

SCHOOL DISTRICT NO. 75 (Mission)
STUDENT APPEALS
BYLAW No. 2025-4

A Bylaw of THE BOARD OF EDUCATION OF SCHOOL DISTRICT NO. 75 (Mission), in accordance with the *School Act*, to establish a student appeal procedure.

WHEREAS a student entitled to an educational program in the school district or the parent/guardian of the student, has the right to resolve disputes with the school district when decisions of school district employees significantly affect the education, health or safety of the student, including the right to appeal those decisions in accordance with *School Act s. 11*.

NOW THEREFORE, the board enacts as follows:

1. Procedural Fairness:

- 1.1. The Board supports the principles of procedural fairness, and a process that is free from any form of discrimination.
- 1.2. Students and parents have access to a decision-making process that is fair and free from discrimination.
- 1.3. Appeal decisions must be approached with an open mind and being open to persuasion and being impartial and free of actual or perceived bias.
- 1.4. Appeal decisions must be based on evidence, be made in a timely manner, and be communicated in a transparent manner including the information considered in making the decision.
- 1.5. Parents and students have the right to participate in the process, including reasonable notice, proper disclosure of information, and an opportunity to respond to information that may adversely affect them.
- 1.6. No student or parent will be subjected to reprisal for appealing a decision of a school district employee.

2. Criteria:

- 2.1. When a decision of an employee of the school district has significantly affected the education, health or safety of a student, the student, or the parent of the student may, within a reasonable time from the date the parent or student was informed of the decision, appeal that decision to the Board.
- 2.2. Failure of an employee to make a decision is deemed to be a decision.

2.3. Examples of decisions deemed to significantly affect the education, health or safety of a student include but are not confined to:

2.3.1. Disciplinary suspension from school for a period in excess of 10 consecutive days.

2.3.2. Suspension from school for a health condition.

2.3.3. Grade promotion and graduation.

2.3.4. Failure to provide an Individual Education Plan (IEP) to a student.

2.3.5. Failure to consult with a parent regarding the placement or IEP of a student.

2.3.6. Refusal to offer an educational program to a student of school age.

2.3.7. Denial of an educational program by failure to take action in respect of a complaint of bullying, intimidation, harassment, or threat or use of weapons or violence by one or more students against another student.

2.3.8. Any other decision that in the opinion of the school district significantly affects the education, health or safety of a student.

3. Dispute Resolution prior to appeal:

3.1. Before an appeal is filed in accordance with this bylaw, the student and/or parent or guardian is expected to attempt to resolve the issue in dispute in a constructive manner:

3.1.1. Firstly, with those responsible at the school and / or the district level.

3.1.2. If not satisfactorily resolved with the person responsible, then address the issue in dispute with the principal at the school level, or the responsible administrator at the district level, as appropriate.

3.1.3. If not satisfactorily resolved at the principal or responsible administrator level, then address the issue in dispute with the superintendent and/or administrator(s) appointed by the superintendent.

4. Appeal Submission:

4.1. Where the above dispute resolution process does not resolve the issue in dispute, the parent or student may request an appeal to the board, directly or through an advocate. The appeal request must:

4.1.1. Be submitted within 30 days of the original decision being appealed. Submissions provided after the 30 days must include rationale for the delay in responding. The Board will give due consideration to the reasoning for delayed submissions.

4.1.2. Be submitted on a written Notice of Appeal form obtained from the school, district administration office, or the school district website, and may include additional information in a written submission, or a request to provide an oral submission at a hearing.

4.1.3. Be submitted to the principal of the school in which the student is registered or enrolled, or to the attention of the Superintendent at the district administration office, 33046 4th Ave Mission, British Columbia, V2V 1S5.

4.1.4. All additional or supplemental information to support the appeal must be submitted within 10 days of filing the appeal.

5. Appeal Hearing:

5.1. Within 24 hours of the receipt of the Notice of Appeal, the superintendent will inform the Board.

5.2. Upon receipt, the Board will schedule a hearing at a special Board meeting that is closed to the public. The hearing is a confidential meeting of the Board, and information from the meeting will only be shared in accordance with the Board's meeting procedures.

