

APPEALS REGARDING STUDENT MATTERS

Procedures

The Board will hear appeals on administrative decisions on all matters other than the expulsion of students, which are submitted in accordance with the relevant sections of the Education Act that significantly affect the education of a student.

1. All Matters Other Than Expulsion of a Student

- 1.1. Prior to a decision being appealed to the Board, it must be appealed to the Superintendent.
- 1.2. In the case of a student who is 16 years of age or older, either the parent/guardian of a student or the student has the right to appeal to the Board a decision of the Superintendent. The Superintendent must advise parents/guardians and students of this right to appeal.
- 1.3. The appeal to the Board must be made within 5 (five) days from the date that the individual was informed of the Superintendent's decision. The appeal must be filed in writing and must contain the name of the party filing the appeal, the date, the matter at hand, and the reason for the appeal. (See the Appendix: Board Policy 12- Delegation Request Form)
- 1.4. Parents/guardians, or students as above, when appealing a decision to the Board, 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 parents/guardians or students.
- 1.5. Appeals will be heard by the Board at a regular Board meeting, whenever possible. The hearing of the appeal must be scheduled to ensure that the person making the appeal and the Superintendent, or designate, whose decision is being appealed, has sufficient notice and time to prepare for the presentation. (See the Appendix: Board Policy 12- Delegation Request Form)
- 1.6. The Board Chair will consider any requests for adjournments of hearings of appeals regarding student matters and must consider the reason for the request and whether the person making the request has sufficient notice and time to prepare for the presentation.
- 1.7. The appeal will be heard at a closed meeting of the Board, with specified individuals in attendance, including advocates.
- 1.8. 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.
- 1.9. The appeal hearing will be conducted in accordance with the following guidelines:
 - 1.9.1. The Chair will outline the purpose of the hearing, which is to provide:
 - 1.9.1.1. 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;
 - 1.9.1.2. the Board with the means to receive information and to review the facts of the dispute;
 - 1.9.1.3. a process through which the Board can reach a fair and impartial decision.
 - 1.9.2. Notes of the proceedings will be recorded for the purpose of the Board's records.
 - 1.9.3. Administration will explain the decision and give reasons for the decision.
 - 1.9.4. The appellant will be offered up to 15 minutes of uninterrupted time to present the appeal and the reasons for the appeal and will have an opportunity to respond to information provided by administration.
 - 1.9.5. Administration will have up to 15 minutes to respond to information presented by the appellant.
 - 1.9.6. Board members will have the opportunity to ask questions or clarification from both parties.
 - 1.9.7. No cross-examination of the parties shall be allowed, unless the Board Chair deems it advisable under the circumstances.
 - 1.9.8. The Board will meet without the respective parties to the appeal in attendance to arrive at a decision regarding the appeal. The recording secretary may remain in attendance. The Board may have legal counsel in attendance.
 - 1.9.9. 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.

- 1.9.10. The Board's decision and the reasons for that decision will be communicated to the appellant by telephone within 24 hours and confirmed in writing following the hearing.

