

**MEDICATION:
ADMINISTERING TO STUDENTS**

It is the policy of the Choctaw-Nicoma Park Board of Education that if a student is required to take medication during school hours and the parent or guardian cannot be at school to administer the medication or if circumstances exist that indicate it is in the best interest of the student that a nonprescribed medication be dispersed to that student, the principal, or the principal's designee may administer the medication only as follows:

1. Prescription medication must be in a container that indicates the following:

- A. Student's name
- B. Name and strength of medication
- C. Dosage and directions for administration
- D. Name of physician or dentist
- E. Date and name of pharmacy, and
- F. Whether the child has asthma or other disability which may require immediate dispensation of medication.

The medication must be delivered to the principal's/nurse's office in person by the parent or guardian of the student unless the medication must be retained by the student for immediate self-administration. The medication will be accompanied by written authorization from a physician as well as permission of the parent, guardian, or person having legal custody that indicates the following:

- A. Purpose of medication
- B. Time to be administered
- C. Whether medication must be retained by student for self-administration
- D. Termination date for administering the medication, and
- E. Other appropriate information requested by the principal or the principal's designee

2. Self-administration of inhaled asthma medication by a student for treatment of asthma, an anaphylaxis medication to treat anaphylaxis is permitted with written parental authorization. The parent or guardian of the student must also provide a written statement from the physician treating the student that the student has asthma or anaphylaxis and is capable of, and has been instructed in the proper method of, self-administration of medication. Additionally:

- A. The parent or guardian must provide the school with an emergency supply of the student's medication to be administered as authorized by state law.
- B. The school district will inform the parent or guardian of the student, in writing, and the parent or guardian shall sign a statement acknowledging, that the school district and its employees and agents shall incur no liability as a result of any injury arising from the self-administration of medication by the student.

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- C. Permission for the self-administration of asthma or anaphylaxis medication is effective for the school year for which it is granted and shall be renewed each subsequent school year upon fulfillment of the above requirement.
- D. A student who is permitted to self-administer asthma medication or anaphylaxis medication shall be permitted to possess and use a prescribed inhaler or anaphylaxis medication at all times.
- E. Definitions:
 - 1. **Medication** means a metered dose inhaler or a dry powder inhaler to alleviate asthmatic symptoms, prescribed by a physician and having an individual label, or an anaphylaxis medication used to treat anaphylaxis, including but not limited to Epinephrine injectors, prescribed by a physician and having an individual label.
 - 2. **Self-administration** means a student's use of medication pursuant to prescription or written direction from a physician.
- 3. Students shall be permitted to possess and self-apply sunscreen that is regulated by the Food and Drug Administration without the written authorization of a parents, legal guardian, or physician. Students applying sunscreen are prohibited from applying sunscreen during instructional time. Aerosol spray must be applied outside of school buildings and away from other students. Students shall not be allowed to apply sunscreen to other students. Students who do not conform to these rules will be disciplined by the administration in accordance with school discipline policies.
- 4. Nonprescription medication may be administered only with the written request and permission of a parent, guardian, or person having legal custody when other alternatives, such as resting or changing activities, are inappropriate or ineffective. The medication will be administered in accordance with label directions or written instructions from the student's physician.

District personnel may assist a student in applying sunscreen with the written permission of a parent/guardian, or person having legal custody.
- 5. School District Prescribed Epinephrine. The school district will inform the parent or guardian of each student, in writing, that a school nurse or school employee trained by a health care professional or trained online or in person by the school nurse or a recognized food allergy and anaphylaxis training program may administer Epinephrine to a student whom the school nurse or trained school employee in good faith believes is having an anaphylactic reaction. Only those students who have a waiver of liability executed by a parent or guardian on file with the school district may be administered Epinephrine. A school employee will contact 911 as soon as possible if it is believed that a student is having an anaphylactic reaction. If Epinephrine is administered to a student, a school employee shall contact 911 as soon as possible. The school district shall notify the parent or guardian of any student who experiences a possible allergic reaction as soon as possible.
- 6. School District Prescribed Inhalers. The school district will inform the parent or guardian of each student, in writing, that a school nurse or school employee trained by a health care professional may administer an inhaler to a student whom the school nurse or trained

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employee in good faith believes is having respiratory distress. A school employee designated by the superintendent will notify the parent or guardian of a student after the administration of an inhaler.

