

SCHOOL DISPUTE RESOLUTION

Background

Acting under the authority granted by Policy 12, the Superintendent has implemented this Administrative Procedure to fulfill the requirements of section 41 of the *Education Act* which requires Battle River School Division to enact a process for resolution of disputes and concerns occurring at the school level.

The Division is committed to working cooperatively and responsibly with parents/guardians, Division employees and members of the public in support of student learning. The *Education Act* outlines responsibilities of students, parents, and employees in ensuring that each member of the school communities' conduct contributes to a welcoming, caring, respectful and safe learning environment.

Definitions

A **child** is an individual enrolled in an early childhood services program operated by the Division.

A **student** refers to an individual enrolled in a school operated by the Division, and to an individual who seeks to be enrolled in a school operated by the Division.

A **parent/guardian** refers to an individual who meets the definition of "parent" under the *Education Act* (i.e. the "parent" respect of an individual meeting the above definition of student).

Section 1 - Parents/Guardians and Students

Expectations

Parents/guardians and students have a legitimate right to participate in educational decision-making and to express their concerns when educational decision-making is at odds with their wishes.

Staff, and the Division itself are responsible to engage with students, parents, and relevant community members who provide feedback with regards to educational services, in a manner befitting to a welcoming, caring, respectful and safe learning environment.

From time to time, disputes relating to education and related matters are bound to arise. Administrative Procedure 155 provides the mechanism to address these concerns. The process is a mandatory prerequisite to appealing certain matters to the Board of Trustees.

Communications within this procedure and outside of it must adhere to the civility and respect necessary to achieve a welcoming, caring, respectful and safe learning environment for students, and working environment for staff. At a minimum, the Division expects that all communications from staff, parents, guardians and students (whether verbal, written, or through social media) be civil and respectful in tone and content.

Anonymity cannot be guaranteed for any information submitted. Although information is generally shared on a "need to know" basis, the Division may collect, disclose and use information provided as it sees fit (acting reasonably) subject to limits imposed by privacy or other applicable legislation.

Procedures

1. Stage 1 - Dispute Resolution (for Parent/Guardian/Students)

- 1.1 **Stage 1 - Step 1 (Optional):** When a concern or complaint arises, the parent/guardian and/or student is *requested* to (but not required to) meet and speak first with the employee directly involved (i.e., classroom teacher, educational assistant, bus driver) in an attempt to resolve the issue. It is expected that meetings will typically be:
- 1.1.1 In person;
 - 1.1.2 One to one; and
 - 1.1.3 Focused on resolving the matter.

Step 1 is optional. The parent/guardian and/or student should not attempt Step 1 where it may place the well-being of any person at risk. In such cases, the individual with the complaint should commence this process at Step 2.

- 1.2 Concerns and complaints must be communicated in a respectful manner, at an appropriate time and place and should not be made:
- 1.2.1 In the presence of students (unless student is a participant);
 - 1.2.2 During instructional time; or
 - 1.2.3 In the presence of an employee's co-workers.

- 1.3 **Stage 1 - Step 2 (Mandatory):** If the parent/guardian and/or student is not satisfied with the outcome at Step 1, or if they have elected to bypass Step 1, then they may request a review of their concern by the employee's Supervisor. In most cases the Supervisor will be the **Level 1 Supervisor** (as indicated in chart below). The most common issues fall within the following guide which shows the relevant supervisor at each level.

Stage 1	Student-Related Issues (Programming & Behaviour)		System-Related Issues (Procedures & Practices)		Employee Related Issues (follows the line of authority)	
	School	Bus	School	Bus	School	Bus
Level 1	Teacher	Bus Driver	Principal	Director of Transportation	Employee	Employee
2	Principal				Principal	Director of Transportation
3	Division Principal and/or Department Director(s)		Division Principal and/or Department Director	Secretary-Treasurer	Director of Human Resources	
4	Assistant Superintendent(s) or Secretary-Treasurer		Assistant Superintendent(s) or Secretary-Treasurer		Secretary-Treasurer	Assistant Superintendent of Human Resources or Secretary-Treasurer
Stage 2	Superintendent		Superintendent		Superintendent	

- 1.4 The request for review can be in-person/verbal, or in writing. The complainant is expected to provide the nature of the complaint or concern to be reviewed, the particulars (specific facts) giving rise to the concern, and any surrounding circumstances that might assist the Supervisor.
- 1.5 The Supervisor shall take any necessary steps to inquire into the matter raised before providing a response. The Supervisor shall keep a record of all steps taken in making the inquiry and must take notes with a factual summary of the information gathered.
- 1.6 Once satisfied that they understand the matter(s) giving rise to the concern and have the factual information necessary for assessing the validity of the concern (including any mitigating or aggravating information), the Supervisor must make a decision as to the validity of the concern and what response, if any, is appropriate.
- 1.7 Having reached a decision, the Supervisor must either meet with the parent/guardian and/or student or provide a response in writing. The Supervisor must communicate their decision and provide the relevant findings supporting that decision. They may also communicate how the matter is to be redressed but shall not disclose the particulars of any discipline that may be issued against an employee. Where this information is communicated verbally, the Supervisor must maintain a written record of what was communicated in this step.
- 1.8 The parent/guardian and/or student shall proceed through each Level of Supervisor (Levels 1-4) as outlined in the chart in clause 1.3.
- 1.9 If the parent/guardian and/or student is unsatisfied with the outcome at Stage 1 after proceeding through the **Levels of Supervisors 1 - 4**, they must proceed to **Stage 2** (see below) before seeking intervention by the Board of Trustees (i.e. before seeking appeal or review by the Board).

2. **Stage 2 - Dispute Resolution (Superintendent)**

- 2.1 If a parent/guardian and/or student is not satisfied with a decision made by a **Level 4** Supervisor, the parent may make a request for review (a "Request for Review") in writing to the Superintendent, within ten (10) school days of communication of the decision referenced at paragraph 1.7.
- 2.2 The Request for Review must be submitted to the Superintendent in writing and communicated via email to: superintendent@brsd.ab.ca, or by delivery in a sealed envelope marked "Confidential Request for Review, Attn: Superintendent" to Battle River School Division, 4302 38 Street, Camrose, AB T4V 4B2.
- 2.3 The Request for Review must contain (at a minimum) the following information:
 - 2.3.1 The decision, issue, or concern complained of;
 - 2.3.2 The names and roles of any Division staff involved and an explanation of how they were involved;
 - 2.3.3 The name of any person/student impacted by the conduct or issue;
 - 2.3.4 A description of that impact; and,
 - 2.3.5 A description of the decision reached at paragraph 1.7 (including the Supervisor's name, the decision reached by the Supervisor, and the reasons that the decision is unsatisfactory).

- 2.4 Following receipt of a Request for Review that complies with paragraphs 2.1 through 2.3 the Superintendent shall take any necessary steps to inquire into the matter raised before providing a response. The Superintendent shall keep a record of all steps taken in making the inquiry into the matter.
- 2.5 The Superintendent may involve individuals to assist in the inquiry, including but not limited to:
 - 2.5.1 The Division Principal;
 - 2.5.2 The Director(s) - Department Specific;
 - 2.5.3 The Assistant Superintendent - Education Services;
 - 2.5.4 The Assistant Superintendent - Human Resources; or
 - 2.5.5 The Secretary-Treasurer.
- 2.6 The Superintendent or designate shall form a decision with respect to the matter(s) giving rise to the concern (outlined in the Request for Review), the validity of such a concern, and the appropriate response required, only after obtaining the factual information necessary for conducting such an assessment (which shall include an assessment of the reasons and decision provided by the Supervisor).
- 2.7 After reaching a decision, the Superintendent or designate must communicate their decision and provide the relevant findings supporting that decision in writing. This does not preclude an in-person meeting to deliver the written decision. The Superintendent or designate shall provide their decision, the reasons for reaching that decision, and how the matter is to be redressed. The Superintendent or designate shall not disclose the particulars of any discipline that may be issued against an employee.
- 2.7 Where feasible, each Request for Review must be responded to within thirty (30) school days of receiving the request for review and may involve a verbal or written response. Some circumstances may warrant an extension to this timeframe and in these cases, the extension shall be communicated in writing to the parent/guardian or student.
- 2.8 The Superintendent is the final administrative arbiter of any and all matters in a Request for Review except as provided in section 42 of the *Education Act* as outlined below.

3. Stage 3 - Appeal to Board of Trustees

- 3.1 The decision made by the Superintendent or designate, cannot be appealed unless **the decision significantly affects the education** of a student of the Division, or that of a child enrolled in an early childhood services program operated by the Division.
- 3.2 Where an appeal is available, the parent /guardian and/or student may appeal the decision of the Superintendent to the Board of Trustees. To do so, they must appeal the decision in writing to the Board of Trustees by following the process outlined in Board Policy 14: Appeals and Hearings Regarding Student Matters.
- 3.3 A request for appeal under paragraph 3.2 must be made within ten (10) school days of communication of the request for review decision by the Superintendent or designate.
- 3.4 For the purposes of understanding paragraph 3.1, the Division typically considers a decision to “significantly affect the education of a student of the Division, or that of a child enrolled in an early childhood services program operated by the Division” if it relates to one or more of the following:

- 3.4.1 a denial of a request for accommodation by the student/child related to a protected ground as defined under the Alberta Human Rights Act;
- 3.4.2 a disciplinary suspension in excess 5 consecutive school days or the expulsion of the student, which is addressed in accordance with Board Policy 14: Appeals and Hearings Regarding Student Matters;
- 3.4.3 the accuracy or completeness of information contained on the student's record;
- 3.4.4 the denial of a parental request for exemption from instruction; or
- 3.4.5 the denial of student/child access to educational resources, services or programs as a result of an inability to pay fee.

