

PROCEDURES FOR APPEAL PROCESS

PURPOSE

To provide procedures and general guidelines for the appeal process in the School District of Philadelphia. These processes are applicable for decisions made at both the school level and the central office level.

RESPONSIBILITY

The Office of Student Rights and Responsibilities (OSRR) is responsible for reviewing and investigating appeals of decisions made by school and/or central office staff to determine if the decision was made in accordance with school district policies, procedures, and protocols.

DECISIONS THAT CAN BE APPEALED

School Level Decisions:

- Parental Exclusion Letters: Decisions made that exclude parents/guardians from a school building (without an appointment), for a specified amount of time, as a result of threatening or unsafe behavior.
- Bullying, Harassment and/or Discrimination Findings: Findings of an investigation into allegations of bullying, harassment or discrimination.

Central Office Decisions:

- Disciplinary Hearing Decision: Decisions made pursuant to a disciplinary hearing.
 - OSSR does not choose lateral school assignments. **If you are only appealing the lateral school assignment** and not the determination to transfer your child, **please contact the Office of Student Enrollment and Placement at OSEP@philasd.org**.
- School Selection: School assignments made through the annual school selection process.
 - Appeals will not be accepted for:
 - students who were accepted to at least one of their selected schools
 - students who are on the waitlist for a school
 - students who are disapproved for a school because the applicant does not meet the designated criteria for that school.
 - For eighth grade, special education students who are eligible under the LeGare Consent Decree, an Impartial Review will be conducted as part of the school selection process. For any additional questions regarding the LeGare Consent Decree, please reach out to your child's school counselor or send an email to LeGare@philasd.org. When sending an email, please be sure to include your child's name and student ID.
- Decisions related to a Title IX Formal Complaint: Decisions made related to a Title IX Formal Complaint, including, Dismissal of a Title IX Formal Complaint and the Determination for a Title IX Formal Complaint.

School Level or Central Office Decisions:

- Homelessness Designation: Decisions made regarding whether a student is experiencing homelessness ("McKinney-Vento eligible"). **This dispute centers on**

whether a student lacks a permanent adequate nighttime residence and/or the rights they are afforded to under McKinney-Vento. A student is considered to be experiencing homelessness throughout the pendency of any dispute, including any appeal to the state or court determination. Students must be allowed to attend the school they are enrolled in during the pendency of any dispute. The following are student rights:

- School Stability: a student experiencing homelessness has a right to stay in the school they were attending when the displacement or homelessness began (school of origin) even though the student has moved to a new address.
- Immediate Enrollment: a student experiencing homelessness has a right to immediately enroll in the new neighborhood school connected to the address in which they are currently residing.

PROCEDURES FOR APPEALS

Procedures for all appeals related to Title IX Formal Complaints can be found in the Title IX Grievance Procedures or by contacting the Title IX Coordinator directly at antiharassment@philasd.org.

For all other appeals, complete the appeal form below and email it to appealoffice@philasd.org within **15 calendar** days from the original decision date, along with all relevant documentation received from the school or the central office that made the decision. If you are unable to submit the form via email, the appeal form can be submitted to the Office of Student Rights and Responsibilities in person at 440 North Broad Street, Philadelphia, PA 19130.

Once the appeal form has been received, a staff member from the Office of Student Rights and Responsibilities will review the form and accompanying documentation. If further documentation is required, it will be requested from the school or office that made the decision. **The initial decision is considered final unless the appeal decision is for it to be overturned.**

Once all of the documents have been received, the staff member will review all materials and make a decision within **21 school days**. There will be no hearing scheduled to review the materials and the decision will be made based upon the documentation submitted.

All relevant parties (this includes the school administration and the involved students and/or their parents/guardians) will be notified of the outcome of the appeal. The Assistant Superintendent and/or relevant central office departments will also be notified of the appeal decision. **The appeal decision is considered the final decision.**

RELATED POLICIES

- 206: Assignment within the District
- 248: Harassment and Discrimination of Students
- 249: Bullying/Cyberbullying
- 251: Students Experiencing Homelessness

EFFECTIVE DATE: August 29, 2022



APPEAL FORM

The Office of Student Rights and Responsibilities is responsible for reviewing and investigating appeals of decisions made by school and/or central office staff to determine if the decision was made in accordance with school district policies, procedures, and protocols. To submit an appeal, please complete this form and email it to appealoffice@philasd.org within 15 calendar days from the decision date, along with all relevant documentation. If you do not have access to email, the appeal can be submitted to the School District in person at 440 North Broad Street, Philadelphia, PA 19130.

Today's Date: _____

Name of Student: _____ **DOB:** _____

Student Identification#: _____

School of Origin: _____ **Grade:** _____

Parent/Guardian Name: _____

Address: _____ **Zip Code:** _____

Phone: _____ **Parent/Guardian email:** _____

Name of person submitting this appeal: _____

Relationship to student: _____

Contact information (if different from parent/guardian) _____

Please select which service(s) your student is currently receiving.

- 504 Service Agreements
- Individualized Education Plan (IEP)
- English Learners (EL)
- None of the above

Please select the type of decision you are appealing.

- School Selection
- Homelessness Designation
- Parental Exclusion Letters
- Bullying/Harassment Findings
- Disciplinary Hearing Decision

Please answer the following questions with as much detail as possible:

- 1. What decision was made and why do you believe it was not appropriate?**

Please include a copy of the letter you received.

- 2. What outcome are you seeking?**

- 3. What information do you have to support the outcome you are seeking?**

Please attach all documentation. For example, school selection requests should include the 7-grade report card and standardized test scores.

Please answer the following questions for disciplinary hearing decision appeals only:

- 1. Did the student commit the violation of the Code of Conduct?**

- 2. What additional information, if any, do you have that was not presented in the hearing?** *This could include pictures, videos etc. Please send them with your appeal.*