



## Appeals Policy & Procedures

Policy Appeals Policy and Procedures	<b>Adopted: February 25<sup>th</sup>, 2015</b>
	<b>Reviewed:</b>

### Student/Parent Appeal Policy

The Board of Mountain Christian School endorses and supports the right of a student who is entitled to an educational program and/or the parent or guardian of the student to appeal decisions to the Board that significantly affect the education, health or safety of the student.

#### Procedures

##### 1. Appeal of an Employee’s Decision

1.1 Appeals must be made first to the employee making the initial decision. This appeal may be oral or in writing.

1.2 If the appellant disagrees with the employee’s decision, the appellant may appeal, in writing, to the Principal. Unless there are extenuating circumstances or the appellant agrees, the Principal must make a decision within 5 working days of receiving the appeal. The decision shall be accompanied by a copy of this policy and the *Notice of Appeal* form.

1.3 If the appellant is not satisfied, the appellant may appeal to the Board of Mountain Christian School within thirty (30) calendar days.

1.4 Failure of any employee to make a decision shall be deemed to be a decision for the purpose of bringing an appeal to the next level.

##### 2. Appeals to the Board

2.1 Appeals to the Board will only be considered by the Board after the Principal has rendered a decision which the appellant finds unacceptable.

2.2 Every appeal to the Board must begin by a written *Notice of Appeal* (attached as Appendix A). This form shall be:

2.2.1 Obtained from the school office.

2.2.2 Completed in full by the appellant or by a person assisting the appellant.

2.2.3 Submitted to the Board Chair.

2.2.4 Submitted within thirty (30) working days after the decision by the Principal.

## **Appeals Policy & Procedures**

2.2.5 The form shall be reviewed by the Board at a closed meeting as soon as practicable, and not more than 30 days following the date of the receipt of the form. A decision will be made and communicated whether or not to hear the appeal within this 30 day time frame.

2.3 The Board may refuse to hear an appeal where:

2.3.1 The appeal has not commenced within thirty (30) working days from the date of the decision by the Principal.

2.3.2 The decision does not significantly affect the education, health or safety of the student.

Decisions not applicable for appeal:

2.3.2.5 Which school a student attends.

2.3.2.6 The marks of an elementary student.

2.3.2.7 A short-term suspension of fewer than ten (10) days

2.3.2.8 Consequences for violation of school rules unless there is evidence that the rules have been applied unfairly or the school rule violates the student's right to fair process.

2.4 If the Board decides not to hear the appeal, the decision of the Principal stands and the appellant is advised within five (5) calendar days of the decision and the reasons for the decision.

2.5 If the Board decides to hear the appeal, the Principal will prepare a report to the Board containing all relevant information and will provide a copy to the appellant and to the Board at least forty-eight (48) hours prior to the hearing.

2.6 The Board will invite written submissions from the student and/or parent/guardian bringing the appeal. Written submission must be provided to the Board at least forty-eight (48) hours prior to the hearing.

2.7 The Board of Mountain Christian School will set a time, date and place for the hearing and shall give notice to the student and/or parent/guardian bringing the appeal. The student and/or parent/guardian will be advised that they may bring an advocate of their choice to the hearing.

2.8 If the appellant chooses to bring legal counsel, the Board should be notified in advance. The meeting may be delayed or adjourned to enable the Board's counsel to attend the meeting.

2.9 The hearing will proceed, as follows:

2.9.1 The Board Chair, or designate, will Chair the meeting.

2.9.2 The Principal will be asked if there are any new recommendations.

2.9.3 The appellant and/or advocate will present their information.

2.9.4 The Principal will present his or her information.

2.9.5 The appellant and Principal will then have an opportunity to address or clarify information presented by the other party.

2.9.6 The Chair may encourage discussion between the appellant and the Principal.

## **Appeals Policy & Procedures**

2.9.7 The hearing will be adjourned if the Board wishes to investigate further, or if new information is presented at the hearing. The hearing shall be reconvened at the call of the Chair or assigned designate.

2.9.8 At the conclusion of the hearing, the Chair will advise the appellant that the Board will reach a decision within three (3) days and that during the decision phase, the Chair will excuse from the meeting everyone except the Board and a staff member appointed by the Board who has not been involved in the original decision or investigation and/or legal counsel for the Board, if required.

