

### AP 325 – Appeals

#### Purpose

The Board recognizes that:

- a. professional staff employed by Nanaimo Ladysmith Public Schools offer professional opinions that are the basis for educational programming that is deemed by staff to be most appropriate for students.
- b. despite the qualifications of its employees and the care taken to ensure that decisions made by them in providing for the students of this district are appropriate, parents or students may wish to exercise their right to appeal a decision which significantly affects the education, health or safety of a student. Further, the Board recognizes that such an appeal may, ultimately, come before the Board for its final decision.

Parents and students are further advised and assured that there will be no reprisals and where there is evidence of retribution against persons who have exercised their right to appeal, the school board will take steps immediately to remedy the situation.

#### Procedure

1. In accordance with Section 11 of the *School Act*, a student or the parent of a student entitled to an educational program in the school district may appeal a decision of an employee of the Board that significantly affects the education, health or safety of the student.
  - 1.1 The failure of an employee to make a decision shall be deemed to be a decision for the purpose of bringing an appeal.
2. The Superintendent/CEO may make any interim decision considered necessary pending the disposition of the appeal.
3. The Board advises that the proper channelling of complaints involving instruction, discipline, safety and health is as follows:
  - a. Teacher
  - b. School Principal
  - c. Assistant Superintendent

- d. Superintendent/CEO
- e. Board of School Trustees.

3.1 Any complaint about school personnel will be investigated by the administration before consideration and action by the Board.

4. Every appeal to the Board of Education must be commenced by a written 'Notice of Appeal' 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 initiating 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 School Board employee(s) who made the decision being appealed;
- e. the grounds for the appeal and the relief sought.

5. Appeals shall be directed through the Superintendent who shall obtain essential information about the decision being appealed and the outcome sought by the person appealing.

5.1 Upon receipt of a 'Notice of Appeal', the Superintendent may direct the student and/or parent or guardian bringing the appeal to discuss the decision under appeal with the principal of the school in which the student is enrolled and the member of the district staff who has responsibility for that school.

6. Where discussions directed under Section 3 of this procedure 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 or guardian bringing the appeal.

7. The Board of Education will invite written submissions from the student and/or parent or guardian bringing the appeal and, where all parties are in agreement that the matter does not require oral submissions, the Board may decide the appeal based on written submissions.

8. A personal representative may accompany either party at an appeal.

9. The Superintendent shall set a time, date and place for the purpose of having the Board of Education consider the appeal and shall give notice to the student and/or parent or guardian bringing the appeal.

10. Before the Board of Education renders its decision on the appeal it shall inform the employee whose decision is being appealed and shall consider relevant information from that employee.

11. The decision of the Board of Education shall be in writing and the Board shall promptly notify the student and/or parent or guardian bringing the appeal of its decision.

12. The Board of Education may refuse to hear an appeal where:

## AP 325 – Appeals

- 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 parent or guardian has refused or neglected to discuss the decision under appeal with the person(s) directed by the Board or its designate; or,
  - c. the decision does not significantly affect the education, health or safety of a student.
13. 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 ten (10) consecutive days;
  - b. suspension from school for a health condition;
  - c. placement in an educational program;
  - d. grade promotion and graduation;
  - b. refusal to offer an educational program to a student from 16 to 19 years of age;
  - c. any other decision that in the opinion of the Board of Education or the designate significantly affects the education, health or safety of a student.
14. The Board of Education may consider an appeal notwithstanding any defect in form or other technical irregularity.
15. Principals must include information regarding *AP 325 - Appeals* in all letters of suspension.
16. Principals are to include the information regarding *AP 325 - Appeals* in parent and teacher handbooks.

Adopted: May 22, 1991

Amended: November 10, 1991; January 26, 1994; December 19, 2007; April 19, 2016

References: *The School Act*

The Board of Education of School District 68 (Nanaimo-Ladysmith) Parent/Student Appeals Bylaw No. 2  
Administrative Procedures Manual – *Notice of Appeal*



*Notice of Appeal*

Student's Name: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Postal Code: \_\_\_\_\_

School: \_\_\_\_\_

Phone No.: (Home) \_\_\_\_\_ Work: \_\_\_\_\_

Grade: \_\_\_\_\_ Teacher: \_\_\_\_\_

Please provide a brief statement outlining the decision that was made or not made which significantly affects the education, health or safety of the student.

Date you were informed of the decision: \_\_\_\_\_

Name of school district employee who made the decision being appealed: \_\_\_\_\_

Grounds for the appeal:

Requested action or relief:

\_\_\_\_\_

*Date*

\_\_\_\_\_

*Signature*

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Date of Hearing: \_\_\_\_\_

Decision: