



SECTION IV: STUDENTS

POLICY 4380

STUDENT SUSPENSION/DISCIPLINE POLICY

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, ~~Okl. Stat. tit. 70 O.S. §24-101.3(BR1).~~

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 in accordance to Board Policy 1140. 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 if heard by the Board. If heard by a Hearing Officer it will be a closed hearing.
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 the administration or 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.~~

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

1. The Board appointed Hearing Officer should:
 - Schedule and notify the parents of the out-of-school suspension review hearing for the student.
2. The Board appointed 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 the administration or legal counsel for the administration.
 - That the 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.
5. After each witness is presented the Hearing Officer may ask the witness any questions.
6. Parents'/child's closing statement.
7. Administration's closing statement.
8. Deliberate in private.



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9. Hearing Officer will have the same obligations as the Board with respect to rendering a decision to (1) affirm the out-of-school suspension; (2) modify the out-of-school suspension (increase or decrease severity of the out-of-school suspension); or (3) revoke the out-of-school suspension.

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