

Policy 13 - Appeals Regarding Student Matters

The Board has delegated the authority to the Superintendent to make decisions regarding student matters as prescribed in Policy 11 - Delegation of Authority. Every decision must be directed toward the educational interests of the student, and must consider the impact of the decision on the total population of students served and the availability of resources.

The Board will hear appeals on the decisions made by the Superintendent in the exercising of the delegated authority.

The Board recognizes that the parent(s) of a student (and, in the case of a student who is 16 years of age or older, the student) has the right to appeal the decision of a Division employee if that decision significantly affects the education of the student.

1. All Matters Other than Expulsion of a Student

1.1. Process

- 1.1.1 The appeal for any decision made by a staff member of the Division which significantly affects the education of a student (e.g., suspension, denial of access to a program, placement, fees, etc.) must be communicated verbally and in written form to the next level of authority or responsibility within seven (7) calendar days of the decision.
- 1.1.2 Appeals of a decision made by a staff member shall proceed to the next level of authority or responsibility.
 - 1.1.2.1 Decisions made by a staff member are appealable to the Principal;
 - 1.1.2.2 Decisions made by a Principal are appealable to the Superintendent; and
 - 1.1.2.3 The decision of the Superintendent is the final decision of the Administration.
 - 1.1.2.4 Decisions made by the Superintendent are appealable to the Board.
- 1.1.3 Appeal procedures shall ensure full opportunity for the parties (appellant and Superintendent) to add information, discuss the issues and state their positions and supporting arguments.
- 1.1.4 At any of the various steps in the process, parent(s) or independent student(s) shall have access to reports and other information on their child, which were used to make the decision, pursuant to the Administrative Procedure governing student records.

- 1.1.5 When appealing a decision, parent(s) or independent student(s) have the right to be assisted by an advocate or resource person of their choosing to help in the preparation and presentation of their concerns. The responsibility for engaging and paying for such assistance rests with the parent(s) or independent student(s).
- 1.1.6 Decisions shall be rendered without undue delay.
- 1.2. Procedures for Appeals To Be Heard by the Board
 - 1.2.1 Appeals will be heard by the Board whenever possible at a regular Board meeting or a special Board meeting if the next regular scheduled Board meeting is not within ten (10) calendar days of when the decision was rendered.
 - 1.2.2 The hearing of the appeal must be scheduled so as to ensure that the person making the appeal and the Superintendent, whose decision is being appealed, has sufficient notice and time to prepare for the presentation
 - 1.2.3 The appeal will be heard in-camera, with specified individuals in attendance.
 - 1.2.4 The Board reserves the right to make its decision at a subsequent Board meeting. The parties to the appeal will be advised when the decision will be made. The Board decision will be made in open session.
- 1.3. Appeal Guidelines
 - 1.3.1 The appeal hearing will be conducted in accordance with the following guidelines:
 - 1.3.1.1 The Chair will outline the purpose of the hearing, which is to provide:
 - 1.3.1.1.1 An opportunity for the parties to make representation in support of their respective positions to the Board. 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;
 - 1.3.1.1.2 The Board with the means to receive information and to review the facts of the dispute; and
 - 1.3.1.1.3 A process through which the Board can reach a fair and impartial decision.
 - 1.3.1.2 Notes of proceedings will be recorded for the purpose of the Board's records by the Secretary-Treasurer or designate.
 - 1.3.1.3 The Superintendent will explain the decision and give reasons for the decision.
 - 1.3.1.4 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.

- 1.3.1.5 The Superintendent will have an opportunity to respond to information presented by the appellant.
- 1.3.1.6 Board members will have the opportunity to ask questions for clarification from both parties.
- 1.3.1.7 No cross-examination of the parties shall be allowed, unless the Chair deems it advisable under the circumstances.
- 1.3.1.8 The Board will meet without the respective parties to the appeal in attendance to arrive at a decision regarding the appeal. The recording secretary will remain in attendance. The Board may have legal counsel in attendance.
- 1.3.1.9 If the Board 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.
- 1.3.1.10 The Board decision will be communicated to the appellant by telephone and confirmed in writing following the appeal hearing.
- 1.3.1.11 Appellants shall be advised of their right to request a review by the Minister of Education on a decision on an appeal made by the Board pertaining to:
 - 1.3.1.11.1 The provision of specialized supports and services;
 - 1.3.1.11.2 The expulsion of a student;
 - 1.3.1.11.3 Responsibility for a student; and
 - 1.3.1.11.4 A student record.

2. Expulsion of a Student

2.1. General Guidelines

- 2.1.1 The Board will hear representations with respect to a recommendation for a student expulsion.
- 2.1.2 If a student is not to be reinstated within five (5) school days of the date of suspension, the Principal shall immediately report in writing all the circumstances of the suspension and provide a recommendation to the Board through the Office of the Superintendent.
- 2.1.3 The Board, or a committee of the Board, will convene in an in-camera session 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.
- 2.1.4 Parent(s) or student(s) 16 years of age or over, have 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 legal guardian(s) or students.
- 2.1.5 The Board may have legal counsel in attendance.
- 2.1.6 Notes of the proceedings will be recorded for the purpose of the Board's records by the Secretary Treasurer or designate.

2.2. The expulsion hearing will be conducted in accordance with the following guidelines:

- 2.2.1 The Chair will outline the purpose of the hearing, which is to:

- 2.2.1.1 Provide an opportunity to hear representations relative to the recommendation from the Principal
 - 2.2.1.2 Provide an opportunity for the student and/or the student's legal guardian(s) to make representations
 - 2.2.1.3 Reinstate or expel the student
- 2.2.2 The Chair will outline the procedure to be followed, which will be as follows:
- 2.2.2.1 The Principal will present the report documenting the details of the case and the recommendation to expel the student;
 - 2.2.2.2 The student and the student's legal guardian(s) will be given an opportunity to respond to the information presented and to add any additional relevant information;
 - 2.2.2.3 The members of the Board will have the opportunity to ask questions for clarification from both the Principal and the student and the student's legal guardian(s);
 - 2.2.2.4 The Superintendent will provide information on possible educational programming for the student should the expulsion be upheld.
 - 2.2.2.5 The Board will meet, without the Principal or the student and the student's legal guardian(s) present, to discuss the case and the recommendation. The recording secretary will remain in attendance. Legal counsel for the Board may also remain in attendance.
 - 2.2.2.6 Should the Board require additional information, both parties will be requested to return in order to provide the requested information;
 - 2.2.2.7 The Board will then make a decision to either reinstate or expel the student; and
 - 2.2.2.8 The Board decision shall be communicated in writing to the student and the student's parent(s) within five (5) operating days of the hearing, with copies being provided to the Principal and the Superintendent. (The Superintendent's office will attempt to inform the parent(s) and the student of the decision by phone or personal communication as soon as possible after a decision has been reached.)
- 2.2.3 If the Board's decision is to expel the student, the following information must be included in the letter to the student and the student's parent(s):
- 2.2.3.1 The length of the expulsion which must be greater than ten (10) school days
 - 2.2.3.2 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

2.2.3.3 The right of the student and the student's parent(s) to request a review of the decision by the Minister of Education.

2.2.4 Expulsion is at the discretion of the Board. The Board, in making its decision, may take into account the circumstances under which the student committed offenses in contravention of the Student Code of Conduct.

Reference: 3, 4, 11, 31, 33, 36, 37, 41, 42, 43, 44, 51, 52, 53, 56, 222 Education Act

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