

APPEALS REGARDING STUDENT MATTERS

Employee decisions relating to individual students should be carried out in accordance with principles of fairness. The appeal process should encourage all parties in disputes to understand the concerns of the other parties and make good faith efforts to resolve disputes to mutual satisfaction. Unresolved disputes may be appealed to the Board of Education.

The Board will hear appeals on administrative decisions (or failure to make a decision) of an employee, submitted in accordance with section 11 of the School Act, that significantly affect the education, health or safety of a student.

The following decisions will normally be considered to be matters that significantly affect the education, health or safety of a student:

- disciplinary suspension from school for a period in excess of five consecutive days;
- suspension from school for a health condition;
- placement in an educational program;
- grade promotion and graduation;
- a student is not provided with an individual education plan;
- transfer of a student from one school to another for disciplinary reasons;
- refusal to offer an educational program to a student 16 years of age or older;

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

The Board may refuse to hear an appeal where:

- the appeal has not been commenced within a reasonable time from the date the Assistant Superintendent's decision (this is typically considered to be within thirty (30) days from the date that the individual was informed of the decision), significantly affecting the student's education, health or safety was made; or
- the student and/or parent or guardian has not adhered to procedures in Administrative Procedure 380 "Resolution of Student or Parent School Concerns"; or
- the student and/or parent or guardian has refused or neglected to discuss the decision under appeal as directed by the district; or
- the decision does not significantly affect the education, health or safety of the student.

Appeal Procedure

1. Prior to a decision (or lack of decision) being appealed to the Board, it must be appealed to the Assistant Superintendent in writing and Administrative Procedure 380 Resolution of Student or Parent School Concerns must be followed.
2. If no resolution is achieved, the appeal to the Board must be made within a reasonable time from the date that the individual was informed of the Assistant Superintendent's decision, this is typically considered to be within thirty (30) days from the date that the individual was informed of the decision. The appeal must be filed in writing to the Secretary-Treasurer using the attached form and must contain the name of the party filing the appeal, the date, the decision being appealed, the reason for the appeal, including how the decision significantly affects the education, health or safety of the student, and the action requested, or relief sought. Individuals requiring assistance in completing the form may contact the Secretary-Treasurer for advice and the format of information sought.
3. Parents, or students as above, when appealing a decision to the Board, have the right to be represented or assisted by a person of their choosing. The responsibility for engaging and paying for such assistance rests with the parents or students.
4. Parents with difficulty communicating in English may request to have interpreters, and where possible the Board will accommodate such requests.
5. The Secretary-Treasurer is responsible on behalf of the Board for receiving appeals. If the Secretary-Treasurer is of the opinion that an appeal is not an appeal of a decision that would normally be considered to be a matter that significantly affects the education, health or safety of a student as outlined above, the Secretary-Treasurer will engage an alternate Assistant Superintendent who has not been involved in the decision to review the appeal to determine if the appeal constitutes a matter which the Board should consider as significantly affecting the education, health or safety of a student.
6. The alternate Assistant Superintendent will submit a written report regarding the review of the matter to the Secretary-Treasurer. Should this review determine that the appeal is not an appeal of a decision that constitutes a matter which the Board should consider as significantly affecting the education, health or safety of a student, the Secretary-Treasurer may present the appeal to the Board for the purposes of a decision on the matter without following the requirements under the Written Submissions or Oral Hearings sections below.
7. Should the appeal be with regard to a decision that would normally be considered to be a matter that significantly affects the education, health or safety of a student, the Secretary-Treasurer will present the appeal to the Board for decision on whether the Board will review and decide the appeal on the basis of written submissions or whether it will hold an in camera oral hearing.

8. Where the Board decides to review an appeal on the basis of written submissions, the Board will establish a time frame for the submissions. Where the Board decides to hold an oral hearing, the appellant will be advised of the time, date and location for the hearing.

Written Submissions

9. The Assistant Superintendent who made the original decision will submit a written report regarding the matter which is the subject of the appeal. Copies of the Assistant Superintendent's report and attached documentation shall be made available to the appellant, except for information which the Assistant Superintendent has reason to believe presents a significant risk of harm to third parties. Personal information about other students and their families will be protected in accordance with the Freedom of Information and Protection of Privacy Act.
10. The appellant will have an opportunity to respond in writing to the Assistant Superintendent's written report. Copies of the appellant's response and attached documentation shall be made available to the Assistant Superintendent.
11. The Board will receive all written submissions for consideration during an in camera meeting during which minutes are taken for the purposes of the Board's records.

Oral Hearings

12. The hearing of the appeal must be scheduled so as to ensure that the person making the appeal and the Assistant Superintendent, or designate, whose decision is being appealed, has sufficient notice and time to prepare for the presentation. Copies of reports and documentation of a non-confidential nature shall be made available to the appellant.
13. The oral hearing process will be conducted in accordance with the following guidelines:
 - 13.1. The Chair will outline the purpose of the hearing, which is to provide:
 - 13.1.1. An opportunity for the parties to make representation in support of their respective positions to the Board. This information may include expert medical, psychological and educational data and may be presented by witnesses. The information presented may include both written and verbal communication.
 - 13.1.2. The Board with the means to receive information and to review the facts of the dispute;
 - 13.1.3. A process through which the Board can reach a fair and impartial decision.

- 13.2. Minutes of the proceedings will be recorded for the purpose of the Board's records (excluding Board deliberations).
 - 13.3. The Assistant Superintendent and/or designate(s) will have an opportunity to explain the decision, the reasons for the decision, and to respond to information presented by the appellant.
 - 13.4. The appellant will have an opportunity to respond to the information presented by the Assistant Superintendent or designate(s)
 - 13.5. Board members will have the opportunity to ask questions or clarification from both parties.
 - 13.6. No cross-examination of the parties shall be allowed, unless the Chair deems it advisable under the circumstances.
 - 13.7. The Board will meet without the respective parties to the appeal in attendance to arrive at a decision regarding the appeal.
14. If the Board requires additional information or clarification in order to make its decision, both parties to the appeal will be requested to return to the hearing for the required additional information.

Board Considerations

15. In considering appeals of employee decisions, for both written submissions or oral hearings, the Board shall consider:
- 15.1. Whether the decision significantly affects the education, health or safety of a student.
 - 15.2. Whether the decision appealed is in accordance with legislation, board policies and procedures;
 - 15.3. Whether the decision appealed was reached through a process that was fair to the student and after consideration of relevant information;
 - 15.4. Whether the evidence presented to the Board supports the decision or calls it into question;
 - 15.5. Whether the decision is reasonable in the circumstances; and

- 15.6. Whether there are special circumstances that would warrant making an exception to a board policy.

Board Decision

16. The Board decision and the reasons for that decision will be promptly communicated by the Secretary-Treasurer to the appellant and Assistant Superintendent who made the decision and shall be rendered within forty-five (45) days of the date a notice of appeal is filed with the Board in accordance with the School Act.
17. Appellants shall be informed of the right to appeal the Board's decision to a Superintendent of Appeals in accordance with the provisions of the School Act.

Legal Reference: Sections 6, 11, 26, 85, 91, School Act
Collective Agreement

Board Minutes:

September 1990 Volume 32 Page 234 Policy I-D-12 Resolution of Student or Parent School Concerns
September 1990 Volume 32 Page 239 Policy II-B-85 Suspension of Students
June 2005 Volume 47 Page 78 Policy 13 Appeals Regarding Student Matters
March 2006 Volume 48 Page 35
June 24, 2008 Volume 50 Page 75 Appeals Regarding Student Matters
March 31, 2015 Volume 57 Page 34 Appeals Regarding Student Matters
June 5, 2018 Board Meeting



School District No. 43 (Coquitlam) Policy 13 Appeals Regarding Student Matters

APPEAL FORM

SD43 provides a process for individuals to appeal a decision of a District employee to the Board of Education when such a decision significantly affects the education, health or safety of a student.

If you wish to appeal a decision of an employee to the Board, please **complete and return this form to the Office of the Secretary-Treasurer**. If you have any questions on how to complete this form or on the process, please contact the Office of the Secretary-Treasurer for assistance.

1. Please confirm the following:
 - Administrative Procedure 380 Resolution of Student or Parent Concerns has been followed
 - Policy 13 Appeals Regarding Student Matters has been reviewed

2. Student's Name: _____
Appellant's Name: _____
Appellant's Email: _____
Appellant's Phone Number: _____

3. Decision that is being appealed: _____

4. Date of decision: _____

5. Name of Assistant Superintendent who made decision: _____

6. How decision significantly affects the education, health or safety of the student: _____

7. Action requested or relief/resolution sought: _____

Appellant's Signature: _____ Date: _____

Please attach any additional documentation or pages required to complete your appeal.