SOUTHERN OKLAHOMA
TECHNOLOGY CENTER: DISTRICT POLICY **EJ**

STUDENT DISCIPLINE, SUSPENSION, AND DUE PROCESS

I. 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 and suspension. Disciplinary action shall be based on an assessment of the circumstances surrounding each infraction and may take into consideration 1) intent of the student, 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.

II. 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 "disabled" 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.

III. Corporal Punishment: The District prohibits the use of corporal punishment as a means of discipline.

IV. 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 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, or
    3. 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

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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 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. No suspension shall be longer than the remainder of the current semester and the succeeding semester, except for suspensions for possession of a firearm which may be for a period of up to one (1) year.

V. Appeal of Suspension: A short-term suspension is any suspension for ten (10) or fewer days. A long-term suspension is a suspension 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 five (5) 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 during regular school hours, 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 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 regulation 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.

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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 five (5) 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 be also 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 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 sessions, the deliberations will take place in open session. If 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.

VI. Effect of Suspension: A student who is suspended for possession of a dangerous weapon or 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.

A student who is 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 regard 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 the student until the terms of the suspension have been met or the time of the suspension has expired.

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VII. 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.)

VIII. Withdrawal from Program: Post-secondary students who are enrolled in full-time programs with the District may be terminated from the program for violation of the District's Student Conduct Policy, Administrative Regulations, or directives received from school authorities under the same circumstances as set forth above for suspensions. If the Superintendent or the Director of Adult Education proposes the termination of a post-secondary student, the student shall be given notice of the alleged misconduct and an opportunity to respond to the allegations. After providing such notice and an opportunity to respond, if the Superintendent or the Director determines to terminate the post-secondary student from the program, the Superintendent or the Director shall notify the student in writing and shall notify the post-secondary student of his/her right to appeal the Superintendent's or the Director's decision to the Board. If the post-secondary student desires an appeal to the Board, the post-secondary student must submit a written request for an appeal to the Superintendent within five (5) days of the receipt of written decision of the Director or the Superintendent.

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