

DISPUTE RESOLUTION REGARDING STUDENT MATTERS

Background

A parent/legal guardian of a student or a student who is sixteen (16) years of age or older may appeal a decision of an employee of the district that significantly affects the education of the student as outlined in the procedures that follow. District employees are responsible to make informed decisions with respect to all student matters and to communicate such decisions to parents/legal guardians or students sixteen (16) years of age or older who may be entitled to appeal such decisions that significantly affect the education of a student.

Procedures

1. Decisions respecting student matters that significantly affect the education of a student, other than those related to Administrative Procedure 390 – Student Placement Appeals and Administrative Procedure 356 – Suspension/Expulsion of Students shall be addressed in the following manner:
 - 2.1 The Principal at the local school level, with support from the appropriate Instructional Services team, and
 - 2.2 The Deputy-Superintendent, an Associate-Superintendent or Director.
3. If the matter cannot be resolved through extensive problem solving, the Deputy-Superintendent or other applicable Associate-Superintendent or Director shall make a decision with respect to the matter and provide it in writing to the parent/legal guardian/student, inclusive of notice of the right to appeal the decision.
4. If the decision is not acceptable to the parent/legal guardian/student, then the parent/legal guardian/student shall be informed of the appeal process and shall be provided with this administrative procedure.
 - 4.1 The decision regarding the student matter must be appealed in writing by the parent/legal guardian/student to the Superintendent within ten (10) working days of the date of the written decision of the area superintendent or other applicable superintendent or administrator.
 - 4.2 The appeal must set forth the specific details of:
 - 4.2.1 What aspect(s) of the decision are being appealed,
 - 4.2.2 Why the decision is being appealed, and
 - 4.2.3 How the decision significantly affects the education of the student.

5. Once the parent/legal guardian/student has requested in writing to the Superintendent an appeal of the decision, the Superintendent will hear the appeal and make a decision concerning the matter. In the event of a conflict of interest, the Superintendent shall delegate the matter to be heard by the Deputy or Associate-Superintendent.
6. The Superintendent or designate shall determine the date, time and location of the hearing and indicate the requirement to provide all relevant documentation and written submissions in accordance with section 6. The Superintendent or designate shall provide this information in writing to the parent/legal guardian/student and respective superintendent/administrator whose decision is being appealed as soon as possible.
7. The Superintendent or designate shall provide notice to both parties of the requirement to provide to the Superintendent or designate all relevant documentation as of the date of the appeal and to make a written submission relevant to the hearing of the matter at least ten (10) working days prior to the date of the hearing. Each written submission shall also include a list of names with titles of presenters at the hearing.
8. For the purposes of the written submissions of both parties, the Superintendent or designate shall only consider written information pertaining to documentation available up to the time of the appeal request, assuming that the student is receiving their education program with the District.
9. The Superintendent or designate upon receipt of both parties' written submissions, shall make copies available to each party at least five (5) working days prior to the date of the hearing.
10. The Superintendent or designate has the right to alter these timelines if unforeseen circumstances warrant. Both parties shall be notified, in writing, if such is the case.
11. In assessing the decision being appealed, there is no right of appeal for a matter relating to a student who has left the jurisdiction.
12. District Hearing Procedures
 - 12.1 Upon convening the hearing, the Superintendent or designate shall outline the procedures to be followed in the hearing process of the meeting. This process shall include the following:
 - 12.1.1 The Superintendent or designate will facilitate the introduction of all parties present;
 - 12.1.2 Hearings shall under normal circumstances be conducted within a three (3) hour time period and may be recorded at the discretion of the Superintendent or designate;
 - 12.1.3 The Superintendent or designate may, at their discretion, extend the timeframe for the hearing;
 - 12.1.4 If additional written information is distributed by the parties at the hearing, then this information shall be made available to the other party. If the quantity of information is voluminous, then the Superintendent or designate may allow time to read the documents or may adjourn the hearing until the new information is reviewed by the parties;

- 12.1.5 The Superintendent or designate shall then commence the hearing.
 - 12.2 The procedural rules for the hearing is to be read to both parties and include:
 - 12.2.1 The parent/legal guardian/student or their respective representative shall proceed with their written and/or oral presentation, which may include other presenters.
 - 12.2.2 District personnel shall proceed with its written and/or oral presentation, which may include external presenters.
 - 12.2.3 The parent/legal guardian/student or their respective representative shall then have the opportunity to provide comments regarding the presentation by district personnel. Cross-examination is not permitted.
 - 12.2.4 District personnel shall then have the opportunity to provide comments regarding the parent's/legal guardian's/student's presentation. Cross-examination is not permitted.
 - 12.2.5 The Superintendent or designate shall then have the opportunity to question both parties as well as any of the presenters. Cross examination is not permitted.
 - 12.2.6 The parent/legal guardian/student or their respective representative shall be invited to provide final concluding comments.
 - 12.2.7 District personnel shall be invited to provide final concluding comments.
13. The Superintendent or designate may at any time call upon legal advisors to advise them on any points of law arising and to draft a letter to the parents/legal guardians or student advising of the decision reached, once that decision has been determined by the Superintendent or designate.
14. The decision on the appeal will not be made on the same day the appeal is heard. The Superintendent or designate shall:
 - 14.1 Deliberate in private, subject to legal advisers being present to provide legal advice and the drafting of the decision reached, and upon conclusion of their deliberations,
 - 14.2 Communicate the decision, with reasons provided, in writing to the parent as soon as possible and in any event within fifteen (15) work days of the date of the hearing.
15. If further information or clarification is required involving any issue, the Superintendent or designate shall either reconvene the parties to the hearing or in the presence of both parties request the information that is required, or alternatively, send an electronic communication to both parties simultaneously indicating the same request.
 - 15.1 If the information requested cannot be readily provided, a recess or adjournment of the hearing to a future date may be made by the Superintendent or designate by notification to both parties in which case no discussion or dissemination of any information from the hearing shall be made by the Superintendent or designate.
16. All information and documentation provided shall be maintained confidential and the Superintendent or designate shall take all reasonable steps to secure the confidential storage and security of all such information and documentation provided.

17. In the event that the decision is to deny the appeal, the parent/legal guardian/student shall be informed, in writing, of the right to have the decision of the Superintendent or designate reviewed by the minister of education, if the matter relates directly to those items subject to review by the Minister under section 124 of the School Act.

Approval Date: June 14, 2018

Reference: Section 18, 20, 48, 60, 61, 113, 123, 124 School Act
Administrative Procedure 390 - Student Placement Appeals