

APPEAL OF DECISIONS BYLAW

PREAMBLE

Burnaby School District staff make many decisions in the course of their duties. These decisions, which are expected to be made in alignment with the principles of fairness, can affect the education, health, or safety of a student. Either making a decision or failing to make a decision may affect a student.

The *School Act* requires that the Board of Education establish a procedure whereby a student or their parent(s)/guardian(s) may appeal decisions which significantly affect the education, health or safety of the student.

The Board expects that an appeal should be preceded by problem-solving processes which support all parties involved in a dispute so there is a shared awareness of the concerns of others, allowing for a good faith attempt to resolve disputes to mutual satisfaction. Those steps should not be a barrier to an appeal to the Board when a resolution has not been achieved.

BYLAW

THE BOARD REQUIRES THAT AN APPEAL OF ANY DECISION MADE BY DISTRICT STAFF WHICH SIGNIFICANTLY AFFECTS THE EDUCATION, HEALTH OR SAFETY OF A STUDENT BE HEARD FIRST AT THE SCHOOL LEVEL AND THEN, IF NECESSARY, AT THE DISTRICT ADMINISTRATIVE LEVEL TO ATTEMPT TO ACHIEVE A MUTUAL UNDERSTANDING AND RESOLVE THE MATTER. IF THE MATTER CANNOT BE SUCCESSFULLY RESOLVED, THE BOARD WILL THEN HEAR THE APPEAL.

1. Decisions that significantly affect the education, health or safety of a student include but are not limited to:
 - a. Suspension or exclusion from school or from a component of a school program for more than 5 days;
 - b. Denial of access to a school or District program or service other than access to a specific course, class or school placement request.
2. When a student and/or parent(s)/guardian(s) of a student wishes to question a decision made by a District employee on the grounds that it significantly affects the education, health, or safety of the student, they will consult with the District employee who made the decision.

3. When a Trustee is alerting a concerned parent or guardian, who has written to an individual Trustee or the Board, that their message has been forwarded to the Superintendent, the Trustee will refrain from responding to the parent or guardian about the substance of the concern in order to protect the process and ensure that if there is an appeal to the Board, it can be heard without prejudice.
4. If the matter is not resolved directly with the District employee, the matter may then be discussed with the school principal.
5. If the matter has not been resolved at the school level, the process will continue with a member of the District administrative staff.
6. If school and District staff processes fail to resolve the complaint, the complainant must request in writing to the Superintendent that the Board hear an appeal. The details pertinent to the appeal must accompany the request. An appeal request should be made as soon as practicable, following the outcome of the process described in Step 5.
7. Unless there are extraordinary circumstances that require a significant delay in filing an appeal, the appeal should be received within 30 calendar days of the conclusion of resolution attempt(s) described in Step 5.
8. Once a request to appeal has been received, the Board may convene to hear the appeal within 30 calendar days or soon thereafter. If the appeal has been filed when school is not in session – during Summer Break, Winter Break or Spring Break – then the appeal may be heard within 30 calendar days following the break, or soon thereafter.
9. Appeal hearings are held in camera by the Board. The Board may request the presence of the complainant and/or any person(s) involved in the processes that occurred prior to the appeal.
10. The Board shall make a decision on the matter in question as soon as practicable after hearing the appeal and shall report that decision to the complainant.
11. The Board shall make any decision that it considers appropriate and such decision shall be final.
12. If the appellant wishes to appeal the Board's decision, the appellant may contact the Ministry of Education and Child Care's Superintendent of Appeals, as per the *School Act*.

Date Adopted: 1990-06
Date(s) Revised: 2021-04-27
2024-11-26



BOARD OF EDUCATION
BURNABY
SCHOOL DISTRICT 41

Appeals Form

(In accordance with Policy #9 Appeal of Decisions Bylaw)

1. Date submitted: _____

2. Name and address of the person making the appeal:

NAME:	ADDRESS:
-------	----------

3. Student's name, address, grade and school:

NAME:	ADDRESS:
GRADE:	SCHOOL:

4. Please describe the decision being appealed:

DECISION:

5. Date on which the original decision was shared with student and/or parent/guardian:

6. Please provide the name of the District employee(s) who made the decision being appealed:

7. Please provide particulars of the effect on the student's education, health or safety:

PARTICULARS:

8. Please identify the grounds for the appeal and the action requested or relief sought:

GROUND / ACTION:

9. Please provide a summary of the steps taken by the student and or parent/guardian to resolve the matter:

STEPS TAKEN:

10. Are you requesting an in-person hearing?

- Yes No

11. Please note if the person making an appeal requires any special accommodation in order to proceed with the appeal (such as interpretation services at the hearing of the appeal):

ACCOMODATIONS: