

Appealing Suspension and/or Other Disciplinary Action – BP 5144.1

Under the provisions of Education Code Section 48914, the District has established the following procedures for appealing a suspension and/or disciplinary action take by the school:

- a. The student or the student's parents or guardian may appeal a suspension and/or other disciplinary action imposed by the assistant principal to the principal of the school. The appeal shall be filed within 10 (ten) school days of the time that the suspension and/or other disciplinary action took place. A meeting, if requested, must be held within three (3) school days of the time that the principal received the request for an appeal. The principal shall make a decision regarding the appeal within two (2) school days.
- b. If the appeal is not resolved at the school-site principal level, then the student or the student's parent or guardian may appeal the suspension and/or other disciplinary action to the superintendent or the superintendent's designee. The appeal shall be filed within ten (10) school days of the time that the principal renders his/her decision. A meeting, if requested, must be held within three (3) school days of the receipt of the superintendent or the superintendent's designee. The procedure shall be as follows:
 - 1) The superintendent or the superintendent's designee shall determine if there was sufficient evidence to find that the alleged violation occurred, and whether the penalty was appropriate for the violation.
 - 2) The pupil may designate a representative to be present with him/her at the meeting, but the representative shall not serve as legal counsel unless the district has a legal counsel present to represent the school district.
 - 3) At the meeting the superintendent or superintendent's designee shall review all written documents in the case; and the pupil and the pupil's parent/guardian and representative may address the superintendent or the superintendent's designee on the evidence and the appropriateness of the penalty.
 - 4) The superintendent or the superintendent's designee shall make a decision within five (5) school days. If the superintendent or the superintendent's designee determines that no violation occurred, all records and documentation regarding the disciplinary proceedings and suspension shall be immediately destroyed and no information regarding the meeting shall be placed in the pupil's permanent record or file. If the superintendent or the superintendent's designee determines that the penalty imposed was inappropriate for the violation, all records and documentation concerning the suspension and or other disciplinary action shall be revised to indicate only the facts leading to the penalty imposed

by the superintendent or the superintendent's designee.