

## **DISCIPLINE POLICIES (4400's)**

### **STUDENT BEHAVIOR POLICY**

The Board of Education of the Edmond School District adopts the following policy and procedures dealing with student behavior:

#### **A. General Expectations**

The Board of Education recognizes that students do not surrender any rights of citizenship while in attendance at Edmond Schools. The school is a community with rules and regulations. Those who enjoy the rights and privileges it provides must also accept the responsibilities that inclusion demands, including respect for and obedience to school rules.

#### **B. Discipline Code**

The following behaviors at school, while on school vehicles or going to or from or attending school events will result in disciplinary action, which may include in-school placement options or out-of-school suspension:

1. Academic Dishonesty
2. Arson
3. Conduct that threatens or jeopardizes the safety of others
4. Cutting class, sleeping, or refusing to work in class
5. Cyber-bullying
6. Disruption of the educational process or operation of the school
7. Failure to attend assigned detention, alternative school or other disciplinary assignment without approval
8. False reports or false calls
9. Fighting
10. Forgery
11. Gambling

12. Harassment, intimidation and bullying
13. Hazing in connection with any school activity
14. Hitting/pushing/tripping (horseplay)
15. Inappropriate language, gesture, picture/videos or behavior
16. Indecent exposure
17. Misuse of an electronic device
18. Physical altercation causing injury (aggravated assault)
19. Possession of a caustic substance
20. Possession of obscene materials
21. Possession of gun related instrumentalities (bullets, shells, gun powder, pellets)
22. Possession, threat or use of a dangerous weapon including, but not limited to, firearms, knives, facsimile of a gun or other dangerous devices as outlined in the Dangerous Weapon Policy #4415
23. Possession, use, distribution, sale, conspiracy to sell or possess or being in the chain of sale or distribution, or being under the influence of alcoholic beverages, low-point beer (as defined by Oklahoma law, i.e., 3.2 beer) and/or prohibited or controlled substances, including synthetic or designer drugs
24. Sexual or other harassment of individuals including, but not limited to, students, school employees, volunteers
25. Theft
26. Threatening behavior (whether involving written, verbal or physical actions)
27. Truancy
28. Unacceptable attire (dress code violations)
29. Use or possession of tobacco in any form including vapes, vapor devices and e-cigs

30. Use or possession of missing or stolen property if property is reasonably suspected to have been taken from a student, a school employee, or the school.
31. Using racial, ethnic or sexual epithets
32. Vandalism
33. Violation of the Board of Education policies, rules or regulations or violation of school rules and regulations
34. Willful disobedience of a directive of any school official

In addition, conduct occurring outside of the normal school day or off school property that has a direct and immediate negative effect on the discipline or educational process or effectiveness of the school, will also result in disciplinary action, which may include in-school placement options or out-of-school suspension.

### **C. Sample Disciplinary Options**

#### 1. Detention

Detention is a correctional measure used when it is deemed appropriate. Students are to report to the appropriate teacher/principal at the specified time with class work to be studied.

#### 2. Alternative In-School Placement

Alternative in-school placement is an optional correctional measure that may be used by the school when deemed appropriate. It involves assignment to a school site, designated by the school, for a prescribed course of education as determined by school administration.

### **D. Student Suspension**

The judicial extension of Fourteenth Amendment protection to students in the public school emphasizes the need for school administrators to protect the procedural due process rights of students in discipline cases. The policy of the school district must be consistent with the due process rights of students and must provide proper forum and procedures for fair and consistent treatment of students. The term "out-of-school suspension" refers to removal out of school for a period not to exceed one calendar year for offenses involving firearms and the remainder of a current semester and the succeeding semester for all other offenses.

### **ALTERNATIVE IN-SCHOOL PLACEMENT, DETENTION, AND SIMILAR**

**DISCIPLINARY OPTIONS OR CORRECTIONAL MEASURES ARE NOT CONSIDERED BY LAW TO BE OUT-OF-SCHOOL SUSPENSION AND DO NOT REQUIRE OR INVOLVE THE DUE PROCESS PROCEDURES SET FORTH HEREIN.**

Reference to "parent" in this section of the policy refers to a student's parent or legal guardian.

