

APPEALS REGULATION

Authority: *School Act*, section 175(2)(r)

B.C. Reg. 24/08 Effective March 3, 2008
Lieutenant Governor in Council Regulation

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Definitions

1 In this regulation

“**Act**” means the *School Act*;

“**individual education plan**” has the same meaning as “**IEP**” in the Individual Education Plan Order;

“**Individual Education Plan Order**” means Ministerial Order 638/95;

“**Special Needs Students Order**” means Ministerial Order 150/89;

“**student with special needs**” has the same meaning as in the Special Needs Students Order.

Grounds for appeal

2 (1) Subject to section 3, a student or parent of a student may appeal the following:

- (a) a decision made by a board of education under section 11 (6) of the Act only if the decision is a decision of an employee of the board that significantly affects the education, health or safety of a student and relates to a matter set out in subsection (2);
- (b) a reconsideration made by a board of education under section 11.5 of the Act, only if the reconsideration relates to a matter set out in subsection (2).

(2) A decision or reconsideration of a board of education may be appealed if the decision or reconsideration

- (a) relates to the student’s expulsion from an educational program,
- (b) relates to the student’s suspension from an educational program,
- (c) relates to the student’s suspension from an educational program, if no other educational program is provided by the board,
- (d) requires the student, as a disciplinary measure, to complete all or part of an educational program by distributed learning, despite the fact that all or part of the educational program and space and facilities for the student are available in a school, other than a distributed learning school, in the board’s school district,
- (e) determines that it is not necessary to provide a student with an individual education plan because
 - (i) the student is not a student with special needs, or
 - (ii) an exception under section 2 (2) of the Individual Education Plan Order applies to the student,

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- (f) relates to either of the following requirements:
 - (i) under the Special Needs Students Order, to offer to consult with a parent of a student with special needs regarding the placement of the student in an educational program;
 - (ii) under the Individual Education Plan Order, to offer to consult with a parent of the student, and if appropriate, with the student, about the preparation of the student's individual education plan,
- (g) relates to a complaint by the student or the parent of the student, against another student, respecting intimidation, bullying, harassment of or use or threat of use of weapons or other forms of violence against the student by that other student, or
- (h) relates to a removal or exclusion of the student under section 91 (5) (b) of the Act.

Limitation - allocation of resources

3 A student or parent may appeal a decision or reconsideration respecting the allocation of resources to the student's educational program only to the extent that the decision or reconsideration relates to the application of the board's financial hardship policy, established under section 82.4 of the Act, to the student.