



SECTION IV: STUDENTS

POLICY 4090

DRUG TESTING OF STUDENTS PARTICIPATING IN COMPETITIVE PHYSICAL ACTIVITIES

The Board of Education of the Broken Arrow School District (the “School District”), in order to protect the health and safety of students participating in competitive physical extracurricular activities and to educate and direct these students away from drug and alcohol use and abuse, thereby setting an example for all other students of the School District, adopts the following Policy for testing for the use of illegal drugs, alcohol and performance-enhancing drugs of students participating in competitive physical extracurricular activities.

STATEMENT OF PURPOSE AND INTENT

1. It is the desire of the Board of Education, administration and staff that all students in the School District refrain from using or possessing alcohol and illegal or performance-enhancing drugs. Notwithstanding this desire, the administration and board of education realize that their power to restrict the possession or use of alcohol and illegal or performance-enhancing drugs is limited. Therefore, except as provided below, the sanctions of this Policy relate solely to limiting the opportunity of any student determined to be in violation of this Policy to participate in competitive physical extracurricular activities. This Policy is intended to supplement and complement all other policies, rules and regulations of the School District regarding possession or use of alcohol and illegal or performance-enhancing drugs.

2. Participation in school-sponsored extracurricular activities at the School District is a privilege, not a right. Students who participate in these activities are respected by the student body and are expected to conduct themselves as good examples of behavior, sportsmanship and training. Accordingly, students who participate in extracurricular activities carry a responsibility to themselves, their fellow students, their parents and their school to set the highest possible example of conduct, which includes avoiding the use or possession of alcohol and illegal or performance-enhancing drugs.

3. The purpose of this Policy is to prevent alcohol and illegal or performance-enhancing drug use, to educate students as to the serious physical, mental and emotional harm caused by alcohol and illegal or performance-enhancing drug use, to alert students who have possible substance abuse problems to the potential harms of use, to prevent injury, illness and harm as a result of alcohol and illegal or performance-enhancing drug use, and to strive within the School District for an environment free of alcohol and illegal or performance-enhancing drug possession and use. This Policy is not intended to be disciplinary or punitive in nature. The sanctions of this Policy relate solely to limiting the opportunity of any student who participates in competitive physical extracurricular activities and who is found to be in violation of the Policy to participate in such extracurricular activities. There will be no academic sanction solely for a violation of this Policy. Notwithstanding the foregoing, a student may be disciplined, including suspended out of school, if a violation of this policy also results in a violation of the School District’s Student Behavior Policy.



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DEFINITIONS

1. “Extracurricular” means any School District sponsored team, club, organization or activity in which student participation is not required as a part of the School District curriculum.

2. “Student competitive physical extracurricular activities participant” means any student participating in any competitive physical extracurricular activity, including any 7th-12th grade member of any School District sponsored interscholastic sports team or other extracurricular activity requiring physical activity, including athletes, cheerleaders, dance team members, BAHS Show Choirs, Jungle Squad and members of “The Pride” marching band and color guard, hereinafter referred to as “student participant(s).”

3. “Coach/Sponsor/Director/Instructor” means any person employed by the School District to coach athletic teams of the School District, to act as a sponsor or coach of a cheerleader or dance team of the School District, BAHS Show Choirs, Jungle Squad or to direct and/or instruct “The Pride” marching band and color guard.

4. “Competitive physical extracurricular activity” means participation by a student on any athletic team, cheerleader or dance team sponsored by the School District, or participation in “The Pride” marching band and color guard.

5. “Alcohol” means ethyl alcohol or ethanol and any alcoholic beverage and includes “low-point beer” as defined by Oklahoma law.

6. “Illegal drugs” means any substance that an individual may not sell, possess, use, distribute or purchase under either federal or Oklahoma law. For purposes of this policy "Illegal drugs" also includes, but is not limited to, all scheduled drugs as defined by the Oklahoma Uniform Controlled Dangerous Substance Act, all prescription drugs obtained without authorization, and all legally-obtained prescribed and over-the-counter drugs and other substances including, but not limited to, paint, glue, aerosol sprays, spices, potpourri, bath salts, etc. being used for an abusive, mood-altering or illicit purpose, and paraphernalia to use such drugs and substances.

7. “Performance-enhancing drugs” include anabolic steroids and any other natural or synthetic substance used to increase muscle mass, strength, endurance, speed or other athletic ability. The term “performance-enhancing drugs” does not include dietary or nutritional supplements such as vitamins, minerals and proteins that can be lawfully purchased in over-the-counter transactions.



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8. “Drug or alcohol use test” means a chemical test administered for the purpose of determining the presence or absence of alcohol or illegal or performance-enhancing chemical substances or their metabolites in a student’s blood, bodily tissue, fluids, products, urine, breath or hair.

9. “Random selection basis” means a mechanism for selecting student participants for drug and/or alcohol use testing that:

- a. results in an equal probability that any student participant from a group of student participants subject to the selection mechanism will be selected, and
- b. does not give the School District discretion to waive the selection of any student participant selected under the mechanism.

10. “Positive” when referring to an alcohol or drug use test administered under this Policy means a toxicological test result which is considered to demonstrate the presence of alcohol or an illegal or a performance-enhancing drug or the metabolites thereof using the standards customarily established by the testing laboratory administering the drug or alcohol use test.

11. “Reasonable suspicion” means a suspicion based on specific personal observations concerning the appearance, speech or behavior of a student participant and reasonable inferences drawn from those observations in the light of experience. Information provided by a reliable source, if based on personal knowledge, shall constitute reasonable suspicion. In the context of performance-enhancing drugs, reasonable suspicion specifically includes unusual increases in size, strength, weight or other athletic abilities.

PARTICIPATION AND PROCEDURES – COMPETITIVE PHYSICAL EXTRACURRICULAR ACTIVITIES

1. Alcohol and illegal or performance-enhancing drug possession or use is incompatible with participation in competitive physical extracurricular activities on behalf of the School District. For the safety, health and well-being of the student participants of the School District, the School District has adopted this Policy for use by all participating students at the 7th-12th grade level. Any student found to be in possession of, or having used alcohol or illegal or performance-enhancing drugs, either by observation or drug or alcohol use test, will be considered to have violated this Policy.

2. Each student participant shall be provided with a copy of this Policy and the “Student Competitive Physical Extracurricular Activity Participant Alcohol and Illegal or Performance-Enhancing Drugs Contract (the “Competitive Physical Extracurricular Activities Contract”) which shall be read, signed and dated by the student, parent or custodial guardian and



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a coach/sponsor/director/instructor before such student shall be eligible to practice or participate in any competitive physical extracurricular activity. No student shall be allowed to practice or participate in any competitive physical extracurricular activity unless the student has returned the properly signed Contract.

3. The head coach/sponsor/director/instructor of each team or activity shall provide all prospective student participants drug/alcohol education information prior to the first practice in such sport/activity. Parents and students are required to sign an acknowledgement form stating they understand the Broken Arrow School District Policy on Student Alcohol and Drug Testing.

4. The principal and head coach/sponsor/director/instructor shall be responsible for determining whether a violation of this Policy has occurred when an observation of possession or use of alcohol or illegal drug by a student participant has been reported. If a violation of the Policy is determined to have occurred by a student participant, the superintendent or designee will contact the student, the coach/sponsor/director/instructor, and the parent or custodial guardian of the student and schedule a conference. At the conference, the violation of the Policy will be described and the restrictions explained.

5. The Competitive Physical Extracurricular Activities Contract for alcohol and illegal or performance-enhancing drug and/or alcohol use testing shall be for the student participant to provide a urine sample: a) for a mandatory initial drug test at the beginning of the school year or at the beginning of a sport or activity; b) as chosen by the random selection basis; and c) at any time a student participant is requested by the superintendent or designee, athletic director, sponsor, coach, director, or instructor, based on reasonable suspicion, to be tested for alcohol and illegal or performance-enhancing drugs.

6. Random drug and/or alcohol use testing for student participants will be conducted weekly from a list chosen on a random selection basis from all applicable student participants. The School District will determine a weekly number of student names (not to exceed 20% of total students participating in competitive physical extracurricular activities) to be drawn at random to provide a urine sample for drug and/or alcohol use testing for alcohol and/or illegal or performance-enhancing drugs.

7. In addition to the drug and alcohol use tests required above, any student participant may be required to submit to a drug and/or alcohol use test for alcohol or illegal or performance-enhancing drugs or the metabolites thereof at any time upon reasonable suspicion.

8. The School District will set a fee charge to be collected from each student when the Competitive Physical Extracurricular Activities Contract is signed and returned to the coach or sponsor.



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TESTING PROCEDURES

1. Any alcohol or drug use test required by the School District under the terms of this Policy will be administered by or at the direction of a professional laboratory licensed by the Oklahoma Department of Health and chosen by the School District using scientifically validated toxicological methods that comply with the rules promulgated by the State Department of Health. The professional laboratory shall be required to have detailed written specifications to assure chain of custody of the specimens, proper laboratory control and scientific testing.

2. All aspects of the alcohol or drug use testing program, including the taking of specimens, will be conducted so as to safeguard the personal and privacy rights of the students to the maximum degree possible. The test specimen shall be obtained in a manner designed to minimize intrusiveness of the procedure. In particular, the specimen must be collected in a restroom or other private facility behind a closed stall. The superintendent or designee shall designate a sponsor, coach, director, instructor or other adult person of the same sex as the student to accompany the student to a restroom or other private facility behind a closed stall. The monitor shall not observe the student while the specimen is being produced, but the monitor shall be present outside the stall to listen for the normal sounds of urination in order to guard against tampered specimens and to insure an accurate chain of custody. The monitor shall verify the normal warmth and appearance of the specimen. If at any time during the testing procedure the monitor has reason to believe or suspect that a student is tampering with the specimen, the monitor may stop the procedure and inform the principal or athletic director who will then determine if a new sample should be obtained. If a student is determined to have tampered with any specimen, provides any assistance by providing a sample to another student, or otherwise engaged in any conduct that disrupts the testing process of any student, then the student will be deemed to have committed a second offense under this Policy and the sanctions for a second offense will be imposed. The monitor shall give each student a form on which the student may but is not required to list any medications he/she has taken or any other legitimate reasons for having been in contact with illegal drugs or performance-enhancing drugs in the preceding thirty (30) days. The medication list may be submitted to the lab in a sealed and confidential envelope.

3. If, when directed, a student is unwilling, unable or fails to provide a specimen amount sufficient for testing, the laboratory monitor will initiate the laboratory's "Shy Bladder" protocol. The monitor will explain to the student that they will have up to ninety (90) minutes to produce an adequate sample, and encourage the student to drink fluids, per the protocol, while remaining at the collection site. If the student refuses to remain at the collection site until he/she has provided an adequate specimen or until the ninety minutes has elapsed, it is a "Refusal to Test." If the student is unable to provide an adequate specimen within the allowed time period, and the time period has elapsed, the monitor will then implement a rapid saliva test and the student will be discharged. The following day the student will again be given the opportunity to provide a urine sample. If the student does not provide an adequate specimen, the monitor will



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discontinue the collection process and record that no specimen was provided. At this point the student must obtain, at their own expense and as soon as possible, a medical evaluation from a qualified, licensed physician concerning the student's inability to provide an adequate specimen. A written report concerning the examining physician's findings must be provided to the laboratory's Medical Review Officer for review and final determination. If the student fails to obtain the required medical exam in a timely manner, or if it is determined through the required medical exam that there is no satisfactory medical explanation for the inability to provide an adequate specimen, it is deemed a "Refusal to Test."

4. If an initial drug use test is positive, the initial test result will be subject to confirmation by a second and different test of the same specimen. A specimen shall not be reported positive unless the second test is positive for the presence of an illegal drug or performance-enhancing drug or the metabolites thereof. If an initial alcohol use test is positive for the presence of alcohol, the initial test result will be subject to confirmation by a second test using any scientifically accepted method. The unused portion, if any, of a specimen that tests positive for alcohol or illegal or performance-enhancing drugs shall be preserved by the laboratory for a reasonable period of time as determined by the laboratory.

5. If the alcohol or drug use test for any student has a positive result, the laboratory will contact the superintendent or designee with the results. The superintendent or designee will contact the student participant, the head coach/sponsor/director/instructor, and the parent or custodial guardian of the student and schedule a conference. At the conference, the superintendent or designee will solicit any explanation for the positive result and ask for doctor prescriptions of any drugs that the student was taking that might have affected the outcome of the alcohol or drug use test. If the student and his/her parent or custodial guardian desire another test of the remaining portion, if any, of the specimen, the superintendent or designee will arrange for another test at the same laboratory or at another laboratory agreeable to the superintendent or designee. Any such re-test shall be at the expense of the student and his/her parent or custodial guardian.

6. If the student asserts that the positive test results are caused by other than consumption of alcohol or an illegal or performance-enhancing drug by the student, then the student will be given an opportunity to present evidence of such to the superintendent or designee. The School District will rely on the opinion of the appropriate person from the original laboratory that performed the test in determining whether the positive test result was produced by other than consumption of alcohol or an illegal or performance-enhancing drug.

7. A student who has been determined by the superintendent or designee to be in violation of this Policy shall have the right to appeal the decision to the superintendent or designee(s). Such appeal must be lodged within five (5) school days of notice of the initial report of the offense, during which time the student will remain ineligible to participate in any competitive physical extracurricular activities. The superintendent or designee(s) shall then



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determine whether the original finding was justified. There is no further appeal right from the superintendent or designee's decision and that decision shall be conclusive in all respects. Any necessary interpretation or application of this Policy shall be the sole and exclusive judgment and discretion of the superintendent which shall be final and non-appealable.

8. Before a student who has tested positive in an alcohol or drug use test may rejoin his/her competitive physical extracurricular activity after a first or second offense, such student may be required to undergo one or more additional alcohol or drug use tests to determine whether the student is no longer using alcohol or illegal or performance-enhancing drugs. The School District will rely on the opinion of the appropriate person from the laboratory which performed or analyzed the additional alcohol or drug use test in determining whether a positive result in the additional alcohol or drug use test was produced by alcohol or illegal or performance-enhancing drugs used by the student before the offense or by more recent use.

9. All documents created pursuant to this Policy with regard to any student will be kept in a confidential folder and will never be made a part of the student's cumulative folder nor be considered a "disciplinary" record.

