

STUDENT DISCIPLINE, SUSPENSION, AND DUE PROCESS

Discipline: Good discipline is vital to the educational program. Discipline should be fair, dignified, and administered with an even temper. Discipline may include, but is not limited to, conferences with students, parents, or guardians, in-school detention, detention, referral to counseling or appropriate social agency, referral to law enforcement, behavioral contract, financial restitution, restriction of or revocation of privileges, in-school suspension, corporal punishment, and suspension. Disciplinary action shall be based on an assessment of the circumstances surrounding each infraction and may take into consideration the following criteria:

1. the student's attitude;
2. the seriousness of the offense;
3. the effect of the offense on other students;
4. whether the offense is physically or mentally injurious to other people;
5. whether the incident is isolated or repeated behavior; and
6. any other circumstances which may be appropriately considered.

Students with Disabilities: Students with disabilities as defined by the Individuals with Disabilities Education Act ("IDEA") shall be disciplined in accordance with the policies and procedures established by the Oklahoma State Board of Education. Unless otherwise prohibited by law, students who are "handicapped" as defined by Section 504 of the Rehabilitation Act ("Section 504") or students who are "disabled" as defined by the Americans with Disabilities Act ("ADA") shall be subject to the same discipline policies and regulations as any other student.

Corporal Punishment: The District recognizes corporal punishment as a means of discipline. However, corporal punishment shall be used only as a last resort and only after other reasonable corrective measures have been used without success. Corporal punishment may be administered only after consultation with the administrator or the administrator's designee, and only in the presence of a witness. Corporal punishment shall only be administered in the principal's office or another location where some degree of privacy exists. Other than corporal punishment, employees shall not use physical force against a student unless such force is reasonably necessary for the employee's self-defense, for the preservation of order, for the protection of others, or for the protection of property of another person or the District.

In-School Detention (ISD): The objective of this program is to provide an alternative to out of school suspension for those students who fail to function acceptably in the educational setting. ISD is in lieu of the regular school day. When a student is suspended out of school(OSS) while in ISD, the student will return from OSS to complete the remaining portion of ISD. Any student placed in ISD will not be allowed to participate in any school activity, including practice, while in ISD. Days spent in ISD will count against a student's attendance for nine weeks tests incentives. Tardies

during the student's stay in ISD will result in one additional day in ISD. If a third tardy occurs, the student will be suspended out of school for the remainder of the days accrued.

Suspension: An administrator may suspend a student when the student's behavior is in violation of the District's Student Conduct Policy, Administrative Regulations, student handbook directives, or directives received from school authorities and the behavior occurs while the student is:

- A. in attendance at school or any function authorized or sponsored by the District;
- B. in transit to or from school or any function authorized or sponsored by the District;
- C. on any property subject to the control and authority of the District; or
- D. not on District property but the student's actions:
 - 1. are a continuation of activity that was initiated under conditions A through C above,
 - 2. adversely affect or pose a threat to the physical or emotional safety and well-being of other students, employees, or District property,
 - 3. are any form of communication specifically directed at students or District personnel and concerns harassment, intimidation, or bullying at school, or
 - 4. disrupt school operations.

Before a student can be deprived by way of suspension of the student's right to an education, the student has the right to notice of the alleged misconduct and an opportunity to respond to the allegations. The appropriate administrator shall have a conference with the student and shall provide the student with notice of the alleged misconduct and an opportunity to respond to the allegations. If the student's response does not reverse the administrator's belief that cause for suspension exists, the administrator shall provide the student, or the student's parents or guardians if the student is under 18 years of age, with written notice of the decision to suspend which shall state the length of the suspension and the right to appeal the administrator's decision as set forth below. The administrator shall keep written records of each suspension conference identifying the date of the conference, the names of the persons present, the duration of the conference, and a summary of the statements of the persons present. When determining whether cause exists for suspension or determining the length of a suspension, the student's prior history of disciplinary infractions during the current school year may be considered, particularly when similar infractions have occurred and other forms of discipline have not deterred such behavior. The administrator shall consider and apply, if appropriate, alternative in-school placement options that are not to be considered suspension, such as placement in an alternative school setting, reassignment to another classroom, or in-school detention. Except for suspensions for possession of a firearm which may be for a period of one (1) year, no suspension shall be longer than the remainder of the current semester and the succeeding semester.

