

DATE: February 6, 2024

TO: Board of Trustees

FROM: Trustee Marcia Hole, Policy Review Committee
Trustee Jan Sawyer, Policy Review Committee
Trustee Saadiq Sumar, Chair, Policy Review Committee

SUBJECT: Second, third and final reading of Board Policy AB.BP Dispute Resolution and Appeals

ORIGINATOR: Karen Mills, Director Board and Superintendent Relations

RESOURCE STAFF: Naimo Bille, Grace Garcia Cooke, Kelsey Duebel, Nancy Petersen, Wanas Radwan

REFERENCE: [Trustees Handbook](#) Section 5.4 – Caucus Committee
[Board Policy CH.BP – Framework for Policy Development and Review](#)

ISSUE

The Policy Review Committee (PRC) is presenting Board Policy AB.BP Dispute Resolution and Appeals to the Board of Trustees (the Board) for second, third and final reading at public Board.

BACKGROUND

The *Education Act* directs the Board to establish a “policy respecting the resolution of disputes or concerns at the school level, between parents and school staff that supports a cooperative and collaborative learning environment for students.”

To align with the requirements and direction in the *Education Act* and current practices in the Division, the updated Board Policy AB.BP Appeals, which includes the development of a dispute resolution policy, has been drafted to provide greater clarity for students, parents and staff regarding:

- Principles and values to guide dispute resolution and appeals processes.
- Parameters and expectations for dispute resolution and appeals processes.
- Authority for final decisions on appeals.

RELATED FACTS

- At the October 10, 2023, public Board Meeting, the Board completed the first reading of Board Policy AB.BP Dispute Resolution and Appeals and approved the draft policy for stakeholder feedback.
- An online public survey was open from October 16, 2023, to November 12, 2023, to collect feedback from stakeholders on the first draft of the policy. A total of 65 individuals completed the entire survey. The majority of survey respondents were EPSB parents/guardians (approximately 77 per cent), while the rest were EPSB students (approximately 12 per cent), staff members (approximately 9 per cent), and community members (approximately 2 per cent).
- A summary of the survey results, both quantitative and qualitative, was provided to the PRC for review on December 7, 2023.
 - Respondents’ feedback around clarity of definitions and policy sections ranged from 65-90 per

- cent confirmation of clarity, depending on the definition or policy section.
- Minimal feedback was received through the open-ended responses (a range of five to sixteen responses for each question).
- As a result of the feedback shared from the survey, changes have been made to the policy to support increased clarity. These changes include:
 - Refining the definition for the term “Appeal,” resulting in a shift towards plain language.
 - Including the term “guardian” wherever the term “parent” is mentioned throughout the policy.

RECOMMENDATION

1. **That Board Policy AB.BP Dispute Resolution and Appeals be read for a second, third and final time and be approved.**

OPTIONS

Based on the information provided in this report, the following options are considered most appropriate:

1. Support the recommendation to approve Board Policy AB.BP Dispute Resolution and Appeals.
2. Complete the second reading of the policy and direct the PRC to adopt revisions to the policy prior to a third and final reading.

CONSIDERATIONS and ANALYSIS

The proposed revisions will support alignment with relevant legislations set out in the *Education Act* and current practices used by the Division. The draft policy has been informed by the work of Division subject matter experts and stakeholder engagement.

In the PRC’s work plan, the intended timeline to have this policy work completed is the 2023-2024 school year. Approval to move forward with this policy will align with this timeline.

NEXT STEPS

Upon approval of the recommendation, the updated policy will be posted to the Division website and the Superintendent of Schools will oversee necessary steps to support the implementation of the updated policy.

ATTACHMENTS and APPENDICES

ATTACHMENT I Draft Board Policy AB.BP Dispute Resolution and Appeals

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CODE: AB.BP**EFFECTIVE DATE:** (11-09-2001)**TOPIC:** Dispute Resolution and Appeals**ISSUE DATE:** (29-01-2020)**REVIEW YEAR:** (2008)

PURPOSE

To outline the Board of Trustees' (the Board) expectation for how Division staff, parents/guardians and students work to resolve school-level disputes and appeals in a manner that supports a cooperative and collaborative learning environment and aligns with the requirements of the *Education Act*.

DEFINITIONS

Appeal refers to the process used to reconsider a school-level decision by a Division staff member after the dispute resolution process has been used and no resolution has been reached.

Dispute Resolution refers to the process used to address concerns and complaints at the school level.

Operational Day refers to a day when teachers have duties assigned by the Board. Operational days include instructional days (when students receive instruction) and non-instructional days (when students are not receiving instruction). The school year typically begins with an operational day and ends with an operational day.

