



**AD HOC POLICY REVIEW COMMITTEE
REPORT NO. 23-066**

12 October 2023

RESCISSION OF POLICY P.126.SOC APPEALS HEARING PANEL (STUDENT TRANSFERS)

Key Contact: Brett Reynolds, Associate Director, Ext: 8252

PURPOSE:

1. To seek input on the proposed rescission of Board Policy P.126.SCO Appeals Hearing Panel (Student Transfers).

STRATEGIC LINKS:

2. The proposed rescission is in keeping with the Board's plans for the policy review and development process. This aligns with the pillars of Learning, Well-being, and Social Responsibility under the Ottawa-Carleton District School Board's (OCDSB) 2023-2027 Strategic Plan.

CONTEXT:

3. In April 1998, Policy P.126.GOV was approved to provide a process for appeal to the Board with respect to the administrative decision of a school transfer request. The policy was subsequently reviewed and revised in November 2014. Every year, the Board receives a number of transfer requests from parents/guardians, many of which are not approved by the school principal or superintendent of instruction due to transfer caps at schools that are at, or over, their maximum enrollment capacity.
4. An effective policy review cycle should include a consideration as to whether a policy can be rescinded on the basis that it is no longer relevant or required or could be combined with another related policy. In this case staff are recommending the policy be rescinded on the basis that the Ministry of Education does not require boards of trustees to hear appeals of administrative decisions with respect to school transfers.

KEY CONSIDERATIONS:

5. Policy P.126.SCO Appeals Hearing Panel (Student Transfers)

The policy was issued on 17 April 1998 and revised on 24 November 2014. The policy provides a process to appeal administrative school transfer decisions made under Board Policy P.077.PLG Designated Schools/Student Transfers.

The policy states that a panel shall be established for each appeal and appoint up to three members as follows:

- a. The Chair and/or Vice-chair or designate; and
- b. One or two other trustees for a total of three members, one of whom, insofar as is practicable, shall be the elected trustee from the zone in which the student(s) reside or attend school.

Procedure PR.664.SCO Appeals Hearing Panel (Student Transfers) outlines the process to be followed by the panel. After the hearing, the panel may allow the transfer, attach any conditions which may be reasonable, or deny the transfer.

If one of the panel members cannot attend the hearing and the Chair has been unable to replace the member by appointing another trustee to substitute, then the hearing shall be postponed.

6. Operational Challenges Experienced by the Appeals Hearing Panel (Student Transfers)
 Meetings of the Appeal Hearing Panel are usually held during the work day in June, and late August/early September. Each hearing takes approximately one hour to complete and requires the attendance of three trustee panel members, parents/guardians, student, and a staff advisor to the panel, and the superintendents of instruction and principals of the designated school and receiving school.

Scheduling meetings, confirming the attendance of trustee panel members and staff, and preparing notices and agenda packages is particularly challenging and time consuming at these very busy times during the school year. A hearing cannot proceed unless three trustees are present to hear and rule on the appeal. The following table provides a three year overview of the Cross Boundary Appeals.

Summary of Cross Boundary Transfer Appeals	2020-2021	2021-2022	2022-2023
# Requests	38	25	34
# Resolved by Superintendent of Instruction	4	16	15
# Hearings Held	30	4	14
# Elementary Appeals Granted by Hearing Panel	6	1	6
# Elementary Appeals Denied by Hearing Panel	13	3	3
# Secondary Appeals Granted by Hearing Panel	2	0	0
# Secondary Appeals Denied by Hearing Panel	9	0	5

The *Education Act* and *Regulations* do not require school boards to establish a school transfer process nor a mechanism for trustees to hear appeals against administrative school transfer decisions.

A search of policies and procedures related to appealing an administrative decision with respect to the denial of a student transfer at several Ontario district school boards (Toronto, Toronto Catholic, Ottawa Catholic, Peel, Durham, Greater Essex, Upper Canada, Lakehead, and Rainbow) indicates that while there are variations in the specific processes, several boards provide an appeal or request for reconsideration to be submitted to another administrative level. A further jurisdictional scan could not identify any school districts where trustees play a role in the school transfer process including hearing appeals.

7. Cost/Benefit Analysis of Policy Rescission

In assessing the potential consequences for the rescission of the policy, the following table provides the mitigation measures already in place to support the rationale that the policy is no longer required.

<p>Cost: Loss of opportunity to appeal against an administrative decision with respect to student transfers.</p> <p>Mitigation Measure: The Planning Department projects enrolment each year and advises school principals of the number of transfer requests they can approve. Where a transfer request is to attend a school that has reached their enrolment capacity, the request will be denied. Parents/guardians will continue to have the option to appeal to the superintendent of instruction and provide additional information to support their request. The superintendent, in consultation with the principal, can either approve, attach conditions, or deny the appeal.</p>	<p>Benefits:</p> <ul style="list-style-type: none"> ● Better use of human resources ● Improved alignment with legislation and other district school boards across the province ● Improved response time to appellants ● Decreased dissatisfaction with the process as most parents/caregivers who have participated in the appeal hearing express significant dissatisfaction with the experience
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8. Other Associated Work

If approved, the rescission of the appeal policy will require:

- a minor revision to Board Policy P.077.PLG Designated Schools/Student Transfers, specifically section 4.3 (b) stating that:

“Where a request for a student transfer is not granted on appeal to the principal under Section 4.3 (a) of this policy, a final appeal may be made to a panel of trustees as outlined in Policy P.126.SCO Appeals Hearing Panel (Student Transfer).”; and

- The rescission of Procedure PR.664.SCO Appeals Hearing Panel (Student Transfers).

RESOURCE IMPLICATIONS:

9. There are no direct financial or resource implications relating to the proposed rescission to the policy. However, eliminating the appeal hearing process will yield time efficiencies for the Associate Director/Director Designate, Superintendent of Instruction, Principals and Board Services staff.

COMMUNICATION/CONSULTATION ISSUES:

10. The Board will communicate the proposed rescission of this policy through its community outreach in upcoming planned communications.

GUIDING QUESTIONS:

- Are there any equity considerations?
- Are there any unintended consequences to the rescission of this policy?

Pino Buffone
Director of Education and Secretary of the
Board

Brett Reynolds
Associate Director