

## Board Policy 13

# Appeals and Hearings Regarding Student Matters

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**The Board provides clear process for a parent(s) and/or student to appeal administrative decisions that directly affect the student's education.**

### A. All Matters Other Than Expulsion of a Student

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

1. Prior to a decision being appealed to the Board, it must be appealed to the Superintendent, in accordance with Administrative Procedures.
2. The appeal to the Board must be made within ten (10) calendar days from the date that the individual was informed of the Superintendent's decision.
  - 2.1 The appeal must be filed in writing and must contain the name of the party filing the appeal, the matter at hand, and the reason for the appeal.
  - 2.2 If an appeal is sent electronically, the burden of proof of delivery is on the appellant.
3. Parents, or students sixteen (16) years of age or older, 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 or students.
4. 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, have sufficient notice and time to prepare for the presentation.
5. The appeal hearing will be conducted in accordance with the following guidelines:
  - 5.1 The appeal, apart from the Board resolution, will be conducted in closed session.
  - 5.2 Information provided by both parties may include expert medical, psychological and educational data and may be presented by witnesses.

The information presented may include both written and verbal communications.

- 5.3 The Superintendent will explain the position under appeal.
- 5.4 The appellant will present the reasons for the appeal and will have an opportunity to respond to information provided by the Superintendent.
- 5.5 The Superintendent will have an opportunity to respond to information provided by the appellant.
- 5.6 Trustees will have the opportunity to ask questions of clarification from both parties.
- 5.7 Questions from one party may be directed to the other party through the Board Chair with the permission of the Board Chair.
- 5.8 To make a decision regarding the appeal, the Board will dismiss all attendees, except the Board may have the Secretary-Treasurer and legal counsel in attendance.
- 5.9 If the Board requires additional information or clarification in order to make its decision, both parties will be requested to return to the hearing for the required additional information.
- 5.10 When the Board has concluded its deliberations, the hearing will resume in open session.
- 5.11 The Board, by resolution, shall respond to the appeal.
- 5.12 The Board Chair shall communicate the decision of the Board to the appellant and indicate opportunities for further appeal.

## **B. Expulsion of a Student**

The Board delegates to the Student Discipline Review Committee the power to make decisions with respect to the expulsion of students. The expulsion hearing will be conducted in accordance with the following:

1. The Committee will hear representations with respect to a recommendation for a student expulsion.

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 Committee through the Office of the Superintendent.
3. The Committee Chair will convene the 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.
4. Parents of students, or students sixteen (16) years of age or older, 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 or students.
5. The Committee may have legal counsel in attendance.
6. The Committee Chair will outline the purpose and process of the hearing.
7. The Principal will present the report documenting the details of the case and the recommendation to expel the student.
8. The student's parents and/or the student will be given an opportunity to respond to the information presented and to add any additional relevant information.
9. The members of the committee will have the opportunity to ask questions of clarification from the Principal, the student, and/or the student's parents.
10. To make a decision regarding the expulsion, the Committee will dismiss all attendees, except the Committee may have the Secretary-Treasurer and legal counsel in attendance.
11. If the Committee requires additional information or clarification in order to make its decision, both parties will be requested to return to the hearing for the required additional information.
12. The Committee will make a decision to either reinstate or expel the student.
13. The Committee's decision shall be communicated in writing to the student's parents and/or the student within five (5) days of the hearing, with copies being provided to the Principal and the Superintendent.

14. If the Committee's decision is to expel the student, the following information must be included in the letter to the student's parents and/or the student:
  - 14.1 The length of the expulsion and any rules or conditions that apply to the student;
  - 14.2 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
  - 14.3 The right of the student and the student's parents to request a review of the decision by the Minister of Education.

References: Education Act – Sections 3, 4, 11, 31, 33, 36, 37, 41, 42, 43, 44, 51, 52, 53, 222