

DIVISION: Board**POLICY #: GOV-101****POLICY NAME**
STUDENT APPEALS

POLICY STATEMENT

The Newfoundland and Labrador English School Board recognizes that students and parents may sometimes disagree with decisions of the Board. Many student concerns can best be resolved through informal means at the school level, or by involving district staff. However, students and parents or caregivers have the right to formally appeal in writing to the Board a decision which significantly impacts them, in accordance with Section 22 of the *Schools Act, 1997*.

BACKGROUND

Student appeals are conducted in accordance with Section 22 of the *Schools Act, 1997* and are addressed in by-laws of the Board. This (interim) policy outlines the process of appealing a decision to the Board, pending finalization of the by-laws of the Newfoundland and Labrador English School Board.

SCOPE

This policy applies to any decision which significantly impacts a student attending a school under the jurisdiction of the Newfoundland and Labrador English School Board.

POLICY DIRECTIVES

- 1) A student appeal shall be made in the name of a student. If 19 years of age or older, a student can appeal on his/her own behalf. A parent or caregiver must initiate an appeal on behalf of a student, if the student is not 19 years of age.
- 2) All appeals must be submitted in writing and must be commenced within 15 days from the date the student or parent was informed of the decision being appealed.

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- 3) Every effort should be made to resolve an issue informally. The first step prior to launching a formal appeal should be for the student or parent to discuss the matter with the person who made the decision.
- 4) Appeals concerning the decision of:
 - a) A board employee in a school shall be made to the Principal;
 - b) A principal shall be made to the Director of Education;
 - c) The Director of Education shall be made to the Executive Committee of the Board.
- 5) The decision of a principal shall be communicated in writing within ten (10) days of receiving the appeal.
- 6) If the student or parent is not satisfied with the decision of the Principal, she or he is strongly encouraged to discuss the matter with the relevant Senior Education Officer for the family of schools, in a further attempt to resolve the issue prior to appealing the decision to the Director of Education.
- 7) At any step in the process the relevant Senior Education Officer or Assistant Director of Education may be involved in an attempt to mediate and resolve the issue.
- 8) If the student or parent is not satisfied with the decision at the school level, she or he can appeal to the Director of Education. All appeals to the Director of Education must be commenced within fifteen (15) days from the date that the student or parent was informed of the decision of the Principal. All formal appeals to the Director of Education must be submitted in writing to the Director's Office by the student or parent, using the NLESD Student Appeals Form.
- 9) The Director of Education shall provide a decision on the matter in writing within ten (10) days of receiving an appeal.
- 10) If the student or parent is not satisfied with the decision of the Director of Education, she or he can appeal the decision to the Board. All appeals to the Board must be commenced within fifteen (15) days from the date that the student or parent was informed of the decision of the Director of Education. Matters can be appealed to the Board by submitting to the Chair of the Board via the Office of the Director of Education:
 - a) A copy of the completed NLESD Student Appeals Form;

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- b) A copy of the decision of the Director of Education; and,
 - c) Any additional information the student or parent considers necessary.
- 11) The Executive Committee acts on behalf of the Board in all matters concerning student appeals.
- 12) The Executive Committee has two options available to it when it receives an appeal:
- a) It can review the written appeal and deny or uphold the appeal;
 - b) It can arrange for an appeals hearing on the matter.
- 13) If the Executive Committee makes a decision in response to a written appeal, the decision will be communicated in writing to the student or parent within ten (10) days of receipt of the appeal.
- 14) In the event that the Executive Committee determines that an appeals hearing is necessary, the appeal will be heard within seven (7) days of receipt of the written appeal, or at a time agreed to by mutual consent between the Executive Committee and the student or parent.
- 15) The Chair of the Board shall decide on questions of order for the hearing and ensure that a fair and equitable process is conducted.
- 16) At the appeals hearing the student or parent shall be provided with an opportunity to present information regarding the decision being appealed. She or he may be accompanied by another person, such as a friend or relative. She or he may also bring someone to act as a representative and speak on his/her behalf. If the student or parent plans to have someone act as a representative, the school board must be notified of this prior to the appeals hearing.
- 17) Hearings may be conducted in person or via electronic means such as video conference, as determined by the Executive Committee.
- 18) Appeals hearings shall be held in-camera and closed to the public.
- 19) Appeals decisions will not be communicated during the hearing.
- 20) Decisions will be provided in writing within five (5) days of an appeals hearing.

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21) Where a student has been expelled under Section 37 of the *Schools Act, 1997* a parent or student, if 19 years of age or older, may appeal the expulsion.

- a) The request to have the expulsion reviewed must be submitted in writing to the Board within fifteen (15) days of the effective date of the expulsion.
- b) Upon receiving such a request the Executive Committee of the Board shall investigate the circumstances of the expulsion and make an order upholding or reversing the decision of the Director to expel the student.

22) Decisions of the Executive Committee of the Board regarding student appeals are final.

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