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Administrative Procedure 325 – Appeals



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

- A. 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.
- B. The Superintendent/CEO may make any interim decision considered necessary pending the disposition of the appeal.
- C. The Board advises that the proper channelling of appeals of decisions regarding instruction, discipline, safety and health is as follows:
 - a. Teacher
 - b. School Principal
 - c. Assistant Superintendent
 - d. Superintendent/CEO
 - e. Board of Education

D. The Appeal Process – 4 steps:

The purpose of each individual step is to try and resolve the appeal, in an open and constructive manner that is solution-focussed.

Step 1

- After receiving the Notice of Appeal, the principal will arrange a meeting. The meeting will include the principal, yourself and possibly other employees who have been involved in the decision being challenged.
- Before the meeting, please inform the principal if you choose to have a representative or other support person(s) accompany you.
- You will receive a letter summarizing the outcome of the meeting and rationale for the decision.
- You will have the opportunity to respond, and to attach a statement to the summary if you believe it is unfair.

Step 2

- If the Step 1 meeting was not successful, parents/students can refer the appeal to the assistant superintendent at Step 2.
- After receiving the Notice of Appeal, the assistant superintendent will arrange a meeting.
- The meeting will include the assistant superintendent, yourself and possibly other employees who have been involved in the decision being challenged.
- Before the meeting, please inform the assistant superintendent if you choose to have a representative or other support person(s) accompany you.
- You will receive a letter summarizing the outcome of the meeting and rationale for the decision.
- You will have the opportunity to respond, and to attach a statement to the summary if you believe it is unfair.

Step 3

- If the Step 2 meeting was not successful, parents/students can refer the appeal to the Superintendent at Step 3.
- To refer a matter to Step 3, contact the Office of the Superintendent and advise them of your wish to pursue an appeal to Step 3.
- The Superintendent's Office will then advise you of the date which has been set for your appeal meeting.
- At the meeting, you and the employees involved will have a full opportunity to explain perspectives related to the appeal.
- After the meeting, the Superintendent will make their decision in private, and you will be notified of the decision in writing.
- You will have the opportunity to respond, and to attach a statement to the summary if you believe it is unfair.

Step 4

- If the Step 3 meeting was not successful, parents/students can refer the appeal to the Board of Education at Step 4. At this stage the Board may choose to proceed with a hearing or deem the Superintendent's decision final.
- To initiate this process, please contact the Office of the Secretary-Treasurer.

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- E. At Step 4, before the Board of Education renders its decision on the appeal it shall inform the employee whose decision is being appealed and shall consider any other relevant information from that employee.
- F. 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.
- G. 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.
- H. 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.
- I. The Board of Education may consider an appeal notwithstanding any defect in form or other technical irregularity.
- J. Principals must include information regarding *AP 325 - Appeals* in all letters of suspension.
- K. 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, August 30, 2018

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

Date of Hearing _____

Decision