

## SUSPENSION OF STUDENTS PRE-K--12

It is the policy of the Board of Education that the superintendent or designee may suspend from school a student whose conduct disrupts the academic atmosphere of the school, endangers or threatens fellow students, school personnel, or persons rightfully and legally on school premises, breaks criminal law, damages the property of another, or other acts specifically outlined in the regulations. Any student who violates the policies or regulations of the school may be suspended up to the remainder of the current semester and the succeeding semester, or for at least one (1) calendar year for violation of the Gun-Free Schools Act.

It is the policy of the Board of Education that every effort be made to retain children in school. As such, the Superintendent or designee, after it has been determined that the student committed the act(s) charged, but prior to a determination of punishment, shall consider every available in-school alternative to out of school suspension.

The superintendent is directed to establish regulations, subject to board approval, which support this policy. Such regulations shall include provisions for the appeal of suspensions. Students suspended for periods greater than ten (10) days shall be provided the right to appeal such suspension to the board of education. Students suspended for periods of ten (10) days or less (short term) may appeal such suspension to the suspension appeal committee as outlined in the following regulations.

It is the policy of this school district to comply fully with Gun-Free Schools Act. Any student in this school district who uses or possesses a firearm at school, in transit to or from school, at any school sponsored event, in or upon any school property including school transportation or school sponsored transportation, or while on or within two thousand (2,000) feet of public school property will be removed from school for not less than one full calendar year. Any student accused of this offense will be afforded due process in accordance with the long term due process procedures described later in the regulations. Any student found to have violated the Gun-Free School Act who has been suspended for one full calendar year may have the case reviewed by the superintendent of schools who has the authority to modify the length of suspension on a case by case basis. Firearms are defined in the addendum. The District shall report any such cases to the State Department of Education within two weeks of each incident.

**EXCEPTIONS:** Firearms and weapons allowed on school property and deemed not in violation of this policy are as follows:

1. A gun or knife designed for hunting or fishing purposes kept in a privately owned vehicle and properly displayed or stored as required by law, or a handgun carried in a vehicle pursuant to a valid handgun license authorized by the Oklahoma Self-Defense Act, provided such vehicle containing said gun or knife is driven onto school property only to transport a student to and from school and such vehicle does not remain unattended on school property;
2. A gun or knife used for the purposes of participating in the Oklahoma Department of Wildlife Conservation certified hunter training education course or any other hunting, fishing, safety or firearms training courses, or recognized firearms sports event, team shooting program or competition, or living history reenactment, provided the course or event is approved by the principal or chief administrator of the school where the course or event is offered, and provided the weapon is properly displayed or stored as required by law pending participation in the course, event, program or competition, and
3. Weapons in the possession of any peace officer or other person authorized by law to possess a weapon in the performance of their duties and responsibilities.

**POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL (1) IN GENERAL** - No funds shall be made available under this Act to any local education agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who

brings a firearm or weapon to a school served by such agency. The Western Heights School District will require referrals to the above-noted agencies when any student brings a firearm or weapon to school. (2) DEFINITION - For the purpose of this subsection, the term "school" has the same meaning given to such term by section 921 (a) of title 18, United States Code.

STATUTORY AND REGULATORY PROVISIONS REGARDING DISCIPLINE OF STUDENTS WITH DISABILITIES

Students with disabilities will be afforded all procedural safeguards with respect to discipline procedures, in compliance with The Individuals with Disabilities Education Act and/or Section 504 of the Rehabilitation Act of 1973.

REGULATIONS

In accordance with the policy of the Board of Education, the following regulations shall govern the suspension of students from school.

The authority to suspend a student from a school in the school district is delegated to the respective building principals who shall exercise his/her discretion as to the length of time of the suspension.

