

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. To support fairness and transparency in decision making, the Board recognizes the importance of clearly identifying which decisions are eligible for appeal.

In the interest of open communication, concerns must first be directed to the employee(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 eligible 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 representations with respect to a recommendation for a student expulsion in accordance with relevant sections of the *Education Act*.

GUIDELINES

1. Eligibility for Appeal

1.1. A decision shall be deemed eligible for appeal to the Appeals Committee by a parent/guardian, or a student 16 years of age or older, if it meets all the following conditions:

- 1.1.1. It clearly and seriously affects the student's learning, access to support or programs, or their rights under the *Education Act*.
- 1.1.2. It is related to a decision made by a school division authority that is not preliminary, informal, or under active review.
- 1.1.3. It is not otherwise excluded from appeal by the *Education Act* or related regulations.
- 1.1.4. It is not related to suspensions, expulsions, or out-of-area attendance applications as these are dealt with via different processes.
- 1.1.5. It pertains directly to the students' own circumstances and is not a general administrative, operational or policy matter.
- 1.1.6. All other internal dispute channels must be exhausted, including an appeal to the Superintendent, under Administrative Procedure 152 – Dispute Resolution.

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1.2. The Secretary-Treasurer, in consultation with legal counsel, will determine if a matter is eligible for appeal based on relevant sections of the Education Act, associated regulations, and Board policy. This decision is non-appealable.

1.2.1. The person who filed the appeal will receive a written explanation of whether the appeal can proceed.

1.2.2. The Board will be informed each time a request is determined by the Secretary-Treasurer to be ineligible.

2. Appeal Hearings

2.1. 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.

2.1.1. The appeal must be filed in writing with the Secretary-Treasurer and must contain:

2.1.1.1. the name of the party filing the appeal;

2.1.1.2. the date;

2.1.1.3. a brief description of the decision being appealed; and

2.1.1.4. the reason for the appeal, including how the decision significantly affects the student's education.

2.1.2. If an appeal is sent electronically, the onus is on the appellant to confirm successful delivery.

2.2. A parents/guardian, or student as above, when appealing a decision to the Appeals Committee, has the right to be supported by a non-RVS resource person of their choosing, such as, but not limited to an advocate, social worker, or legal counsel. Resource people do not speak as part of the hearing. The responsibility for engaging and paying for such support rests with the parent/guardian or student.

2.3. The hearing of the appeal will be scheduled within 20 school days of the appeal being accepted, 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 hearing.

2.4. The appeal will be heard at a closed in-camera session, with only those parties directly involved in the hearing in attendance and any authorized supports. The hearing is confidential and that any video or audio recording is not allowed, and minutes will not be made during the in-camera portion of the hearing.

2.5. The appeal hearing will be conducted in accordance with the following guidelines:

2.5.1. The Appeals Committee Chair will outline the purpose of the hearing, which is to provide:

2.5.1.1. An opportunity for the parties to make written or oral representation in support of their respective positions;

2.5.1.2. The Appeals Committee with the means to receive information and to review the facts of the dispute;

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- 2.5.1.3. A process through which the Appeals Committee can reach a decision that is reasonable in the circumstances.
- 2.5.2. Minutes of the hearing will be recorded for the purpose of the Board's records.
- 2.5.3. The Superintendent and/or designate(s) will explain the decision under appeal and give reasons for the decision with no cross examination allowed.
- 2.5.4. The appellant will present the appeal and the reasons for the appeal with no cross examination allowed.
- 2.5.5. The members of the Appeals Committee will have the opportunity to ask questions of clarification from both parties.
- 2.5.6. The Committee Chair shall then invite both the Administration to provide final concluding comments and the appellant(s) to provide their final concluding comments.
- 2.5.7. The Appeals Committee will deliberate in private 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.
- 2.5.8. If the Appeals Committee requires additional information or clarification in order to make its decision, it may reconvene the hearing and recall both parties to the appeal to provide the required additional information or clarification.
- 2.5.9. When the Appeals Committee is ready to render a decision to either overturn or uphold the decision of the Superintendent, both parties to the appeal will be recalled and advised of the outcome. The decision will be confirmed in writing following the hearing.
 - 2.5.9.1. If the matter falls within section 43 of the *Education Act*, the written communication will inform the appellant of the right to seek a review by the Minister of Education and Childcare.

