



**MEMORANDUM**

January 21, 2024  
 Regular Board Meeting

**TO** Board of Trustees

**FROM** Lorraine Stewart, Board Chair  
 Aimee Hennig, Board Vice-Chair

**ORIGINATOR** Shauna Boyce, Superintendent

**RESOURCE** Policy Review Committee

**GOVERNANCE POLICY** Board Policy 2: Role of the Board  
 Board Policy 7: Board Operations  
 Board Policy 8: Board Committees and Representation  
 Board Policy 12: Role of the Superintendent

**ADDITIONAL REFERENCE** BP 2: Governance and Organization  
 BP 12: Section 5. Policy  
*Education Act*

**SUBJECT** **REVISED BOARD POLICY 14: APPEALS TO THE BOARD REGARDING TEACHER TRANSFERS**

**PURPOSE**

For approval. A recommendation is required.

**RECOMMENDATION**

That the Board of Trustees approves Revised Board Policy 14: Appeals to the Board Regarding Teacher Transfers, as recommended by the Policy Review Committee and presented at the Regular Meeting of January 21, 2025.

**BACKGROUND**

The Board of Trustees is responsible for reviewing Board Policies on an ongoing basis to adhere to the requirements necessary to provide excellence in public education and comply with the *Education Act* and provincial, as well as federal, legislation. The following revised policy is in support of this responsibility.

**REPORT SUMMARY**

On October 31, 2024, and November 27, 2024, the Policy Review Committee met and reviewed Board Policy (BP) 14: Hearings on Teacher Matters, and drafted a revised BP 14 with the following key changes:

- Updates to authority delegated to the Superintendent, as per the *Education Act*;
- Updates to language for consistency with the *Education Act*;
- Updates to the hearing process for consistency and clarity to BP 11: Board Delegation of Authority;
- Updates to language for consistency with the hearing process in BP 13: Appeals to the Board Regarding Student Matters; and
- Update to the title to reflect the parameters of the revisions in BP 14.

The revised BP was presented to the Board and discussed at the December 17, 2024 Governance and Planning Session (GPS) and the January 14, 2025 GPS. The Policy Review Committee made several further changes to the revised BP based on recommendations from Trustees, prior to presenting the policy to the Board for approval.

The Policy Committee would be pleased to respond to any questions.

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## Parkland School Division Board Policy 14

### APPEALS TO THE BOARD REGARDING TEACHER TRANSFERS

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Through legislation, policy and practice, the Board supports the importance of a fair process of appeal while recognizing the authority of the Superintendent, as the final authority where legislated or delegated.

This policy exists to ensure that final decisions are derived in consideration of procedural fairness. The Appeal Hearing process is not intended for a teacher to appeal a decision solely out of disagreement with that decision.

In accordance with the *Education Act*, section 212(1): “A Superintendent may, at any time during a school year, transfer a teacher from one school operated by the board to another of its schools.” The teacher may make a written request to the Board to have a Teacher Transfer Appeal Hearing before the Board for the purpose of objecting to the transfer.

The Board shall conduct any hearings concerning the transfer of a teacher pursuant to section 212 of the *Education Act*, in accordance with Board policy and any applicable policy appendix and/or administrative procedure.

#### **Request for a Hearing**

1. A teacher who has received a notice of transfer may, within seven (7) calendar days from the day on which the teacher receives the notice of transfer, make a written request to the Board to have a Hearing before the Board for the purpose of objecting to the transfer.
2. The request for a Hearing before the Board shall be submitted by the teacher to the Associate Superintendent of Corporate Supports and Services [hereinafter referred to as the Secretary-Treasurer], with a copy being provided to the Superintendent.
3. The Board Chair shall call a Special Board Meeting for the purpose of holding a Teacher Transfer Appeal Hearing [hereinafter referred to as the Hearing] not earlier than fourteen (14) calendar days after the teacher receives the notice of transfer unless the teacher agrees in writing to an earlier date, as per section 212(4) of the *Education Act*.
4. The Secretary-Treasurer shall notify the teacher and Superintendent in writing, of the date, time and location of the Hearing.

#### **Pre-Appeal Hearing Process**

5. The Superintendent, or their designate, shall forward any documentation or written materials to be considered by the Board in support of the teacher transfer to the Secretary-Treasurer, no less than seven (7) calendar days prior to the scheduled date of the Hearing.
6. The teacher shall forward any documentation or written materials to be considered by the Board in objection to the teacher transfer to the Secretary-Treasurer, no less than seven (7) calendar days prior to the scheduled date of the Hearing.

