



## BYLAW II APPEALS

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### **BYLAW:**

#### **RIGHT OF APPEAL**

1. The right of appeal is described in [Section 11](#) of the *School Act*. Where a decision of an employee of the Board of Education (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.
2. It is the position of the Rocky Mountain Board of Education that an appeal is typically preceded by appropriate efforts to resolve concerns using the problem solving process outlined in [policy and practice 9200](#).
3. The following decisions shall be deemed to significantly affect the education, health, or safety of a student:
  - a) Disciplinary suspension from school for a period in excess of five (5) consecutive days
  - b) Exclusion from school for a health condition
  - c) Placement in an educational program (does not include classroom or teacher placement as determined by the school)
  - d) Grade promotion or graduation
  - e) Refusal to offer educational programming to a non-graduated student sixteen (16) years or older
  - f) Any other decision that significantly impacts the present or future educational programming of a student

#### **INITIATING AN APPEAL**

4. An appeal shall be commenced within 30 calendar days of the time the student or parent appealing the decision was informed of the decision or 30 calendar days following the breakdown of the problem-solving process.
5. 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.

6. If the person appealing the decision wishes to have an advocate assist him/her through the [FORM BYLAW II APPEALS](#)

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process, the District will provide assistance in securing an advocate acceptable to the parent or student.

### PRE-HEARING PROCESS

7. Upon receipt of the appeal, the Secretary Treasurer will determine whether the appeal falls within the scope of the decisions considered in Section 3.
8. Should the Secretary Treasurer deny the appeal under this bylaw, the Secretary Treasurer will provide written reasons to the appellant with a copy provided to the Board.
9. Should a decision be made to hear the appeal, the Superintendent will convene a meeting with the appellant to review relevant information to the appeal. At this meeting the Superintendent:
  - a) May request the presence of other staff or individuals to assist in clarifying information related to the appeal.
  - b) Strive to reach a resolution of the appeal
  - c) Keep documentation of the meeting
  - d) Communicate the resolution in writing to the employee(s) whose decision is under appeal, the appellant, and the Board.
10. Should there be no resolution to the appeal, the Superintendent will communicate to the Board the appellant's wish to pursue the appeal to a hearing of the Board.
11. 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

12. Upon escalating an appeal to the Board, 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.

13. The Board may decide not to hear the appeal:

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- (a) if the appeal has not been commenced within a 30 day ; or
  - (b) unless the person appealing the decision first discusses the decision under appeal with any person or persons as directed by the Board; or
  - (c) The Board determines the appeal is not within the scope of considerations of the Bylaw II and Section 11 of the *School Act*
14. 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 in writing within 45 business days to the appellant and the employee(s) whose decision is being appealed.
15. 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.
16. 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.
17. The School Board may consider an appeal notwithstanding any defect in form or other technical irregularity.

### DECISION

18. The Board will make its decision at the hearing or within 45 days and shall advise the appellant and the employee(s) whose decision is under appeal of the decision in writing.

### AVENUES BEYOND THE APPEALS PROCESS

19. If the appellant wishes to appeal the Board's decision, the appellant may contact the Superintendent of Appeals under [Section 11.2 of the School Act](#): Appeals to the Superintendent of Appeals.

This Bylaw may be cited for all purposes as "School District No. 6 (Rocky Mountain) Bylaw No. 1. A Bylaw to provide for the organization and operation of the Board and is in all respects in accordance with the provisions of the *School Act*.

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REFERENCES: [School Act Section 11](#)

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Read a first time the 11<sup>th</sup> day of June, 2024.

Read a second time the 10<sup>th</sup> day of September, 2024.

Read a third time the XXth day of XXXXXX, 2024.

Finally passed and adopted the XXth day of XXXXXX, 2024.

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Board Chairperson  
19.

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Secretary Treasurer

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REFERENCES: [School Act Section 11](#)

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Amended: