

APPEALS

Background

The Division acknowledges the right of every individual to natural justice or due process, and believes that there must be an orderly process to resolve grievances and complaints. Any individual affected by an administrative decision (student, parent/guardian) may appeal that decision if he/she deems it necessary.

Procedures

1. General (School Administrative Decisions and Transportation)

- 1.1 The school administration shall make students and parents/guardians aware of appeal procedures at the beginning of each school year.
- 1.2 It is expected that every effort will be made informally to solve a problem or concern before a formal appeal is filed.
- 1.3 Formal appeals may be filed by any individual or group of individuals that wish(es) a reconsideration of an administrative decision. In the case of students under the age of 16, such appeals shall be filed by their parents/guardians. Generally, appeals will be heard in the following order:
 - 1.3.1 By the individual who is responsible for the original decision;
 - 1.3.2 By the immediate supervisor of the individual who is responsible for the original decision;
 - 1.3.3 By the Superintendent or designate.
- 1.4 At each level of appeal, every effort will be made to resolve the concern.
- 1.5 Once all administrative levels of appeal have been exhausted, appeals may be heard by the Board as defined in Board policy 13.
- 1.6 Appeals shall be submitted in writing, state the nature of the concern, and outline the steps that have been taken to attempt to resolve it. A copy shall be provided to any other parties directly involved in the issue.
- 1.7 Within fourteen (14) calendar days of the receipt of an appeal (or twenty-eight (28) calendar days in the case of an appeal to the Board), the individual or group considering the appeal shall review all relevant information pertaining to the matter, shall make a decision, and shall communicate that decision in writing to all parties concerned.
- 1.8 Following a decision by the Board, if the appealing party is still not satisfied with the decision, a request may be made in writing to the Minister of Education to review the matter, pursuant to Section 43 of the Education Act.

- 1.8.1 An appeal to the Ministry can only be made regarding:
 - 1.8.1.1 the provision of specialized supports and services to a student;
 - 1.8.1.2 the expulsion of a student.

2. Student Assessment

- 2.1 A student wishing to appeal a final mark given by a teacher shall proceed as follows:
 - 2.1.1 The appeal shall be made in writing, co-signed by the parents/guardians, to the School Administrator(s) within five (5) days of receipt of the final mark. The written appeal shall contain the reason(s) for the appeal. The School Administrator(s) shall initiate whatever steps he/she deems necessary to review the basis for the original evaluation, including the following:
 - 2.1.1.1 consultation with the teacher or teachers involved;
 - 2.1.1.2 a check of the records;
 - 2.1.1.3 an investigation of the assessment procedures followed.
 - 2.1.2 The School Administrator(s) shall give the results of his/her findings to the co-signers and the student within five (5) days of the receipt of the letter of appeal.
 - 2.1.3 In the event that the student is not satisfied with the School Administrator(s) findings, he/she may appeal within five (5) days to the Superintendent, whose decision shall be final.
 - 2.1.4 Marks appealed within five (5) days after the end of the June term will be dealt with prior to the commencement of the fall term.
- 2.2 The decision of the Superintendent or designate shall be conveyed to all parties concerned, in writing, as soon as possible.
- 2.3 The Board's level of involvement in any appeal of final marks shall be restricted to a review of process and procedure. The Board will ensure the protection of the individual's rights through due process of law.

3. Inclusive Education Placements

- 3.1 Inclusive Education placement appeals will be handled in accordance with Section 40 of the Education Act.

Reference: Section 11, 40, 42, 43, 44, 52, 53, 196, 197, 222 Education Act
Policy 14 - Appeals and Hearings Regarding Student Matters

Amended: February 2023