

School District #62 (Sooke)
Parent/Student Appeals By-Law No. 1-08

A by-law to establish procedures to be followed in the event of an appeal of an employee decision which significantly affects the education, health or safety of a student, pursuant to Section 11 of the *School Act*.

1. A student entitled to an educational program in the School District, or the parent/guardian of the student, may appeal a decision of an employee of the Board of Education 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. Appeals to the Board of Education shall be conducted according to the procedures which follow. The Board will only hear an appeal if Sections 2.1, 2.2 and 2.3 have been followed.

2.1 Appeal Initiation:

An appeal must be initiated within 30 days of the date of the rendering of a decision by an employee.

2.2 Levels of Consultation:

The parent/student initiating the appeal must have discussed the decision in question with the following personnel:

2.2.1 The employee(s) who made the decision.

2.2.2 The employee's immediate supervisor (principal, manager of operations).

2.2.3 The executive officer responsible (Superintendent, Secretary-Treasurer or designate).

Where a decision in question has been made by a Principal, Manager, Superintendent or Secretary-Treasurer, only the appropriate corresponding levels of consultation are required.

2.3 Written Notice of Appeal:

2.3.1 Where discussions directed under Section 2.2 do not resolve the appeal, the executive officer or designate will advise the appellant of the procedure to request the Board to hear an appeal, including completion of the required Notice of Appeal. (See Appendix 1.) Forms are available at the Board Office and assistance will be provided to complete these, upon request.

2.3.2 Except where the matter appealed is one which is specified in the Board's policy as normally considered to significantly affect a student's education, health or safety, upon receipt of a written Notice of Appeal, the executive officer or designate will prepare a report for the Board of Education dealing with the preliminary issue of whether the decision significantly affects the education, health or safety of the student and will provide copies to the appellant and the employee(s) whose decision is under appeal. Such a report may contain written information from other District personnel. The appellant shall be provided with an opportunity to respond in writing.

2.3.3 Where the Board of Education judges the written information from all parties to be sufficient, worthy and timely in supporting the belief that the decision under appeal may significantly affect the education, health or safety of the student, a meeting shall be granted. Where the Board of Education judges that the decision under appeal does not significantly affect the education, health, or safety of the student, no meeting will be granted. The parent/student initiating the appeal and any employee involved in the appeal process will be notified promptly in writing of this decision.

2.3.4 The Board of Education may make any interim decision it considers necessary pending the disposition of the appeal and appropriately communicate such a decision.

2.4 Meeting:

Following the Board of Education's adjudication that a meeting is warranted, the executive officer or designate will prepare a report for the Board on the matter under appeal and will provide copies at least 48 hours before the hearing to the appellant and the employee(s) whose decision is under appeal. Such a report may contain written information from other District personnel. The Board shall convene a meeting of the appellant(s) and personnel deemed necessary to assist the Board in its deliberations. A Board officer who has participated in making the decision being appealed, who has attempted to mediate it or who has investigated it shall not be present in the absence of the appellant during the deliberations of the Board of Education on the appeal.

2.5 Employee Notification and Submission:

An employee whose decision is the subject of an appeal to the Board of Education will be notified of the appeal and afforded the opportunity to present information to the Board prior to a Board decision. The appellant shall be provided with a copy of any such information or be present during its presentation, and have an opportunity to respond.

2.6 Appeal Resolution:

2.6.1 The Board of Education may make any decision it deems appropriate in respect of the matter that is appealed to it under Section 11 of the *School Act* whether to uphold, alter or revoke the decision under appeal, and, where applicable, whether to uphold, alter or revoke any interim Board decision of the matter under appeal.

2.6.2 The Board of Education shall make its decision within 45 days from the date the appeal was filed.

2.6.3 The decision of the Board of Education shall be promptly communicated in writing to the appellant(s) and to any Board employees involved in the appeal process.