Procedures Related to Bullying: As set forth in District's Policy EI- Student Conduct bullying is prohibited while students are on school grounds, in school vehicles, at designated bus

stops, at school-sponsored activities, or at school-sanctioned events, and while away from school grounds where the misconduct directly affects the order, management, welfare, and learning environment of the school district.

If any person is aware of or sees or is a victim of bullying as defined in Policy EI, such person must report the same to the principal of the building immediately. Reports may be made anonymously; however, no formal disciplinary action will be taken solely on the basis of an anonymous report. Any written documentation of the alleged incident(s) shall be provided to the principal. If the bullying involves electronic communication as defined in Policy EI, a printed copy of the communication as well as any identifying information, such as an email or web address, shall be provided to the principal.

The principal will contact the superintendent within twenty-four (24) hours of a report of bullying and begin conducting an investigation to determine the severity of the event and potential for future violence. If during the course of the investigation it appears a crime may have been committed, the principal and/or superintendent shall notify local law enforcement and request that the alleged victim also contact law enforcement to report the matter for potential criminal investigation.

During the pendency of the investigation, the Principal should take appropriate action to ensure the safety of all students involved. The principal shall make a determination as to whether the alleged conduct is actually occurring. If it is determined that the school's discipline code has been violated, consideration will be given to alternative methods of punishment to determine that the most effective method of discipline is carried out in each specific case. Some methods of discipline which may be considered, include, but are not limited to:

1. Conference with the student and/or parents
2. In-school suspension
3. Detention
4. Referral to a counselor
5. Behavioral contract
6. Changing of student's seat or class assignment
7. Requiring student to make financial restitution for damaged property
8. Requiring student to clean items or facilities damaged by student's behavior
9. Restriction of privileges
10. Notification of law enforcement
11. Suspension

If it is determined that an act of bullying has occurred, a referral will be made to a delinquency prevention and diversion program administered by the Office of Juvenile Affairs.

Once the investigation has been completed, the principal or superintendent may recommend that available community mental health care counseling be provided to the student, if appropriate.

If such a recommendation is made, the Superintendent may further require the student (if 18 or over) or the parent or guardian of the student to allow disclosure of any information concerning students who have received mental health care pursuant to this policy that indicates an explicit threat to the safety of students or District personnel as a condition of being allowed to return to school provided that such disclosure is in compliance with the law.

Notification shall be provided to the parents/guardians of a victim of verified, documented bullying as well as to the parents/guardians of the perpetrator within three (3) days of the conclusion of the investigation.

Bullying Prevention and Education: In conjunction with its disciplinary and investigatory measures, District shall work to prevent bullying, threatening behavior, harassment and intimidation by providing students and staff with education regarding bullying and threatening behavior, harassment, and intimidation. Such educational programs may include, but are not limited to, discussions with classroom teachers, assemblies, multimedia presentations, and in-service training and exercises. The purpose of the educational programs shall be to assist District students and staff in the identification of bullying behaviors, reporting procedures, and the consequences for violation of school rules and policies. The Superintendent shall ensure that the provisions of this policy are disseminated in writing annually to staff and students.

Appeal of Suspension: A short-term suspension is any suspension for ten (10) or fewer days. A long-term suspension is a suspensions for more than ten (10) days. If the decision of the administrator is adverse to the student, the student shall be notified of the right to appeal the administrator's decision as follows:

1. A student may appeal an administrator's decision as to either a short-term suspension or a long-term suspension to a Suspension Appeal Committee by submitting a written request for an appeal to the administrator within two (2) days after receipt of the administrator's decision. If a timely request for an appeal is not received, the administrator's decision shall be final.

2. Upon receiving a request for an appeal, the administrator shall appoint a Suspension Appeal Committee comprised of three certified employees and shall designate a chairperson for the Committee. No employee may serve on the Committee who was a witness to the student's conduct or who has the student in his/her class for the current school semester.