Reference to "principal" means the school principal or the school staff member to whom the principal has delegated the responsibility for student discipline.

1. Behavior or Conduct Which May Result in Suspension

Students who are guilty of any of the following acts may be suspended out-of-school by the administration of the School or the District for:

- a. violation of any discipline code listed in section B or a school regulation;
- b. possession of an intoxicating beverage, including low-point beer, as defined by Section 163.2 of Title 37 of the Oklahoma Statutes;
- c. possession of missing or stolen property if the property is reasonably suspected to have been taken from a student, a school employee or the school during school activities; and
- d. possession of a dangerous weapon or a controlled dangerous substance while on or within 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 out-of-school suspension as provided in the District's policy related to firearms #4415.

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.

2. District's Obligation Applicable to All Out-of-school Suspensions

Alternative In-School Placements: Before the District, through its designated

representatives, recommends out-of-school suspension, alternative in-school placements including, but not limited to: placement in an alternative school setting, reassignment to another classroom, placement in in-school detention, or other available disciplinary or correctional options shall be considered. These shall not be considered as an out-of-school suspension but shall be treated as disciplinary or correctional actions that may be used, if warranted, as an alternative to out-of-school suspension. **STUDENTS IDENTIFIED AS DISABLED UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT OR SECTION 504 OF THE REHABILITATION ACT OF 1973 AND WHO ARE SUSPENDED OUT-OF-SCHOOL OR RECEIVE DISCIPLINARY REMOVAL FROM THE CLASSROOM MAY REQUIRE ADDITIONAL PROCEDURAL CONSIDERATIONS.**

3. Pre-Out-of-School Suspension Conferences:

- a. When a student violates board policy or a school rule the principal shall conduct an informal conference with the student.
- b. At the conference with the student, the principal shall read the policy, rule or regulation which the student is charged with having violated and shall discuss the conduct of the student which is a violation of the policy, rule or regulation.
- c. The student shall be asked whether he/she understands the policy, rule or regulation and be given a full opportunity to explain and discuss his/her conduct.
- d. If it is concluded that an out-of-school suspension is appropriate, the student shall be advised that he/she is being suspended and the length of the out-of-school suspension.
- e. The principal shall immediately notify the parent by phone and/or in writing that the student is being suspended out of school and that alternative in-school placement or other available options have been considered and rejected. The written notice should state what alternative in-school placement or other available options have been considered and why they were rejected. No student shall be dismissed before the end of the school day without advance notice to the parent.

4. Immediate Out-of-School Suspension Without a Pre-Out-of-School Suspension Conference:

- a. A student may be suspended out-of-school without the above pre-out-of-school suspension conference with the student only in situations where the conduct of the student reasonably indicates to the principal that the continued presence of the student in the building will constitute an immediate danger to the health or safety of the students, or school employees, or to school property, or a continued substantial disruption of the educational process.
- b. In such cases, an out-of-school suspension conference with the student and the parent or guardian will be scheduled as soon as possible after the student has been removed from the building.

5. Conferences With Parents:

- a. The principal will seek to hold a conference with the parent or guardian as soon as possible after the out-of-school suspension has been imposed. The parent should be advised of his/her right to a conference with the principal at the time he/she is notified that an out-of-school 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.
- b. At the conference, the principal will read the policy, rule or regulation which the student is charged with having violated and will briefly outline the conduct or behavior on the part of the student. The principal will also explain the basis for an out-of-school suspension rather than the use of alternative options. The parent should be asked by the principal if he/she understands the rule and the charges against the student.
- c. At this time, in accordance with due process, the student and his/her parent shall be informed by the principal of the right to appeal and the method for submitting the appeal based on whether the suspension is a short-term or long term suspension. If the parent is in agreement with the principal's decision, the consequence will be administered immediately.

