



BYLAW II APPEALS

BYLAW:

RIGHT OF APPEAL

1. Where a decision of an employee of the Board significantly affects the education, health or safety of a student, that student or the parents of the student may Appeal to the Board. The failure of an employee to make a decision shall be deemed to be a decision for the purpose of bringing an Appeal.

INITIATING AN APPEAL

2. An Appeal shall be commenced within a reasonable period of the time that the student or parent appealing the decision was informed of the decision.
3. To initiate an Appeal, the person appealing the decision must complete, sign, date, and deliver the attached Notice of Appeal form to the Principal of the school attended by the affected student or to the Superintendent of Schools.
4. If the person appealing the decision wishes to have an advocate assist him/her through the process, the District will provide assistance in securing an advocate acceptable to the parent or student.

PRE-HEARING PROCESS

5. Upon receipt of a Notice of Appeal, the Superintendent shall provide the Notice to the Board for:
 - (a) setting of a time, date and place for the Hearing of the Appeal for making a decision; or
 - (b) giving directions as outlined in Section 6 of this Bylaw.
6. The Board may decide not to hear the Appeal:
 - (a) if the Appeal has not been commenced within a reasonable period of time; or
 - (b) unless the person appealing the decision first discusses the decision under appeal with any person or persons as directed by the Board.
7. Any direction or decision made by the Board pursuant to Section 6 of this Bylaw and time, date and place set for the Hearing shall be communicated to the person appealing the decision in writing.
8. All officers and employees of the Board shall facilitate any meeting directed by the Board as part of the process prior to a Hearing to resolve the matter under appeal.

[FORM BYLAW II APPEALS](#)

REFERENCES: [School Act Section 11](#)

ADOPTED: December 1996

Amended:



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9. All pre-hearing processes and meetings shall be informal and without prejudice and no record or report of them, either oral or written shall be provided to the Board in advance of the Hearing.

HEARING WITH THE BOARD

10. Subject to Section 6 of this Bylaw, the appeal shall be heard by the Board.
11. At the hearing of the Appeal, the Superintendent shall advise the Board of the substance of the decision under Appeal without comment on the reasons, justification for or merits of the decision.
12. The person appealing the decision and the employee whose decision is being appealed may appear and be heard by the Board together and both may address, as the case may be, the merits or otherwise of the decision, the reasons for or against the decision, the appropriateness of the decision in the context and circumstances and such other matters relevant to the Appeal. Both may also respond to questions put by the Trustees to either of them or to questions and answers put by Trustees to Board officers or others. The Board may, at the hearing, hear from any other persons as it considers desirable.
13. The School Board may consider an appeal notwithstanding any defect in form or other technical irregularity.

DECISION

14. The Board may makes its decision at the hearing or as soon as practicable and shall advise the person making the Appeal of the decision in writing.

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