.1.3.4 the right to present any information pertaining to the appeal, including expert medical, psychological and educational testimony
  - 6.1.3.5 the opportunity to decide whether or not the student will be present at the appeal hearing during the presentation of evidence, if applicable
  - 6.1.3.6 the expectation, if applicable, that matters under appeal must be specific to the student represented by the appellant.
- 6.2 An Appeal Committee of the Board shall consist of:
- 6.2.1 At least three trustees including the Board Chairperson or designate; the Chairperson shall name the other two trustees to serve on the Committee.
  - 6.2.2 an Education Centre manager or school administrator appointed by the Associate Superintendent, Instructional Services, as an education resource person.
- 6.3 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 division administration.
- 6.4 The Superintendent will supply the Appeal Committee of the Board, in writing, the material provided in Sections 2, 3 and 43 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.
7. The appeal hearing will be conducted in accordance with the following guidelines:
- 7.1 The Chairman of the Appeal committee of the Board 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 Appeal Committee of the Board;
    - 7.1.2 the Board Appeal Committee of the Board with the means to receive information and to review the facts of the dispute;
    - 7.1.3 a process through which the Appeal Committee of 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.
  - 7.6 Board Appeal Committee Members of the Appeal Committee of the Board 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 Appeal Committee of the Board will meet without the respective parties to the appeal in attendance to arrive at a decision regarding the appeal. The Board Appeal Committee of the Board may have legal counsel in attendance.
  - 7.9 If the Board Appeal Committee of 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 Appeal Committee of the Board's decision and the reasons for that decision will be communicated to the appellant in writing following the hearing.
8. The decision rendered by the Appeal Committee of the Board shall be considered to be of the same status as a decision by the Board, and is not subject to further local appeal.

