

**APPEAL PROCESS****Category:** Educational Services**Effective:** August 2013**Policy Statement**

The Education Act gives parents, guardians and independent students the right to appeal decisions made by educators in the public school system.

Decisions made by educators that the parent/guardian or student may appeal are:

- Suspension from attending school (*Education Act, paragraph 24(4)*)
- Suspension from transportation (*Pupil Transportation Regulation, subsection 6(4) of the Education Act*)
- Placement (*Education Act, subsection 11(3)*)
- Access to student records (*Education Act, subsection 54(5)*)

There is no right to appeal when the suspension(s) from attending school or from school bus transportation add up to 5 days or less during a school year. The parent/guardian of a pupil or an independent pupil may, where the pupil is suspended for more than 5 school days in a school year, appeal the most recent suspension from attendance at school or from school bus transportation. There is no right to appeal the suspension from extra-curricular activities.

Definitions

Appellant – the person/people making the appeal.

Respondent – the person/people defending the decision

Advocate – the person/people to speak on behalf of the appellant.

Procedures**Seeking a Resolution**

The Education Act allows parents, guardians and students to appeal decisions made by educators, but all concerned should make reasonable efforts to resolve the issue prior to an appeal. The school principal or district office personnel may help resolve issues. (*"A User's Guide for The Appeal Process"*, Department of Education January, 2004.)

If a resolution cannot be reached, the process for appeals is as follows:

- Requests for formal appeal are made to the Principal/Director of Schools within 10 teaching days of receiving the notice of the decision.
- Appeals for suspension from attending school or from school bus transportation will receive a school level and, pending the outcome, may also have a second level hearing called the District Level Appeal. This request goes to the Superintendent.
- Appeals regarding placement or access to records are at the District Level, or, pending the decision of the Superintendent, there may be a School Level hearing with right to a District Level hearing.

**APPEAL PROCESS****Category:** Educational Services**Effective:** August 2013**Process for School Level Appeals** (as per Appeals Handbook, pages 19-20)

When a request for an appeal is received, and it is determined that the appeal will be heard at the school level, the following will take place:

- The Director of Schools will appoint a Principal or Subject Coordinator to Chair the appeal.
- The Administrative Assistant to the Director of Schools, or other designated individual, will contact the School Principal, two members of the PSSC (Parent School Support Committee) and appellant. The date, time, and location of the appeal is determined and shared with all those involved at least 24 hours before. The Administrative Assistant invites either party to speak to the Chair regarding process.
- The Administrative Assistant to the Director of Schools, or other designated individual, gathers all information pertinent to the appeal from both appellant and respondent and prepares a package for the hearing. The Administrative Assistant provides a copy of the Appeals Handbook and the policy to the appellant.
- The information package should be available to either party 24 hours in advance of the appeal, if requested.
- The appellant/respondent will be asked to arrive thirty minutes in advance of the appeal to preview the package. (Pre-hearing checklist and hearing checklist attached.)

Those who will attend a School Level Appeal will include:

- Committee: Chair – Principal or Subject Coordinator
2 Parent School Support Committee Members
- Appellant
- Respondent(s)
- Administrative Assistant to record the proceedings (optional)
- Advocate(s) - Optional

All parties will be informed of the decision within 48 hours followed by a letter from the Chair of the School Level Appeal.

District Level Appeal (as per Appeals Handbook, pages 21-22)

If either the respondent (School) or the appellant (parent/guardian/student) are not satisfied with the decision of the School Level Appeal Committee, they may request another hearing at the District Level by writing to the Director of Schools no more than 5 teaching days after receiving the decision of the School Level Appeal Committee.

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The Administrative Assistant to the Director of Schools will inform all parties concerned regarding the appeal.

- The Appeal Committee will be comprised of two District Education Council Members, one who must be a parent of a student in the public school system.
- The information package will be the same as the one presented at the School Level Appeal. The only additions to the package will be the letter to the Appellant from the Chair of the School Level Appeal Committee and the letter requesting the District Level Appeal.

Those who will attend a District Level Appeal will include:

- Committee: Chair – Director of Schools
2 District Education Council Members
- Appellant
- Respondent(s)
- Administrative Assistant to record the proceedings (optional)
- Advocate(s) - optional

Any person or persons who deem his/her participation in either level of appeal to be in a conflict of interest should abstain from being involved.

Parents/guardians or independent students who believe that the appeal process was not conducted in a fair and proper manner may file a complaint in writing to the New Brunswick Ombudsman's Office.

Parents/guardians or independent students who find the decision of the District Appeals Committee unacceptable may make an Application for Judicial Review to the Court of Queen's Bench of New Brunswick. Any costs associated with this are the responsibility of the parent/guardian/independent student.

Reference

- New Brunswick [Education Act](#)
- [Department of Education - A User's Guide for The Appeal Process](#) 2004