

THE BOARD OF EDUCATION OF SCHOOL DISTRICT NO. 33 (CHILLIWACK) Board Bylaws



BYLAW 4 APPEAL PROCEDURE

The Board of Education of School District No. 33 (Chilliwack) (the “Board”) is committed to fair, transparent and respectful decision-making. This Bylaw seeks to ensure students and their parents/guardians have a clear, open and respectful process to request the review of employee decisions that significantly affect a student’s education, health or safety.

To ensure that all parties to disputes understand the concerns of the other parties and make good faith efforts to resolve disputes to mutual satisfaction, the parties are expected to participate in a non-confrontational, respectful conflict resolution process before proceeding to appeal.

If the dispute or complaint is not resolved to the satisfaction of the student or the parent/guardian of the student affected, the Board recognizes the right of a student and/or their parents (including guardians and persons acting in place of parents) to appeal certain employee decisions to the Board.

Definitions:

- a) **"Appellant"** is the student and/or Parent initiating an appeal.
- b) **"Decision"** means a decision of an employee of the Board, and includes a failure to make a decision.
- c) **"Parent"** has the meaning set out in the School Act.
- d) **"Student Appellant"** means an Appellant who is a student under the age of 19.

Fairness Principles:

Appeals to the Board of Education are to be carried out in accordance with principles of fairness. This includes providing Appellants with:

- a) the right to be heard,
- b) the right to reasonable notice and timely receipt of relevant information to be considered in an appeal,
- c) the right to reasons for Decisions,
- d) the right to an impartial decision maker,
- e) a respectful process, free from retaliation, and
- f) appropriate protection of privacy and the maintenance of confidentiality.

Procedures:

1. Decisions Which May Be Appealed

The Board of Education recognizes the right of a student and/or Parent of a student to appeal

certain decisions of an employee of the Board under Section 11 of the *School Act*, where such decisions significantly affect the education, health or safety of the student.

It is the responsibility of the Board to determine whether a Decision significantly affects the education, health or safety of the student. The Board may receive or invite the advice of staff on such matters.

Matters that are generally considered to significantly affect a student's education, health or safety include the following decisions:

- a disciplinary suspension from school for more than five (5) days;
- a transfer to a different educational program for disciplinary reasons;
- removal from an educational program, if no other educational program is provided by the Board;
- an expulsion from the School District;
- a refusal to offer an educational program to a student who is sixteen (16) years of age or older;
- a 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;
- a decision not to provide an Individual Education Plan to a student with a disability or diverse abilities;
- a failure to offer to consult with a parent/guardian/caregiver regarding the placement or Individual Education Plan of a student with a disability or diverse abilities;
- 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
- any other decision that, in the opinion of the Board, significantly affects the education, health or safety of the student on whose behalf an appeal is sought to be brought.

The appeal must be directed to a decision or failure to make a decision that affects the student on whose behalf the appeal is brought. General policy decisions made by the Board are not subject to appeal under this Bylaw.

Decisions on appeals are made on a case-by-case basis and do not create precedent for any future circumstance.

2. Refusal to Hear Appeals

The Board reserves the right to decline to hear an appeal where:

- the appeal has not been filed within a reasonable time of the decision being appealed;
- the Appellant has not followed the Pre-Appeal Procedures outlined in this Bylaw or discussed the Decision with one or more persons as directed by the Board or Superintendent;

- the Board determines that the Decision does not significantly affect the student's education, health or safety; or
- no effective remedy is available, the outcome sought is outside of the Board's authority or where the matter has otherwise been rendered moot.

3. Pre-Appeal Procedures

Before an appeal is filed, the Appellant shall take the dispute resolution steps outlined below (the "Pre-Appeal Procedures").

Step 1:

The Appellant will meet with and discuss the issue or dispute with the teacher/employee who made the Decision. The teacher/employee will review the information provided by the Appellant and will inform the Appellant of their response as soon as practicable.

