

**DATE:** October 10, 2023

**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:** Board Policy AB.BP 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](#)

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## ISSUE

The Policy Review Committee (PRC) has reviewed Board Policy AB.BP Appeals and is presenting the updated policy to the Board of Trustees (the Board) for first reading.

## 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.”

Currently, Board Policy AB.BP Appeals outlines the Board’s expectations for school-level appeal procedures. 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

- Updates to Board Policy AB.BP Appeals have been informed by PRC meetings in the 2021-2022 and 2022-2023 school years. The PRC completed a final review of the draft Board Policy AB.BP Dispute Resolution and Appeals on September 5, 2023.
- As part of the review process, an environmental scan was conducted to inform decisions related to the scope of this policy (i.e., identifying disputes that can be addressed using this policy and identifying disputes that are eligible for appeal). This scan included a review of relevant legislation and existing board policies and administrative regulations.
  - The *Education Act* provides direction on school authority responsibilities relevant to school-level dispute resolution and appeals. In alignment with these expectations, Board Policy AB.BP Appeals has been updated to:
    - State the principles and values that guide dispute resolution and appeals.

- Convey the scope of the policy and confidentiality requirements.
- Outline the parameters and expectations for dispute resolution and appeals.
- Provide clarity regarding authority for final decisions on appeals.
- Updates to each of these areas were reviewed and confirmed by General Counsel.
- Revisions to this policy also include:
  - Changes to the title of the policy to reflect dispute resolution (i.e., AB.BP Appeals is changed to AB.BP Dispute Resolution and Appeals).
  - The addition of relevant definitions (i.e., “Appeal,” “Dispute Resolution” and “Operational Day”).
- Given the specific role of the policy to set direction within the parameters of legislation, the ability for public engagement to authentically inform significant changes to the policy is limited.
  - Engagement will focus on collecting stakeholder input around the clarity and accessibility of language.
  - Public engagement will occur through an online public survey that will be open for four weeks following the policy’s first reading at the public Board meeting on October 10, 2023.

## RECOMMENDATION

1. **That Board Policy AB.BP Dispute Resolution and Appeals be read for the first time and be approved for stakeholder feedback.**

## OPTIONS

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

1. Approve first reading of the policy.
2. Provide the PRC with feedback to inform revision of the document to support approval of first reading at an upcoming Board meeting.

## CONSIDERATIONS and ANALYSIS

The proposed Draft Board Policy AB.BP Dispute Resolution and Appeals supports clarity and alignment with the *Education Act*, and reflects Board values and current practices in place to resolve school-level disputes and appeals.

The PRC’s 2023-2024 work plan includes a review of Board Policy AB.BP Appeals. Approval to move forward with the draft of this policy will align with this timeline.

## NEXT STEPS

Upon approval of the recommendation, the draft policy and a public survey will be posted to the Division website for four weeks to gather stakeholder feedback.

## ATTACHMENTS and APPENDICES

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

SS:wr

**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 an employee of the Board 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 of a student or child and
  - In the case of the student who is 16 years of age or older, either a parent 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 or student was informed of the decision.

A parent 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 of a student or child and
    - In the case of a student who is 16 years of age or older, either a parent 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  
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*  
*Education Act Sections 42, 43, 52*