

SCHOOL DISTRICT NO. 78 (FRASER-CASCADE)

BYLAW

NO: 21

DATE: 1997-10-14

REVISED: 2002-04-23

2008-06-24

SUBJECT: **STUDENT APPEALS**

A student 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.

When an employee of the School District makes a decision which significantly affects the education, health or safety of a student, that student and her/his parents or advocates must be informed of their right to an appeal in the letter that is sent informing them of the above mentioned decision.

A student is entitled to continue to receive an educational program during a period of suspension.

The Board of Education expects that:

- the Student Appeals Bylaw #21, be accessible to all persons
- employees make every effort to review decisions at the classroom level with those most involved
- there be no reprisals against student/parents exercising their right to appeal.

1. NOTICE OF APPEAL

Formal appeals to the school board must be commenced by a written Notice of Appeal which shall state:

- 1.1 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;
- 1.2 The current placement of the student (i.e. school, grade and homeroom teacher);
- 1.3 The decision which is being appealed and the date the student and/or parent or guardian bringing the appeal was informed of the decision;
- 1.4 The name of the school board employee(s) who made the decision being appealed;
- 1.5 The grounds for the appeal and the relief sought.

2. PROTOCOL

- 2.1 The board or its designate may direct the student and/or parent or guardian bringing the appeal to first discuss the decision with the teacher or staff member who made the

decision under appeal, the principal of the school in which the student is enrolled, and/or a district person responsible for that school.

- 2.2 Where discussions directed under Section 2.1 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. DECISION BY THE BOARD OF EDUCATION

- 3.1 The board may make any interim decision it considers necessary pending the disposition of the appeal.
- 3.2 In attempting to resolve disputes the Board of Education will consider the merits and demerits of early intervention and/or mediation in every case and make recommendations to this end if they so decide.
- 3.3 The decision of the board shall be in writing and the board shall promptly notify the student and/or parent or guardian bringing the appeal of its decision.
- 3.4 The decision of the board shall be made and communicated within 45 days from receipt of the appeal.

4. SPECIFIC REQUIREMENTS OF THE APPEAL

- 4.1 The school board may refuse to hear an appeal where:
 - 4.1.1 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
 - 4.1.2 the decision does not significantly affect the education, health or safety of the student and therefore does not fall within the scope of appeals as per section 11 of the *School Act*.
- 4.2 The school board may consider an appeal notwithstanding any defect in form or other technical irregularity.

5. SCOPE OF APPEALS

The scope of appeals is limited to decisions that are deemed to significantly affect the education, health or safety of a student and fall within one or more of the following criteria:

- 5.1 expulsions or suspensions from an educational program;
- 5.2 disciplinary measures that require a student to complete all or part of an educational program by distributed learning if the program, space and facilities exist in the district in a non-distributed learning format;

- 5.3 a student is not provided with an individual education plan (IEP);
- 5.4 a parent or student is not consulted with on the placement of a student with special needs in an educational program, or the preparation of the student's IEP;
- 5.5 a complaint by a student or parent related to intimidation/bullying/harassment/threat or violence by another student;
- 5.6 the exclusion of a student from school due to risks to the health or welfare of other students.

6. PROCEDURE

- 6.1 The board chairperson should ensure that all parties concerned have received information pertinent to the appeal.
- 6.2 Where a decision of an employee is being appealed to the Board of Education, the appellant may be represented by an advocate of her/his choice.
- 6.3 The board will listen to the appellants as they present their concerns. The presentation should be allowed to proceed uninterrupted to allow the appellants to develop their arguments.
- 6.4 At the end of the presentation, the board will ask questions for clarification. Questions should be objective and to the point. Leading questions should not be asked.
- 6.5 The representatives of the school will then be given an opportunity to present their side of the issue, giving reasons for their decision.
- 6.6 At the conclusion of this presentation, the board will once again ask questions for clarification.
- 6.7 The chairperson of the board will then invite the parties involved to ask questions of each other for clarification. Questions should be neither personal nor judgmental.
- 6.8 The board will have one more opportunity to question either party for the purposes of clarification.
- 6.9 The parties involved will then be asked to leave. The board will meet in camera to rule on the matter. It must decide whether to uphold the school's decision, to increase or decrease the extent of the school's decision, or to set the decision aside.
- 6.10 The decision of the board will be communicated to the parties concerned by the board chairperson as soon as possible.
- 6.11 Effective March 3, 2008, the decision of the board may be appealed under Section 11 of the *School Act* to a Superintendent of Achievement. A Notice of Appeal form to the Student Appeals Branch, Victoria, will be provided to the appellant.

APPENDIX A: NOTICE OF APPEAL

Attached is School District appeals procedure. Appellants should read this information carefully before bringing an appeal. *(Please complete Sections 1, 2 and 3 on the following two pages.)*

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

STUDENT INFORMATION			
Name: (first / last)			
Address:			
	street (if different from parent)	postal code	phone
Birthdate: (yy / mm / dd)	/	/	
Student Placement:			
	school	grade	homeroom teacher

PARENT INFORMATION			
Name: (first / last)			
Address:			
	street	postal code	phone

2. Information about the employee(s) involved.

List the employee(s) whose decision is being appealed.	
Name	Position / Job

List the employee(s) with whom you have consulted about the decision.	
Name	Position / Job

3. Information about the decision being appealed.

Date you were informed of the decision:	
Describe the decision:	

How does your appeal fit within the Scope of Appeals as per Section 5?

Suggest a solution to the problem which would satisfy you:

Signature of the parent

Date appeal submitted

APPENDIX B: NOTICE OF APPEAL

COMPOSITION OF THE REVIEW COMMITTEE

The Review Committee will consist of:

1. the Superintendent of Schools or his/her designate; and
2. two administrative officers not involved in the case under review; or
3. an administrative officer and a non-educational supervisor not involved in the case under review.

FUNCTION OF THE REVIEW COMMITTEE

It will be the function of the Review Committee to:

1. hear all appeals brought under Section 11 of the *School Act* and to uphold, alter, or revoke employee decisions under appeal;
2. review all referred student suspensions of 5-10 days and to uphold, alter, or revoke such suspensions;
3. review, and if appropriate, determine the educational program to be made available to students suspended for 5-10 days as in 2 above; and
4. report in writing decisions of the committee to students and parents of students affected by such decisions with copies to the employee(s) and to the supervisor(s) involved in the case.