

Appeal Bylaw

Policy No. 302.16

A student or a parent of a student entitled to an educational program in the school district may appeal a decision of an employee of the Board 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.

The following decisions shall be deemed to significantly affect the education, health, or safety of a student:

- a. disciplinary suspension from school for a period in excess of 10 consecutive days;
- b. suspension from school for a health condition;
- c. placement in an educational program, other than access to a specific course or class;
- d. grade promotion or graduation;
- e. refusal to offer an educational program to a student 16 years of age or older; or,
- f. denial of a request of an individual education program or failure to consult with regards to a student's individual education program.

or any other decision that in the opinion of the Board or designate, significantly affects the education, health, or safety of a student.

The Board believes that the *Appeal Bylaw* should facilitate the resolution of concerns through a process that best serves the needs of the student while maintaining the integrity of the system.

Every appeal to the Board must be initiated within a reasonable time frame by a written Notice of Appeal.

Guidelines:

1. When concerns arise, whenever possible, parents and/or students should make every attempt to resolve the problem with the person directly responsible for the decision or action that led to the concern. Please see '405.2 – Resolving Public Concerns Regarding Personnel, Programs, or Procedures.'
- 1.1 If the parents and/or student are not satisfied with the outcome of the meeting described in the above step, then they should meet with the Principal or Vice-Principal.
- 1.2 If, after meeting with the Principal or Vice-Principal, the situation remains unresolved, the Principal shall advise the parents and/or student that they may arrange a meeting with the Superintendent of Schools.

- 1.3 If the Superintendent of Schools is unable to resolve the concern, the Superintendent of Schools will advise the parents and/or student of the appeal process to the Board of Education.
2. Where a formal appeal is considered by the Board, the student and/or parent and the administrator will have an opportunity to provide a written submission and/or an oral presentation.
 - 2.1 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.
 - 2.2 The Board may establish a committee(s) to further investigate matters pertaining to an appeal and the committee shall report to the School Board. The School Board may appoint trustees, district administration, administrative officers, teachers, or any other persons the School Board considers appropriate as members of the committee.
3. The Board may make any interim decision it considers necessary pending the outcome of the appeal.
4. The decision of the Board shall be in writing and the Board shall notify the student and/or parent bringing the appeal of its decision.
6. The Board may refuse to consider an appeal where:
 - a. the steps laid out in guideline 1 have not been attempted;
 - b. the appeal has not been commenced within a reasonable time from the date the decision significantly affecting the student's education, health or safety was made; or,
 - c. the decision does not significantly affect the education, health or safety of the student.
7. Subject to the *School Act* Regulations, a Board decision may be appealed to a Superintendent of Appeals.