

## STUDENT APPEAL PROCEDURES

### Background

The Division believes that decisions regarding the education of a student should be made normally at the level closest to the student. In the event that disputes and concerns regarding the impact of decisions on students arise, parents and students are advised that the Division's Dispute Resolution Process, Request for Review (AP 152) must be followed prior to appealing a decision that impacts a student at the school level.

### Procedures

1. If satisfactory resolution through the application of the division's Dispute Resolution Process, Request for Review administrative procedure is not achieved, the parent/guardian or independent student is to be advised by the principal or supervisor of his/her right to appeal to the Superintendent.
2. Excepting for a student suspension in excess of five (5) school days (Section 37 *Education Act*), an appeal request must be made in writing to the Superintendent within thirty (10) calendar days of receipt of notification of the right to appeal.
3. Upon receipt of the written request for an appeal, the Superintendent will convene a review process as soon as practically possible, but no later than fifteen (15) calendar days from receipt of the written notice of appeal. The Superintendent may, at the Superintendent's discretion, direct that the appeal review will first be heard and decided by another central office employee with a connection or expertise on the matter under appeal (Level 1); in which case, if requested in writing within (15) calendar days of the Level 1 decision, there shall be a further right of appeal to the Superintendent (Level 2).
4. The Superintendent (Level 2) or, if applicable, the central office employee (Level 1) will advise the parent/guardian or independent student (in writing) of:
  - 4.1. The date, time and location of the appeal review;
  - 4.2. His/Her right to be accompanied by an advocate, and/or lawyer, and/or interpreter (at his/her own expense);
  - 4.3. His/Her right to present witnesses and offer evidence to support the appeal.
5. The Superintendent (Level 2) or, if applicable, the central office employee (Level 1) shall:
  - 5.1. Establish a process for a hearing review;

- 5.2. Call any expert resources required to assist with the deliberation;
  - 5.3. Maintain and distribute minutes of meetings;
  - 5.4. Render a decision on the appeal.
6. The Superintendent (Level 2) or, if applicable, the central office employee (Level 1) will inform the parent/guardian or independent student in writing of the decision within fifteen (15) calendar days of hearing the appeal.
  7. If a parent or student is not satisfied with a decision made by the Superintendent or designate, and if the decision significantly affects the education of a student or a child, the parent may appeal the decision in writing to the Board as outlined in Board Policy 13 within ten (10) school days of communication of the request for review decision by the Superintendent or designate.
  8. The appeal to the Board must be made within 10 days from the date that the individual was informed of the Superintendent's decision. The appeal must be filed in writing and must contain the name of the party filing the appeal, the date, the matter at hand, and the reason for the appeal.

Reference: Sections 32, 33(j), 33(m), 37, 41, 42(3), *Education Act*

Cross Reference: Policy 13 – Appeals and Hearings Regarding Student Matters

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