

APPEALS

Background

Staff members are expected to make every effort to resolve parental concerns in a collaborative, open and solution-focused manner. Concerns and complaints related to students are best resolved at the school level as close to the source of the concern or complaint as possible. Parents of students have the right to appeal decisions of Division employees if they believe that the decisions significantly affect the education of the student in accordance with Section 58.1, 92 and 93 of the *Education Act*.

Principals are responsible to the Assistant Superintendent, Learning Services for the administration of this administrative procedure.

Procedures

1. Programming Decisions
 - 1.1 All student programming decisions made by Division staff must be directed toward the best educational interests of students. Such decisions must be considered on the basis of impact of each decision on the overall population of students served and the availability of resources.
2. Exemptions from Instruction
 - 2.1 Parents wishing to exempt their child from taking part in any instruction or exercises that involve subject matter that deals primarily and explicitly with religion, human sexuality or sexual orientation, must provide the school with a written request.
 - 2.2 Teachers will honour the parent's request regarding how the student is to be exempted. The teacher will ensure the student does one of the following, as requested by the parent:
 - 2.1.1 Leave the classroom or area where the instruction is taking place, or
 - 2.1.2 Remain in the classroom or area where the instruction is taking place, but not participate in the instruction or use the instructional material.
 - 2.1.3 An appropriate alternative activity will be provided to the student for assessment purposes (if required).
3. Appeal Processes
 - 3.1 Parents are to be informed of their right to appeal a decision of any Division employee which is considered by the parent to significantly impact the education of the student, as per those areas outlined in Division Policy and the *Education Act* (Section 43).

At each stage of the of appeal process noted below, the aim is to achieve fair, just and timely dispute resolution in a collaborative manner that supports a co-operative and collaborative learning environment for students.

- 3.1.1 Full opportunity will be provided for both parties to provide information, discuss issues and state their positions and supporting arguments.
- 3.1.2 Parents shall have access to reports and other information about their child used to make the decision, pursuant to Administrative Procedure 320 – Student Records.
- 3.1.3 Parents have the right to be assisted by an advocate or resource person of their choosing to help in the preparation and presentation of their concerns. The responsibility for engaging and paying for such assistance rests with the parents

4. Appeal Stages and Timelines

4.1 Stage 1

- 4.1.1 If a parent is not satisfied with a decision made by a teacher or staff member, the parent may appeal to the Principal or Supervisor within fourteen (14) school days of the decision.
- 4.1.2 The appeal must be expressed in writing.
- 4.1.3 Such appeals must be responded to within seven (7) school days.

4.2 Stage 2

- 4.2.1 If a parent is not satisfied with a decision made by a Principal or Supervisor, the parent may appeal in writing to the Superintendent, or designate, within fourteen (14) school days of the decision.
- 4.2.2 Such appeals must be responded to within fourteen (14) school days of receiving the written notice of appeal.

4.3 Stage 3

- 4.3.1 If a parent is not satisfied with a decision made by the Superintendent, or designate, the parent may appeal in writing to the Board, within fourteen (14) school days of the decision.
- 4.3.2 Such appeals will only be made in accordance with decisions related to matters outlined in section 42 of the *Education Act*.
- 4.3.3 Such appeals must be responded to within fourteen (14) school days of receiving the written notice of appeal.

5. Board Appeal Hearings

- 5.1 Parents will be advised of the time and place of such a meeting.
- 5.2 Parents will also be advised of their rights to:
 - 5.2.1 Attend the meeting of the Board at which the appeal will be heard;
 - 5.2.2 Be assisted at their own expense by an advocate, lawyer or interpreter if they so wish; and

- 5.2.3 Present any information pertaining to the appeal, including expert medical, psychological and educational testimony.
- 6. The hearing protocol will be as outlined in Board Policy – *Appeals and Hearings Regarding Student Matters*.
 - 6.1 Parents will be informed of their right to refer their case to Alberta Education if they are not satisfied with the decision of the Board.
 - 6.2 For the purposes of this administrative procedure, a student, who is defined as an "independent student" pursuant to Sections 1(1) (n) and 6 of the *Education Act*, has the same rights and responsibilities as a parent.

Reference: Relevant Legislation & Guidelines