1. Any student may be suspended for violations of law, school policy or regulation, or for any act which disrupts the academic atmosphere of the school, endangers or threatens fellow students, school personnel, or other persons rightfully and legally on school premises, or damages property (listed in the addendum).
2. Any student who has been suspended for a violent offense directed at a classroom teacher shall not be allowed to return to that teacher's classroom without the approval of that teacher.
3. No student shall be suspended without due process. Due process will be defined in the addendum of this policy.
4. A suspension shall not extend beyond the present semester and the succeeding semester except for violations of the Gun-Free Schools Act, which provides suspension for at least one calendar year.
5. Except under circumstances which require the immediate removal of a student or students, the parent(s) or legal guardian shall be informed before a student is released from school.
6. IMMEDIATE REMOVAL: The principal may immediately remove from school premises any student whose presence poses a continuing danger or threat to persons or property.
7. . For days of suspension, the parent/guardian shall be responsible for the provision of a supervised, structured environment in which the parent/guardian shall place the student and bear responsibility for monitoring the student's educational progress until the student is readmitted into school. The student's education plan ( ) shall consist of the following: The parent/guardian may request work given by teachers in the core subject areas as defined by law (English, mathematics, science, social studies and art) and it will be collected by the counselor's office to be picked up by the parent/guardian. The student may complete the work in an attempt to "keep up" with his/her classes during the time of suspension,

8. Students shall be allowed to “test out” of all core subject areas and given credit for the course when they complete their plan of instruction, and pass the Oklahoma proficiency Test or the final exam for the course with 70% proficiency. Based on the successful completion of the plan of instruction and based on the district’s offering of the specific course during the scheduled time for readmission of the suspended student, said student may be allowed to take the course final for credit if passed at 70%. The opportunity to “test out” will be provided at the end of each quarter each school year. Suggested readings and copies of the objectives will be given to students and parents upon request.
9. Students must return to school on the very next school day following the end of the term of suspension. Students who violate this clause will be subject to further disciplinary action and may be reported to the District Attorney’s office for truancy prosecution.
10. Procedural steps to suspension:
  - A. PROBATION - A student may be placed on probation with or without additional disciplinary action. If probation is elected by the principal as a suitable alternative to suspension, both the student and the parent(s) shall be notified of the probation and the reasons therefore.
  - D. A student may be suspended from school for up to a ten (10) day period by the principal. The student may be suspended with or without notice of probation. Both the student and the parent(s) shall be notified of the suspension, the reasons thereof, and the right to appeal the suspension to the suspension appeal committee, whose decision is final. Unless the immediate removal of the student is deemed necessary, no short term suspension which prevents a student from taking final or major exams or assignments, graduating, or completing his/her course of study within the normal time shall become effective unless and until all due process hearing procedures for long term suspension are met.
  - E. A student may be suspended from school for the remainder of the current semester and the entirety of the succeeding semester. The student may be suspended with or without notice of probation. Both the student and the parent(s) shall be notified of the suspension, the grounds of same, and the right to appeal the suspension to the Board of Education.
  - F. If the evidentiary hearing officer upholds the proposal for a long-term suspension, the student, parent or guardian may request a review of the suspension with the administration. If the administration does not withdraw the suspension, the student shall have the right to appeal to the Board of Education.
11. APPELLATE PROCEDURES - Any student or parent(s) or guardian of a student who has been suspended, may appeal in writing any short term or long term suspension to the superintendent. The following procedures shall govern the appellate process:
  - A. The student, or the student’s parent(s), or guardian(s) shall notify the superintendent as soon as possible or within three (3) school days of their intent to appeal the suspension or notice of intent to suspend the student.
  - B. Upon receiving notice of a student’s, parent(s), or guardian(s)’ intent to appeal, the superintendent’s office shall notify the principal who shall advise the suspension appeal committee (short term), or the clerk of the board in the case of a long term suspension appeal. The appeal shall be heard within three (3) school days (short term) or ten (10) school days (long term) from the date the notice of intent is filed with

the superintendent. A decision shall be rendered within five (5) school days of the hearing.

