

**SCHOOL DISTRICT # 64 (GULF ISLANDS)**

**BYLAW NO. 4**

**AN APPEAL BYLAW UNDER SECTION 11 OF THE SCHOOL ACT**

WHEREAS a student entitled to an educational program in the School District or the parent/guardian of the student may appeal a decision of an employee of the School Board which significantly affects the education, health or safety of the student, and

WHEREAS failure of an employee to make a decision shall be deemed to be a decision for the purpose of bringing an appeal.

THEREFORE every appeal to the School Board must be commenced by submitting the approved Notice of Appeal 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.

1. Upon receipt of a Notice of Appeal, the School Board or its designate may direct the student and/or parent or guardian bringing the appeal to discuss the decision under appeal with one or more persons where provided by School District Policy or where the School Board or its designate consider it appropriate.
2. Where discussions directed under Section 3 do not resolve the appeal, the superintendent or designate will prepare a report for the School Board concerning the matter and will provide a copy to the student and/or parent or guardian bringing the appeal.
3. The School Board will invite written submissions from the student and/or parent or guardian bringing the appeal and may decide the appeal based upon the written submissions. The School Board may also hear oral submissions in which case the School Board will decide the appeal based on the oral and written submissions presented to it.
4. Where the School Board or appellant wishes to receive or present oral submissions, the Board shall set a time, date and place for this purpose and shall give notice to the student, parent or guardian, and/or spokesperson bringing the appeal.
5. The School Board may establish a committee(s) to investigate matters pertaining to an appeal and the committee shall report to the School Board on such matters and in the manner directed by the School Board. The School Board may, in its discretion, appoint trustees, senior officials, administrative officers, teachers or any other person the School Board considers appropriate as members of the committee.
6. The School Board may make any interim decision it considers necessary pending the disposition of the appeal.

7. 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 its decision.
8. The School Board may refuse to hear an appeal where
  - (a) the appeal has not been commenced within a reasonable time as determined by the Board, from the date the decision significantly affecting the student's education, health or safety was made; or
  - (b) the student and/or parent or guardian has refused or neglected to discuss the decision under appeal with the person(s) directed by the School Board or its designate; or
  - (c) the decision does not significantly affect the education, health or safety of the student.
9. The following decisions shall be deemed to significantly affect the education, health or safety of a student:
  - (a) disciplinary suspension from school for a period in excess of ten (10) consecutive days;
  - (b) suspension from school for a health condition;
  - (c) placement in an educational program;
  - (d) grade promotion and graduation;
  - (e) refusal to offer an educational program to a student 16 years of age or older;and any other decision that in the opinion of the School Board or its designate significantly affects the education, health or safety of a student.
10. The School Board may consider an appeal notwithstanding a defect in form or other technical irregularity.

Read a first time the **4th** day of **July, 1990**.

Read a second time the **4th** day of **July, 1990**.

Read a third time the **4th** day of **July, 1990**.

Reconsidered, finally passed and adopted the **4th** day of **July, 1990**.

Chairman

Secretary Treasurer

I HEREBY CERTIFY that this is a true copy of School District No. 64 (Gulf Islands) Bylaw No. 4, An Appeal Bylaw Under Section 11 of the School Act, adopted by the Board the **4th** day of **July, 1990**.

Secretary Treasurer

**NOTICE OF APPEAL**

Student's Name: \_\_\_\_\_

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

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

School: \_\_\_\_\_

Phone No.: (home) \_\_\_\_\_ Work: \_\_\_\_\_

Grade: \_\_\_\_\_ Teacher: \_\_\_\_\_

Please provide a brief statement outlining the decision that was made or not made which significantly affects the education, health or safety of the student.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Name of School Board employee  
who made the decision being appealed: \_\_\_\_\_

Grounds for the appeal: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Requested Action or Relief:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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**For School Board Use:**

Date of Hearing: \_\_\_\_\_

Decision: \_\_\_\_\_