

ARTICLE IV. STUDENTS

Section 10. Appeal of the Imposition of Discipline.

A student may appeal a suspension greater than 10 days or an expulsion of 180 days or less to the Superintendent or designee. The Student Code of Conduct shall identify the process to be used for such appeals. The decision of the Superintendent or designee shall be final.

A student may appeal a permanent expulsion or an expulsion of greater than 180 days to the Board of Education in accordance with the following procedures:

- A. Such expulsion may be appealed to the Board by the student or parent by filing with the Superintendent's office a written request for appeal within fifteen (15) school days after mailing of the notice of such expulsion. The Board shall hear the appeal within a reasonable time at a special meeting called for such purpose. If no such appeal is timely requested, the expulsion shall be deemed final.
- B. Upon receipt of an appeal to the Board, the Superintendent shall provide the student or parent with a written notice that appeals to the Board shall be conducted in accordance with the rules and procedures described below.
- C. The principal, Board attorney, and any other resource persons that the Board President deems appropriate may be present at the Board hearing. Only members of the Board shall have a vote in determining the appeal.
- D. Pursuant to the Open Meetings Act, the hearing before the Board shall be closed to the public at the request of the student or parent(s).
- E. Although a hearing to consider the appeal of a permanent expulsion or expulsion greater than 180 days is subject to due process and may have some similarities to a court proceeding, it is not conducted in a court of law and court rules are not applicable. The Board President or presiding officer shall determine any procedural questions that arise during the hearing.
- F. At the hearing, the principal or other administrator shall first present to the Board the facts of the case and the basis for the discipline. Thereafter, the student (and/or the student's representative and parent(s)) may comment upon the facts as stated by the principal, and may present the basis of the appeal. Board members and other participants in the hearing may ask questions of witnesses.
- G. The Board may:
 1. set aside the expulsion and reinstate the student with or without any limiting conditions;

2. reduce the expulsion to a suspension or expulsion of 180 days or less with any conditions the Board deems advisable, or remand the matter to the Superintendent to impose a consequence less than permanent expulsion; or
 3. affirm the expulsion.
- H. The Board shall decide the appeal within a reasonable time. The Board Secretary shall promptly notify the appealing party of the Board's decision in writing. The Board's decision shall be final.