

## **BOARD OF EDUCATION APPEAL POLICY AND PROCEDURES BYLAW**

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### **POLICY**

The Board of Education ("Board") believes that employee decisions relating to individual students should be carried out in accordance with principles of fairness. The appeal process should encourage all parties to disputes to understand the concerns of the other parties and make good faith efforts to resolve disputes to mutual satisfaction.

The Board generally encourages complaints and disputes to be dealt with at the point closest to where the dispute first arises, in accordance with [Policy 9550 Process for Raising Concerns](#).

If the dispute or complaint is not resolved to the satisfaction of the student or the parent/guardian of the student affected, and the decision significantly affects the education, health or safety of the student, the Board recognizes the right of a student and/or their parents/guardians to appeal to the Board.

### **AUTHORITY**

Under Section 11 of the School Act, parents/guardians and students have a right to appeal a decision made by an employee of the board if this decision "significantly affects the education, health or safety of a student." This Board of Education Appeal Policy and Procedures Bylaw outlines the guiding principles for all steps of the appeal process.

### **DEFINITIONS**

"Decision" includes a failure to make a decision.

"Parent" is as defined in the [School Act](#), and includes a guardian.

"Appellant" is the student, parent or guardian initiating the appeal.

### **GUIDING PRINCIPLES**

Appeals to the Board are to be carried out in accordance with principles of fairness, including:

1. The appeal process should be accessible to parents/guardians and students. Information about the appeal process and relevant policies should be readily accessible to all, including employees, students and parents. Reasonable accommodation should be provided where necessary to allow parents or students to make use of the appeal process.
2. Appellants are entitled to receive the same written and oral information to be used in the appeal as is provided to the Board by administration and to have an opportunity to respond to it.
3. The Board accepts its responsibility to exercise its independent judgment when hearing appeals. In particular, an officer of the Board who has participated in making the decision

being appealed, who has attempted to mediate it or who has investigated it shall not be present for the Board's deliberations on the appeal.

4. A student or parent shall not be subjected to retribution by the Board, its officers or employees because an appeal has been made.

Appeal procedures shall be established by bylaw and shall be applied in accordance with the above principles.

The Board recognizes that whether a decision significantly affects a student's education, health, or safety is a matter for individual consideration. The following will normally be matters that significantly affect a student's education, health or safety:

- Expulsion from an educational program;
- Suspension from an educational program for more than five (5) school days;
- Suspension from an educational program where no other educational program is made available;
- Online learning required as part of a disciplinary matter
- A decision not to provide a student with an Individual Education Plan (IEP);
- Consultation about placement of a student with disabilities or diverse needs and the provision of an IEP;
- Bullying behaviours, including intimidation, harassment or threats of violence by a student against another student;
- Exclusion due to a medical condition that endangers others.

Decisions made on appeals are not precedential and are not binding on future decision makers.

In considering appeals of employee decisions, the Board shall consider, but shall not be limited to:

- whether the decision appealed is in accordance with legislation, Board policies and procedures;
- whether the decision appealed was reached through a process that was fair to the student and after consideration of relevant information;
- whether the evidence presented to the Board supports the decision or calls it into question;
- whether the decision is reasonable in the circumstances; and
- whether there are special circumstances that would warrant making an exception to a Board policy.

## **APPEAL PROCEDURES (BYLAW)**

Procedures for hearing appeals shall be applied in accordance with the guiding principles in the Board's appeal policy.

### **1 PROCESS FOR RAISING CONCERNS**

- 1.1 The student and/or parent/guardian shall take the steps outlined in Policy 9550 Process for Raising Concerns to try to resolve the concern before filing an appeal to the Board.

### **2 STARTING AN APPEAL TO THE BOARD OF EDUCATION**

2.1 If the steps in Section 1 are not successful, a student and/or parent/guardian begins the Board appeal process by presenting a written [Notice of Appeal to the Board of Education](#) to the Secretary Treasurer within fifteen (15) school days from the date of completion of step 4 of Policy 9550 Process for Raising Concerns referred to in 1.1.

