

BYLAW NO. 4

APPEALS

“A bylaw to provide for an appeal procedure under section 11 of the school act”.

The Board of Education recognizes that there may be times where parents, guardians and caregivers have concerns regarding a decision made by a district employee. We are committed to providing a fair and responsive opportunity for which parents and students can seek a review of decisions that significantly affect the education, health, or safety of a student. The Board strongly encourages parents and students to work together with their teachers and with school and Board administration to resolve disputes in an open and constructive manner both prior to and during the appeal process.

Employee decisions relating to individual students should be carried out in accordance with principles of fairness. The appeal process should encourage all parties in disputes to understand the concerns of the other parties and make good faith efforts to resolve disputes to mutual satisfaction. Unresolved disputes may be appealed to the Board of Education.

The Board will hear appeals on administrative decisions (or failure to make a decision) of an employee, submitted in accordance with section 11 of the School Act, that significantly affect the education, health or safety of a student.

The Board of Education recognizes the need to have a safe and confidential appeal process. This process should be free from any direct or indirect form of retaliation against parents, guardians, caregivers or students because of the initiation or outcome of an appeal.

The appeal process is based on the principle of administrative fairness and includes:

- The right to be treated with respect and dignity.
- The right to speak on your own behalf or to have an advocate speak for or with you.
- The right to be heard.
- The right to participate in decisions that affect you.
- The right to receive clear, complete and appropriate reasons for a decision.
- The right to obtain all information that led to the initial decision or is being considered in an appeal.
- The right to an impartial review of a decision that affects you, a review that is accessible, flexible, timely and easy to use.
- The right to an appeal procedure that has a built-in mechanism to protect against retribution.

1. The following decisions will normally be considered to be matters that significantly affect the education, health or safety of a student:

- 1.1. Disciplinary suspension from school for a period in excess of five (5) consecutive days;
- 1.2. Suspension from school for a health condition;
- 1.3. Placement in an educational program, including class placement;
- 1.4. Grade promotion and graduation;

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- 1.5. Refusal to offer an educational program to a student 16 years of age or older; distributed learning required as part of a disciplinary matter;
- 1.6. Bullying behaviours, including intimidation, harassment or threats of violence by a student against another student;
- 1.7. Failure to consult with families regarding the goals and content of an individual education plan;
- 1.8. Any other decision that, after receiving advice from the Superintendent, the Board believes significantly affects the education, health or safety of a student.

2. PRE-APPEAL DISPUTE RESOLUTION

- 2.1. Prior to a decision (or lack of decision) being appealed to the Board, it should be appealed to the Office of the Superintendent and the “Guidelines for Resolving Problems or Concerns” (Appendix A) should be followed.
- 2.2. If the Guidelines for Resolving Problems or Concerns process does not resolve the concern, an appeal is normally from the decision of the highest supervisory officer who dealt with the matter in that process.

3. STARTING AN APPEAL

- 3.1. A parent and/or student begins the Board appeal process by presenting a Notice of Appeal (Appendix B) in writing to the Secretary Treasurer within thirty (30) school days upon completion of Step 2.
- 3.2. The Notice of Appeal must include:
 - 3.2.1. The name, address, phone number, date of birth and school placement of the student (including, where appropriate, grade level and home room teacher)
 - 3.2.2. The name and mailing address, phone number of the person(s) making the appeal.
 - 3.2.3. A description of the decision that is being appealed.
 - 3.2.4. The date on which the student and/or parent/guardian bringing the appeal were informed of the decision.
 - 3.2.5. The name of the Board employee(s) who made the decision being appealed
 - 3.2.6. Particulars of the effect on the student’s education, health or safety.
 - 3.2.7. The action requested, or resolution sought.

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- 3.2.8. A summary of the steps taken by the student and/or parent/guardian to resolve the matter.
- 3.2.9. Whether the person making an appeal requires any special accommodation. In order to proceed with the appeal (such as interpretation services at the hearing of the appeal).

Anyone requiring assistance in submitting a Notice of Appeal should contact the Office of the Superintendent of Schools.

3.3. The Secretary-Treasurer is responsible on behalf of the Board for:

- 3.3.1. Receiving Notices of Appeal and informing the Superintendent
- 3.3.2. Reviewing Notices of Appeal for completeness and timeliness.
- 3.3.3. Giving any notices required under collective agreements.
- 3.3.4. Receiving and distributing documents relevant to an appeal.
- 3.3.5. Communicating with the appellants and others on matters relating to an appeal hearing, including whether the person making an appeal will attend the hearing.
- 3.3.6. Arranging for any accommodation required.
- 3.3.7. Scheduling hearings.