- C. The superintendent or his/her designee, at his/her discretion, may or may not permit the suspended student to attend classes pending the outcome of the appeal.
  - D. During the hearing of the appeal, the student may be represented by legal counsel or other adult representative; may examine witnesses on his/her own behalf; cross-examine opposing witnesses, and offer other evidence in his/her behalf including the student's own testimony. The student shall have the right to remain silent without inferring guilt or innocence.
  - E. The suspension appeal committee (short term) or Board of Education (long term) shall uphold the suspension, modify the terms of the suspension, or overrule the suspension. The student and the student's parent(s) shall be notified within five (5) school days of a decision.
  - F. Appeal for reinstatement. Students who have been suspended for the remainder of a semester, or more, may petition the superintendent for reinstatement. The superintendent may, at his/her discretion, schedule an informal hearing with the student and respective principal. At the hearing, the student may present evidence of attitude or behavior modification which would support reinstatement. The superintendent may reinstate the student or deny reinstatement and submit a written report of the informal hearing to the Board of Education.
12. A suspension appeal committee is hereby established which will consist of administrators or teachers or a combination of administrators and teachers. The members of the committee will be appointed by the superintendent and may include the superintendent.

Notes: 70 O.S. §24-102 states that a student who has been suspended from public or private school in the State of Oklahoma or another state for a violent act or an act showing deliberate or reckless disregard for the health or safety of faculty or other students shall not be entitled to enroll in a public school of this state, and no public school shall be required to enroll such student, until the terms of the suspension have been met or the time of suspension has expired.

No school board, administrator or teacher may be held civilly liable for any action taken in good faith which is authorized by state law (70 O.S. §24-101.3).

No public school of this state shall be required to provide education services in the regular school setting to any student who has been adjudicated as a delinquent for an offense defined in Section 571 of Title 57 of the Oklahoma Statutes as an exemption to a nonviolent offense or convicted as an adult of an offense defined in Section 571 of Title 57 of the Oklahoma Statutes as an exception to a nonviolent offense or who has been removed from a public or private school in the State of Oklahoma or another state by administrative or judicial process for a violent act or an act showing deliberate or reckless disregard for the health or safety of faculty or other students until the school in which the student is subsequently enrolled determines that the student no longer poses a threat to self, other students or faculty. Until the school in which such student subsequently enrolls or re-enrolls determines that the student no longer poses a threat to self, other students or faculty, the school may provide education services through an alternative school setting, home-based instruction, or other appropriate setting. If the school provides education services to such student at a district school facility, the school shall notify any student or faculty victims of such student, when known, and shall ensure that the student will not be allowed in the general vicinity of or contact with a victim of the student, provided such victim notifies the school of the victim's desire to refrain from contact with the offending student.

According to the provisions of 70 O.S. 70 § 24-100.6, students who have been victims of any offense subject to the Juvenile Sex Offender Registration Act, as well as the siblings of these student victims, have the right to be kept separated from the student offender both at school and during school transportation. Upon notice from the Office of Juvenile Affairs or other juvenile bureau, the school district shall notify the victim and parent/guardian of their right to be separated. If the victim requests to be separated from the offender, the school district shall take appropriate action to follow the provisions of this law. The decision of the victim shall be final and not reversible. The offender, upon the request of the victim, shall not attend any school attended by the victim or a sibling of the victim or ride on a school bus on which the victim or a sibling of the victim is riding. The offender shall be permitted by the school district to attend another school within the district in which the offender resides, provided the other school is not attended by the victim or sibling of the victim. If the offender is unable to attend another school in the district in which the offender resides, the offender shall transfer to another school district pursuant to the provisions of the Education Open Transfer Act. The offender or the parents of the offender, if the offender is a juvenile, shall be responsible for arranging and paying for transportation and any other cost associated with or required for the offender to attend another school or that is required as a consequence of the prohibition against attending a school or riding on a school bus on which the victim is attending or riding. However, the offender or the parents of the offender shall not be charged for existing modes of transportation that can be used by the offender at no additional cost to the school district.

