



ADDENDUM B

ARTICLES FROM THE EDUCATION ACT

DECISION AFFECTING STUDENT.

9. A student or parents of a student affected by a decision of the council of commissioners, the executive committee or the governing board, or of an officer or employee of the school board may request the council of commissioners to reconsider such decision.

1988, c. 84, s. 9; 1997, c. 96, s. 8.

Request for reconsideration.

10. The request of the student or his parents shall be made in writing and shall briefly set forth the grounds on which it is made. It shall be transmitted to the secretary general of the school board.

Secretary general.

The secretary general shall assist every student or parent of a student requiring assistance in the formulation of his request.

1988, c. 84, s. 10.

Prompt disposal.

11. The council of commissioners shall dispose of the request without delay.

Examination by committee.

It may submit the request for examination by a person whom it designates or by a committee which it establishes; such person or committee shall make a report of his or its findings and accompany the report, if it seems appropriate to do so, with recommendations.

Hearing of parties.

During the examination of the request, the interested parties shall have the opportunity to present their points of view.

1988, c. 84, s. 11.

Power of council.

12. The council of commissioners may, if it considers that the request is founded, overturn, entirely or in part, the decision contemplated by the request and make the decision which, in its opinion, ought to have been made in the first instance.

Notification.

The person who made the request and the author of the contested decision shall be notified of the council's new decision and informed of the grounds on which it was made.

1988, c. 84, s. 12.

SERIOUS FAULT OR DEROGATORY ACT COMMITTED BY A PERSON HOLDING A TEACHING LICENCE

Serious fault.

26. Any natural person may file a complaint with the Minister against a teacher for a serious fault committed in the exercise of his functions or for an act derogatory to the honour or dignity of the teaching profession.

Conviction.

An information stating that a teacher has had a conviction is not considered a complaint for the purposes of this subdivision.

Complaint.

The complaint must be in writing, include reasons and be made under oath. It must briefly state the nature of the fault alleged to have been committed by the teacher and the relevant circumstances, including the time and place. The complaint shall be received by a person designated by the Minister, who shall assist any person so requesting in drawing up the complaint.

Transmission of complaint.

The Minister shall send a copy of the complaint to the teacher and ask him to present observations in writing to the Minister within 10 days.

1988, c. 84, s. 26; 1990, c. 78, s. 54; 1997, c. 43, s. 314; 2005, c. 16, s. 4.

EXAMINATION OF COMPLAINTS.

220.2. After consulting with the parents' committee, every school board shall establish, by by-law, a procedure for the examination of complaints from students or their parents.

Student Ombudsman.

The complaint examination procedure must enable a complainant who is dissatisfied with the handling of a complaint or with the outcome to refer the complaint to a person designated by the school board as the Student Ombudsman. The Student Ombudsman is designated after consultation with the parents' committee and on the recommendation of the governance and ethics committee. Neither a member of the council of commissioners nor a member of the personnel of the school board may act as Student Ombudsman.

Procedure.

In addition to the measures the Minister may establish by regulation, the complaint examination procedure must provide that the Student Ombudsman must refuse or cease to examine a complaint upon becoming aware or being informed that the complaint concerns a fault or an act for which a complaint has been filed with the Minister under section 26. The procedure must also provide that, within 30 days after the complaint is referred, the Student Ombudsman must give the council of commissioners an opinion on the merits of the complaint and recommend any appropriate corrective measures.

Annual report.

The Student Ombudsman must send the school board an annual report stating the number of complaint referrals received and their nature, the corrective measures recommended and any action taken. The report must be attached to the school board's annual report.

Agreements.

The school board may enter into an agreement with another school board to designate the same person as Student Ombudsman and determine how to share the expenses incurred.

2008, c. 29, s. 29.