

Bylaw 3-08 Student Appeal Procedure

Bylaw 3-08

STATUS: ADOPTED

STUDENT APPEAL PROCEDURE

Board Approved: March 26, 2008

Last Reviewed: June 19, 2013; April 23, 2020

Description:

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

The Board of Education encourages complaints and disputes to be dealt with at the point closest to where the dispute arises. When a dispute that significantly impacts the education, health or safety of a student cannot be resolved, the student and/or parent will be referred to the appeal procedure.

The board may refuse to hear an appeal if the appeal procedure has not been followed and the preliminary discussions to resolve the dispute have not occurred.

The Board of Education enacts the following appeal procedure:

1. Appeal to Employee:

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

2. Appeal to Employee Supervisor:

2.1. If the appellant disagrees with the employee's decision, the appellant may appeal to the employee's immediate supervisor. This appeal may be oral or in writing.

2.2. The supervisor will review the information from both the employee and appellant and render a decision. The decision of the supervisor shall be made in consultation with district staff. If the decision is not in favour of the appellant, the decision must be given in writing and shall be accompanied by a copy of this Bylaw.

3. Appeal to Superintendent:

3.1. If the appellant is not satisfied with the decision from the supervisor, the appellant may appeal to the superintendent within thirty (30) days.

3.2. The superintendent will review the decisions by the employee and supervisor and will meet with the appellant to ensure due process was followed. A decision will be made by the superintendent within ten (10) days of receiving the appeal.

3.3. 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.

4. Appeal to the Board of Education:
 - 4.1. An appeal to the board will only be considered by the board after the superintendent has rendered a decision which the appellant finds unacceptable.
 - 4.2. An appeal to the board will only be heard where the employee's decision significantly affects the education, health or safety of the student (hereafter referred to as "EHS"). Where an appeal does not affect the EHS of a student, the board has no jurisdiction to hear the appeal, and therefore no capacity to overturn the employee's decision.
 - 4.3. Every appeal to the board must begin by a written Notice of Appeal to the secretary-treasurer (attached as Appendix A). The Notice of Appeal must be received within 20 days after the decision by the superintendent. Once the appeal is received, the secretary-treasurer will inform the board within seven (7) days.
 - 4.4. The board will appoint a sub-committee of 3 trustees to be the Student Appeal Committee (hereafter referred to as the "SAC").
 - 4.4.1. A senior staff will work with the SAC to ensure the hearing is conducted in a fair manner and to facilitate a clear understanding of the views of the appellant and the employee.
 - 4.4.2. The SAC may refuse to hear an appeal when:
 - a) the Notice of Appeal is filed outside of the twenty (20) day limit for making an appeal, starting from the date the superintendent's decision affecting the student was made;
 - b) They deem the appellant and employee have not participated in required preliminary discussions;
 - c) the SAC determines that the employee's decision does not significantly affect the student's education, health or safety;
 - d) the board is informed by the appellant in writing that there has been a resolution to the dispute and the Notice of Appeal is withdrawn;
 - e) A decision made under the above circumstances is final. Decisions that do not meet SAC criteria may be appealed to the provincial Ombudsman.
 - 4.4.3. Decisions not applicable for appeal:
 - a) Which school a student attends;
 - b) A short-term suspension of fewer than five (5) days;
 - 4.4.4. If the SAC decides not to hear the appeal, the decision of the superintendent stands, and the appellant is advised within five (5) days of the decision with the reasons for the decision in writing.
 - 4.4.5. If the SAC decides to hear the appeal:
 - a) The SAC is charged with hearing the views of the appellant and the superintendent. Where additional information is required to understand the circumstance, the SAC may request informed persons to attend;
 - b) The SAC will conduct the hearing with the following guidelines:
 - i. the appeal meeting will be considered a "Special Meeting" and will not be open to the public;
 - ii. the agenda will deal exclusively with the Notice of Appeal;
 - iii. The SAC 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 appellant will be advised they may bring an advocate of their choice to the hearing. If the appellant chooses to bring legal counsel, the SAC must be notified in advance, if no notice is given, the meeting may be delayed enabling the board's counsel to attend.