3. Expulsion Hearing

- 3.1. It is expected that each student will comply with their responsibilities as set out in the Education Act, Board policy, administrative procedures and school expectations.
- 3.2. When the Principal makes a recommendation for expulsion.
 - 3.2.1. The Principal shall immediately report in writing the rationale for the recommendation to the parent/guardian and the student, if the student is sixteen (16) years of age or older.
 - 3.2.2. The student remains suspended until the Student Expulsion Hearing Committee has made a decision.
 - 3.2.3. A copy of all the circumstances considered by the Principal for the recommendation will be provided to the parent/guardian and the student, if the

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student is sixteen (16) years of age or older at least 24 hours prior to the hearing.

- 3.3. The Student Expulsion Hearing Committee will convene an expulsion hearing upon the call of the Superintendent or designate, but in no event shall the meeting occur later than ten (10) school days from the first day of suspension.
- 3.4. The expulsion hearing will be held at a closed in-camera session, with only those parties directly involved in the hearing in attendance. The hearing is confidential and that any video or audio recording is not allowed, and minutes will not be made during the in-camera portion of the hearing.
- 3.5. A parent/guardian of a student, or a student sixteen (16) years of age or over, has the right to be supported by a non-RVS resource person, such as, but not limited to advocate, social worker, legal counsel. Resource people do not speak as part of the hearing. The responsibility for engaging and paying for such support rests with the parent/guardian or student.
- 3.6. The Student Expulsion Hearing Committee may have legal counsel in attendance, who will not speak.
- 3.7. Minutes of the hearing will be recorded for the purpose of the Board's records.
- 3.8. The expulsion hearing will be conducted in accordance with the following guidelines:
 - 3.8.1. The Student Expulsion Hearing Committee Chair will outline the purpose of the hearing, which is to:
 - 3.8.1.1. Provide an opportunity to hear information relative to the recommendation from the Principal;
 - 3.8.1.2. Provide an opportunity for the student and/or the student's parents/guardians to respond to the Principal's recommendations;
 - 3.8.1.3. Reinstate or expel the student and address the length of any rule or condition which applies to the student.
 - 3.8.2. The Student Expulsion Hearing Committee Chair will outline the procedure to be followed, which will be as follows:
 - 3.8.2.1. Administration will present the report documenting the details of the case and the recommendation to expel the student with no cross examination allowed;
 - 3.8.2.2. 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 with no cross examination allowed;
 - 3.8.2.3. The members of the Student Expulsion Hearing Committee will have the opportunity to ask questions of clarification from both parties;

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- 3.8.2.4. The Committee Chair shall then invite both the Administration to provide final concluding comments and the student, and their parents to provide their final concluding comments;
- 3.8.2.5. 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;
- 3.8.2.6. Should the Student Expulsion Hearing Committee require additional information, both parties will be requested to return in order to provide the requested information;
- 3.8.2.7. The Student Expulsion Hearing Committee will then request the parties to return and make a decision to either reinstate or expel the student. The committee may also determine:
 - 3.8.2.7.1. Any conditions respecting the circumstances in which the student may be enrolled in the same or a different education program;
 - 3.8.2.7.2. 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.
- 3.8.2.8. If parent/guardian or the student are not in attendance at the ruling, the Superintendent's Office or designate 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.
- 3.9. 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.
 - 3.9.1. 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:
 - 3.9.2. The length of the expulsion and any rules or conditions that apply to the student;
 - 3.9.3. 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
 - 3.9.4. The right to request a review of the decision by the Minister of Education and Childcare 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.

4. Review by Minister

- 4.1. 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 and Childcare if the appeal is regarding:
- 4.1.1. 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;
 - 4.1.2. The expulsion of a student;
 - 4.1.3. Access to, or the accuracy or completeness of student records, or
 - 4.1.4. 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