2. Expulsion of a Student

- 2.1. In accordance with the relevant section(s) of the Education Act, the Board delegates to the Pupil Personnel Committee, the power to make decisions with respect to the expulsion of students.
- 2.2. The Pupil Personnel Committee will hear representations with respect to a recommendation for a student expulsion in accordance with the relevant sections of the Education Act.
- 2.3. If a student is not 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 Pupil Personnel Committee through the Office of the Superintendent.
- 2.4. The Pupil Personnel Committee 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) days from the first day of suspension.
- 2.5. Parents/guardians of student(s), or students 16 years of age or older, have the right to be assisted by an advocate of their choosing. The responsibility for engaging and paying for such representation rests with the parents/guardians or students.
- 2.6. The Pupil Personnel Committee may have legal counsel in attendance.
- 2.7. Notes of the proceedings will be recorded for the purpose of the Board's records.
- 2.8. The Pupil Personnel Committee hearing will be conducted in accordance with the following guidelines:
 - 2.8.1. The Pupil Personnel Committee Chair will outline the purpose of the hearing, which is to:
 - 2.8.1.1. Provide an opportunity to hear representations relative to the Principal's recommendation to expel the student;
 - 2.8.1.2. Provide an opportunity for the student, student's parents/guardians and advocate to make representations;
 - 2.8.1.3. Reinstate or expel the student.
 - 2.8.2. The Pupil Personnel Committee Chair will outline the following procedure to be followed:
 - 2.8.2.1. The Principal will present the report documenting the details of the case and the recommendation to expel the student;
 - 2.8.2.2. 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;
 - 2.8.2.3. The members of the Pupil Personnel Committee will have the opportunity to ask questions of clarification from both the Principal and the student and the student's parents/guardians;
 - 2.8.2.4. The Pupil Personnel Committee will meet, without either the administration or the student and the student's parents/guardians present, to discuss the recommendation. The recording-secretary may remain in attendance. The Board's legal counsel may also remain in attendance;
 - 2.8.2.5. Should the Pupil Personnel Committee require additional information, both parties may be requested to return in order to provide the requested information;
 - 2.8.2.6. The Pupil Personnel Committee will then make a decision to either reinstate or expel the student; and
 - 2.8.2.7. The Pupil Personnel Committee decision shall be communicated to the student and student's parents/guardians within five (5) school days of the hearing, with copies being provided to the Principal and the Superintendent. The Superintendent's office will attempt to inform the parent/guardian and the student (if 16 years or older) of the decision by telephone as soon as a decision has been reached.
 - 2.8.3. If the Pupil Personnel Committee's decision is to expel the student, the following information must be included in the letter to the student and the student's parents/guardians:
 - 2.8.3.1. The length of the expulsion, which must be greater than ten (10) school days;
 - 2.8.3.2. 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;
 - 2.8.3.3. The conditions and circumstances for re-enrollment; and

- 2.8.3.4. The right of the parents/guardians or the student (if 16 years or older) to request a review of the decision by the Minister of Education.
- 2.8.4. Expulsion is at the discretion of the Pupil Personnel Committee. In making its decision, the Pupil Personnel Committee shall take into account the circumstances under which the student committed the offence. The following offences may be considered by the Pupil Personnel Committee as justification for expulsion:
 - 2.8.4.1. Open opposition to authority of the staff;
 - 2.8.4.2. Conduct deemed to be injurious to the general tone and well-being of the student population being served by the school and the staff employed by the Division;
 - 2.8.4.3. Willful disobedience over a prolonged period or in a single instance where the disobedience endangers the students, teacher, building or general climate of orderly behaviour;
 - 2.8.4.4. Habitual neglect to do work that is assigned to the student and which is within his/her competence to complete;
 - 2.8.4.5. Profane or indecent language in the presence of other students or before staff;
 - 2.8.4.6. Threats of physical violence or acts of violence against a staff member or a serious unprovoked attack on other students;
 - 2.8.4.7. Any act of indecency in a school building, on the school grounds, or on a school bus;
 - 2.8.4.8. Failure to observe and to obey any reasonable rule, regulation or procedure established by a staff member for maintaining a climate of behaviour conducive to learning;
 - 2.8.4.9. Willful or malicious damage to school or Division property or equipment;
 - 2.8.4.10. Prohibited use of drugs, alcohol or tobacco;
 - 2.8.4.11. Use of explicit materials;
 - 2.8.4.12. Activities related to hazing or initiating activities injurious to others.
- 2.8.5. The Pupil Personnel Committee may make conditions for the student's re-enrollment at the original school or another school in the Division. If the student returns after the term of the expulsion without having met the conditions, the Superintendent has the authority to direct the student to another school or program.

It is expected that all students will comply with section 31 of the Education Act, Board policy and school policy.

Legal References

Education Act, Sections 3, 11, 14, 31, 33, 36, 37, 40, 42, 43, 44, 52, 53 and 222

Approval Dates

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