

**School District No. 48 (Sea to Sky)**  
**Policy Series 500 – Student Personnel**

500	STATEMENT OF GUIDING PRINCIPLES FOR STUDENT CONDUCT
500.2	Student Appeals Procedure Bylaw

**Decisions Which May Be Appealed**

1. The Board of Education recognizes the right of a student and/or parent of a student under Section 11 of the *School Act* to appeal a decision of a Board employee where such decision significantly affects the education, health, or safety of the student.
2. 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 five (5) consecutive days;
  - b. exclusion from school for a health condition;
  - c. requirement to complete all or part of an educational program by distributed learning as a disciplinary measure, where space and facilities are available in a school;
  - d. failure to provide an IEP to a student with special needs;
  - e. failure to offer to consult with a parent regarding the placement or IEP of a student with special needs;
  - f. refusal to offer an educational program to a student who is sixteen (16) years of age or older;
  - g. denial of an educational program by failure to take action in respect of a complaint of bullying, intimidation, harassment, or threat or use of weapons or violence by one or more students against another student;and any other decision that, in the opinion of the Board, significantly affects the education, health or safety of a student.
3. A “decision” for the purposes of this Bylaw includes the failure of an employee to make a decision. “Parent” is as defined in Section 1 of the *School Act*.

**Refusal to Hear Appeals**

4. The Board may refuse to hear an appeal where:
  - a. the appeal has not been initiated within a reasonable time from the date of the decision being appealed;

- b. the student/parent appealing the decision has not first discussed the decision being appealed with any persons identified by the Board; or
- c. the Board determines that the decision does not significantly affect the student's education, health or safety.

### **Appeal Procedure**

5. An appeal must be submitted to the Board in accordance with this Bylaw.

#### *Before Filing an Appeal*

6. Before an appeal is filed, it is the Board's expectation that the student and/or parent will discuss the matter in dispute in a constructive manner with those responsible at the school or district level. In this regard, the Board expects, at a minimum, the following steps will be taken before an appeal is filed:

Step 1: The student and/or parent will discuss the issue with the principal where the decision was made at the school level, or the responsible administrator, where the decision was made at the district level; and

Step 2: The student and/or parent will discuss the issue with the Superintendent and/or administrator(s) appointed by the Superintendent.

#### *Time Limit for Filing Appeal*

7. An appeal must be commenced within thirty (30) days of the date the student or parent was informed of the decision being appealed from, unless the student or parent initiating the appeal (the "Appellant") can demonstrate that there are reasonable grounds to extend this time limit.

#### *Filing an Appeal*

8. An appeal shall be initiated by providing to the Superintendent or designate a written Notice of Appeal (attached to this Bylaw).
9. The Notice of Appeal shall include the following information:
  - a. the name of the student on whose behalf the appeal is being filed;
  - b. the name of the school and the grade the student is enrolled in;
  - c. the name, telephone number, and address where the person filing the appeal may be contacted;
  - d. a description of the decision that is being appealed and its effect on the education, health or safety of the student;

- e. the name of the employee who made the decision;
  - f. the date the person bringing the appeal learned of the decision being appealed;
  - g. the grounds of the appeal and the suggested resolution; and
  - h. the steps that the student and/or his/her parents have taken to attempt to discuss the matter directly with the employee(s) who made the decision or with other school or district employees.
10. Where the Appellant is a student under the age of nineteen (19) years, the Board shall provide a copy of the Notice of Appeal to the parent(s) of the student.
  11. Upon receiving the Notice of Appeal, the Superintendent shall notify the Board and the employee whose decision is being appealed of the appeal.
  12. The Superintendent may appoint a person to be responsible for carrying out the responsibilities of the Superintendent under this Bylaw.

#### *Pre-Hearing Procedure*

13. The Superintendent or designate is responsible for reviewing the Notice of Appeal and for communicating with the Appellants and others on matters relating to the appeal.
14. Where, in the opinion of the Superintendent or designate, the appeal does not comply with the requirements for an appeal established under this Bylaw or Section 11 of the *School Act* (e.g. it does not appear to be timely or the appeal is not an appeal of a decision that significantly effects the student's education, health or safety etc.), the Superintendent or designate shall refer the preliminary matter to the Board for a determination.
15. The Board may ask for written submissions from the Appellant and/or Superintendent on the preliminary matter.
16. The Board shall notify the Appellant and the Superintendent of any preliminary decision it may make, including a refusal to hear the appeal.
17. Where, in the opinion of the Superintendent or designate, there is no preliminary matter to be determined, arrangements will be made for the hearing of the appeal by the Board.
18. The Superintendent or designate shall notify the employee whose decision is being appealed that an appeal has been filed. Employees will be given the opportunity to exercise any rights provided to them in their collective agreement with respect to a Section 11 appeal.
19. Prior to the date established for the hearing of the appeal, the Superintendent or designate shall prepare a report to the Board regarding the matter under appeal. The Appellants and the employee whose decision is being appealed shall be entitled to a copy

of this report.

