

502.2AP – Appeals under the School Act

Purpose

The *School Act* and Board Policy 502 – Parent-Student Appeal By-law gives parents and students the ability to appeal employee decisions that significantly affect the health, education or safety of a student. The Board believes that resolution should be determined as close to the decision maker as possible prior to being heard by the Board. Complaints and general concerns are not subject to this process.

Objective

This administrative procedure is intended to outline the process by which an appellant must follow to pursue an appeal under the *School Act* prior to the Board hearing an appeal.

Definitions

Appellant – A parent or student challenging the decision or lack of a decision of a District employee

Parent – Means a parent as defined by Section 1 of the *School Act*

What is Appealable?

The following decisions shall be deemed to significantly affect the education, health or safety of a student and are subject to appeal:

- disciplinary suspension from school for a period in excess of ten (10) consecutive days;
- exclusion from school for a health condition, unless ordered by a third party;
- failure to offer to consult a parent on a student's IEP;
- placement in an educational program;
- grade promotion and graduation;
- refusal to offer an educational program to a student from 16 to 19 years of age (pursuant to section 85 of the *School Act*); and
- any other decision that, in the opinion of the Board of Education or the designate, significantly affects the education, mental and/or physical health or safety of a student.

In regular circumstances, the following decisions shall not be deemed to significantly affect the education, health or safety of a student and are not subject to appeal:

- Class placement (example teacher or grade configuration);
- Minor differences in resourcing (e.g level of EA hours);
- Requests for specific interventions (e.g. specific EAs or interventions where alternatives are available;

502.2AP –Appeals under the School Act

- Policy decisions of the Board of Education;
- Choice of educational resources; and
- Students missing school due to circumstances outside the control of the Board.

Prior to an Appeal

Prior to initiating an appeal, an appellant is expected to try to resolve their concerns with the decision maker at the school level.

Initiating an Appeal

If the issue is not resolved, an appellant may initiate an appeal at Step 1 by submitting the Notice of Appeal to the school principal.

Step 1

After receiving the Notice of Appeal, the principal will arrange a meeting. The meeting will include the principal, the appellant and possibly other employees who have been involved in the decision being appealed.

The principal will initiate two conversations at the outset of the meeting: 1) a conversation regarding confidentiality of information with the individual filing the appeal, which will cover information collection, storage, duplication, access to the information, persons to be involved, and retention of documents/information; and 2) a conversation regarding the process for the meeting and individuals who will be present at the meeting.

As soon as possible before the meeting, the appellant should inform the principal if a support person(s) will be accompanying them at the meeting.

Within a reasonable period of time after the meeting has taken place, the appellant will receive a response summarizing the outcome of the meeting, any follow-up actions to be taken, rationale for the decision and next steps available to the appellant.

Step 2

If the appellant is not satisfied with the outcome of Step 1, they can refer the appeal to the appropriate director of instruction. To initiate this process, the Step 2 form along with supporting documentation shall be emailed to appeals@sd68.bc.ca and copied to the school principal.

After receiving the appeal and all documentation from Step 1, the director of instruction will arrange a meeting. The meeting will include the director of instruction, the appellant and possibly other employees who have been involved in the decision being appealed. As soon as possible before the meeting, the

502.2AP –Appeals under the School Act

appellant should inform the director of instruction if a support person(s) will be accompanying them at the meeting.

The director of instruction will initiate two conversations which will be put in writing: 1) a conversation regarding confidentiality of information, which will cover information collection, storage, duplication, access to the information, persons to be involved, and retention of documents/information; and 2) a conversation regarding the process for the meeting and individuals who will be present at the meeting.

Within a reasonable period of time after the meeting has taken place, the appellant will receive a response summarizing the outcome of the meeting, any follow-up actions to be taken, rationale for the decision and next steps available to the appellant.

Step 3

If the appellant is not satisfied with the outcome of Step 2, they can refer the appeal to the appropriate Assistant Superintendent. To initiate this process, the Step 3 form along with supporting documentation shall be emailed to appeals@sd68.bc.ca and copied to the director of instruction.

After receiving the appeal and all documentation from Step 2, the assistant superintendent will arrange a meeting. The meeting will include the assistant superintendent, the appellant and possibly other employees who have been involved in the decision being appealed. As soon as possible before the meeting, the appellant should inform the assistant superintendent if a support person(s) will be accompanying them at the meeting.

The assistant superintendent will initiate two conversations which will be put in writing: 1) a conversation regarding confidentiality of information, which will cover information collection, storage, duplication, access to the information, persons to be involved, and retention of documents/information; and 2) a conversation regarding the process for the meeting and individuals who will be present at the meeting.

Within a reasonable period of time after the meeting has taken place, the appellant will receive a response summarizing the outcome of the meeting, any follow-up actions to be taken, rationale for the decision and next steps available to the appellant

Step 4

If the appellant is not satisfied with the outcome of Step 3, they can refer the appeal for consideration by the Board of Education. To initiate this process, the Step 4 form Notice of Appeal along with supporting documentation shall be emailed to the office of the Secretary-Treasurer to secretarytreasurer@sd68.bc.ca and copied to the assistant superintendent.

The process for a Step 4 appeal can be found under the Policy 502 – Parent Student Appeal By-Law.

502.2AP –Appeals under the School Act

Legal References:

The School Act

The Board of Education of School District 68 (Nanaimo-Ladysmith)
502 Parent-Student Appeal Bylaw

Administrative Procedures Manual – Notice of Appeal

Appeals Regulation BC Reg 24/08

Monitoring Method:

Board of Education / Superintendent

Monitoring Frequency:

Annual

Previous Policy Number:

AP325

Adopted:

1991.05.22

Amended:

*1991.11.10; 1994.01.26; 2007.12.19; 2016.04.19; 2021.02.10;
2025.09.05*