



Commission scolaire
Lester-B.-Pearson

MANUAL OF POLICIES, PROCEDURES AND BY-LAWS

REQUEST FOR RECONSIDERATION OF A DECISION

Code:	Procedure 1.1
Date of Coming into Force:	March 13, 2000
Number of Pages:	8
Origin:	Legal Counsel
Operator and Storage Site:	Legal Counsel
History:	Revised January 31, 2000



REQUEST FOR RECONSIDERATION OF A DECISION

INTRODUCTION

The Council of Commissioners of the Lester B. Pearson School Board recognizes the right of a student and/or the parent of a student to request reconsideration with a decision of board employees and an appeal to the Council of Commissioners where such decisions affect the student's education according to Section 9 through 12 of the Education Act.

Section 9 Education Act: *A student or parents of a student affected by a decision of the Council of Commissioners, the executive committee or the governing board or of an officer or employee of the school board may request the Council of Commissioners to reconsider such decision.*

Reconsiderations are subject to the regulation under this policy and will be heard provided that every attempt to consult with the employee(s) concerned has taken place prior to the reconsideration process.

All decisions taken in a collective perspective that affect more than one individual are excluded from the present procedure.

1. DEFINITIONS

a) Reconsideration means:

A request, to a higher authority, made by a student or parent that the decision of a board employee be altered or revoked;

b) Appellant means:

A student or parent bringing a request for the reconsideration of a decision;

c) Information means:

A process whereby communication is undertaken, by all the parties concerned, to satisfactorily resolve parents/students/employee(s) concerns without resorting to the reconsideration process.

Consultation includes the sharing of information, advice, feelings and interests with respect to resolving the issue(s) at hand:

d) Affect refers to a decision which, with respect to a student's education:

Jeopardizes the student's long-term educational progress and/or contravenes board policy and regulations;

e) Parent means:

The person having parental authority or, unless that person objects, the person having custody de facto of the student.

2. LEVELS OF INFORMATION

The Council of Commissioners expects that, before requesting reconsideration of a decision of a board employee, a student and/or parent will have consulted about the decision with the following personnel, in the following order:

- a) Any employee involved in the decision;
- b) Administrative officers: principal, vice-principal, centre director, transportation supervisors, department directors, regional directors;
- c) Director General and his/her delegates;
- d) It is recognized that parents and students may not be aware of this procedure and may approach a member of the administrative staff of the board prior to discussing the problem with the employee involved in the decision, as required by this procedure. In the event that this occurs, the member of the administrative staff should ensure that the individual is made aware of the process to be followed. In addition, an offer to assist in the arrangement of the necessary meeting should also be made and a copy of the procedure provided, if requested.

3. LEVELS OF RECONSIDERATION

If, in the view of the student or parent, the issue has not been resolved by consultation, and all relevant information and documentation has been considered, the following levels of reconsideration are available in the following order:

- a) Written request to the Review Committee: and if the parent is still not satisfied, then;
- b) Written request to the Council of Commissioners.

The Review Committee will be composed of three people appointed by the Director General.

4. THE FORMAL RECONSIDERATION PROCESS

a) Notice of Request for Reconsideration of a Decision

A student and/or parent may request the reconsideration of the decision of an employee by expressing his/her concerns on a Request for Reconsideration of a Decision Form.

If a student submits a request for the revision of a decision, his/her parent(s) will be notified unless he/she is of major age.