VIOLATION

Any student participant who is determined by observation or by alcohol or drug use tests to have violated this Policy shall be subject to the loss of the privilege to participate in competitive physical extracurricular activities and offered educational and support assistance to stop using.

1. **For the First Offense:** Suspensions will be based on the number of regular season games/contests/events scheduled for the applicable sport or activity. Regular season games/contests include games/contests played in tournaments but does not include scrimmages and/or post-season play.

Student participants who violate this policy and play in a sport/activity with one (1) to twelve (12) regular season games/contests/events will serve a minimum one (1) game suspension before being considered for re-instatement. In addition to the suspension, the student must also complete mandatory substance abuse education/counseling sessions, submit to one or more additional mandatory drug tests, and complete six (6) hours of community service as determined by the District. The student may return to active participation in the activity while completing these remaining requirements.

Student participants who violate this policy and play in a sport/activity with thirteen (13) to twenty-four (24) regular season games/contests/events will serve a minimum two (2) game suspension before being considered for re-instatement. In addition to the suspension, the student must also complete mandatory substance abuse education/counseling sessions, submit to one or



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more additional mandatory drug tests, and complete six (6) hours of community service as determined by the District. The student may return to active participation in the activity while completing these remaining requirements.

Student participants who violate this policy and play in a sport/activity with twenty-five (25) or more regular season games/contests will serve a minimum three (3) game suspension before being considered for re-instatement. In addition to the suspension, the student must also complete mandatory substance abuse education/counseling sessions, submit to one or more additional mandatory drug tests, and complete six (6) hours of community service as determined by the District. The student may return to active participation in the activity while completing these remaining requirements.

Student participants who participate in more than one (1) sport/activity will be suspended from the sport/activity in which he/she is participating at the time of the positive drug test result. Suspensions occurring from a positive test result that occurs between athletic seasons will be based on and served during the sport/activity immediately following the time of the positive drug test result.

A student who is suspended from participation in competitive physical extracurricular activities for a first offense will continue to participate in all practices and team meetings, but shall not suit up or participate in games or events.

Successful completion of the school district-provided substance abuse education/counseling program by the student participant and their parent or custodial guardian and completion of the community service hours is required. The student or parent must provide documentation of successful completion of this commitment to the superintendent or designee. The allowable timeline for completing these requirements will be at the sole discretion of the superintendent or designee based on the dates of the student suspension and substance abuse education/counseling sessions. At minimum, the student participant must serve the mandatory game/activity suspension, be enrolled to attend the counseling sessions, and actively engaged in completing the community service. Suspensions may be re-imposed for student participants who fail to attend required sessions or complete the required community service.

Following the first offense, the student may be required to submit to one or more additional mandatory drug use tests as determined by the superintendent or designee. The parents or custodial guardians of the student who is suspended will pay for the cost of the additional drug use test(s). The School District will rely on the opinion of the appropriate person from the laboratory which performed or analyzed the additional alcohol or drug use test(s) in determining whether a positive result in the additional alcohol or drug use test was produced by alcohol or illegal or performance-enhancing drugs used by the student before the offense or by more recent use. A student participant who retests positive in such drug use test, if deemed to be from more recent use, shall have violated the policy and shall be subject to the subsequent restrictions for



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the next offense.

2. **For the Second or Subsequent Offense:** Complete suspension from participation in all competitive physical extracurricular activities including all meetings, practices, performances and competitions for eighteen (18) continuous and successive school weeks from the date of the determination of a violation or the reporting of the results of a positive alcohol or drug use test under this Policy. Such suspension will extend into a succeeding school year if necessary to fulfill the suspension. In addition to the suspension, in order to regain eligibility status, the student must complete mandatory substance abuse education/counseling sessions, submit to one or more additional mandatory drug tests, and complete fifteen (15) hours of community service as determined by the District.

Following a second or subsequent offense, documented successful completion of the required education/counseling sessions, community service, and negative drug use test results are required prior to reinstatement to any competitive physical extracurricular activity. In lieu of completing the required District-provided education/counseling sessions, the student may, at their own expense, voluntarily undergo a comprehensive evaluation by a certified Substance Abuse Professional. By providing documentation of the evaluation and the successful completion of the treatment, education, and/or counseling program recommended by the SAP, the student may reduce the suspension period by one half, from eighteen (18) weeks to nine (9) weeks.

3. **Self-Referral:** As an option to the consequences for a first offense only, a student may self-refer to the superintendent or designee or to a coach or sponsor before being notified of a Policy violation or prior to being asked or required to submit to an alcohol or drug use test. A student who self-refers will be allowed to remain active in all competitive physical extracurricular activities after the following conditions have been fulfilled: a conference has been held with the student participant, the superintendent or designee and the parent or custodial guardian of the student to discuss the Policy violation; an alcohol or drug use test is provided by the student that is not positive, and a written participation commitment by the student and parent for minimum of four (4) hours of substance abuse education/counseling provided by the school or an outside agency, and six (6) hours of approved community service. Documentation of successful completion of this commitment must be provided to the superintendent or designee by the student or parent. A student who self-refers will, however, be considered to have committed his/her first offense under this Policy. A self-referral may be used only once in a student's time in the School District.

REFUSAL TO SUBMIT TO ALCOHOL OR DRUG USE TEST

If, after signing the Competitive Physical Extracurricular Activities Contract a student participant who refuses to submit to an alcohol or drug use test authorized under this Policy, such student participant shall not be eligible to participate in any competitive physical extracurricular



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activities including all meetings, practice, performances and competitions for eighteen (18) continuous and successive school weeks. Such suspension will extend into a succeeding school year if necessary to fulfill the suspension.

Medical Marijuana

1. Notwithstanding the provisions above, a student extracurricular activities participant in possession of a valid medical marijuana license shall not be considered in violation of this policy based on a positive drug test for marijuana or its metabolites. A student extracurricular activities participant who is a medical marijuana license holder may be considered in violation of this policy if he or she uses, possesses, sales, distributes, purchases or is under the influence of medical marijuana or medical marijuana product.
2. As used in this section, a determination of whether an applicant or employee is “under the influence of medical marijuana or medical marijuana product” shall be based on the totality of circumstances. Circumstances that may contribute to a determination that the student is under the influence may include, but are not limited to:
 - A. Observation of any of the conduct or phenomenon described below:
 - (i) the smell of marijuana on around the individual;
 - (ii) Disorganized thinking;
 - (iii) Paranoia and/or confusion;
 - (iv) Bloodshot eyes;
 - (v) Increased heart rate;
 - (vi) Increased appetite; or
 - (vii) Loss of Coordination and
 - B. Any circumstance that would permit the school district to engage in “reasonable suspicion” drug or alcohol testing of the student under this policy.



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**DRUG TESTING OF STUDENTS
PARTICIPATING IN COMPETITIVE PHYSICAL ACTIVITIES**

**Broken Arrow School District
Competitive Physical Extracurricular Activities Student Participant
Alcohol and Illegal or Performance-Enhancing Drugs Contract**

Statement of Purpose and Intent:

Participation in school sponsored competitive physical extracurricular activities at the Broken Arrow School District is a privilege and not a right. Such privilege is governed by the attached Broken Arrow School District Policy on Student Alcohol and Drug Testing (the "Policy"). Alcohol and illegal or performance-enhancing drug use of any kind is incompatible with participation in such activities on behalf of the Broken Arrow School District. Students who participate in these activities are respected by the student body and are expected to hold themselves as good examples of conduct, sportsmanship and training. Accordingly, student participants carry a responsibility to themselves, their fellow students, their parents and their school to set the highest possible examples of conduct, which includes avoiding the use or possession of alcohol or illegal or performance-enhancing drugs.

Participation in Extracurricular Activities:

For the safety, health and well-being of the students of the Broken Arrow School District, the Broken Arrow School District has adopted the attached Policy and this Student Competitive Physical Extracurricular Activities Participant Alcohol and Illegal or Performance-Enhancing Drugs Contract (the "Contract") which shall be read, signed and dated by the student, parent or custodial guardian and sponsor/coach/director/instructor before such student shall be eligible to practice or participate in any competitive physical extracurricular activity. No student shall be allowed to practice or participate in any competitive physical extracurricular activity unless the student has returned the properly signed Contract.

Student's Last Name	First Name	Middle Initial	Student ID Number
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I understand after having read the Policy and this Contract that, out of care for my safety and health, the Broken Arrow School District enforces the rules applying to the consumption or possession of alcohol and illegal or performance-enhancing drugs. As a student participant in competitive physical extracurricular activities, I realize that the personal decision that I make daily in regard to the consumption or possession of alcohol and illegal or performance-enhancing drugs may affect my health and well-being as well as the possible endangerment of those around me and reflect upon any organization with which I am associated. If I choose to violate the Policy regarding the use or possession of alcohol and illegal or performance-enhancing drugs any time during the school year, I understand upon determination of that violation I will be subject to the restrictions of my participation as outlined in the Policy.

Signature of Student	Date
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We have read and understand the Policy and this Contract. We desire that the student named above participate in the competitive physical extracurricular activities of the Broken Arrow School District and we hereby agree to abide by all provisions of the Broken Arrow School District's Policy. We accept and consent to the method of obtaining urine samples, testing and analyses of such specimens, and all other aspects of the program. We agree to cooperate in furnishing urine specimens that may be required from time to time. We further agree and consent to the disclosure of the sampling, testing and results as provided for in this program. This consent is given pursuant to all State and Federal Privacy Statutes and is a waiver of rights to non-disclosure of such test records and results only to the extent of the disclosures authorized in the program.

Signature of Parent or Custodial Guardian

Date

[If the student athlete is 18 years or older, he/she must also sign on this line in addition to the line above.]

BELOW PLEASE OBTAIN THE SIGNATURE OF ANY SPONSOR/COACH/DIRECTOR/INSTRUCTOR OF THE COMPETITIVE PHYSICAL EXTRACURRICULAR ACTIVITY IN WHICH YOU ARE INVOLVED:

Signature of Sponsor/Coach/Director/Instructor

Sport/Activity

Date

- Source:
- Broken Arrow Board of Education Policy adoption, April 13, 1998.*
 - Broken Arrow Board of Education policy revised, April 6, 2009.*
 - Broken Arrow Board of Education policy revised, July 13, 2009.*
 - Broken Arrow Board of Education policy revised, June 9, 2014.*
 - Broken Arrow Board of Education policy revised, June 8, 2015*
 - Broken Arrow Board of Education policy revised, July 10, 2017.*
 - Broken Arrow Board of Education policy revised, November 12, 2018.*
 - Broken Arrow Board of Education policy revised, November 4, 2019.*
 - Broken Arrow Board of Education policy revised, October 11, 2021.*



EMERGENCY MEDICAL SERVICES AT DISTRICT ATHLETIC PRACTICES, EVENTS OR ACTIVITIES

As required by OKLA. STAT. tit. 70, § 27-104 (*Riley's Rule*), prior to the beginning of the 2021-2022 school year, the board of education shall coordinate with emergency medical service providers that serve the area in which the district is located and develop an Emergency Action Plan ("Plan") for each facility and athletic practices, events or activities held at district facilities.

The Plan shall . . .

1. include maps and directions with appropriate contact information for emergency medical services;
2. assign a medical administrator who is a current district employee (e.g., coach, administrator, or athletic director);
3. define responsibilities and personnel on-site, both medical and school officials;
4. include a list of medical equipment that is available and location of the nearest automated external defibrillator — if available;
5. be posted in each district facility;
6. be distributed to all school officials involved in athletic practices, events or activities held at school district facilities; and
7. specifically document actions taken after any emergency to evaluate for debriefing purposes and to determine if there are necessary changes to the Plan.

The Plan shall be reviewed, updated, and rehearsed annually with school officials and local emergency medical services providers and placed on file with both the district and the emergency medical services provider. The Plan shall also be updated to reflect any potential significant changes that would affect implementation of the Plan.

Prior to each athletic event or activity where there are athletes participating from visiting schools, the Plan shall be digitally transmitted to the visiting school administrator or coach by the superintendent or designee, or it shall be posted on the district's website.

Reference: OKLA. STAT. tit. 70, § 27-104 (2021)

Source: *Broken Arrow Board of Education policy adoption, October 11, 2021.*



STUDENT RESIDENCY

The district is established for the purpose of serving the educational interests of resident students. This includes homeless students, students who are not documented citizens, and students whose parents/guardians are not documented citizens. The district will not inquire into a student or parent/guardian's citizenship status as a part of enrollment, and will only use information regarding a student's living situation to better serve the student. The district will periodically review its practices and the documents it seeks as a part of establishing residency within the district to ensure that its processes are not overly burdensome and do not discourage the enrollment of homeless students and/or undocumented students.

Definitions

For purposes of this policy, the terms listed below have the following meanings:

"Residence," "residency" and "legal residence" mean the student's present place of abode, provided that it is a place where important family activities (such as sleeping, eating, working, relaxing, and playing) take place during a significant part of each day. Mere presence alone is not sufficient to establish residency. Documentary evidence that may be submitted to establish residency is identified below.

"Person having legal custody" means a person who is legally responsible for the care of the child pursuant to the order of a court or placement by a governmental agency responsible for making custody determinations and/or placements.

Basic Residency Requirements

State law provides that a child's residence for school purposes is the school district in which the (1) parents, (2) guardian or (3) person having legal custody of the child holds legal residence. Children who are foster children are granted residency in the district if they attended the district prior to entering foster care, if their current/prior foster family is/was a resident of the district, or if another child in their current foster home attends school in the district pursuant to a transfer. The district does not permit students to establish residency based on the mere affidavit of a person who has assumed permanent care and custody of the child under OKLA. STAT. tit. 70 § 1-113 or based on an attorney in fact affidavit under OKLA. STAT. tit. 10 § 700.

The district does not permit students to establish residency based on the affidavit of a person who has assumed permanent care and custody of the child under OKLA. STAT. tit. 70 § 1-113.



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POLICY 4180

STUDENT RESIDENCY

Procedure for Resolving Residency Disputes

The district recognizes that there may be occasions when there is a dispute regarding residency. Upon enrollment in the school system the district will verify that the student is a resident of the district or is otherwise entitled to attend school in the district for any reason authorized by law. As a part of this verification process the district will obtain an address from each student or the student's parent, guardian, or person having legal custody of the child. In providing an address to the district that is within the district's boundaries the student and student's parent, guardian, or person having legal custody of the child represent that this address is the student's residence. The district may also require, in order to verify residency, certified copies of court orders, guardianship documents, written agreements and affidavits relating to the care, custody and control of the student and any other information the district deems relevant.

If at any time a district administrator has a reasonable belief that the reported residence may not be the residence of the child for purposes of school attendance, the administrator shall notify the student's parent, guardian, or person having legal custody of the child that there is a question regarding the student's legal residency. The student's parent, guardian, or person having legal custody of the child shall be given an opportunity to submit information regarding the student's residency to the district's residency officer. All notices required by this policy shall be in writing. Additionally, reasonable alternative arrangements for documenting communications will be made for those persons who are visually impaired or otherwise unable to communicate in writing.

Information or documentation to prove student residency in the district can be found on the district website at, www.baschools.org/enrollment. Any documentation provided shall not conflict with statutory provisions relating to the residence of students.

Any question or dispute as to the residence of a student not deemed to be a "homeless student" shall be determined by the residency officer and the board of education pursuant to the following procedures:

1. The student's parent, guardian, or person having legal custody of the child must notify the residency officer in writing of the review request within three (3) school days from the date of written denial of admittance or from the date of written notification that the student is considered not to be a resident of the district. Upon receipt of a request for review, the residency officer shall allow the parent, guardian, or person having legal custody to provide additional pertinent information in accordance with the district's criteria and the statutory provisions regarding residency. This information must be submitted with the request for review.



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2. The residency officer must render a decision and notify the student's parent, guardian, or person having legal custody of the child of the decision and reasoning therefore in writing within three (3) school days of receipt of the request for review.
3. If the student's parent, guardian, or person having legal custody of the child disagrees with the residency officer's decision, such person shall notify the residency officer in writing within three (3) school days of his or her receipt of the residency officer's decision. The residency officer will submit his or her findings and all documents reviewed to the board of education. The board of education will review the decision and the documents submitted on behalf of the district and the student and will render a decision at the next board meeting. The decision of the board of education shall be the final administrative decision.
4. In an effort to place students in school as quickly as possible, timelines shall be followed unless due to emergency circumstances both parties agree to an extension of timelines.

Miscellaneous Policy Provisions

Hearings involving more than one student where students are related or residing in the same household may be consolidated at the discretion of the residency officer and the board of education.

If the residency dispute involves an 18-year-old student, all notices will be delivered to the student.

If already enrolled and attending school in the district, a student or students involved in a dispute related to the student's residency may remain in school until available appeals are exhausted when the student or the student's parent, guardian, or person having legal custody of the child has filed an appeal in the manner and within the time permitted by this policy.

The residency officer shall be in charge of maintaining the files related to a residency dispute, ensuring that the principals or others directly involved in such a dispute forward their records of the dispute following their involvement, and otherwise keeping all communications involving the dispute intact.

The district's residency officer shall be the administrator in charge of enrollment.

The board of education understands that there may be some instances where residency may be established on a date other than the date the student was enrolled in the district. For any period during which a student is enrolled in the district, but is not a resident of the district, the district may charge tuition if it is established that the student's parent, guardian, or person having legal custody of the child knew or should have known that the child or children who are the subject of



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the residency dispute were not residents of the district. The tuition shall be based on a per capita cost of educating a student in the district during the preceding year. This issue may be raised along with other issues related to the residency dispute and shall be heard in the same manner.

The district shall provide for educational services for homeless children as required by law.

The district reserves the right to require reverification of student residency at the beginning of each school term.

A copy of this policy shall be provided to the student's parent, guardian, or person having legal custody of the child as soon as possible following the inception of any residency dispute.

Special Definitions and Procedures Applicable to Homeless Children and Youth

The *McKinney-Vento Homeless Assistance Act* (the "Act") applies to all children and youth who lack a fixed, regular, and adequate nighttime residence, such as a children living in homeless shelters, domestic violence shelters, runaway and homeless youth shelters, transitional living facilities, cars, campgrounds, motels or children and youth living doubled up, and homeless and migratory children.

The Act provides that homeless children and youth:

- do not need a permanent address to enroll in school;
- have a choice of school placement;
- cannot be denied school enrollment because school records or other enrollment documentation are not immediately available;
- have the right to participate in all federal, state, or local programs and activities for which they are eligible;
- cannot be isolated or separated from the mainstream school environment; and
- have the right to receive prompt resolution of any dispute regarding educational placement.

Therefore, in accordance with the Act, the district shall make reasonable efforts to identify homeless children, encourage their enrollment, and eliminate existing barriers to their education that may exist. The district will not stigmatize or segregate homeless students and youth, and these students shall have access to the same public school programs available to other students of the district. The district will identify and provide equal access to secondary education and support systems for homeless students, runaway youths and youths separated from public schools. The



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district will also work to identify and remove those barriers which prevent youths from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school.

Definitions

For purposes of the Act, and this policy, “homeless children and youth” means students who lack fixed, regular and adequate nighttime residence, and includes:

1. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or abandoned in hospitals;
2. children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
3. children and youths who are living in cars, parks, public spaces, buildings, substandard housing, bus or train stations, or similar settings; and
4. migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless.

Programs, Activities, and Social Services

The district will provide each homeless student or youth those programs, activities, and social services available to other district students which are determined to be in the student’s best interests. The programs, activities, and services include the following:

- Preschool;
- Special education;
- Title I;
- Limited English Proficiency;
- Before and after school care;
- Academic and extracurricular activities;
- Magnet schools;
- Summer school;
- Career and technology education;
- Advanced placement;
- Online learning;



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- Charter school;
- School meals; and
- Transportation.

The district will waive those fees which may present a barrier for homeless students or youths, including those associated with the school meal programs and transportation.

Enrollment, Records, and Immunizations

The Act provides that homeless children and youth, individually or through a parent or guardian, may choose to attend the school in the area in which they are currently living. The district's residency officer will determine whether a student is a homeless child or youth for purposes of establishing residency and promptly advise the parent, guardian or person having legal custody of the child of the decision, both orally and in writing, if possible. If there is no such person, the residency officer will advise the student. Whenever possible, the district will comply with the wishes of either the parent, guardian, person having legal custody of the child, or student regarding enrollment. The district will enroll each homeless student and permit his or her full participation in all school programs, whether or not the student is accompanied by a parent, guardian or person having custody of the child, and without proof of residence, current immunizations and traditional enrollment documentation, such as school records and medical/immunization records. The district's homeless liaison may assist the student and school in obtaining those items. A parent, guardian or person having legal custody of the child who disagrees with the residency officer's determination may appeal the decision to the board of education under the procedure identified in this policy. If there is no parent, guardian or person having legal custody of the child available, the student may appeal the decision.

Appeals Procedures

The district will make every effort to resolve disputes regarding homeless children at the lowest level possible by utilizing the following process:

1. At the time a homeless student seeks enrollment, the district will notify the student or his/her family of these procedures and provide the student/family with a copy of this policy.
2. The district will promptly notify the district's homeless coordinator that a homeless student seeks enrollment, and will seek to involve the coordinator in decisions regarding the student's education.
3. Students/families who disagree with a decision regarding the student's education may meet with the coordinator for an informal resolution. The coordinator will notify the



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student/family that a written complaint may be submitted within five (5) days (or longer if agreed upon by the parties).

4. If the coordinator receives a written complaint, the coordinator will prepare a decision (plan of action) and provide it to the student/family within five (5) days of receipt of the written complaint. The coordinator will also notify the student/family of the right to appeal to the superintendent or designee.
5. Students/families who are still dissatisfied with a decision regarding the student's education may file a written appeal with the superintendent or designee within five (5) days of receipt of the coordinator's plan. The superintendent or designee will meet with the student/family within five (5) days of receipt of the appeal. The superintendent or designee will issue a decision within five (5) days of the meeting with the student/family. The superintendent or designee will also notify the student/family of the right to appeal to the board of education.
7. Students/families who are still dissatisfied with a decision regarding the student's education may file a written appeal with the board of education by submitting a written notice to the superintendent within five (5) days of the superintendent or designee's decision. The appeal will be placed on the next agenda (or the following agenda, if the appeal is received after the agenda posting deadline) and the board's decision is final at the district level. Students/families who are still dissatisfied with a decision regarding the student's education may file an appeal with the Oklahoma State Department of Education utilizing the procedures established by the OSDE.



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Special Definitions and Procedures Applicable to Students with Active-Duty Military Parents or Legal Guardians and Transitioning Military Children

“Children of military families” means a school-aged child(ren), enrolled in kindergarten through twelfth grade, in the household of an active duty member.

“Active duty” means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Military Reserve on active duty orders pursuant to Title 10, Sections 1209 and 1211 of the United States Code.

“Military installation” means a base, camp, post, station, yard, center, homeport facility for any ship or other installation under the jurisdiction of the Department of Defense or the United States Coast Guard.

“Military student” means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through twelfth grade.

“Transition” means (a) the formal and physical process of transferring from school to school or (b) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

“Sending state” means the state from which a child of a military family is sent, brought, or caused to be sent or brought.

“Receiving state” means the state to which a child of a military family is sent, brought, or caused to be sent or brought.

“Uniformed service(s)” means the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration and Public Health Services.

Establishing Residency

A student shall be considered in compliance with residency provisions of this policy and state law if he or she is a student whose parent or legal guardian is transferred or is pending transfer to a military installation within the state while on active military duty pursuant to an official military order. The parent or legal guardian of such a student must provide proof of residence in the school district within ten (10) days after the published arrival date provided on their official documentation. The following may be used to establish proof of residency:

1. a temporary on-base billeting facility,
2. a purchased or leased home or apartment, or



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3. federal government or public-private venture off-base military housing.

State law provides that transitioning military children placed in the care of a noncustodial parent or other person standing in loco parentis, may attend school in the school district in which the noncustodial parent or person standing in loco parentis to the transitioning military child holds legal residence. Similarly, transitioning military children placed in the care of a noncustodial parent or other person standing in loco parentis may continue to attend the school in which the student was enrolled while residing with the custodial parent. A special power of attorney relating to the guardianship of a military child and executed under applicable law shall be sufficient for purposes of enrollment and all other actions requiring parental participation and consent.

Enrollment

For a student whose parent or legal guardian is transferred or is pending transfer to a military installation within the state while on active military duty pursuant to an official military order, the district shall accept applications by electronic means, including enrollment in a specific school or program within the district and course registration.

The district will promptly accept unofficial or “hand-carried” educational records and transcripts in lieu of official education records and transcripts for transitioning military children. Upon receipt of such records, the district will promptly enroll the transitioning military child. However, upon enrollment, the district will request official educational records and transcripts from the school in the sending state. The district’s residency officer will determine whether a student is a transitioning military student for purposes of establishing residency and promptly advise the parent or other person standing in loco parentis of the decision, both orally and in writing, if possible. A parent or other person standing in loco parentis who disagrees with the residency officer’s determination may appeal the decision to the board of education under the procedure identified above.

Grade Level Placement

Transitioning military children, including children entering kindergarten, shall be able to enroll in the same grade level in which they were enrolled in the sending state, regardless of age, time of transfer or age requirements of the receiving state.

Course Level and Educational Program Placement

To the extent that this district is in a receiving state, the district may subsequently perform course placement and educational program evaluations of a transitioning military student. However, the district will initially place the transitioning military student in courses and programs comparable to those in which the student was a participant while in the sending state, including, but not limited to, Honors, International Baccalaureate, Advanced Placement, Gifted and Talented, English as a



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Second Language, Special Education and technology and career pathway courses. The district will make these accommodations whether or not the student has fulfilled the necessary prerequisites in the district or receiving state.

Extracurricular Activities

When appropriate, the district will provide transitioning military children the opportunity to participate in extracurricular participation, regardless of application deadlines.

Immunizations

Transitioning military children shall have thirty (30) days from the date of enrollment to obtain any immunizations required by Oklahoma law. For a series of immunizations, such children must obtain initial vaccinations within thirty (30) days.

Tuition

The district may not charge tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a school district other than that of the custodial parent if the parent or other person standing in loco parentis lives within the boundaries of this district.

Reference: 42 U.S.C. §11301 et seq.; OKLA. STAT. tit. 70 §§ 510.1, 1-113, 8-103.1 (2021)

Source: *Broken Arrow Board of Education policy adoption, October 11, 2021.*



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MEDICATION TAKEN AT SCHOOL

Purpose

The purpose of this policy is to identify when District personnel are authorized to administer medication to students, when students are authorized to self-administer medication and how District personnel will maintain, administer, monitor and dispose of student medication.

Definitions

For purposes of this policy, these terms have the following definitions:

“Inhaler” means a device that delivers a bronchodilator to alleviate symptoms of respiratory distress that is manufactured in the form of a metered-dose inhaler or dry-powder inhaler and that may include a spacer or holding chamber that attaches to the inhaler to improve the delivery of the bronchodilator.

“Medicine” or “medication” includes all prescription medications and over-the-counter medicines such as, but not limited to aspirin, cough syrup, medicated ointments and any other item used to treat an illness, disease or malady. This term shall not include “Sunscreen” as defined below.

“Parent” means a parent, a court appointed guardian or a person having legal custody.

“Physician” means a licensed physician or other health care provider with prescriptive authority.

“Respiratory distress” means the perceived or actual presence of coughing, wheezing or shortness of breath.

“Sunscreen” means a compound topically applied to prevent sunburn.

Policy

Under Oklahoma law, a school nurse, an administrator or a designated school employee may administer prescription, nonprescription medications and assist in applying sunscreen to students. Only designated employees who have successfully completed specific training in the administration of nonprescription and prescription medications may administer medication to students with legitimate health needs.

Except as provided in this policy and in the Student Diabetes Care and Management Plan, students may not retain possession of or self-administer any medicine. Violation of this rule will be reported to the student's parent and may result in discipline, including out-of-school suspension.

As further set out below, the District retains the discretion to reject requests for the administration of medication or application of sunscreen and to discontinue the administration of medication or application of sunscreen.

There must be a Broken Arrow Public Schools Emergency Information and Authorization Form (H 1 4) on file to administer any medication. This form must be completed annually.