## ADDENDUM

The definition of “days” in this policy shall mean school days.

**Firearms:** Firearms are defined in Title 18 of the United States Code, Section 921, as (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device including any explosive, incendiary or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine or any device similar to the above. Also included are firearms of any kind (operable or inoperable, loaded or unloaded), including, but not limited to zip, pistol, rifle, shotgun, starter gun, explosive propellant, or destructive device. This **excludes** toy guns, cap guns, BB guns, and pellet guns.

**Other weapons possession:** Any instrument or object deliberately used to inflict harm on another person or used to intimidate any person. Included in this category are knives of any kind, chains (any not used for the purpose for which it was normally intended and capable of harming an individual), pipe (any length, metal or otherwise, not being used for the purpose for which it was intended), razor blades, or similar kinds of instruments, ice picks, dirks, or other pointed instruments (including pencils and pens), nunchucks, brass knuckles, Chinese stars, billy clubs, tear gas guns, or electrical weapons or devices (stun guns). **This definition includes toy guns, cap guns, BB guns and pellet guns.**

“At school” means on school grounds, in school vehicles, at designated school bus stops, at school-sponsored activities, or school-sanctioned events.

“Electronic communication” means the communication of any written, verbal, or pictorial information by means of an electronic device, including but not limited to a telephone, cellular telephone, any other wireless telecommunication device, or a computer.

“Threatening behavior” means any pattern of behavior or isolated action, whether or not it is directed at another person, that a reasonable person would believe indicates potential for future harm to students, school personnel, or school property.

#### DUE PROCESS FOR SHORT TERM SUSPENSION:

Before the principal assigns a student a short term suspension, the administrator will afford the student due process. The elements of short term due process are as follows:

- 1) The student will be given written notice of the charges which specifically state the rule or regulation the student allegedly violated.
- 2) The student will be given a written explanation of the evidence which identifies the specific facts and circumstances of the incident and forms the basis for the charge.
- 3) The student will be given the opportunity to present his/her side of the story to the principal.

Requirements one through three (1-3) can be satisfied by discussion immediately after the alleged misconduct occurs in which the student is told, and shown in writing, what he/she is accused of doing, what the factual basis of the accusations are, and then given the opportunity to explain his/her version of the facts. The required written notice will be set forth on the “Notice of Short Term Suspension”. A copy of the completed form will be given to the student at the time of suspension, and a copy will be provided to the parents.

- 4) Students and their parent(s) or guardian(s) shall be informed of their right to an appeal and may request (from the superintendent) an appeal before the suspension appeal committee.

If the student, parent, or guardian disagrees with the decision of the principal, an appeal hearing shall be held before the suspension appeal committee within three (3) school days after intent to appeal has been filed with the superintendent. The committee will determine the facts of the case, the guilt or innocence of the accused, and render a decision to sustain, amend, or reverse the decision of the principal. A decision shall be rendered within five (5) school days of the hearing. The committee shall report its findings and decisions in writing to the principal, parents, or guardians, and the superintendent. The decision of the committee shall be final. Prior to the appeal hearing before the committee, both student and the parent or guardian shall be advised in writing of the following:

1. The charges, specifically identifying the rules allegedly violated and stating the length of the proposed suspension.
2. The identity of any affidavit, statement or other document the school plans to introduce as an exhibit. (Parents have a right to inspect evidentiary documents within a reasonable time before the hearing).
3. The time, date and location of the hearing.
4. The procedures to be followed at the hearing.
5. An explanation of the evidence, summarizing the facts of the incident which forms the basis of the charge.
6. The right to be represented by a person of their choosing (this may be an attorney).
7. The right to confront and cross-examine adverse witnesses who give oral testimony at the hearing.
8. The right to present affidavits, statements from witnesses and other documentary evidence on behalf of the student.
9. The right to remain silent.
10. The right to an impartial suspension appeal committee.

