

Coast Mountains School District 82

5000 Governance

5500 **Appeal Bylaws Under Section 11 of the School Act** Date Revised: Nov. 2002
Date Adopted: Nov. 1997

Policy

1. A student entitled to an educational program or his/her parent(s) or guardian(s) may appeal a decision of an employee of the School Board which significantly affects the education, health, or safety of the student. The failure of an employee to make a decision shall be deemed to be a decision for the purpose of bringing an appeal. **Appeals shall be filed within ten calendar days of the significant decision under appeal.**
2. Appeals may include, but not be limited to, decisions by employees in the following areas:
 - a. placement in an educational program;
 - b. recognition of an educational activity not provided by the Board;
 - c. placement of a special needs student in an educational program;
 - d. attendance of a child registered under Section (13)(1)(a) or (b) of the *School Act* in an educational program offered by the Board;
 - e. concerns regarding learning materials used in a school;
 - f. disciplinary suspension from school for a period in excess of 10 consecutive days;
 - g. exclusion from school for a health condition;
 - h. provision of an educational program to a person older than school age;
 - i. grade promotion and graduation;
 - j. refusal to offer an educational program to a student who has attained 16 years of age.

and any other decision that in the opinion of the School Board or the student/parent and/or guardian significantly affects the education, health or safety of a student.

3. The School Board may refuse to hear an appeal:
 - a. when the appeal has not been commenced within **ten** calendar days from the date the decision significantly affecting the student's education, health, or safety was made; or
 - b. until the student and/or parent or guardian has discussed the decision under appeal with the person(s) directed by the School Board or its designate, as stated in the attached regulations; or when the decision does not significantly affect the education, health, or safety of the student.

- c. when the decision does not significantly affect the education, health or safety of the student.

Regulations

1. When a parent or a student wishes to appeal a decision by a School Board employee he/she should initially discuss that decision with the individual making the decision. If this discussion does not result in a resolution of the problem the parent should appeal the decision to the principal of the school in which his/her child is enrolled. If the decision with which the parent is concerned is a decision of the principal the parent shall appeal the decision to the Superintendent of Schools or designate.
2. Appeal Meetings will normally be held in the student's community.
3. The individual making an appeal may have, **where applicable**, parents and one advocate, not an employee of the School District, present at any meeting.
4. Concerns regarding placement of a special needs student in an educational program shall be submitted, in writing, to the Director of Instruction (Student Support Services).
5. Where the parent feels that the decision by the principal or Director of Instruction (Student Support Services) on appeal continues to significantly adversely affect his/her child he/she shall within **20 calendar days** appeal the decision in writing to the Superintendent of Schools who may hear or direct one or more of the school district administrative staff to hear the appeal.
6. Where the parent feels that the decision by the Superintendent of Schools continues to significantly adversely affect his/her child then he/she shall within 20 calendar days appeal the decision to the School Board.
7. Every appeal to the School Board must be commenced by a written "Student and/or Parent Appeal Form" which shall state:
 - a. the name and address of the student and/or parent or guardian bringing the appeal and, where the parent or guardian is initiating the appeal on behalf of the student, the name of the student;
 - b. the current placement of the student (i.e. school, grade, and homeroom teacher);
 - c. the decision which is being appealed and the date the student and/or parent or guardian bringing the appeal was informed of the decision;
 - d. the name of the School Board employee(s) who made the decision being appealed;

- e. the grounds for the appeal and the relief sought.
8. The Superintendent or designate will prepare a report for the School Board and will provide a copy of any documentation which is to be considered by the School Board to the parent or student or guardian bringing the appeal except where there are compelling reasons for not doing so (e.g. student safety).
9. The School Board shall consider the following questions when reviewing an appeal in accordance with *School Act* Section 11.
10. Was there fair treatment and, if unfair, did it have an impact on the decision being appealed?
11. Was there any relevant information available that was not considered or did any irrelevant information influence the decision?
12. Is there persuasive evidence which indicates that the decision being appealed was not appropriate?
13. The School Board will invite written and oral submissions from the student and/or parent or guardian bringing the appeal and may decide the appeal based on the submissions. The parent/guardian and/or the student will be invited to attend the meeting in order to clarify information. The School Board investigation will be limited to the issue identified in the written notice of appeal submitted to the Board of School Trustees.
14. The School Board may consider the appeal notwithstanding any defect in form or other technical irregularity.
15. The School Board or Superintendent of Schools may make any interim decision it considers necessary pending the disposition of the appeal.
16. The decision of the School Board shall be in writing and the School Board shall promptly notify the student and/or parent or guardian bringing the appeal of the Board's decision regarding the appeal
17. In accordance with Section 11(6), *School Act*, the School Board will make the decision that it considers appropriate in respect of the matter that is appealed to it and the decision of the School Board is final.

Student and/or Parent Appeal Form

1. The appeal must be made in writing within ten calendar days of the decision by the school or employee that you are appealing.
2. Complete and submit this Appeal Form (within ten calendar days) to your school principal or to the:

Superintendent of Schools
Coast Mountains School District 82
3211 Kenney Street
Terrace, BC V8G 3E9

1-800-665-6134, local 4401
(250) 635-4931 local 4401

3. You may have an advocate assist you throughout the appeal.
4. You will be contacted by the School District. In an attempt to resolve the appeal and depending on the circumstances, you will be required to:
 - I) speak to the teacher
 - II) speak to the principal
 - III) meet with the Superintendent of Schools or his/her designate
5. If the appeal cannot be resolved through the above steps, the appeal will be decided upon by the School Board.