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The parent must deliver the student's medicine to the school nurse or school administrator in its original container with the parent's written authorization for administration of the medicine. Sunscreen for application by a school nurse must be delivered to the school nurse or school administrator in its original container with the parent's written authorization for application of sunscreen. The parent's authorization for either administration of medicine or application of sunscreen must identify the student, the medicine or sunscreen, and include or refer to the label for instructions on administration of the medicine. The school nurse, an administrator or a designated employee will administer the medicine to the student or assist the student in applying sunscreen pursuant to the parent's instructions and the directions for use on the label or in the physician's order. The parent must complete a new authorization form annually and for each change of medication or sunscreen. The District will maintain the authorization form as a part of the student's health record. Authorization forms will be available in the principal's office. A parent who chooses to do so may come to the school and personally dispense medication or apply sunscreen to the student.

The administration of each school will keep a record of the students to whom medicine is administered or sunscreen is applied, the date of administration or application, the person who administered the medicine or applied the sunscreen, and the name or type of medicine or sunscreen administered.

Medications and sunscreen will be stored in a separate locked drawer or cabinet that is readily accessible only to the persons who will administer the medication or apply the sunscreen. Medications requiring refrigeration will be refrigerated in a secure area.

Any person administering medicine or applying sunscreen to a student will participate in training by October 1 of each year conducted by a school nurse or other health care professional. The training will include:

- Review of state statutes and school rules and regulations (including this policy) regarding administration of medication by school personnel and application of sunscreen;
- Procedures for administration, documentation, handling and storage of medication; and
- Medication needs of specific students, desired effects, potential side effects, adverse reactions and other observations.

Only those persons who successfully complete the training are authorized to administer medication. Each school site will maintain a current list of those authorized to administer medication at that site.

Licensed Nurses may not delegate respiratory care therapy to unlicensed persons. Non-nurse employees will not be responsible for assessment or determination of the student's condition prior to or after administration of a medication.

Students who are able to self-carry and self-administer specific medications, such as inhaled



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asthma medication or anaphylaxis medication, or use specialized equipment, such as an inhaler or Epinephrine injector, may do so provided such medication and specialized equipment are transported and maintained under the students' control in compliance with the following rules:

- A licensed physician or dentist must provide a written order that the student has a particular medical condition (asthma, anaphylaxis, etc.), is capable of and has been instructed in the proper method of self-administration of medication. It is the parent's responsibility to contact the physician and have the physician complete and return the required order. Medications being self-carried must have the appropriate labeling as stated in this policy.
- The parent must provide a written authorization for self-administration of medication.
- Parents who elect self-medication by a student understand and agree that the District, its agents and employees shall incur no liability for any adverse reaction or injury the student suffers as a result of self-administration of medication and/or use of specialized equipment. It is the parent's or physician's responsibility to educate the student regarding all aspects of self-administration and custody of medication.
- The written authorization will terminate at the end of the school year and must be renewed annually.
- If the parent and physician authorize self-medication, the District is not responsible for safeguarding the student's medications or specialized equipment.
- Students who self-medicate are prohibited from sharing or playing with their medication or special equipment. If a student engages in these activities, the parent will be contacted and a conference will be scheduled with the parent, student, nurse and other appropriate persons. Carrying medication or self-administering medication without prior permission is strictly prohibited.
- Students will not be allowed to self-administer DEA Schedule medications such as:
 - Narcotics;
 - Prescription pain killers;
 - Medication used to treat ADD/ADHD or other psychological or behavior disorders; and
 - Other medication hereafter designated in writing by the District.
- Except as otherwise provided by an individual student's school health plan, students may self-administer non-diabetes and non-anaphylaxis-related injectable medications only in the school office in the presence of authorized school personnel. Diabetes-related injectables will be administered in accordance with the Student Diabetes Care and Management Plan.



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- Students who self-administer medication are encouraged to wear Medic Alert bracelets or necklaces.
- The parent will provide an emergency supply of a student's inhaled asthma medication or anaphylaxis medication to be administered by school personnel, as required by state law.

Sunscreen

Students who are able to self-apply sunscreen may do so provided such sunscreen is regulated by the Food and Drug Administration. Students may self-apply sunscreen without the written authorization of a parent, legal guardian or physician. All students are permitted to possess sunscreen that is regulated by the Food and Drug Administration.

School staff will only assist the student in applying sunscreen with the parent's written authorization and according to label directions or, if applicable, written instructions from the student's physician. The sunscreen must be in the original container indicating:

- Ingredients; and
- Directions for Application.

Nonprescription Medication

School staff will only administer nonprescription medication with the parent's written authorization and according to label directions or written instructions from the student's physician. The medication must be in the original container that indicates:

- Student name (affixed to the container);
- Ingredients;
- Expiration date;
- Dosage and frequency;
- Administration route, i.e., oral, drops, etc.; and
- Other directions as appropriate.

The parent must provide and maintain a supply of nonprescription medication for the student.

School staff will only administer aspirin (acetylsalicylic acid) and products containing salicylic acid with written instructions from the student's physician.

Medications administered more than 10 consecutive days will require a physician's specific order.



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Prescription Medication

Except for District-wide Epinephrine injectors, school staff will only administer prescription medication with written authorization and instructions. Prescription medication must be in the original container that indicates:

- Student name;
- Name and strength of medication and expiration date;
- Dosage and directions for administration;
- Name of the licensed physician or dentist;
- Date, name, address and phone number of the pharmacy.

The parent must provide and maintain the supply of prescription medication for the student.

The parent must reclaim any remaining medication by the last official day of school closing or within seven days after the prescribing physician discontinues the medication. The school nurse or designated employee will destroy in a non-recoverable fashion in the presence of a witness any medication not timely reclaimed. The person who destroys the medication will record the following information:

- Date of destruction;
- Time of destruction;
- Name and quantity of medication destroyed; and
- Manner of destruction of medication

All controlled substances will be destroyed according to state law.

The school nurse or designated employee will advise the principal or designee if discontinuance of medication to a student is appropriate and assist in informing the parent. Legitimate reasons for discontinuing administration of medication include, but are not limited to the following:

- A legitimate lack of space or facility to adequately store specific medication;
- Lack of cooperation by the student, parent and/or prescribing doctor and the District;
- An unexpected and/or adverse medical reaction to the medication at school, i.e., mood change, allergic reaction, etc., considered to be harmful to the health and well-being of the student;



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- Any apparent change in the medication’s appearance, odor, or other characteristics that raise reasonable doubts about the quality of the medication; and
- The medication expiration date has passed.

Seizure-Rescue Medication (seizure- Safe School Act)

Beginning January 1, 2022, at every school site that has a student enrolled who (1) has a seizure disorder and (2) has a seizure rescue medication or other medication prescribed to treat seizure disorder symptoms approved by the Food and Drug Administration and any successor agency that is prescribed by the student’s health care provider, the district shall have at least one employee who has met the training requirements necessary to (1) administer or assist with self-administration of seizure medications, and (2) recognize the signs and symptoms of seizures and the appropriate steps to be taken to respond to these symptoms. For purposes of this training, the district is permitted by law to use any adequate and appropriate training programs or guidelines for training of school personnel in the seizure disorder care tasks covered under this policy.

Before a seizure rescue medication can be administered to a student to treat seizure disorder symptoms, the student’s parent or legal guardian shall do the following:

- A. provide the school with written authorization to administer the medication at school;
- B. provide a written statement from the student’s health care provider that shall contain the following information:
 - the student’s name
 - the name and purpose of the medication
 - the prescribed dosage
 - the route of administration
 - the frequency that the medication may be administered, and
 - the circumstance under which the medication may be administered;
- C. provide the prescribed medication to the school in its unopened, sealed package with the label affixed by the dispensing pharmacy; and
- D. collaborate with school personnel to create a “seizure action plan,” which means a written, individualized health plan designed to acknowledge and prepare for the health care needs of a student diagnosed with a seizure disorder.

The written authorization and seizure action plan shall be kept on file in the office of the school nurse or school administrator, and it shall be distributed to any school personnel or volunteers responsible for the supervision or care of the student. The written authorization and seizure action plan shall be effective only for the school year in which written authorization is granted and may be renewed each following school year upon fulfilling requirements A-D above. The district shall follow all administrative rules promulgated by the State Board of Education for the development and implementation of the seizure education program and the procedures for the development and content of seizure action plans.



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Pursuant to state law, a school employee may not be subject to any disciplinary proceedings resulting from an action taken in compliance with Seizure-Safe Schools Act, and any employee acting in accordance with the provisions of that act shall be immune from civil liability unless the actions of the employee rise to the level of reckless or intentional misconduct. Any district-employed school nurse shall not be responsible for and shall not be subject to disciplinary action for actions performed by a volunteer.

District-Wide Use of Epinephrine Injectors

The Board of Education has authorized the Superintendent to obtain a prescription for Epinephrine injectors in the name of the school District. This prescription will be of a quantity sufficient to provide for two (2) injectors at each District site.

The Superintendent will designate personnel at each school site to:

- be responsible for obtaining and maintaining an adequate supply of injectors from the District's central office;
- ensure appropriate training on the administration of the injectors for designated staff members;
- distribute and maintain annual parent/guardian consent forms.

No employee, except a school nurse or health aide, will be required to agree to be trained in the use of Epinephrine injectors or to administer Epinephrine injections.

School employees are still required to call 911 in the event of an emergency, including any time an Epinephrine injector is used.

Annual written notice will be provided to all parents/guardians that trained employees are authorized to administer Epinephrine injections to any student who appears to be having an anaphylactic reaction if the parent /guardian has given written consent and waived liability related to the good faith use of the injection. No Epinephrine injection shall be given if the proper written consent is not on file with the District.

Administration of Opiate Antagonists (e.g., Narcan) by District Personnel

District medical personnel (certified school nurse or any other nurse employed by or under contract with the district) or any other person designated by the Superintendent may administer an opiate antagonist for a suspected opiate overdose by a student or other individual exhibiting signs of an opiate overdose.

The Superintendent may authorize one or more district employees to receive training offered by the Department of Mental Health and Substance Abuse Services, a law enforcement agency or any other entity in recognizing the signs of an opiate overdose and administering an opiate antagonist. The Superintendent may designate persons to receive this training who have been required to receive training in cardiopulmonary resuscitation and the Heimlich maneuver (70 Okla. Stat. §1210.199). Furthermore, if a person or persons designated and trained to administer an opiate antagonist are absent, the Superintendent or designee may authorize any person to



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administer an opiate antagonist to a student or other individual exhibiting signs of an overdose.

Any person administering an opiate antagonist to a student or other individual at a school site or school-sponsored event, in a manner consistent with addressing opiate overdose, shall be covered by Oklahoma's Good Samaritan Act. In the event of a suspected overdose, the district and its employees or designees shall be immune from civil liability in relation to the administration of an opiate antagonist.

Reference: Okla. Stat. tit. 70 § 1-116.2, 70 § 1-116.3

Source: *Broken Arrow Board of Education policy adoption, April 4, 1983.*
Broken Arrow Board of Education policy revised, August 6, 1984.
Broken Arrow Board of Education policy revised, June 2, 1997.
Broken Arrow Board of Education policy revised, April 2, 2001.
Broken Arrow Board of Education policy revised, August 4, 2003.
Broken Arrow Board of Education policy revised, July 13, 2009.
Broken Arrow Board of Education policy revised, July 14, 2014.
Broken Arrow Board of Education policy revised, July 10, 2017.
Broken Arrow Board of Education policy revised, November 12, 2018.
Broken Arrow Board of Education policy revised, November 4, 2019.
Broken Arrow Board of Education policy revised, June 1, 2020.
Broken Arrow Board of Education policy revised, October 11, 2021.



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POLICY 4220

PEDICULOSIS (HEAD LICE), BED BUGS, CONTAGIOUS DISEASES , AND ATTENDANCE AT SCHOOL

The District is committed to providing a safe and healthy environment for all students and employees. School administrators will enforce this policy for the benefit of all members of the school community but will attempt to avoid embarrassment to an affected individual as practical given the totality of the circumstances. Students and employees with unique health circumstances may request an exception to this policy by providing a statement from a physician certifying that there is no danger of the condition spreading to others in the school environment. The District will comply with physician instructions when implementing the requirements of this policy.

Bed Bugs: If a student has been confirmed of transporting bed bugs on their person, every effort will be made to assist the child and/or parents to keep them at school. Students may be provided additional clothes, clothes dried at a high temperature for 30 minutes and/or personal items stored in a plastic tub. Students will be monitored for 10 days. In the event that bed bugs are repeatedly found on the student or his/her belongings the District may take additional actions to protect the school community from the spread of bed bugs.

Head Lice: Any student who is determined to be afflicted with a contagious health condition such as head lice shall be prohibited from attending school until a health officer (licensed physician, licensed physician's assistant, health department official, school nurse, etc.) has determined that the individual is free of the condition or that there is no danger of the condition spreading to others in the school environment.

Contagious Disease: Absent a diagnosis of a contagious disease from the health department or health care provider, a school administrator or designee may exclude from work or school any employee or student suffering from or exhibiting a fever, sore throat, severe cough, rash, diarrhea or vomiting. Employees and/or students must be symptom free for 24 hours, without the use of symptom reducing medication, prior to returning to school.

Communicable Diseases for Which Isolation or Quarantine is Required: No student having a communicable disease, requiring a period of isolation or quarantine, shall enter or remain at a district school site. This shall be in effect until the order for quarantine or isolation has expired or permission for entry and return to the school site and activities has been given by the local county health department or State Department of Health. It shall be the responsibility of the student's parent(s) or legal guardians and District administration—not the student's teacher—to exclude the student. In the event a student known to be infected arrives at a school site or, after their arrival, is discovered to be infected—a school site administrator shall discretely remove the student from the class or activity, place the student in a monitored room where the student will not come into close contact with non-infected persons, and contact the student's parent or legal guardian to make arrangements to send the student home.

Pink Eye: Students and employees who have pink eye or another eye infection must be symptom free or consult with the school nurse or provide a physician's statement prior to returning to school.



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POLICY 4220

PEDICULOSIS (HEAD LICE), BED BUGS, CONTAGIOUS DISEASES , AND
ATTENDANCE AT SCHOOL

Source:

Broken Arrow Board of Education policy adoption, July 13, 2009.

Broken Arrow Board of Education policy revised, November 12, 2018.

Broken Arrow Board of Education policy revised, November 4, 2019.

Broken Arrow Board of Education policy revised, October 11, 2021.



