



2018-19 District Level Discipline Appeal Rights and Responsibilities

Parent/Guardian, Student and School Rights During School and District Level Discipline Appeals

Parent/guardian rights during the discipline appeal process include, but are not limited to, the following:

The parent/guardian or student has the right to inspect any written, video or physical evidence that the school may present at the hearing.

The parent/guardian should be provided with redacted copies of witness statements, social media printouts, and other evidence upon request in which the names and all identifying student witness information have been redacted and held confidential. A parent/guardian may request copies of videotape surveillance; however, they will be responsible for the cost associated with redacting the video thereby protecting student confidentiality.

The parent/guardian or student may provide witnesses or any written or physical evidence that supports the student's case, including written statements from witnesses who saw or have knowledge of the incident in question.

The school administrator or other person presenting the school's case has the right to inspect and question any written or physical evidence that the parent(s) or guardian(s) may present at the hearing.

The parent/guardian or student has the right to ask questions of their accuser and present his or her explanation of the alleged misconduct.

The parent/guardian or student may arrange to be represented by an attorney or advocate at private, not public, expense. An attorney or advocate is not necessary for a fair resolution of the matter.

Parents/guardians must notify the Superintendent or designee as soon as possible if they plan to be represented by an attorney or advocate.

At the District Level Discipline Appeal Hearing for Expulsion Recommendations, DAPs, OSS and Bus Suspension:

The participants at the hearing will be limited to those with a relevant interest in the matter at hand, as determined by the Superintendent or designee. The Superintendent or designee may not limit attendance in cases involving ESE or 504 students per state statute.

Only the evidence presented at the hearing will be used to make a decision. No information may be provided to the Superintendent or designee outside of the hearing.

The person hearing the case cannot be a witness to or otherwise involved in the incident that resulted in the proposed discipline or testify in the hearing.

The Superintendent or designee will provide a written decision. This written decision will be provided at the end of the hearing or sent to the student or parent/guardian within approximately one (1) calendar week, and shall include notice of the right of due process appeal to the school board in cases of an expulsion recommendation.

Records of School Board Proceedings

If a person intends to appeal the Board's decision with respect to any matter, or has any thought that an appeal may be taken, the person has the responsibility to ensure that a verbatim (word for word) record of the proceeding is made and that the record includes all testimony and evidence upon which an appeal is to be based.

Disability Accommodations

If you are a person with a disability who requires reasonable accommodations in order to attend a School Board meeting, please call (727) 774-2649, (813) 794-2649 or (352) 524-2649 not later than three (3) days prior to the meeting.

OSS Appeal ~ Six to Ten Days

In cases of suspension for six (6) or more days, the principal's decision may be further appealed to the Superintendent or designee. The Superintendent or designee may uphold, reverse, or modify the suspension. The decision of the Superintendent or designee is **final** on an OSS appeal.

Disciplinary Alternative Placement Appeal Rights

District Level Appeals will automatically be scheduled for all Disciplinary Alternative Placement (DAP) recommendations. The process will largely follow the procedures and rights described herein. Please note that the Superintendent or designee's decision is **final** and not subject to further appeal, negotiation, or amendment, by any party for all DAP recommendations.

Expulsion Appeal Information

If a parent/guardian does not agree with the decision reached at a district level discipline appeal hearing regarding the recommended expulsion, the parent/guardian may formally appeal the recommendation for expulsion at the next regularly scheduled meeting of the School Board by requesting an open or closed hearing before the Board. This must be done in writing within three (3) days after receiving the Superintendent or designee's decision at the conclusion of the hearing.

The School Board's decision regarding expulsions without services will be considered **final**.

If the Superintendent's designee recommends an alternative placement in lieu of expulsion, said decision will be considered **final** and not subject to further appeal, negotiation, or amendment, by any party.

Bus Expulsion Appeals

These appeals will follow the standard expulsion appeal procedures and rights herein. Parents have the same right to appeal a bus expulsion to the School Board as listed above.

Exclusionary Rule ~ No Trespass Clause

Students who are expelled shall be excluded from all District or school sponsored activities taking place at any District School Board of Pasco County school or campus, at any school function or on any school sponsored transportation, including but not limited to extracurricular, co-curricular, student organizations, graduation ceremonies, dances, and other events.

Pasco County Ordinance sec. 66-153(2)(b)

A minor who has been suspended or expelled from school may not be or remain in a public place (including school bus stops), in any establishment, or within 1,000 feet of a school during the hours of 9:00 a.m. to 2:00 p.m. during any school day.

Students with Disabilities

In matters relating to the discipline of students with disabilities, the Board shall abide by Federal and State laws regarding suspension and expulsion.

The Student Code of Conduct and more
information regarding student rights can be
found at:
www.pasco.k12.fl.us/ssps/conduct

Appeal Contact Information: Jessica Vidal (813) 794-2629 ~ jbvidal@pasco.k12.fl.us