



POLICY STATEMENT 344

SUBJECT: APPEALS PROCEDURE

AUTHORITY: Education Act, Section 42, Reg. 97-150 Education Act, 2001

EFFECTIVE: Nov. 12, 1998

RESPONSIBILITY: Principal, District Appeals Committee

REVISED: October 1, 2013

REFERENCE: Education Act, Section 24(a);
Section 54(3)a; Section 11(3);
Section 6(4) Pupil Transportation /
Discipline & Classroom
Management – 2002
The Appeals Process – 2004

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Statement:

The Superintendency, in agreement and in compliance with the N.B. Education Act and the departmental publication “A User’s Guide for the Appeal Process” (2004), supports the right of parents/guardians and mature students (19 years of age or older) to an open and fair appeal process of Superintendency, district or school decisions in the following five areas: suspension from classes, suspension from transportation, promotion, school placement and access to student records.

- 344.1 Under the Education Act, only a school Principal (or Vice-Principal where so authorized) or the Superintendent/designate may suspend a student for disciplinary reasons.
- 344.2 A parent or guardian must make the appeal for a student less than 19 years of age. A younger student may appeal if he or she is living independently from parent(s)/guardian(s). Students who are 19 years or older may appeal on their own behalf.
- 344.3 The Education Act, subsections 24(4), 11(3), 54(5), and the School Administration Regulation (97-150), sections 39-43 and the Pupil Transportation Regulation (2001-51), section 6 outline the appeal rights and procedures.
- a) The appeal process must be accessible, straightforward and fair.
 - b) Persons involved in an appeal process should be aware of the time limits prescribed by the Education Act and described in this guide.
 - c) The student, parent/guardian and educator may choose to talk to and get help from an advocate, a lawyer or other persons.
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- 344.4 Persons involved in an appeal process must ensure that all relevant information and documents about the pupil's suspension and basis for appeal are provided to the appeals committee and to each other. [School Administration Regulation (97-150), ss. 43(4)]
- 344.5 A school Appeals Committee is made up of a parent chosen from the list of names submitted by the Parent School Support Committee, a teacher and one other person, all of whom are appointed by the superintendent.
- 344.6 Anyone involved in an appeal or a family associate must not be a member of the school appeals committee. [School Administration Regulation (97-150), ss. 40(5)]
- 344.7 A district Appeals Committee may consist of the District Education Council (DEC) as a whole, three or more DEC members, or 3 persons appointed by the DEC in accordance with section 42 of Regulation 97-150 of the Education Act.
- 344.8 A person who makes a decision at one level of the appeal process should not be directly involved in the appeal process at another level.
- 344.9 The school Appeals Committee or district appeals committee should promptly let the student, parent(s)/guardian(s), and educators know of each step in the process and also provide them with the information necessary to respond fully.

An Appeal Checklist for the Person Making the Appeal

✓ Pre-Hearing Checklist

Contact the school or the district office to get copies of document(s) regarding your case, including documentation that applies to the decision being appealed. Gather any other documents that may help your case.

Review the appropriate section of the Education Act and Regulations in the appendices of this document.

Consider consulting another person for advice. This may include members of advocacy/support groups, a friend or a lawyer. If you wish, you may arrange for that person to go with you to your hearing.

Speak to persons who may be able to help your case. Find out whether they will:

- be witnesses at the appeal hearing,
- provide a statement in writing, or
- do both.

(Note: Anyone may refuse to be a witness.)

Meet with any representative(s) that you have invited for support before the hearing.

Meet with your witness(es) before the hearing.

Review documents before the hearing.

Write a summary of the facts and issues of your appeal.
 Note the desired outcome you would like to see.
 Describe the reasons for the desired outcome.

Be sure that you, your representative(s) and/or witness(es) know the time and location of the hearing.

NOTE: All parties are asked to sign a Declaration of Confidentiality of the appeal hearing.

✓ Hearing Checklist

Arrive at least 30 minutes prior to your hearing to allow both parties to discuss the documents.

Make your opening statements clearly and concisely. In point form, explain your reason(s) for appealing or responding. If you are presenting witnesses or documents, explain clearly how this evidence will help your case.

Present your documents and witness(es) in the same sequence as your arguments.

Be polite and clear when speaking and when questioning the other party or witness(es).

Summarize the points made in your opening statement and in your evidence - witness(es) and document(s).