

SCHOOL DISTRICT No. 69 (QUALICUM)

ADMINISTRATIVE PROCEDURES

PARENT/STUDENT APPEALS TO THE BOARD OF EDUCATION

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The following procedures for hearing student (parent) appeals by the Board of Education (hereinto after called 'the Board') shall be applied in accordance with the guiding principles set out in Board Policy 6240: *Resolution of Complaints*.

1. **PRE-APPEAL RESOLUTION OF COMPLAINTS PROCESS**

(Summary to Board Policy 6240: *Resolution of Complaints*)

- 1.1 A student and/or parent seeking a review of a decision of any Board officer or employee under this Bylaw must engage in good faith attempts to resolve their concerns through the processes set out in Board Policy 6240: *Resolution of Complaints*, including by proceeding through the three step resolution process described therein, namely:

Step One – Initial Contact:

The complainant is encouraged to communicate directly or in writing with the respondent regarding the concern in a good faith attempt to resolve the concerns/issues.

Step Two – Facilitated Contact:

A facilitator, usually the respondent's direct supervisor, will arrange to meet with the parties in an attempt to resolve the concerns/issues.

Step Three – District Review:

The Superintendent or his/her designate will review the complaint and seek to bring the matter to a conclusion

- 1.2 If the decision under review is a decision of a Principal, Assistant-Superintendent, Superintendent or Secretary-Treasurer, then the parties may omit Step 2 in the Process.
- 1.3 If no resolution is reached by Step 3, the student or parent may commence an appeal to the Board in accordance with Section 2 below. The decision under appeal will be the decision, as confirmed, varied, amended or substituted, by the Superintendent or Secretary-Treasurer at Step 3 of the above process.

2. **STARTING AN APPEAL**

- 2.1 To commence an appeal to the Board under this Policy, a student or parent must complete and file with the Secretary Treasurer a "Notice of Appeal", in such form as the Board may require from time to time and including the information set out in Section 2.2 below. (See attached Notice of Appeal form.)
- 2.2 An appeal must be filed no later than fifteen (15) school days from the date the student/parent received notice of the decision at Step 3 of the process described in Section 1 above. If the fifteen days expires on a Saturday, Sunday, statutory holiday or other school holiday, the period will be deemed to expire on the next following school day.

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- 2.3 The Notice of Appeal must include:
- a. the name, address and school placement of the student (including, where appropriate, grade level and home room teacher);
 - b. the name and address of the person(s) making the appeal;
 - c. the decision that is being appealed;
 - d. the date on which the student (parent) bringing the appeal were informed of the decision;
 - e. the name of the Board employee who made the decision being appealed;
 - f. particulars of the effects on the student's education, health or safety;
 - g. the grounds for the appeal and the action requested or relief sought;
 - h. a summary of the steps taken by the student (parent) to resolve the matter;
 - i. whether the person is requesting an oral hearing or would prefer only to submit written documents; and,
 - j. whether the person making the appeal requires any special accommodation in order to proceed with the appeal (such as, for example, interpretation services).
- 2.4 The Secretary-Treasurer is responsible on behalf of the Board for:
- a. receiving Notices of Appeal;
 - b. reviewing Notices of Appeal for completeness and timeliness;
 - c. giving any notices which may be required under collective agreements;
 - d. receiving and distributing documents relevant to an appeal;
 - e. communicating with the appellants and others on matters relating to an appeal hearing;
 - f. arranging any accommodation required; and,
 - g. scheduling the hearing

The Secretary-Treasurer may designate another staff member to carry out these responsibilities. If the Secretary-Treasurer has participated in the dispute resolution steps of Policy 6240 or is the employee whose decision is being appealed, another staff member shall be designated.

- 2.5 The Secretary-Treasurer may schedule a hearing before the Board for purposes of reaching a decision on a preliminary matter without first complying with all of the requirements (as outlined in Section 3 below) for a full hearing of the appeal on its merits. The Secretary-Treasurer may choose to convene such a hearing when he/she is of the opinion that:

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- a. an appeal is not timely;
- b. the individual/s bringing the appeal have refused to participate in good faith during the dispute resolution steps of Board Policy 6240: *Resolution of Complaints*;
- c. the appeal is not an appeal of a decision of a Board employee or the decision does not significantly affect the student's education, health or safety; and/or,
- d. there is any other preliminary matter that should be settled before a hearing of an appeal on its merits is undertaken.

In a case where the Secretary-Treasurer deems a preliminary hearing necessary, any applicable collective agreement requirements must still be complied with.

- 2.6 The Secretary-Treasurer will notify appellants of any preliminary hearing connected with an appeal and provide the opportunity to make written submissions on the preliminary issues to be determined.

3. PRE-HEARING RESPONSIBILITIES

- 3.1 Upon receipt of a Notice of Appeal, the Superintendent shall be notified. The Superintendent or a person designated by the Superintendent to be responsible for investigation and presentation of the appeal will prepare a report for the Board concerning the matter of the appeal and is responsible for gathering information to be presented to the Board, other than the information to be presented by the appellant(s).
- 3.2 If the appellant is under the age of nineteen (19) years and no parent is named as an appellant, a parent will be notified. Every attempt will be made to ensure that the student is accompanied by a support person.
- 3.3 If the appellant has not met with the Superintendent during the dispute resolution process, at the Superintendent's request the appellant(s) is required to meet with the Superintendent or a person designated by the Superintendent. A report of this meeting shall be included in the report for the Board prepared under 3.1 above. The report may include the Superintendent's recommendation as to whether the dispute should be referred to an outside mediator.
- 3.4 Any notices under relevant collective agreements are given.
- 3.5 Instead of an oral hearing, the Board may determine that an appeal will be decided on the basis of written submissions only.
- 3.6 The appellant(s) is notified of the date, time and place of the appeal and of the requirement to provide any documents in advance.
- 3.7 A copy of the report prepared under 3.1 will be provided to the appellant(s) no later than 48 hours before the time set for the hearing.

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- 3.8 The appellant is required to provide copies of any documents on which he or she intends to rely, or copies of written submissions, no later than 24 hours before the date/time set for the hearing.

4. HEARING AND DECISION

- 4.1 The Board will decide the appeal based on the oral and/or written submissions presented to it and, for an oral hearing, will determine the order of, and time allotted for submissions.
- 4.2 At any time the Board may request further information from the appellant or the Superintendent or designate and may adjourn in order that such information may be obtained.
- 4.3 The Board may make any interim decision it considers necessary pending the disposition of the appeal.
- 4.4 The Board may invite submissions from any person whose interests may be affected by the Board's decision on the appeal.
- 4.5 The Board may refuse to hear an appeal where:
- a. the appeal has not been commenced within the time set out under 2.2
 - b. the student and/or parent has refused or neglected to discuss the decision under appeal with the person(s) specified in Policy 6240, the Superintendent or delegate or such other person(s) as directed by the Board.
 - c. the decision does not in the Board's opinion significantly affect the education, health or safety of the student.
- 4.6 The Board may hear an appeal despite any defects in form or technical irregularities and may relieve against time limits.
- 4.7 Appeals and decisions on appeals will be held in closed session.
- 4.8 The Board will ensure that each party has received all documentation provided by the other party prior to the hearing.
- 4.9 At the end of each party's submission, members of the Board may ask questions.
- 4.10 When questioning by members of the Board is complete, the parties leave and the Board meets to decide how it will dispose of the appeal.
- 4.11 The Board must make a decision as soon as practicable and, at longest, within 45 calendar days, from receiving the Notice of Appeal.

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- 4.12 The Board may reconsider its decision only:
- a. if it is satisfied new evidence or information would have a material effect on the decision and that the failure to present that evidence or information at the original hearing is satisfactorily explained;
 - b. the decision contravenes the law; or,
 - c. a reconsideration is directed or requested in connection with an appeal of the Board's decision under School Act s. 11.1.
- 4.13 A decision of the Board of Education is not necessarily final as 2008 School Act amendments have made provision for appeals of Board decisions, in certain circumstances, to be heard at the provincial level by the Ministry of Education. For more information, contact the Student Appeals Branch of the Ministry of Education.
- 4.14 The parties will be promptly notified of the Board's decision. Written reasons will be provided as soon as practicable. It is understood that any decision made will be a collective decision of the Board and that a statement of reasons for the decision may not be able to adequately capture the reasoning of individual members.
- 4.15 Decisions made by the Board regarding appeals are not precedential and are not binding on future decision-makers or future Boards of Education.

References:

- *School Act: Sections 11.1(1), 175(2)(r) and Regulation 24/08: Appeal Regulation*
- *Board Bylaw 5: Parent/Student Appeals to the Board of Education*
- *Board Policy 6240: Resolution of Complaints*
- *Administrative Procedures: Resolution of Complaints*
- *BC Confederation of Parent Advisory Committees (BCCPAC) Speaking Up! Booklet*



Attachment to: Board Bylaw 5: Parent/Student Appeals to the Board of Education

NOTICE OF APPEAL

Name of Student: _____

Address of Student: _____

Placement of Student: _____
(including, where appropriate, grade level and home room teacher)

Name of Person Making the Appeal: _____

Address of Person Making the Appeal: _____

Decision being Appealed: _____

Date of Decision being Appealed: _____
(date on which the student/parent bringing the appeal was informed of the decision)

Name of Board Employee who made the Decision being appealed: _____

Particulars of the effects on the student's education, health and/or safety: _____

Please provide the grounds for the appeal and the action requested or relief sought: _____



Attachment to: Board Bylaw 5: Parent/Student Appeals to the Board of Education

NOTICE OF APPEAL

Summary of steps taken by the student/parent to resolve the matter: _____

Please indicate whether you are requesting an oral submission or would prefer only to submit written documents:

Oral Submission Written Submission Only

Please indicate whether the person making the appeal requires any special accommodation in order to proceed with the appeal (ie. Interpretation services): _____

Submitted on the ____ day of _____, 20____

Signature of Person Making the Appeal