The Secretary-Treasurer may designate another staff member to carry out these responsibilities. If the Secretary-Treasurer has participated in the dispute resolution steps or is the employee whose decision is being appealed, another staff member shall be designated.

3.4. If the Secretary Treasurer is of the opinion that:

- 3.4.1. An appeal is not timely;
- 3.4.2. An appeal is not an appeal of a decision of a Board employee; or
- 3.4.3. There is any other preliminary matter that should be settled before a hearing of an appeal on its merits,

the Secretary-Treasurer may meet with the appellant to clarify the appeal.

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4. PRE-HEARING RESPONSIBILITIES

- 4.1. If the appellant is a student under the age of 19 and no parent is named as an appellant, a parent will be notified.
- 4.2. A report of the meeting with the Superintendent or designate shall be included in the report prepared under 3.4. The report may include the Superintendent's recommendations as to whether the dispute should be referred to an outside mediator.
 - 4.2.1. The Superintendent or designate responsible for the investigation and presentation on the appeal will prepare a report for the Board concerning the matter under appeal and is responsible for gathering the information to be presented to the Board.
 - 4.2.1.1. A copy of the report prepared will be provided to the appellant no later than 48 hours before the time set for hearing.
- 4.3. If requested by the appellant, the Board may determine that an appeal will be decided on the basis of written submissions only.
- 4.4. The appellant is notified of the date, time and place for hearing of the appeal and of the requirement to provide any documents in advance.
- 4.5. The appellant is required to provide copies of any documents on which he or she intends to rely, or copies of written submissions, no later than 24 hours before the date set for hearing.
- 4.6. Parents, or students as above, when appealing a decision to the Board, have the right to be represented or assisted by a person of their choosing. The responsibility for engaging and paying for such assistance rests with the parents or students.

5. HEARING AND DECISION

- 5.1. The Board accepts its responsibility to exercise its independent judgment when hearing appeals. In particular, an employee of the Board who has participated in making the decision being appealed, who has attempted to mediate it or who has investigated it shall not participate in the deliberations of the Board of Education on the appeal.
- 5.2. Appeals and decisions on appeals will be held in closed session.
- 5.3. The Board may refuse to hear an appeal where
 - 5.3.1. The appeal has not been commenced within the time set out under 3.1
 - 5.3.2. The student and/or parent or guardian has not adhered to procedures in the "Guidelines for Resolving Problems or Concerns";

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- 5.3.3. The student and/or parent or guardian has refused or neglected to discuss the decision under appeal with a person specified as directed by the Board; or
- 5.3.4. The decision does not, in the Board's opinion, significantly affect the education, health or safety of the student.
- 5.4. The Board may hear an appeal despite any technical deficiencies.
- 5.5. 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 time allotted for, submissions.
- 5.6. At any time, the Board may request further information from the appellant or the Superintendent or designate and may adjourn in order that such information may be obtained.
- 5.7. The Board may make any interim decision it considers necessary pending the disposition of the appeal.
- 5.8. The Board may invite submissions from any person whose interests may be affected by the Board's decision on the appeal.
- 5.9. The Board will confirm that each party has received all documentation provided by the other party prior to the hearing.
- 5.10. At the end of each party's submission, trustees may ask questions.
- 5.11. When questioning by trustees is complete, the parties will leave the proceedings and the Board will meet to make a decision regarding the appeal.
- 5.12. The Board must make a decision within 45 days from receiving the Notice of Appeal, but will make every effort to make the decision as soon as possible
- 5.13. The parties will be promptly notified of the Board's decision. Written reasons will be provided within 48 hours following the conclusion of the hearing via a letter to the appellant.
- 5.14. Appellants who have appeal rights under School Act s.11.1 will be advised of those rights when they are notified of the Board's reasons for decision.

Read a first time the 9th day of January, 1990.

Read a second time the 9th day of January, 1990.

Read a third time the 5th day of June, 1990.

Reconsidered, finally passed and adopted the 5th day of June, 1990.

Amended by the Board on the 7th day of July, 1992.

Further amended by the Board on the 26th day of November, 2002.

Further amended by the Board on the 24th day of September, 2013

Further amended by the Board on the 27th day of September, 2022.

GUIDELINES FOR RESOLVING PROBLEMS OR CONCERNS

It is important that each step be given a chance to correct the problem before proceeding to the next step.