2.9.9 The Chair shall advise the appellant and the Principal of the decision, in writing, within five (5) days after the Board reaches a decision. The Board will also provide reasons for the decision to both the appellant and the Principal.

2.10 The Board may reconsider its decision within ten (10) days of the decision by the Board if, and only if, new evidence is discovered by either party which would not reasonably have been available to the Board or appellant at the time of the hearing and is considered to be central to the decision.

2.11 At any stage in the proceedings, the Board may choose to establish a committee to investigate any aspect of the issue that may be deemed necessary by the Board.

2.12 The Board may make any interim decision it considers necessary, pending the disposition of the appeal.

2.13 Decisions made on appeals are not precedential and are not binding on future decision-makers.

2.14 The Board reserves the right to waive or extend any of the time-lines in this Policy.

2.15 Should an appellant experience any reprisals from employees following an appeal, the Board will take steps to immediately address the situation.

2.16 Appellants will be provided with information required to contact the Ombudsman's office or the Registrar of Appeals.

## Notice of Appeal Form

Student and/or parents/guardians should read the information carefully before initiating a formal appeal.

---

### Part I

When a concern regarding an employee decision is not resolved through discussions with the appropriate personnel (1.1 and 1.2), the preliminary question will be whether there is a significant affect on the student's education, health or safety (2.3.2).

#### **A. Information About the Person(s) Initiating the Appeal**

Name of Student: \_\_\_\_\_ Age/Grade \_\_\_\_\_

Name of School : \_\_\_\_\_ Date \_\_\_\_\_

Parent's/Guardian's Names: \_\_\_\_\_

Address: \_\_\_\_\_

Phone : \_\_\_\_\_

#### **B. Information About the Decision(s) Being Appealed**

Date you were informed of decision: \_\_\_\_\_

Name of employee whose decision is being appealed: \_\_\_\_\_

What was the decision you wish to appeal? Please note that this should briefly state the actual decision. (Details regarding events and activities which lead to the decision may be provided in Part II.)

---

---

---

---

---

---

---

Have you discussed this decision with:

1. The employee \_\_\_\_\_ (Yes/No) Date: \_\_\_\_\_

2. The Principal/Supervisor \_\_\_\_\_ (Yes/No) Date: \_\_\_\_\_

**C. How does the decision significantly affect your (child's) education, health or safety?**

- \_\_\_: suspension or exclusion of the student from school for a period in excess of five 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 (unless denial of access to a class or course would significantly affect the student's education, health or safety).
- \_\_\_: decisions regarding whether the 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.
- \_\_\_: failure to consult with regarding to the student's individual education program.
- \_\_\_: other (please attach an additional sheet for this section).

**Signatures of Appellants**

Student \_\_\_\_\_

Date of Appeal \_\_\_\_\_

Parent/Guardian \_\_\_\_\_

Parent/Guardian \_\_\_\_\_

---

**Received by the Board or designate:**

Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

## Appeals Policy & Procedures

If the School Board decides to grant a meeting (2.2), this information will be attached to the report for the Board. (Attach additional sheets if more space is required.)

D. Please provide any relevant information regarding the decision and events or activities which resulted in the decision:

---

---

---

E. Please give your reasons for appealing the decision with particulars of the effect on the student's education, health or safety:

---

---

---

F. Suggest a solution to the problem which would satisfy you:

---

---

---

Signatures of Appellants:

Student \_\_\_\_\_ Date of Appeal \_\_\_\_\_

Parent/Guardian \_\_\_\_\_

Parent/Guardian \_\_\_\_\_

---

Received by the Board or Designate:

Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Date Timeline

- \_\_\_\_\_ 1. Within 30 days of an employee decision, after levels of consultation.
- \_\_\_\_\_ 2. Written notice.
- \_\_\_\_\_ 3. Preliminary report by Principal or designate.
- \_\_\_\_\_ 4. Board considers request for Appeal Hearing:
  - a. No – parent/student notified promptly.
  - b. Yes –hearing date set.
- \_\_\_\_\_ 5. Board decision within 30 days of date the Appeal was filed.