

Student Appeals Under Section 11 of the School Act

The Board of Education endorses the right of a student entitled to an educational program and/or the parent or guardian of the student to appeal to the board, decisions of board employees where such decisions significantly affect the education, health or safety of the student. The Board of Education will by bylaw establish an appeal procedure.

WHEREAS a student entitled to an educational program in the school district, or the parent/guardian of the student, may appeal the decisions of board employees where such decisions significantly affect the education, health or safety of the student; and

WHEREAS failure of an employee to make a decision shall be deemed to be a decision for the purpose of bringing an appeal.

NOW THEREFORE, the Board of Education enacts as follows:

- The following decisions shall be deemed to significantly affect the education, health or safety of a student:
 - Disciplinary suspension from school for a period in excess of 10 consecutive days.
 - Suspension from school for a health condition.
 - Grade promotion and graduation.
 - Failure to provide an Individual Education Plan (IEP) to a student with special needs;
 - Failure to consult with a parent regarding the placement or IEP of a student with special needs.
 - Refusal to offer an educational program to a student of school age.
 - Denial of an educational program by failure to take action in respect of a complaint of bullying, intimidation, harassment, or threat or use of weapons or violence by one or more students against another student.
 - Any other decision that in the opinion of the board significantly affects the education, health or safety of a student.
- Every appeal to the board must be commenced by a written [Notice of Appeal](#) form. This form shall be:
 - Obtained at the school or school district administration office.
 - Completed in full and submitted to the principal of the school in which the student is registered or enrolled, or, submitted to the school district administration office if the decision under appeal was made by district staff.
 - Submitted not later than 30 days after the decision under appeal was made.
- Before an appeal is filed, it is the board's expectation that the student and/or parent or guardian will discuss the issue in dispute in a constructive manner with those responsible at the school or district level. In this regard, the board expects, at a minimum, the following steps will be taken before an appeal is filed:
 - Step 1:** The student and/or parent or guardian will discuss the issue with the principal where the decision was made at the school level, or the responsible administrator, where the decision was made at the district level; and
 - Step 2:** The student and/or parent or guardian will discuss the issue with the superintendent and/or administrator(s) appointed by the superintendent.

In addition, upon receipt of a [Notice of Appeal](#), the board or its designate may direct the student 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 board or its designate consider it appropriate.

- Where discussions directed above do not resolve the appeal, the superintendent or designate will prepare a report for the board concerning the matter and will provide a copy to the student and/or parent or guardian bringing the appeal and the employee whose decision is being appealed.
- The 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 board may also invite oral submissions in which case the board will decide the appeal based on the oral and/or written submissions presented to it.
- Where the 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, the superintendent, and the employee whose decision is being appealed.
- The board may adjourn the hearing at any time to obtain additional information where it considers such information would assist the board in determining the appeal.
- During the appeal process, the student and/or parent or guardian bringing the appeal may be accompanied by an advocate, support person and/or interpreter/translator.
- The board may establish a committee(s) to investigate matters pertaining to an appeal and the committee shall report to the board on such matters and in the manner directed by the board. The board may, at its discretion, appoint trustees, senior officials, administrative officers, teachers or any other person the school board considers appropriate as members of the committee.
- The board may make any interim decision it considers necessary pending the disposition of the appeal.
- The board shall make its decision within 45 days from the date the notice of appeal was received in acceptable form.
- The board shall promptly notify the student and/or parent or guardian bringing the appeal, the superintendent and the employee whose decision was appealed of the decision of the board and shall provide written reasons for the decision as soon as practicable*.
- The board may refuse to hear an appeal where:
 - The appeal has not been commenced within 30 days time from the date the decision significantly affecting the student's education, health or safety was made; or
 - The student and/or parent or guardian has refused or neglected to discuss the decision under the appeal with the person(s) directed by the school board or its designate; or
 - The board determines that the decision does not significantly affect the education, health or safety of the student.
- The board may consider an appeal notwithstanding any defect in form or other technical irregularity.

*A person bringing an appeal may have a right to appeal a decision of the board made under this bylaw. For more information contact the Student Appeals Branch of the Ministry of Education.

Date of Board Approval: September 2008

Legal Reference: School Act, Section 11

*Cross Reference: [Concerns and Complaints Policy #14](#)
[Respectful Schools Administrative Procedure #111](#)
[Student Conduct Standards and Behavior Management Administrative Procedure #114](#)*