3. A hearing shall be scheduled, and the student and/or the student's parent or guardian shall be notified in writing of the date, time, and place of the hearing. The student may be represented by legal counsel at the hearing. The student must notify the administration in writing at least two (2) days in advance of the hearing if student is going to be represented by legal counsel. The administrator who recommended the suspension shall attend the hearing and may be represented by legal counsel.

4. The Committee shall conduct an informal hearing as to the student's suspension which shall include a presentation by the administrator as to the student's conduct, the policy, rule, or procedure violated by the student's conduct, and any evidence and/or witnesses that support the principal's decision to suspend the student. The student and/or the student's parent or guardian shall then be given an opportunity to respond to the testimony and evidence presented and to present any evidence and/or witnesses in support of the student's position.

5. At the conclusion of the hearing, the Committee shall deliberate outside the hearing of the administrator and the student and shall render a written decision as to the guilt or innocence of the student and the reasonableness of the term of the suspension. The chairperson of the Committee shall insure that a copy of the written decision is mailed to the student or the student's parent or guardian and provided to the administrator.

6. With respect to a short-term suspension, the Committee's decision shall be final and unappealable.

7. With respect to a long-term suspension, the student may appeal the Committee's decision to the Board by submitting a written request for an appeal to the Superintendent or the Clerk of the Board within two (2) days after receipt of the Committee's decision.

8. The Board may conduct an appeal hearing and render a final decision or may appoint a hearing officer to conduct the hearing and render a final decision.

9. A hearing on the long-term suspension shall be scheduled and the student or the student's parent or guardian shall be notified in writing of the date, time, and place of the hearing. If the hearing is to be conducted by the Board, the student or the student's parent or guardian shall also be notified of the right to have the hearing conducted in either an open or closed session of the Board and shall be required to advise the Superintendent at least three (3) days prior to the hearing as to which option is being chosen. The student or the student's parent or guardian shall also notify the Superintendent at least three (3) days prior to the hearing if the student is to be represented by legal counsel.

10. At the hearing, the administration will present its witnesses and evidence and the student shall have the right to cross-examine any witnesses. The Board or the hearing officer may also ask questions of any witnesses. The student will then have an opportunity to present witnesses and evidence, subject to cross-examination by the administration. Both parties may make closing statements.

11. If the Board conducts the hearing, the Board may then deliberate. If the hearing was conducted in executive session, the Board may excuse the parties while conducting its deliberations. If the hearing was conducted in open session, the deliberations will take place in open session. If

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not already in open session, the Board shall then return to open session, shall make findings of fact, and shall vote to uphold, modify, or revoke the long-term suspension. The decision of the Board shall be final.

12. If a hearing officer conducts the hearing, the hearing officer shall conclude the hearing and render a decision to either uphold, modify, or revoke the long-term suspension after appropriate deliberation.

13. Pending an appeal hearing on a long-term suspension, the student may attend school subject to “in-house” restrictions. However, if the administrator who determined to suspend the student believes that the attendance of the student would be dangerous to other students, teachers, or school property or would substantially interfere with the educational process, the student may be prohibited from school pending the appeal hearing.

Effect of Suspension: Except as otherwise provided, a student who has been suspended shall not be allowed on District property. A student who is suspended for less than five (5) days shall not be allowed to make-up assignments and tests given during the suspension period and shall receive a zero for all work missed during the suspension. When a student is suspended from school for longer than five (5) days, the administration shall develop and provide to the student and/or the student’s parent or guardian an education plan which includes assignments in core unit subjects that should be completed and returned to the school on a regular basis. However, the student shall not receive any credit for work performed during the suspension.

A student who is suspended for possession of a weapon or a firearm or possession of a controlled dangerous substance shall not be provided an education plan, shall not be allowed to make-up any work missed during the period of suspension, and shall not receive any credit during the suspension.

Extra-curricular Activities: A student may not attend or participate in any school activities, including all extra-curricular functions, while suspended from school. A suspension is effective until the next school day following the ending date of the suspension (i.e. if suspended from school through Friday, suspension is effective until next school day, Monday.)