

DIVISION APPEAL PROCESS

Appeal to the Superintendent or Designate

1. Parents of students, and students sixteen (16) years of age or over, have the right to appeal to the Superintendent or designate decisions of employees of Elk Island Catholic Schools based on the highest level of responsibility designated under Policy 13, Distributed Decision Making. The employee making the decision must advise parents and students of this right of appeal and the individual to whom an appeal can be directed.
2. The appeal to the Superintendent or designate must be made within five (5) days from the date that the individual was informed of the employee'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.
3. The Superintendent will determine the process for reviewing the decision of the employee in regards to the person most relevant to reviewing the appeal and if the matter is appealable.
4. The length of time for the appeal must ensure that the person making the appeal and the employee, whose decision is being appealed, has sufficient notice and time to prepare documentation or support information.
5. The appeal process will be conducted in accordance with the following guidelines:
 1. The Superintendent or designate will ensure that:
 - An opportunity for the parties to make representation in support of their respective positions in a timely and respectful matter. The information presented may include both written and verbal communications.
 - A process through which a fair and impartial decision can be achieved.
 2. The employee will explain the decision and give reasons for the decision.
 3. The appellant will present the appeal and the reasons for the appeal and will have an opportunity to respond to information provided by employee.
 4. The employee will have an opportunity to respond to information presented by the appellant.
 5. The Superintendent or delegate will have the opportunity to ask questions or clarification from both parties.
 6. No cross-examination or debate of either parties' information will be allowed.
 7. Decisions regarding the appeal shall be completed within two weeks (10 working days) of receipt of a request for an appeal during the course of a regular school year.

8. If the Superintendent or delegate requires additional information or clarification in order to make a decision, an extension may be considered.
9. The decision and the reasons for that decision will be communicated to the appellant once a decision has been reached and confirmed in writing following the review.
10. Unless additional appeals to the Board or the Minister of Education are granted in legislation or Board Policy, the decision shall be final.

Further Appeal to the Board

Any items that are not in accordance with section 123 of the School Act are not appealable to the Board.

In accordance with section 61 of the School Act, the Board delegates to the Student Issues Committee the power to hear appeals on administrative decisions that significantly impact a student's education other than expulsion of students.

Further Appeal to the Minister of Education

Under the relevant section(s) of the School Act, the only matters on which the Minister of Education will consider appeals are:

- Special education placement;
- Language of instruction;
- Home education programs;
- Student expulsion;
- Amount and payment of fees or costs;
- Access to, or the accuracy or completeness of student records;
- Amount of fees payable by a Board to another Board; or
- Board responsibility for a specific student.

Legal Reference: Section 8, 10, 12, 24, 25, 45, 47, 48, 60, 61, 113, 123, 124, 125 School Act

June 17, 2016