

BOARD OF EDUCATION APPEAL POLICY AND PROCEDURES BYLAW  
~~(Section 11 of the School Act)~~

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~~POLICY~~POLICY: -

The Board of Education ("Board") believes that employee decisions relating to individual students should be carried out in accordance with principles of fairness. The appeal process should encourage all parties to disputes to understand the concerns of the other parties and make good faith efforts to resolve disputes to mutual satisfaction.

The Board ~~of Education~~ generally encourages complaints and disputes to be dealt with at the point closest to where the dispute first arises, ~~pursuant to the Board's dispute resolution process. This process is designed to be non-confrontational and parent friendly in accordance with Board Policy 9550: Process of Raising Concerns~~ SD-42 Dispute Resolution Process.

~~If an employee's decision is disputed or a complaint is made about an employee's decision, if the dispute or complaint is not resolved~~



- whether the decision is reasonable in the circumstances; and
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~~APPEAL~~ APPEAL PROCEDURES (BYLAW) PROCEDURES (BYLAW):

Procedures for hearing appeals shall be applied in accordance with the guiding principles in the Board's appeal policy.

1 ~~PRE-APPEAL DISPUTE RESOLUTION~~ PROCESS FOR RAISING CONCERNS

1.1 The student and/or parent /guardian shall take the ~~dispute resolution~~ steps outlined in the Board Policy 9550: Process for Raising Concerns ~~'s dispute resolution process or other applicable policy~~ to try to resolve the concern before filing an appeal to the Board. ~~If the applicable dispute resolution process does not resolve the concern, an appeal is normally from the decision of the highest supervisory officer who dealt with the matter in the dispute resolution process.~~

2 STARTING AN APPEAL TO THE BOARD OF EDUCATION

2.1 If the steps in Section 1 are not successful, a ~~parent and/or~~ student and/or parent/guardian begins the Board appeal process by presenting a written Notice of Appeal to the Board of Education to the Secretary Treasurer within fifteen (15) school days ~~after being informed of the decision that is being appealed, or~~ from the date of completion of step 4 of Board Policy 9550: Process for Raising Concerns ~~the dispute resolution steps~~ referred to in 1.1

The Secretary Treasurer may designate another staff member to carry out these responsibilities. If the Secretary Treasurer has participated in the process for raising concerns/dispute resolution steps under 1.1 or is the employee whose decision is being appealed, another staff member shall be designated.

2.4 If the Secretary Treasurer is of the opinion that:

- a) an appeal is not timely/the appeal has not been commenced within the time set out under 2.1 ;
- b) an the appellant has refused to participate in the process for raising concerns under 1.1; or
- c) the an appeal is not an appeal of a decision of a Bboard employee or the decision does not significantly affect the student's education, health or safety;

the Secretary Treasurer may refer the appeal to the Superintendent of Schools or a person designated by the Superintendent for a preliminary determination of that issue.

Prior to making a determination/deciding on that issue, the Superintendent or a person designated by the Superintendent may request a meeting with the person bringing the appeal, who must attend the meeting

Where the quorum of the Board determines the appeal does involve a decision that significantly affects the education, health or safety of a student, was filed in time or with reasonable excuse, or that the person bringing the appeal did not fail to consult as directed by the District, the matter will be set ~~down~~ for a hearing.

### 3 PRE-HEARING RESPONSIBILITIES

3.1 Upon receipt of the Notice of Appeal to the Board of Education, the Superintendent shall be notified. The Superintendent or a person designated by the Superintendent to be responsible for investigation and presentation on the appeal will prepare a report for the Board concerning the matter under appeal and is responsible for gathering the information to be presented to the Board, other than the information to be presented by the appellant.

3.2 If the appellant is a student

- 4.5 The Board may make any interim decision on it considers necessary pending the disposition of the appeal.
- 4.6 The Board may invite submissions from any person whose interests may be affected by the Board's decision on the appeal.
- 4.7 The Board may refuse to hear an appeal where:
- the appeal has not been commenced within the time set out under 2.1
  - the ~~student and/or parent~~ or guardian appellant has refused or neglected to discuss the decision under appeal with the person(s) specified in the process for raising concerns under 1.1 applicable dispute resolution process or the Superintendent or delegate, or such other person as directed by the Board; or
  - the decision does not in the Board's opinion significantly affect the education, health or safety of the student.
- 4.8 The Board may hear an appeal despite any defects in form or technical irregularities and may relieve against time limits.
- 4.9 ~~School Act Section s-~~ 11 appeals are confidential. Appeals and decisions on appeals will be held in closed session. Information and documents about appeals may only be disclosed in accordance with the School Act, Freedom of Information and Protection of Privacy Act, and applicable Board policy .
- 4.10 The Board will ensure that each party has received all documentation provided by the other party prior to the hearing.
- 4.11 At the end of each party's submission, trustees may ask questions.
- 4.12 When questioning by trustees is complete, the parties leave and the Board ~~meets to-~~ decidedeliberates how it will dispose of the appeal.
- 4.13 The Board must ~~make a decision~~ decide within 45 calendar days , or ; as soon as practicable and within 45 calendar days , from receiving the Notice of Appeal to the Board of Education .
- 4.14 The Board's decision is final, subject to any rights to appeal under the School -Act.
- The Board may reconsider its decision only
- if it is satisfied that new evidence or information would have a material effect on the decision and the failure to present that evidence or information at the original hearing is satisfactorily explained;
  - the decision contravenes law; or

4.17 ~~Appellants to the Bboard must be informed of their right to appeal the Bboard's~~ –  
~~decision to the Superintendent of Appeals~~ within the Ministry of Education and Child  
Care.