POLICY

The Board recognizes and supports the right of parents/guardians and students to raise disputes to employees of the Board.

The Board expects that dispute resolution and appeals:

- Are approached in a respectful manner that upholds the integrity of the education system and has the intent for resolution.
- Are addressed openly and collaboratively to facilitate cooperation and understanding among involved parties.
- Treat all parties fairly and ethically, in alignment with the Division's cornerstone values of accountability, equity, collaboration and integrity.
- Are supported through clear and accessible administrative procedures.

The Division's dispute resolution and appeals processes will be used for school-level issues and staff decisions not already addressed through separate processes outlined in other board policies, administrative regulations, procedures and guiding documents.

A dispute must be handled in a confidential manner, in accordance with the *Alberta Freedom of Information and Protection of Privacy Act*.

A. DISPUTE RESOLUTION

1. Disputes must be first raised to staff directly involved in the issue or decision in question. If a dispute is raised with a Trustee or staff member not directly involved in the issue, the dispute will be referred to the staff member who is directly involved.
2. If a resolution is not reached at the school level and the dispute is eligible for appeal, the dispute may be appealed to the Superintendent of Schools, in accordance with Section B of this policy.

B. APPEALS

1. In alignment with Section 42 of the *Education Act*,
 - A parent/guardian of a student or child and
 - In the case of the student who is 16 years of age or older, either a parent/guardian of the student or the student,may appeal a decision made by an employee of the Board within 30 operational days from when the parent/guardian or student was informed of the decision.

A parent/guardian or student over the age of 16 must follow the Division's dispute resolution process prior to appealing a decision.

Only the following decisions are eligible for appeal:

- a. Decisions that significantly affect the education of a student or of a child enrolled in a Division early childhood education program.
 - b. Decisions respecting access to, accuracy or completeness of a student record, which may only be appealed by a person who may review a student record as per Section 56 of the *Education Act*.
 - c. The Division's failure to make a decision respecting 1(a) and/or 1(b).
2. With respect to Section B(1)(a), decisions that are subject to appeal include, but are not limited to:
 - a. Provision of and access to specialized supports and services.
 - b. Access to enrolment at a particular school or program.
 - c. Eligibility for and access to transportation services.
 3. Decisions not subject to appeal, include, but are not limited to:
 - a. Student academic assessment and performance.
 - b. Student suspensions and expulsions.

- c. Teaching and learning resources.
 - d. Human resources matters.
 - e. Trustee conduct and Board governance matters.
4. The Board delegates authority to the Superintendent of Schools to determine whether a specific employee decision is subject to appeal, in accordance with this policy.
 5. Subject to Section 52 of the *Education Act*, the Board delegates authority for review and final decision on appeals to the Superintendent of Schools. This delegation of authority to the Superintendent of Schools includes the right to sub-delegate authority and responsibility to a designate(s). Superintendent/designate decisions on appeals are not subject to further appeal.
 6. In alignment with Section 43 of the *Education Act*,
 - A parent/guardian of a student or child and
 - In the case of a student who is 16 years of age or older, either a parent/guardian of the student or the student,who is affected by a decision may request that the Minister of Education review the decision if it relates to:
 - a. 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 a Division early childhood services program.
 - b. The expulsion of a student.

A person who may review a student record under Section 56 of the *Education Act* may request that the Minister review a decision respecting access to, accuracy or completeness of the student record.

ACCOUNTABILITY

The Superintendent of Schools will be responsible for implementing this policy through appropriate regulations and communication with Division stakeholders, including staff, students and parents/guardians.

REFERENCES

AB.AR Appeal Processes
CHA.BP Board Delegation of Authority
DEA.AR Transportation Services
Education Act Sections 42, 43, 52
FA.BP Human Resources Framework
FBCA.AR Respectful Working Environments
FBCB.AR Division Staff Code of Conduct
FBM.AR Grievance Process
GI.AR Teaching and Learning Resources

GK.BP Student Assessment, Achievement and Growth
GKB.AR Standards for Evaluation
HA.BP Inclusive Education
HA.AR Students in Need of Specialized Supports and Services
HB.AR Student Placement
HC.BP Resident Student Enrolment
HC.AR Student Admission and Enrolment
HEC.BP Non-resident Student Admission and Enrolment
HED.BP Student Attendance
HED.AR Student Attendance
HG.BP Student Behaviour and Conduct
HG.AR Student Behaviour and Conduct
HGD.BP Student Suspension and Expulsion
HGD.AR Student Suspension and Expulsion
HO.AR Student Records
IAB.BP Comments, Delegations and Presentations at Board Meetings by Public and Staff Representatives
Trustees' Handbook