

APPEALS

Background

The Education Act provides that a parent or the student (over the age of 16) may request in writing that the Minister of Education review a Board's decision in the following matters:

- the provision of specialized supports and services to a student in accordance with section 11(4) or to a child enrolled in an early childhood services program;
- the expulsion of a student;
- a dispute as to which board is responsible for a student; or
- a dispute regarding access to or the accuracy or completeness of a student record.

Procedures

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 the *Education Act*.

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

1. Appeal Processes

- 1.1 Parents who wish to appeal a decision that significantly impacts the education of the student, as per those areas outlined in [Division Policy 11 - Appeals and Hearings Regarding Student Matters](#).

The 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.

- 1.1.1 Full opportunity will be provided for both parties to provide information, discuss issues and state their positions and supporting arguments.
- 1.1.2 Parents shall have access to reports and other information about their child used to make the decision, pursuant to [Administrative Procedure 320 – Student Records](#).

- 1.1.3 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.

2. Appeal Timeline

- 2.1.1 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.
- 2.1.2 Such appeals will only be made in accordance with decisions related to matters outlined in the *Education Act*.
- 2.1.3 Such appeals must be responded to within fourteen (14) school days of receiving the written notice of appeal.

3. Board Appeal Hearings

- 3.1 Parents will be advised of the time and place of such a meeting.
- 3.2 Parents will also be advised of their rights to:
 - 3.2.1 Attend the meeting of the Board at which the appeal will be heard;
 - 3.2.2 Be assisted at their own expense by an advocate, lawyer or interpreter if they so wish; and
 - 3.2.3 Present any information pertaining to the appeal, including expert medical, psychological and educational testimony.

4. The hearing protocol will be as outlined in [Board Policy 11 – Appeals and Hearings Regarding Student Matters.](#)

- 4.1 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.
- 4.2 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