Section 2 - Public Concerns

Background

The Division accepts that members of the public may seek to make inquiries into the conduct of operations of the Division. The process for such inquiries is outlined in this aspect of the procedure. If the individual is making an inquiry regarding a school-based issue, the inquiry should first be directed to the school Principal. If the inquiry is directed towards a Division matter, the inquiry should be directed to the Superintendent/designate.

Procedures

1. Except as otherwise required by law, this process is discretionary. The Division reserves the right to deviate from these procedures, and to otherwise deal with a matter raised by a member of the public without regard to the process except as constrained by law or as expressly otherwise stated by a Policy or Administrative Procedure of the Division.
2. An individual raising a concern or making a complaint with respect to the operations of, or staff at, a particular school, must submit their concern in writing to the Principal of the school.
3. An individual raising a concern or making a complaint with respect to the Principal of a school, or with respect to a Division-wide matter must submit their concern in writing to the Superintendent of Schools by delivery in a sealed envelope marked "Confidential Public Inquiry, Attn: Superintendent" to " Battle River School Division, 4302 38 Street, Camrose, AB T4V 4B2.
4. Normally, public inquiries concerning school operations can be resolved with the Principal. If the inquiry cannot be addressed satisfactorily by the Principal, the member of the public may, in writing, address the issue to the Superintendent or designate in the same manner as identified in paragraph 3. The Superintendent of Schools may request a designate to conduct a review of the concern. The Superintendent is the final arbiter of issues raised by the Public.
5. Where a complaint, inquiry or concern is sent to a recipient other than the appropriate individual outline above (such as a letter to an individual Trustee, or a letter to a Superintendent for a school-related matter), the Division may forward the correspondence to the individual outlined in the process above, or such other person as may be warranted.
6. Anonymity cannot be guaranteed for any inquiry submitted. Although information is generally shared on a "need to know" basis, the Division may collect, disclose and use information provided as it sees fit (acting reasonably) subject to limits imposed by privacy or other applicable legislation.

Section 3 - Division Employees

Background

The Division acknowledges that teachers must, in all aspects of their work, follow the *Teaching Profession Act* and uphold their *Code of Professional Conduct* which states in part: The teacher teaches in a manner that respects the dignity and rights of all persons without prejudice as to race, religious beliefs, colour, gender, sexual orientation, gender identity, gender expression, physical characteristics, disability, marital status, family status, age, ancestry, place of origin, place of residence, socioeconomic background or linguistic background. The teacher does not undermine the confidence of pupils in other teachers. The teacher acts in a manner which maintains the honour and dignity of the profession.

Non-Teaching Staff are expected to treat other staff, parents, and students courteously and respectfully. They are entrusted to keep school and student related information confidential at all times.

All staff are held to a high standard of professionalism in their dealings with matters both in and out of school.

Procedures

1. If an employee has a concern or complaint about a colleague or supervisor, they should first consult AP 170 – Harassment-Free Work/School Environment. If the concern or complaint does not fall under the scope of AP 170, all other concerns would proceed to the process outlined in 2 (below).
2. If an employee has a concern or complaint about a colleague or supervisor that does not fall under 1, they will:
 - 2.1 (Optional) Address the concern directly with the colleague or supervisor. The employee must not raise a matter where it may place the well-being or safety of any person at risk. In such cases, the individual with the complaint should commence this process at the stage in 2.1.2 (below).
 - 2.2 If the matter has not been resolved, the employee can reach out to the Human Resources department for support on next steps.
 - 2.3 If the employee with the concern or complaint believes that the concern or complaint is one that places a student at risk, they are able to speak directly with a supervisor unless it would place the well-being or safety of any person at risk. In such cases, the individual should commence this process at the stage in 2.2.
 - 2.4 In all cases, making a false, frivolous, vexatious or bad faith allegation against any person subject to this administrative procedure is a serious offense, is considered disrespectful behaviour, will not be tolerated, and may be subject to sanction.

Section 4 - Complaints of a Similar Nature (Parent/Guardian, Student, Member of the Public, Employee)

1. If a parent/guardian, student, employee or member of the public has a concern or complaint that has been fully addressed in accordance with this administrative procedure and the parent, student, employee or member of the public brings forward substantially the same concern or complaint within twelve (12) months, the Division employee receiving concern or complaint may

refer the matter directly to the Superintendent or designate requesting authorization to disregard processing concern or complaint.

2. If the Superintendent or designate determines the matter has already been addressed in accordance with this administrative procedure, the Superintendent or designate may advise that the concern or complaint is to be disregarded.
3. If the concern or complaint is to be disregarded, the Superintendent or designate shall inform the parent, student, employee or member of the public in writing, along with the Division employee, Principal or Supervisor and the Superintendent of Schools of the decision to disregard the concern or complaint, which decision is final and not subject to review.
4. If the request to disregard processing the concern or complaint is denied, the Division employee along with their Principal or Supervisor shall be directed to process the concern or complaint without delay, in accordance with this administrative procedure.

Reference: Section 32, 40, 41, 42, 44, 52, 53, 196, 197, 222 Education Act
Code of Professional Conduct for Teachers and Teacher Leaders

Related APs: Harassment-Free Work/School Environment (AP 170)