

Policy 17 - Appendix - Appeals Regarding Transportation Matters

Legal guardians or independent students may make a written request to the Board to appeal the decision of the Superintendent or Secretary Treasurer regarding transportation services. Appeals shall be for decisions relating to yard services, cross-boundary busing (internal or external to the Division), school of choice busing, and fees.

Where the student lives more than 2.4 km from their attending school, a suspension or expulsion from the school bus may also represent a suspension or expulsion from school where the legal guardian or student is not able to transport the student themselves. Such incidents will follow *Administrative Procedure 355 - Student Suspensions* or in the case of expulsion *Policy 13 - Appeals Regarding Student Matters*.

1. Process

- 1.1. Appeal procedures shall ensure full opportunity for the parties to add information, discuss the issues and state their positions and supporting arguments.
- 1.2. The appeal will be heard in-camera, with specified individuals in attendance.
- 1.3. Prior to an appeal to the Board, the legal guardian or independent students must first attempt to resolve concerns with the Director of Transportation and then Secretary Treasurer. The Superintendent may choose to meet with the legal guardian or independent students prior to an appeal to the Board.
- 1.4. The Board will only hear appeals relating to decisions made specific to yard services, cross-boundary busing (internal or external to the Division), school of choice busing, and transportation fees.
- 1.5. A legal guardian or independent student has thirty (30) days to appeal a decision upon receiving notification of the decision by the Division.
- 1.6. The request for a hearing before the Board shall be submitted by the legal guardian or independent student to the Secretary Treasurer (Secretary-Treasurer of the Board) with a copy being provided to the Superintendent.
- 1.7. Appeals will be heard by the Board whenever possible at a regular Board meeting.
- 1.8. The hearing of the appeal must be scheduled so as to ensure that the person making the appeal and the Superintendent (or whose decision is being appealed), has sufficient notice and time to prepare for the presentation.
- 1.9. The Board reserves the right to make its decision at a subsequent Board meeting. The parties to the appeal will be advised when the decision will be made. The Board decision will be made in open session.
- 1.10. The Secretary Treasurer shall advise the legal guardian or independent student in writing of the date, time and location of the hearing.

- 1.10.1. Any written materials the legal guardian, independent student, or the Superintendent wishes trustees to consider must be submitted to the Secretary Treasurer not less than 4 days prior to the scheduled date of the meeting. The Secretary Treasurer will provide copies to the trustees, the Superintendent, and the legal guardian or independent student within the specified time period.
- 1.10.2. The legal guardian, independent student, or the Superintendent may be accompanied by counsel or other representative and may bring witnesses if, not less than four (4) days prior to the scheduled date of the meeting, the following is provided by the legal guardian, independent student, or the Superintendent in writing:
 - 1.10.2.1 the names of counsel, other representatives and any witnesses;
and
 - 1.10.2.2 an explanation satisfactory to the Board Chair as to why the witnesses' evidence may not be adequately presented in writing.

2. Procedures For Appeals To Be Heard By The Board

2.1. The appeal hearing will be conducted in accordance with the following guidelines:

- 2.1.1. The Chair will outline the purpose of the hearing, which is to provide:
 - 2.1.1.1 an opportunity for the parties to make representation in support of their respective positions to the Board; (the information presented may include both written and verbal communications);
 - 2.1.1.2 the Board with the means to receive information and to review the facts of the dispute;
 - 2.1.1.3 trustees shall ask questions of a witness only after the party calling the witness has completed its presentation; and
 - 2.1.1.4 a process through which the Board can reach a fair and impartial decision.
- 2.1.2. Notes of the proceedings will be recorded for the purpose of the Board's records by the Secretary Treasurer.
- 2.1.3. Where the Superintendent did not make the decision under appeal and did not meet with the legal guardian or independent student prior to the appeal, the Superintendent may have a designate represent the decision and speak to the process.
- 2.1.4. The Superintendent and the legal guardian or independent student shall be given an opportunity to make introductory and closing statements.
- 2.1.5. The Superintendent shall present information pertaining to the decision, the process followed and the reasons.
- 2.1.6. If the Superintendent considers it necessary to have witnesses appear on behalf of the recommendation, they shall be called to appear prior to the legal guardian or independent student making any representations.
- 2.1.7. The presentation of the legal guardian or independent student's case shall commence after the Superintendent has presented their evidence.

- 2.1.8. After the legal guardian or independent student's closing statement, the Superintendent shall have an opportunity to respond to information presented.
 - 2.1.9. Board members will have the opportunity to ask questions or clarification from both parties.
 - 2.1.10. No cross-examination of witnesses shall be allowed, unless the Board Chair deems it advisable.
 - 2.1.11. The Board will meet without the legal guardian or independent student in attendance to arrive at a decision regarding the appeal.
 - 2.1.11.1 The Superintendent and Secretary Treasurer will remain in attendance during deliberations and will not present any new or further evidence to the proceedings;
 - 2.1.11.2 The Superintendent and Secretary Treasurer may answer questions asked by the Board and provide recommendations;
 - 2.1.11.3 The Board may have legal counsel in attendance.
 - 2.1.11.4 If the Board requires additional information or clarification in order to make its decision, both parties to the appeal will be requested to return to the hearing for the required additional information.
 - 2.1.11.5 The Board decision will be communicated to the appellant by telephone and confirmed in writing following the appeal hearing by the Secretary Treasurer.
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Legal Reference: Section 3, 7, 11, 31, 32, 33, 51, 52, 53, 59, 222 Education Act
Traffic Safety Act
Commercial Vehicle Safety Regulation 121/2009
School Transportation Regulation 96/2019
Use of Highway and Rules of the Road Regulation 304/2002
Vehicle Equipment Regulation 122/2009
Funding Manual for School Authorities

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