STEP ONE: Talk to the source of the conflict.

Schools are no different than our communities at large and sometimes conflicts occur between students or even between teachers and students. It is important that parents share concerns and hear all sides. Sometimes issues are more complex than they appear, while other times solutions are simpler than we might think. For additional support, resources or advocacy please see [parent support, resources and advocacy](#) on the School District Website.

Contact and book an appointment with the source of the conflict or concern

Talk privately with the source of the conflict or concern

STEP TWO: Talk to the immediate supervisor (this may be the school Vice-Principal or Principal)

If conversation with the source of the conflict does not bring about a resolution, then talk to the immediate supervisor (this may be the school Vice-Principal or Principal. Principals). School Principals have autonomy and authority to solve many different kinds of problems and can provide access to resources and supports that can help resolve issues.

If the problem is not solved or you are still dissatisfied, contact the school Principal or Vice Principal

Talk privately with the school Principal or Vice Principal

yes

New information is available to solve the concern

no

Principal or Vice Principal will meet with the teacher

Meeting will be held with all parties if necessary to resolve the concern

STEP THREE: Contact the Office of the Superintendent

If you feel you have thoroughly discussed your problem with staff at the school and you still have concerns, contact the Board of Education Office and ask to speak to one of the Assistant Superintendents or the Superintendent. You will be asked to provide information regarding the steps you have taken to date.

Bylaw No. 4 – Appendix A

If resolution is not reached contact the Office of the Superintendent
officeofthesuperintendent@sd57.bc.ca
250-561-6800

Meet or talk privately with appropriate District Staff member in the Office of the Superintendent

District staff will confer with the Principal or Vice Principal and parent

STEP FOUR: Appeal to the Board of Education

SD57 has a policy allowing parents to appeal directly to the Board of Education in cases that "are deemed to significantly affect the education, health or safety of a student" as long as you have followed the previous steps. Appeals Bylaw No.4 contains the full policy and sets out the process and criteria for an appeal to the Board.

If resolution is not reached
Complete the [Notice of Appeal form](#) and submit to the appeal@sd57.bc.ca
250-561-6800

See [Appeals Bylaw 4 Section 3](#) for the process and details

STEP FIVE: Appeal to a provincial Superintendent of Appeals

You cannot make an appeal to the Superintendent of Appeals until you have completed an appeal to your Board of Education. B.C.'s School Act allows parents or students to appeal a decision of a Board of Education to a provincial Superintendent of Appeals in certain circumstances, as long as the matter falls within the scope of the Appeals Regulation and relates to:

- Placement in an educational program, including class placement;
- Grade promotion and graduation;
- Refusal to offer an educational program to a student 16 years of age or older; distributed learning required as part of a disciplinary matter;
- Bullying behaviours, including intimidation, harassment or threats of violence by a student against another student;
- Failure to consult with families regarding the goals and content of an individual education plan;
- Any other decision that, after receiving advice from the Superintendent, the Board believes significantly affects the education, health or safety of a student.

Email: EDUC.StudentAppeals@gov.bc.ca
[sab_procedures_manual.pdf \(gov.bc.ca\)](#)

Bylaw No. 4 – Appendix A

OTHER Resources:

BC Ombudsperson

BC's Ombudsperson also accepts complaints from the public regarding concerns about "unfair administrative decisions or actions, including lack of adequate reasons, unreasonable delay, unfair procedures, and arbitrary or unauthorized procedures."

www.bcombudsperson.ca

Approved 2022.06.22
Revised: 2022.09.27

[Office of the Ombudsperson | Public Complaints -](#)
[Office of the Ombudsperson \(bcombudsperson.ca\)](http://www.bcombudsperson.ca)

Bylaw No. 4 – Appendix B - Notice of Appeal

Please submit the completed form to:
Office of the Secretary Treasurer of School District No. 57
2100 Ferry Avenue, Prince George, BC, V2L 4R5
Email: appeal@sd57.bc.ca Fax: 250-561-6820

STUDENT INFORMATION:

Name: _____ Phone Number: _____

Address: _____

Date of Birth: _____ School Attending: _____

Grade Level: _____ Home Room Teacher: _____

PERSONS(S) MAKING THE APPEAL:

Name: _____ Phone Number: _____

Address: _____

Relationship to Student: _____

DESCRIPTION OF THE DECISION THAT IS BEING APPEALED:

Date person making appeal was advised of decision: _____

Name of employee who made the decision: _____

Particulars of the effect on the student's education, health, or safety:

