



*"Inspire learners, Integrate sustainability,
Involve community"*

SCHOOL DISTRICT NO. 64

BYLAW NO.3 Appeal Process

A BY-LAW GOVERNING THE RIGHT TO APPEAL BOARD DECISIONS AFFECTING STUDENTS

In the spirit of fairness and due process, the School District No. 64 (Gulf Islands) Board of Education (hereinafter referred to as the Board) welcomes comments, questions and concerns regarding the decisions it makes, particularly when these are deemed to adversely affect the education, health or safety of students. The appeals process in its entirety, and section 11 of the *School Act* upon which it is based, are available upon request through the Board office.

WHERE AS 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 Board which significantly affects the education, health or safety of the student, and

WHERE AS failure of an employee to make a decision shall be deemed a decision for the purpose of bringing an appeal, and

WHERE AS the Board has established policy and procedure to address questions and concerns starting at the point closest to where the dispute first arises,

THEREFORE every appeal to the Board must commence with submission of the approved Notice of Appeal form, which shall state:

- a. the name, address and/or other contact information 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/or program and/or teacher most responsible);
- 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 (s) of the Board employee(s) who made the decision being appealed;
- e. the grounds for the appeal and the relief sought.
- f. a summary of the steps taken by the student and/or parent or guardian to resolve the matter

Starting the Process

- a. The student and or parent or guardian will, in an effort to resolve the concern before filing an appeal to the Board, take the dispute resolution steps outlined in the Board Policy and Procedure 133.
- b. If the steps taken in section 1 above are unsuccessful, the student and/or parent or guardian will complete a Notice of Appeal form and submit it to the Secretary Treasurer within 15 school days from the date of completion of those steps. The Board may waive this 15 day time limit.
- c. Decisions made in relation to the following are deemed to have the potential to significantly affect the education, health or safety of a student:
 - i. disciplinary suspension from school for a period in excess of five (5) consecutive school days; [changed from 10 following discussion]
 - ii. suspension from school for a health condition;
 - iii. placement in a particular educational program;
 - iv. grade promotion and graduation;
 - v. refusal to offer an educational program to a student 16 years of age or older

Pre-Hearing Responsibilities

- a. Upon receipt of a Notice of Appeal, the Superintendent shall be notified and a report concerning the matter under appeal shall be prepared for the Board, and shared with the appellant no later than 24 hours before the date set for hearing.
- b. If the appellant is a student under 19, and no parent or guardian is named as an appellant, a parent or guardian will be notified.
- c. The Board shall decide and notify affected parties whether the appeal will be decided by written submission only, by oral submission only, or by some combination of the two.
- d. The appellant shall be notified of the date, time and place for hearing the appeal and of the requirement to provide any documents in advance.

Hearing and Decision

- a. Appeals and decisions on appeals will be held in closed sessions.
- b. The Board will decide the appeal based on the oral and/or written submissions presented to it and, for an oral hearing, will determine the order of, and the time allotted for, submissions.
- c. The Board may adjourn the hearing if it determines that more information is needed.

- d. The Board may invite submissions from any person whose interests may be affected by the Board's decision on the appeal.
- e. The Board may make any interim decision it feels necessary pending the disposition of the appeal.
- f. The Board may refuse to hear an appeal where
 - i. the appeal process has not been followed
 - ii. it determines the decision in question does not significantly affect the education, health or safety of a student.
- g. The Board may hear an appeal despite any defects in form or technical irregularities and may relieve against time limits.
- h. The Board must make a decision as soon as practical and within 45 days from receiving the Notice of Appeal.
- i. The parties will be notified of the Board's decision. Written reasons will be provided as soon as practical.
- j. Appellants who have appeal rights under School Act s. 11.1 will be advised of those rights when or before they are notified of the Board's reasons for decision.
- k. School District No. 64 Bylaw No. 4, An Appeal Bylaw under Section 11 of the School Act is hereby repealed.
- l. This bylaw may be cited as "School District No. 64 (Gulf Islands) Bylaw No. 3, A Bylaw Governing the Right to Appeal Board Decisions Affecting Students".

Date of First reading: 14th DAY of MARCH 2018.

Date of Second Reading: 11th DAY OF APRIL 2018.

Date of third reading and adoption: 13th DAY of JUNE 2018.

Robert Pingle
Chairperson

Rod Scotvold
Secretary Treasurer

Original signed July 4, 1990.

Revised: June 13, 2018.