



**BOARD OF EDUCATION POLICY**

**SECONDARY STUDENT SUSPENSIONS  
(OUT OF SCHOOL)**

This policy applies only to out-of-school suspensions for secondary students and, unless otherwise noted, all references to "suspension" in this policy mean out-of-school suspension. References to "parent" in this policy means a minor student's parent(s) or legal guardian(s). References to "administrator" means the administrator or staff member to whom the administrator has delegated the responsibility for student discipline.

Behavior or Conduct that May Result in Suspension:

Students may be suspended for:

1. violation of a technology center regulation (which includes but is not limited to any policy, rule, regulation, directive, etc.);
2. possession of an intoxicating beverage, low-point beer, as defined by OKLA. STAT. tit. 37, § 163.2, or missing or stolen property if the property is reasonably suspected to have been taken from a student, a technology center employee, or the technology center during school activities;
3. possession of a dangerous weapon or a controlled dangerous substance while on or within two thousand (2,000) feet of public school property, or at a school event, as defined in the Uniform Controlled Dangerous Substances Act. Possession of a firearm shall result in suspension as provided in the technology center's policy related to firearms;

Students who are suspended under categories 1 or 2 will be provided with an education plan as outlined below. No education plan will be required for students who are suspended under category 3.

Violent Acts Toward School Personnel

Any student in grades 6 through 12 found to have assaulted, attempted to cause physical bodily injury, or acted in a manner that could reasonably cause bodily injury to a technology center employee or person volunteering for the technology center shall be suspended for the remainder of the current semester and the next consecutive semester. For good cause and considering the totality of the circumstances, the superintendent or designee may modify the term of the suspension. Final action as to any such suspension, including its term, remains with the board of education or designated hearing officer, pursuant to a timely appeal.

Students suspended for a violent offense directed toward a classroom teacher shall not be allowed to return to the teacher's classroom without the teacher's prior approval. Whether an offense is considered a violent offense, requiring an affected teacher's approval as a condition of return to a particular classroom, shall be based on applicable provisions of the Oklahoma school law regarding student suspension and applicable Oklahoma criminal law distinguishing between violent and nonviolent offenses.

#### Technology Center's Obligations Prior to Suspension

Before the administration recommends suspension, other disciplinary options will be considered, including but not limited to: placement in an alternative school setting, reassignment to another classroom, and detention. The technology center will provide additional procedural safeguards as required by law for students identified as having disabilities under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act/Title II of the Americans with Disabilities Act.

#### Pre-Suspension Conference

When a student engages in behavior or conduct that may result in suspension, the administrator shall conduct an informal conference with the student.

At the conference the administrator shall read the regulation that the student is charged with having violated and shall discuss the student's conduct. The student shall be asked whether he/she understands the regulation and be given a full opportunity to explain and discuss his/her conduct.

If the administrator concludes that suspension is appropriate, the student shall be advised that he/she is being suspended and the length of the suspension. The administrator shall immediately notify the parent by phone and in writing that the student is being suspended and that other disciplinary options were considered and rejected. The written notice will state which alternative disciplinary options were considered and why they were rejected.

A student may be suspended without a pre-suspension conference only in situations when the administrator reasonably believes that the student's continued presence in the building will constitute an immediate danger to the health or safety of students, employees, technology center property, or would be a substantial disruption of the educational process. In such cases, a conference with the student and parent will be scheduled as soon as possible after the student has been removed from the building.

#### Conferences with Parents

The administrator will seek to hold a conference with the parent as soon as possible after the suspension has been imposed. The parent should be advised of his/her right to a conference with the administrator at the time he/she is verbally notified that a suspension has been imposed. The conference will be held during the regular school hours, Monday through Friday, with consideration given whenever possible to the hours of working parents.

At the conference, the administrator will read the regulation the student is charged with having violated and will briefly outline the student's conduct. The administrator will also explain the reason for rejecting other disciplinary options. The parent should be asked by the administrator if he/she understands the regulation and the charges against the student.

At the conclusion of the conference the administrator shall state whether he/she will terminate or modify the suspension. In all cases the parent will be advised of the right to have the suspension reviewed by the superintendent, board of education, a hearing officer appointed by the board, or the suspension committee as provided by this policy. If the parent is in agreement with the administrator's decision, he/she will be requested to sign a waiver of review.

