

Appeals to the Board

Board Policy: A-2
Adopted: January 20, 1992
Revised: February 13, 1995
Revised: May 10, 2005

In order to facilitate the orderly hearing of appeals, it is necessary that evidence be limited to matters bearing directly upon the issue involved. Requests for appeals to the Board shall be made in writing to the Superintendent. The Chairman of the Board in conjunction with the Superintendent shall decide when the appeal shall be heard. If the matter is urgent, the Chairman may call a special meeting. Appeals will be dealt with no later than the second regularly scheduled meeting following the written request.

Appeals arising from employee grievances must comply with requirements set forth in Board Policy: P-20, Grievance Procedure for Employees.

Appeals arising from student grievances must comply with requirements set forth in Board Policy SA-1, Student Conduct and Discipline: Sections IV and V: Due Process for Disciplinary Action and Student Grievance Procedure. Appeals regarding long-term suspensions of students must comply with requirements set forth in Board Policy SA-1: Student Conduct and Discipline: Long Term Suspensions.

To facilitate the Board in conducting orderly appeals the following rules will be observed:

- I. The hearing of appeals shall be open to the public except where appeals involve evidence of a confidential nature. Appeals of this nature shall be held in closed session except where both the Board and the appealing party agree to an open public hearing.
- II. The person appealing to the Board must be present when the appeal is heard.
- III. The person appealing may present his or her own case, or may designate a person who will assist him or her in presenting the case. The designated person and the person appealing, shall decide what witness(es) shall be called and shall ask all questions of the witness(es). The person appealing, or his representative, shall ask questions of or cross-examine witness (es) presented by any school authority.
- IV. School board members and school authorities may ask questions and examine all witnesses. Questions may not be asked by spectators or persons in attendance other than the appealing party and/or the person assisting the appealing party.
- V. Normally, the case of the appealing person will be presented first and following conclusion thereof school authorities will be allowed to present their case. The appealing party shall be allowed reasonable time for presentation of the case and following conclusion of witnesses and testimony the party appealing or a representative shall be permitted to briefly argue or summarize their contentions.

- VI. The following rules will be generally observed throughout a hearing:
 - A. A witness area will be designated and all persons giving evidence will do so from the designated area. Witnesses may be sworn if directed by the Board.
 - B. Testimony or evidence produced at the hearing will be relative to the issue. Testimony or evidence that is not relative will be excluded.
 - C. Hearsay evidence will be generally prohibited in appeal hearings. Evidence is hearsay when it depends, in whole or in part, upon the competency and credibility of some person other than the witness who is testifying.
- VII. The person appealing will be responsible for the conduct of all persons attending the hearing in his or her behalf. Extraneous remarks, derogatory comments or harassing remarks from persons in attendance will not be permitted. Persons in violation may be excluded from the hearing upon motion of the person appealing or by order of the Board Chairman.
- VIII. The Board Chairman (or acting Chairman) will be in charge of the procedures and will rule upon the evidence and matters. However, with the approval of the Board (prior to the commencement of any hearing) the Chairman may designate the School Board Attorney to assist in conducting the hearing. In that case, the Board Attorney will rule upon all procedural matters and will assist the Board in the examination of witnesses.
- IX. An individual appealing to the Board shall be furnished a copy of this policy.