The district will require annual training for teachers and school employees who are directly responsible for students on the topics of food allergies, recognizing anaphylaxis, and instruction on how to administer Epinephrine. The training should be completed before the school year begins or upon hiring the teacher or school employee. Documentation certifying completed before the school year begins or upon hiring the teacher or school employee. Documentation certifying completion of the required training shall be retained in the personnel file of the teacher or school employee. The training may be provided online or in person by the school nurse or a recognized food allergy and anaphylaxis training program.

The administrator, or administrator's designee, will:

- A. Inform appropriate school personnel of the medication being administered
- B. Keep an accurate record of the administration of the medication
- C. Keep all medication in a locked cabinet except medication retained by a student per physician's order
- D. Return unused prescription medication to the parent or guardian only

The parent, guardian, or person having legal custody of the student is responsible for informing the designated official of any change in the student's health or change in medication.

This policy statement will be provided to a parent or guardian upon receipt of a request for long-term administration of medication.

REFERENCE: 10 O.S. §170.1
59 O.S. §353.1
70 O.S. §1-116, et seq.

**STUDENT TRANSFERS FOR
CHILDREN OF ACTIVE DUTY MILITARY MEMBERS**

The school district shall allow the transfer of students who are dependent children of a member of the active uniformed military services of the United States on full-time activity duty status and for whom Oklahoma is the home of record and students who are the dependent children of a member of the military serving on active duty orders and for whom Oklahoma is the home of record. Transfers will be approved if:

- a. At least one parent of the student has a Department of Defense-issued identification card;
- b. The student will be residing with a relative of the student who lives in the receiving school district or who will be living in the receiving district within six (6) months of the filing of the application for transfer.

A student shall not be precluded from enrollment prior to residency for any of the following:

- a. Having an individualized education program (IEP) or an individualized family service plan under the Individuals with Disabilities Education Act;
- b. Receiving or qualifying for special education courses or services; or
- c. Receiving or qualifying for accommodations or services under the Rehabilitation Act of 1973 (Section 504).

If the enrolling student is transferring with an IEP, an individualized family service plan, or a Section 504 plan, the district shall take the necessary steps including, but not limited to, the transfer of records and any prior evaluations, the performance of reevaluations, if necessary, and meetings to ensure that comparable services are in place prior to the student's first day of school in the state.

REFERENCE: 70 O.S. §8-103.1

POLICY REQUIRED BY LAW

INTRA-DISTRICT TRANSFERS

Under certain circumstances, Oklahoma law allows students that reside in a school district to transfer from their assigned site to any site within the district, also known as an intra-district transfer. By the first day of January, April, July and October of each year, the board of education shall establish the number of intra-district transfer students the district has the capacity to accept in each grade level for each school site within the district. Once established, the intra-district capacity numbers will be posted in a prominent place on the school district website and shall be reported to the State Department of Education.

The district has a capacity of 20 per grade level teacher in Grade PK at Choctaw Elementary School.
The district has a capacity of 18 per grade level teacher in Grade K at Choctaw Elementary School.
The district has a capacity of 19 per grade level teacher in Grade 1st at Choctaw Elementary School.
The district has a capacity of 19 per grade level teacher in Grade 2nd at Choctaw Elementary School.
The district has a capacity of 19 per grade level teacher in Grade 3rd at Choctaw Elementary School.
The district has a capacity of 20 per grade level teacher in Grade 4th at Choctaw Elementary School.
The district has a capacity of 20 per grade level teacher in Grade 5th at Choctaw Elementary School.

The district has a capacity of 20 per grade level teacher in Grade PK at Westfall Elementary School.
The district has a capacity of 18 per grade level teacher in Grade K at Westfall Elementary School.
The district has a capacity of 19 per grade level teacher in Grade 1st at Westfall Elementary School.
The district has a capacity of 19 per grade level teacher in Grade 2nd at Westfall Elementary School.
The district has a capacity of 19 per grade level teacher in Grade 3rd at Westfall Elementary School.
The district has a capacity of 20 per grade level teacher in Grade 4th at Westfall Elementary School.
The district has a capacity of 20 per grade level teacher in Grade 5th at Westfall Elementary School.

