

**School District #62 (Sooke)**

<b>APPEALS</b>	No.: C-350
	Effective: May 27/08 Revised: Jan. 25/22 Reviewed: Nov. 2/21; Dec. 7/21; Dec. 14/21; Jan. 25/22

**SCHOOL BOARD POLICY**

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. The Board, by By-law, requires the appellant to have followed the "Levels of Consultation" outlined in By-Law 1-08.

If an employee's decision is disputed or a complaint is made about an employee's decision, the dispute or complaint is not resolved to the satisfaction of the student or the parent of the student affected, and the decision "significantly" affects the education, health or safety of the student, the Board of Education recognizes the right of a student and/or his or her parents (including guardians and persons acting in place of parents) to appeal to the Board.

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 educational officer.

"Decision" includes a failure to make a decision.

"Parent" is as defined in the *School Act*, and includes a guardian.

Appeals to the Board of Education are to be carried out in accordance with principles of fairness, including:

1. The appeal process should be accessible to parents and students. Information about the appeal process and relevant policies should be readily accessible to all, including employees, students and parents. Reasonable accommodation should be provided where necessary to allow parents or students to make use of the appeal process.
2. Appellants are entitled to receive the same written and oral information to be used in the appeal as is provided to the Board by administration and to have an opportunity to respond to it.
3. The Board accepts its responsibility to exercise its independent judgment when hearing appeals. In particular, 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.

4. A student or parent shall not be subjected to retribution by the Board, its officers or employees because an appeal has been made.

Appeal procedures shall be established by By-law and shall be applied in accordance with the previous four 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:

- suspension or exclusion of a student from a school for a period in excess of five days, or that could prevent the student from fulfilling graduation requirements in a timely way;
- Exclusion from school for a health condition;
- placement in an educational program (this does not include classroom or teacher preference issues);
- grade promotion or graduation;
- refusal to offer an educational program to a non-graduated student sixteen (16) years of age or older;
- a student is not provided with an individual education plan; and,
- failure to consult with regard to a student's individual education program.

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.