6. Out-of-School Suspension Requirements:

- a. An out-of-school suspension shall be long-term or short-term. A long-term out-of-school suspension shall be an out-of-school suspension in excess of ten (10) school days. A short-term out-of-school suspension shall be a period of ten (10) or fewer school days.

- b. In no event should an out-of-school suspension extend beyond the current school semester and succeeding semester, except in the case of possession of a firearm, in which case an out-of-school suspension for up to one calendar year is appropriate. Out-of-school suspensions involving firearms are governed by the School District's Gun-Free Schools Policy. Out-of-school suspensions should have a definite commencement and ending date; indefinite out-of-school suspensions are not permitted. It is recommended that out-of-school suspensions beyond ten (10) days be imposed only in serious situations.
- c. Out-of-school suspensions should be consistent; that is, one student should not be suspended out of school for a few days and another student suspended out of school for an extended period for the same or similar offense.

However, the principal may take previous conduct and previous disciplinary actions and out-of-school suspensions of the student into consideration.

- d. Out-of-school suspensions until the student performs some remedial act are not permitted.

7. Out-of-school suspensions, in excess of five (5) days, shall include an Individualized Plan for Out-of-School Suspension:

- a. Out-of-school suspensions in excess of five (5) days shall include an Individualized Plan for Out-of-School Suspension ("Plan") which shall describe either a home-based school work assignment setting or other appropriate work assignment setting. The Plan shall be prepared by the principal with the assistance of other school employees as warranted by the circumstances of the out-of-school suspension.
- b. 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 grade completion in grades kindergarten through eight and for high school graduation in grades nine through twelve.
- c. A copy of the Plan shall be provided to the student and parent or guardian. The parent or guardian shall be responsible for provision of a supervised, structured environment in which the parent or guardian shall place the student. The parent or guardian shall bear responsibility for 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.

- d. No Plan is required for a suspension that falls under the Dangerous Weapon Policy #4415.

8. Records and Reports:

The principal will keep records of each out-of-school suspension conference containing the date of the conference, the names of the persons present, and the basis for rejection of alternative disciplinary options. Also, the principal shall maintain records related to the Education Plan and the student and/or parent's compliance or non-compliance with the Plan.

9. Student Privileges While Under Out-of-school Suspension or Under Other Disciplinary or Correctional Measures

Participation in the extracurricular activities of the school is a privilege and not a right. Accordingly, when a student's behavior results in a determination by the principal of an out-of-school suspension, the student immediately forfeits the privilege of participating in all extracurricular activities of the school. The filing of an appeal has no bearing on the forfeiture of participation. In addition, when a principal determines to impose alternative in-school disciplinary or other correctional measures against a student, then the student will not be permitted to participate in any extracurricular activities offered by the school during the term of the discipline unless, in the sole judgment of the principal, such participation is appropriate given the nature of the offense committed by the student.

"Extracurricular activities" include, but are not limited to, all school sponsored teams, clubs, organizations, ceremonies, student government, band, athletics and all other school sponsored activities and organizations.

10. Appeals for Short-term Out-of-school Suspensions of Ten (10) or Fewer School Days

The Board of Education recognizes that student out-of-school suspensions of ten (10) or fewer school days (referred to as "short-term out-of-school suspensions") involve less stigma and require less formal due process procedures than are required for out-of-school suspensions of greater than ten (10) school days.

a. Right of Appeal:

A student who has been suspended out of school for a period of ten (10) or fewer school days is entitled to appeal an out-of-school suspension decision to a committee composed of administrators and/or teachers.

b. Method of Appeal to a Committee:

An appeal to a committee can be requested by letter to the school principal, which must be received within five (5) calendar days after the principal's out-of-school suspension decision is received by the student, or his/her parent. The out-of-school suspension decision will become final and non-appealable if a request is not submitted within the five (5) calendar days.

c. Attendance at School Pending Appeal Hearing:

Pending the appeal hearing of an out-of-school suspension, the student will have the right to attend school under such "in-house" restrictions as the principal deems proper.

d. Hearing the Appeal:

(1) The Superintendent of Schools or designee shall establish a review committee consisting of a district level chairperson, one certified employee from the student's school site, and one certified administrator from another site within the same grade configuration (PK-5, 6-8, 9-12) No administrator or teacher is eligible to serve on the committee who was a witness to the student's conduct or involved in the disciplinary action. Furthermore, no teacher is eligible to serve who has the student in his/her class for the current school term.