### Individualized Plans

Suspensions in excess of five (5) days shall include an Individualized Plan ("Plan") that shall describe either a home-based schoolwork assignment setting or other appropriate work assignment setting. The Plan shall be prepared by the administrator with the assistance of other school employees.

The Plan shall provide for the core units in which the student is enrolled. Core units shall consist of the minimum English, Mathematics, Science, Social Studies and Art units required by the Oklahoma State Department of Education for high school graduation.

A copy of the Plan shall be provided to the student and parent. The parent shall be responsible for providing a supervised, structured environment monitoring the student's educational progress until the student is readmitted into school. The Plan shall set out the procedure for education and shall also address academic credit for work satisfactorily completed.

### Records

The administrator will keep written records of each suspension conference. The records will contain the date of the conference, names of participants, time and duration of the conference, and the basis for rejecting alternative disciplinary options. The administrator shall also maintain records related to the Plan and the student and/or parent's compliance with the Plan.

### Suspension Terms

All suspensions will have a definite start and end date. The term of a suspension may be reduced if a student performs a specified remedial act if those conditions are agreed to at the time of the suspension. Suspension lengths will be as consistent as possible between students considering the nature of the conduct and the previous disciplinary history of the student.

Long-term suspensions are those suspensions in excess of ten (10) school days. Suspensions will not extend beyond the current school semester and succeeding semester, except in the case of possession of a firearm, in which case a suspension shall be for a period of not less than one (1) calendar year. Suspensions involving firearms are governed by the technology center's Gun-Free Schools Student Suspension policy.

Short-term suspensions are those suspensions of ten (10) or fewer school days.

### Long-Term Suspension Appeals

A parent/student may appeal the suspension to the superintendent and board of education or a hearing officer appointed by the board. The administrator shall inform the parent/student of the right to appeal the suspension and the method for appealing. At the parent/student's option the appeal may be directly to the board or the board's appointed hearing officer.

A written appeal must be received by the superintendent within five (5) school days after the parent/student receives the administrator's decision. If the superintendent does not receive a written appeal within five (5) school days of the administrator's decision, the administrator's suspension decision is final.

#### *Appeals to the Superintendent or Designee ("Superintendent")*

If the superintendent receives a timely written appeal request, the superintendent will hold a conference with the parent or guardian as soon as possible. The conference will be held during regular school hours, Monday through Friday, with consideration given to the hours of working parents whenever possible.

At the conference, the superintendent will read the regulation the student is charged with having violated and will briefly outline the student's conduct. The parent will be asked if he/she understands the regulation and the charges against the student. The student/parent will be given an opportunity to provide his/her version of events.

At the conclusion of the conference the superintendent will state whether he/she shall terminate or modify the suspension. In all cases the parent shall be advised of the right to have the suspension reviewed by the board of education or a board appointed hearing officer. If the parent is in agreement with the superintendent's decision, he/she shall be requested to sign a waiver of review by the board.

#### *Appeals to the Board of Education or Designated Hearing Officer*

An appeal must be presented by letter to the superintendent within five (5) school days after the parent/student receives the superintendent's decision. If the superintendent does not receive a written appeal within five (5) school days of the superintendent's decision, the superintendent's suspension decision is final.

If the board receives a timely written appeal request, the board or an appointed hearing officer will hear the appeal as soon as possible. This decision is final and nonappealable.

The parent/student will be notified in writing of the date, time and place of the hearing and will have the right to choose an "open" or "closed" hearing. Reasonable efforts will be made to accommodate the work schedule of parents. The following procedures will be followed:

