

# NIPISSING-PARRY SOUND CATHOLIC DISTRICT SCHOOL BOARD

## APPEAL OF EXPULSION

AS 29.0  
Section I  
June 2014

### **OVERVIEW**

Pursuant to subsection 311.7(1) of the *Education Act* and Regulation 472/07 under the Act, an appeal of a Board's expulsion decision is to the Child and Family Services Review Board ("CFSRB") in accordance with the Rules of Procedure of the CFSRB, and Regulation 303/01 under the *Child and Family Services Act*.

### **WHO MAY APPEAL AN EXPULSION**

The following persons may appeal the Board's decision to expel a pupil, whether the pupil is expelled from his or her school only or from all schools of the Board, to the designated tribunal:

1. The pupil's parent or guardian, unless,
  - (i) the pupil is at least 18 years old, or
  - (ii) the pupil is 16 or 17 years old and has withdrawn from parental control.
2. The pupil, if,
  - (i) the pupil is at least 18 years old, or
  - (ii) the pupil is 16 or 17 years old and has withdrawn from parental control.
3. Such other persons as may be specified by the designated tribunal.

### **DESIGNATED TRIBUNAL**

The CFSRB is designated for the purposes of the definition of "designated tribunal" under the *Education Act* to hear appeals of board decisions to expel students.

### **NOTICE OF APPEAL**

1. To appeal the Board's decision to expel a pupil, a person who is entitled to appeal the decision shall give the CFSRB a written notice of appeal within 30 days after the date on which he or she is considered, in accordance with the rules set out in subsection 300 (3) of the *Education Act*, to have received the notice given under subsection 311.6 (1) of the Act.
2. The CFSRB may extend the period of time for giving the written notice of appeal, before or after the expiry of the period, if it is satisfied that there are reasonable grounds for the extension.

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3. The notice of appeal shall,
  - (a) set out the date of the decision that is being appealed;
  - (b) set out the name of the board that made the decision;
  - (c) state whether the decision expels the pupil from his or her school only or from all schools of the board; and
  - (d) be in a form acceptable to the CFSRB.
4. The CFSRB shall not refuse to deal with an appeal on the ground that there is a deficiency in the content or form of the notice of appeal.

### **PARTIES TO THE APPEAL**

The parties to the appeal are:

1. The Board.
2. The pupil, if,
  - (i) the pupil is at least 18 years old, or
  - (ii) the pupil is 16 or 17 years old and has withdrawn from parental control.
3. The pupil's parent or guardian, if the parent or guardian appealed the decision.
4. The person who appealed the decision to expel the pupil, if the decision was appealed by a person other than the pupil or the pupil's parent or guardian.

### **HEARING OF APPEAL**

1. The CFSRB shall commence a hearing within 30 days after receiving a written notice of appeal.
2. The CFSRB may extend the period of time for commencing the hearing, before or after the expiry of the period at the request of any party to the appeal.
3. A pupil whose expulsion is being appealed has the right to be present at the hearing and to make a statement on his or her own behalf, whether or not the pupil is a party to the appeal.
4. After hearing an appeal from a decision of a board, the CFSRB shall do one of the following:

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- (a) Confirm the Board's decision to expel the pupil.
  - (b) If the Board's decision was to expel the pupil from his or her school only, quash the expulsion and reinstate the pupil to the school.
  - (c) If the Board's decision was to expel the pupil from all schools of the Board,
    - (i) change the expulsion to an expulsion from the pupil's school only, or
    - (ii) quash the expulsion and reinstate the pupil to his or her school.
5. The CFSRB shall provide each party, or the party's counsel or agent, with,
- (a) its decision on the appeal within 10 days after completing the hearing; and
  - (b) written reasons for its decision within 30 days after completing the hearing.
6. If the CFSRB changes an expulsion from all schools of the Board to an expulsion from the pupil's school only or quashes an expulsion and reinstates the pupil to his or her school, it may order that any record of the expulsion of the pupil be expunged or amended if the designated tribunal considers it appropriate in the circumstances.

The practice of the CFSRB is to conduct a *trial de novo*, effectively a full re-hearing of the case. The decision of the CFSRB is final.