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POLICY 4250

RELATIONS WITH POLICE, LEGAL AND OTHER GOVERNMENTAL AUTHORITIES: STUDENT INTERVIEWS/INTERROGATIONS

The Broken Arrow Public Schools desires to maintain cooperative relations with police, legal and other governmental authorities. Such cooperation is necessary in the interest of the larger welfare of all citizens. To carry out this responsibility, school officials should observe the following procedures.

The police, legal and other governmental authorities will inform the school principal or designee before interviewing/interrogating a student enrolled in the Broken Arrow Public Schools on School District property. The term "police, legal and other governmental authorities" does not include agents, officers or employees of the School District, including Broken Arrow police officers while they are serving as security or resource officers for the School District.

As to child abuse investigations, at the request of appropriately identified investigators of DHS or the district attorney's office, the school principal or designee will permit the investigators access to a student about whom DHS has received a child abuse or neglect report. The school principal or designee will arrange the interview in a manner that minimizes embarrassment to the child. School personnel will not contact the parent, guardian or other person responsible for the child's health or welfare prior to the interview. No district employee will be present during the interview. However, a district employee may be present prior to the interview if the employee believes that his or her temporary presence will make the student more comfortable or if the representatives request the presence of a district employee during the interview.

As to all other interviews/interrogations of Broken Arrow Public Schools' students by police, legal or governmental authorities on School District property, the school principal or designee will make a reasonable effort to notify the student's parent or guardian prior to the interview/interrogation. However, an interview/interrogation may proceed even when District personnel are unable to contact the parent or guardian. Any objection to the interview/interrogation by the student's parent or guardian will be handled between the parent or guardian and the police, legal or other governmental authorities. If an interview/interrogation is to take place on school property, the school principal or designee will make a reasonable effort to arrange the setting in a manner that minimizes embarrassment to the child. One or more school employees will be present during the interview/interrogation, but will not participate in the interview/interrogation of the student. The sole responsibility to ensure compliance with applicable procedural and substantive rights afforded the child by federal, state or local law rests with the police, legal or other governmental authorities conducting the interview/interrogation.

The police, legal or other governmental authorities will notify the school principal or designee before removing a student from school property. The school principal or designee will notify the student's parent or legal guardian of the removal as soon as possible.

Source: *Broken Arrow Board of Education policy adoption, June 6, 1977.*
Broken Arrow Board of Education policy reaffirmed, December 7, 1987.
Broken Arrow Board of Education policy revised, July 13, 1998.
Broken Arrow Board of Education policy revised, July 13, 2009.
Broken Arrow Board of Education policy revised, October 11, 2021.



SECTION IV: STUDENTS

POLICY 4310

STUDENT ALCOHOL AND DRUG USE TESTING

The Board of Education, with the intent that all students have notice and knowledge of the ramifications concerning alcohol and illegal chemical substance use, possession, purchase, sale or distribution when the student is on school property, at a school sponsored event, in school vehicles, or going to or from a school sponsored event hereby adopts the following policy.

Statement of Purpose and Intent

1. The safety of students and employees of the School District is of paramount concern to the School Board.
2. Students who are under the influence of alcohol or an illegal chemical substance when the student is on school property, at a school sponsored event, in school vehicles, or going to or from a school sponsored event pose serious safety risks to students, employees and the public.
3. The use of alcohol and illegal chemical substances by students has a direct and adverse effect on the safety, personal health, attendance, productivity and quality of education of all students.
4. The Board recognizes that all students have certain personal rights guaranteed by the Constitutions of the United States of America and the State of Oklahoma. This Policy will not infringe on those rights.
5. Due to the devastating impact that the use by students of alcohol and illegal chemical substances can have on the safety of students and employees and their adverse effect on a student's ability to perform as a student, the Board will not tolerate students who use, possess, distribute, purchase, sell or are under the influence (as defined in the Policy) of alcohol or illegal chemical substances while on school property, at a school sponsored event, in school vehicles, or going to or from a school sponsored event.
6. This Policy will apply to all students of the School District.
7. Violations of this Policy will subject the student to disciplinary action, including out-of-school suspension.

Definitions

1. "Illegal chemical substance" means any substance which an individual may not sell, possess, use, distribute or purchase under either Federal or Oklahoma law. "Illegal chemical substance" includes, but is not limited to, all scheduled drugs as defined by the Oklahoma Uniform Controlled Dangerous Substances Act, all prescription drugs obtained without authorization and all prescribed drugs and over the counter drugs being used for an abusive purpose. By way of example only, the drugs which may be tested for are: amphetamines, cannabinoids, cocaine, phencyclidine (PCP), hallucinogens, methaqualone, opiates, barbiturates, benzodiazepines, synthetic narcotics, designer drugs, or any metabolite of any of these substances.



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2. "Alcohol" means ethyl alcohol or ethanol and includes "low point" beer.
3. "Under the influence" means any student of the School District who has any alcohol or illegal chemical substance or the metabolites thereof present in the student's body in any amount which is considered to be "positive" for such alcohol or drug or drug metabolites using any scientifically substantiated alcohol or drug use screen test and alcohol or drug use confirm test.
4. "Positive" when referring to an alcohol or drug use test administered under this Policy means a toxicological test result which is considered to demonstrate the presence of alcohol or an illegal chemical substance or the metabolites thereof using the cutoff standards or levels determined by the State Board of Health for drug or alcohol testing of students or in the absence of such State Board cutoff levels, the cutoff levels customarily established by the testing laboratory administering the alcohol or drug use test.
5. "School property" means any property owned, leased or rented by the School District, including but not limited to school buildings, parking lots and motor vehicles.
6. "Drug or alcohol use test" means a chemical test administered for the purpose of determining the presence or absence of alcohol or illegal chemical substances or their metabolites in a student's blood, bodily tissue, fluids, products, urine, breath or hair.
7. "Reasonable suspicion" means a belief that a student is using or has used alcohol or drugs in violation of this Policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in the light of experience, and may be based upon, among other things:
 - Observable phenomena, such as:
 - The physical symptoms or manifestations of being under the influence of alcohol or a drug while on school property, at a school sponsored event, in school vehicles, or going to or from a school sponsored event, or
 - The direct observation of alcohol or drug use while on school property, at a school sponsored event, in school vehicles, or going to or from a school sponsored event;
 - A report of drug or alcohol use while on school property, at a school sponsored event, in school vehicles, or going to or from a school sponsored event, provided by reliable and credible sources;
 - Evidence that a student has tampered with an alcohol or drug test;
 - Evidence that a student is involved in the use, possession, sale, solicitation or transfer of alcohol or drugs while on school property, at a school sponsored event, in school vehicles, or going to or from a school sponsored event.

Procedure for Alcohol or Illegal Chemical Substance Testing

1. Any alcohol or drug use test administered under the terms of this Policy will be administered by or at the direction of a professional laboratory licensed by the Oklahoma



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State Department of Health and using scientifically validated toxicological methods that comply with rules promulgated by the State Department of Health. The professional laboratory shall be required to have detailed written specifications to assure chain of custody of the samples, proper labeling, proper laboratory control and scientific testing, with all samples to be taken under the supervision of appropriate laboratory or school employees at a school site or site designated by the district or the laboratory. All aspects of the alcohol and drug use testing program, including the taking of samples, will be conducted so as to safeguard the personal and privacy rights of students to the maximum degree possible and shall be conducted under reasonable sanitary conditions. The test sample shall be obtained in a manner which minimizes its intrusiveness.

In the case of urine samples, the samples must be collected in a restroom or other private facility behind a closed stall; a sample shall be collected in sufficient quantity for splitting into two (2) separate samples, pursuant to rules of the State Board of Health, to provide for any subsequent independent confirming analysis of the first sample; the test monitor shall not observe any student while the sample is being produced but the test monitor may be present outside the stall to listen for the normal sounds of urination in order to guard against tampered samples and to insure an accurate chain of custody; and the test monitor may verify the normal warmth and appearance of the sample. If at any time during the testing procedure the test monitor has reason to believe or suspect that a student is tampering with the sample, the test monitor may stop the procedure and inform the test coordinator. The test monitor shall be of the same gender as the student giving the sample.

If a student is determined to have tampered with any specimen or otherwise engaged in any conduct which disrupts the testing process of any student, then the student will be deemed to have violated this policy and will be subject to disciplinary action, including out-of-school suspension from school.

The test monitor shall give each student a form on which the student may, but shall not be required to, list any medications he has taken or any other legitimate reasons for his/her having been in recent contact with alcohol or illegal chemical substances.

2. If the initial drug use test is positive for the presence of an illegal chemical substance or the metabolites thereof, the initial test result will be subject to confirmation by a second and different test of the same sample. The second test will use an equivalent scientifically accepted method of equal or greater accuracy as approved by rules of the State Board of Health, at the cutoff levels determined by Board rules. A student will not be subject to disciplinary procedures unless the second test is positive for the presence of illegal chemical substances or the metabolites thereof.
3. If an initial alcohol use test is positive for the presence of alcohol, the initial test result will be subject to confirmation by a second test using any scientifically accepted method approved by rules of the State Board of Health, at the cutoff levels determined by Board rules.



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4. Upon written request, the student will be furnished with a free copy of all test results performed under this Policy. All test records and results will be confidential and kept in files separate from the student's cumulative records. All tests required of a student by the School District under this Policy shall be at School District expense.
5. Any student who is subject to disciplinary action as a result of being under the influence of alcohol or an illegal chemical substance while on school property, at a school sponsored event, in school vehicles or going to or from a school sponsored event will be given a reasonable opportunity, in confidence, to explain or rebut the alcohol or drug use test results. If the student asserts that the positive test results are caused by other than consumption of alcohol or an illegal chemical substance by the student, then the student will be given an opportunity to present evidence that the positive test result was produced by other than consumption of alcohol or an illegal chemical substance. The School District will rely on the opinion of the District's laboratory which performed the tests in determining whether the positive test result was produced by other than consumption of alcohol or an illegal chemical substance.
6. The laboratory reports and results of alcohol and drug use testing will be maintained on a confidential basis except as otherwise required by law. The laboratory performing alcohol or drug use tests for the School District will not report on or disclose to the School District any physical or mental condition affecting a student which may be discovered in the examination of a sample other than the presence of alcohol or illegal chemical substances or the metabolites thereof. The use of samples to test for any other substances will not be permitted.

Student Alcohol and Drug Use Tests - When Required

1. Any student whose behavior while on school property, at a school sponsored event, in school vehicles, or going to or from a school sponsored event creates a reasonable individualized suspicion that the student is under the influence of alcohol or an illegal chemical substance may be required to take an alcohol and/or drug use test. Nothing in this policy shall require alcohol and/or drug use testing of any student nor prohibit the School District from disciplining any student in the absence of an alcohol or drug use test of the student.
2. ANY STUDENT WHO REFUSES TO TAKE AN ALCOHOL OR DRUG USE TEST WHEN SO REQUIRED UNDER THE PROVISIONS OF THIS POLICY WILL BE DEEMED TO HAVE VIOLATED THIS POLICY AND WILL BE SUBJECT TO DISCIPLINARY ACTION INCLUDING OUT-OF-SCHOOL SUSPENSION TO THE SAME EXTENT AS IF THE STUDENT TESTED POSITIVE FOR THE PRESENCE OF ALCOHOL OR ILLEGAL CHEMICAL SUBSTANCES.



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3. If, when directed, a student is unwilling, unable or fails to provide a specimen amount sufficient for testing, the laboratory monitor will initiate the laboratory's "Shy Bladder" protocol. The monitor will explain to the student that they will have up to ninety (90) minutes to produce an adequate sample, and encourage the student to drink fluids, per the protocol, while remaining at the collection site. If the student refuses to remain at the collection site until he/she has provided an adequate specimen or until the ninety minutes has elapsed, it is a "Refusal to Test." If the student does not produce an adequate specimen within the allowed time period, and the time period has elapsed, the monitor will discontinue the collection process and record that no specimen was provided. At this point the student must obtain, at their own expense and as soon as possible, a medical evaluation from a qualified, licensed physician concerning the student's inability to provide an adequate specimen. A written report concerning the examining physician's findings must be provided to the laboratory's Medical Review Officer for review and final determination. If the student fails to obtain the required medical exam in a timely manner, or if it is determined through the required medical exam that there is no satisfactory medical explanation for the inability to provide an adequate specimen, it is deemed a "Refusal to Test."

Medical Marijuana

1. Pursuant to OKLA. STAT. tit. 63, § 420 et, seq., unless failure to do so would cause the school district to imminently lose a monetary or licensing related benefit under Federal law or regulations, the school district will not discriminate against a student in enrollment or otherwise penalize a student solely on the basis of the student's status as a medical marijuana holder.
2. The school district will not subject a student holding a valid medical marijuana license to disciplinary action based solely on a positive drug test for marijuana or the metabolites thereof. Students who use, possess, sale, distribute, purchase or are under the influence of medical marijuana or medical marijuana product may be subject to discipline pursuant to this policy regardless of license holder status.
3. As used in this section, a determination of whether a student is "under the influence of medical marijuana or medical marijuana product" shall be based on the totality of circumstances. Circumstances that may contribute to a determination that the student is under the influence may include, but are not limited to:
 - A. Observation of any of the conduct or phenomenon described below:
 1. the smell of marijuana on around the individual;
 2. disorganized thinking;
 3. paranoia and/or confusion;
 4. bloodshot eyes;
 5. increased heart rate;
 6. increased appetite; or
 7. loss of coordination and
 - B. Any circumstance that would permit the school district to engage in "reasonable suspicion" drug or alcohol testing of the student under this policy.

Student Use, Sale, Possession, Distribution, Purchase or Being under the Influence of Alcohol or Illegal Chemical Substances

Any student who possesses, uses, distributes, purchases, sells or is confirmed by alcohol or drug use tests to be under the influence (as defined by this Policy) of alcohol or an illegal chemical substance while on school property, at a school sponsored event, in school vehicles, or going to or from a school sponsored event or as a result of alcohol or drug use tests conducted under this Policy will be subject to disciplinary action, including out-of-school suspension.

Persons Authorized to Order Alcohol or Drug Testing

The following persons have the authority to require alcohol or drug use testing of students under this Policy:

1. The Superintendent of Schools;
2. Any employee designated for such purposes by the Superintendent or the School Board.

