

SCHOOL DISTRICT NO. 53 (Okanagan Similkameen)

POLICY

No. F-10

Approved: January 22, 2010

Amended: May 22, 2019

Amended: April 24, 2024

DISPUTE RESOLUTION

Employee decisions relating to individual students should be carried out in accordance with principles of fairness. The appeal process should encourage all parties to understand the concerns of the other parties and make good faith efforts to resolve disputes to mutual satisfaction.

The Board of Education (henceforth referred to as the Board) generally encourages complaints and disputes to be dealt with at the point closest to where the dispute first arises, pursuant to the Board's complaint resolution process. The parent/student initiating the concern should have discussed the decision in question with the following applicable personnel:

- the employee(s) who made the decision (if the circumstances warrant, the parent/student may go to the immediate supervisor as the first step);
- the employee's immediate supervisor (principal, Director of Facilities);
- the executive officer responsible (Superintendent, Secretary-Treasurer or designates).

If an employee's decision is disputed or a complaint is made about an employee's decision, the dispute or complaint is not resolved to the satisfaction of the student or the parent of the student affected, and the decision significantly affects the education, health or safety of the student, the Board recognizes the right of a student and/or their parents (including guardians and persons acting in place of parents) to appeal to the Board under the *School Act*.

The Board also recognizes that employee decisions that do not significantly affect the education, health or safety of a student are within the final authority of the Superintendent and/or designate, as the Board's chief executive officer.

"Decision" includes a failure to make a decision.

"Parent" is as defined in the *School Act* and includes a guardian.

Appeals to the Board are to be carried out in accordance with principles of fairness, including:

1. The appeal process should be accessible to parents and students. Information about the appeal process and relevant policies should be readily accessible to all, including employees, students and parents. Reasonable accommodation should be provided where necessary to allow parents or students to make use of the appeal process.
2. Appellants are entitled to receive the same written and oral information to be used in the appeal as is provided to the Board by administration and to have an opportunity to respond to it.

3. The Board accepts its responsibility to exercise its independent judgment when hearing appeals. In particular, a board officer who has participated in making the decision being appealed, who has attempted to mediate it or who has investigated it, shall not assist the Board with its deliberations on the appeal.
4. A student or parent shall not be subjected to retribution by the Board, its officers or employees because an appeal has been made.

Appeal procedures shall be established by bylaw and shall be applied in accordance with the above principles.

The Board recognizes that whether a decision significantly affects a student's education, health, or safety is a matter for individual consideration. The following will normally be considered to be matters that significantly affect a student's education, health or safety:

- suspension or exclusion of a student from a school for a period in excess of 10 days, or that could prevent the student from fulfilling graduation requirements in a timely way;
- decisions regarding placement in an educational program other than access to a specific course or class;
- decisions regarding whether a student has met the requirements for promotion from one grade or course to the next, or has met the requirements for secondary school graduation;
- denial of a request for an individual education program; and
- failure to consult with regard to a student's individual education program.

Decisions made on appeals are not precedential and are not binding on future decision-makers. In considering appeals of employee decisions, the Board shall consider:

- whether the decision appealed is in accordance with legislation, board policies and procedures;
- whether the decision appealed was reached through a process that was fair to the student and after consideration of relevant information;
- whether the evidence presented to the Board supports the decision or calls it into question;
- whether the decision is reasonable in the circumstances; and
- whether there are special circumstances that would warrant making an exception to a board policy.