



Department: Programs and Services
Section: Special Education

Scope	This administrative procedure applies to all members of any Program Planning Team.
Responsibility	It is the responsibility of the Director of Programs and Services to ensure that this administrative procedure is implemented.
Implementation	This administrative procedure will be implemented by school principals, assisted as needed by appropriate school staff, agencies, organizations, the legal guardian(s) of students who are following Individual Program Plans, or by such students themselves if they are of legal age, and by the Coordinator of Student Services, assisted as needed by regional Student Services staff.
Procedures	<ol style="list-style-type: none">1. The Superintendent shall ensure that all regional Student Services staff and all principals within the school system are informed of the existence of the Appeals Committee.2. (a) The Superintendent shall ensure that the membership of the Appeals Committee consists of four persons, representing the following backgrounds:<ul style="list-style-type: none">• one AVRSB board member• the Director of Programs and Services (acting as non-voting Chair)• one person from outside the AVRSB who has a background in education and has reasonable knowledge of programming and evaluation for students with special learning needs• one person who represents the legal guardian(s).(b) If for any reason one of the members of the Appeals Committee is in conflict of interest, he or she shall inform the Superintendent who shall arrange an alternate to replace that member for the specific case.3. Upon establishment of a Program Planning Team, the principal shall review this appeals policy and administrative procedure with the team and provide a copy of same to the legal guardian(s).4. Any member of the Program Planning Team who is in disagreement with the outcomes or placement of the student shall request a meeting with the principal to express the concern.5. (a) The principal shall meet with the person initiating the appeal (or his or her designate) within three school days in order to hear the nature of the concern. The principal shall give a copy of the Board Policy BP403.8 and Administrative

Procedure AP403.8 - IPP Appeal Process to the appellant and all other members of the IPP Team.

- (b) Within five school days of hearing the concern, the principal shall seek such additional information regarding the IPP outcomes and placement as is needed, and shall make a decision which supports or denies the concern.
 - (c) The principal shall communicate that decision in writing to the person lodging the concern, within five school days.
6. (a) When the decision supports the concern the principal shall call a meeting of the Program Planning Team as soon as is reasonably possible to address the concern and revise the IPP.
- (b) When the decision denies the concern and the appellant is unwilling to accept that decision, the principal shall arrange a meeting with the Program Planning Team and the Coordinator of Student Services or such other person as the appellant is agreeable with, to attempt to resolve the concern through discussion and mediation by making sure that all possible instructional strategies and system placements have been explored.
 - (c) Within five school days of the meeting, the principal shall inform the appellant, in writing, of the outcome of the review.
 - (d) If agreement is reached on adjustments to the IPP, the principal shall ensure that the revised IPP is implemented.
 - (e) When the appellant remains unsatisfied after the reviewed decision, the appellant shall be provided with Form AP403.i - Request for Appeal Hearing from the principal, complete the form, attach appropriate documentation and send the request for an appeal hearing to the Superintendent of Schools within 30 school days of the IPP review.
7. (a) The Superintendent shall review the Form AP403.i - Request for Appeal Hearing to determine the basis of the appeal and shall render a decision, in writing, with reasons for the Board's position within ten school days of receipt of the appeal.
- (b) If the Superintendent is satisfied that the appeal is based on incomplete implementation of the program planning process, the Superintendent shall refer the appeal to the Coordinator of Student Services and shall inform the appellant, the Coordinator of Student Services, and the principal in writing within ten school days.
 - (c) In any other case when the Superintendent is satisfied that an appeal is based on IPP outcomes and/or student placement, he or she shall forward the appeal to the Chair of the Appeals Committee within ten school days.

8. Upon receipt of an appeal referral from the Superintendent, the Coordinator of Student Services shall review the documentation and meet with the appellant and the principal within ten school days to identify any additional IPP adjustments that might be implemented.
9.
 - (a) When agreement is reached regarding changes in an IPP, the Coordinator of Student Services shall ensure that the principal has the means to implement the changes and that such adjustments are made by appropriate staff.
 - (b) When no agreement is reached on an IPP adjustment, the appellant shall inform the Superintendent in writing of the continued disagreement and ask that the appeal request be proceeded with.
 - (c) When the Superintendent is notified that no IPP adjustment is agreeable to the appellant, he or she shall forward the appeal to the Chair of the Appeals Committee within ten school days.
10.
 - (a) The Chair of the Appeals Committee shall contact all members of the Appeal Committee to schedule a date when all members can be present and participate fully throughout the hearing of an appeal and the making of a decision. This appeal hearing must be held within 40 school days of the Superintendent's receiving the request for the appeal.
 - (b) All reasonable attempts shall be made to schedule this hearing date within ten school days. This time may be extended if the Chair:
 - i) receives a request from the Coordinator of Student Services, or
 - ii) from the appellant. The hearing date may be extended up to six months.
 - (c) The Chair, prior to confirming a date for the appeal hearing, shall also consult with the appellant and school principal to ensure that all members of the Program Planning Team as well as others deemed relevant to the discussion as determined by the Chair, will be in attendance at the meeting.
11. Prior to the appeal hearing the Chair shall:
 - (a) notify the appellant (in writing), the Superintendent, the Coordinator of Student Services, and the principal of the date, time, anticipated length of hearing and place for the hearing of the appeal

- (b) ensure that the legal guardian(s) (appellant) understands that he or she may choose to be assisted or represented by legal counsel or advocate
 - (c) provide the appellant with Form AP403.m - Request for/Release of Confidential Information
 - (d) ensure that the appellant has a copy of the AVRSB Board Policy BP 403.8 and Administrative Procedures AP403.8 - IPP Appeal Process
 - (e) provide, to those who will be involved, copies of all records and documentation relevant to the appeal. All efforts will be made to ensure that all parties involved receive the documentation in a reasonable time, but in any event, no later than three days prior to the hearing
 - (f) review the appropriate sections of The Education Act, Regulations under The Education Act, AVRSB Appeals Board Policy and Administrative Procedures and the Department of Education - Special Education Policy Manual which pertain to the appeal situation
 - (g) provide avenues to access the information (as in 'f' above) to the appellant
 - (h) designate a person to take minutes of the meeting
 - (i) ensure that, in the case of an appeal on behalf of a student under the age of 19, the appeal is made by the legal guardian(s), unless the student is living independently from the legal guardian(s)
 - (j) encourage all persons involved in the appeal to be open to a reasonable settlement of the appeal before or during the hearing if new evidence, clarification of existing evidence, a change in the student's status, or other such factors provide the basis for negotiations to change a decision.
12. Prior to the appeal hearing, the appellant and the respondent shall:
- (a) provide to the Chair, copies of all records and documentation relevant to the appeal in sufficient time for them to be made available to the other parties for study. All efforts shall be made to ensure that the Chair receive the documentation in a reasonable time in order that the Chair's timeline for distribution of documentation be met
 - (b) identify all persons who may assist in the presentation of information or who may be witnesses and arrange for them to be present at the hearing

- (c) review the appropriate sections of The Education Act, Regulations under the Act, AVRSB Appeals Policy and Administrative Procedures and the Department of Education – Special Education Policy Manual which pertain to the appeals situation
- (d) write a summary of the facts and issues of the case and highlight information which supports the position taken
- (e) set out the decision which is sought from the Appeals Committee, explaining the reasons for reaching that decision.

13. At the appeal hearing, the Chair shall:

- (a) make introductions of all participants present
- (b) outline the issue(s) under consideration and the parameters which form the basis of the appeal and the appeal process procedures
- (c) set the rules of order to be followed during the hearing
- (d) inform those present that the hearing procedure will be as follows:
 - i) the appellant may open with a presentation or statement
 - ii) the appellant may call witnesses and present evidence to support the appeal
 - iii) the spokesperson for the school (respondent) may make an opening presentation or statement
 - iv) the respondent may call witnesses and present evidence to support the respondent's position
 - v) the appellant may make an oral or written summary of the reasons why the appeal should succeed
 - vi) the respondent may make an oral or written summary of the reasons why the decision should stand
- (e) ensure that the appellant, respondent, and witnesses may present their information without undue interference and interruption
- (f) inform those present that the proceedings are recorded
- (g) advise the parties present of the extent to which each side may question one another and other witnesses.

14. At the appeal hearing, the appellant and respondent shall:

- (a) arrive in plenty of time for the hearing and arrange for representatives and witnesses to arrive early enough to meet and review the issues and evidence to be presented
- (b) make opening statements clearly and concisely
- (c) in point form, explain reasons for appealing or responding

- (d) attempt to present documents and witnesses in a logical sequence
- (e) when presenting each document or witness, explain clearly how this evidence explains or clarifies the position taken
- (f) be polite when speaking to the Chair and when questioning the other party or any witnesses
- (g) respect the other person's right to express his or her point of view.

15. After the appeal hearing, the Chair shall:

- (a) lead the Appeals Committee in considering the facts of the case, reviewing relevant legislation and/or policy and making a decision
- (b) prepare a written decision, which explains reasons for the decision, within ten school days of the appeal and forward it to the following:
 - the appellant
 - the Superintendent
 - the Coordinator of Student Services
 - the principal

The decision will advise both parties of their right to appeal under Section 53 of the Regulations of The Education Act.

16. If the appellant is unwilling to accept the decision of the AVRSB Appeals Committee, the appellant may proceed under Section 53 of the Regulations under The Education Act to request the Minister of Education to establish a provincial Board of Appeal.

Related Guidelines The Education Act
 Regulations under the Education Act
 School Board Ministerial Appeal Guide
 Department of Education - Special Education Policy Manual
 AVRSB Student Services Manual on Policies, Practices and Procedures

Associated Forms Form AP403.i - Request for Appeal Hearing
 Form AP403.m - Request for/Release of Confidential Information

Monitoring Procedure

It is the responsibility of the Director of Programs and Services (or his/her designate) to have this administrative procedure reviewed on an annual basis.

The AVRSB Education Committee, Board Members, principals, classroom and resource teachers, parental organizations and other appropriate groups/individual(s) will be consulted when revisions of major significance are made to this policy and administrative procedure.

Sufficient time will be provided to ensure that persons, as above, have appropriate opportunity to react to such recommended revisions.

The Director of Programs and Services shall ensure the results of the monitoring of the policy and administrative procedures are recorded, in writing, and forwarded to the Superintendent of Schools for review.

It is the responsibility of the Superintendent of Schools to report results of the monitoring process to the Board.

This Administrative Procedure will be monitored on an annually.

Superintendent Approved: March 28/02
Ref: BP 403.8, Appendices Form: AP403.i, AP403.m
Monitoring Date:
Revised: