

## SECTION 1 – BOARD GOVERNANCE

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### **THE BOARD OF EDUCATION OF SCHOOL DISTRICT 68 (NANAIMO-LADYSMITH) PARENT/STUDENT APPEALS BYLAW NO. 2**

A bylaw is required by Section 11 of the School Act, to establish the Board's Policy and Procedure on Parent/Student Appeals under Section 11 of the School Act.

#### **Preamble:**

WHEREAS under section 11 of the School Act, the Board of Education of School District 68 (Nanaimo-Ladysmith) shall establish, by bylaw, an appeal procedure for the purpose of appeals made by parent(s) or students under Section 11 of the School Act;

AND WHEREAS the Board wishes to enact its procedures for the conduct of such appeals;

NOW THEREFORE, in an open meeting, the Board enacts as follows:

The Board recognizes that:

- a. professional staff employed by School District 68 (Nanaimo-Ladysmith) offer professional opinions that are the basis for educational programming that is deemed by staff to be most appropriate for students; and
- 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 Board will take steps immediately to remedy the situation.

#### **Appeals 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 School Board which 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.

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2. The Superintendent of Schools 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 of Schools
  - 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 of Schools 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 bylaw do not resolve the appeal, the Superintendent or designate will prepare a report for the Board of Education 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. Either party at an appeal may be accompanied by a personal representative.

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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 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:
  - 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;
  - e. refusal to offer an educational program to a student from 16 to 19 years of age;
  - f. 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 may consider an appeal notwithstanding any defect in form or other technical irregularity.
15. Principals are to include the information regarding [Administrative Procedure 325 - Parent/Student Appeals](#) in parent and teacher handbooks.

This bylaw may be cited School District 68 (Nanaimo-Ladysmith) Parent/Student Appeals Bylaw No. 2”.

J. Brennan, Chairperson of the Board  
J. David Green, Secretary-Treasurer

**Legal References:**  
**Monitoring Method:**  
**Monitoring Frequency:**  
**Adopted:**

*School Act S.*

*December 19, 2007 Amended 2012.12.10; 2021.02.10*