

# Review by the Minister

## Information for School Boards and Charter Schools

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### Requesting a Review by the Minister

The parent or the student (16 years of age or older) may request in writing that the Minister of Education review a board's decision in the following matters (*Education Act*, section 43):

- The provision of specialized supports and services to students in accordance with section 11(4) or to a child in an early childhood services program;
- the expulsion of a student;
- which board is responsible for a student or child; and
- access to or the accuracy or completeness of a student record.

Prior to requesting a Review by the Minister, the parent or student must have a written decision on the outcome of their appeal to the board (*Education Act*, section 42(8)). Parents or a student (16 years of age or older) must request the review within 60 days of the date on which they are informed of the board's decision.

### Will the request be reviewed?

The Minister of Education has discretion to determine if the decision will be reviewed (*Education Act*, section 44). If the matter is not reviewable, a letter is sent to the applicant advising them that the matter is not reviewable and a copy of this letter goes to the board.

If the Minister of Education reviews the decision of a board, they look at the reasonableness of the decision and may consider:

- did the board's policy and procedures comply with the requirements of the *Education Act*;

- did the board follow its policy and procedures when making the decision; and
- was there a lack of fairness sufficiently serious enough to call into question the reasonableness of the decision of the board.

### Review by the Minister Process

If the matter is to be reviewed, both the parent/student and the board will be contacted in writing; the board will be provided with a date by which their representation is to be received by Learner Services, Alberta Education. Guided by the Terms of Reference, the board provides written representations in response to the parent/student representation. The board's submission is to include:

1. board policies relevant to the matter;
2. a copy of the board's written notification of the appeal hearing to the parent/student;
3. a written record of the hearing and the decision making process;
4. the decision, including reasons for the decision;
5. copies of reports and statements; and
6. any other correspondence that was considered by the board during the appeal hearing (e.g., emails or records of meetings during the time leading up to the hearing).

Upon conclusion of the review, the Minister of Education will provide a letter addressed to both the parent or student and the board which outlines the decision, including reasons for that decision.

For more information regarding the Review by the Minister process, or if you have questions, please contact Learner Services at [Learner.Services@gov.ab.ca](mailto:Learner.Services@gov.ab.ca) or 780-415-0783 (toll-free in Alberta by first dialing 310-0000).