Out-of-School Suspension Due Process Procedures

Any student who is subject to an out-of-school suspension for the violation of this Policy shall be afforded appropriate due process procedures allowed by the School District's policy on student behavior.

Source: *Broken Arrow Board of Education policy adoption, February 15, 1999.*
Broken Arrow Board of Education policy revised, July 13, 2009.
Broken Arrow Board of Education policy revised, June 8, 2015.
Broken Arrow Board of Education policy revised, November 12, 2018.
Broken Arrow Board of Education policy revised, November 4, 2019.
Broken Arrow Board of Education policy revised, October 11, 2021.



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STUDENT CODE OF CONDUCT

The Board of Education of the Broken Arrow School District adopts the following policy regarding student behavior and code of conduct.

General Expectations

The Board of Education recognizes that students maintain rights of citizenship while in attendance at Broken Arrow Public 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 policies, rules and regulations. This code of conduct is adopted in keeping with the district mission, “to educate, equip and empower a community of learners by providing dynamic learning opportunities which enable all students to be successful.” The expectations herein are specified to insist that a safe learning climate is maintained for the student body and that each student is assisted in developing responsibility and self-control.

Student Code of Conduct

Each Broken Arrow Public Schools student is personally responsible as a citizen of the school community to maintain a safe and positive learning climate by:

1. Being respectful to other students, school staff, and visitors.
2. Doing one’s best in lessons and extra-curricular activities.
3. Using self-control at school and at all school activities.
4. Respecting school property and using materials properly.
5. Respecting the property of others.
6. Using appropriate language.
7. Being a good citizen at school and in the community.
8. Following all school rules.

Access to Student Conduct Policy and School’s Student/Parent Handbook

Access to this policy is available via the school’s student/parent handbook and the internet at the District’s website, www.baschools.org. Students and/or parents who would like a hard copy of the student/parent handbook may request one through the main office of their child’s school (information is also available regarding wireless Internet access points located on each campus). Each school’s administration and/or staff reviews the contents of the school’s student/parent handbook with the students at the beginning of each school year.

Expectations of Parents

Parents are expected to support the code of conduct by reading the school’s student/parent handbook and discussing the expressed expectations with their child, by contacting the school when problems arise, and by working with school officials when disciplinary action is indicated.

Safe School Committee and Annual Review

The Safe School Committee, in collaboration with the staff, shall review the student/ parent handbook, this policy, and site discipline plan annually. This policy and the review process are designed to promote good behavior and the continual development of a student conduct code that promotes good student behavior. A recommendation will be made to the principal regarding



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suggested changes. The school will devote time each year to discussing the Code of Conduct, student/parent handbooks, and disciplinary procedures with students.

Scope of Policy

This policy applies to students while at school, at a school-sponsored activity, in transit to a school-sponsored activity, or on a school vehicle.

For the purposes of this policy, "school" includes all school district property; the entire school campus, parking lots, athletic fields, district vehicles, vacant district property, and district buildings. "School" also includes off-district property when the student is on the property for the purpose of participating in a school or district-sponsored event or is participating in an event in which the student is representing the district. "School" covers all transportation, lodging and meal locations, event sites, and all other locations where a student is present while participating in or attending a district or school sponsored event. "School Activity" includes attendance at or participation in any district or school sponsored activity, function, or event, or any other event in which a school or district sponsored team or district students are participating as representatives of the district, regardless of whether the event is on district property or off district property.

Conduct Outside the School Day or Off School Property

Conduct occurring outside of the normal school day or off school property that has a direct and immediate negative effect on the discipline, educational process, or effectiveness of the school may result in disciplinary action as provided in this policy. For example, discipline will be enforced for inappropriate conduct occurring off school property that is a continuation of plans or threats made on school property.

Prohibited Student Conduct, Activities, and Behaviors

Students are prohibited from engaging in the following conduct, activities, and behaviors. Discipline for violating the prohibitions may include in-school disciplinary consequences, alternative program placements, other disciplinary options and/or out-of-school long-term and/or short-term suspension.

1. Arson.
2. Altering or attempting to alter another individual's food or beverage
3. Assault (whether physical or verbal) and/or battery
4. Attempting to incite or produce imminent violence directed against another person because of his or her race, color, religion, ancestry, national origin, disability, gender or sexual orientation by broadcasting / transmitting or causing or allowing to be broadcast / transmitted whether publishing, distributing physically or electronically via pamphlet, telephonic, computerized, or electronic message.
5. Academic misconduct, which is any action or attempted action that may result in creating an unfair academic advantage for oneself or others or an unfair academic advantage or disadvantage for any other member or members of the academic community. This includes, but is not limited to, a wide variety of behaviors such as cheating, plagiarism, altering academic documents or transcripts, gaining access to materials before they are intended to be available, and helping a friend to gain an unfair academic advantage. Students are responsible



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- for seeking out information from faculty or administrators when they are unsure of what is expected of them from an academic behavior standpoint.
6. Conduct that threatens or jeopardizes the safety of others.
 7. Disruption of the educational process or operation of the school as to disruptive behavior in the classroom specifically, engaging in behavior that a reasonable person would view as substantial or repeated interference with the instructor's ability to teach the class or the ability of other students to benefit from instruction.
 8. Extortion.
 9. Failure to attend assigned detention, school or other disciplinary assignment without approval.
 10. Failure to comply with state immunization requirements.
 11. Failure to return to school property belonging to the school or others.
 12. False reports or false calls that adversely affect school operations, regardless of where the report or call is made and to whom the report or call is submitted.
 13. Fighting, including physical acts and threats made in retaliation against the person who initiated a fight.
 14. Forgery, fraud, or embezzlement.
 15. Gambling.
 16. Gang related activity or actions
 17. Harassment, bullying, and intimidation, including gestures, written or verbal expression, electronic communication or physical acts.
 18. Hazing or unapproved initiations in connection with any school activity.
 19. Immorality.
 20. Inappropriate gestures, private or public behavior.
 21. Behavior that a reasonable student should recognize is inappropriate behavior even though such behavior may not be specifically described in this policy.
 22. Indecent exposure.
 23. Intimidation or harassment because of race, color, religion, ancestry, national origin, disability, gender or sexual orientation, including but not limited to: (a) assault and battery; (b) damage, destruction, vandalism or defacing any real or personal property; or threatening, by word or act, the acts identified in (a) or (b).
 24. Disorderly conduct, including behaving in a disorderly, lewd, indecent manner or breaching the peace on school property or in school-sponsored activities. Examples include, but are not limited to, obscene language, profanity, inappropriate behavior or gestures, indecent exposure, nonconsensual photography, video, or audio recording of another person on school premises or at school-sponsored events when recordings are causes or is likely to cause injury or distress,
 25. Non-accidental physical harm inflicted upon another.
 26. Possession, control over, or use of a caustic substance.
 27. Possession or control over or use of lighters or matches or other instruments that can burn objects.
 28. Possession or use of a wireless telecommunication device without proper authorization.



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Board of Education Policy "Use of Wireless Telecommunication Devices by Student(s)" offers additional guidance for students and parents concerning wireless telecommunication devices and is made available for students and parents in the school's student/parent handbook and via the internet at www.baschools.org.

29. Possession or control over, distribution, or viewing of obscene, vulgar, lewd, or profane materials, including electronic possession, distribution, or viewing (e.g. "sexting").
30. Possession, control over, threat of use, or use of a dangerous weapon, explosive devices or related instrumentalities (i.e., bullets, shells, gun powder, pellets, etc.). This policy does not apply to students who are members of the JROTC and who possess or bring an inoperable weapon to school for participation in a school program, provided the student obtained prior permission from the principal, the weapon remains inoperable while at school and the weapon is used consistent with the permission granted.
31. Purported or represented possession, control of, or ready access to a dangerous weapon, explosive device or related instrumentality although in fact the student does not possess, control, or have ready access to such an object.
32. Use of an object not normally considered to be a weapon in a manner to inflict harm upon another or the threat to use the object in a manner that would inflict harm upon another.

Board of Education Policy 4230 "Possession of Weapons, Alcohol, and/or Controlled Substances/Illegal Drugs in School" offers additional guidance related to the above item numbers 30, 31, and 32 for students and parents and is made available to parents and students in each school's student/parent handbook and via the internet at www.baschools.org.

33. Possession, control over, use, sale, distribution, conspiring to sell or possess, or being in the chain of sale or distribution of tobacco or tobacco related products in any form, including but not limited to cigarettes, cigars, loose tobacco, rolling papers, chewing tobacco, snuff, matches, lighters, products that mimic tobacco such as herbal snuff, e-cigarettes, personal vaporizers, electronic nicotine delivery systems or similar devices, and any cartridge, container or product designed to be used in conjunction with these delivery systems, regardless of the nicotine content of the product, including any vapor product. For the purposes of this policy, the term "vapor product" shall have the same meaning as provided in the Prevention of Youth Access to Tobacco Act.
34. Sexual harassment of individuals including, but not limited to, students, school employees, volunteers.

Board of Education Policy "Sexual Harassment" offers additional guidance related to sexual harassment for students and parents and is made available to students and parents in the school's student/parent handbook and via the internet at www.baschools.org.

35. Threatening behavior including but not limited to gestures, written or verbal expression, electronic communication or physical acts.
36. Truancy.
37. Theft, possession, distribution, or use of missing / stolen property from a student, a school employee, or the District.
38. Inappropriate attire, including violation of dress code



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Board of Education Policy "Student Dress Code" offers additional guidance related to the student dress code for students and parents and is made available to students and parents in the school's student/parent handbook and via the internet at www.baschools.org.

39. Using, being under the influence of, possessing, having control of, furnishing, distributing, selling, conspiring to sell, distribute or possess or being in the chain of sale or distribution of alcoholic beverages, low-point beer (as defined by Oklahoma law, i.e. 3.2 beer), illegal or illicit drugs, and/or drug paraphernalia. The term illicit drugs include steroids and prescription and over-the-counter medications being used for an abusive purpose, i.e., when they are not used in compliance with the prescription or directions for use and are not being used to treat a current health condition of the student. Possession of a controlled dangerous substance(s) while selling, conspiring to sell, distributing, being in the chain of sale or distribution, or with the intent of furnishing illegal or illicit drugs or other mood-altering substances as defined in the Uniform Control Dangerous Substances Act. Use, possession, claimed possession, distribution or selling marijuana or marijuana related products in any form. "Marijuana" is defined as provided in the District's Policy 5375 on Medical Marijuana, Hemp, & Cannabidiol (CBD).
40. Using, being under the influence of, possessing, having control of, furnishing, distributing, or selling any substance purported or represented to be a controlled dangerous substance, an illegal drug, or an illicit drug, although in fact the substance is not a controlled dangerous substance, an illegal drug, or an illicit drug.
41. Using, being under the influence of, possessing, having control of, furnishing, distributing, selling, conspiring to sell, distribute or possess or being in the chain of sale or distribution of "mood altering substances," which include paint, glue, and aerosol sprays used or intended to be used for abusive purposes, caffeine pills, over the counter stimulants, and other similar substances.

Board of Education Policy 4230 "Possession of Weapons, Alcohol, and/or Controlled Substances/Illegal Drugs in School" offers additional guidance related to the above item numbers 39, 40, and 41 for students and parents and is made available to parents and students in each school's student/parent handbook and via the internet at www.baschools.org.

42. Using racial, ethnic, sexual, gender or disability-related epithets.
43. Violation of the Board of Education policies, rules or regulations or violation of school rules and regulations, including those provided in the school's student/parent handbook.
44. Vandalism and/or willful damage to school property.
45. Willful disobedience of a directive of any school official.
46. Use of the school's technology resources (i.e., computers, electronic mail, internet, and similar resources) at any time or personal computers while on school grounds in a manner prohibited by policies, in any manner not authorized by school officials, or in violation of law.
47. Possession of synthetic urine, a warmer or any other item with the intent to use that item to tamper with a drug or alcohol test.
48. School bus or transportation misconduct, engaging in unsafe or distracting actions such as: placing any part of one's body out of a window (bus moving or stationary); in seated blocking the aisle; pushing while loading/unloading or while bus is approaching; transporting



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unauthorized items; excessive noise; improper street crossing during loading and unloading; and any actions listed in the student code of conduct.

Bullying, Harassment, Intimidation and Threatening Behavior Defined

Bullying, harassment, intimidation and threatening behavior includes, but is not limited to any gesture, written or verbal expression, electronic communication or physical act that a reasonable person should know will harm another student, damage another student's property, place another student in reasonable fear of harm to the student's person or damage to the student's property, or insult or demean any student or group of students in such a way as to disrupt or interfere with the school's educational mission or the education of any student.

Violent Offense Directed Toward a Classroom Teacher

Students suspended for a violent offense directed toward a classroom teacher shall not return to the teacher's classroom without the teacher's prior approval. Whether or not an offense is considered a violent offense under this stipulation 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.

Source: *Broken Arrow Board of Education Policy Replacement Adopted November 4, 1996.*
Broken Arrow Board of Education policy revised November 3, 1997.
Broken Arrow Board of Education policy revised October 19, 1998.
Broken Arrow Board of Education policy title replaced & revised November 1, 1999.
Broken Arrow Board of Education policy revised July 22, 2002.
Broken Arrow Board of Education policy revised September 16, 2002.
Broken Arrow Board of Education policy revised May 14, 2007.
Broken Arrow Board of Education policy revised April 6, 2009.
Broken Arrow Board of Education policy revised, July 13, 2009.
Broken Arrow Board of Education policy revised, August 13, 2012.
Broken Arrow Board of Education policy revised, April 14, 2014.
Broken Arrow Board of Education policy revised December 8, 2014.
Broken Arrow Board of Education policy revised May 11, 2015.
Broken Arrow Board of Education policy revised June 25, 2018.
Broken Arrow Board of Education policy revised, November 4, 2019.
Broken Arrow Board of Education policy revised, October 11, 2021.



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The judicial extension of the Fourteenth Amendment protection to students in the public school emphasizes the need for school administrators to protect the 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 practices designed for the fair and consistent treatment of students. This policy was created to provide such practices and in accordance to Oklahoma State Law – Okla. Stat. tit. 70, §24-101.3.

Suspension Defined

"Suspension" or "out-of-school suspension" is the removal of a student from the daily school environment for a period for at least one calendar year for offenses involving firearms and for the remainder of the current semester and all of the succeeding semester for all other offenses.

