



School District No. 27 (Cariboo-Chilcotin)

APPEAL PROCEDURES

Policy No. 1150

Effective: June 2018

Initial Adoption: December 1990

Policy

The Board of Education recognizes the right of a student and/or the parent of a student, to appeal to the Board, decisions of Board employees where such decisions significantly affect the health, education or safety of the student.

Regulations

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

The Board of Education generally encourages complaints and disputes to be dealt with at the point closest to where the dispute first arises, pursuant to the Board's Dispute/Complaint resolution. (see Board Policy 1312)

Subject to the provisions of Section 11 of the *School Act*, a student and/or a parent or guardian may appeal a decision of a Board employee where such a decision significantly affects the health, education or safety of the student. For the purposes of this Policy, "decision" includes the failure of an employee to make a decision.

The Board also recognizes that employee decisions that do not significantly affect the education, health or safety of a student are within the final authority of the Superintendent as the Board's chief executive officer or the Secretary Treasurer as the Board's corporate financial officer.

Schools are expected to provide students and parents with information about appeal procedures, including the statutory right to an appeal under the *School Act*.

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.

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

1. The right to be treated with respect and dignity.
2. The right to speak on your own behalf or to have an advocate speak for or with you.

3. The right to be heard.
4. The right to participate in decisions that affect you.
5. The right to receive clear, complete and appropriate reasons for a decision.
6. The right to obtain all information that led to the initial decision or is being considered in an appeal.
7. The right to an impartial review of a decision that affects you, a review that is accessible, flexible, timely and easy to use.
8. The right to an appeal procedure that has a built-in mechanism to protect against retribution.

To be consistent with the *Ombudsman Act*, no School District No. 27 employee or Trustee shall discharge, suspend, expel, intimidate, coerce, evict, impose any pecuniary or other penalty on or otherwise discriminate against a person because that person files a complaint, gives evidence or otherwise assists in the investigation, inquiry or reporting of a complaint or other proceeding under Section 11 of the *School Act*.

The appeal process shall be established by bylaw and shall be applied in accordance with the above principles.

The Board recognizes that whether a decision significantly affects a student's education, health, or safety is a matter for individual consideration. The following will normally be considered to be matters that significantly affect a student's education, health or safety and fall within the allowable grounds for Appeal as per the *School Act* (s. 11):

- Expulsion from an educational program;
- Suspension from an educational program;
- Suspension from an educational program where no program is made available;
- Distributed learning requirement as part of disciplinary matter;
- Consultation about placement in an Individual Education Plan (IEP);
- A decision not to provide a student with an IEP;
- Conduct (bullying, suspension, expulsion); and
- Exclusion due to a medical condition that endangers others.

Issues that normally fall **outside** the scope of an appeal to the Board of Education, unless the Board deems the issue significantly affects the education, health or safety of the student, include Superintendent or Secretary Treasurer decisions regarding:

- Class size
- Language of instruction
- Parent volunteers
- Holiday celebrations
- Examination of student records
- Enrolment in an educational program
- Support services for schools

- Enrolment in a francophone educational program;
- Priority of enrolment
- Provision of francophone educational programs
- School personnel
- Teacher collective agreements
- Establishment of Boards of Education
- Trustee qualifications
- Elections
- Boards of Education: corporate status and meetings
- Establishment and closure of schools
- Management of schools and property
- Catchment areas
- School calendar
- Extended day and year round schooling
- Achievement contracts
- Support services

Decisions made on appeals are not precedential and are not binding on future decision-makers.

In considering appeals of employee decisions, the Board shall consider:

- whether the decision appealed is in accordance with legislation, Board policies and procedures;
- whether the decision appealed was reached through a process that was fair to the student and after consideration of relevant information;
- whether the evidence presented to the Board supports the decision or calls it into question;
- whether the decision is reasonable in the circumstances; and
- whether there are special circumstances that would warrant making an exception to a Board policy.



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Appellants should read the following documentation prior to consideration of completing this Notice of Appeal - available on the District Website: www.sd27.bc.ca:

- Policy 1312 Complaints Against Staff or Volunteers
- Policy 1150 Appeals Procedures
- Bylaw B2706 Appeals Procedures

A. INFORMATION ABOUT THE PERSON(S) BRINGING THE APPEAL

STUDENT

Name	Last		First	
Mailing Address	Box or Street		City	Postal Code
Personal Information	Birthdate: yyyy/mm/dd	Current School	Student Grade	Phone

PARENT / GUARDIAN

Name	Last		First	
Address (if different than student)	Box or Street	City	Postal Code	Phone

B. INFORMATION ABOUT THE DECISION BEING APPEALED (attach a separate page if more room is required)

01. Employee's Name Making Decision	02. Date you were informed of Decision
03. Describe the Decision	

04. Summary of Steps taken by you to resolve decision (include names of employees you have consulted)
05. Describe how the decision significantly affects the student's education, health or safety
06. Give your grounds for appealing the decision
07. Suggest a solution to the problem which would satisfy you

C. APPEAL HEARING INFORMATION

Do you request an oral hearing with the Board? Yes or No	Special Accommodations required to proceed with the appeal (i.e. interpretation services at the hearing etc.)
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D. SIGNATURES

Signature of Appellant

Date

Name of Appellant (please print)