

## **BACKGROUND**

The Board supports the right of parents/guardians to make inquiries or bring forward concerns regarding student matters, and to appeal administrative decisions that significantly affect the education of a student of the board. In the interest of open communication, concerns must first be directed to the staff member(s) most directly involved and adhere to the process as outlined in Administrative Procedure 152 – Dispute Resolution.

In accordance with section 52 of the *Education Act*, the Board delegates to the Appeals Committee the power to make decisions with respect to appeals on all matters other than the expulsion of a student. Furthermore, the Board delegates to the Student Expulsion Hearing Committee the authority to hear and rule on an administration recommendation to expel a student.

## **GUIDELINES**

1. All Matters Other Than Expulsion of a Student
  - 1.1. Prior to a decision being appealed to the Appeals Committee, it must be appealed to the Superintendent, in accordance with Administrative Procedure 152 – Dispute Resolution.
  - 1.2. A parent/guardian of a student, and a student sixteen (16) years of age or over, has the right to appeal to the Appeals Committee a decision of the Superintendent that significantly affects the education of the student. The Superintendent must advise the parent/guardian or student as above of this right of appeal.
  - 1.3. The appeal to the Appeals Committee must be made within ten (10) business days from the date that the individual was informed of the Superintendent's decision.
    - 1.3.1. The appeal must be filed in writing with the Associate Superintendent of Business and Operations and must contain:
      - 1.3.1.1. the name of the party filing the appeal;
      - 1.3.1.2. the date;
      - 1.3.1.3. the matter at hand; and
      - 1.3.1.4. the reason for the appeal.
    - 1.3.2. If an appeal is sent electronically, the burden of proof of delivery is on the appellant.
  - 1.4. A parents/guardian, or student as above, when appealing a decision to the Appeals Committee, has the right to be assisted by a resource person(s) of their choosing. The responsibility for engaging and paying for such assistance rests with the parent/guardian or student.
  - 1.5. The hearing of the appeal must be scheduled so as to ensure that the person making the appeal and the Superintendent or designate, whose decision is being appealed, have sufficient notice and time to prepare for the presentation.

- 1.6. The appeal will be heard at a closed in-camera session, with only specified individuals in attendance.
- 1.7. The parties to the appeal will be advised when the decision will be made.
- 1.8. The appeal hearing will be conducted in accordance with the following guidelines:
  - 1.8.1. The Appeals Committee Chair will outline the purpose of the hearing, which is to provide:
    - 1.8.1.1. An opportunity for the parties to make representation in support of their respective positions to the Appeals Committee. This information may include expert medical, psychological and educational data and may be presented by witnesses. The information presented may include both written and verbal communications;
    - 1.8.1.2. The Appeals Committee with the means to receive information and to review the facts of the dispute;
    - 1.8.1.3. A process through which the Appeals Committee can reach a decision that is reasonable in the circumstances.
  - 1.8.2. Notes of the proceedings will be recorded for the purpose of the Board's records.
  - 1.8.3. The Superintendent and/or designate(s) will explain the decision under appeal and give reasons for the decision.
  - 1.8.4. The appellant will present the appeal and the reasons for the appeal and will have an opportunity to respond to information provided by the Superintendent and/or designate(s).
  - 1.8.5. The Superintendent and/or designate(s) will have an opportunity to respond to information provided by the appellant.
  - 1.8.6. The members of the Appeals Committee will have the opportunity to ask questions of clarification from both parties.
  - 1.8.7. No cross-examination of the parties shall be allowed though questions may be directed to the other party through the Committee Chair with the permission of the Committee Chair.
  - 1.8.8. The Appeals Committee will meet without the respective parties to the appeal in attendance to arrive at a decision regarding the appeal. The Committee may have legal counsel in attendance.
  - 1.8.9. If the Appeals Committee requires additional information or clarification in order to make its decision, both parties to the appeal will be requested to return to the hearing for the required additional information.
  - 1.8.10. The Appeals Committee decision and the reasons for that decision will be communicated to the appellant once a decision has been reached and confirmed in writing following the hearing.

1.8.10.1. The communication will inform the appellant of the right to seek a review by the Minister of Education if the appellant is dissatisfied with the decision of the Appeals Committee, if the matter under appeal is a matter described in section 43 of the *Education Act*.

## 2. Expulsion of a Student

- 2.1. It is expected that each student will comply with their responsibilities as set out in the Education Act, Board policy, administrative procedures and school rules.
- 2.2. The Student Expulsion Hearing Committee will hear representations with respect to a recommendation for a student expulsion in accordance with relevant sections of the Education Act.
- 2.3. A student shall be reinstated within five (5) school days of the date of suspension unless the Principal makes a recommendation for expulsion.
  - 2.3.1. When the Principal makes a recommendation for expulsion, the Principal shall immediately report in writing all the circumstances to the parent/guardian and the student, if the student is sixteen (16) years of age or older, and to the Student Expulsion Hearing Committee through the Office of the Superintendent.
  - 2.3.2. The student remains suspended until the Student Expulsion Hearing Committee has made a decision.
- 2.4. The Student Expulsion Hearing Committee will convene in an expulsion hearing upon the call of the Superintendent, but in no event shall the meeting occur later than ten (10) school days from the first day of suspension.
- 2.5. The expulsion hearing will be held at a closed in-camera session, with only specified individuals in attendance.
- 2.6. A parent/guardian of a student, or a student sixteen (16) years of age or over, has the right to be assisted by a resource person(s) of their choosing. The responsibility for engaging and paying for such assistance rests with the parent/guardian or student.
- 2.7. The Student Expulsion Hearing Committee may have legal counsel in attendance.
- 2.8. Notes of the proceedings will be recorded for the purpose of the Board's records.
- 2.9. The expulsion hearing will be conducted in accordance with the following guidelines:
  - 2.9.1. The Student Expulsion Hearing Committee Chair will outline the purpose of the hearing, which is to:
    - 2.9.1.1. Provide an opportunity to hear representations relative to the recommendation from the Principal including;
      - 2.9.1.1.1. Any conditions respecting the circumstances in which the student may be enrolled in the same or a different education program;



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- 2.9.1.1.2. The length of any rule or condition and why either is to apply to the student beyond the school year in which the student was expelled.
    - 2.9.1.2. Provide an opportunity for the student and/or the student's parents/guardians to make representations in response to the Principal's recommendations;
    - 2.9.1.3. Reinstate or expel the student and address the length of any rule or condition which applies to the student.
  - 2.9.2. The Student Expulsion Hearing Committee Chair will outline the procedure to be followed, which will be as follows:
    - 2.9.2.1. The Principal or designate will present the report documenting the details of the case and the recommendation to expel the student;
    - 2.9.2.2. The student and the student's parents/guardians will be given an opportunity to respond to the information presented and to add any additional relevant information;
    - 2.9.2.3. The members of the Student Expulsion Hearing Committee will have the opportunity to ask questions of clarification from both the Principal and the student and the student's parents/guardians;
    - 2.9.2.4. The Student Expulsion Hearing Committee will deliberate, without either the administration or the student and the student's parents/guardians present, to discuss the case and the recommendation. Legal counsel may be in attendance;
    - 2.9.2.5. Should the Student Expulsion Hearing Committee require additional information, both parties will be requested to return in order to provide the requested information;
    - 2.9.2.6. The Student Expulsion Hearing Committee will then make a decision to either reinstate or expel the student;
      - 2.9.2.6.1. If parent/guardian or the student are not in attendance at the ruling, the Superintendent's Office will attempt to inform the parent/guardian and the student of the decision by telephone or personal communication as soon as possible after a decision has been reached.
- 2.10. The decision shall be communicated in writing to the student's parents/guardians, and the student, if the student is sixteen (16) years of age or over, within five (5) days of the hearing, with copies being provided to the Principal and the Superintendent.
- 2.11. If the decision is to expel the student, the following information must be included in the letter to the student and the student's parents/guardians:
  - 2.11.1. The length of the expulsion and any rules or conditions that apply to the student;



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- 2.11.2. The educational program to be provided to the student and the name of the individual to be contacted in order to make the necessary arrangements; and
- 2.11.3. The right to request a review of the decision by the Minister of Education within sixty (60) days of the date on which the parent/guardian or the student, if the student is sixteen (16) years of age or older, is informed of the decision.

### 3. Review by Minister

- 3.1. A parent/guardian of a student, and a student sixteen (16) years of age or over, will be informed that they have the right to seek a review by the Minister of Education if the appeal is regarding:
  - 3.1.1. The provision of specialized supports and services to a student in accordance with section 11(4) of the *Education Act* or to a child enrolled in an early childhood services program;
  - 3.1.2. The expulsion of a student;
  - 3.1.3. Access to, or the accuracy or completeness of student records, or
  - 3.1.4. Board responsibility for a specific student.

### Legal Reference:

- Section 3, 4, 11, 31, 32, 33, 36, 37, 41, 42, 43, 44, 52, 53, 222 Education Act