

A new way to reach resolution

What is the function of the Student Appeals Branch?

The Student Appeals Branch operates as the administrative arm of the Section 11.1 appeals process and provides administrative support to the Superintendents of Achievement in their role as statutory decision makers.

Who may appeal a decision of a Board of Education?

The *School Act* states that either a student or a parent/guardian of a student can appeal a decision of a Board of Education.

Under what circumstances can a parent or student appeal a Board of Education decision?

Not all decisions made by a Board of Education can be appealed to a Superintendent of Achievement, under section 11.1 of the *School Act*. The decision must have been made by an employee of a Board of Education and significantly affect the education, health or safety of a student and fall within the allowable grounds as listed in Regulation 24/08 of the *School Act*. For more details go to www.studentappeals.gov.bc.ca

Office of the Registrar Student Appeals Branch

For more information please go to:
www.studentappeals.gov.bc.ca

You can contact us at:

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Parent/ Student Appeals

What are they and
why should you
care about them?



Ministry of
Education

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DISPUTE RESOLUTION

When disputes occur between parents or students and the school, the best way to resolve those disputes is through an informal resolution at the school level. This includes problem solving, negotiation and conciliation in discussions with those most directly involved in the dispute.

In some cases, a dispute cannot be resolved at the school level. If a decision of an employee of the Board of Education affects the health, safety or education of the student, the student or parent of the student has the right to appeal the decision to the Board of Education.

Reasonable efforts must be taken to resolve issues with the Board of Education. Occasionally a student or a parent is not satisfied with the outcome of a Board of Education decision.



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THE APPEAL PROCESS

If a parent or a student is not satisfied after the appeal process at the Board of Education level has been completed and a decision given, the decision of the Board of Education can be appealed to a Superintendent of Achievement.

An appeal is a proceeding undertaken to have a decision reconsidered by an independent decision maker.

To appeal a Board of Education decision, a *Notice of Appeal Form* must be submitted, with a copy of the Board of Education decision, to the Office of the Registrar, Student Appeals Branch. The *Notice of Appeal Form* is available at www.studentappeals.gov.bc.ca.

The Student Appeals Branch can provide general information on how the appeal process works and how to access forms and information online. However, staff must remain neutral and cannot assist either party or provide legal advice.

Once an appeal has been filed, the Student Appeals Branch is responsible for all administrative procedures associated with the appeal process.

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APPEAL RESOLUTION

A Superintendent of Achievement has three options when deciding an appeal; he or she can:

- refer the appeal to mediation;
- refer the appeal to adjudication;
- dismiss all or part of the appeal.

Upon request, a Superintendent of Achievement has the discretion to suspend a decision of a Board of Education while the appeal is being heard.

The Ministry of Education will cover the fee for mediation or adjudication, but will not cover travel or legal costs.

A student or parent may choose to get help from an advocate or other person. However, any costs to do this are paid for by the person making the appeal.

At any point in the appeal process, a parent or student may formally withdraw by filing a *Appeal Withdraw Request Form* with the Office of the Registrar, Student Appeals Branch. All forms are available at www.studentappeals.gov.bc.ca.

