

Policy 13 – Appeals and Hearings Regarding Student Matters

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| Initial Approval: | September 4, 2018 | | |
| References: | The Education Act, 1995, Sections 148, 150-155, 158, 178.1; The Education Regulations, 2019, Sections 48-49; Canadian Charter of Rights and Freedom; The Saskatchewan Human Rights Code | | |
| Date Revised: | February 3, 2020 | Motion: | 13541 |

Intensive Needs Review

The Board recognizes the right of a student with intensive needs or the parents/guardians of that student to request a review of a decision related to designation, placement and program in accordance with provisions outlined in *The Education Act, 1995, and The Education Regulations, 2019, 50.1*.

In the event of a request to review student placement and programs, administration is required to follow Administrative Applications.

Student Matters Aside from Suspensions and Expulsions

The Board will hear appeals on the following administrative decisions that significantly affect the education of a student.

The principles of natural justice shall apply to the entire appeal process.

1. Prior to a decision being appealed to the Board, it must be appealed to the Director.
2. Parents/guardians of students, and students 18 years of age or over, have the right to appeal to the Board a decision of the Director. The Director must advise parents/guardians and students of this right of appeal.
3. The appeal to the Board must be made within five (5) days from the date that the individual was informed of the Director's decision. 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.
4. Parents/guardians, 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/guardians or students.
5. The hearing of the appeal must be scheduled so as to ensure that the person making the appeal and the Director, or designate, whose decision is being appealed, has sufficient notice and time to prepare for the presentation.
6. The appeal will be heard in Closed session, with specified individuals in attendance.
7. The appeal hearing will be conducted in accordance with the following guidelines:
 - 7.1 The Board Chair 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 Notes of the proceedings will be recorded for the purpose of the Board's records.
- 7.3 The Director and/or staff 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 the Director and/or staff.
- 7.5 The Director and/or staff will have an opportunity to respond to information presented by the appellant.
- 7.6 Trustees will have the opportunity to ask questions or clarification from both parties.
- 7.7 No cross-examination of the parties shall be allowed, unless the Board Chair deems it advisable under the circumstances.
- 7.8 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.
- 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 rationale for that decision will be communicated to the appellant by telephone and by double-registered letter within three days of the hearing.

Suspension, Expulsion and/or Violence Threat Risk Assessment (VTRA) of a Student

The Board makes provisions under which disciplinary actions to ensure expeditious investigation and treatment of problems.

Specifically,

1. Where the Director or designate confirms or modifies a student suspension, the Director shall forthwith report such suspensions to the Board in writing.
2. The Board may investigate the circumstances of the suspension submitted to it and, where it does investigate, it shall conclude the investigation before the end of the period of suspension ordered.
3. Where the Director recommends an extension of the suspension beyond ten (10) days, the Director will refer the matter to the Board.

4. The Board shall:
 - 4.1 Investigate the suspension;
 - 4.2 Be authorized to suspend a student for up to one (1) year;
 - 4.3 Give notice of every investigation to the student and their parent or guardian;
 - 4.4 Provide an opportunity for the student and their parent or guardian to appear and make representations before the Board.
5. Where the Board makes a decision to expel a student, that decision shall be made before the expiration of the suspension.
6. Further to Section 4, the Board, where it deems necessary, may by resolution expel a student from any or all of the schools in the Division for a period greater than one (1) year provided the decision is based on an investigation into the circumstances of the expulsion conducted by the Board and approved by a majority vote.
7. On the request of either the student or their parent(s)/guardian(s) pursuant to Section 4, at the expiration of one (1) year, the Board will review and reconsider the expulsion of the student; the Board may:
 - 7.1 Rescind the expulsion of the student;
 - 7.2 Admit the student to a school on those terms and conditions that the Board considers appropriate.
8. Throughout the above steps, the Director and designates shall be cognizant of the rights of the student and parent/guardian as provided for in legislation.
9. Where the Director or designate, in collaborative planning among the partners, and as a result of a violence risk threat assessment, deems that a student's safety or the safety of others is compromised may recommend an alternative placement. The purpose is to reduce violence and prevent a traumatic event. The Director shall forthwith report such decisions to the Board in writing.