

# Student and/or Parent Appeal Bylaw

## 4 | Student and/or Parent Appeal Bylaw

Date Approved:

Date Amended: September 10 2013

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### Preamble

Whereas Section 11 of the *School Act* provides that the Board of School Trustees of School District No. 52 (Prince Rupert) (the “Board”) shall establish, by bylaw, an appeal procedure for students and parents of students;

And Whereas the Board wished to enact its procedure for the conduct of such appeals;

Now therefore in open meeting assembled, the Board enacted the following

### STUDENT AND/OR PARENT APPEAL BYLAW

1. A student enrolled in an educational program in the School District or the parents of the student shall be entitled to appeal a decision, including a failure to make a decision, of any employee of the Board which significantly affects the education, health or safety of the student pursuant to this Bylaw.
2. The following decisions shall be deemed to significantly affect the education, health or safety of a student:
  - a) suspension from school for disciplinary reasons for a period in excess of five consecutive schools 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;
  - f) any other decision that in the opinion of the Board significantly affects the education, health or safety of a student.
3. An appeal must be commenced within a reasonable period of time from the date that the student or parent was informed of the decision being appealed. The Board must make a decision regarding the appeal as soon as practicable after receiving the appeal.

4. The Board may refuse to hear an appeal if:
  - 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 Superintendent or designate;
  - c) the Board determines that the decision does not significantly affect the student's education, health or safety.
  
5. If a student younger than 19 years of age appeals an employee's decision pursuant to this Bylaw, the Board shall provide written notification to the student's parents.
  
6. An appeal shall be initiated by providing to the Superintendent of Schools a written Notice of Appeal (attached to this Bylaw).
  
7. The Notice of Appeal shall include the following information:
  - a) a description of the decision that is being appealed;
  - b) the name of the employee who made the decision;
  - c) the date the person bringing the appeal learned of the decision being appealed;
  - d) the grounds of the appeal and the suggested resolution;
  - e) the name of the student on whose behalf the appeal is being filed;
  - f) the name of the school and the grade the student is enrolled in;
  - g) the name, telephone number, and address where the person filing the appeal may be contacted;
  - h) the steps that the student and/or his/her parents have taken to attempt to resolve the matter directly with the employee(s).
  
8. The Board may consider an appeal notwithstanding any defect in form or other technical irregularity.

9. The Superintendent of Schools or designate may, prior to the Board hearing the appeal, require that the student and/or his/her parents (the “Appellants”) discuss the decision being appealed with one or more persons.

10. At any time during the appeal process, the Appellants are entitled to be accompanied by a parent, advocate, support person or interpreter/translator.

11. The Superintendent or his designate shall immediately notify the employee whose decision is being appealed that an appeal has been filed.

12. Prior to referring an appeal to the Board of a hearing, the Superintendent of Schools or designate shall gather all information relevant to the appeal and prepare a report for the Board concerning the appeal. The Appellants and the employee shall be entitled to a copy of the Superintendent’s report.

13. The Board may make any interim decision it considers necessary pending the disposition of the appeal.

14. An appeal shall be heard by the Board at a hearing. The Appellants shall be provided with written notice of the date, time and location of the meeting.

15. At the hearing, the Board shall consider:

a) the report prepared by the Superintendent or designate regarding the appeal and any comments the Superintendent or designate may wish to make regarding the report or the appeal;

b) any written or oral submissions presented by the Appellants;

c) any written or oral submissions made by the employee whose decision is under appeal;

d) any other information, which in the opinion of the Board, may be of assistance to the Board for disposing of the appeal.

16. The Board shall have the right to question any person appearing at the appeal hearing.

17. The Board shall make any decision that it considers appropriate in respect of the matter that is being appealed and the decision of the Board is final.

18. The Board's decision shall be made in writing and shall be promptly reported to the Appellant and the employee whose decision is being appealed.

19. If an appeal to the Board does not resolve the concerns of the student or parent or guardian, he or she may appeal to a superintendent of achievement, so long as the matter falls within the scope of the Appeals Regulation as noted in #2.

20. An appeal to a superintendent of Achievement may be started only after a Section 11 appeals to the Board has been heard and a decision has been made.

#### A Guide to the Student Appeal Bylaw

The Board of School Trustees recognizes that it has a responsibility to be responsive to our learning community, and is committed to making every reasonable effort to achieve a standard of excellence in both its programs and services. In keeping with this commitment, the Board pledges that it will endeavour to maintain fair, transparent and easily accessible processes and systems which are intended to support student learning and achievement.

Consistent with these values and principles, and as required by the School Act, students and parents of students may appeal to the Board of School Trustees a decision of a School District employee, including the failure of an employee to make a decision, which significantly affects the education, health or safety of a student.

If a student or parent of a student initiates an appeal, the Board will make all reasonable efforts to resolve the matter in an effective and timely manner. The details for initiating an appeal are outlined in the Student Appeal bylaw, which can be located on the School District's website ([www.sd52.bc.ca](http://www.sd52.bc.ca)), or is available at any school or the District office. It is important that a student or parent of a student initiates an appeal of a decision within a reasonable time from the date of the decision being appealed.

The focus of the Student Appeal Bylaw is to make an accessible dispute resolution process available to students and parents. Where appeals are initiated, attempts will first be made to try and resolve any concerns with the assistance of school and District staff. If those attempts prove unsuccessful, then the parent or student may appeal directly to the Board of School Trustees.

If you have any trouble understanding how the Student Appeal Bylaw works, you should feel free to ask your child's school principal, or anyone at the District office (624-6717) to explain the process to you.

You may also contact the Advocacy Help Line for assistance at 627-6200. The Advocacy Help Line is sponsored by the BC Advocacy Project, which is designed to give parents an important voice in the education of their children. The Advocacy Help Line is free; confidential; solution-oriented; open 24-hours a day; staffed by trained parent volunteers and is available to any parent, guardian or student.

#### STUDENT AND/OR PARENT APPEAL FORM

1. The appeal must be made in writing within ten school days of the decision by the school or employee that you are appealing.

2. Complete this Appeal Form.

3. Bring the form (within ten school days) to your school Principal or to the:

School Board Office, 634 - 6th Avenue East, Prince Rupert, B.C. V8J 1X1 250-624-6717

4. You may have an advocate assist you throughout the appeal.

5. You will be contacted by the school district. In an attempt to resolve the appeal and depending on the circumstances, you may be asked to:

Speak to the teacher, or

Speak to the Principal, or

Meet with the Appeal Committee.

6. If the appeal cannot be resolved through the above steps, the appeal will be decided upon by the School Board.

Date:

Students Name:

Date of Birth:

Parent/Guardian Name:

Address:

Telephone Number      Home: \_\_\_\_\_      Work: \_\_\_\_\_

Student's School:

Student's Grade:

Teacher:

What decision of a school district employee that significantly affects you or your child's education, health or safety are you appealing? (What did the school do that you are appealing?)

When were you informed of the decision?

Who informed you?

Who made the decision?

What are the grounds for the appeal? (What are you unhappy about?)

What relief is sought? (What changes do you want?)

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Signature of the Person Appealing

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Printed Name of the Person Appealing

(Please attach a separate sheet if you need more space to comment on any of the questions.)