

APPENDIX C
FRESH START APPEAL PACKAGE

**Fresh Start Appeal Procedures
Secondary and Elementary Panel**

Fresh Start Appeal Meeting Guidelines

Fresh Start Appeal Procedures

Secondary and Elementary Panel

1. A parent/guardian (or an adult student/student who has withdrawn from parental control) shall have the right to file an appeal of the Fresh Start.
2. Upon receiving written notification that a Fresh Start has been issued, a parent/guardian or adult student must file an appeal, in writing, within three (3) school days, using the Notice of Intention to Appeal a Fresh Start Form and by sending this Form to the Safe Schools Officer.
3. The Fresh Start Appeal Meeting will be held within seven (7) school days upon receipt of the Notice of Intention to Appeal a Fresh Start Form.
4. The appeal will be heard by a panel of three. The panel will consist of a Trustee and any of two the following three people: the Associate Director of Education (Academic), the Superintendent of Safe Schools, and the Superintendent of Human Resources (the "Panel"). If for any reason two of these staff members cannot be convened in time, then a centrally assigned Superintendent will take the place of the staff member(s) enumerated above in convening the Panel. A Trustee will be assigned to the panel on a rotating basis. A Trustee may not be appointed to the panel to hear a fresh start appeal if the school from which the student is being fresh started is located in the Trustee's ward.
5. The Fresh Start Appeal Meeting will conform to the Fresh Start Appeal Meeting Guidelines appended hereto.
6. Upon completion of the Fresh Start Appeal Meeting, the Panel will have two (2) school days to issue a written decision. The decision of the Panel is final and is not subject to any further appeal.
7. The *Statutory Powers Procedure Act* does not apply to a Fresh Start Appeal Meeting.

Fresh Start Appeal Meeting Guidelines

The following is a guideline regarding the rules of procedure for an appeal of a Fresh Start.

1. If you decide to appeal the Fresh Start, what types of decisions can the Panel make?

Following the Fresh Start Appeal Meeting, the Panel can make only one of the following decisions:

- Uphold the Principal's decision to impose a Fresh Start; or
- Overturn the Principal's decision to impose a Fresh Start.

2. How long do I have to file an appeal of a Fresh Start?

Upon receiving written notification from the Principal/designate that a Fresh Start has been imposed, you have three (3) school days to file your appeal. You must use the Notice of Intention to Appeal a Fresh Start form, and the form must be filed with the Safe Schools Officer.

3. Who are the parties to the meeting?

The parties to the meeting are:

- the parent/guardian of a student under the age of 18;
- an adult student;
- a student who is 16 or 17 years old and has withdrawn from parental control; and/or
- the school principal/administration team.

4. Can the student who has been issued a Fresh Start attend a meeting, even if he/she is not a party?

Yes. The student who has been issued a Fresh Start has the right to be present at the meeting and to make a statement on his or her behalf.

5. Does every party have a right to representation?

Yes. A party to a proceeding may be represented by counsel or an agent. Counsel is a lawyer. An agent may be a trusted family friend, a religious advisor or other person who can assist with the presentation of the case.

6. When will the Fresh Start Appeal Meeting be held?

The Fresh Start Appeal Meeting will be held within seven (7) school days after receipt of your Notice of Intention to Appeal a Fresh Start Form by the Safe Schools Officer.

7. Who hears the appeal?

- The appeal will be heard by a panel of any two of the following three people: the Associate Director of Education (Academic), the Superintendent of Safe Schools, and the Superintendent of Human Resources (the "Panel").
- If for any reason two of these staff members cannot be convened in time, then a centrally assigned Superintendent will take the place of the staff member(s) enumerated above in convening the Panel.

8. What is the role of the Panel?

The Panel will hear and determine an appeal. Upon completion of the Fresh Start Appeal Meeting, the Panel will have two (2) school days to issue a decision. The decision of the Panel is final and is not subject to any further appeal.

9. Is there a requirement to provide disclosure?

Yes. Each party will attend the Meeting with copies of any documentation on which they intend to rely.

10. What is the order of presentation at the Meeting?

When the Panel hears an appeal of the decision to Fresh Start a student, the parent or adult student will proceed first in the presentation of evidence and submissions, and the principal will proceed second, unless the parties agree otherwise.

11. How will the Fresh Start appeal meeting be organized?

In hearing a Fresh Start appeal, the following guidelines will apply:

- (a) Five minute introduction of the parties and the Panel, with discussion on the issues to be addressed by the Panel;
- (b) Ten minute presentation by the parent or adult student in presenting evidence and submissions on behalf of the student;
- (c) Ten minute presentation by the principal in presenting evidence and submissions on behalf of the School; and
- (d) Five minute questions and answers session by the Panel.

12. What if translation or interpretation services are required?

If translation or interpretation services are required, the time limit in each step may be altered.

13. What will the Panel consider in making a decision?

The Panel will consider the representations made by the parties, as well as all relevant Board Policies, when making an appeal decision.

14. Will the Panel issue a decision in writing?

Yes. The Panel will issue a written decision two (2) days after completion of the meeting. A copy of the decision will be sent to all parties to the proceeding who took part in the meeting at their respective addresses last known to the Board. The Panel's decision is final and is not subject to any further right of appeal. The Appeal Meeting is not subject to the terms of the *Statutory Powers Procedure Act*.