(2) The chairperson shall schedule the committee hearing as soon as possible at a time mutually agreeable to the committee and the family. The student and his/her parent or guardian will be notified by phone or in writing of the date and time of the hearing. The hearing will take place at the school site where the student attends unless requested by either party to hold the hearing at the district office. The principal who issued the out-of-school suspension decision shall attend the committee hearing. Either party choosing to have legal counsel at the committee hearing shall give the other party

twenty-four (24) hours advance notice of that decision. The failure to give such notice will preclude the party's right to have counsel attend the hearing.

- (3) Prior to the hearing, the appeal committee chair will conduct an investigation of the student's out-of-school suspension. At the commencement of the hearing, the committee chair will state the purpose of the hearing and the possible outcomes, briefly outline the student's conduct, and read the policy, rule or regulation which the student's conduct violated. The suspending principal will then provide any information relevant to the investigation and the rationale behind the decision for suspending the student. After that, the student and his/her parent or guardian will be asked by the committee if they understand the rule and charges against the student. The student and his/her parent or guardian will then briefly explain the student's conduct, and present any evidence that supports 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 out-of-school suspension. Based on the committee's decision, the committee may uphold, overrule, or modify (shorten or lengthen) the suspension. The committee's decision shall be confirmed in writing and a copy will be mailed to the parent or guardian of the student, the principal and the Superintendent of Schools.
- (5) The decision of the committee shall be final and non-appealable.

11. Appeals for Long-term Out-of-School Suspensions in Excess of Ten (10) School Days

a. Right of Appeal:

A student who has been suspended out of school for a period in excess of ten (10) school days is entitled to appeal an out-of-school suspension to the Superintendent of Schools or designee.

b. Method of Appeal to the Superintendent of Schools or Designee:

An appeal request must be presented by letter to the Superintendent of Schools or designee within five (5) calendar days after the principal's out-of-school suspension decision is received by the student or his/her parent. If no appeal is received within five (5) calendar days after the principal's decision is received by the parent or student, the principal's out-of-school suspension decision will be final and non-appealable.

c. Attendance at School Pending Appeal Hearing:

Pending the appeal hearing of an out-of-school suspension, the student may be allowed to attend school under such "in-house" restrictions as the principal deems proper, except that at the discretion of the principal, the student may be prohibited from attending school pending any appeal hearing if in the judgment of the principal:

- (1) The conduct for which the student was suspended out of school reasonably indicates that continued attendance by the student pending any appeal hearing would be dangerous to other students, staff members or school property; or
- (2) The conduct for which the student was suspended out of school reasonably indicates that the continued presence of the student at the school pending any appeal hearing would substantially interfere with the educational process at the school.

d. Hearing the Appeal:

- 1) The Superintendent of Schools or designee shall appoint a review committee consisting of not less than three district level administrators one of whom shall be designated a chairperson. No administrator is eligible to serve on the committee who was a witness to the student's conduct or involved in the disciplinary action.
- (2) The Superintendent of Schools or designee shall schedule the committee hearing as soon as possible at a time mutually agreeable to the committee and the family. The student and his/her parent or guardian will be notified by phone or in writing of the date, time and place of the hearing. The principal who issued the out-of-school suspension decision shall attend the committee hearing. Either party choosing to have legal counsel at the committee hearing shall give the other party twenty-four (24) hours advance notice of that

decision. The failure to give such notice will preclude the party's right to have counsel attend the hearing.

