

## SCHOOL DISTRICT NO. 51 (BOUNDARY)

### P O L I C Y

SECTION	TITLE	NO. 1140
GOVERNANCE/COMMUNICATION	<u>Appeal Process</u>	

**DATE ADOPTED:** January 12, 1999

**DATE AMENDED:** May 13, 2008

Employee decisions relating to individual students should be carried out in accordance with principles of fairness. The appeal process should encourage all parties to disputes to understand the concerns of the other parties and make good faith efforts to resolve disputes to mutual satisfaction.

The Board of Education generally encourages complaints and disputes to be dealt with at the point closest to where the dispute first arises, pursuant to the Board's Avenues of Help process (see Board Policy 1130).

If an employee's decision is disputed or a complaint is made about an employee's decision, the dispute or complaint is not resolved to the satisfaction of the student or the parent of the student affected, and the decision significantly affects the education, health or safety of the student, the Board of Education recognizes the right of a student and/or his or her parents (including guardians and persons acting in place of parents) to appeal to the Board.

The Board also recognizes that employee decisions that do not significantly affect the education, health or safety of a student are within the final authority of the Superintendent as the Board's chief education officer.

"Decision" includes a failure to make a decision.

"Parent" is as defined in the *School Act*, and includes a guardian.

Appeals to the Board of Education are to be carried out in accordance with principles of fairness, including:

1. The appeal process should be accessible to parents and students. Information about the appeal process and relevant policies should be readily accessible to all, including employees, students and parents. Reasonable accommodation should be provided where necessary to allow parents or students to make use of the appeal process.
2. Appellants are entitled to receive the same written and oral information to be used in the appeal as is provided to the Board by administration and to have an opportunity to respond to it.

3. The Board accepts its responsibility to exercise its independent judgment when hearing appeals. In particular, a board officer who has participated in making the decision being appealed, who has attempted to mediate it or who has investigated it shall not assist the Board of Education with its deliberations on the appeal.
4. A student or parent shall not be subjected to retribution by the Board, its officers or employees because an appeal has been made.

Appeal procedures shall be established by bylaw and shall be applied in accordance with the above principles.

The Board recognizes that whether a decision significantly affects a student's education, health or safety is a matter for individual consideration. The following will normally be considered to be matters that significantly affect a student's education, health or safety:

- Expulsions or suspensions from an educational program;
- Disciplinary measures that require a student to complete all or part of an educational program by distributed learning if the program, space and facilities exist in the district in a non-distributed learning format;
- Denial of a request for an individual education program;
- Failure to consult with regard to a student's individual education program;
- A parent or student is not consulted with on the placement of a student with special needs in an educational program, or the preparation of the student's IEP;
- A complaint by a student or parent related to intimidation/bullying/harassment/threat or violence;
- The exclusion of a student from school due to risks to the health or welfare of other students.

Decisions made on appeal do not set a precedence and are not binding on future decision-makers.

In considering appeals of employee decisions, the Board shall consider:

- Whether the decision appealed is in accordance with legislation, board policies and procedures;
- Whether the decision appealed was reached through a process that was fair to the student and after consideration of relevant information;
- Whether the evidence presented to the Board supports the decision or calls it into question;
- Whether the decision is reasonable in the circumstances; and
- Whether there are special circumstances that would warrant making an exception to a board policy.