Any student or parent(s) or guardian of a student who has been suspended, may appeal in writing any short term suspension to the superintendent.

#### SHORT TERM SUSPENSION

Short term suspension, ten (10) or less school days, can be given students for the following itemized violations commensurate with the severity of the violation. Students may be suspended from school for any of the following, whether school is in session or not in session, or whether in transit to or from school, or whether or not under the supervision of school personnel, either at school or school related activities or away from school, including designated school bus stops:

1. Creating or attempting to create a classroom disturbance.
2. Disobeying school personnel willfully and openly.

3. Using profanity or vulgar or inappropriate language or expressions.
4. Defying any school personnel's authority.
5. Fighting, or assault and battery on another student or person.
6. Inciting, encouraging, prompting, or participating in attempts to interfere with the normal education process.
7. Intentionally causing damage to school property, property belonging to school personnel while on school property or off school property, or property of students.
8. Continued absenteeism from school, including repeated tardiness.
9. Persistently violating the rules and/or regulations of the school.
10. Use or possession of tobacco products on the school grounds, school sponsored activities, or school buses.
11. Stealing school-owned property or property belonging to school employees or students; larceny, or possession of stolen property.
12. Misuse of a wireless telecommunication device (see Board Policy 4.400, "Wireless Telecommunication Devices").
13. Flashing, etching, or displaying gang and/or cult signs or symbols. Solicitation, recruitment or promotion of gangs, satanic cults, or other secret societies. Writing of gang signs, graffiti or other gang cult signs or symbols on any school property, or any other surfaces at school or school related activities or in transit to and/or from school.
14. Violation of the Dress Code.
15. Any form of harassment, intimidation, threatening behavior, and/or bullying, including but not limited to religious, racial, disability, or sexual harassment. Such acts include any gesture, written or verbal expression, electronic communication, or physical act that a reasonable person would know to potentially harm another person, damage another person's property, place another person in reasonable fear of harm, or insult/demean any person or persons in such a way as to disrupt or interfere with the school's educational mission or the education of any student. (See Board Policy 4.120, "Bullying Prevention," Policy 3.100, "Non-Discrimination," Policy 2.300, "Sexual Harassment," and 5.500, "Jet Net Acceptable Use Policy.")
16. Breaking criminal law.
17. Acts and/or behaviors deemed by administration inappropriate and/or socially unacceptable for the school setting, especially those of a sexual nature.
18. Failure to identify one's self upon request by appropriate school authorities (teachers, substitutes, support personnel, administrators, etc.).
19. Acts jeopardizing the safety, health or well-being of others.

## DUE PROCESS FOR LONG TERM SUSPENSION

Before a long-term suspension takes effect, (or short-term suspension which prevents a student from taking final exams, graduating or completing his/her course of study within the normal time) the student is entitled to a hearing to determine the facts of the case and for the Hearing Officer to determine the guilt or innocence of the accused student. Prior to the due process hearing, both the student and the parent will be advised in writing of:

1. The charges, specifically identifying the rules allegedly violated and stating the length of the proposed suspension.
2. The identity of any affidavit, statement or other document the school plans to introduce as an exhibit. (Parents have a right to inspect evidentiary documents within a reasonable time before the hearing).
3. The time, date and location of the hearing.
4. The procedures to be followed at the hearing.
5. An explanation of the evidence, summarizing the facts of the incident, which forms the basis of the charge.
6. The right to be represented by a person of their choosing (this may be an attorney).
7. The right to confront and cross-examine adverse witnesses who give oral testimony at the hearing.
8. The right to present affidavits, statements from witnesses and other documentary evidence on behalf of the student.
9. The right to remain silent.
10. The right to an impartial Hearing Officer.
11. The proper appeal procedure if the student is found guilty.