2.2 The Notice of Appeal to the Board of Education must include:

- a) The name, address, and school placement of the student (including, where appropriate, grade level and home room teacher)
- b) The name and address of the appellant (the person(s) making the appeal)
- c) The decision that is being appealed
- d) The date on which the appellant was informed of the decision
- e) The name of the Board employee(s) who made the decision being appealed
- f) Particulars of how the decision significantly affects the student's education, health or safety
- g) The grounds for the appeal and the action requested or relief sought
- h) A summary of the steps taken by the appellant to resolve the matter
- i) Whether the appellant is requesting an oral hearing
- j) Whether the appellant requires any special accommodation to proceed with the appeal (such as interpretation services at the hearing of the appeal)

2.3 The Secretary Treasurer is responsible on behalf of the Board to:

- a) receive Notices of Appeal
- b) review Notices of Appeal for completeness and timeliness
- c) give any notices required under collective agreements
- d) receive and distribute documents relevant to an appeal
- e) communicate with appellants, the Board, and others on matters relating to an appeal hearing
- f) arrange for any accommodation required, and
- g) schedule hearings.

The Secretary Treasurer may designate another staff member to carry out these responsibilities. If the Secretary Treasurer has participated in the process for raising concerns under 1.1 or is the employee whose decision is being appealed, another staff member shall be designated.

2.4 If the Secretary Treasurer is of the opinion that:

- a) the appeal has not been commenced within the time set out under 2.1;
- b) the appellant has refused to participate in the process for raising concerns under 1.1; or
- c) the appeal is not an appeal of a decision of a Board employee or the decision does not significantly affect the student's education, health or safety;

the Secretary Treasurer may refer the appeal to the Superintendent of Schools or a person designated by the Superintendent for a preliminary determination of that issue.

Prior to deciding on that issue, the Superintendent or a person designated by the Superintendent may request a meeting with the person bringing the appeal, who must attend the meeting, or the appeal will be dismissed. If the Superintendent or a person designated by the Superintendent determines the appeal not to be of a decision that

significantly affects the education, health or safety of a student, was commenced out of time without reasonable excuse, or the person bringing the appeal has refused or neglected to discuss the decision under appeal as directed by the school district, the person bringing the appeal shall be advised by the Superintendent or a person designated by the Superintendent to follow the steps for raising concerns as outlined in Board Policy 9550: Process of Raising Concerns.

Where, in the opinion of the Superintendent or a person designated by the Superintendent, the decision does significantly affect the education, health or safety of a student, the appeal shall proceed.

In the event the person bringing the appeal disagrees with the determination of the Superintendent or a person designated by the Superintendent, that person may request the matter be referred to a quorum of the Board for a determination of that preliminary issue. The person requesting the Board determine this preliminary issue shall make that request in writing, delivered to the office of the Secretary Treasurer within 10 days of being advised of the decision of the Superintendent or a person designated by the Superintendent.

Appellants shall be notified of the preliminary hearing and provided with the opportunity to make written submissions on the preliminary issue to be determined.

Where the majority of a quorum of the Board determines that the decision being appealed does not significantly affect the education, health or safety of a student, that the appeal was commenced out of time without reasonable excuse, or that the student and/or parent/guardian has refused or neglected to discuss the decision under appeal as directed by the District, the appeal will be dismissed. That decision is final and may not be appealed

Where the quorum of the Board determines the appeal does involve a decision that significantly affects the education, health or safety of a student, was filed in time or with reasonable excuse, or that the person bringing the appeal did not fail to consult as directed by the District, the matter will be set for a hearing.

### **3 PRE-HEARING RESPONSIBILITIES**

- 3.1 Upon receipt of the Notice of Appeal to the Board of Education, the Superintendent shall be notified. The Superintendent or a person designated by the Superintendent to be responsible for investigation and presentation on the appeal will prepare a report for the Board concerning the matter under appeal and is responsible for gathering the information to be presented to the Board, other than the information to be presented by the appellant.
- 3.2 If the appellant is a student under the age of 19 and no parent/guardian is named as an appellant, a parent/guardian will be notified.
- 3.3 If the appellant has not met with the Superintendent during the process for raising concerns under 1.1, at the Superintendent's request the appellant is required to meet with the Superintendent or a person designated by the Superintendent. A report of this meeting shall be included in the report prepared under 3.1. The report may include the Superintendent's recommendations as to whether the dispute should be referred to an outside mediator.

