



## SECTION III: STUDENT POLICIES 3070

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### Student Conduct and Discipline

As a public charter school, Oklahoma Virtual Charter Academy (“OVCA” or “School”) students are subject to the discipline policies of the OVCA Board of Education (“Board”). Given the unique make-up of the virtual school setting, the following issues are clarified:

- “Classroom” does not equate to the home. “School Grounds” will be considered the grounds of any OVCA sponsored event and instructional property including computer, materials, printer, and any other resource(s) made available by OVCA.
- Student conduct expectations regarding appropriate treatment of instructional property apply to the school printer, computer, curriculum, materials, and any other resource(s) provided through OVCA. Misuse of hardware or software may be grounds for expulsion from OVCA.
- Students may be removed from OVCA due to disciplinary action, lack of attendance or progress, failure to communicate with the assigned teacher, failure to participate in state- and district-mandated assessments, or non-disclosure of an IEP or a combination of issues thereof.
- Students attending school events are subject to the school’s dress code.

Threatening behavior, fighting, and inappropriate language will result in the parent/guardian being contacted immediately. No smoking, tobacco in any form, drinking, or illegal substances are permitted at OVCA sponsored events or during class sessions. The student will be removed from the field trip until an authorized adult arrives for pickup, and, depending on the severity of the situation, the police may become involved immediately. The infraction will be reported to the Head of School for review and possible future exclusion from field trips or expulsion from OVCA. Staff will utilize a 3-Strike Policy and a Zero Tolerance Policy as outlined below:

#### 3-Strike Policy:

1. Notification of parent/guardian, documentation of violation, and administrative notification;
2. Referral resulting in formal meeting with parent/guardian, student, chaperone(s), and administration;
3. Suspension of participation in OVCA field trips for the remainder of the academic semester (e.g., face-to-face trips, events, and clubs).

The above policy is based on discretion and final decision of the Head of School or their designee. At the discretion of school administration, steps may be excluded from this policy depending upon the severity of the infraction.

#### Examples of 3-Strike Infractions:

1. Violation of a school regulation (including Attendance Policies)
2. Inappropriate language or gestures
3. Dress code violations
4. Inappropriate displays of affection

Source: OVCA Board Policy adoption 8/21/2014

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5. Late pick-up of students, missing permission slips and/or forms required for field trip

While this list is not comprehensive, it should be used as a sample of behaviors and/or possible situations.

#### Zero Tolerance Policy:

Situations or student behaviors significant enough to warrant immediate action and/or permanent suspension from current and future activities, as may be permitted by law, include but are not limited to:

1. Use or presence of weapons or violence
2. Threatening behavior/language to chaperones, students, and/or the general public
3. Sexually explicit behavior
4. Bullying, including cyber bullying
5. Use, presence, or influence of alcohol, drugs, and/or tobacco
6. Leaving venue/chaperoned area unaccompanied, with strangers or individuals without permission
7. Stealing or destruction of property

OVCA staff and administration reserves the right to determine the definition of “appropriate” in each individual situation. The action will be determined by administrative review and consultation with the district.

Students are subject to disciplinary action up to and including suspension, expulsion, or revocation of transfer for admission to the School for any single policy violation. Alternatives to suspension and expulsion may be offered by the school as appropriate depending on the circumstances and severity of the violation. The sale of a controlled substance mandates expulsion. School officials are instructed to notify law enforcement regarding suspected violations of this policy and to cooperate with any investigation that may result.

#### Weapons

A student who uses, possesses, controls, or transfers a weapon, or any other object that can reasonably be considered, or resembles, a weapon at any school sponsored in-person event including, but not limited to outings, prom, graduation, academic competitions, and testing shall immediately be expelled from OVCA. The expulsion may, however, be modified by the Head of School, or their designee, on a case-by-case basis, and the local criminal justice or juvenile delinquency system will be notified. A “weapon” means (1) possession, use, control, or transfer of any firearm, (2) any other object if possessed, used, or attempted to be used to cause bodily harm, including but not limited to knives, brass knuckles, billy clubs, or (3) look-alikes of any of the weapons defined above. Items such as baseball bats, pipes, bottles, locks, sticks, pencils, and pens may be considered weapons if used or attempted to be used to cause bodily harm. Self-protecting devices should not be brought to any in-person school sponsored event.

**Emergency Removal:** School administrators have the authority to immediately exclude a student from the school/event in an emergency during which the student’s welfare or the welfare of others may be threatened. Emergency removals will be recorded as excused absences. Emergency

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removals should not extend beyond the conclusion of the following school day except by agreement of school administration and parent(s).

Upon suspicion that a student has violated the Zero Tolerance Policy, and prior to imposing disciplinary sanctions, the Head of School or their designee shall provide the student an opportunity for an informal conference. The notice and the conference should be provided in whatever manner is reasonable under the circumstances, including but not limited to face-to-face contact, telephone contact, or written contact. The notice may be given at the beginning of the informal conference. In the event the Head of School or their designee determines that a student poses an imminent threat to the learning environment in the school or creates a dangerous or unsafe environment for students, teachers, and/or other school personnel, an immediate suspension may be imposed without a prior informal conference. In such an event, the opportunity for an informal conference shall be provided as soon as is practical following the suspension.