1. The board president or the appointed hearing officer should:

- a. Announce that the next agenda item is a suspension review hearing.
  - b. Ask whether the parent/student wants the hearing to be open to the public or in executive session. The offer of an open hearing and the response is to be made a part of the minutes of the meeting. If the parent/student requests a closed hearing, a motion to go into executive session per their request should be made and voted on.
2. The board president or hearing officer should advise the parent/student:
  - a. That they are entitled to legal counsel, if they desire it.
  - b. That the administration will present its witnesses first and that after each witness the parent or their legal counsel will be given an opportunity to cross-examine.
  - c. That the parent/student will be given an opportunity to call any relevant witnesses and present any relevant evidence, subject to cross-examination by the administration's legal counsel.
  - d. That the board or its hearing officer will consider the evidence and documents and reach a decision that will be recorded by vote in open session.
  - e. That the parent/student may ask any questions about the procedure.
3. Administration may call witnesses and present documents subject to cross-examination.
4. Parent/student may call any witnesses and present documents subject to cross-examination.
5. After each witness is presented board members or the hearing officer may ask the witness questions.
6. Parent/student's closing statement.
7. Administration's closing statement.
8. Deliberate in private. (If the hearing is not in executive session, the board or its hearing officer may deliberate in executive session only with permission of the parent/student.)

9. Return to open session and vote. After adopting a motion making certain findings of fact the board must make a motion to: (1) affirm the suspension; (2) modify the suspension (increase or decrease severity of the suspension); or (3) revoke the suspension. If the hearing is before a hearing officer, no motions will be required as a part of the hearing process: otherwise, the hearing officer will have the same obligations as the board when rendering a decision.

#### Attendance at School Pending Appeal Hearing

Pending an appeal of the student suspension, the student will have the right to attend school under such "in-house" restrictions as the administrator deems proper, except that at the discretion of the administrator, the student may be prohibited from attending school pending any appeal hearing if in the judgment of the administrator the student's continued presence in the building will constitute an immediate danger to the health or safety of students, employees, technology center property, or would be a substantial disruption of the educational process.

#### Short-Term Suspension Appeals

A parent or student may appeal the suspension decision to a suspension review committee established by the superintendent. The administrator shall inform the parent/student of the right to appeal the suspension and the method for appealing.

An appeal must be presented by letter to the administrator within five (5) school days after the parent/student receives the administrator's decision. If the administrator does not receive a written appeal within five (5) school days of the decision, the administrator's suspension decision is final.

Upon receipt of the request, the administrator shall confirm that the student's suspension falls within the category of suspensions to which an appeal to the committee is authorized. If the administrator determines that the suspension is a long-term suspension, or the original short-term suspension is extended beyond ten (10) school days prior to the hearing, the procedures applicable to long-term suspensions must be followed and the student must be given the opportunity to appeal any adverse decision to the board of education.

#### Hearing the Appeal

1. The superintendent shall appoint a review committee consisting of not less than three certified administrators and/or teachers and shall designate a chairperson for the committee. No administrator or teacher is eligible to serve on the committee who was a witness to the student's conduct, nor is any teacher eligible to serve who has the student in his/her class for the current school term.
2. The superintendent shall schedule the committee hearing as soon as possible during regular school hours, Monday through Friday. Reasonable consideration shall be given to accommodate the work schedules of the parent whenever possible. The parent/student will be notified in writing of the date, time and place of the hearing. The

administrator shall attend the hearing. Either party choosing to have legal counsel at the hearing shall give the other party twenty-four (24) hours advance notice. The failure to give such notice will preclude the party's right to have counsel attend the hearing.

3. The committee will conduct a full investigation of the student's suspension in an informal manner. The administrator will briefly outline the student's conduct, read the regulation that the student's conduct violated, and present any evidence and witnesses that support the suspension decision. The parent/student will be asked by the committee if they understand the regulation and charges against the student. The parent/student will then briefly explain the student's conduct and present any evidence and witnesses that support the student's position.
4. At the conclusion of the presentation of the evidence, the committee shall retire to render a decision by a majority vote as to the guilt or innocence of the student. The committee shall also determine the reasonableness of the term of the suspension. The committee's decision shall be confirmed in writing and a copy will be mailed to the parent, the administrator and the superintendent.
5. The decision of the committee shall be final and nonappealable.

#### Student Privileges While Under Suspension

Participation in school extracurricular activities is a privilege and not a right. Accordingly, students who are suspended are immediately ineligible to participate in extracurricular activities, notwithstanding the filing of an appeal. "Extracurricular activities" include, but are not limited to, all technology center sponsored teams, clubs, organizations, ceremonies, student government, etc.