

**BOARD OF EDUCATION
SCHOOL DISTRICT NO. 51 (BOUNDARY)**

**Bylaw 3-2025
School Act Section 11 Appeal Procedures**

A Bylaw of the Board of Education of School District 51 (Boundary) (the “Board”) to establish procedures governing *School Act* Section 11 appeals to the Board.

WHEREAS in accordance with the Section 11 of the *School Act*, the Board must, by Bylaw, determine procedures to consider certain appeals;

AND WHEREAS the *School Act* provides that a student entitled to an educational program in the School District or the parent/guardian/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. Such appeals will be heard by the Board, at a duly constituted meeting of the Board;

AND WHEREAS to ensure the integrity of appeal processes, appellants will not be subject to reprisals;

AND WHEREAS the Board believes that, where appropriate, the resolution of concerns can be most effectively addressed at the point the concern occurred. The Board requires students, parents/guardians/caregivers to bring concerns forward to the staff member who made the decision prior to accessing the appeal process in accordance with Policy 250 Addressing Concerns and Complaints;

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

NOW THEREFORE The Board, in an open meeting, **ENACTS AS FOLLOWS:**

1. Citation

This Bylaw may be cited as “School District No. 51 (Boundary) Bylaw 3-2024 *School Act* Section 11 Appeal Procedures”.

2. Definitions

- 2.1. The terms used in this Bylaw shall have the meanings assigned by the [*School Act*](#) and [*Regulations*](#) made thereunder.
- 2.2. For purposes of this Bylaw, a student or parent/guardian/caregiver filing the appeal can be referred to as the “Appellant”.
- 2.3. Any employee whose decision is being appealed can be referred to as the “Affected Employee”;

- 2.4. For purposes of this bylaw, School days means the days that school is in session and for greater clarity this time period does not include days during a school break.

3. Fairness Principles

- 3.1. Appellants can expect fairness in the appeals process, including:
 - 3.1.1. the right to be heard,
 - 3.1.2. the right to adequate notice and timely receipt of relevant information,
 - 3.1.3. being provided with reasons for decisions,
 - 3.1.4. an impartial decision maker, and
 - 3.1.5. a respectful process, free from retaliation.

4. Decisions Which May Be Appealed

- 4.1. The Board recognizes the right of a student or parent/guardian/caregiver of a student to 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.
- 4.2. A “decision” for the purposes of this Bylaw includes the failure of an employee to make a decision.
- 4.3. Examples of grounds for appeal include, but are not limited to:
 - 4.3.1. disciplinary suspension from school;
 - 4.3.2. suspension from an educational program, if no other educational program is provided by the Board;
 - 4.3.3. expulsion from an educational program;
 - 4.3.4. refusal to offer an educational program to a student who is sixteen (16) years of age or older;
 - 4.3.5. requirement to complete all or part of an educational program by distributed learning, or in an alternate program, as a disciplinary measure, where space and facilities are available in a school;
 - 4.3.6. exclusion from school for a health condition;
 - 4.3.7. failure to provide an Individual Education Plan to a student with special needs;
 - 4.3.8. failure to offer to consult with a parent/guardian/caregiver regarding the placement or Individual Education Plan of a student with special needs;
 - 4.3.9. denial of an educational program by failure to take action in respect of a complaint of bullying, intimidation, harassment, racism or threat or use of weapons or violence by one or more students against another student; and
 - 4.3.10. any other decision that, in the opinion of the Board, significantly affects the education, health or safety of a student.

5. Prior to Commencing a Formal Appeal

- 5.1. The Appellant should undertake the dispute resolution steps outlined in Board Policy 250 Addressing Concerns and Complaints or other applicable district procedures to try to resolve the concern before filing an appeal to the Board.
- 5.2. 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.