## Revised Board Policy 14: Appeals to the Board Regarding Teacher Transfers - FINAL VERSION

7. The Secretary-Treasurer shall provide copies to each of the parties of all relevant documentation or written materials received from each of the parties, no less than four (4) calendar days prior to the Hearing.
8. The teacher or the Superintendent may be accompanied by counsel or other representatives(s) if, not less than seven (7) calendar days prior to the scheduled date of the Hearing, the names of counsel or other representatives are provided by the teacher or the Superintendent in writing or by electronic notice, to the Secretary-Treasurer.
9. The teacher or the Superintendent may request to bring witnesses as a resource if, not less than four (4) calendar days prior to the scheduled date of the Hearing, the names are provided by the teacher or the Superintendent in writing or by electronic notice, to the Secretary-Treasurer.
  - 9.1. The request to bring resource persons must include an explanation satisfactory to the Secretary-Treasurer, as to why the resource persons' evidence cannot be adequately presented in writing.
  - 9.2. The Secretary-Treasurer shall, within three (3) calendar days of receiving the request, advise the party who has made the request, in writing or by electronic notice, whether the request is granted.
10. The teacher may at any time up to the start of the hearing, withdraw in writing or electronic notice, their request for a Hearing before the Board.

### Hearing Process

11. To protect the confidentiality of the proceedings, the Hearing Chair [hereinafter referred to as the Chair] shall provide a reference number for the Hearing. The Hearing shall be conducted *in-camera*.
  - 11.1. Resource persons, if any, will only be allowed to be in attendance when required.
  - 11.2. Minutes of the Hearing shall be recorded for the purpose of the Board's records.
  - 11.3. Once *in-camera*, the sequence of the Hearing shall be as follows:
    - 11.3.1. The Chair will introduce members of the Board in attendance and identify representation of legal counsel or other attendees acting as resources for the Board, if in attendance.
    - 11.3.2. The Chair will request the parties to introduce themselves and identify representation of legal counsel or other attendees acting as resources for the Hearing.
    - 11.3.3. The Secretary Treasurer will provide a copy of relevant written documentation submitted by each party to members of the Board.
    - 11.3.4. The Chair will outline the purpose and process of the Hearing, which is to provide:
      - 11.3.4.1. Opportunity for the parties to make representation in support of their respective positions and
      - 11.3.4.2. Opportunity for the Board to receive information, deliberate and to make a decision regarding the teacher transfer;
    - 11.3.5. Oral presentation by the Superintendent or designate, including evidence by resources if any, explaining the decision and reasons for the transfer;
    - 11.3.6. Oral presentation by the teacher, including evidence by resources if any, explaining the reasons for their objections to the transfer;

## **Revised Board Policy 14: Appeals to the Board Regarding Teacher Transfers - FINAL VERSION**

- 11.3.7. The Superintendent or designate shall be provided an opportunity to respond to the teacher's presentation;
  - 11.3.8. The teacher shall be provided an opportunity to respond to the Superintendent's or designee's presentation;
  - 11.3.9. The Board shall be provided the opportunity to ask clarifying questions of either party or any of the resources;
  - 11.3.10. The Superintendent or designate shall be provided an opportunity to make final comments; and
  - 11.3.11. The teacher shall be provided an opportunity to make final comments.
- 11.4. No cross-examination of either party or their resources shall be permitted, unless the Chair deems it necessary.
- 11.5. Requests for a recess or adjournment may be granted by the Chair to allow for members of the Board to read through written documentation or for parties to prepare a response to the other party's presentation.
- 11.5.1. If a recess or an adjournment is granted during a Hearing, members of the Board are prohibited from disclosing the evidence presented or discussing matter raised at the Hearing, either amongst themselves or with the parties and their representatives or resources until the hearing is reconvened.

### **Deliberation**

12. The Board shall meet without the respective parties to the Hearing in attendance. The Board may have the Secretary-Treasurer and/or legal counsel in attendance.
13. The Board shall deliberate in private and review information provided by both parties to arrive at a decision regarding the transfer. The decision will be either to:
- 13.1. Uphold the decision of the Superintendent or designate to transfer the teacher, or
  - 13.2. Overturn the decision of the Superintendent or designate to transfer the teacher.
14. If the Board requires additional information or clarification, both parties will be recalled and the request for information will be made in the presence of both parties.
- 14.1. If the information is not readily available, or if either party are no longer available, the Chair will call a recess or adjourn the meeting to a later date at the call of the Chair.
  - 14.2. Members of the Board are prohibited from discussing the evidence presented or matters raised at the Hearing, either amongst themselves or with the parties and their representatives or resources until the Hearing is reconvened.
  - 14.3. In the case of adjournment, the Secretary-Treasurer will retain all written documentation shared with members of the Board until such time as the Hearing resumes.

### **Decision**

15. The Board shall, by simple majority, determine the decision on the matter presented; notably;

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15.1. The decision shall be either to uphold the decision of the Superintendent or designate to transfer the teacher, or overturn the decision of the Superintendent or designate to transfer the teacher.

16. The Board shall confirm their decision, in writing, to all parties.

Reference:	Education Act: 33, 52, 53, 119, 197, 212, 217, 222	Approved:	
		Date Approved:	January 21, 2025
Cross-Reference:	Board Policy: 2, 11	Reviewed or	January, 2025
	Administrative Procedure: 474	Revised:	March, 2017
	Administrative Procedures and Jurisdiction Act		September, 2010



## Parkland School Division Board Policy 14

### HEARINGS ON TEACHING MATTERS

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The Superintendent may transfer a teacher in accordance with section 104 of the School Act. The teacher may make a written request to the Board to have a hearing before the Board for the purpose of objecting to the transfer.

The Superintendent may make a recommendation to the Board to terminate a continuous contract of employment with a teacher or to terminate a designation of a teacher. In terminating a continuous contract of employment or a designation, the Board shall act reasonably.

The Superintendent may suspend a teacher from the performance of the teacher's duties in accordance with subsections 105(1) and 105(2) of the School Act. The power to suspend the services of a teacher may not be further delegated. The teacher may appeal such suspension to a Board of Reference.

The Superintendent may terminate the probationary, temporary or interim contract of a teacher during the term of such contract. The power to terminate the contracts of employment referenced in the preceding sentence may not be further delegated.

#### **Specifically**

##### 1. Transfers

- 1.1. A teacher who has received a notice of transfer may, within seven (7) days from the day on which the teacher receives the notice of transfer, make a written request to the Board to have a hearing before the Board for the purpose of objecting to the transfer.
- 1.2. The request for a hearing before the Board shall be submitted by the teacher to the Associate Superintendent, Business and Finance with a copy being provided to the Superintendent.
- 1.3. The Board may set a date and time for the hearing requested not earlier than fourteen (14) days after the teacher receives the notice of transfer, unless the teacher agrees in writing to an earlier date.
- 1.4. The Associate Superintendent, Business and Finance shall advise the teacher in writing of the date, time and location of the hearing.

##### 2. Termination of Continuous Contract or Designation

- 2.1. When the Superintendent has decided to make a recommendation to the Board to terminate a teacher's continuous contract, or terminate a designation, the Superintendent shall forward that recommendation:
  - 2.1.1. To the teacher, not less than fourteen (14) days before the scheduled date of the meeting at which the recommendation shall be considered; and

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- 2.1.2. To the trustees, through the Corporate Secretary, in accordance with the practice for regular Board meetings.
  - 2.2. Either party to the proceedings may make a request for an adjournment. Such request for an adjournment shall be made in writing, to the Board Chair, with a copy to the other party. The Board Chair, at the Chair's discretion, may allow for written or oral submissions from the other party. The Chair's decision about the adjournment request shall be communicated to each of the parties.
3. Provision of Information
- 3.1. Any written materials the teacher or the Superintendent wishes trustees to consider must be submitted to the Corporate Secretary not less than four (4) days prior to the scheduled date of the meeting. The Corporate Secretary will provide copies of all such documentation to the trustees and the parties prior to the hearing, where possible, or during the hearing.
  - 3.2. The teacher 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 teacher or the Superintendent in writing, the names of counsel, other representatives, and any witnesses.
  - 3.3. Notwithstanding, the Board Chair shall reserve the right to receive further documentation as deemed relevant.
4. Procedure at Hearings
- 4.1. The hearing shall be conducted at an in-camera session of the Board, and chaired by the Chair, or in the Chair's absence, the Vice-Chair or designate.
  - 4.2. The Chair will introduce all parties, and the parties or their representative shall introduce all witnesses at the hearing.
  - 4.3. The sequence of the hearing shall be as follows:
    - 4.3.1. An opening statement to be made by each of the parties;
    - 4.3.2. Written and oral presentation by the Superintendent or designate, including any evidence by witnesses where appropriate;
    - 4.3.3. Written and oral presentation by the teacher, including any evidence by witnesses where appropriate;
    - 4.3.4. Superintendent (or designate) provided opportunity for a response to the teacher's presentation;
    - 4.3.5. Teacher's opportunity for a response to the administration's presentation;
    - 4.3.6. An opportunity for the Board to ask questions of both parties and any questions of clarification of both parties and any of the other witnesses;
    - 4.3.7. An opportunity for the Superintendent or designate to make final comments;



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- 4.3.8. An opportunity for the teacher to make final comments; and
- 4.3.9. No cross-examination of witnesses shall be allowed unless the Chair deems it advisable.
- 4.4. The Board will meet without the respective parties to the appeal in attendance to arrive at a decision regarding the appeal. The Board may have the Corporate Secretary or legal counsel in attendance.
- 4.5. If the Board requires additional information or clarification in order to make its decision, both parties will be recalled to appear before the Board and the request for information will be made in the presence of both parties. If the information is not readily available, the Chair may request a recess, or if necessary an adjournment of the hearing to a later date. In the case of an adjournment, members of the Board are prohibited from disclosing the evidence presented or matters raised at the hearing, either amongst themselves or with the parties and their representatives or witnesses until the hearing is reconvened.
- 4.6. When the Board is ready to make its decision on the matter, both parties, if still present, will be advised that the Board will be reconvening and will consider a motion to move into a regular or special Board meeting in order to consider the resolution.
- 4.7. The Board decision will be communicated to the teacher, in writing, following the hearing.

Reference: School Act: 19, 60-61, 95-96, 98, 101-102, 104-105, 107, 109-110, 113	Approved: (signature)
	Date UNAPPROVED – Indicate Board Approved: Meeting Date
Cross-Reference: Board Policy: 2 Admin Procedure:	Reviewed or March, 2017 Revised: September 2010