3. The Executive Officer or designate shall immediately inform the appellant(s) in writing of the right to appeal the Board's decision to a Superintendent of Appeals, subject to *School Act* Sec. 11.1 Appeals Regulation that includes:

- expulsion.
 - suspension.
 - failure to provide an educational program.
 - assigning distributed learning.
 - status as special needs.
 - consultation about IEP.
 - inaction on bullying.
 - exclusion under Section 91 of the *School Act*.
4. This By-law replaces School District #62 (Sooke) Policy and Regulations C-350, April 10, 1990.
5. This By-law may be cited for all purposes as "School District #62 (Sooke) Parent/Student Appeals By-law No. 1-08 and is in all respects in accordance with the provisions of the *School Act*."

Read a first time this 11th day of March, 2008.

Read a second time this 22nd day of April, 2008.

Read a third time, passed and adopted the 27th day of May, 2008.

Corporate Seal

Board Chairperson

Secretary-Treasurer

**Appendix 1
Notice of Appeal**

Attached is the School District #62 (Sooke) By-law regarding Parent/Student appeal procedures. Student and/or parents/guardians should read the information carefully before initiating a formal appeal. Assistance in completing the form is available from School District Office personnel.

Part I

When a concern regarding an employee decision is not resolved through discussions with the appropriate personnel (2.2), the preliminary question will be whether there is a significant affect on the student's education, health or safety (2.3.2).

A. Information About the Person(s) Initiating the Appeal

Name of Student _____ Age/**Grade** _____

Name of School _____ Date _____

Parent's/Guardian's Names _____

Address _____

Phone _____

B. Information About the Decision(s) Being Appealed

Date you were informed of decision _____

Name of employee whose decision is being appealed _____

What was the decision you wish to appeal? Please note that this should briefly state the actual decision. (Details regarding events and activities which lead to the decision may be provided in Part II.)

Have you discussed this decision with:

1. The employee _____ (Yes/No) Date _____

2. The Principal/Supervisor _____ (Yes/No) Date _____

3. The Superintendent/Secretary-Treasurer/
Designate _____ (Yes/No) Date _____

C. How does the decision significantly affect your (child's) education, health or safety?

√

___ suspension or exclusion of the student from school for a period in excess of five days, or that could prevent the student from fulfilling graduation requirements in a timely way.

___ decisions regarding placement in an educational program other than access to a specific course or class (unless denial of access to a class or course would significantly affect the student's education, health or safety).

___ decisions regarding whether the student has met the requirements for promotion from one grade or course to the next, or has met the requirements for secondary school graduation.

___ denial of a request for an individual education program.

___ failure to consult with regarding to the student's individual education program.

___ other (please attach an additional sheet for this section).

Signatures of Appellants

Student _____ Date of Appeal _____

Parent/Guardian _____

Parent/Guardian _____

Received by the School Board Office:

Name _____

Signature _____

Date _____

Part II

If the School Board decides to grant a meeting (2.3.3), this information will be attached to the executive officer's report for the Board (2.3.2). (Attach additional sheets if more space is required.)

D. Please provide any relevant information regarding the decision and events or activities which resulted in the decision:

E. Please give your reasons for appealing the decision with particulars of the effect on the student's education, health or safety:

F. Suggest a solution to the problem which would satisfy you:

Signatures of Appellants:

Student _____

Date of Appeal _____

Parent/Guardian _____

Parent/Guardian _____

Received by the School Board Office

Name _____

Signature _____

Date _____

Date**Timeline**

- | | |
|-------------|--|
| _____ | 1. Within <u>30 days</u> of an employee decision, <u>after</u> levels of consultation. |
| _____ | 2. Written notice. |
| _____ | 3. Preliminary report by Executive Officer or designate. |
| _____ | 4. Board considers EHS for Appeal Hearing: <ul style="list-style-type: none"> a. No – parent/student notified promptly. b. Yes – <u>within 48 hours of receipt of Board report</u>, hearing set. |
| _____ | 5. Board decision within 45 days of date the Appeal was filed. |
| _____ | 6. a. Yes – and interim decisions. |
| or
_____ | b. No – Superintendent/designate notify parent/student of Appeal Regulation to Superintendents of Achievement, <i>School Act</i> , Sec. 11.1. |