

390 APPEALS CONCERNING STUDENT MATTERS

In accordance with the principles of fundamental justice, due process and section 42 of the Education Act, the Division provides for an appeal process for parents and for students over the age of sixteen (16) years to review any decision of any staff member that significantly affects the education of the student concerned.

To ensure that student evaluation procedures followed in a school have been fair, a student shall have the right to appeal their final standings and their promotion or retention in any subject or grade. The right of appeal may be exercised by parent or guardian acting on a student's behalf.

Effective communication to a parent and/or a student sixteen (16) years of age or older regarding the right to appeal and the appeal process is essential.

Procedures

1. The levels and direction in which appeals proceed under this Administrative Procedure are from:
 - a. Student and/or parent(s); to
 - b. Teacher; to
 - c. Principal, to
 - d. Superintendent.
2. If the decision of the Superintendent significantly affects the education of a student, it may be appealed to the Board under Policy 12: Appeals Regarding Student Matters.
3. In accordance with section 42 of the Education Act, decisions with respect to the following, may be appealed in writing to the Minister of Education:
 - a. The placement of a student in a special education program;
 - b. The language of instruction;
 - c. The expulsion of a student;
 - d. The amount and payment of fees or costs; or,
 - e. The access to or the accuracy or completeness of student records.

4. In accordance with section 18.2 of The Education Act, decisions with respect to student exclusion from controversial issues in the classroom may be appealed.
5. An appeal must be filed in writing to the appropriate level of administration within the limits set out in Administrative Procedures AP 206 Teaching About Controversial Issues, AP 350 Student Discipline, Suspension and Expulsion, AP 370 Assessment and Evaluation of Students (pending), Sections 3, 7, 17, 20 of The Education Act and Regulations 95/2019 and 97/2019.
6. In areas where appeals are presented and for which no time limits are specified, appeals must be filed in writing within ten (10) days of the time the original decision was made.
7. Student Grading and Placement Appeals
 - a. Appeals at the School level:
 - i. Students shall, through the School Handbook or other means, be acquainted with the appeal procedure available to them.
 - ii. Any student may be represented by their parents or legal guardian or legal counsel.
 - iii. Students wishing to appeal their final standing and/or promotion or retention should first approach the teacher concerned and request a review. The teacher should discuss their progress and reasons for it.
 - iv. If a student is not satisfied with the review under paragraph 7.1.3 above an appeal shall be made in writing to the Principal within one week of the time final standings are released to students.
 - A copy of the appeal shall be forwarded to the Superintendent for information.
 - The Principal shall acknowledge receipt of the appeal and indicate to the student the expected date when a decision with regard to the appeal will be reached
 - A copy of the Principal's letter shall be forwarded to the Superintendent for information.
 - v. To review the basis of any final standing awarded to a student, the Principal shall employ one or more of the procedures listed below:
 - Consultation with the teacher(s) involved;
 - Check of records;
 - A personal hearing of the student's appeal;
 - Allow the student to see the graded final examinations.

- vi. The Principal shall confirm in writing the outcome of the appeal to the student.
 - Where an appeal through the Principal is not possible, an appeal may be made directly to the Division Appeal Committee via the Superintendent, following the procedure outlined below.

8. Appeals at the Division level

- a. Should a student not be satisfied with the outcome of an appeal made to a Principal, the student may appeal to the Superintendent.
- b. An Appeal Committee appointed at the discretion of the Superintendent shall:
 - i. arrange a personal hearing of the student.
 - ii. review the circumstance and the evaluation procedures followed in determining the final standing.
 - iii. submit a report and a recommendation to the Superintendent with regard to the appeal.
 - iv. the decision of the Superintendent shall be considered final

9. Appeal at the Provincial Level

- a. Grade 12 students shall through the School Handbook or other means be acquainted with the appeal procedure available to them through the Learner Assessment Branch of Alberta Education regarding provincial Grade 12 Examinations

References

Section 3,7,11,17,18,19,20,36,37,52,196,197,222 Education Act
Education Act Regulation 97/2019

History

Developed: February 2020