

HEARINGS REGARDING STUDENT MATTERS

The Board will hear appeals on administrative decisions that have significant impact regarding promotion, placement in a program or services/resources provided in accordance with the Education Act.

Appeals regarding student matters:

For all matters other than expulsion of a student:

1. Prior to a decision being appealed to the Board, the division's dispute resolution process must be followed according to [AP 152 Dispute Resolution](#).
2. Parents/guardians of students, and/or students 16 years of age or over, have the right to appeal to the Board a decision of the Superintendent. The Superintendent must advise parents/guardians and students of this right of appeal.
3. The appeal to the Board must be made within five school days from the date that the individual was informed of the Superintendent's decision. The appeal must be filed in writing to the Associate Superintendent, Business & Finance and must contain the name of the party filing the appeal, the date, the matter at hand, and the reason for the appeal.
4. When appealing a decision to the Board appellants have the right to be assisted by a resource person(s) of their choosing, at their own expense.
5. The hearing of the appeal must be scheduled to ensure that the appellant, and the Superintendent or designate, have sufficient notice and time to prepare for the presentation.
6. The appeal will be heard in closed session with the Board.
7. The appeal hearing will be conducted as follows:
 - 7.1. Notes of the proceedings will be recorded for the purpose of the Board's records.
 - 7.2. The Chair will outline the purpose of the hearing, which is to provide:
 - 7.2.1. 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 other representatives;
 - 7.2.2. The Board with the means to receive information and to review the facts

- of the dispute;
- 7.2.3. A process through which the Board can reach a fair and impartial decision.
- 7.3. The Superintendent and/or designate(s) will explain the decision and give reasons for the decision.
- 7.4. 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).
- 7.5. The Superintendent and/or designate(s) will have an opportunity to respond to information presented by the appellant.
- 7.6. Only Board members will have the opportunity to ask questions for clarification from both parties.
- 7.7. No cross-examination of the parties shall be allowed.
- 7.8. The Superintendent and/or designate(s) and the appellant shall be given an opportunity to make closing statements.
- 7.9. The Board will meet without the respective parties for the purposes of deliberation. The recording secretary will remain in attendance. The Board may have legal counsel or senior administration in attendance.
- 7.10. 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.
- 7.11. The Board will make every effort to make a decision based on the process described above on the same day as the hearing.
- 7.12. The Board decision will be communicated to the appellant as soon as possible following the decision.
- 7.13. The Board decision will be communicated in writing within five school days following the hearing. Included in the communication shall be information that the appellant has the right to seek a review by the Minister if dissatisfied with the decision of the Board, if the matter under appeal is a matter described in the Education Act.

Expulsion of a Student

The Board will hear representations with respect to a recommendation for a student expulsion in accordance with the Education Act.

When a Principal/designate recommends a student for expulsion, the Principal/designate shall immediately report in writing all the circumstances of the suspension and provide a recommendation to the Board through the Office of the Superintendent.

The Board, or a committee of the Board, will convene a closed session upon the call of the Superintendent, but in no event shall the meeting occur later than ten school days from the first day of suspension.

When appealing a decision to the Board, appellants have the right to be assisted by a resource person(s) of their choosing, at their own expense.

The Board may have legal counsel in attendance.

Notes of the proceedings will be recorded for the purpose of the Board's records. The expulsion hearing will be conducted in accordance with the following guidelines:

1. The Chair will outline the purpose of the hearing, which is to:
 - 1.1. Provide an opportunity to hear representations relative to the recommendation from the Principal/designate
 - 1.2. Provide an opportunity for the student and/or the student's parent/guardian to make representations
 - 1.3. Render a decision to reinstate or expel the student
2. The Chair will outline the procedure to be followed, which will be as follows:
 - 2.1. The Principal/designate will present the report documenting the details of the case and the recommendation to expel the student;
 - 2.2. The student and/or the student's parents/guardians will be given an opportunity to respond to the information presented and to add any additional relevant information;
 - 2.3. The members of the Board will have the opportunity to ask questions of clarification from both the Principal/designate and the student and/or the student's parents/guardians;

- 2.4. The Board will meet alone for the purposes of deliberation. The recording secretary will remain in attendance. The Board may have legal counsel or senior administration in attendance.
 - 2.5. Should the Board require additional information, both parties will be requested to return in order to provide the requested information;
 - 2.6. The Board will return to close session to make a decision to either reinstate or expel the student; and
 - 2.7. The Board will make every effort to make a decision based on the process described above on the same day as the hearing.
 - 2.8. The Board decision shall be communicated in writing to the student and the student's parents/guardians within 5 days of the hearing, with copies being provided to the Principal/designate and the Superintendent.
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 parents/guardians:
 - 3.1. The length of the expulsion which must be greater than 10 school days;
 - 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
 - 3.3. The right of the student and the student's parents/guardian(s) to request a review of the decision by the Minister of Education.

It is expected that all students will comply with the Education Act. Expulsion is at the discretion of the Board. The Board shall take into account the circumstances under which the student committed the offense. Offenses that lead to expulsion may include but are not limited to:

1. Willful disobedience over a prolonged period or in a single instance where the disobedience endangers the students, teacher, building or general climate of orderly behavior;
2. Profane or indecent language in the presence of other students or before staff;
3. Threats of violence or acts of violence of any kind against students, staff or any member of the school community;
4. Any act of indecency or distribution of an intimate image in a school building or on the

school grounds;

5. Failure to observe and to obey any reasonable rule, regulation or procedure established by the teacher or by the Principal/designate for maintaining a climate of behavior conducive to learning;
6. Willful or malicious damage to property or equipment on school premises; or
7. Prohibited use of drugs, alcohol, vaping or tobacco.

Under the Education Act, the only matters on which the Minister of Education will consider appeals are:

1. Provision of specialized supports and services to a student;
2. Student expulsion;
3. Access to, or the accuracy or completeness of student records;
4. Which Board is responsible for a student or child

Reviewed: September 2024

Reference: Education Act