
HORIZON SCHOOL DIVISION

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| Policy Code: | IFH |
| Policy Title: | Formal Parent/Student Appeals and Dispute Resolution |
| Cross Reference: | IGD, HGB |
| Legal Reference: | Education Act 41, 42, 43 |
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POLICY HANDBOOK**POLICY**

THE BOARD OF TRUSTEES OF HORIZON SCHOOL DIVISION RECOGNIZES THAT A FORMAL PROCESS MUST BE IN PLACE PERMITTING PARENTS (AS DEFINED IN THE EDUCATION ACT) AND STUDENTS (SIXTEEN YEARS OF AGE OR OLDER) A METHOD OF APPEAL THAT RESPECTS THE RESOLUTION OF DISPUTES OR CONCERNS AT THE SCHOOL LEVEL BETWEEN PARENTS AND SCHOOL STAFF AND SUPPORTS A CO-OPERATIVE AND COLLABORATIVE LEARNING ENVIRONMENT FOR STUDENTS.

GUIDELINES

1. Where a decision of an employee of the Board, or failure to make a decision, significantly affects the education of a student, or of a child enrolled in an early childhood services program then either (a) the parent of the student, and/or (b) the student, if 16 years of age or older, may within a reasonable time, from the date that the parent or student was informed of the decision as prescribed by regulation, appeal that decision to the next administrative level if they have followed the dispute resolution steps within this policy. For the sake of this policy, the levels shall be:
 - 1.1. Teacher (who made the decision)
 - 1.2. Principal
 - 1.3. Superintendent
 - 1.4. School Board (for acts, things, or exercises that the Board has not delegated the power to make such decisions to the Superintendent)
2. The Board may establish one or more committees for the purposes of carrying out the Board's responsibility under this policy.
3. A Board may make any decision that it considers appropriate in respect of the matter that is appealed to it under this section.
4. Under Section 43 of the Education Act, the only matters on which the Minister of Education will consider appeals are:
 - 4.1. the provision of specialized supports and services to a student in accordance with section 11(4) of the Education Act or to a child enrolled in an early childhood services program
 - 4.2. the expulsion of a student

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- 4.3. which Board is responsible for the student or child enrolled in an early childhood services program
- 4.4. access to or accuracy or completeness of a student record
5. The parties at each level are encouraged to resolve the matter informally at that level prior to proceeding to a formal appeal.
6. The party receiving the appeal shall be certain the appeal is at the appropriate level and that the decision has been mutually discussed and understood by both parties before initiating formal appeal

REGULATIONS

1. Every decision must be directed toward the educational interests of the student and must consider the impact of the decision on the total population of students served and the availability of resources.
2. In the event that a decision of a teacher is appealed, the first step is for the teacher who made the decision to convene a formal meeting that includes all of the parties to the decision. The purpose of the meeting is to examine and clarify all of the aspects of the decision, and attempt, through a negotiation process, to reach a conclusion that is satisfactory to the parties.
3. Should a satisfactory resolution not be attainable, the employee to whom the appeal is directed shall, within two work days following the conclusion of the negotiation process:
 - 3.1. confirm, amend, or withdraw the decision; and
 - 3.2. inform the appellant of the decision, the right to further appeal, and to whom the appeal should be made.
4. If, after the first appeal, the decision remains unacceptable to the appellant, the appellant may appeal to the next level in the organization (typically the principal). The appeal must be lodged within five workdays of receiving the results of the last appeal. The person to whom the appeal is made shall, after consulting (where possible) with the original decision-maker and the appellant:
 - 4.1. support, amend, or overturn the decision;
 - 4.2. provide the appellant and the original decision-maker with the decision within five work days of receiving the appeal, and
 - 4.3. notify the appellant of the right to further appeal, and to whom the appeal should be made.
5. Appeals to the Superintendent must be lodged in writing within ten workdays of receiving the results of the last appeal.
 - 5.1. The last decision-maker must present, in writing to the Superintendent, the history of the

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appeal to date and his/her reasons for the decision taken.

- 5.2. The Superintendent shall, after consulting (where possible) with the original decision-maker and the appellant:
 - 5.2.1. support, amend, or overturn the decision;
 - 5.2.2. provide the appellant and the original decision-maker with the decision within ten work days of receiving the appeal, and
 - 5.2.3. notify the appellant of the right to Board appeal, if applicable.

6. Some decisions of the Superintendent may be appealed to the Board.

6.1. A notice of appeal to the Board shall be submitted in writing by the appellant, to the attention of the Secretary-Treasurer, within ten workdays of receiving the results of the last appeal and briefly set forth the reasons for the appeal.

6.2. Appeals will be heard by the Board at a regular Board meeting, whenever possible, which allows the appellant and the Superintendent, or designate, whose decision is being appealed, sufficient notice and time to prepare for the presentation.

6.3. The Secretary-Treasurer, upon receipt of a Notice of Appeal to the Board, will:

6.3.1. advise the Superintendent or designate of the request for a hearing;

6.3.2. schedule the hearing

6.3.3. advise the appellant of the following:

6.3.3.1. date, time and place of the hearing;

6.3.3.2. the right to have a resource person(s) present;

6.3.3.3. the right to examine the student’s school cumulative record, upon request, prior to the hearing, if applicable;

6.3.3.4. the right to present any information pertaining to the appeal, including expert medical, psychological and educational testimony;

6.3.3.5. the opportunity to decide whether or not the student will be present at the appeal hearing during the presentation of evidence, if applicable;

6.3.3.6. the expectation, if applicable, that matters under appeal must be specific to the student represented by the appellant unless authorized, in writing, by the other individuals to speak on their behalf; and

6.4. Parents, when appealing a decision to the Board, have the right to be assisted by a resource person(s) of their choosing. The responsibility for engaging and paying for such assistance rests with the parents. Witnesses may make representations on behalf of the district administration.

6.5. The Superintendent will supply the Board, in writing, with his/her decision with regard to the appeal and any other material deemed pertinent. The Board may request the parent and/or the student, and any employees who have made decisions on the matter under appeal, to appear before it to present their positions.

6.6. The matter would normally be discussed in the committee of the whole before being acted upon by the Board.

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- 6.7. The Board reserves the right to make its decision at a subsequent Board meeting. The parties to the appeal will be advised when the decision will be made. The Board decision will be made in open session.
- 6.8. After the Board has made its decision, the appellant and each person to whom an appeal has been made must be informed of the decision in writing forthwith. The appellant will be informed that the decision of the Board is final, except in regard to those matters listed in Section 43 of the Education Act,
 - 6.8.1. With respect to the exceptions listed in Section 43 of the Education Act, a person may request, in writing, that the Minister of Education review decisions of the Board.
7. The appeal hearing will be conducted in accordance with the following guidelines:
 - 7.1. The Board Chair will outline the purpose of the hearing, which is to provide:
 - 7.1.1. an opportunity for the parties to make representation in support of their respective positions to the Board. This information may include expert medical, psychological and educational data and may be presented by witnesses;
 - 7.1.2. the Board with the means to receive information and to review the facts of the dispute; and
 - 7.1.3. a process through which the Board can reach a fair and impartial decision.
 - 7.2. Minutes of the proceedings will be recorded for the purpose of the Board’s records.
 - 7.3. The Superintendent, who made the decision under appeal will explain the decision and give reasons for the decision.
 - 7.4. The appellant will present the appeal and the reasons for the appeal and will have an opportunity to respond to information provided by administration.
 - 7.5. Administration will have an opportunity to respond to information presented by the appellant.
 - 7.6. Board members will have the opportunity to ask questions of clarification from both parties.
 - 7.7. The parties to the appeal will not have the right to cross-examine each other or any witnesses who may be called.
 - 7.8. The Board will meet without the respective parties to the appeal in attendance to arrive at a decision regarding the appeal. The Board may have legal counsel in attendance.
 - 7.9. If the Board requires additional information or clarification in order to make its decision, both parties to the appeal will be requested to return to the hearing for the required additional information.
 - 7.10. The Board decision and the reasons for that decision will be communicated to the appellant by telephone and confirmed in writing following the hearing, with a copy provided to the Superintendent.