The written notice required by this section will be set forth on the Notice of Proposed Long-Term Suspension. Any student or parent(s) or guardian of a student who has been suspended, may appeal in writing any long-term suspension to the superintendent.

## LONG TERM SUSPENSION

A long term suspension is any suspension which exceeds ten (10) school days and may extend to the remainder of the current semester or to the end of the next succeeding semester. Students are subject to long term suspension from school for any of the following, whether school is in session or not in session, or whether in transit to or from school, or whether or not under the supervision of school personnel, either at school or school related activities or away from school, including designated school bus stops..

1. Repeated use of profanity or vulgar language or expressions.

2. Repeated defiance of the school personnel's authority.
3. Repeated fighting, assault and battery on another student or person, burglary, and robbery.
4. Possession or use of any dangerous weapon or replica of a dangerous weapon at school or school event (See also the Gun-Free School portion of this policy); possession of a dangerous weapon while on or within two thousand (2,000) feet of public school property.
5. Possession or being under the influence of an alcoholic beverage.
6. Inciting, encouraging, prompting, or participating in attempts to interfere with the normal education process.
7. Sexual misconduct including rape or attempted rape.
8. Intentionally causing damage to school property, property belonging to school personnel while on school property or off school property, or property of students: vandalism, or malicious mischief.
9. Arson or attempted arson, extortion, or blackmail.
10. Striking or verbally abusing a district employee.
11. Distribution, use, possession, or being under the influence of marijuana or a controlled dangerous substance or counterfeit drug or substance or drug paraphernalia At school or school event; possession of a controlled dangerous substance while on or within two thousand (2,000) feet of public school property.
12. Stealing school property or property belonging to school employees or students, larceny, theft, or possession of stolen property.
13. Use of inhalants.
14. Misuse of a wireless communication device (see Board Policy 4.400, "Wireless Telecommunication Devices").
15. Flashing, etching or displaying gang or cult signs or symbols. Solicitation, recruitment or promotion of gangs, satanic cults, or other secret societies. Writing of gang sign, graffiti or other gang cult signs or symbols on school books, lockers, school property, or any other surface.
16. Repeated violation of the Dress Code.
17. Repeated violation of school rules and/or regulations.
18. Failure to identify self to appropriate authorities in crisis situation (a crisis situation includes a disturbance which would disrupt the educational process or jeopardize the safety of individuals).
19. Commission of any act which would be a felony or crime of moral turpitude under state or federal law if committed by an adult.
20. Any form of harassment, intimidation, threatening behavior, and/or bullying, including but not limited to religious, racial, disability, or sexual harassment. Such acts include any

gesture, written or verbal expression, electronic communication, or physical act that a reasonable person would know to potentially harm another person, damage another person's property, place another person in reasonable fear of harm, or insult/demean any person or persons in such a way as to disrupt or interfere with the school's educational mission or the education of any student. (See Board Policy 4.120, "Bullying Prevention," Policy 3.100, "Non-Discrimination," Policy 2.300, "Sexual Harassment Policy," and 5.500, "Jet Net Acceptable Use Policy.")

21. Breaks criminal law.

Adopted: 10-04-76  
Revised: 01-02-90  
Revised: 06-03-93  
Revised: 04-05-94  
Revised: 05-16-94  
Revised: 02-06-95 (Effective 7-1-95)  
Revised: 08-31-95  
Revised: 10-14-96  
Revised: 06-25-97  
Revised: 07-17-97  
Revised: 09-14-98  
Revised: 06-14-99  
Revised: 05-08-00  
Revised: 07-16-01  
Revised: 06-27-02  
Revised: 07-22-04  
Revised: 07-11-05  
Revised: 08-14-06  
Revised: 07-19-07  
Revised: 08-11-08  
Revised: 09-14-09  
Revised: 07-11-11  
Revised: 04-04-13  
Revised: 05-12-14  
Revised: 07-10-17