

PARENT/STUDENT APPEALS BY-LAW

A BY-LAW OF THE BOARD OF EDUCATION OF SCHOOL DISTRICT NUMBER SIXTY-THREE (SAANICH) TO ADMINISTER PARENT/STUDENT APPEALS.

WHEREAS IT IS DEEMED EXPEDIENT TO PASS SUCH A BY-LAW,

NOW THEREFORE the Board of Education of School District Number Sixty-three, (Saanich), enacts as follows: -

SECTION I. PREAMBLE

The School Act (Section 11) requires that Boards of Education establish procedures which enable a student and/or parent (or guardian) of a student to appeal a decision made by a Board employee which significantly affects the education, health or safety of a student. The Act (Section 11.1) also provides for some decisions made by Boards under Section 11 to be appealed to Superintendents of Achievement (see Appendix C).

The Act and this policy give a student and/or parent (or guardian) the right of appeal. The Board will not tolerate any form of reprisal on the part of a student, parent (or guardian) or employee as a result of the initiation or outcome of an appeal.

SECTION II. POLICY STATEMENT

The Board believes that the best recourse to address concerns or complaints regarding a student's education, health or safety is at the level at which the original decision is made, and that all parties will work together (see Policy 1360 – Complaints Regarding Personnel, Programs or Procedures) to resolve differences prior to initiating a formal appeal.

If the disagreement is not resolved at the level where the decision was made, and the student and/or parents (or guardians) of a student believe that a decision of an employee of School District No. 63 (Saanich) significantly affects the education, health or safety of a student, the student and/or parent (or guardian) may, within 15 school days of the conclusion of the procedures outlined in Policy 1360, appeal the decision in accordance with the provisions of this policy. For the purposes of the Act and this policy, the failure to make a decision is considered to be a decision which can be appealed.

SECTION III. GUIDING PRINCIPLES

1. Prior to a matter being referred to the Board for consideration under Section 3, a student or parent (or guardian) should make a reasonable effort to discuss and resolve the concern through the processes outlined in Policy 1360 – Complaints Regarding Personnel, Programs or Procedures.

2. Students, parents (or guardians), and employees shall be made aware of the appeal policy and related forms which shall be made readily available, including as outlined in the Administrative Procedures and at other times as is appropriate within a complaints resolution process.
3. The appeal process shall be as user friendly as possible and any forms shall be easy to access and use.
4. An appeal will be considered by the Board only if the Board determines that the decision is a decision of an employee of the Board and that it significantly affects the education, health or safety of a student. Examples include, but are not limited to, those listed in the Appeals Regulation (Appendix C) that governs appeals beyond the Board to Superintendents of Achievement.
5. The Board believes that there may be times when mediation may help resolve disagreements of the kind that may be considered for appeal, and that mediation must be handled without prejudice to future proceedings.
6. Any mediation or appeal must be dealt with by all parties in confidence, without reprisal, and as quickly as possible, with timelines linked to the nature of the decision.
7. The student and/or parent (or guardian) appealing the decision and the employee whose decision is being appealed shall have the right to see all information that will be presented to the Board at least 48 hours prior to a Board appeal hearing, and to be heard by the Board at the time the Board is considering the information.
8. The student or parent (or guardian) and employee shall have the right to be accompanied by an advocate when meeting with the Board.
9. Trustees are expected to exclude themselves from a hearing of an appeal if they have direct first-hand knowledge of the circumstances that led to the appeal, and the trustee believes that by remaining at the hearing there would be a reasonable perception of bias on the part of the trustee.

SECTION IV: ADMINISTRATIVE PROCEDURES

1. The Student and/or Parent Handbook for each school and the annual Information Booklet for Parents and Students shall contain a brief description of the Complaints Policy (1360) and Appeals Bylaw and shall inform parents of where they can be found.
2. Annually, at the first parent assembly at each school, the principal shall provide a brief description of the Complaints Policy and Appeals Bylaw.

3. Copies of the Appeals Bylaw, including the Notice of Appeal, and the Complaints Policy shall be readily available at each school office, at the School Board Office and on district and school websites.
4. At the annual COPACS meeting required by the Parent Involvement Policy (No. 1100), the Superintendent shall give a brief description of the Complaints Policy and Appeals Bylaw and processes.
5. Complaints will be handled in accordance with Policy 1360 – Complaints Regarding Personnel, Programs or Procedures.
6. If the complaint or disagreement is not resolved through the provisions of Policy 1360, then the student and/or parent (or guardian) may submit a Notice of Appeal to the Superintendent of Schools who will inform the Chair of the Board. The Board Chair will, if the parties agree, refer the matter to an independent mediator or, if not, refer the matter for consideration by the Board.
7. Where both parties agree to mediation, an independent mediator acceptable to both parties will be appointed. The role of the mediator will be to bring the employee and the student and/or parent (or guardian) together to ensure that each has an awareness of all the information and to determine if a mutually satisfactory resolution is possible. The mediator shall provide a written report on the areas of resolution and/or non-resolution to the Superintendent with copies to both parties. If resolution is not achieved through mediation, the Superintendent will inform the Board Chair who will refer the matter to the Board.
8. A Board may refuse to hear an appeal under this section unless the appellant discusses the decision under appeal with one or more persons as directed by the Board.
9. Should the matter be referred to the Board, the Board will first determine whether or not the decision is a decision of an employee, and if so that it significantly affects the education, health or safety of the student. If the Board determines that is not the case, the student or parent (or guardian) will be informed of that decision and the reasons for that decision as well as of the opportunity for the student or parent (or guardian) to access the appeal process outlined in the Act (Section 11.1) and the Appeals Regulation (see Appendices B and C).
10. Where the Board determines that the matter does significantly affect the education, health or safety of the student, the Board may establish a committee to investigate the matter under appeal, and will schedule a meeting of the Board to consider the appeal.

11. If the Board decides to hear the appeal, the Board shall convene a meeting as soon as possible to consider the information related to the appeal and, if possible, render a decision. At least 48 hours prior to that meeting, trustees and both parties shall be provided with a copy of the information being presented to the Board. Each party has the right to be heard by the Board at the time the Board is considering the information. The student or parent (or guardian) or employee shall have the right when meeting with the Board to be accompanied by a support person or advocate of his or her choosing. The meeting with the Board is intended to be informal so that relevant information can be presented and considered without any concern of intimidation.
12. The Board will meet in-camera as soon as practicable after the meeting at which information is received from both parties and determine to uphold the decision, amend the decision or overturn the decision.
13. Both parties shall be informed of the Board's decision and the reasons for the decision orally within 24 hours and in writing within five days of the decision being made. The Board's decision must be made within 45 days of receiving the Notice of Appeal.
14. Appellants will be given the opportunity to provide feedback regarding the appeals process.
15. Board decisions made in accordance with this policy and that fall within the scope of the Appeals Regulation (see Appendix C) may be appealed to a Ministry of Education Superintendent of Achievement. The student and/or parent (or guardian) shall be informed of this right

Other Information

Refer to Appendix:	A	Notice of Appeal Form
	B	Section 11 of the School Act
	C	Appeals Regulations