

Approved by K-12 Board Action #18-12, February 18, 2018; Revised #18-18E, October 31, 2018; Revised #20-29, June 2, 2020; Revised #21-38 June 3, 2021

RATIONALE:

Procedural fairness is important. The Bible promotes justice and fair play in our dealings with others. “For the Lord is righteous, He loves justice; upright men will see His face.” Psalm 11:7 (NIV) It is important for conflicts to be dealt with fairly and to be seen to have been dealt with fairly. Therefore, it is important to follow carefully outlined procedures in dealing with all conflicts that arise in schools. This policy deals with academic and disciplinary decisions. Employer/employee conflicts are dealt with through the policies outlined in the SDACC Education Code.

POLICY:

The SDABC recognizes the right of a student and/or parent of a student (the “Appellant”) to appeal a decision of an employee of the school where such decision significantly affects the education, health or safety of the student (e.g. decisions with respect to admission, suspension, expulsion or other disciplinary actions). A “decision” for the purposes of this policy includes the failure of an employee to make a decision or to communicate that decision in a timely manner.

Appeals must be presented in writing to the school Principal or to the Chairperson of the local school board.

1) Appeal Procedure*(a) Before Filing an Appeal*

- i. Before an appeal is filed, it is the local School Board’s expectation that the Appellant will constructively discuss the issue in dispute with those responsible at the school level. This expectation is in keeping with the conflict resolution principles found in Matthew 18. In this regard, the local School Board expects, at a minimum, the following steps will be taken before an appeal is filed:
 - **Step 1:** The Appellant will promptly discuss the issue with the person who made the decision.
 - **Step 2:** The Appellant will then promptly discuss the issue with the Principal (if not the original decision maker).

(b) Filing an Appeal

- i. An Appellant may initiate an appeal by filing a notice of appeal in writing to the school Principal or to the local School Board Chair.
- ii. The written notice of appeal should be submitted no later than fourteen (14) days after the decision after the Appellant has completed the steps in section 1(a) of this Policy. In exceptional circumstances, the school board may extend this deadline, in its discretion. To seek an extension, the Appellant must submit a written request for an extension with his/her written notice of appeal, explaining why the Appellant was not able to provide the notice of appeal within the fourteen (14) day time limit and why it would be just and appropriate for the school board to accept the late filing.
- iii. The notice of appeal must include the following information:

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- the name, address, email address (if applicable), and telephone phone number of the Appellant, including the student's name, grade level, and home room teacher;
- a description of the decision that is being appealed and its effect on the education, health or safety of the student;
- the steps that the Appellant has taken to discuss the matter directly with the person who made the decision and with the Principal as required by section 1(a) of this Policy;
- If the Appellant is seeking an extension of time in which to file the notice of appeal, a complete explanation of the reasons for the delay and why it would be just and appropriate for the school board to accept the late filing;
- Contact information for the Appellant, including an email address for communications and notices with respect to the appeal; and
- Copies of all documents and correspondence that support the Appellant's position on the appeal.

(c) School Board Hearing

- i. Upon receiving a notice of appeal, the Principal will immediately notify the local School Board Chair, and the SDABC Education Superintendent ("Superintendent"), providing copies of the notice of appeal and all supporting documents and correspondence provided by the Appellant. If the local School Board Chair receives the notice of appeal, he/she will immediately notify the Principal and the Superintendent, providing copies of the notice of appeal and all supporting documents and correspondence provided by the Appellant.
- ii. The local School Board Chair will, within five (5) business days of receiving the notice of appeal, call a special meeting of the local school board to review the appeal and will notify the Appellant, the Principal and the Superintendent of the date and time for the meeting. The meeting will be held as quickly as reasonably possible.
- iii. During that meeting, the local School Board will hold a hearing in respect of the appeal.
- iv. All appeal hearings will be held in a closed session and all participants, including local School Board members are not permitted to discuss the appeal outside of that meeting except as expressly permitted by this policy.
- v. Any member of the local School Board that is in a conflict of interest must recuse themselves from the appeal process.
- vi. To ensure fairness of the appeal process, the Superintendent will recuse her/himself from the hearing of the appeal by the local School Board.
- vii. At the hearing:
 - The Appellant will be given a reasonable opportunity to address the local School Board and make submissions with respect to the appeal. The submissions must be limited to the matters raised in the notice of appeal and the documents submitted by the Appellant with the notice of appeal.
 - The Principal will be given a reasonable opportunity to respond to the appeal and may allow a teacher or other employee whose decision is under appeal to respond.
 - The Appellant will be given a very brief opportunity to reply, but only to new issues or facts that were raised during the Principal's response.
 - The members of the local School Board may ask questions of any person appearing at the hearing, including the principal and the Appellant.
 - During the hearing process, the Appellant may be accompanied by a support person and/or interpreter/translator.

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- After answering questions from members of the local School Board, the Appellant, principal and other participants must recuse themselves from the hearing.

Decision of Local School Board

- viii. The appeal shall be decided by majority vote of the local School Board at the conclusion of the hearing. The local School Board shall promptly decide the appeal based only on the oral and written submissions presented to it during the hearing and no member of the local School Board may take into consideration anything that was not part of those written and oral submissions.
- ix. The local School Board Chair shall notify the Appellant, the Superintendent, and the Principal within 72 hours of the School Board's decision, providing them each with brief written reasons for the decision. The Principal and Appellant will also be advised of their right to appeal the decision to the Superintendent (including appropriate contact information) within five (5) business days of receiving the decision.

(d) Appeal to the Superintendent

- i. An appeal of the local School Board's decision may be made in writing to the Superintendent within five (5) business days of notification of the School Board's decision.
- ii. An appeal to the Superintendent may only be with respect to the process and procedures undertaken by the local School Board. It is not a further appeal on the merits or a reassessment of the original decision.
- iii. The notice of appeal to the Superintendent must include a concise statement of the basis of the appeal, including all submissions with respect to alleged procedural unfairness or a lack of natural justice in the process before the local School Board.
- iv. The Superintendent will respond in writing to the Appellant and the local School Board Chair with an explanation of procedure by which a determination will be made.
- v. Within 30 days, the Superintendent's procedural investigation shall be concluded and the Superintendent will render in writing to the Appellant and the local School Board Chair, her/his decision concerning whether the local School Board's decision will be upheld.

(e) Appeal to the AMS Ombudsperson

- i. An appeal of the local Superintendent's decision may be made in writing to the Ombudsperson for the Associated Members Society ("Ombudsperson") within five (5) business days of notification of the Superintendent's decision. Contact current AMS ombudsperson through AMS/FISA at 604-864-6023.
- ii. An appeal to the Ombudsperson may only be with respect to the process and procedures undertaken by the Superintendent. It is not a further appeal on the merits or a reassessment of the original decision.
- iii. The notice of appeal to the Ombudsperson must include a concise statement of the basis of the appeal, including all submissions with respect to alleged procedural unfairness or a lack of natural justice in the process before the Superintendent.
- iv. The Ombudsperson will respond in writing to the Appellant and the Superintendent with an explanation of procedure by which a determination will be made.
- v. Within 30 days, the Ombudsperson's procedural investigation shall be concluded and the Ombudsperson will render in writing to the Appellant and the Superintendent, her/his decision concerning whether the Superintendent's decision will be upheld.

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vi. The Ombudsperson's decision will be final on the Appellant and the Superintendent.