The Request for Reconsideration of a Decision form must be:

- i. obtained at a school or the board administration office;
- ii. completed in full and submitted to the Director General.

b) Upon receiving a Request for Reconsideration Form

The Director General shall:

- i. review the particulars of the reconsideration request;
- ii. decide whether the decision under reconsideration affects the student's education according to the definitions under this procedure or the Education Act;

- iii. decide whether the appellant has complied with the provisions of the reconsideration process;
- iv. notify the appellant as soon as possible that the request is invalid because it fails to meet the conditions in (ii) and (iii) above, OR
- v. notify the appellant as soon as possible that the request will be considered by the Review Committee.

c) Review Committee

Having determined that a request should be considered by the Review Committee¹, the Director General shall:

- i. convene a meeting of the Review Committee as soon as possible;
- ii. present to the Review Committee the Request for Reconsideration and such other relevant information as he/she deems appropriate;
- iii. invite the appellant, the employee whose decision is being asked to be reconsidered and such resource persons as deemed necessary, to answer questions of clarification and/or comment on any aspects of the request.

If the appellant is a minor, he/she must be accompanied by his/her parent(s) or guardian.

d) The Review Committee will uphold, alter, or revoke the decision under reconsideration by deciding if:

- i. indeed it affects the student's education according to the definitions under this procedure;
- ii. a major technical error has been made; OR
- iii. board policy or procedure has been violated.

¹ Any decision of the Director General which is being reconsidered shall be automatically considered by the Council of Commissioners

The Review Committee will report in writing as soon as possible, its decision to the Director General who will forward the decision to the appellant with copies to the employee(s) whose decision was under reconsideration and to the supervisor of the employee(s).

e) Appeals to the Council of Commissioners

If the appellant wishes to appeal the decision of the Review Committee, he/she should write a letter requesting that his/her appeal be heard by the Council of Commissioners. The letter must:

- i. be addressed to the Chairman of the Council of Commissioners with a copy to the Secretary General who will forward a copy to the Director General;
- ii. specify that the writer is appealing a decision of the Review Committee.

f) Upon receipt of this letter, the Secretary General shall:

- i. notify the appellant as soon as possible that the appeal will be presented to Council;
- ii. place the appeal on the agenda of the next appropriate meeting of Council without delay;
- iii. provide the Council of Commissioners, prior to the meeting, the notice of appeal and the written decision of the Review Committee; AND

g) The Council of Commissioners may refuse to hear an appeal where the decision does not affect the education of the individual.

h) At the meeting of the Council of Commissioners, the Secretary General shall:

- i. provide the Council of Commissioners such information relevant to the appeal; AND any other information that the council may request.

- ii. As deemed necessary, to invite the appellant, the employee whose decision is being appealed, and resource persons as deemed necessary, to answer questions of clarification and/or comment on any aspect of the appeal.

The appellant may be accompanied by a parent or adviser.

After considering the appeal, the Council of Commissioners shall uphold, alter, or revise the decision under appeal.

Section 12.Education Act: *The Council of Commissioners may, if it considers that the request is founded, overturn, entirely or in part, the decision contemplated by the request and make the decision which, in its opinion, ought to have been made in the first instance.*

The Council of Commissioners may establish a committee to examine matters pertaining to an appeal and the committee shall report to council on such matters and in the manner directed by the Council of Commissioners.

The Council may make an interim decision it considers necessary pending the disposition of the appeal.

The decision of the Council of Commissioners shall be final. The Secretary General shall report in writing, as soon as possible, the Council of Commissioners' decision to the appellant with copies to the Director General and to the employee(s) whose decision was reconsidered and to the supervisor of the employee(s).

1.0 Identification du requérant – Identification of the Petitioner		
Nom - Name		
École/Organisme/Association	Degré - Grade	
2.0 Identification de la décision – Identification of the Decision		
3.0 Correctifs demandés – Requested Corrective measures		
4.0 Motifs à l'appui de la demande – Reasons Backing Request		
5.0 Démarches engagées – Initiated Recourses		
6.0 Demande soumise par: - Request Submitted by:		
<input type="checkbox"/> Student	<input type="checkbox"/> Parent	<input type="checkbox"/> Other
Name		
Address	Telephone	
Date	Signature	
7.0 Demande reçue – Request received		
Date	Direction générale / Director General	
8.0 Décision du conseil – Decision by Council		
Date de la séance – date of meeting	# de la résolution - # of Resolution	