

Contact: Aimee Clayton

**CONTESTED CASE APPEAL**

**Action Requested:** Consider information contained in the parties' written briefs and the record and render a decision on the student appeal.

**Executive Summary:** The Board is being asked to review a student appeal filed under Iowa Administrative Code chapter 681-20. Pursuant to Iowa Administrative Code chapter 681-27(6), the Board of Regents has the discretion to resolve the appeal on the written briefs or provide an opportunity for the parties to present oral argument. The parties have had an opportunity to fully brief the issues and the Board has access to the complete record. The Executive Director, acting on behalf of the Board, has determined that parties will not be permitted to present oral argument.

The Appellant has exercised the right under Iowa Code chapter 21.5.1(e) to have the appeal hearing conducted in open session. The Board may still find a need to convene in closed session regarding this matter. Iowa Code chapter 21.5.1(f) permits the Board to convene in closed session to "discuss the decision to be rendered in a contested case conducted according to the provisions of chapter 17A." Iowa Code chapter 21.5.1(a) and the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232(g), similarly provides that the Board may go into closed session to discuss confidential student information contained in the record. Accordingly, in the event the Board desires to deliberate regarding the material contained in the record and briefs, it should consider moving into a closed session.