All references to "parent" in this policy refer to a student's parent, legal guardian, or the person having legal custody of the student.

Alternative In-School Placements

Alternative in-school placements, alternative program placement, Alternative Placement Educational Program (APEP), Detention, Intervention Program, Student Alternative Center (SAC), and similar disciplinary options or other correctional measures, such as those identified in Section III below, are not "suspensions" and do not require or involve the due process procedures established by this policy.

Process Applicable to All Out-of-School Suspensions

Before a decision to suspend is imposed, alternative in-school placements shall be considered. In-school placements include, but are not limited to, the following. These shall not be considered as an out-of-school suspension but shall be treated as disciplinary or correctional actions which may be used as an alternative to out-of-school suspension or in conjunction with an out-of-school suspension.

1. Assigned seat, study carrel or other appropriate restriction
2. Assignment to Saturday detention
3. Attendance Contract
4. Behavior Contract
5. Conflict resolution training
6. Counseling in social skills
7. Detention before or after school
8. Loss of driving and/or parking privilege
9. Parent/student/teacher and/or principal conference
10. Participation in anger control training
11. Participation in a stop-smoking group
12. Participation in substance abuse counseling
13. Phone call to parent
14. Placement in an alternative education program
15. Placement in the in-school intervention program
16. Practice of an appropriate verbal response or behavior
17. Removal from a specific class for one or several days



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18. Restating the rule and requiring a commitment to comply
19. Restitution for damaged or destroyed personal or school property
20. School or community service after school or on evenings or weekends
21. Temporary removal from class
22. Time out in a defined area
23. Written report about the incident
24. Use of problem-solving teams that include counselors or school psychologists
25. Mentoring relationships with school staff or community volunteers
26. Specific training regarding methods of reducing misbehavior including harassment, intimidation, bullying and threatening behavior

Special Education Suspension/Discipline

Student discipline, suspension, and due process for students with disabilities, as defined by the Individuals with Disabilities Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1973, shall be administered in accordance with "The Policies and Procedures Manual for Special Education in Oklahoma" published by the Oklahoma State Department of Education. Federal law or regulation and Oklahoma law or regulation pertaining to students with disabilities shall take precedence over Broken Arrow Public Schools Board Policy and regulations in all matters that are specifically addressed by the federal and state laws or regulations. Where Federal and Oklahoma law or regulation permit, are silent, or do not directly address issues dealing with students with disabilities, Broken Arrow Public Schools Board Policy and regulations will be followed.

Pre-Suspension Informal Conference with Student

1. When a student is believed to have committed an offense for which suspension may be imposed, the principal or designee shall conduct an informal conference with the student.
2. The principal shall inform the student of the policy, rule or regulation the student is charged with or suspected of having violated, the evidence supporting the charges, and the conduct reported to be in violation of the policy, rule, or regulation.
3. The principal or designee will give the student the opportunity to respond to the charges, the evidence presented by the principal or designee in support of the charges, and allow the student the opportunity to provide his/her own information and admit or deny the charges.
4. If the principal or designee concludes the student committed the offense and suspension is appropriate, the principal or designee shall inform the student of the length of the suspension. In deciding whether to impose a suspension and determining the length of a suspension, a principal or designee may consider the following: seriousness of the offense, the student's attitude, the student's disciplinary history, those adversely affected by the misconduct, those potentially adversely affected by the misconduct, and the number of behavioral offenses associated with the misconduct and current suspension decision.
5. The principal or designee shall inform the parent of the suspension and that alternative in-school placement or other available disciplinary options were considered. Students may not



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be dismissed on suspension before the end of the school day without advance notice to the parent. However, students may be removed from school on suspension without notice to the parent in cases where the student poses an immediate threat to the safety and welfare of the student, other students, staff and/or property. In such cases, local law enforcement and/or child protection services shall be contacted for assistance with the student.

6. **Records and Reports:** The principal or designee will record each pre-suspension conference, including the date of the conference, the names of the persons present, and the alternative in-school disciplinary alternatives that were considered. The principal or designee shall maintain records related to the Education Plan and the student and/or parent's compliance or non-compliance with the Plan.
7. **Notification to Parents:** The principal or designee will inform the parent or guardian of the suspension as soon as possible after a suspension is imposed; explain the basis for the suspension, inform the parent of the opportunity to have the suspension reviewed by appeal, and provide the parent the time deadlines for submitting an appeal request. The notice required in this section shall be completed with the parent signing and dating the notice or in the form of a letter sent by certified mail, return receipt requested.

Immediate Out-of-School Suspension without a Pre-Suspension Conference

A student may be suspended without a pre-suspension conference only where a student's conduct reasonably indicates the continued presence of the student poses an immediate danger to the health or safety of the students, employees, or District property, or a continued substantial disruption of the educational process. In this event, 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 school.

Suspension Requirements

1. A "long-term suspension" is one which exceeds ten (10) school days while a "short-term suspension" is ten (10) or fewer school days.
2. A suspension shall not extend beyond the current school semester and succeeding semester, except in the case of possession of a firearm. Suspensions involving firearms are governed by Board of Education Policy "Possession of Weapons, Alcohol, and/or Controlled Substances/Illegal Drugs in School," which is available to students and parents in the school's student/parent handbook and via the internet at www.baschools.org.
3. Suspensions should have a definite commencement and ending date; indefinite out-of-school suspensions are not permitted.
4. Although suspensions until the student performs some remedial act are not permitted, a student may be advised a suspension of definite length will terminate earlier if the student performs a prescribed remedial act or acts.



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Suspension Education Plan

1. Suspensions of Five (5) School Days or Less: Suspensions of five (5) school days or less shall include the following Suspension Education Plan ("Plan"):
 - A student shall be eligible to receive grades for full credit on all work, assignments, and tests during the period of the out-of-school suspension for five (5) school days or less.
 - The student is solely responsible for obtaining and making up the missed work, assignments, and/or tests missed while on suspension from and with the student's teachers upon return to school from suspension.
 - The student will have one day for each day of suspension to make up the work, assignments, and/or tests missed during the suspension. The failure of the student to meet these time requirements will result in a grade of zero (0) or "F" and no credit for work, assignments, and/or tests not made up according to the time requirements.
2. Suspensions in Excess of Five (5) School Days: Suspensions in excess of five school (5) days shall include a Suspension Education Plan ("Plan") which describes a home-based school work assignment setting or other appropriate work assignment setting. The Plan shall be prepared by the principal or designee with the assistance of other school employees as warranted.

A Suspension Education Plan as described in this policy will be formed for suspensions in excess of five (5) school days except for those specifically involving a firearm or possession of a controlled dangerous substance(s) while selling, conspiring to sell, distributing, being in the chain of sale or distribution, or with the intent of furnishing illegal or illicit drugs or other mood-altering substances as provided by Board of Education Policy "Possession of Weapons, Alcohol, and/or Controlled Substances/Illegal Drugs in School".

The Plan shall provide for the core units in which the student is enrolled. Core units are 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 grade eight and for high school graduation in grades nine through twelve.

The Plan shall be provided to the student and parent. The parent shall be responsible for providing the student with a supervised, structured environment in which to comply with the Plan and monitoring educational progress until the student is readmitted. The Plan shall set out the procedure for education and set what academic credit will be earned for work satisfactorily completed.

Attendance at School Pending Appeal Hearing

Pending a properly submitted appeal, the student may attend school under whatever "in-school" restrictions the principal deems proper. Provided, the student shall remain out of school and/or not attend school pending an appeal if the principal determines the misconduct of the student reasonably indicates continued attendance would pose a danger to students, employees, or property, or would substantially interfere with school operations.



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Student Privileges While Under Out-Of-School Suspension or Under Other Disciplinary Action

Participation in all the extracurricular activities is a privilege and not a right. Accordingly, when a student is suspended the student immediately, notwithstanding the filing of an appeal, forfeits the privilege of participating in all extracurricular activities. In addition, when a principal or designee determines to impose alternative measures, in-school disciplinary actions or other correctional measures against a student, the student will not be permitted to participate in any extracurricular activities 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 games/events, school-sponsored teams, clubs, organizations, ceremonies, student government, band, athletics and all other school sponsored activities and organizations. The prohibition includes the restriction from participating in and attending extracurricular and school activities on and/or off school property. Commencement/graduation is an extracurricular activity.

Right of Appeal: Short-Term Out-of-School Suspensions of Ten (10) or Fewer School Days

A student suspended for a period of ten (10) or fewer school days, following an informal pre-suspension conference with the principal or designee, may appeal the suspension to a Suspension Review Committee composed of administrators and/or teachers. The student and parent shall be informed by the principal of this right, the time requirements for submitting an appeal, and the method of submitting an appeal.

Method of Appeal of Short-Term Suspension

1. Short-term suspensions may be appealed to a Suspension Review Committee. An appeal to the Suspension Review Committee must be requested in writing to and received by the school principal, Superintendent or designee within forty-eight (48) hours after the principal's or designee's suspension decision is received by the student or parent and must specify what part of the out-of-school suspension decision is being appealed. The parent/student may appeal one or both of the following:
 - The finding of guilt of the charge(s) by the principal or designee for which the student was suspended; and/or
 - b. The reasonableness and length of the suspension.
2. The suspension decision will become final and non-appealable if a request for appeal to the Suspension Review Committee is not timely submitted.
3. Upon receipt of the request for an appeal, the Executive Director of Student Services or designee shall confirm the suspension falls within the category of suspensions to which an appeal to the committee is authorized. If the Executive Director of Student Services or designee determines the period of suspension is greater than (10) school days, or if for any reason, the short-term suspension is extended beyond ten (10) school days prior to the committee hearing, the procedures applicable to long-term suspensions must be followed and the student must be given the opportunity to appeal any adverse decision as provided by this policy for long-term suspensions.



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Procedures for Short-Term Suspension Appeal

1. The Executive Director of Student Services or designee shall appoint a Suspension Review Committee to hear the appeal. The Suspension Review Committee shall consist of not less than three District employees, who shall be a minimum of two teachers assigned to another school site and an administrator not assigned to the suspended student's school, who will designate a chairperson. No administrator or teacher who witnessed the misconduct or any teacher teaching the student during the current semester shall serve on the Suspension Review Committee. Substitute teachers will be provided for the teachers selected for an appeal hearing, if needed.
2. The Executive Director of Student Services or designee shall schedule the Suspension Review Committee hearing as soon as possible during regular school hours, Monday through Friday. Reasonable consideration shall be given to accommodate work schedules of the parent or guardian within that time period, if possible. The District shall have the option to schedule the Suspension Review Committee meeting within five (5) school days of receiving the parent/student's written appeal request. The student and parent will be notified in writing or by phone of the date, time and place of the hearing. The principal or designee who issued the out-of-school suspension decision shall attend the Suspension Review Committee hearing.
3. The Suspension Review Committee will conduct a full investigation of the issues appealed. The principal or designee will outline the student's misconduct; read, refer to, or distribute the policy, rule, or regulation which the student's misconduct violated; and make any statements or submit documentary evidence which support the suspension decision. The student or parent will explain the student's position and/or make statements or submit documentary evidence relating to the appealed issues.
4. Evidence supplied by witnesses shall be submitted to the Suspension Review Committee in writing only. For evidence supplied by student witnesses, the Suspension Review Committee shall have the authority to restrict the identity of the student witnesses. In this case, the principal or designee will inform the Suspension Review Committee of the information received by students and explain why the principal or designee believes the information received is valid and supports the suspension decision.
5. The Suspension Review Committee meeting is closed to the public.
6. Legal counsel is permitted.
7. At the conclusion of the presentation of the evidence, the Suspension Review Committee shall retire to render a decision by a majority vote as to the guilt or innocence of the student, if that issue was appealed. The Suspension Review Committee shall also determine the reasonableness and length of the out-of-school suspension, if that issue was appealed. The Suspension Review Committee's decision shall be in writing and mailed or delivered to the parent, the principal, and the Executive Director of Student Services or designee. The Suspension Review Committee's written decision shall be mailed to the parent by certified



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mail, return receipt requested.

8. The Suspension Review Committee's final decision shall be to uphold, modify, or revoke the suspension decision of the principal or designee.
9. The decision of the Suspension Review Committee shall be final and non-appealable.
10. The hearing will be electronically recorded and kept on file with the District for two (2) years from the date of the hearing.

Right of Appeal: Long-Term Out-of-School Suspensions for More than Ten (10) School Days

A parent or the student may appeal the suspension decision for out-of-school suspensions in excess of ten (10) school days first to a District Review Committee and then to the Board of Education.

Method of Appeal of Long-Term Suspension

1. An appeal must be presented in writing to and received by the school principal or the Executive Director of Student Services or designee within forty-eight (48) hours after the decision of suspension is received by the parent or student and must specify which part of the suspension decision is being appealed. The parent/student may appeal one or both of the following:
 - The finding of guilt of the charge(s) by the principal or designee for which the student was suspended; and/or
 - The reasonableness and length of the suspension.
2. If no appeal request is received within the forty-eight (48) hour period, the suspension decision will be final and non-appealable.

Procedures for Long-Term Suspension Appeal

1. The Executive Director of Student Services or designee will schedule a District Review Committee to hear the appeal and appoint one to three administrator(s), one to three teachers, and the Executive Director of Student Services or designee. No member of the District Review Committee shall have been associated with the case in any manner prior to the appeal hearing. Teachers shall be selected from a pool of volunteers and rotated, and administrators will be assigned to appeal hearings on a rotating basis. The Executive Director of Student Services or designee may serve as the chairperson for all appeals to the District Review Committee. Substitute teachers will be provided for the teacher(s) selected for an appeal hearing, if needed.
2. The chair of the District Review Committee shall notify in writing the student, parents, and school principal of the date, time, and place of the appeal hearing.
3. The meeting will be electronically recorded and kept on file with the District for two (2) years from the date of the hearing.
4. The Suspension Review Committee meeting is closed to the public.