The district has a capacity of 20 per grade level teacher in Grade PK at Nicoma Park Elementary School.
The district has a capacity of 18 per grade level teacher in Grade K at Nicoma Park Elementary School.
The district has a capacity of 19 per grade level teacher in Grade 1st at Nicoma Park Elementary School.
The district has a capacity of 19 per grade level teacher in Grade 2nd at Nicoma Park Elementary School.
The district has a capacity of 19 per grade level teacher in Grade 3rd at Nicoma Park Intermediate School.
The district has a capacity of 20 per grade level teacher in Grade 4th at Nicoma Park Intermediate School.
The district has a capacity of 20 per grade level teacher in Grade 5th at Nicoma Park Intermediate School.

The district has a capacity of 20 per grade level teacher in Grade PK at Indian Meridian Elementary School.
The district has a capacity of 18 per grade level teacher in Grade K at Indian Meridian Elementary School.
The district has a capacity of 19 per grade level teacher in Grade 1st at Indian Meridian Elementary School.
The district has a capacity of 19 per grade level teacher in Grade 2nd at Indian Meridian Elementary School.
The district has a capacity of 19 per grade level teacher in Grade 3rd at James Griffith Intermediate School.
The district has a capacity of 20 per grade level teacher in Grade 4th at James Griffith Intermediate School.
The district has a capacity of 20 per grade level teacher in Grade 5th at James Griffith Intermediate School.

The district has a capacity of 200 students in Grade 6th at Choctaw Middle School.
The district has a capacity of 200 students in Grade 7th at Choctaw Middle School.
The district has a capacity of 200 students in Grade 8th at Choctaw Middle School.

The district has a capacity of 200 students in Grade 6th at Nicoma Park Middle School.
The district has a capacity of 200 students in Grade 7th at Nicoma Park Middle School.
The district has a capacity of 200 students in Grade 8th at Nicoma Park Middle School.

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The district has a capacity of 475 students in Grade 9th at Choctaw High School.
The district has a capacity of 400 students in Grade 10th at Choctaw High School.
The district has a capacity of 400 students in Grade 11th at Choctaw High School.
The district has a capacity of 375 students in Grade 12th at Choctaw High School.

The district has a capacity of 30 full-time students in Grade 6th at EDGE Virtual School.
The district has a capacity of 30 full-time students in Grade 7th at EDGE Virtual School.
The district has a capacity of 30 full-time students in Grade 8th at EDGE Virtual School.
The district has a capacity of 30 full-time students in Grade 9th at EDGE Virtual School.
The district has a capacity of 30 full-time students in Grade 10th at EDGE Virtual School.
The district has a capacity of 30 full-time students in Grade 11th at EDGE Virtual School.
The district has a capacity of 30 full-time students in Grade 12th at EDGE Virtual School.

The district has a capacity of 65 students at Choctaw Alternative Transition School.

An intra-district transfer may be requested at any time in the school year, unless the grade level of the receiving school site has reached capacity. If the capacity at a grade level is insufficient to enroll all eligible students, the school district shall select intra-district transfer students based on the following preferences and then in the order in which the intra-district applications were received:

1. Students who reside in the school site boundary;
2. Students who attended the school site the prior year;
3. Siblings of student who are already enrolled at the school site;
4. Children of school district employees who wish to attend a different school site within the school district; and
5. Students who change residence within a school district and who wish to attend the same school site.

An intra-district transfer may be requested at any time in the school year. State law does not limit the ability of a student to transfer to other school sites within the school district where the student resides to no more than two (2) times per school year. Exception to this limit will exist for students in foster care. A student is legally entitled to re-enroll at any time in their school district's site of residence.

Any sibling of a student who transfers may attend the school district to which their sibling transferred as long as the school district has capacity in the grade level and the sibling does not meet a basis for denial as listed below. A separate application must be filed for each student so that the district can timely consider requests in the order applications are received.

The child of a school district employee who resides in the school district but wishes to attend a different school site within the school district where the student resides may be granted an intra-district transfer if the student does not meet a basis for denial as listed below.

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It is the policy of the board of education that any legally transferring student shall be accepted by the district under the following circumstances:

1. The district has the capacity to accept the student at the grade level at the school site;
2. The transferring student has not been disciplined for:
 - a. violation of a school regulations,
 - b. possession of an intoxicating beverage, low-point beer, as defined by Section 163.2 of Title 37 of the Oklahoma Statutes, or missing or stolen property if the property is reasonable suspected to be taken from a student, a school employee, or the school during school activities or
 - c. 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.
3. The transferring student does not have a history of absences. "History of absences" means 10 or more absences in one semester that are not excused for the reasons provided in 70 O.S. § 10-105 or due to illness.

