



2019-2020 Student Appeal Rights

Student and Parent/Guardian Appeal Rights

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

Universal Appeal Rights

These basic rights are extended to all disciplinary situations and not limited solely to appealable offenses

The parent/guardian and students over the age of eighteen (18) have the right to inspect any written, video or physical evidence that the school has used to make a disciplinary decision, said evidence will be provided to the parent by the school administration

The school will redact (remove any identifying names and/or information) from any requested evidence prior to providing said evidence to the parent

Parents/guardians have the right to view any unredacted video evidence at the school with an administrator, parents will incur a cost for redaction if they are requesting a copy of said video evidence

Parents/guardians have the right to provide a defense including, but not limited to: providing an explanation of the alleged disciplinary infraction, their own witness statements, their own copies of social media, etc.

Parents/guardians may be represented by an attorney or advocate at their own expenses and must notify the school administration, superintendent or designee as soon as possible if they will be represented by an attorney

The school administration, superintendent or designee has the right to inspect and question any evidence presented by the parent/guardian

Student Attendance During Appeal

The student will return to school (OSS), resume normal class attendance (ISS) or resume bus transportation pending the school level appeal

Students will return to school after their OSS has been completed if a Disciplinary Reassignment recommendation is still pending

The Superintendent or designee may only ban a student from campus or the bus during formal appeal if the student's presence poses an imminent threat of danger or risk of a major campus disruption as defined elsewhere in this document, in such cases, the appeal shall be expedited

Suspension of extracurricular activities will remain in effect during the appeal

School Level Appeals

Parents/guardians and students over the age of 18 have the right to appeal any assignment of ISS, OSS or bus suspension that they feel is unfair

Appeal requests must be addressed to the school principal, initiated verbally and followed up in writing within three (3) days of the assignment of said disciplinary action

The written appeal should include: the parent/guardian understanding of the facts, a proposed solution/alternative and copied to all staff involved

If the appeal is not initiated within three (3) days of the disciplinary action, the disciplinary action will be implemented and there will be no further right of appeal

The person hearing the case cannot have been a witness to, have assigned the original consequence or have been otherwise involved in the incident that resulted in the proposed discipline

School principals will review all grievances and hear all appeals

Upon principal discretion, a neighboring principal or other administrator may hear the appeal if the building principal assigns the original referral

The principal's decision will be **final** on all appeals regarding ISS, OSS of one (1) to five (5) days

District Level Appeals

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 plan 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 Superintendent or designee will provide a written decision

Said 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

Any out-of-school (OSS) or bus suspension of six (6) to ten (10) days may be further appealed at the district level

- Such appeals must **first** be heard at the school level
- Any requests for a district level appeal must be submitted in writing within three (3) days of the principal's decision
- If the appeal is not initiated within three (3) days of the principal's decision, the disciplinary action will be implemented and there will be no further right of appeal
- All district level appeals are held at the district office in Land O' Lakes
- The Superintendent or designee may uphold, reverse, or modify the suspension
- The decision of the Superintendent's designee is **final** on any OSS or bus suspension appeals
- Contact the discipline secretary at (813) 794-2629 for additional information regarding further appeal of out-of-school suspension or bus suspensions of 6-10 days if you are not satisfied with the school level appeal

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

Records of School Board Proceedings

If a person intends to challenge 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

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

Exclusionary Rule ~ No Trespass Clause

Students who are expelled or suspended shall be excluded from all district or school sponsored activities taking place on 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

Recording of Meetings

The recording of a non-public meeting involving students (including an EP or IEP Team meeting) is prohibited unless a parent, authorized representative of a parent, or team member, is unable to understand or meaningfully participate in the process or the planning of the relevant student's education due to a disability, language barrier, or some other impairment

Student Code of Conduct ~ Student Rights

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