- iv. The superintendent may invite the employee and/or immediate supervisor whom rendered the decision being appealed.
- v. The district office will offer to assign a senior administrator to assist the appellant to navigate the appeal process.
- vi. The superintendent will prepare a report to the SAC containing all relevant information at least forty-eight (48) hours prior to the hearing. A copy of the information will be provided to the appellant.
- vii. The appellant may provide further information beyond the Notice of Appeal by providing a written submission. Written submissions must be provided to the SAC at least forty-eight (48) hours prior to the hearing. A copy of the information will be provided to the superintendent.

4.5. The hearing will proceed as follows:

- 4.5.1. The SAC Chair will chair the meeting;
- 4.5.2. The appellant will present their information;
- 4.5.3. The superintendent and staff will present their information;
- 4.5.4. The appellant and superintendent will have an opportunity to address or clarify information provided by the other party;
- 4.5.5. The floor will be opened for additional comments or discussions;
- 4.5.6. At the conclusion of the hearing, the chair will advise the appellant that the board will reach a decision within forty-five (45) days from the date the appeal was filed to the board;
- 4.5.7. The SAC will deliberate on the information and provide a recommendation to the board;
- 4.5.8. In a closed meeting of the board, the chair of the SAC will bring forward a report of the hearing, together with the recommendation of the SAC regarding the appeal to the board;
- 4.5.9. The board may ask questions of the SAC as needed and will vote on the recommendation.
- 4.5.10. The decision of the board will be presented in writing to the appellant and the superintendent.

4.6. Where the decision of the board is not in favor of the appellant, he or she will be informed of the option to make their appeal to the Superintendent of Appeals (SoA) at the Ministry of Education:

- 4.6.1. A senior officer will be offered to assist the appellant to work through the procedures necessary to bring forward their appeal to the SoA.
- 4.6.2. Information on appeals to the SoA and the Notice of Appeal forms to the SoA are available online at:

<https://www2.gov.bc.ca/gov/content/education-training/k-12/support/student-disputes-and-appeals>

- 4.6.3. A copy of the Board of Education decision must be attached to this appeal.

5. Title

- 5.1. This bylaw may be cited as “School District No. 59 (Peace River South) Bylaw 3-08 Student Appeal Procedure”

Date of first reading: March 26, 2008
Date of second reading: March 26, 2008
Date of third reading: March 26, 2008
Date of adoption: March 26, 2008
Amended: June 19, 2013
Amended: April 23, 2020

**The corporate Seal of School District No. 59
(Peace River South):**



School District No.59 (Peace River South)

SCHOOL DISTRICT NO. 59 (PEACE RIVER SOUTH) APPENDIX “A”

NOTICE OF APPEAL

This form is to be used when filing an appeal as identified through the School District No. 59 Student Appeal Bylaw 3-08. An advocate will be assigned to assist you through this process.

This form must be submitted within 20 days of the decision being appealed. If you require assistance in completing this form, please contact the Secretary-Treasurer to have a senior officer assigned to assist you through this process.

Appellant Information:			
Name of Appellant:			
Address of Appellant:		Postal Code:	
Phone Number:			
Email:			
Student Information:			
Student Name:		Grade:	
School Name:			
Description of decision being appealed:			
What affect does the above decision have on the student’s education, health or safety?			
Desired outcome you are seeking:			

Steps taken to resolve the issue to date:	
<input type="checkbox"/> Step 1: Parent/Student Meeting with Employee Employee Name:	Date:
<input type="checkbox"/> Step 2: Parent/Student Meeting with Supervisor Supervisor Name:	Date:
<input type="checkbox"/> Step 3: Parent/Student Meeting with Superintendent	Date:
Description of meetings, conversations and communications to resolve the decision:	

Appellant Signature _____

Date Submitted: _____

Please forward this form within 20 days of the decision made by the Superintendent.

Board of Education of School District No.59 (PRS)
 c/o Secretary-Treasurer
 11600-7th Street
 Dawson Creek, BC
 V1G 4R8
 Ph (250) 782-8571

For Internal Use Only:	
Date Received:	
Notified Board:	
SAC Meeting:	
Appeal Meeting:	
Decision to Appellant:	