

---

## **POLICY IFA –Appeals Concerning Student Matters**

**The Board recognizes that, in accordance with section 42 of the *Education Act*, parents of a student, or students who are 16 years of age or older, have/has the right to appeal the decision of a Division employee if that decision significantly affects the education of the student.**

**The Board delegates to its Student Matters Appeals Committee the responsibility for acting on its behalf in relation to an appeal affecting the education of a student as described in section 42 of the *Education Act*.**

### **DEFINITIONS**

For this policy, ‘Committee’ means the Student Matters Appeals Committee of the Board.

### **GUIDELINES & PROCEDURES**

1. Students who are 16 years of age or older, have the same rights and responsibilities as parents, as per the *Education Act*.
2. Every decision must:
  - a) be directed toward the educational interests of the student,
  - b) consider the impact of the decision on the total population of students served, and
  - c) consider the availability of resources.
3. The decision of the Superintendent is the final decision of the administration.
4. Parents have the right to appeal a decision of the Superintendent to the Board. The appeal will be heard by the Committee.
5. Appeal procedures shall ensure full opportunity for the parties:
  - a) to add information,
  - b) to discuss the issues, and
  - c) to state their positions and supporting arguments.
6. At any of the various steps in the process, parents shall have access to view reports and other information about their child, which were used to make the decision, pursuant to the policy, regulation governing student records and the *Freedom of Information and Protection of Privacy Act*.
7. Parents, when appealing a decision to the Board, 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. It is the parents’ responsibility for engaging and paying for such assistance.
8. Decisions shall be made without undue delay.

9. If the parent is not satisfied with a decision made by a teacher, the parent may appeal to the Principal of the school.

It is expected that the parents will have discussed the teacher's decision with the teacher prior to contacting the Principal.

The Principal may request that the parents' appeal be expressed in writing.

10. If the parent is not satisfied with the decision made by a Principal the parent may request that the decision be referred to the Superintendent, who will review the circumstances, and decide whether to uphold or change the decision.

The Superintendent may request that such an appeal be expressed in writing.

11. If not satisfied with the decision made by the Superintendent, the parent may appeal the decision to the Committee.

Such an appeal must be in writing, and will be heard at a closed meeting of the Committee.

12. The Committee will advise the parent of the time and place of such a meeting and of the parent's right:

- a) to attend the meeting of the Committee at which the appeal will be heard and to have an interpreter, an advocate, or a lawyer present;
- b) to present any information pertaining to the appeal, including expert medical, psychological and educational testimony.

13. The Committee will hear all arguments and information presented by or on behalf of the parent and all arguments and information presented by the Superintendent or his/her designates.

14. Following the hearing, the Committee will meet to arrive at a decision regarding the appeal. The decision may contain conditions established by the Committee.

15. The Committee will inform the parent, in writing, of the Board's decision.

## **REFERENCES**

### **Cross References:** links to

*Policy BCE - Board Committees*

*Policy IGD Student Suspension/Expulsion*

*Policy IFCI Drug and Alcohol Use by Students*

### **Legal Reference:**

[Education Act](#) Section 37 & 42

[Student Records Regulation](#)

[Freedom of Information and Protection of Privacy Act](#)

**BM#:** 005-97; 151-05; 20171026.1005; 20180426.1010; BM20201022.1007

**Next Review:** 2023/2024