



BYLAW NO. 4

**“A bylaw to provide for an appeal procedure under Section 11 of the
School Act”**

1. A student entitled to an educational program in the school district, or the parent/guardian/advocate of such a student, may appeal a decision of an employee of the Board that significantly affects the education, health or safety of the student. The failure of an employee to make a decision that significantly affects the education, health or safety of the student shall be deemed to be a decision for the purpose of bringing an appeal. In the event that a student of school age is bringing an appeal, the Board will notify the parent.
2. The following decisions shall be deemed to affect significantly the education, health or safety of a student:
 - 2.1 Disciplinary suspension from school for a period in excess of five (5) consecutive days;
 - 2.2 Suspension from school for a health condition;
 - 2.3 Placement in an educational program, including class placement;
 - 2.4 Grade promotion and graduation;
 - 2.5 Refusal to offer an educational program to a student 16 years of age or older;
 - 2.6 Any other decision that, after receiving advice from the Superintendent, the Board believes significantly affects the education, health or safety of a student.
3. Every appeal to the Board must be commenced by a written Notice of Appeal, which shall state:
 - 3.1 The name and address of the student and of the parent bringing the appeal;
 - 3.2 The name of the person bringing the appeal;
 - 3.3 The current placement of the student (i.e., school, grade and homeroom teacher), the decision that is being appealed and the date the student or the parent bringing the appeal was informed of the decision;



- 3.4 The name of the Board employee(s) who made the decision being appealed;
- 3.5 The grounds for the appeal and the relief sought;
- 3.6 The steps taken to resolve the matter.

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

- 4. Upon receipt of a Notice of Appeal, the Board or the Superintendent may direct the student or the parent/guardian/advocate to the *Guidelines for Resolving Problems or Concerns* (Appendix) for further discussion of the decision under review.

[Note: Schedule “A” of this bylaw is based on guidelines for resolving concerns that were developed in cooperation with the District Parent Advisory Council. These guidelines will ordinarily serve as the basis for any review of the steps taken in attempts to resolve a matter under appeal.)

- 5. Where discussions directed under Section 4 do not resolve the appeal, the Superintendent or designate will prepare a report for the Board, which shall include the notice of appeal, and will provide a copy of this report to the student or the parent/guardian/advocate bringing the appeal, and to all employees of the Board involved in the decision under appeal.
- 6. The Board will accept written and/or oral submissions from the student and/or the parent/guardian/advocate bringing the appeal and from the employee whose decision is the subject of the appeal. Upon the request of the student or the parent bringing the appeal, the Board will provide for a meeting before deciding the appeal.
- 7. Where the Board has granted a meeting on the issue, or where the Board considers it necessary to receive oral submissions, it shall set a time, date and place for this purpose and shall give notice to the student or the parent/guardian/advocate bringing the appeal, and to all employees of the Board involved in the decision under appeal.
- 8. The Board may make any interim decision it considers necessary pending the disposition of the appeal.
- 9. The Board shall promptly notify, in writing, the student or the parent/guardian/advocate bringing the appeal and all employees of the Board involved in the decision under appeal.
- 10. The Board may refuse to hear an appeal where:
 - 10.1 The appeal has not been commenced within three (3) months from the date the decision significantly affecting the student’s education, health or safety was made; or



- 10.2 The student or the parent/guardian/advocate has refused or neglected to discuss the decision under appeal with the person(s) directed by the Board or its designate; or
 - 10.3 In the opinion of the Board, the decision does not significantly affect the education, health or safety of the student.
11. The Board may consider an appeal notwithstanding any defect in form or other technical irregularity.

This Bylaw may be cited for all purposes as “School District No. 57 (Prince George) Bylaw No. 4 - a Bylaw to provide for an appeal procedure under Section 11 of the *School Act*” and is in all respects in accordance with the provisions of the *School Act*.

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



GUIDELINES FOR RESOLVING PROBLEMS OR CONCERNS

Ordinarily, start with the person whose decision has given rise to the concern or problem.

Always give each step a chance to correct the problem before you proceed to the next step.

STEP ONE: Talk to your child's teacher

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 with their children's teachers and hear all sides. Sometimes issues in classrooms are more complex than they appear, while other times solutions are simpler than we might think.

STEP TWO: Talk to your school Vice-Principal or Principal

If conversation with the teacher does not bring about a resolution, then talk to your school Vice-Principal or Principal. Principals have autonomy and authority to solve many different kinds of problems. As well, Principals and Vice-Principals can provide access to resources and supports that can help resolve issues.

STEP THREE: Contact the Assistant Superintendent or Superintendent

If you feel you have thoroughly discussed your problem with staff at the school and you still have concerns, contact the School Board 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.

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. Bylaw No.4 contains the full policy and sets out the process and criteria for an appeal to the Board.

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:

- Expulsion from an educational program;
- Suspension from an educational program;
- Suspension from an educational program where no other educational program is made available;
- Distributed learning required as part of a disciplinary matter;



- A decision not to provide a student with an IEP;
- Consultation about placement of a student with special needs and the provision of an Individual Education Plan (IEP);
- Bullying behaviours, including intimidation, harassment or threats of violence by a student against another student; or
- Exclusion due to a medical condition that endangers others.

OTHER:**BC Teacher Regulation Board**

As well, B.C.'s Teacher Regulation Board accepts written complaints "from any person from the public relating to the conduct or competence of a certificate holder." Visit the TRB website for more information.

www.bcteacherregulation.ca

www.bcteacherregulation.ca

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

Revised: 2008.05.27, 2013.09.24, 2019.09.11