The district will approve or deny the application and notify the parent of the student of the determination in writing within thirty (30) days of receiving an application. The school district shall enroll transfer students based on the preferences outlined above and then in the order in which they submit their applications. If the number of student transfer applications exceeds the capacity of the district, the district will select transfer students based on the preferences outlined above and then in the order in which the district received the application.

Once granted an intra-district transfer shall automatically continue unless the school district denied the continued transfer for the reasons set forth in items 2 or 3 above.

The school district shall allow students who are the dependent children of a member of the active uniformed military services of the United States on full-time active-duty status and students who are the dependent children of a member of the military reserve on active-duty orders provisional eligibility for intra-district transfer regardless of capacity. This provision eligibility will be limited to two (2) military dependents per one hundred (100) enrolled students at the elementary level, four (4) military dependents per one hundred (100) students at the middle school level, and six (6) military dependents per one hundred (100) students at the high school level.

LEGAL REFERENCE: 70 O.S. Section 8-114.

STUDENTS: ENROLMENT REQUIREMENTS

It is the policy of the Choctaw-Nicoma Park Schools Board of Education that children who are at least four (4) years of age but not more than five (5) years of age on or before September 1 and have not attended a public-school kindergarten may be enrolled in either a half-day or full-day non-compulsory, early childhood program free of charge. No child shall be enrolled in kindergarten unless the child has reached five years of age on or before the first day of September of the year the child intends to enroll. No child shall be enrolled in the first grade unless the child will have reached the age of six (6) on or before September 1 of the school year. Age may be verified by a birth certificate, parent's statement, physician's statement, or previous educational records.

The superintendent or designee will be responsible for the receipt of all applications for admission, the conduct of registration procedures, and for certification that all admission requirements and prerequisites have been properly met by the student. Placement in a specific class or grade level will be based on administrative determination.

All children between the ages of 5 and 21 on or before September 1 who reside within this school district are entitled to attend public school regardless of nationality or citizenship provided other age and residence requirements are met. Maximum age to which students may attend school tuition-free is 21 except that any person between the ages of 21 and 26 may attend school if it was impossible for the person to have finished the twelfth grade before the age of 21. Students over the age of 21 must be able to provide evidence satisfactory to the board of education that he or she was unable to attend school for a definite period or periods of time by reason whereof it was impossible for him or her to complete the 12th grade before reaching the age of 21.

Termination of attendance before graduation from high school or before reaching the age of eighteen may be permitted by mutual consent of the superintendent and the parent, legal custodian, or legal guardian of the student.

A student who has been suspended out-of-school from a 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 this school district until the terms of the suspension have been met or the time of suspension has expired.

This district shall not provide education services in the regular school setting to any student who has been removed from any public or private school in Oklahoma or any other state until the district determines that the student no longer poses a threat to himself or others.

The district shall not provide education services in the regular school setting to any student who has been removed from any public or private school in Oklahoma or any other state until the district determines that the student no longer poses a threat to himself or others.

The district may consider providing alternative educational services such as home-based instruction. If the student is on an individualized education plan (IEP), educational services will be provided according to that plan.

STUDENT CONDUCT

The Choctaw-Nicoma Park Schools Board of Education believes that an important responsibility of any school system is to teach acceptable social conduct. We believe that such conduct may be taught by example and by providing appropriate incentives. The board also believes that reasonable standards of conduct are to be established and that adherence to those standards insisted upon.