5.3. Considerations:

5.3.1. The Board may refuse to hear the appeal:

5.3.1.1. When the appeal did not commence within 30 days from the decision being appealed, without acceptable justification for the delay.

5.3.1.2. The student or parent refused or neglected to attempt to resolve their concerns as per the dispute resolution section above.

5.3.1.3. The Board determines that the decision does not significantly affect the education, health or safety of the student.

5.3.2. The Board may consider an appeal notwithstanding any defect in form or other technical irregularity.

5.4. The superintendent or designate will prepare a report with all pertinent materials and documents for the Board concerning the matter. A copy of the report is to be provided to the student and/or parent or guardian, and a copy to the employee whose decision is being appealed, at least forty-eight (48) hours prior to the hearing meeting.

5.5. If additional supports are required for the hearing:

5.5.1. The student and/or parent or guardian may be accompanied by an advocate, support person and/or interpreter / translator during the hearing.

5.5.2. Additional support needs for Indigenous parents and students may be coordinated through the Siwal Si'wes Indigenous Education Department.

5.5.3. Additional supports necessary to participate in the process, including interpreters or other accommodations, may be coordinated through the Superintendent's office if required.

5.6. The hearing will be conducted as follows:

- 5.6.1. The parent, student, or advocate will present the concerns to the Board regarding the decision.
- 5.6.2. The superintendent or designate will provide the rationale for the decision, and present information as included in the report. Any additional information or documentation provided to the Board must also be shared with the student or parent, and the Employee, and the student or parent must be provided time to review the additional information provided.
- 5.6.3. The student, parent, or advocate shall be granted the opportunity to ask questions regarding any information provided by the superintendent or designate.
- 5.6.4. The Board may request additional information from the student, parent, employee, superintendent or designate, if deemed necessary.
- 5.6.5. The Board may appoint a committee to investigate matters related to the appeal and report back to the board. The Board may, at its discretion, appoint to the committee trustees, senior officials, principals, teachers or any other person the board considers appropriate.
- 5.6.6. The Board will excuse the student, parent/guardian, and advocate from the meeting while it deliberates on the information provided.

6. Appeal Decision:

- 6.1. The Board must render its decision:
 - 6.1.1. In a timely manner, within forty-eight (48) hours of reaching a decision.
 - 6.1.2. Communicate the decision transparently, including understandable and meaningful reasons for the decision on how and why the decision was made. This may include reflecting on Board policies and administrative procedures, and how the Board applied the rules to the information and evidence presented during the appeal.
 - 6.1.3. Within forty-five (45) days from the date the notice of appeal was received in accordance with *School Act s. 11(7)*.
 - 6.1.4. The Board's decision may include:
 - 6.1.4.1. An interim decision pending the disposition of the appeal.
 - 6.1.4.2. Directing the student and/or parent or guardian to discuss the decision under appeal with one or more persons where provided by school district policy or where the Board or its designate consider it appropriate.

7. Further Appeal:

- 7.1. *School Act s. 11.1*, outlines that if the decision falls within the scope of the Appeals Regulation, and the student or parent is not satisfied with the Board's decision, they may submit an appeal

to the Superintendent of Appeals. Decisions within the scope of the Appeals Regulation include:

- 7.1.1. Expulsion from an educational program
- 7.1.2. Expulsion from an educational program
- 7.1.3. Suspension from an educational program
- 7.1.4. Suspension from an educational program where no other educational program is made available
- 7.1.5. Distributed learning required as part of a disciplinary matter
- 7.1.6. A decision not to provide a student with an Individual Education Plan (IEP)
- 7.1.7. Consultation about placement of a student with special needs and the provision of an IEP
- 7.1.8. Bullying behaviours, including intimidation, harassment or threats of violence by a student against another student
- 7.1.9. Exclusion due to a medical condition that endangers others

1. Title:

This bylaw may be cited as School District No.75 (Mission) Student Appeals Bylaw No. 2025-4.

2. Repeal

School District No 75 (Mission) Student Appeals (Bylaw #4) is hereby repealed.

READ A FIRST TIME THE ____ DAY OF _____, ____;

READ A SECOND TIME THE ____ DAY OF _____, ____;

READ A THIRD TIME, PASSED AND ADOPTED THE ____ DAY OF _____, ____.

Chairperson of the Board

Secretary Treasurer