

**Policy Number and Name:** 322 Appeals Regarding Student Matters

**Policy Section:** 300 Board Governance

**Effective Date:** November 23, 2023

**Revised Date:**

**Purpose:**

The Board of Education retains the responsibility to serve as the final level of internal appeal on all matters related to student investigations, suspension, and special student placements.

**Policy:**

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

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

Specifically,

- a) Where the Director confirms or modifies a student suspension of four to ten (4-10) days duration, the Director shall forthwith report such suspensions to the Board in writing.
- b) 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.
- c) Where the Director recommends an extension of the suspension beyond ten (10) days, the Director will refer the matter to the Board.
- d) The Board shall:
  - i) Investigate the suspension.
  - ii) Be authorized to suspend a student for up to one (1) year.
  - iii) Give notice of every investigation to the student and their parent or guardian.
  - iv) Provide an opportunity for the student and their parent or guardian to appear and make representations before the Board.

Where the Board makes a decision to expel a student, that decision shall be made before the expiration of the suspension.

- e) Further to Section (d) above, the Board, where it deems necessary, may by resolution expel a student from any or all 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.

- f) On the request of either the student or their parent(s)/guardian(s) pursuant to Section (d) above, at the expiration of one (1) year, the Board will review and reconsider the expulsion of the student; the Board may:
  - i) Rescind the expulsion of the student.
  - ii) Admit the student to a school on those terms and conditions that the Board considers appropriate.

Throughout the above steps, the Director shall be cognizant of the rights of the student and parent/guardian as provided for in legislation.

## 2) Student Program Placement for Students with Intensive Needs

The Board recognizes the right of a student 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 associated Regulations.

- a) A student who has reached 18 years of age, or the parents/guardians of a student with intensive needs shall have access to a review process in the event they disagree with:
  - i) The designation of the student or the failure to designate the student as having intensive needs.
  - ii) The placement of the student.
  - iii) The program provided to the student.
- b) The right to a review is limited to decisions with educational or developmental implications for the student. The right for review does not apply where the disagreement with respect to the placement of the student is based on:
  - i) Parental preference as to the location of the delivery of the program.
  - ii) Parental convenience.
  - iii) Other factors unrelated to the impact of the location of the educational instruction on the student's education and development.
  - iv) Location within an educational institution.
  - v) Any other reason that relates to or is similar in nature to those listed in clauses (i) to (iv) above; or
  - vi) An allegation of discrimination pursuant to the *Human Rights Code* or the *Canadian Charter of Rights and Freedoms*.



- c) At any stage of the review, the student or the parents/guardians of the student may choose to be accompanied by a friend or other person of their choice.
- d) The Director may make any interim decision they consider necessary pending the decision of the review. During the appeal and review period, the parents have the right to either have their child exempted from school or have them remain in the initial placement until the dispute is settled.
- e) The Division will attempt to make every effort to resolve a designation, placement and/or program decision in a manner amicable to the student, parents/guardians, and the Division. The following steps outline the initial action that is required prior to requesting a formal review process:
  - i) The student or parents/guardians shall discuss the decision in question with the teacher(s) and the in-school administration.
  - ii) If there is no resolution, the student or parents/guardians shall request that the Director review the designation, placement, or program decision.
  - iii) If there is no resolution, the Director shall inform the student or parents/guardians of the procedures necessary for initiating a formal review process.
- f) The following steps outline the process required to initiate a formal review process:
  - i) The request for a formal review shall be in writing directed to the Director and shall set out the reasons for disagreement with a designation, placement, or program decision.
  - ii) Within five (5) school days of receiving the request for a formal review of a decision, the Director shall respond in writing to the individual(s) outlining:
    - (1) The steps in the formal review process;
    - (2) The procedure used to establish the Review Committee; and
    - (3) The anticipated timeline of the formal review process.
  - iii) The Director shall notify the Division personnel involved in the decision of the request for review and shall provide them with information concerning the circumstances of the review, including a copy of the written request for review.
- g) The Review Committee shall be composed of three (3) members. The Director shall name a member to the Review Committee. The student or parents/guardians may choose a member from a list provided by the Director of at least four (4) people who have not been involved in the original decision and who are external to the Division. In the event there exists a difficulty attaining a mutually acceptable individual, the student or parents/guardians must have the opportunity to name a person acceptable. The Director and the student or parents/guardians must name a mutually acceptable Committee Chair. The process of bringing forward names will continue until the third person can be selected. The members of the Review Committee shall

have appropriate levels of expertise and experience in educational programming and administration of services for students with intensive needs.

- h) The appointment of the Review Committee representatives will be made within ten (10) days of the initiation of a formal review by the student or parents/guardians.
- i) The Review Committee shall hold their initial meeting within four (4) weeks of the formal review initiation. The student or parents/guardians and their representative(s) shall be invited to present their reason(s) for requesting a review. The representative(s) of the Division who participated in the educational planning/decision-making process may be called upon to provide information related to the review. The Committee may call upon other parties as witnesses or experts. The Committee may conduct onsite observations and may request written submissions and reports from those individuals involved in the review.
- j) The Review Committee will submit a written report to the Board and the student or the parents/guardians requesting the review no later than two (2) weeks of receiving the final submission. The report will outline the situation under review and identify recommendation(s) related to the situation. The recommendation(s) will be based on the information provided and will be consistent with *The Education Act, 1995*.
- k) The Board will ratify, modify, or deny the recommendation(s) at the next regular meeting of the Board. The Board will provide written notification to the student or parents/guardians that describe the Board's response to the recommendation(s) of the Review Committee. The decision of the Board is final.

*Reference:*

*The Education Act, 1995 Sections 5, 148, 150, 151, 152, 153, 154, 155, 158, 178, 231, 370 The Education Regulations, 2015 Sections 48, 50, 52, 54, 55, 56*  
*The Saskatchewan Human Rights Code*  
*Canadian Charter of Rights and Freedoms*