



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:** September 1, 2004

REFERENCE: Education Act, Section 24(a); Section 54(3)a; Section 11(3); Section 6(4) Pupil Transportation / Discipline & Classroom Management – 2002 **PAGE:** 1 of 2
The Appeals Process – 2004

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.

- 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.