6. Refusal to Hear Appeals

- 6.1. The Board may refuse to hear an appeal where:
 - 6.1.1. the appeal has not been filed within the time limits set out in paragraph 7.1 below; or
 - 6.1.2. the Appellant has failed to follow the steps outlined in Board Policy 250 Addressing Concerns and Complaints.
- 6.2. The Board shall refuse to hear the appeal if the Board, in its discretion, determines that the decision does not significantly affect the student's education, health or safety.
- 6.3. Where the Board refuses to hear an appeal, it shall provide written reasons to the Appellant.

7. Starting A Formal Appeal

- 7.1. If the steps in paragraph 5.1 are not successful, a parent/guardian/caregiver and/or student begins the Board appeal process by presenting a written Notice of Appeal to the Secretary Treasurer within sixteen (16) school days after being informed of the decision that is being appealed, or from the date of completion of the dispute resolution steps referred to in paragraph 5.1, whichever is later.
 - 7.1.1. If the Appellant can demonstrate that there are reasonable grounds upon which to extend this time limit, the Board will consider whether to extend the time limit.
- 7.2. The Notice of Appeal, shall be sent to the Secretary Treasurer, or designate, and must include:
 - 7.2.1. the name, address, email address (if applicable), phone number of the Appellant and, where the parent/guardian/caregiver is initiating the appeal on behalf of the student, the name of the student;
 - 7.2.2. the current placement of the student i.e. school, grade and/or program;
 - 7.2.3. a description of the decision that is being appealed and its effect on the education, health or safety of the student;
 - 7.2.4. the name of the Board employee who made the decision;
 - 7.2.5. the date on which the Appellant was informed of the decision;
 - 7.2.6. if the Notice of Appeal is filed outside the time limit in paragraph 7.1 above, the reasons the Notice of Appeal was not filed within the time limit.
 - 7.2.7. a summary of the steps taken by the student and/or Appellant to resolve the matter in accordance with Board Policy 250 Addressing Concerns and Complaints;
 - 7.2.8. the grounds for the appeal and the action requested; and;
 - 7.2.9. whether the Appellant wishes the Board to consider an oral hearing.
- 7.3. The District will offer assistance with preparing a Notice of Appeal if requested, as follows:
 - 7.3.1. An Appeal Form is available, but not mandatory, provided the information in paragraph 7.2 is included in the Notice of Appeal.
 - 7.3.2. The services of an uninvolved staff member as a navigator.
 - 7.3.3. Accommodations, such as interpretive services or visual aids, when needed.

- 7.4. The District encourages Appellants to receive the support of other local, regional, or provincial organizations to prepare an appeal.
 - 7.4.1. Indigenous students and/or parents/guardians/caregivers are encouraged to access supports that may include: district Indigenous Education staff or advocacy services available to them from the local First Nations, Métis Associations or other local, regional, or provincial supports.
- 7.5. The Appellant may withdraw their appeal at any time.
- 7.6. An appeal to the Board commences with receipt of the written Notice of Appeal by the Secretary Treasurer.

8. Acknowledgement of Appeals

- 8.1. The Secretary-Treasurer or designate will, upon receiving the Notice of Appeal:
 - 8.1.1. promptly provide a copy of the Notice of Appeal and any other information the Appellant submits in support of their appeal to: the Board, the Superintendent of Schools ("the Superintendent"), or designate, and, to an Affected Employee; and
 - 8.1.2. confirm with the Appellant, in writing, receipt of the Notice of Appeal. In accordance with paragraph 11.4, the Board shall make a decision within 45 days from the date the Notice of Appeal was received.
- 8.2. 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.

9. Before the Hearing

- 9.1. The Secretary Treasurer, or designate, is responsible for reviewing the Notice of Appeal and for communicating with the Appellant and others on matters related to the appeal.
- 9.2. Where, in the opinion of the Secretary Treasurer, or designate, 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, or designate, shall refer the preliminary matter to the Board for a determination.
- 9.3. The Board will make a preliminary decision, if required, within 8 school days of receipt of the appeal.
 - 9.3.1. The Board shall inform the Appellant, the Superintendent and any Affected Employee of the preliminary decision, in writing and provide reasons for the decision, including a refusal to hear the appeal.
- 9.4. Where there is no preliminary matter to be determined, arrangements will be made for the hearing of the appeal by the Board.
- 9.5. The Board may hear an appeal despite any defects in form or technical irregularities.
- 9.6. The Board may make any interim or procedural decision it considers necessary pending the disposition of the appeal.

