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# Review by the Minister Expulsions

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# Today's Agenda

- Relevant Legislation
- Who does Reviews?
- Timelines
- Conducting a Review – Procedures
- Terms of Reference used in Reviews
- Lessons learned from Previous Reviews
- Your Questions

# Relevant Legislation

- Section 12 – Student Conduct
- Section 24 - Suspension
- Section 25 – Expulsion
- Section 45 (8) – Safe and Caring
- Section 60 – Powers of Boards (1)(e)
- Section 124 – Review by the Minister
- Section 125 – Powers on Review
- Delegation Order

# Who Does Reviews?

- Review Committees may consist of psychologists, subject area experts, former school administrators
- They may be externally contracted, or consist of Alberta Education staff.

# Timelines

- Expulsion reviews - 8-10 weeks.
- Times can vary depending on a number of factors

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# Conducting a Review by the Minister Procedures

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# Conducting a Review by the Minister - Procedures

- A written request is received.
- A determination is made whether or not the matter is reviewable (2 criteria).
- If reviewable, then what?
- If not reviewable, then what?

# Conducting a Review by the Minister – Procedures (continued)

- Initiation Documents produced



# Conducting a Review by the Minister – Procedures (continued)

- The Review Committee conducts the review in a fair, open, timely manner and will determine the process used.
- Role of legal counsel
- Discontinuing a review

# Conducting a Review by the Minister – Procedures (continued)

- Summary of Information
  - the relevant information that the Review Committee has received and acquired
  - key points related to the Terms of Reference as the Review Committee understands the facts
- Statement of Agreement/Disagreement
- Final Report to the Minister

# Procedural Fairness and Natural Justice

It is important that the school board and the parent is aware of and understands the procedures that will be followed throughout the review. This is consistent with the *Guidelines for Procedural Fairness*, which include:

- The right to be heard
- The right to an unbiased decision
- The right to a decision based upon logical proof or evidence

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# Review by the Minister Terms of Reference

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# Conducting a Review by the Minister – Procedures (continued)

## Terms of Reference – Expulsion

The Review Committee will determine the following:

1. If the board's policy and procedures for expulsion comply with requirements of the *School Act*.

# Conducting a Review by the Minister – Procedures (continued)

## Terms of Reference – Expulsion

The Review Committee will determine the following:

2. If the board has adhered to its policy and procedures on expulsion regarding *Student Name*.

# Conducting a Review by the Minister – Procedures (continued)

## Terms of Reference – Expulsion

The Review Committee will determine the following:

3. If the board's decision to expel *Student Name* was reasonable in the circumstances.

# Conducting a Review by the Minister – Procedures (continued)

## Terms of Reference – Expulsion

The Review Committee will determine the following:

4. If the education program the board offered *Student Name* is reasonable in the circumstances.





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# Conducting a Review by the Minister

## Lessons Learned from Previous Reviews

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# Lessons Learned – Previous Reviews

When a Review Committee notes issues they may be enough to overturn a board decision, whereas other areas may be noted for improvement of board policy or process.

# Lessons Learned – Previous Reviews

## Principal Investigations

- Knowing the Information firsthand

# Lessons Learned – Previous Reviews

- Documentation

# Lessons Learned – Previous Reviews

## Assistance to Parents

- *School Act* – S. 25 (3)(b) – taking it a step further
- Assigning a shepherd/contact

# Lessons Learned – Previous Reviews

- Right to know the case being presented and information being considered.

# Lessons Learned – Previous Reviews

- Timeliness of Expulsion Proceedings

# Lessons Learned – Previous Reviews

## Appropriate Program

- Not simply directing



# Lessons Learned – Previous Reviews

- School Act 60 (1)(e)
  - Conditions of re-enrollment

# Lessons Learned – Previous Reviews

- Authority to Suspend and Recommend Expulsion

# Lessons Learned – Previous Reviews

- Incidents occurring outside of school hours



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## Your Questions?

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# Resources for Information

- Queen's Printer  
[www.qp.alberta.ca/index.cfm](http://www.qp.alberta.ca/index.cfm)
- Alberta Education Resources for Administrators  
<http://education.alberta.ca/admin.aspx>
- [Sheldon.Bossert@gov.ab.ca](mailto:Sheldon.Bossert@gov.ab.ca)
- [Sandra.Shepitka-Boyle@gov.ab.ca](mailto:Sandra.Shepitka-Boyle@gov.ab.ca)

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engager