- (3) At the commencement of the hearing, the committee chair will briefly outline the student's conduct, read the policy, rule or regulation which the student's conduct violated, state the purpose of the meeting and the possible outcomes. The suspending principal will then briefly outline the student's conduct, the investigation that took place and the rationale behind the decision for out-of-school suspension. The student and his/her parent or guardian will be asked by the committee if they understand the rule and charges against the student. The student and his/her parent or guardian will then briefly explain the student's conduct, and present any evidence that supports 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 out-of-school suspension. Based on the committee's decision the committee may uphold, overrule, or modify (shorten or lengthen) the suspension. All parties will reconvene for the reading of the committee's decision. The committee's decision shall be confirmed in writing and a copy will be mailed to the parent or guardian of the student, the principal and the Superintendent of Schools.
- 5) The parent and student shall be advised of his/her right to have the out-of-school suspension reviewed by the Board of Education. If, however, the parent accepts the decision of the appeal committee, he/she shall be requested to sign a waiver of review by the Board.

e. Method of Appeal to the Board of Education:

- (1) An appeal can be requested by letter to the Superintendent of Schools or to the Clerk of the Board of Education.
- (2) If no appeal is received within five (5) calendar days after the decision of the appeal committee, the decision of the appeal committee will be final and non-appealable.

f. Hearing the Appeal:

- (1) The Board may conduct the hearing and render the final decision or may appoint a hearing officer to conduct the hearing and render the final decision. The decision of the Board or the hearing officer, if applicable, will be final.
- (2) The appeal will be heard as soon as possible.
- (3) The parent and student will be notified in writing of the date, time and place of the hearing.
- (4) The parent and student will have the right to an “open” or “close hearing, at their option.
- (5) Reasonable efforts will be made to accommodate the work schedule of parents.

g. Procedure for Student Out-of-School Suspension Appeal Hearing before the Board of Education:

- (1) The Board President should:
  - (a) Announce that the next agenda item is an out-of-school suspension review hearing for the student stating her/his initials.
  - (b) Ask whether the parents/child wish the hearing to be open to the public or in executive session. The offer of an open hearing and their response is to be made a part of the minutes of the meeting. If parents/child request a closed hearing, a motion to go into executive session per their request should be made and voted on.
- (2) Procedure for conducting suspension hearing by Board of Education or Hearing Officer appointed by the Board of Education. The Board President or Hearing Officer should advise the parents/child:
  - (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 parents or their legal counsel will be given an opportunity to cross-examine.
  - (c) That the parents/child will be given an opportunity to call any relevant witnesses and present any relevant evidence they may wish, subject to cross-examination by legal counsel for the administration.
  - (d) That the Board or Hearing Officer will consider the evidence and documents and reach a decision. If the suspension hearing is conducted by the Board the vote will be recorded in open session.
  - (e) That the parents/child may ask any questions about the procedure.
- (3) Following presentation of (1) and (2) above, all administration witnesses and documents should be presented subject to cross-examination.
  - (4) Parents/child may call any witnesses and present any documents subject to cross-examination.
  - (5) After each witness is presented, if the hearing is conducted by the Board of Education, School Board members may ask the witness any questions. If the hearing is conducted by a Hearing Officer the Hearing Officer may ask the witness(es) any questions.
  - (6) Parents'/child's closing statement.
  - (7) Administration's closing statement.
  - (8) Deliberate in private. (If the hearing is not in executive session, the Board may deliberate in executive session only with permission of the parents or student.)
  - (9) If the hearing is conducted by the Board, members will 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 out-of-school suspension, 2) modify the out-of-school suspension

(increase or decrease severity of the out-of-school suspension), or 3) revoke the out- of-school suspension.

- (10) If the hearing is conducted by a Hearing Officer, the Hearing Officer will announce his/her decision to: 1) affirm the out-of-school suspension, 2) modify the out-of-school suspension (increase or decrease severity of the out-of-school suspension, or 3) revoke the out-of-school suspension.