



WASHINGTON STATE

Office of the Education Ombudsman

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Procedural Fairness Checklist for School Decisionmakers

10 basic rules of fairness that apply to processes leading to decisions impacting K-12 students

Decisions made by K-12 public school administrators have the potential to affect a student for the rest of their life. *Procedural Fairness* is the legal term that encompasses fundamental and common sense approaches that decision-makers must consider every time they make a decision.

The Office of the Education Ombudsman has developed this checklist that describes fairness steps for K-12 educators and administrators considering important decisions or consequences impacting students. This checklist is not exhaustive but it is a sequential overview of basic components that contribute to fair outcomes.

Procedural Fairness Checklist

1. Facts

- Have you gathered all the facts and heard from all individuals involved in the incident.
- Do you have a clear picture of the alleged circumstances?
- Have you kept notes detailing who you talked to, when, and what they said?

2. Case review

- Have you taken the time to think about the situation and go over your notes?
- Have you looked up applicable state laws and school district policies and procedures?
- Do you know where you can be flexible?

3. Notice of proceeding

- Have you informed the student or students involved and their parents of the incident or allegations, the circumstances, potential outcomes, and the decision-making process you will follow, in a timely manner and in a language they can understand?

4. Opportunity to respond

- Have the student or students involved and their parents been given plenty of opportunities to dialog with you, respond to the allegations, and provide additional information regarding the situation?
- Have you answered all e-mail messages, letters and phone calls related to this issue?

5. Objectivity

- Are you able to conduct yourself objectively when making decisions about this situation and this particular student?
- If not, in the interest of fairness, have you enlisted a neutral administrator to assist you in the decision-making process.

- 6. Decision Timeliness**
 - Have you informed all parties involved of your decision in a timely manner?
 - If you expect delays, have you notified all parties and explained the reasons?

- 7. Decision Reasons Disclosure**
 - Is your final decision backed up by fair, appropriate, and legal reasons?
 - Have you communicated your reasons for making the decision to the student or students involved and their parents in a language they can understand?

- 8. Consistency**
 - Are your decisions affecting students made with a reference to relevant criteria?
 - Are you consistent in the way you handle and decide the outcomes of cases with similar characteristics?
 - Can your decision withstand scrutiny and comparison with your previous decisions?

- 9. Appeals**
 - Have you provided the students involved and his/her parents with information about avenues to appeal your decision?

- 10. Staff training**
 - Have you developed a fair decision-making process model for your staff?
 - Have you provided decision-makers working for you with training and support regarding fair processes for students?
 - Have you developed and communicated reasonable time frames in which decisions should be made?
 - Is your staff continuously informed about new and existing district policies and state laws?

Adapted from the *Fairness Checklist* developed by the Office of the Ombudsperson, University of British Columbia, Canada.