For the purpose of this policy, a student is defined as any person regularly enrolled in an educational program provided by, or approved by, the board of education and carried on in premises owned or controlled by the school district. Students in school buildings, on school grounds, using district property, or attending a district-sanctioned event shall not engage in any of the following:

1. Any conduct, the purpose of which is to obstruct, disrupt, or interfere with teaching, research, service, administrative or disciplinary functions, or any other activity sponsored or approved by the board of education.
2. Physical, emotional, or mental abuse of, or threat of harm to, any person on school owned or controlled property or at any school attended, sponsored, or supervised event or function. This includes antisemitism, which is a certain perception of Jews, which may be expressed as hatred toward Jews.
3. Damage, or threat of damage, to property of the school, regardless of the location, or to property of a member of the community or a visitor to the school, when such property is located on school owned, controlled, attended, or supervised premises.
4. Forceful or unauthorized entry into or upon or occupation of, school district facilities including buildings and grounds.
5. Unlawful use, possession, distribution, sale, or trade of drugs, alcohol, or controlled substances, or any substance or material believed to be drugs, alcohol or controlled substances, or any substance which is capable of causing or producing mood alteration or behavioral changes.
6. Conduct or speech that violates commonly accepted standards of society within the community.
7. Failure to comply with the reasonable and lawful directions of school district officials or law enforcement officers, acting in the performance of their duties, or failure to identify themselves to such officials or officers when directed to do so.
8. Any conduct constituting a breach of any federal, state, or city law or ordinance or duly adopted policy of the board of education.

Any student knowingly violating any of these policies and regulations will be subject to warning, reprimand, probation, suspension, or expulsion in addition to any civil or criminal proceedings or prosecution.

PERSONNEL**DOAC****SUPPORT PERSONNEL
SUSPENSION, DEMOTION OR TERMINATION**

The Choctaw-Nicoma Park Board of Education has adopted the following procedure for the suspension, demotion, or termination of support personnel in accordance with Title 70 of Oklahoma Statutes, Sections 6-101.40 through 6-101-47.

For the purpose of this policy "support employee" means a full-time employee as determined by the standard period of labor which is customarily understood to constitute full-time employment for the type of services performed by the employee who is employed a minimum of one hundred seventy-two days and who provides those services which are not performed by certified teachers, principals, superintendents or administrators and which are necessary for the efficient and satisfactory functioning of a school district. Those support employees who work less than one hundred seventy-two days (172) are not entitled to due process and shall be employed on an at-will basis.

No support employee who has been employed in the school district for more than one year may be suspended, discharged, or nonrenewed except within the provisions of this policy. However, this policy shall not be construed to prevent layoffs or reductions-in-force for lack of funds or work.

When the immediate suspension of a support employee is in the best interest of the school, the superintendent may suspend the employee with pay without notice or hearing. If an employee is suspended for a period exceeding 10 days, the superintendent shall initiate termination proceedings. However, in a case involving a criminal charge, the suspension may be delayed until the case is adjudicated at trial. Nothing herein shall prevent proceeding against the employee for termination of employment during or after the suspension.

Prior to demotion, termination, or nonrenewal and after any suspension, the support employee shall receive notice of his or her right to a board hearing if so requested. Distribution of this policy to support personnel shall serve as notice that such employees are entitled to a hearing before final termination of employment. Employees will be notified by certified mail of board actions to demote or terminate employment, and the support employee must request a hearing by certified mail to the board clerk within 10 working days of said notice or the employee shall be deemed to have waived his or her right to a hearing.

If a hearing is requested, the hearing shall be conducted at the next succeeding regular meeting of the board if the request is received by the board clerk at least 10 days prior to such a meeting. However, a special meeting may be conducted if requested by the employee or at the discretion of the board of education, which special meeting shall be conducted no sooner than 10 days nor later than 30 days after receipt of the hearing request. The decision of the board shall be final.

The procedures of this policy only protect employees who have been employed more than one year immediately preceding adverse employment action and are suspended or discharged during a contractual period of employment, or are nonrenewed.

In accordance with Title 70 of the Oklahoma Statutes, Sections 6-101.40 through 6-101.47, the board hereby adopts the following causes for suspension, demotion, termination, or nonrenewal of support personnel.

