

School District 10: Arrow Lakes

Policy Subject: APPEAL BYLAW UNDER SECTION 11 OF THE SCHOOL ACT

Date Passed: NA

Date Amended: NA

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By-Law No. 4

Date Approved:

Date Amended:

1. A student entitled to an educational program in the School District 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.
2. Every appeal to the School Board must be commenced by a written Notice of Appeal which shall state:
 - a) 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;
 - b) the current placement of the student (i.e. school, grade and teacher);
 - c) the decision which is being appealed and the date the student and/or parent or guardian bringing the appeal was informed;
 - d) the name of the School Board employee(s) who made the decision being appealed;
 - e) the grounds for the appeal and the relief sought.
3. Upon receipt of a Notice of Appeal, the School Board or the Superintendent of Schools may direct the students and/or parent or guardian bringing the appeal to discuss the decision under appeal with one or more persons where provided by School District policy or where the School Board or the Superintendent of Schools considers it appropriate. The Board shall refuse to hear an appeal where the pupil

and/or the parent or guardian bringing the appeal has not first discussed the decision with the employee who made the decision, unless the employee does not wish to discuss the matter with the pupil and/or the parent or guardian.

4. Where discussions directed under Section 3 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, and to the employee whose decision is being appealed and to that employee's union. The report will contain a copy of the Notice of Appeal.

5. The School Board will invite written submissions from the student and/or parent or guardian bringing the appeal and from the employee whose decision is being appealed, and may decide the appeal based upon the written submissions.

The School Board will decide the appeal based on the oral and written submissions presented to it.

6. Where the School 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 and/or parent or guardian bringing the appeal, and to the employee whose decision is being appealed. A student bringing forward an appeal may be accompanied by an adult advocate. The employee may be accompanied by a union representative.

7. The School Board may establish a committee(s) to investigate matters pertaining to an appeal and the committee shall report to the School Board on such matters and in the manner directed by the School Board. The School Board may, in its discretion, appoint trustees, senior officials, administrative officers, teachers or any other person the School Board considers appropriate as members of the committee.

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

9. The decision of the School Board shall be in writing and the School Board shall promptly notify the student and/or parent or guardian bringing the appeal and the employee of its decision.

10. The School Board may refuse to hear an appeal where:

- a) the appeal has not been commenced within thirty (30) days from the date the decision significantly affecting the student's education, health or safety was made; or
- b) 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
- c) the decision does not in the opinion of the Superintendent significantly affect the education, health or safety of the student.

11. 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 ten (10) consecutive 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;
- and any other decision that in the opinion of the School Board or the Superintendent of Schools significantly affects the education, health or safety of a student.

12. The School Board may consider an appeal notwithstanding any defect in form or other technical irregularity.

Board Chairperson

Secretary-Treasurer