

# 5560 D

## Appeals and Requests for Exceptions

*Regulation 5560 D*

Original Adoption: 08/13/2013

Effective Date: 08/14/2013

Revision Dates:

Review Dates:

---

### **I. PURPOSE**

Participation in student activities can be a valuable learning experience for students, may foster skills and contribute to character development for them. While participation in student activities should not overshadow the academic progress and excellence of the student, participation and the effect on the student's growth provided by participation should be given serious consideration. Eligibility for participation may be affected by circumstances beyond the student's control, or may be affected by the student's circumstances. Providing students and their families with a fair hearing process for determinations of eligibility to participate is the appropriate means to deal with each student's situation fairly. The purpose of this regulation is to establish the procedure for making appeals of decisions regarding eligibility or for requesting exceptions for student eligibility to participate in student activities.

### **II. APPEALS OF DETERMINATIONS OF INELIGIBILITY: ENROLLMENT OR NON-ACADEMIC OR ATTENDANCE ISSUES**

- A. All appeals of determination of ineligibility based on the following issues must be made by the parent or guardian of a student, or an adult member of the student's family, or an adult advocate for the student if the student does not reside with her or his parent or guardian, unless the student is at the time of the appeal eighteen (18) or more years of age, in which case the adult student may appeal on his or her own behalf, or join with the student's parent or guardian in the appeal, at the adult student's discretion:
1. Residence;
  2. Age;
  3. Enrollment status;
  4. Transfer status;
  5. Participation length (number of seasons of participation);
  6. Emancipation status of the student (a student claiming emancipated status may appeal an initial ruling of ineligibility on his or her own behalf).
- B. Appeals under this paragraph are made to the Minnesota State High School League for all covered activities including interscholastic athletics.
- C. Appeals under this paragraph for activities not covered by MSHSL rules shall be made to the appropriate superintendent.

### **III. APPEALS OR REQUESTS FOR EXCEPTION FOR ACADEMIC INELIGIBILITY: GENERAL RULES**

- A. All appeals or requests for exception based on a finding of ineligibility due to academic progress must be made by the parent or guardian of a student, or an adult member of the

- student's family or household, or an adult advocate for the student, unless the student is at the time of the appeal or request for exception eighteen (18) years of age or older. Students who are adults may enter their own appeal or request for exception. Notice shall be given in writing to the parent of a student whose appeal hereunder is initiated by any person other than the parent or an adult student.
- B. An appeal or request for an exception for a student with less than a cumulative 2.0 G.P.A. or a 2.0 G.P.A. in the qualifying grading period may be made from a finding of ineligibility if:
1. the student is otherwise on track for graduation and
  2. The student claims that the failure to earn a 2.0 G.P.A. is not due to poor work habits, failure to submit required assignments or participation in required assessments.
- C. An appeal or request for an exception for a student who is not on track for graduation may be made from a finding of ineligibility if:
1. The student earned at least a 2.0 G.P.A. in the qualifying grading period; and
  2. The student claims the reason the student is behind in credits is due to:
    - a) Student transfer from a different district;
    - b) Failure of the student's previous school to provide adequate records;
    - c) Circumstances that prohibited the student from earning the requisite credits, including, but not limited to:
      - [1] High mobility or homelessness;
      - [2] Significant health issues affecting the student or the student's family;
      - [3] English Language Learner (ELL) status or access to courses based on the student's ELL status.
      - [4] Other circumstances not in the student's sole control.
- D. Grant of an appeal or exception may be predicated upon a plan
1. to accelerate the student's acquisition of credits by enrollment in Area Learning Center courses, on-line courses or summer school; or
  2. to improve the student's G.P.A. by attendance or participation in academic supports offered to the student.
- E. An appeal or request for exception may be made due to creation of or changes to a student's Individual Education Program (IEP) or Individual Accommodation Plan (IAP) that are made subsequent to the eligibility determination.
- F. Appeals and requests for exceptions under this section shall be made to the District Athletics Council.

#### **IV. APPEALS OR REQUESTS FOR EXCEPTIONS FOR ATTENDANCE ELIGIBILITY: GENERAL RULES**

- A. All appeals or requests for exception based on a finding of ineligibility due to attendance must be made by the parent or guardian of a student, or an adult member of the student's family, or an adult advocate for the student, unless the student is at the time of the appeal or

- request for exception eighteen (18) years of age or older. Students who are adults may enter their own appeal or request for exception. Notice shall be given in writing to the parent of a student whose appeal hereunder is initiated by any person other than the parent or an adult student.
- B. Appeals or requests for exception from a determination of eligibility based on attendance shall be made to the Principal upon the following reasons:
1. Error in attendance records;
  2. Family emergency;
  3. Production of an appropriate written excuse for the absence(s).
  4. Other good cause shown.
- C. Appeals from the decision of the Principal denying an appeal or request for exception may be made to the appropriate Associate Superintendent.

**V. APPEALS OR REQUESTS FOR EXCEPTIONS FOR LEADERSHIP ELIGIBILITY: GENERAL RULES**

- A. An appeal or request for exception from a determination of ineligibility for leadership positions based on student behavior may be made by the parent or guardian of a student under age eighteen (18) years of age, or an adult member of the student's family, or an adult advocate for the student. Adult students may make their own appeals or requests for exception. Notice shall be given in writing to the parent of a student whose appeal hereunder is initiated by any person other than the parent or an adult student.
- B. An appeal or request for exception from a determination of ineligibility for leadership positions based on academic eligibility or attendance shall follow the procedures under ¶¶s II and III above.
- C. Appeals or requests for exceptions under this paragraph for all other reasons shall be made to the appropriate Associate Superintendent in writing stating the reasons why the imposition of the loss of leadership position should not be imposed.

**VI. RESPONSE TO APPEALS OR REQUESTS FOR EXCEPTIONS**

- A. All appeals or requests for exception shall be heard by the appropriate body or person identified in ¶¶ I-V.
- B. Appeals or requests for exception shall be reduced to writing. The Superintendent or Superintendent's designee may provide a standard form to be used for this purpose.
- C. The District Director of Athletics shall publish a procedure for appeals to the district athletic council including information regarding:

1. Student's right to be present and/ or to be heard,
2. Parent, Guardian, or adult advocate's right to be present and/ or to be heard,
3. Rights of legal representation,
4. Other procedural rights and responsibilities.

D. The Superintendent shall be the final arbiter of all appeals or requests for exception.

***Legal References:***

Minn. Stat. §123B.49 (Extracurricular Activities)

***Other References:***

Minnesota State High School League Official Handbook posted at [www.MSHSL.org](http://www.MSHSL.org)

***Cross References:***

MPS Policy 3260 (Advertising/ Selling Merchandise/ School Stores)  
MPS Policy 4002 (Harassment and Violence Prohibition)  
MPS Policy 4025 (Drug-Free and Weapons-Free Schools and Workplace)  
MPS Policy 5000 (Equal Education Opportunity)  
MPS Policy 5050 (Title IX Compliance)  
MPS Policy 5100 (Attendance)  
MPS Policy 5200 (Citywide Discipline)  
MPS Policy 5201 (Bullying and Hazing Prohibition)  
MPS Policy 5391 (Graduation Requirements)  
MPS Policy 5540 (Fundraising)  
MPS Policy 5631 (Drug-Free Schools, Chemical Health, Chemical Use and Abuse)  
MPS Policy 5750 (Disability Nondiscrimination – Section 504)  
MPS Policy 6010 (Autonomous Schools)  
MPS Policy 6230 (Field Trips)  
MPS Policy 6524 (Student Publications)  
MPS Policy 6680 (Safety, Security and Emergency Management)  
MPS Policy 6690 (Health, Nutrition and Wellness Education)  
MPS Policy 6800 (Naming of School Symbols, Teams, Mascots)