



ADMINISTRATIVE PROCEDURE 380
APPEALS CONCERNING STUDENT MATTERS

Background

In accordance with the principles of fundamental justice, the laws of due process, Section 123 of the School Act, and the Alberta Human Rights Act, the Division provides for an appeal process for parents and for students over the age of sixteen years to review any decision of any staff member that significantly affects the education of the student concerned.

Procedures

1. Appeals may be made regarding any decision by any staff member which significantly affects the education of a student.
 - 1.1 The levels and direction in which appeals proceed under the administrative procedure are from:
 - 1.1.1 Student and/or Parent(s); to
 - 1.1.2 Teacher; to
 - 1.1.3 Principal, to
 - 1.1.4 Superintendent,
 - 1.2 The decision of the Superintendent may be appealed to the Board. Policy 13 – Appeals and Hearings Regarding Student Matters identifies the processes for this to occur.
 - 1.3 In accordance with Section 124(1) of the School Act, decisions with respect to the following, may be appealed in writing to the Minister of Education:
 - 1.3.1 The placement of a student in a special education program;
 - 1.3.2 The language of instruction;
 - 1.3.3 A home education program;
 - 1.3.4 The expulsion of a student;
 - 1.3.5 The amount and payment of fees or costs; or,
 - 1.3.6 The access to or the accuracy or completeness of student records.

- 1.4 In accordance with Section 11.1 of the Alberta Human Rights Act, decisions with respect to student exclusion from controversial issues in the classroom may be appealed.
 - 1.5 An appeal must be filed in writing to the appropriate level of administration within the limits set out in Administrative Procedure 205 – Controversial Issues, Administrative Procedure 350 – Student Conduct, Administrative Procedure 360 – Student Evaluation and in the School Act, Sections 24 and 123.
 - 1.6 In areas where appeals are presented and for which no time limits are specified, appeals must be filed in writing within ten days of the time the original decision was made.
2. Effective communication to a parent and/or a student 16 years of age or older regarding the right to appeal and the appeal process is essential.
 3. Appropriate appeal procedures ensure full opportunity for the parties to be heard.
 4. The party making a decision in response to an appeal will notify the parent and/or student of the decision forthwith and of the right to appeal, where applicable.

Reference: Section 18, 20, 60, 61, 113, 123, 124, 125 School Act
Cross Reference: Policy 13 – Appeals and Hearings Regarding Student Matters
AP 205 – Controversial Issues
AP 350 – Student Conduct
AP 360 – Student Evaluation

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