

Policy 11

APPEALS AND HEARINGS REGARDING STUDENT MATTERS

Foothills School Division (FSD) is committed to transparent, respectful, and student-centered processes for addressing decisions that significantly affect a student's education. This policy outlines the principles and process for appealing such decisions, ensuring that all students and their families have access to a fair, timely, and procedurally sound process.

FSD upholds the values of engagement, support, and success for each learner and recognizes that clarity in decision-making and dispute resolution strengthens trust within the learning community.

Guiding Principles

- All students and families have the right to appeal decisions that significantly affect the education of a student, in accordance with Section 42 of the [Education Act](#).
- Appeals will be heard respectfully, transparently, and without bias.
- Decisions must be made in a timely manner and in accordance with the principles of natural justice.
- The appeal process will support clear communication, mutual understanding, and opportunities for resolution at the lowest appropriate level.
- Families will be informed of their right to request a Ministerial Review where appropriate under Section 43 of the [Education Act](#).

Scope of Appealable Matters

Matters that may significantly affect a student's education include, but are not limited to:

- Expulsion from school
- Suspension exceeding five (5) school days
- Program placement or changes in programming
- Access to specialized supports or services
- Access to or accuracy of student records

Appeal Process Overview

1. Informal Resolution

Families are encouraged to first address concerns directly with the teacher or school administrator involved.

2. School-Level Appeal

If unresolved, the matter should be brought forward to the principal for review.

3. Division-Level Appeal

If still unresolved, a written appeal may be submitted to the Superintendent or designate.

4. Appeal to the Board of Trustees

If the matter remains unresolved, a written request for an appeal hearing may be submitted to the Board of Trustees. The Board shall determine whether the matter meets the criteria for a formal hearing.

5. Ministerial Review

Where applicable, families may request a review by the Minister of Education under Section 43 of the [Education Act](#).

Appeal Hearing by the Board

The Board will convene a hearing when it determines that an appeal falls within its jurisdiction.

The purpose of the hearing is to:

- Provide a fair opportunity for all parties to present their perspectives
- Review all relevant evidence and information
- Render a decision in a timely manner

All hearings shall be conducted in accordance with the principles of procedural fairness and in alignment with [Administrative Procedure 355 – Student Suspension and Expulsion](#).

For expulsion hearings, the Board shall make a final decision within **10 school days** of the initial suspension, as required under Section 37(4) of the *Education Act*.

Communication and Transparency

Students and families will be informed of their right to appeal and the process for doing so at the time a decision is communicated. This policy and its appendix shall be made available on the Division's website.

Legal Reference: [Education Act](#) (Sections 31, 36, 37, 42, 43, 44)

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Appendix A

APPEALS AND HEARING PROCEDURES

This appendix provides step-by-step procedures to support the implementation of Policy 11: Appeals and Hearings Regarding Student Matters. It outlines the process for handling student appeals, including expulsion hearings, and ensures consistency, transparency, and procedural fairness across the Division.

1. Initial Appeal Steps

- **Informal Resolution:** Students and parents/guardians are encouraged to first discuss concerns with the teacher or school-based staff member involved.
- **Principal Review:** If the matter remains unresolved, a request may be made to the school principal for a review.
- **Division-Level Appeal:** If a resolution is not reached, a written appeal may be submitted to the Superintendent or designate.

2. Appeal to the Board of Trustees

- The written appeal must clearly identify the decision being appealed, the grounds for appeal, and the remedy sought.
- The Board will determine if the matter meets the criteria for a formal hearing.

3. Hearing Process Overview

Notice and Documentation:

- Parties shall receive written notice of the hearing date, time, and location at least five (5) school days in advance.
- Relevant documentation (e.g., the principal's report, appeal letter, supporting documents) shall be provided to all parties prior to the hearing.

Participants:

- Student and/or parents/guardians
- Principal and relevant school administration
- Superintendent or designate
- Legal counsel (if required)

- Board members or designated committee
- Corporate secretary (recording)

Procedural Steps:

1. Call to order and introductions by the Chair
2. Review of purpose, scope, and procedures
3. Address any preliminary matters (e.g., objections to panel composition)
4. Principal presents case and rationale for original decision
5. Student/Parent(s) present response and supporting information
6. Questions of clarification from committee members
7. Final statements from both parties (if desired)
8. In-camera deliberation by the committee
9. Decision rendered and communicated verbally (if possible) and in writing within five (5) school days

4. Expulsion Hearings

When the hearing relates to a potential expulsion:

- The meeting is held **in camera** (closed to the public).
- A script is followed to ensure consistency in tone, fairness, and transparency.
- Legal counsel may be consulted for procedural guidance.
- The Board shall make a final decision within **10 school days** of the initial suspension, as required by Section 37(4) of the [Education Act](#).
- The decision must include:
 - Length of expulsion (greater than ten (10) school days)
 - Educational program options and contacts
 - Re-enrolment conditions (if applicable)
 - Right to request Ministerial review
- All procedures shall be conducted in alignment with [Administrative Procedure 355 – Student Suspension and Expulsion](#).
- This includes timely communication with families, access to educational programming during suspension, and the provision of re-admittance processes if applicable.

5. Documentation and Records

- All documentation shared with the committee shall be returned to the Corporate Secretary following the hearing.
- Written decisions must be retained as part of the Division's official record.

- If expulsion is confirmed, the Board shall ensure that:
 - A supervised education program is provided in accordance with the [Education Act](#)
 - The student receives required supports and services (Section 33(1)(e))
 - All reasonable efforts are made to ensure the students' continued attendance (Section 7)

6. Ministerial Review

- If a parent or student is dissatisfied with the Board's decision, they may request a review by the Minister of Education under Section 43 of the [Education Act](#).
- Information on this process must be included in the written decision letter.

7. Procedural Fairness Considerations

The hearing process will observe the principles of natural justice, including:

- The right to be heard
- The right to an impartial decision-maker
- The right to timely communication of decisions and reasons