

Adopted: 2003-10-07

Revised: 2013-12-03

## **Policy JII**

### **REQUEST FOR RECONSIDERATION BY COUNCIL OF A DECISION**

This policy establishes the procedures whereby a student or parents of a student affected by a decision of the Council of Commissioners, the Executive Committee, a governing board, an officer, or an employee of the School Board may request the reconsideration of the decision by Council in accordance with Sections 9 to 12 of the *Education Act* (hereto referred to as the Act).

#### **1. Definitions**

- 1.1 Student: A person entitled, under the Act, to receive instructional services from the New Frontiers School Board.
- 1.2 Parent: A person having parental authority or legal custody of the student.
- 1.3 Reconsideration of a Decision: A request to have a decision that affects a student or parents of a student altered or revoked.
- 1.4 Interested Parties: This includes, but is not limited to, the student, parents of the student, and the author of the decision.
- 1.5 Decisions of the Council of Commissioners, Executive Committee, or a Governing Board: Given that the Council of Commissioners, the Executive Committee, and governing boards are legal entities in accordance with the Act, only decisions made in accordance with the by-laws and/or policies of the Council of Commissioners, the Executive Committee, or governing board will be reconsidered by Council.

#### **2. Guiding Principles:**

- 2.1 Students or parents of a student have the right, under the Act, to request the reconsideration of a decision that affects them.
- 2.2 The Council recognizes that decisions in the best interest of a student are normally made through a collaborative process that involves interested parties closest to the student. Therefore, prior to requesting reconsideration by Council, it is recommended that the student and/or parents discuss the decision with the following personnel, in the following order:
  - a) The author of the decision;
  - b) The Principal or Centre Director;
  - c) The Director General or his delegate.
- 2.3 Commissioners presented with a concern or complaint by a student or parents of a student will automatically refer them to the appropriate person or persons as identified in 3.2. However, if the student or parents of a student are requesting the reconsideration of a decision, they will be referred to the Secretary General for a copy of this policy and assistance with their request.
- 2.4 All requests for the reconsideration of a decision will be treated in a confidential manner.

#### **3. The Appeal Committee:**

- 3.1 The Appeal Committee is a committee of Council made up of three Commissioners one of whom will serve as chair, appointed by the chair of the Executive Committee. This committee will hear the request for reconsideration of a decision and provide Council with a recommendation.
- 3.2 All Commissioners are eligible to sit on an Appeal Committee based on availability. To ensure an impartial recommendation is forwarded to Council, Commissioners cannot sit on an Appeal Committee where a request for reconsideration of a decision from a student or parents of a student within their Ward is being considered. The Appeal Committee will be formed of two elected Commissioners and one Parent Commissioner. Where a Parent Commissioner is not available to sit on the Appeal Committee, a third elected Commissioner will be asked to sit on the Appeal Committee.

### **The Appeal Committee... cont'd**

- 3.3 To ensure impartiality, a Commissioner must declare a conflict of interest and withdraw from the Appeal Committee, if they have any personal or professional relationship with the student and/or parents.
- 3.4 The members of the Appeal Committee will ensure the confidentiality of the request for reconsideration of a decision. They will not discuss the request for reconsideration with other Commissioners prior to the presentation of the recommendation to Council.

#### **4. Requesting the Reconsideration of a Decision:**

- 4.1 The Secretary General shall assist the student and/or parents of the student in the preparation of their request for the reconsideration of a decision, and act as a resource person to the Appeal Committee.
- 4.2 The student and/or parents must submit a written request for the reconsideration of the decision to the Secretary General using the “Request for Reconsideration of a Decision Form” **(Annex A)**. **The request must be transmitted to the secretary general within 90 days of notification of the decision.**
- 4.3 The Secretary General will submit copies of the “Request for Reconsideration of a Decision Form” and all other relative documentation to the members of the Appeal Committee for study prior to hearing the request.
- 4.4 Within fifteen (15) working days of receiving the request, an Appeal Committee will hear the request for reconsideration of a decision and prepare a recommendation to Council, as follows:
  - 4.4.1 Within two (2) working days of receiving the request, the Secretary General will inform the Chairman of the Executive Committee of the need to form an Appeal Committee.
  - 4.4.2 Within three (3) working days of being informed of the need for an Appeal Committee, the Chairman of the Executive Committee will name the Appeal Committee to hear the request for reconsideration.
  - 4.4.3 Within ten (10) working days of the Committee being named, the Appeal Committee will hear the request for reconsideration and prepare a recommendation for Council.
- 4.5 The Appeal Committee will hear the parties interested in the decision and may call upon additional resource people as necessary.
- 4.6 Within two (2) working days of the Appeal Committee forming a recommendation, a letter containing said recommendation and rationale for the recommendation that will be submitted to the Council of Commissioners for consideration, will be provided to the student and/or parents and other interested parties.
- 4.7 Within three (3) working days of receiving the recommendation of the Appeal Committee, the student and/or parents must inform the Secretary General’s office as to whether or not they wish to proceed with the submission of the recommendation to the Council of Commissioners.
- 4.8 At the next regular meeting of Council, the Council of Commissioners will receive the recommendation of the Appeal Committee, hear the interested parties that request to be heard, and render a decision. All voting members of Council, who are not in conflict of interest as defined in the Act, have the right to vote on the recommendation to Council.
- 4.9 Within three (3) working days of rendering a decision, a letter containing the decision of the Council of Commissioners and the rationale for the decision will be sent to the student and/or parents of the students, the author of the decision, and his/her immediate superior.
- 4.10 All decisions of the Council of Commissioners are final.

#### **5. Register of Requests for Reconsideration of a Decision**

The Secretary General will keep a register of all requests for reconsideration of a decision submitted to the Council of Commissioners under Sections 9 to 12 of the Education Act as a reference for future Appeal Committees.



Request for Reconsideration by Council of a Decision

PARENT OR STUDENT REQUEST FORM

<b>NFSB Student's Name</b>	First:	Last:	
<b>NFSB Parent's Name</b>	First:	Last:	
<b>Contact Information</b>	Telephone:	Cell:	
	Address:		
	Email:		
<b>NFSB School Attending:</b>			
<b>Date Request Submitted to the Secretary General:</b>	(Y/M/D) ____/____/____		
<b>Secretary General:</b>			
<b>Decision was made by:</b>			
	Council of Commissioners		
	Executive Committee		
	Committee of the Board	Committee Name:	
	Governing Board of	School Name:	
	Employee of the Board	Name:	Title:
<b>Date decision was made:</b>	(Y/M/D) ____/____/____		

<b>Description of the decision to be reconsidered:</b>

<b>For what reasons are you dissatisfied with the handling or the outcome of the decision?</b>

<b>Please detail all steps taken to date in order to try to resolve this decision:</b>

<b>List the names of all representatives with whom you have dealt with to date with regard to this situation:</b>

<b>What remedy are you seeking with your appeal of the New Frontiers School Board?</b>

<i>Student's Signature</i>	<i>And/or Parent's Signature</i>

**Additional Information**

You may wish to add any additional information with this form. Please attach any additional supporting documents or correspondence that you wish to submit to the Appeal Committee. It is important to note that the Council, Committee, Governing Board, or employee whose decision is being reconsidered will be asked if they have any documentation they wish to forward to the Appeal Committee.