STUDENTS

Long-Term Suspension and Expulsion Appeals

I. Long-Term Suspension Appeals

A. The parent(s)/legal guardian(s) or student may file a written appeal of the decision of the Office of Student Management and Alternative Programs (OSMAP) hearing officer to the School Board. The parent(s)/legal guardian(s) or student may file a written appeal to the School Board of the OSMAP hearing officer’s disciplinary decision and/or decision to reassign the student to an alternative education placement. OSMAP’s decision regarding any other placement or the educational services to be provided to the student during his/her suspension is final and may not be appealed. An appeal to the School Board of OSMAP’s decision must be received by OSMAP, in writing, within 10 calendar days of the date of the OSMAP decision letter. The School Board shall review the written appeal of the OSMAP hearing officer’s decision in closed session and shall decide the appeal within 30 days of the filing of the request for appeal. Neither school staff, OSMAP staff, the student, the parent(s)/legal guardian(s), or any representative of the student or parent(s)/legal guardian(s) shall be present during the closed session of the School Board. The School Board shall consider only that evidence presented during the OSMAP hearing, with the exception of the letter of appeal, which shall also be provided to the School Board. In the event that the letter of appeal raises issues or facts not raised in the OSMAP hearing, the OSMAP hearing officer may submit a letter or exhibits addressing only those new issues or facts, a copy of which shall be provided to the parent(s)/legal guardian(s)/student. The School Board has the authority to request further information from OSMAP staff regarding only procedural issues and/or the availability or suitability of alternative placement or educational services. No other documentation or evidence shall be considered by the School Board. If the School Board upholds the long-term suspension of a student with disabilities, an Individualized Education Program (IEP) Team shall convene to determine the continuation of appropriate educational services.

B. Upon appeal, the School Board may uphold, deny, or amend the decision of the OSMAP hearing officer, or may determine that other disciplinary action is merited, including expulsion. The School Board’s decision shall be final unless the School Board determines that expulsion may be merited in which case the student shall be notified by OSMAP in writing of the right to request a due process hearing before a disciplinary committee of the School Board in accordance with the procedures for expulsion set forth in this regulation. In the
event that the student does not request such a hearing, or a hearing is requested and the student fails to appear, the disciplinary committee of the School Board shall render a decision based upon the written record.

II. Expulsion Appeals

If a student is recommended for expulsion by OSMAP, the parent(s)/legal guardian(s), and student may appeal the disciplinary recommendation of the OSMAP hearing officer to a School Board Disciplinary Committee. Any decision by OSMAP to place the student in an alternative education program upon readmission may also be appealed. However, any other placement decision by OSMAP is final and may not be appealed. A written request for a hearing before a School Board Disciplinary Committee must be received by OSMAP within 10 calendar days of the date of the decision letter.

A. The procedures governing expulsion appeal hearings before the School Board Disciplinary Committee can be found in Regulation 745-4, “School Board Disciplinary Committee Procedures for Student Expulsion Appeal Hearings.”

B. Withdrawal of appeal or failure to appear for the expulsion hearing before the School Board Disciplinary Committee. OSMAP shall notify the student and parent(s)/legal guardian(s) that if they fail to appear for the hearing before the School Board Disciplinary Committee or withdraw the appeal, the appeal shall be deemed waived and the recommendation of the OSMAP hearing officer shall be presented to the School Board Disciplinary Committee or the School Board in closed session for confirmation or disapproval.

C. The student and/or parent(s)/legal guardian(s) shall be notified in writing of the decision of the School Board Disciplinary Committee or the School Board as soon as practicable.

D. In order to appeal a non-unanimous decision of the School Board Disciplinary Committee, the student or parent(s)/legal guardian(s) must submit a written request to OSMAP within seven business days of the committee’s decision. The School Board, meeting in closed session, shall review the record of the actual proceedings before the School Board Disciplinary Committee and any of the materials introduced at the committee hearing and shall vote in open session to reach a decision within 30 days of the filing of the request for appeal. The School Board may uphold, deny, or modify the decision of the School Board Disciplinary Committee, and may determine that other disciplinary action is
merited, or a different term of expulsion, or that different or additional conditions for placement and/or readmission may be appropriate. The student and parent(s)/legal guardian(s) shall be advised in writing of the School Board’s decision, as well as the local school and OSMAP. The decision of the School Board shall be final.

III. Expulsion Recommendations That Are Not Appealed

All OSMAP recommendations for expulsion which are not appealed shall be presented to a School Board Disciplinary Committee or the School Board on the closed session consent agenda for confirmation or disapproval. Neither school staff, OSMAP staff, the student, the parent(s)/legal guardian(s), or any representative of the student or parent(s)/legal guardian(s) shall be present during the closed session of the School Board Disciplinary Committee or the School Board when such recommendations are discussed. However, the School Board has the authority to request further information from OSMAP staff regarding procedural issues and/or the availability or suitability of alternative placement or educational services. School Board members requesting that an expulsion recommendation be moved from the consent agenda for closed session discussion shall contact the Director of OSMAP no later than one week in advance of the scheduled meeting of the School Board Disciplinary Committee or School Board.

If any part, section, subsection, sentence, clause, or phrase of this regulation is for any reason declared to be unconstitutional or invalid, or otherwise in violation of law, that declaration will not affect the validity of any other portion of this regulation, it being the express intent of the School Board that each provision stand independently and that severability be enforced to the maximum extent permitted by law.

The Associate Superintendent for Student Learning and Accountability (or designee) is responsible for implementing and monitoring this regulation.

The Associate Superintendent for Student Learning and Accountability (or designee) is responsible for reviewing this regulation in 2020.