



**AD HOC POLICY REVIEW COMMITTEE
REPORT NO. 24-017**

08 February 2023

CHANGES TO THE STUDENT TRANSFER APPEAL PROCESS

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

PURPOSE:

1. To seek input on the proposed changes to the student transfer appeal process as prescribed by Policy P.077.PLG Designated Schools/Student Transfers and to rescind Policy P.126.SCO Appeals Hearing Panel (Student Transfers).

STRATEGIC LINKS:

2. The proposed changes are 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 Appeals Hearing Panel (Student Transfers) 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 the transfer capacity at schools that are at, or over, their maximum enrollment.
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 An effective policy review cycle should include a consideration as to whether a policy can be rescinded on the basis that it is no longer relevant or required or could be combined with another related policy. As the Ministry of Education does not require boards of trustees to hear appeals of administrative decisions with respect to school transfers, staff proposes limiting the appeal process to administrators, ending with an appeal to a Superintendent of Instruction, in alignment with other school boards across the province. This change would require a revision to Policy P.077.PLG Designated Schools/Student

Transfers and the rescission of Policy P.126.SCO Appeals Hearing Panel (Student Transfers) as well as the associated procedure.

KEY CONSIDERATIONS:

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

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 the Rescission of P.126.SCO

In assessing the potential consequences for the rescission of P.126.SCO Appeals Hearing Panel (Student Transfers), 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 a third appeal opportunity 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 principal and the superintendent of instruction and provide additional information to support their request. The superintendent, in consultation with the principal and the Associate Director of Education, can either approve, attach conditions, or deny the</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. ● Fewer disruptions for students. ● 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. Board Policy P.077.PLG Designated Schools/Student Transfers

The rescission of Policy P.126.SCO will necessitate some revisions to Board Policy P.077.PLG Designated Schools/Student Transfers, specifically removing section 3.30 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).”*

In addition to the above, staff recommend several additional revisions to help simplify the transfer process and better align the policy with current practice. These revisions are attached in Appendix B and include the following:

Section	Revision
Throughout the Policy	<ul style="list-style-type: none">● Applying the new policy template approved by the Board.
Sections: 3.2, 3.4, 3.5	<ul style="list-style-type: none">● Using gender neutral language .
Sections: 3.2, 3.3, 3.6	<ul style="list-style-type: none">● Removing the reference to Policy P.068.TRA Student Transportation, which is replaced with OSTA Transportation Eligibility policy that sets out the criteria for transporting students.● Linking to the OSTA policy in the Reference Documents
Section 3.3, c	<ul style="list-style-type: none">● Clarifying the school redesignation could take place as a result of expulsion, not suspension, or for safety reasons.
Sections: 3.8, 3.25, 3.26, Policy Definitions (Appendix A)	<ul style="list-style-type: none">● Replacing “students 18 years of age or older” with “Adult Student” in order to include students 16 or 17 years of age who have removed themselves from parental control.
Sections 3.10, 3.11	<ul style="list-style-type: none">● Clarifying the current requirements of student transfers.
Section 3.15	<ul style="list-style-type: none">● Removing the reference to the phased implementation of full-day early learning kindergarten as all of our schools currently offer a full-day kindergarten experience.
Section 3.16	<ul style="list-style-type: none">● Simplifying the language.
Sections 3.17, 3.18, 3.20, 3.21, 3.22, 3.24	<ul style="list-style-type: none">● Removing procedural content which will be migrated to the associated procedures.

Sections 3.25, 3.26	<ul style="list-style-type: none"> Clarifying the language around the two appeal mechanisms available for parents/guardians/adult students; first through the principal and finally through the Superintendent of Instruction responsible for the receiving school. The decision regarding the final appeal is typically made in consultation with the Associate Director of Education.
Section 3.27	<ul style="list-style-type: none"> Removing the reference to an appeal panel by trustees.
Reference Documents	<ul style="list-style-type: none"> Removing the references to old transportation policies and procedures, as well as the reference to the appeal panel policy and procedure. Adding the reference to the OCDSB and OSTA transportation policies.
Appendix A: Policy Definitions	<ul style="list-style-type: none"> Adding the definitions of Adult Student, Board, District, and exceptional personal circumstances.

Both elementary and secondary student transfer procedures will require an update to align with the above listed revisions.

RESOURCE IMPLICATIONS:

- Eliminating the appeal hearing process will yield time efficiencies for the Associate Director/Director Designate, Superintendent of Instruction, Principals and Board Services staff. A quick scan of the resources involved in appeals transfers over the past 5 years reveals the following:
 - A rough average of 850 CBT applications are received per year
 - Approximately 400 CBTs approved annually:
 - 300 at the school level
 - 100 by superintendents (60 appeals denied by superintendents)
 - 72 hours/year of trustee time (1 hour per appeal hearing x 3 trustees)
 - 120 hours/year of staff time (1 hour per appeal hearing Associate Director, Superintendent of Instruction, Principals, Board Services Staff)
 - 72 hours/year of preparation (reports, agenda distribution, meeting setup, letters to families, etc.)
 - (1 hour per appeal hearing for Superintendent of Instruction, Administrative Assistants, Board Services Staff)

COMMUNICATION/CONSULTATION ISSUES

- The proposed changes to the appeal process are Tier 2 revisions and therefore, a public consultation on the proposed revisions will be open from February 8 to March 8, 2024. A brief description of the rationale, contact information and links to the draft policy will be available through the consultations webpage and shared on social media accounts. Staff will also seek the direct input of the Parent Involvement Committee (PIC) to solicit feedback.

GUIDING QUESTIONS:

- Are there any equity considerations to the elimination of the student transfer appeals to trustees?
- Are there any unintended consequences to this change of the appeal process?

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Director of Education and Secretary of the
Board

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Appendices

Appendix A: Policy P.126.SCO Appeals Hearing Panel (Student Transfers) (Recommended for Rescission)

Appendix B: Proposed revisions to Policy P.077.PLG Designated Schools/Student Transfers

Appendix C: Standing Policy P. 077.PLG Designated Schools/Student Transfers