- 3.4 Any notices required under relevant collective agreements are given by the Secretary Treasurer or designate.
- 3.5 The appellant is notified of the date, time, and place for hearing of the appeal and of the requirement to provide any documents in advance.

#### **4 HEARING PROCEDURE**

- 4.1 The Board may, in its absolute discretion, determine whether an appeal shall be considered on the basis of written submissions or an oral hearing. The Board may determine rules of procedure, including imposing limits on time for presentations, the ability to call or question witnesses, and the receipt of evidence, whether sworn or unsworn, to facilitate the disposition of the appeal, and may adjourn the proceeding at the request of any party where there are reasonable grounds to do so.
- 4.2 The Board may establish a schedule for the exchange of documents or written submissions. At least seven (7) days prior to the date scheduled for the hearing of the appeal, or the exchange of initial written submissions in the cases of a written appeal, school district staff and the appellant must provide each other with any documents or information they intend to rely on for the appeal.
- 4.3 The Board may be advised in camera by legal counsel and by the Secretary Treasurer or designate in relation to the appeal provided they have not had prior involvement in the matter under appeal.
- 4.4 At any time the Board may request further information from the appellant or the Superintendent or designate and may adjourn in order that such information may be obtained.
- 4.5 The Board may make any interim decision it considers necessary pending the disposition of the appeal.
- 4.6 The Board may invite submissions from any person whose interests may be affected by the Board's decision on the appeal.
- 4.7 The Board may refuse to hear an appeal where:
  - a) the appeal has not been commenced within the time set out under 2.1
  - b) the appellant has refused or neglected to discuss the decision under appeal with the person(s) specified in the process for raising concerns under 1.1 or the Superintendent or delegate, or such other person as directed by the Board; or
  - c) the decision does not, in the Board's opinion, significantly affect the education, health or safety of the student.
- 4.8 The Board may hear an appeal despite any defects in form or technical irregularities and may relieve against time limits.
- 4.9 School Act s.11 appeals are confidential. Appeals and decisions on appeals will be held in closed session. Information and documents about appeals may only be disclosed in accordance with the School Act, Freedom of Information and Protection of Privacy Act, and applicable Board policy.
- 4.10 The Board will ensure that each party has received all documentation provided by the other party prior to the hearing.

- 4.11 At the end of each party's submission, trustees may ask questions.
- 4.12 When questioning by trustees is complete, the parties leave and the Board deliberates how it will dispose of the appeal.
- 4.13 The Board must decide within 45 calendar days, or as soon as practicable and within 45 calendar days, from receiving the Notice of Appeal to the Board of Education.
- 4.14 The Board's decision is final, subject to any rights to appeal under the School Act.  
The Board may reconsider its decision only
  - a) if it is satisfied that new evidence or information would have a material effect on the decision and the failure to present that evidence or information at the original hearing is satisfactorily explained;
  - b) the decision contravenes law; or
  - c) a reconsideration is directed or requested in connection with an appeal of the Board's decision under School Act s.11.1.
- 4.15 The parties will be promptly notified of the Board's decision. Written reasons will be provided as soon as practicable.
- 4.16 Appellants who have appeal rights under School Act s.11.1 will be advised of those rights when or before they are notified of the Board's reasons for decision.
- 4.17 Appellants to the Board must be informed of their right to appeal the Board's decision to the Superintendent of Appeals within the Ministry of Education and Child Care.

**REPEAL**

School District No. 42 (Maple Ridge – Pitt Meadows) Board of Education Appeals Policy and Procedures Bylaw dated April 17, 2019, is hereby repealed.

**APPROVAL**

READ A FIRST TIME THIS **16<sup>TH</sup> DAY OF APRIL, 2025;**  
 READ A SECOND TIME THIS **16<sup>TH</sup> DAY OF APRIL, 2025;**  
 READ A THIRD TIME AND ADOPTED THIS **16<sup>TH</sup> DAY OF APRIL, 2025.**

*(signed by Elaine Yamamoto)*

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 Chairperson of the Board

(Corporate seal)

*(signed by Richard Rennie)*

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 Secretary Treasurer