

Bylaw #2

Appeals

October 30, 2007

In accordance with [Part 2 - Division 3 - Section 11] of the School Act, the Board of Trustees of School District #81 (Fort Nelson) has established the following By-Law to address appeals within the system.

Read a first time the 30th day of October 2007.

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Reconsidered and Adopted on the 30th day of October, 2007.

1. 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.
 - a. The failure of an employee to make a decision shall be deemed to be a decision for the purpose of bringing an appeal.
 - b. The Board recognizes that appeals and/or disagreements are usually best handled at the school level (i.e. teacher/parent/student).
2. Every appeal to the Board must be commenced by a written Notice of Appeal, addressed to the Superintendent, which shall state:
 - a. the name and address of the student and/or parent or guardian bringing the appeal and, where the parent or guardian is initialing the appeal on behalf of the student, the name of the student;
 - b. the current placement of the student (i.e. school, grade and homeroom teacher);
 - c. the decision which is being appealed and the date the student and/or parent or guardian bringing the appeal was informed of the decision
 - d. the name of the Board employee(s) who made the decision being appealed;
 - e. the grounds for the appeal and the relief sought.
3. Where a student and/or parent/guardian files an appeal of a decision of an employee, the employee and their Association/union shall immediately be notified.

4. Upon receipt of a Notice of Appeal, the Superintendent may direct the student and/or parent to discuss the decision under appeal with the employee, or any other appropriate personnel.
5. Where discussions directed under Section 4 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 bringing the appeal, and to any involved employees.
6. The Board will invite written submissions from the student and/or parent or guardian bringing the appeal and may decide the appeal based upon the written submissions. The Board may also invite oral submissions from the parties, in which case the Board will decide the appeal based on the oral and written submissions presented to it.
 - a. The employee shall have the opportunity to provide a written reply to any allegations contained in the appeal.
7. Where the Board considers it necessary to receive oral submission, it shall set a time, date and place for this purpose and shall give reasonable notice to the parties involved in the appeal.
8. The Board may establish a committee(s) to investigate matters pertaining to an appeal and the committee shall report to the School Board on such matters and in the manner directed by the School Board. The School Board may, in its discretion, appoint trustees, senior officials, administrative officers, teachers or any other person the School Board considers appropriate as members of the committee.
9. The Board may make any interim ruling it considers necessary, pending the disposition of the appeal.
10. The Board shall promptly notify the student and/or parent or guardian bringing the appeal of its decision in writing.
 - a. Employees affected by the appeal decision shall be notified.
11. The Board may refuse to hear an appeal where:
 - a. 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
 - b. the student and/or guardian has refused or neglected to discuss the decision under appeal with the person(s) directed by the School Board or its designate; or
 - c. the decision does not significantly affect the education, health or safety of the student.