9.7. Any notices required under relevant collective agreements shall be given.

10. Board Hearing

- 10.1. The Board may decide the appeal based on written submissions, oral submissions or a combination thereof.
- 10.2. Any Board meeting to consider written submissions or hear oral submissions in respect of an appeal will be held in a closed session.
- 10.3. The Board shall provide directions to the Appellant and the Superintendent concerning:
 - 10.3.1. whether it requires written submissions and if so, the deadlines and any other directions concerning the written submissions; and/or
 - 10.3.1.1. Where a written submission is provided by the Superintendent or designate, the Appellants and the employee whose decision is being appealed shall receive a copy of the submission.
 - 10.3.1.2. Where a written submission is provided by the Appellant, the Superintendent or designate and the employee whose decision is being appealed shall receive a copy of the submission.
 - 10.3.2. whether it will hold a meeting for the purpose of hearing oral submissions and if so, the date, place, time and location of the meeting and any time limits or other directions concerning oral submissions to be made at the meeting.
 - 10.3.2.1. Consideration will be given regarding the location of the hearing, as it might impact Appellants.
- 10.4. The purpose of the submissions is to:
 - 10.4.1. allow the Superintendent, or designate, an opportunity to explain the decision giving rise to the Appeal, the reasons for the decision and to respond to information presented by the appellant; and
 - 10.4.2. allow the appellant to explain their appeal and respond to the information presented by the Superintendent or designate.
- 10.5. The Board may ask questions of clarification of the parties before deciding the appeal and may adjourn any meeting of the Board held to consider the appeal for the purpose of obtaining further information.
- 10.6. An Affected Employee shall have the opportunity to provide a written reply to any allegations contained in the Notice of Appeal and may attend any meeting of the Board held in respect of the appeal where the Appellant is present and shall, if they attend, be accompanied by a representative of the Boundary District Teachers' Association.
- 10.7. During the appeal process, the Appellant may be represented by an advocate, support person and/or interpreter/translator, who may make submissions on behalf of the Appellant.

11. Decision

- 11.1. As a fairness principle, decision maker(s) for an appeal must be impartial to the parties to the appeal and the issue to be decided. Therefore, those involved making a decision

will have had no prior involvement with the original decision. Any staff involved in the original decision shall not attend or participate in appeal deliberations.

- 11.2. The Board shall make any decision that it considers appropriate in respect of the matter that is being appealed.
- 11.3. The Board shall decide the appeal based only on the submissions presented to it in accordance with this Bylaw.
- 11.4. The Board must make a decision within 45 calendar days from the date the Notice of Appeal was received.
 - 11.4.1. Whenever possible appeal decisions will be made as expediently as the circumstances of the appeal dictate.
- 11.5. The Board shall notify the Appellant, the Superintendent and any Affected Employee of the decision of the Board and shall promptly provide written reasons for the decision.
- 11.6. If an Appellant believes the Board's response is unfair, unreasonable or inconsistent with this Bylaw or legislation, an Appellant 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.
- 11.7. An Appellant 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

12. Repeal

School District No. 51 Bylaw No. 1-2008 Appeal Procedure is hereby repealed.

Read a first time the 28th day of January 2025.

Read a second time the 15th day of April 2025.

Read a third time, passed and adopted the 27th day of May 2025.



Board Chairperson



Secretary-Treasurer

I HEREBY CERTIFY this to be a true copy of School District No. 51 (Boundary) Trustee Elections Bylaw No. 3-2025 as adopted by the School Board on the 27th day of May 2025.



Secretary-Treasurer