



CENTRE FOR GOVERNANCE EXCELLENCE

Professional Development Program for School Board Trustees

Core Modules

11

Legal Aspects of School Board Governance

PART A: QUASI-JUDICIAL DECISION MAKING

APPEALING THE DENIAL OF TRANSFER OR PROMOTION TO SECONDARY SCHOOL

A student who has been denied admission to secondary school by their principal has the right to appeal the denial to the Board of Trustees. This form of appeal is not common, as most students are promoted or transferred to secondary school. As such, most School Boards would strike an ad hoc committee of at least three Trustees to hear this type of appeal in-camera.

The hearing must be conducted according to the *Statutory Powers Procedures Act* and as always must comply with the Elements of Procedural Fairness.

Appealing Teacher Termination

Teacher termination may occur following unsatisfactory performance appraisals or for cause. The recommendation for termination of a teacher must be decided by the whole Board of Trustees, in-camera. Again, the Elements of Procedural Fairness must be applied to the process of termination.

The process begins with a report from the administration of the Board to the trustees regarding the reasons for the recommendation of termination. There is then the opportunity for the teacher to make submissions and for the trustees to ask questions of both administration and the teacher (or federation representative).

For more detailed information on these topics, please consult your board legal counsel or the appropriate Board Superintendent