

EASTERN SCHOOL DISTRICT

BOARD REGULATION

SUBJECT: **Appeals**

DATE OF ADOPTION: October 14, 2009

EFFECTIVE DATE: **October 14, 2009**

REVIEW DATE:

SUPERSEDES: (Policy BEE - April 10, 1996)

CROSS REFERENCE: *School Act* - Section 76 and 79
School Act Students and Parents Regulations - Sections 12-16 (No. EC 69/96)
Appeals - Board Policy (BEE)

PAGE: 1 of 3

1. At the written request of a parent/guardian, student or group, for a hearing, the Board Chairperson will appoint an Appeal Committee of not less than three members to hear the appeal.
2. At such hearings legal counsels may be present.
3. No member of the Appeal Committee shall serve with a bias or conflict.
4. The rules of procedural justice shall apply.
5. Only information relevant to the appeal will be considered.
6. The decision of the Appeal Committee on the appeal shall be final and binding on the student and the student's parent and no further appeal lies therefrom.
[Section 79(3) *School Act*]

Guidelines for Conducting Hearings

1. The statement of appeal shall be made in writing to the Chairperson of the School Board.
2. The Chairperson shall select a committee to carry out the appeal.
3. The committee hearing the appeal shall select a date and location, and shall notify all interested parties. The person appealing will be provided with a copy of the *Pre-Hearing Checklist for Person Appealing Decision*. (Appended)

4. The parties attending the appeal may include the following:
 - (a) The members of the committee hearing the appeal.
 - (b) An employee of the Eastern School District selected to act as advisor to the committee.
 - (c) Persons representing the Eastern School District position.
 - (d) Persons representing the party appealing.

No employee of the Eastern School District shall act in more than one capacity (i.e., the same employee may not participate in both (b) and (c) above).

School Board Members shall receive a copy of the appeal prior to the hearing date.

The hearing is to be held in-camera.

5. Board Members who are not designated members of the committee hearing the appeal may attend the hearing as observers but shall not participate.
6. The hearing shall be conducted as follows:
 - (a) The Chairperson shall introduce the topic of the hearing and introduce the participants in the hearing.
 - (b) The party/parties who submitted the appeal will be asked to speak.
 - (c) The district representative(s) will be asked to speak.
 - (d) The members of the committee may ask questions of clarification during the presentations (b) and (c) above.
 - (e) The Chairperson shall give each side an opportunity to give a rebuttal. The order in which they are presented is left to the Chairperson's discretion.
 - (f) The committee members shall be given an opportunity to question the presenters.
 - (g) The committee may call other witnesses but they shall not give evidence in the absence of the presenters.
 - (h) The Chairperson will bring the hearing to a close.
7. The committee hearing the appeal shall retire to decide the verdict on the appeal.
8. The Chairperson of the Appeal Committee shall notify the party who has submitted the appeal of the Committee's decision.

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Appendix A

Pre-Hearing Checklist for Person Appealing Decision	
	Refer to <i>School Act</i> Sections 76 & 79, ESD Policy BEE and Board Regulation BEE-R. These documents are enclosed for your review.
	Write a summary of the facts and issues of your appeal. Note the decision you believe the appeals committee should make. Describe the reasons for the desired outcome
	Consider consulting another person for advice. This may include members of advocacy/support groups, a friend, or a lawyer. If you wish, you may arrange for that person to go with you to your hearing.
	Speak to persons who may be able to help your case. Find out whether they will <ul style="list-style-type: none"> • be witnesses at the appeal hearing, • provide a statement in writing, or • do both. <i>(Note: anyone may refuse to be a witness.)</i>
	Meet with any representative(s) and witnesses that you have invited for support, before the hearing.
	The Confidential Secretary to the Board will provide each party with copies of document(s) regarding your case. Each party shall ensure that all relevant information and documents respecting the decision, and the basis for the appeal are provided to the Board Appeal Committee and to each other 48 hours in advance of the hearing. Documents not received within the time frame cannot be introduced at the hearing. Gather any other documents that may help your case
	Review documents before the hearing.

Hearing Checklist	
	Arrive at least 30 minutes prior to your hearing to allow time for discussing the documents with your witnesses or advocates
	Make your opening statements clearly and concisely. In point form, explain your reason(s) for appealing or responding. If you are presenting witnesses or documents, explain clearly how this evidence will help your case.
	Present your documents and witness(es) in the same sequence as your arguments.
	Summarize the points made in your opening statement and in your evidence. (witness(es) and documents)