1. Leaving workstation without authorization prior to lunch periods or end of workday.

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**SUPPORT PERSONNEL, SUSPENSION, DEMOTION
OR TERMINATION (Cont.)**

2. Excessive unexcused absenteeism.
3. Chronic absenteeism for any reason.
4. Excessive tardiness.
5. Persistently wasting time or distracting others during working hours.
6. Leaving work area during working hours without proper notification and permission.
7. Falsification of personnel or other records (personal or another employee's records).
8. Possession of weapons on the premises at any time.
9. Removing district property, records, or confidential information from premises without proper authority.
10. Willful abuse, misuse, defacing, or destruction of district property, including tools, equipment, or other property of other employees.
11. Theft or misappropriation of property of employees, students, or of this district.
12. Sabotage.
13. Refusal to follow instructions of supervisor.
14. Refusal or failure to do work assignment.
15. Unauthorized operation of vehicles, machines, tools, or equipment.
16. Threatening, intimidating, coercing, abusing or interfering with employees, supervisors, or students, or the district.
17. The making or publishing of false, vicious, or malicious statements concerning any employee, supervisor, students, or the district.
18. Creating or contributing to unsanitary conditions.
19. Practical jokes injurious to employee's or district property.
20. Possession, consumption, or reporting to work under the influence of alcohol, non-prescribed drugs, or controlled substances.
21. Creating disturbances on the premises at any time.

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OR TERMINATION (Cont.)**

22. Disregard of known safety rules or common safety practices.
23. Unsafe operation of motor driven vehicles.
24. Operating machines or equipment without safety devices provided.
25. Participating in or witnessing gambling, lottery, or any other game of chance on district property.
26. Unauthorized distribution of literature, written, or printed matter of any description on district property.
27. Posting or removing notices, signs, or writing in any form on bulletin boards of district property at any time without specific authority of the administration.
28. Poor workmanship.
29. Immoral conduct or indecency including abusive and/or foul language.
30. Making or receiving personal telephone calls or texting, posting to Facebook, or use of other social media during working hours.
31. Walking off the job.
32. Continued poor or negative attitude while on the job, including poor relationship with other staff or students.
33. Smoking in authorized area or at unauthorized time.
34. Failure to dress appropriately for work assignment.
35. Refusal of job transfer within the district when transfer does not result in demotion.
36. Abuse of rest periods or meal period policies.
37. Inappropriate and/or unauthorized use of the school district's computer network or Internet connections.
38. Insubordination of any kind.
39. Racial discrimination, including racial slurs or other demeaning remarks concerning another person's race, ancestry, or country of origin and directed toward another employee, student or a visitor. This includes antisemitism, which is a certain perception of Jews, which may be expressed as hatred toward Jews.
40. Violation of any district rule or policy.
41. Violation of any administrative rule or order.

PERSONNEL

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**SUPPORT PERSONNEL, SUSPENSION, DEMOTION
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42. Failure or inability to perform the essential functions or duties of the assigned position.
43. If it is in the best interest of the school district, any support person may be suspended, demoted, or terminated.

Violations of any of the above may lead to the suspension, demotion, or termination of the support employee.

The school district shall not take disciplinary action against support employees for:

1. Disclosing public information to correct what the support employee reasonably believes evidences a violation of the Oklahoma Constitution or law or a rule promulgated pursuant to law;
2. Reporting a violation of the Oklahoma Constitution or state or federal law; or
3. Taking any of the above action without giving prior notice to the support employee's supervisor or anyone else in the relevant chain of command.

**REFERENCE: 70 O.S. Sec. 6-101.40, et seq.
Accreditation Standard 210:35-3-86**

THIS POLICY IS REQUIRED BY LAW.

**TEACHER TERMINATION
PROCEDURES**

In accordance with the policy of the board of education, the following procedures shall be followed in terminating the employment of career and probationary teachers.

Whenever the superintendent recommends to the board of education that a teacher employed within the school district be dismissed or not reemployed, the superintendent's written recommendation shall set forth the basis for the recommendations. The recommendation shall include the specific statutory grounds on which a career teacher should be dismissed or not reemployed, or the cause for which a probationary teacher should be dismissed or not reemployed, and shall include the underlying facts supporting the recommendation.

The school district shall provide a copy of the recommendation letter to the State Board of Education if the recommendation includes grounds that could form the basis of criminal charges sufficient to result in the denial or revocation of certification for the following reasons:

1. Abuse, Neglect, Exploitation or Sexual Abuse of Child as defined by 21 O.S. Section 843.5;
2. Knowingly and willfully failing to report suspected child abuse or neglect of a child in violation of 10A L.D. Section 1-2-101.