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5. Legal counsel is permitted.
6. The District Review Committee meeting will be held during the regular school hours, Monday through Friday, with reasonable consideration given to accommodate the hours of working parents within this time period, if possible. The District shall have the option to schedule the District Review Committee meeting within five (5) school days of receiving the parent/student's written appeal request.
7. At the meeting, the principal or designee will inform the parent of the policy, rule or regulation the student was found to have violated, outline the student's misconduct, and present any evidence or documents which support the suspension decision. The student and parent will be permitted to explain and present any evidence or documents in support of the specified reasons for the appeal listed in the written notice of appeal requesting the appeal.
8. Evidence supplied by witnesses shall be submitted to the District Review Committee in writing only. For evidence supplied by student witnesses, the District Review Committee shall have the authority to restrict the identity of the student witnesses. In this case, the principal or designee will inform the District Review Committee of the information received by students and explain why the principal or designee believes the information received is valid and supports the suspension decision.
9. At the conclusion of the hearing the chairperson and District Review Committee will retire to render a decision by a majority vote as to the specified reasons for which an appeal was requested, including the guilt or innocence of the student if that issue was appealed and determine the reasonableness and length of the suspension imposed if that issue was appealed. The hearing chair shall mail or deliver a copy of District Committee's decision to the parent/student and site principal. The District Review Committee's written decision shall be mailed to the parent by certified mail, return receipt requested. The parent shall be advised of the right to have the suspension reviewed by the Board of Education as provided by this policy.
10. The District Review Committee's final decision shall be to uphold, modify, or revoke the suspension decision of the principal or designee.

Method of Appeal of Long-Term Suspension to the Board of Education

1. An appeal of the decision of the District Review Committee to the Board of Education must be submitted in writing to and received by the Executive Director of Student Services or designee within forty-eight (48) hours after the decision of the District Review Committee is received by the parent or student and must specify the portion of the District Review Committee's decision which is being appealed. The parent/student may appeal one or both of the following:
 - The finding of guilt of the charge(s) by the principal or designee for which the student was suspended; and/or
 - The reasonableness and length of the suspension.



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2. If no appeal is received within the forty-eight (48) hour period, the decision of the District Review Committee will be final and non-appealable.

Procedures for Long-Term Suspension Appeal to the Board of Education

Hearing the Appeal:

1. The Board will hear the appeal as soon as possible, or it may appoint a Hearing Officer to hear the appeal. The Board's decision, or the Hearing Officer's decision, is final and non-appealable.
2. The parent and student will be notified in writing of the date, time and place of the hearing.
3. The parent and student will have the right to an "open" or "closed" hearing, at their option.
4. Reasonable efforts will be made to accommodate the work schedule of parents.

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

1. The Board President or the appointed Hearing Officer should:
 - Announce that the next agenda item is an out-of-school suspension review hearing for the student. In order to protect the confidentiality and privacy of the student, the student's initials should be used and not the student's name.
 - 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. The Board President or Hearing Officer should advise the parents/child:
 - That they are entitled to legal counsel, if they desire it.
 - 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.
 - 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.
 - That the Board or its Hearing Officer will consider the evidence and documents and reach a decision which will be recorded by vote in open session.
 - 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.



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5. After each witness is presented School Board members or the Hearing Officer may ask the witness 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 or its Hearing Officer may deliberate in executive session only with permission of the parents or student).
9. Return to open session and vote. After adopting a motion making certain findings of fact the Board must make a motion to: (1) affirm the 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. If the hearing is before a Hearing Officer, no motions will be required as a part of the hearing process; otherwise, the Hearing Officer will have the same obligations as the Board with respect to rendering a decision.

Source: *Broken Arrow Board of Education policy adoption, May 14, 2007.*
Broken Arrow Board of Education policy amended April 6, 2009.
Broken Arrow Board of Education policy revised, July 13, 2009.
Broken Arrow Board of Education policy revised, October 11, 2021.



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POLICY 4400

STUDENT TRANSFERS

STUDENT TRANSFERS

A request for a transfer into this district initiated by or on behalf of a nonresident student will be approved or refused in accordance with this policy.

Transfer Application

Applications for transfer shall be completed by the parent of a student on an application form specified by the State Board of Education. The term “parent” means the parent of a student or person having custody of the student as provided for in OKLA. STAT. tit. 70, § 1-113(A)(1). The application shall be filed with the superintendent or the superintendent’s designee of the receiving school district if the receiving school district is within this state.

In addition to completing the application form as specified by the State Board of Education, applicants must complete and submit both the District’s Application Form retrieved from www.baschools.org/enrollment and the Transfer Student Consent to Cancellation of Transfer retrieved from www.baschools.org/enrollment. The district will not approve an application for a transfer that is submitted without these completed forms. The district will notify all resident school districts that an application for the transfer has been filed by a student enrolled in the resident school district. This district shall timely approve or deny the application and shall notify the parents of the students, in writing, of the decision. Siblings must apply individually.

Children of District Employees

A student shall be allowed to transfer to a school district in which the parent or legal guardian of the student is employed as a teacher as defined in OKLA. STAT. tit. 70, § 1-116.

Priority for transfers will be given to applications for the enrollment of nonresident students who are the children of all other District regular full-time and regular part-time employees.

First-Come First Serve Basis

Subject to the provisions made for children of District employees, transfers will be approved on a student-by-student basis in the order in which they are received and in accordance with the policy provisions set out below.

Transportation

Parents will be required to provide transportation to and from school.



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Relocation of Family During Term of Transfer

A student whose family relocates from the school district may continue attendance through the end of school year during or for which the transfer was granted. The student may apply for a transfer for subsequent school years.

Nondiscrimination

The district shall not accept or deny any transfer application based upon the student's race, color, sex, pregnancy, gender, gender expression, national origin, gender identity, religion, disability, veteran status, sexual orientation, age, genetic information, income level, disabling condition, proficiency in the English language, measure of achievement, aptitude, or athletic ability. Failure to meet the criteria in this policy for approval will not be deemed to be rejection for a discriminatory reason.

Approval of Transfers

Once an application for a transfer has been submitted to the District, it will be forwarded to the superintendent or the superintendent's designee for review and shall be considered in accordance with the criteria set forth below. The board of education delegates to the superintendent or the superintendent's designee authority to approve or deny a transfer application pursuant to the criteria listed in this policy.

Criteria for Approval or Denial of Transfers

The fact that the district has adopted a transfer policy does not mean that every transfer application will be accepted. A transfer will be denied if the administration determines the transfer would detract from the educational experience of currently enrolled students or place additional financial or space burdens upon the district.

In addition to the general criteria listed above, a transfer application will **NOT** be approved if:

- A. This district does not:
 1. Provide the courses/educational program(s) in which the applicant desires to enroll or in which this district deems the student is required to enroll in order to comply with state and federal laws and regulations.
 2. Have adequate facilities or services to provide the courses/educational program(s) in which the applicant desires to enroll or in which this district deems the student is required to enroll in order to comply with state and



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federal laws and regulations.

3. Have adequate space for the student in the courses/educational program(s) in which the applicant desires to enroll or in which the district deems the student is required to enroll in order to comply with state and federal laws and regulations. The administration may reserve preferred space for resident students or new resident students reasonably anticipated to move into the district during the school year. Thus, the district may deny a transfer if approval would result in:
 - A. Placing a financial or education burden on district facilities or staff in the courses/educational programs the student would attend; or
 - B. Exceeding class size limitations set by state law or district policy in such courses; or,
 - C. Exceeding a percentage of such class size limitations as set by the superintendent or designee. The administration may determine that a percentage of class size mandates should be reserved for later resident enrollment to prevent the exceeding of class size limits later in the school year due to additional enrollment of reasonably anticipated new resident students.
4. Have current personnel needed to provide the grade/courses/programs in which the applicant desires to enroll.

B. The student:

1. Has a disciplinary record which provides a reasonable basis to determine the applicant would present a discipline problem if enrolled. Such a reasonable basis will exist if school discipline or court records of the student, from any public or private school within or without the State of Oklahoma or any court within or without the State of Oklahoma, show the student at any time:
 - A. Has violated school regulations;
 - B. Has committed an act commonly regarded as being immoral;



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- C. Has been adjudicated as a delinquent for either a violent or nonviolent offense under relevant Oklahoma law;
 - D. Has been convicted as an adult for either a violent or nonviolent offense under relevant Oklahoma law;
 - E. Has committed on school property, in school transportation, or at a school event a violent act or an act showing deliberate or reckless disregard for the health or safety of faculty or others;
 - F. Has possessed on school property, in school transportation, or at a school event any alcoholic beverage, or missing or stolen property found to have been taken from a student, school employee, or the school during school activities; or,
 - G. Has possessed on school property, while in school transportation, or at a school event a dangerous weapon or a controlled dangerous substance as defined by relevant Oklahoma law, or a prescription or non-prescription mood-altering substance.
- C. The applicant:
1. Fails to complete and submit the Application Form (retrieved from www.baschools.org/enrollment), provide the district with sufficient educational records, or inform the district in detail of the grades/courses/programs in which the student desires to enroll or participate if the application is accepted so that the criteria above can be applied within the time deadlines set by law for the approval or rejection of a transfer. All such records must be supplied to the district in time for district personnel to make a reasonable review of such records in applying the approval/denial criteria set by this policy. This is particularly important for students with disabilities because all documentation of the resident district will need to be reviewed to make a preliminary determination as to whether the district has the appropriate programs, staff, and services to provide the applicant with the education and services set forth in the student's IEP or Section 504 Accommodation Plan, and, if a preliminary approval determination is made, to prepare for and conduct a joint IEP or Section 504 conference with the resident district prior to any final approval or rejection of the transfer application. All applicants must consent in writing to the release of educational records from previous schools attended, and applicants for students with disabilities must consent in writing to forward to this district



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whatever confidential records this district deems is necessary to review in applying the approval/denial criteria of this policy. The superintendent or superintendent's designee has authority to amend the application form by regulation to include additional information needed to review an application request.

2. Fails to complete the Transfer Student Consent to Cancellation of Transfer retrieved from www.baschools.org/enrollment;
3. Fails to timely submit a completed application; or,
4. Provides incorrect information on the application request.



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Students with Disabilities

If a student with a disability applies for a transfer, the student must supply all documentation of the resident district relating to the student's previous and current IEPs and Section 504 Accommodation Plans so that this district may:

- A. Determine whether the district currently has appropriate programs, staff, services and placement needed to fulfill the current or anticipated IEP or Section 504 Accommodation Plan of the student; and
- B. If a preliminary determination is made that the district has the appropriate programs, staff, services and placement needed to fulfill the current IEP or Section 504 Accommodation Plan of the student if the transfer application is approved, conduct the statutorily-required joint IEP or Section 504 conference with the district of residence before a final determination of approval or denial is made.

Notwithstanding the provisions of this policy, students with disabilities may be educated in this district pursuant to special education cooperative agreements between this district and other school districts. Such transfers will not be deemed to be parent-initiated or student-initiated transfer applications governed by this policy.

Athletic and Other Competition

A transfer student granted an open transfer will not be eligible to participate in school-related interscholastic competition governed by the Oklahoma Secondary School Activities Association ("Association") for a period of one year from the first day of attendance at this district, unless the transfer is from a school district not offering the grade the student is entitled to pursue. Whether a student granted an open transfer will be eligible to participate in school-related interscholastic competition shall be determined by the Association.

Approval of a Transfer Requires Agreement for Cancellation of Transfer

Approval by this district of any transfer is contingent upon the applicant agreeing, in writing, to cancellation of this transfer by the district during the school year if the student does not comply with the rules and regulations of this district for student behavior, or if the family of the transferred student fails to remain current in financial obligations owed to the district, including, but not limited to, payment for lunches or lost or destroyed district property. The board of education hereby delegates to the superintendent or the superintendent's designee authority to cancel any transfer previously granted by the board of education upon a determination that cancellation is appropriate. The consent form can be retrieved from www.baschools.org/enrollment, which may be amended by administrative regulation.



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Students Seeking a Transfer from a Non-Accredited School or a Home School

Students currently enrolled in a private school not accredited by a state agency or in a home school are not guaranteed enrollment in the grade/programs/courses in which the applicant desires to enroll. Students desiring to transfer from private schools not accredited by a state agency or from a home school will be required to take all placement tests required of resident students enrolling in the district after attendance in private schools not accredited by a state agency or home schools, and the administration will decide the appropriate placement primarily upon placement test results as per district policy. Accordingly, students applying for a transfer from such schools will be granted a provisional transfer until: (a) test results are reviewed to determine the appropriate grade/courses/programs for the applicant; and (b) the criteria of this policy are then applied to determine if the applicant is eligible for transfer approval. An applicant who does not agree to accept placement based upon such test results and criteria review will be deemed ineligible for an approved transfer and the provisional transfer will be of no effect.

Acceptance of Assignment Required; Subsequent Change Needs Administrative Approval

Because approval of transfers is based upon criteria of sufficient programs, staffing, and space needs for the particular applicant, a transfer student must accept the school site, courses, and programs to which the student is assigned by the administration. A transfer student will not be allowed, at the time of or after enrollment, to change the grade/courses/programs in which the student state he/she desired to enroll on the transfer application without specific written permission from the superintendent or superintendent's designee. It will be the responsibility of the transfer student or parent to inform the school official from whom approval for a new assignment is requested that the student is a transfer student, and failure to do so will result in cancellation of the transfer unless excused by the superintendent or designee.

Reference: OKLA. STAT. tit. 70 §§ 8-102, 8-103, 8-103.1, 8-113, 13-103

Source: *Broken Arrow Board of Education policy adoption, October 11, 2021.*



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POLICY 4405

TRANSFERS PURSUANT TO THE DEPLOYED PARENTS SCHOOL ACT OF 2013

TRANSFERS PURSUANT TO THE DEPLOYED PARENTS SCHOOL ACT OF 2013

The district will grant a transfer to a student of a military family, regardless of the capacity of the district, if the following criteria are met:

1. The student's parent is a member of the active U.S. uniformed military service on full-time active duty; *or* the parent is a member of the military reserve on active duty orders; and
2. At least 1 parent has a Department of Defense issued ID card; and
3. At least 1 parent provides evidence that he/she will be on active duty status or active duty orders, meaning the parent will be temporarily transferred in compliance with official orders to another location in support of combat, contingency operation or a natural disaster requiring the use of orders for more than thirty (30) consecutive days.

In lieu of applying for a transfer under the Act, students of military families may also establish residency in the district and enroll in the district as outlined in the district's residency policy.

Reference: OKLA. STAT. tit. 70 § 8-103.1 (2021)

Source: *Broken Arrow Board of Education policy adoption, October 11, 2021.*