



Policy 14

Special Education Placement Appeals

The Board supports the provision of an appeal structure for parents wishing to appeal placement decisions affecting students with special needs. A Local Appeal Committee will be appointed in an effort to ensure that decisions are made independently and in the best interests of the student.

Specifically

1. Parents, or an independent student, who disagree with the special education program or service placement have the right to appeal that decision in accordance with the provisions of this policy.
2. The first level of appeal shall be to the Principal.
3. Should the concern of the parents, or independent student, not be resolved satisfactorily at the school level in discussion with the Principal, an appeal may be made to the Superintendent.
4. The Superintendent shall review the placement recommendation and the associated material. If necessary, the Superintendent shall meet with the parents to discuss the areas of concern.
5. The Superintendent shall advise the parents in writing of the decision and inform them of the right to appeal the decision to the Local Appeal Committee.
6. The appeal to the Local Appeal Committee must be in writing and be made to the Secretary-Treasurer within two weeks of having been informed of the decision of the Superintendent.
7. Upon receipt of the written appeal, a Local Appeal Committee comprised of three individuals appointed by the Superintendent in consultation with the Board Chair will be formed. One of the individuals appointed to the committee shall be designated by the Superintendent as the Chairperson.
8. The members of the committee must have the expertise and knowledge necessary to assess and make judgments on the special needs of students and program placement.



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9. The Local Appeal Committee will convene within three weeks of the Secretary-Treasurer having received notice of the appeal.
10. The Chairperson of the Committee shall advise the parents in writing of the date, time and location of the appeal hearing. They will also be advised of their right to:
 - 10.1 Be accompanied by an interpreter, advocate or lawyer at the expense of the parent.
 - 10.2 Receive and examine school system records pertaining to the student's placement and program needs.
 - 10.3 Present evidence, including expert medical, psychological and educational testimony.
 - 10.4 Have the child attend if the parents so desire.
 - 10.5 Record the proceedings of the appeal hearing.
11. The Local Appeal Committee shall advise the parents and the Board of the decision in writing within 30 days of the appeal hearing.
12. If the parents are not in agreement with the decision of the Local Appeal Committee, they must be advised of their right to appeal in writing to the Board. The appeal must be made within 15 days of having received the decision of the Local Appeal Committee.
13. The Personnel and Education Committee shall hear the appeal in accordance with the procedures established in Policy 13 – Appeals.
14. The Personnel and Education Committee shall make a decision on the appeal and shall advise the parents within 15 days of the hearing. The parents shall also be advised of their right to appeal to the Minister of Learning in accordance with section 124(1) of the *School Act*.

Legal Reference: Section 123, 124, School Act – RSA 2000