

CODE: AB.BP**EFFECTIVE DATE:** (11-09-2001)**TOPIC:** Dispute Resolution and Appeals**ISSUE DATE:** (06-02-2024)**REVIEW YEAR:** (2031)

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 *Access to Information Act* and the *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
Trustees' Handbook
Access to Information Act
Protection of Privacy Act