

# Public Schools Branch BOARD GOVERNANCE POLICY

<b>STUDENT APPEAL</b>	
<i>Policy Section</i> <b>Governance Process</b>	<i>Policy Number</i> <b>GP 11</b>
<i>Pages</i> <b>3</b>	<i>Approved Date</i> <b>June 20, 2017</b>
<i>Reviewed Date</i>	<i>Effective Date</i> <b>June 20, 2017</b>
<i>Replaces:</i> <b>PSB GP 11 Student Appeal - September 19, 2016</b>	

## 1. POLICY STATEMENT

- 1.1. The board strongly encourages parents/guardians and students to work together with their teachers, principal and the Public School Branch administration to resolve issues in an open and constructive manner. The board expects that prior to initiating the student appeal process, parents/guardians and students will attempt to resolve issues at the school and branch operational level in accordance with the *Concerns and Resolutions* operational procedure.

## 2. DEFINITIONS

- 2.1. Appellant - A parent/guardian or independent student who requests a student appeal hearing.
- 2.2. Board – Board of Directors for the Public Schools Branch.
- 2.3. Director – the person appointed as the chief operating officer of the Public Schools Branch.
- 2.4. Hearing Committee –The Hearing Committee will have the authority to make decisions related to student appeal matters. The membership of the Hearing Committee will be in accordance with the *Hearing Committee Terms of Reference – GP 8d*.
- 2.5. Independent Student – a student who is 18 years of age or older or 16 years of age or older and in the opinion of the director, is living independently of his or her parents or is party to an agreement under the section 13(2) of the *Child Protection Act*.

## 3. SCOPE

- 3.1. Student appeals are conducted in accordance with the *Education Act* and its regulations.
- 3.2. The board will appoint a Hearing Committee to act on behalf of the board in matters concerning student appeals.
- 3.3. This policy allows for an appeal on:
  - 3.3.1. A suspension of a student
  - 3.3.2. Conditions imposed on a student in accordance with section 51 of the *Education Act*;
  - 3.3.3. A decision of a Public Schools Branch employee that significantly affects the education, health or safety of a student.

3.4. Examples of decisions that may significantly affect the education, health or safety of a student include:

- 3.4.1. The transfer of a student from one school to another for discipline reasons;
- 3.4.2. The exclusion of a student from school for a health condition;
- 3.4.3. The PSB is required to provide schooling to a non-graduate up to the age of 20;
- 3.4.5. The placement of a student in an educational program. (This does not include preference for a classroom, teacher, or employee assignment, except in exceptional circumstances and which does not contravene a collective agreement.)

#### 4. MAKING AN APPEAL

- 4.1. A student appeal must be submitted to the Public Schools Branch using the *Request for Student Appeal* form.
- 4.2. The Chair of the Hearing Committee will provide notice of the appeal to the director of the Public Schools Branch.
- 4.3. An appeal shall be made in the name of a student. An independent student can appeal on his/her own behalf. A parent/guardian must initiate an appeal on behalf of a student, if the student is not an independent student.
- 4.4. A request for an appeal will not delay a suspension or any action resulting from a decision of a branch employee.
- 4.5. Decision Regarding a Student Suspension from School  
An appeal of a suspension must be made to the Chair of the Hearing Committee no later than 10 business days from the day the appellant received written notice of the suspension.
- 4.6. Decision Regarding Other Significant Matters  
An appeal of a branch employee's decision that significantly affects the education, health or safety of a student must be made to the Chair of the Hearing Committee no later than 10 business days from the day the appellant received verbal or written notice of the decision by the Director of the Public Schools Branch.

#### 5. APPEAL PROCEDURE

- 5.1. The appellant will receive confirmation upon the Hearing Committee's receipt of a request for an appeal.
- 5.2. The Hearing Committee shall hold a hearing, as soon as reasonably possible.
- 5.3. The appellant and the director, will be given written notice at least 10 days prior to the appeal hearing which will include the date, time and location of the appeal hearing.

#### 6. HEARING

- 6.1 An appeal hearing shall be held in-camera and closed to the public.
- 6.2 In accordance with section 8 of the *Student Regulations*, the Hearing Committee may determine its own procedures for holding a hearing.
- 6.3 Upon the conclusion of an appeal hearing, the Hearing Committee may
  - 6.3.1 Uphold, vary or terminate the suspension or conditions on a student; or
  - 6.3.2 Confirm the decision of the employee or substitute its own decision in place of the appealed decision.
- 6.4 The Hearing Committee shall give written reasons for its decision, within 10 days of the hearing, to the Board of Directors, Director of the Public Schools Branch, appellant and the person whose decision was appealed.
- 6.5 Records and information relating to a student appeal are confidential and must not be disclosed except in accordance with the *Education Act*, *Freedom of Information and Protection of Privacy Act*, and applicable Public Schools Branch policy.

6.6 The decision of the Hearing Committee is final and binding on the student and the student's parent and shall not be appealed.

**7. FORMS**

7.1. Request for Student Appeal

**8. CROSS REFERENCE**

8.1. *Student Appeal Committee Terms of Reference - GP 8d*

8.2. *Concerns and Resolutions Procedure 102.1*

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Monitoring Method: Board Inspection  
Monitoring Frequency: Annually