Whenever the board of education receives recommendations for the dismissal or nonreemployment of a teacher, the board or individual designated by the board shall mail, or cause to be mailed, a copy of the recommendation to the teacher, by personal delivery to the teacher with a signed acknowledgement of receipt, or serve the recommendation and notice of hearing by process server. If mailed, such mailing will be by certified mail, restricted delivery, return receipt requested. The notice must specify the statutory grounds, for career teachers, or the cause for probationary teachers upon which the recommendation is based and shall include the teacher's right to a hearing before the board and the date, time, and place set by the board for hearing. Such hearing shall be held within the school district no sooner than twenty days nor later than sixty days following the teacher's receipt of notice unless the teacher advises that no hearing is desired. The board delegates the superintendent, as its agent, to set a time, date, and place for the hearing after consultation with the board president.

Hearing procedures for teachers shall be as follows:

1. The parties to the hearing are the teacher and the superintendent or designee, and they shall be afforded the following rights at any hearing held pursuant to these regulations:

- A. The right to be represented.
- B. The right to present witnesses in person or to present their testimony by interrogatories, affidavits, or depositions. A list of all witnesses shall be furnished to the other party at least five (5) days before the hearing.
- C. The right to cross-examine witnesses.
- D. The right to testify in his/her own behalf and present evidence and argument on all issues involved.

**TEACHER TERMINATION
PROCEDURES (Cont.)**

- E. The right to have an orderly hearing.
- F. The right to have an impartial decision, based upon the evidence presented.
- 2. The board president, or in case of absence, a designee, shall be the presiding officer at the hearing.
- 3. The hearing shall be convened by the board president who shall state the purpose of the hearing, introduce the parties, and administer the oath to all persons who will testify.
- 4. Upon the request of either party, the presiding officer may exclude from the hearing room the witnesses not at the time under examination, except that a party to the proceeding and his/her representative shall not be excluded.
- 5. At the hearing, the burden of proof shall be on the superintendent and the standard of proof shall be by a preponderance of the evidence.
- 6. The local board of education shall maintain such record (including a tape or other electronic or digital recording of the hearing and any documents or evidence presented to the board) for two (2) years from the date of the hearing.
- 7. Information disposition of any recommendation for dismissal or nonrenewal may be made by written stipulation, agreed settlement, and consent order, or default.
- 8. The order of the procedures shall be:
 - A. Opening statement by the superintendent or designee.
 - B. Opening statement by the teacher.
 - C. Presentation of the superintendent's evidence, followed by cross-examination of witnesses by the teacher.
 - D. Questions by the board members.
 - E. Presentation of the teacher's evidence, followed by cross-examination of witnesses by the superintendent.
 - F. Questions by the board members.
 - G. Presentation of rebuttal and surrebuttal evidence as necessary.
 - H. Closing argument by the superintendent or designee.
 - I. Closing argument by the teacher.

**TEACHER TERMINATION
PROCEDURES (Cont.)**

- J. Deliberation by the board members.
 - K. Vote by the board to accept or reject the superintendent's recommendation and recitation of findings of fact upon which the decision is based.
9. Presentation and consideration of evidence shall abide by the following:
- A. Only evidence that reasonably relates to the issues before the board, as reflected in the notice to the teacher, should be deemed relevant.
 - B. Strict rules of evidence as required by a court of law shall not apply in these hearings.
 - C. Rulings on admissibility of evidence will be made by the presiding officer.
 - D. Documentary evidence may be received in the form of copies or excerpts.
 - E. Documentary evidence presented to the board shall be marked with a distinguishing number or letter such as Teacher's Exhibit #1 or Superintendent's Exhibit #1.
 - F. While hearings are open to the public, no questions or statements will be allowed by members of the public attending the hearing except through the parties or their council.

The board of education may convene into executive session to deliberate findings of fact. After due consideration of the evidence and testimony presented at the hearing, the board of education shall vote in open meeting whether or not to dismiss or nonreemploy the teacher. The board's decision shall include a recitation of the basic or underlying facts relief upon by the board in reaching its decision. The teacher shall be notified in writing of the board's decision by certified mail, restricted delivery, return receipt requested, or substitute process as authorized by law. The decision of the board regarding a teacher shall be final and non-appealable.

The board of education must forward hearing information concerning teachers to the State Board of Education on a prescribed form available from the administrative office. The superintendent or designee shall notify the State Board of Education within ten (10) days of the dismissal or non-reemployment of a probationary career teacher for either criminal sexual activity as defined in 21 O.S. § 886 (sodomy) or sexual misconduct as defined at 70 O.S. §5-144.