20. The Board may provide directions for the hearing of the appeal.
21. The Board may, prior to the Board hearing the appeal or at any other time, require the Appellant discuss the decision being appealed with persons directed by the Board.
22. The Board may establish one or more committees of persons who have not been involved in the decision under appeal, for the purpose of investigating an appeal under this Bylaw. The committee(s) shall report to the Board as directed.

#### *Board Hearing*

23. The Board may consider an appeal notwithstanding any defect in form or other technical irregularity.
24. The Board may hold an oral hearing in respect of the appeal and/or may decide the appeal based upon written submissions.
25. The Board may make any interim decision it considers necessary pending the disposition of the appeal.
26. The Board shall advise the Appellant, the Superintendent and the employee whose decision is being appealed, whether the appeal will be determined based upon written submissions and/or an oral hearing and on any directions established for the hearing of the appeal, including the time frame for oral and/or written submissions.
27. Where the Board decides to hold an oral hearing, the Appellant, the Superintendent and the employee whose decision is being appealed, shall be provided with written notice of the date, time and location of the hearing.
28. Oral hearings will be held in a closed session.
29. The Board may ask questions of any person appearing at the appeal hearing.
30. The Board may adjourn the hearing at any time to obtain additional information where it considers such information would assist the Board in determining the appeal.
31. During the appeal process, the Appellant may be accompanied by an advocate, support person and/or interpreter/translator.

#### **Decision**

32. The Board shall make any decision that it considers appropriate in respect of the matter that is being appealed and of any preliminary matters.
33. The Board shall decide the appeal based on the oral and/or written submissions

presented to it and any other information obtained by the Board in accordance with this Bylaw.

34. The Board must hear and decide an appeal within 45 days from the date the Notice of Appeal was received in an acceptable form.
35. The Board shall promptly notify the Appellant, the Superintendent and the employee whose decision was appealed of the decision of the Board and shall provide written reasons for the decision as soon as practicable.\*

*[\*An Appellant may have a right to appeal a decision of the Board made under this Bylaw. For more information contact the Student Appeals Branch of the Ministry of Education.]*

**SCHOOL DISTRICT NO. 48 (Sea to Sky)**

APPEALS FORM (Bylaw 500.2)

Parents/Guardian/Students should read School District No. 48's Bylaw 500.2 Student Appeals Procedure carefully before initiating a formal appeal. The district's Student Appeals Procedure Bylaw can be found in all schools and worksites' the district Policy Manual under 500.2 and on line at [www.sd48.bc.ca](http://www.sd48.bc.ca)

**1. Information about the person(s) bringing the appeal.**

**Parent/Guardian Name(s)** \_\_\_\_\_

OR **Student Name (if bringing the appeal)** \_\_\_\_\_

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

Mailing: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Street: \_\_\_\_\_

Telephone No. (s) \_\_\_\_\_ e-mail address: \_\_\_\_\_

Name of Student: \_\_\_\_\_

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

Grade: \_\_\_\_\_ Home Room Teacher (if applicable) \_\_\_\_\_

Student Date of Birth: (Year) \_\_\_\_\_ (Month) \_\_\_\_\_ (Day) \_\_\_\_\_

Address of Student (if different from parent)

Mailing: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Street: \_\_\_\_\_

Telephone No. (s) \_\_\_\_\_ e-mail address: \_\_\_\_\_

**2. Information about the decision being appealed. Please complete 2a. or 2b.**

**A.**

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

Name of the employee whose decision is being appealed: \_\_\_\_\_

Describe the decision (or attach document where decision may be written)

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

**B.**

Date you became aware that a decision would not be made: \_\_\_\_\_

Name of the employee who is declining to make a decision: \_\_\_\_\_

Describe the circumstances leading up to the failure to made a decision:

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**3. Other Information About the Appeal:**

Give your reasons for appealing the decision or the failure to make a decision:

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Comment on how the decision or failure to make a decision significantly affects the education, health or safety of the student.

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Suggest a solution or remedy to the situation which would satisfy you.

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**4. Levels of Consultation**

List the employee(s) with whom you have consulted/discussed the decision you are appealing (including principals, teachers, support staff and district administration), and the nature of communication (telephone, email, formal meeting, informal conversation).

Employee Name: \_\_\_\_\_

Date: \_\_\_\_\_ Nature of communication: \_\_\_\_\_

Employee Name: \_\_\_\_\_

Date: \_\_\_\_\_ Nature of communication: \_\_\_\_\_

Employee Name: \_\_\_\_\_

Date: \_\_\_\_\_ Nature of communication: \_\_\_\_\_

\_\_\_\_\_  
Signature of Parent/Guardian or Student

\_\_\_\_\_  
Date