Step 2:

Should the response at Step 1 (the "Step 1 Decision") not resolve the dispute, the Appellant will meet with and discuss the issue with the principal (or designate appointed by the principal) where the Decision was made at the school level, or the responsible district administrator, where the Step 1 Decision was made by the principal or at the district level. The principal or administrator will review the Step 1 Decision and the information provided by the Appellant and will inform the Appellant of their response as soon as practicable (the "Step 2 Decision").

Step 3:

Should the Step 2 Decision not resolve the dispute, the Appellant will meet with and discuss the issue with the Superintendent, or a delegate appointed by the Superintendent. The Superintendent (or delegate) will review the initial Decision, the Step 1 Decision and the Step 2 Decision, together with any new information provided by the Appellant, and will provide a written response to the Appellant as soon as practicable (the "Step 3 Decision").

The Step 2 and Step 3 Decisions shall be accompanied by a copy of this Board Appeal Procedure Bylaw.

The Board may provide the services of an uninvolved staff member (or other neutral third party) to assist the Appellant in understanding and following Board processes.

4. Time Limit for Filing an Appeal

An appeal must be filed within thirty (30) days of the date the student or Parent was informed of the Step 3 Decision. If the Appellant can demonstrate that there are reasonable grounds to extend this time limit, the Board may extend it.

5. Filing an Appeal

An appeal must be initiated by an Appellant by filing a completed Notice of Appeal in writing with

the Secretary Treasurer. The Notice of Appeal must contain:

- the name, address, email address (if applicable), and phone number of the Appellant and the student's name, school, and grade level;
- a description of the issue arising from the Step 3 Decision that is being appealed;
- the name of the employee who made the initial Decision;
- particulars of the effect of the initial Decision on the student's education, health or safety;
- the date the Appellant was informed of the initial Decision from which the issue being appealed arose;
- a clear statement of the grounds of the appeal;
- a clear statement of the action requested from the Board. The action requested must relate to the specific issue being appealed and should be directed to remedying the significant impact on the student caused by the decision under appeal;
- confirmation that the Appellant has followed the Pre-Appeal Procedures;
- whether the Appellant requests an oral hearing, and if so, full reasons why an oral hearing is requested;
- whether the Appellant requires any special accommodation in order to proceed with the appeal (such as interpretation services).

An appeal shall be considered on the basis of written submissions unless the Board determines that an oral hearing is warranted. The Board may hold an oral hearing, where appropriate, on its own motion, or at the request of the Appellant or Superintendent.

6. Referrals or Preliminary Dismissal of Appeals

Upon receipt, the Notice of Appeal shall be reviewed by the Secretary Treasurer who shall be responsible to confirm whether, in their opinion, the Notice of Appeal has satisfied the requirements set out above and the Decision being appealed significantly affects the education, health or safety of the student. If so, the Secretary Treasurer shall proceed to schedule the consideration of the appeal by the Board. The Secretary Treasurer is authorized to establish the schedule for the exchange of any documents or submissions to be considered at the Appeal.

Where, in the opinion of the Secretary Treasurer, the matters sought to be appealed set out in the Notice of Appeal do not satisfy the requirements of this Bylaw for the consideration of an appeal by the Board, the Secretary Treasurer may:

- a. provide the Appellant with an opportunity to amend the Notice of Appeal; and/or
- b. refer the Notice of Appeal to the Board for a determination on whether the Appeal will be heard ("Preliminary Determination").

The Secretary Treasurer will provide notice to the Appellant and the Superintendent if a matter has been referred to the Board for a Preliminary Determination.

The Board will issue its Preliminary Determination as soon as practicable after receiving a referral from the Secretary Treasurer. In its Preliminary Determination the Board may make a decision to:

- a. hear or decline to hear any one or more or all of the issues arising from the Notice of Appeal;
- b. require the Appellant to complete the Pre-Appeal Procedures before proceeding further with the Appeal; or
- c. require the Appellant to meet with any other Board employee to discuss the Appeal before refiling it.

A Preliminary Determination will be in writing and include reasons. The Board may invite submissions from the Appellant before making a Preliminary Determination. The Secretary Treasurer will provide notice of any Preliminary Determination to the Appellant and the Superintendent.

7. Information to be Provided to the Appellant

Upon acceptance of an appeal for hearing under section 6 of this Bylaw, the Secretary Treasurer shall provide notice to the Appellant, the Superintendent and to the Parent of a Student Appellant. The notice will be in writing and shall provide:

- a statement of the issues to be addressed in the appeal;
- how the appeal will be conducted, such as an oral hearing, through written submissions, or both;
- the scheduled date and location for the appeal, if an oral hearing is held;
- timing and expectations regarding the exchange of documents and written submissions in advance of the consideration of the appeal;
- expectations regarding privacy, confidentiality and information-sharing; and
- any other information required under this Bylaw, that the Board directs or the Secretary Treasurer deems appropriate.

8. Board Hearing Procedure

8.1. Where the Board decides to hold an oral hearing, the Appellant, the Superintendent and the employee whose decision is being appealed shall be provided with written notice of the date, time and location of the hearing. The correspondence will outline the purpose of the hearing which is to provide:

- 8.1.1. an opportunity for the parties to make representations and provide evidence in support of their respective positions to the Board on the issues to be considered. The information may be both written and verbal; and
- 8.1.2. the Board with the means to receive information and to review the issues in dispute and reach a fair and impartial decision.

8.2. In connection with the hearing of an appeal, whether written or oral:

- 8.2.1. The Superintendent and/or designate(s) will have an opportunity to explain the Step 3 Decision and any prior decision, the reasons for them and to respond to information presented by the Appellant.
- 8.2.2. The Appellant will have an opportunity to respond to the information presented by the Superintendent or designate(s).
- 8.2.3. The Board will have the opportunity to ask questions or request clarification from both parties.
- 8.2.4. No cross-examination of the parties shall be allowed. However, the Board may ask questions of any person appearing at an oral appeal hearing.
- 8.2.5. The Board shall consider any requests for adjournments in relation to the hearing of appeals and will notify the parties in writing of their decision regarding the adjournment.
- 8.2.6. The Board may adjourn the hearing at any time to obtain additional information where it considers such information would assist the Board in determining the appeal. If the Board requires additional information or clarification in order to make its decision, both parties to the appeal will be provided the opportunity to comment on the additional information.
- 8.2.7. During the appeal process, the Appellant may be supported by an advocate, support person and/or interpreter/translator.

9. Delegation

The Superintendent and Secretary Treasurer may delegate all or any part of their duties and responsibilities under this Bylaw.

10. Board Decision

The Board may make any decision that it considers appropriate in respect of the matter that is being appealed and any preliminary matters. The Board shall make its decision based solely on the material presented during the appeal, including any additional information requested.

The Board must make a decision within 45 days from the date the Notice of Appeal was received.

The Board shall promptly notify the Appellant, the Superintendent and the employee whose decision was appealed of the decision of the Board and shall provide written reasons for the decision as soon as practicable following the Board's determination of the appeal.

An Appellant may have a right to appeal a decision of the Board made under this Bylaw to the Superintendent of Appeals appointed pursuant to the School Act.

Postal Address: Registrar, Student Appeals
Ministry of Education and Child Care
Governance and Legislation Branch
PO Box 9179 Stn Prov Govt
Victoria, BC V8W 9H8

Email: EDUC.studentappeals@gov.bc.ca

Website: <https://www2.gov.bc.ca/gov/content/education-training/k-12/support/student-disputes-and-appeals?>

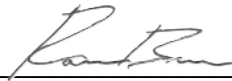
READ A FIRST TIME THE 13th day of October 2026

READ A SECOND TIME THE 13th day of October 2026

READ A THIRD TIME, RECONSIDERED AND ADOPTED THE 13th day of October 2026



Board Chair



Secretary Treasurer