

SCHOOL ACT SECTION 11 APPEALS

In accordance with Section 11 of the *School Act*, the Board must, by Bylaw, determine procedures to consider appeals. The *School Act* provides that a student or the parent/caregiver of the student may appeal a decision of an employee of the Board which significantly affects the education, health or safety of the student.

The Board believes that, where appropriate, the resolution of concerns can be most effectively addressed at the point the concern occurred. The Board encourages all parties in disputes to understand the concerns of the other parties and make good faith efforts to resolve disputes to mutual satisfaction. The Board requires students and/or parents/caregivers to bring concerns forward in accordance with Board Policy 2.30 Addressing Concerns, prior to accessing the formal appeal process set out below.

The Board affirms that decisions that do not significantly affect the education, health or safety of a student are within the final authority of the Superintendent.

1. Definitions

- 1.1. The terms used in this Bylaw shall have the meanings assigned by the *School Act* and School Act Appeals Regulation.
- 1.2. Any employee whose decision is being appealed can be referred to as the “Affected Employee”;
- 1.3. All references to days in this bylaw refer to calendar days.

2. Decisions That May Be Appealed

- 2.1. A student and/or parent/caregiver of a student may appeal a decision of an employee of the Board under Section 11 of the *School Act* where such decision significantly affects the education, health or safety of the student.
- 2.2. A “decision” for the purposes of this Bylaw includes the failure of an employee to make a decision.
- 2.3. Examples of grounds for appeal include, but are not limited to:
 - a. disciplinary suspension from school;
 - b. expulsion from an educational program;
 - c. refusal to offer an educational program to a student who is sixteen (16) years of age or older;
 - d. a requirement to complete all or part of an educational program in an alternate program or by online learning, as a disciplinary measure;
 - e. exclusion from school for a health condition;

- f. failure to provide or comply with an Individual Education Plan to a student with disabilities or diverse abilities;
- g. failure to offer to consult with a parent/caregiver regarding the placement, or Individual Education Plan, of a student with disabilities or diverse abilities;
- h. denial of an educational program by failure to take reasonable action to prevent bullying, intimidation, harassment, racism or threat or use of weapons or violence by one or more students against another student; and
- i. any other decision that, in the opinion of the Board, significantly affects the education, health or safety of a student.

3. Before Starting A Formal Appeal

- 3.1. A student or the parent/caregiver of the student should undertake the dispute resolution steps outlined in Board Policy 2.30 Addressing Concerns and other applicable district procedures to try to resolve the concern before filing an appeal to the Board.
- 3.2. If the dispute resolution process above does not resolve the concern, an appeal is normally an appeal of the decision of the highest supervisor who dealt with the matter in the dispute resolution process.

4. When the Board Might Not Hear an Appeal

- 4.1. The Board may refuse to hear an appeal where the appeal has not been filed within the time limits set out in Section 5.1 below or a student, or the parent/caregiver of the student, has failed to follow the dispute resolution steps outlined in Board Policy 2.30 Addressing Concerns.
- 4.2. The Board shall refuse to hear the appeal if the Board determines that the decision does not significantly affect the student's education, health or safety.
- 4.3. Where the Board refuses to hear an appeal, it shall provide written reasons to the student or the parent/caregiver of the student

5. How to Start an Appeal

- 5.1. If the dispute resolution steps in 3.1 are not successful a student, or the parent/caregiver of the student begins the Board appeal process by presenting a written Notice of Appeal to the Secretary Treasurer within thirty (30) days after being informed of the decision that is being appealed, or from the date of completion of the dispute resolution steps, whichever is later. If the student or the parent/caregiver of the student can demonstrate that there are reasonable grounds upon which to extend this time limit, the Board will consider whether to extend the time limit.

- 5.2. The Notice of Appeal, shall be sent to the Secretary Treasurer and must include:
- a. the name, contact information and, where the parent/caregiver 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/or program;
 - c. a description of the decision that is being appealed and its effect on the education, health or safety of the student;
 - d. the name of the Board employee who made the decision;
 - e. the date on which the student or the parent/caregiver of the student was informed of the decision;
 - f. if the Notice of Appeal is filed outside the time limit in 5.1 above, the reasons the Notice of Appeal was not filed within the time limit;
 - g. a summary of the steps taken to resolve the matter;
 - h. the grounds for the appeal and the action requested, or resolution sought;
 - i. whether the student or the parent/caregiver of the student wishes the Board to consider an oral hearing and;
 - j. whether the person making an appeal requires any assistance in order to proceed with the appeal outlined in Section 5.3.
- 5.3. The District will offer assistance with preparing a Notice of Appeal if requested, as follows:
- a. An Appeal Form is available, but not mandatory, provided the information in Section 5.2 is included in the Notice of Appeal.
 - b. The services of an uninvolved staff member as a navigator.
 - c. Accommodations, such as interpretive services or visual aids, when needed.
- 5.4. The District encourages the student or the parent/caregiver of the student to receive the support of other local, regional, or provincial organizations to prepare an appeal. Indigenous students and/or parents/caregivers are encouraged to access supports that may include: district staff or advocacy services available to them from the local First Nations, Métis Associations or other local, regional, or provincial supports.
- 5.5. An appeal can be withdrawn at any time.
- 5.6. An appeal to the Board commences with receipt of the written Notice of Appeal by the Secretary Treasurer.

6. When the District Receives an Appeal

- 6.1. The Secretary Treasurer will, upon receiving the Notice of Appeal:
- a. promptly provide a copy of the Notice of Appeal and any other information to the student or the parent/caregiver of the student submits in support of their appeal to: the Board, the Superintendent and, to the Affected Employee; and
 - b. confirm, in writing, receipt of the Notice of Appeal.

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- 6.2. The Secretary Treasurer shall designate another staff member to carry out these responsibilities if the Secretary Treasurer has participated in the dispute resolution steps or is the employee whose decision is being appealed.
- 6.3. The Secretary Treasurer is responsible for reviewing the Notice of Appeal and for communicating with the student or the parent/caregiver of the student and others on matters related to the appeal. Any notices required under relevant collective agreements shall be given.
- 6.4. Where, in the opinion of the Secretary Treasurer the appeal does not comply with the requirements for an appeal established under this Bylaw or Section 11 of the *School Act*, the Secretary Treasurer shall refer the matter to the Board for a determination. Prior to the Board meeting, the Secretary Treasurer shall advise the Superintendent, student/parent/guardian, and the Affected Employee of the nature of their concerns regarding the requirements for the appeal, and provide an opportunity and deadline for them to provide a written response for the Board's consideration.
- 6.5. The Board will make a decision regarding proceeding with the appeal within 21 days of receipt of the appeal. The Board shall inform the student or the parent/caregiver of the student, the Superintendent and the Affected Employee of the preliminary decision, in writing and provide reasons for the decision, including a refusal to hear the appeal.

7. How the Board Will Hear an Appeal

- 7.1. If the appeal is proceeding, a meeting of the Board may be held to determine how the hearing will proceed. The Board may decide the appeal based on written submissions, oral submissions or a combination thereof.
- 7.2. An Affected Employee shall have the opportunity to provide a written reply to any allegations contained in the Notice of Appeal.
- 7.3. During the appeal process, the student or the parent/caregiver of the student may be represented by an advocate, who may make submissions on behalf of the student or the parent/caregiver of the student, a support person and/or an interpreter/translator.
- 7.4. For privacy considerations, any meetings to consider an appeal will be held in a closed session.

8. Oral Hearings

- 8.1. The hearing of the appeal must be scheduled so as to ensure that the person making the appeal and the Associate Superintendent, or designate, whose decision is being appealed, has sufficient notice and time to prepare for the presentation. Copies of reports and documentation of a non-confidential nature shall be made available to the appellant.



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- 8.2. Consideration will be given regarding the location of the hearing, as it might impact the student or the parent/caregiver of the student.
- 8.3. The oral hearing process will be conducted in accordance with the following guidelines:
- 8.4. The Chair will outline the purpose of the hearing, which is to provide:
 - a. an opportunity for the parties to make representation in support of their respective positions to the Board. This information may include expert medical, psychological and educational data and may be presented by witnesses. The information presented may include both written and verbal communication.
 - b. the Board with the means to receive information and to review the facts of the dispute;
 - c. a process through which the Board can reach a fair and impartial decision.
- 8.5. Minutes of the proceedings will be recorded for the purpose of the Board's records (excluding Board deliberations).
- 8.6. The Associate Superintendent and/or designate(s) will have an opportunity to explain the decision, the reasons for the decision, and to respond to information presented by the appellant.
- 8.7. The appellant will have an opportunity to respond to the information presented by the Associate Superintendent or designate(s).
- 8.8. Board members will have the opportunity to ask questions or clarification from both parties.
- 8.9. No cross-examination of the parties shall be allowed, unless the Chair deems it advisable under the circumstances.
- 8.10. The Board will meet without the respective parties to the appeal in attendance to arrive at a decision regarding the appeal.
- 8.11. If the Board requires additional information or clarification in order to make its decision, both parties to the appeal will be requested to return to the hearing for the required additional information.

9. How the Board Makes a Decision

- 9.1. In considering appeals of employee decisions, for both written submissions or oral hearings, the Board shall consider whether:
 - a. the decision significantly affects the education, health or safety of a student;
 - b. the decision appealed is in accordance with legislation, Board policies and procedures;



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- c. the decision appealed was reached through a process that was fair to the student and after consideration of relevant information;
 - d. the evidence presented to the Board supports the decision or calls it into question;
 - e. the decision is reasonable in the circumstances; and/or
 - f. there are special circumstances that would warrant making an exception to a Board policy.
- 9.2. As a fairness principle, trustees, as the decision makers for an appeal must be impartial to the parties to the appeal and the issue to be decided. Therefore, any trustee participating in the decision will have no prior involvement with the original decision.
- 9.3. Any staff involved in the original decision shall not participate in appeal deliberations.
- 9.4. The Board shall make any decision that it considers appropriate in respect of the matter that is being appealed.
- 9.5. The Board shall decide the appeal based only on the submissions presented to it in accordance with this Bylaw.
- 9.6. The Board must make a decision within 45 days from the date the Notice of Appeal was received. Whenever possible appeal decisions will be made as expeditiously as the circumstances of the appeal dictate.

10. Notification of the Decision

- 10.1. The Board shall promptly notify the student or the parent/caregiver of the student, the Superintendent and the Affected Employee of the decision of the Board and shall provide written reasons for the decision.
- 10.2. If the student or the parent/caregiver of the student disagrees with the appeal decision the student or the parent/caregiver of the student may have a right to appeal a decision of the Board made under this Bylaw to the Student Appeals Branch of the Ministry of Education under s. 11.1 of the *School Act*.

Postal Address: Registrar, Student Appeals
Ministry of Education, Student Appeals Branch
PO Box 9146 Stn Prov Govt,
Victoria, BC V8W 9H1

Email EDUC.studentappeals@gov.bc.ca
Telephone 1-877-387-8037 or 250-387-8037
Website <https://www2.gov.bc.ca/gov/content/education-training/k-12/support/student-disputes-and-appeals>



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- 10.3. If the student or the parent/caregiver of the student believes the Board's response is unfair, unreasonable or inconsistent with this Bylaw or legislation, the student or the parent/caregiver of the student may raise their concerns with the Office of the Ombudsperson. The Ombudsperson is an independent Officer of the B.C. Legislature who impartially investigates complaints from the public to ensure people are treated fairly in the delivery of government services. For more information, visit their website www.bcombudsperson.ca or call 1-800-567-3247;

11. Repeal

School District No. 57 Bylaw No. 4 Appeals dated June 5, 1990 and all further amendments thereto is hereby repealed.

Read a first time the 22 day of September 2026.

Read a second time the 22nd day of September 2026.

Read a third time, passed and adopted the 22nd day of September 2026.

Original signed by
Craig Brennan, Board Chair

Original signed by
Lynda Minnabarriet, Secretary Treasurer



Bylaw No. 4 – Appendix B - Notice of Appeal

Please submit the completed form to:
Office of the Secretary Treasurer of School District No. 57
2100 Ferry Avenue, Prince George, BC, V2L 4R5
Email: appeal@sd57.bc.ca Fax: 250-561-6820

STUDENT INFORMATION:

Name: _____ Phone Number: _____
Address: _____
Date of Birth: _____ School Attending: _____
Grade Level: _____ Home Room Teacher: _____

PERSONS(S) MAKING THE APPEAL:

Name: _____ Phone Number: _____
Address: _____
Relationship to Student: _____

DESCRIPTION OF THE DECISION THAT IS BEING APPEALED:

Date person making appeal was advised of decision: _____

Name of employee who made the decision: _____

Particulars of the effect on the student's education, health, or safety:

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Action requested or resolution sought:

Summary of steps taken by the student, parent, or guardian to resolve the matter:

☐	Step 1: Student/Parent/Guardian contacted employee	Date: _____
☐	Step 2: Student/Parent/Guardian contacted school Principal/Vice Principal	Date: _____
☐	Step 3: Student/Parent/Guardian contacted Office of the Superintendent	Date: _____

Please describe any other steps taken by the student, parent, or guardian to resolve the matter:

Does the person making the appeal require any special accommodation in order to proceed with the appeal (such as interpretation services at the hearing)?

☐	No	
☐	Yes	Please Describe: _____

STUDENT SIGNATURE:

Name: _____

Signature: _____

PARENT/GUARDIAN SIGNATURE:

Name: _____

Signature: _____