During the informal conference, the student shall be informed in reasonable detail about the basis for possible disciplinary sanctions and the nature of the evidence that exists. The student shall be given a reasonable opportunity to respond verbally or in writing at the discretion of school administration, except that a student should not sign a written statement admitting to a mandatory expulsion offense unless a parent is present or as is otherwise allowed by law.

**Suspension:** Certified staff members and/or other administrators designated by the Head of School, have the authority to suspend students as described in this policy. If the Head of School or their designee determines that suspension is warranted, the student may be suspended for a period not to exceed five (5) school days except that a student may be suspended for a period not to exceed ten (10) schooldays for mandatory expulsion offenses. Unless otherwise specified by OVCA Board Policy or law, the duration of a student's suspension shall be at the discretion of the Head of School or their designee.

Reasonable efforts should be made to promptly notify a parent of and the basis for the suspension. Suspended students may not be readmitted to school until a meeting or other acceptable arrangements occur between the parent/guardian and the Head of School or their designee. If the parent/guardian cannot be contacted or fails to appear for scheduled meetings, the school administration may determine whether the student may be readmitted to school or whether the suspension should be extended. Except when safety concerns exist, the period of suspension should not be extended because such meeting has not taken place.

In some cases, suspended students may be provided the opportunity to remain in school during part or all of the suspension at the discretion of school administration. Alternative to suspension opportunities may include, but are not limited to, having the student and parent/guardian complete issue-specific intervention activities, or permitting the parent/guardian to attend classes with the student during all or part of the suspension with permission of school administration. If a student and parent/guardian are offered and accept the opportunity to participate in alternative to suspension activities, failure to successfully complete such opportunity according to the schedule established by school administration will terminate the alternative to suspension opportunity resulting in the student being required to serve the full suspension as originally assigned, even if the student has already returned to school at that point.

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The OVCA Board will delegate to the Head of School the authority to suspend a student for extended periods of time, consistent with law and due process, as set forth below.

If it is determined that an extension of suspension is warranted, the student's parents/guardians shall be notified of the basis of the extended suspension.

**Suspension Appeals:** Appeals of suspensions must be directed to the Head of School within two (2) business days after the suspension is imposed. The decision of the Head of School on appeals of suspensions of five (5) school days or less shall be final. Appeals of suspensions of six (6) or more school days shall be made within two (2) business days following receipt of the Head of School's decision regarding the appeal and shall be sent to the OVCA Board President. The decision of the OVCA Board will be final.

Students will continue to serve the number of school days of suspension imposed by the administrator during appeal proceedings.

**Expulsion:** The Head of School (copying the OVCA Board President) will provide written notice of a student's potential expulsion either in person, by United States mail addressed to the last known address of the student or the parent/guardian, or electronically (email). The written notice will include the opportunity to request and/or participate in a due process hearing and confirmation of the time, date, and location if such hearing has already been scheduled. The notice will contain the following basic information:

- A statement of the allegations leading to the extended suspension and/or potential expulsion;
- A statement of the nature of the evidence supporting the charges;
- A statement offering the student and parent/guardian a hearing regarding the potential expulsion or extended suspension;
- A statement that the student may be present at the hearing during the presentation of all information, shall have an opportunity to present relevant information, and may be accompanied and represented by the parent/guardian and/or an attorney; and
- A statement that failure to attend or the submission of a hearing waiver constitutes the waiver of further rights in the matter.

Students may be expelled for up to 365 calendar days. Upon expulsion, a student will be withdrawn from school. The principal of the expelling school shall determine what, if any, academic credit may be awarded, and under what conditions, for the grading period in progress at the time of the expulsion. Expulsions will be recorded on a student's enrollment and discipline history. Expulsions will not be recorded on a student's academic transcript.

Educational alternatives which may be available to students who are expelled include private or parochial school or homeschooling.

For students under the age of 17 who are expelled for the remainder of the school year, the parent/guardian is responsible for ensuring the student complies with statutory compulsory attendance requirements.

Due process hearings may be conducted by the Head of School or their designee, including contracted hearing officers. The hearings are closed except to participants and witnesses unless

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otherwise agreed by all parties. Final decisions regarding who may participate in a due process hearing will be made by the Head of School.

Testimony and information will be presented under oath; however, technical rules of evidence will not be applicable and the Head of School or their designee may consider and give appropriate weight to such information or evidence as he/she deems appropriate. The student or his/her representative may question individuals presenting information. A sufficient record of the proceedings will be kept so a transcript can be prepared in the event either party so requests. Preparation of the transcript will be at the expense of the party requesting the same.

The Head of School will render a written opinion within five (5) calendar days after the hearing. By mutual agreement between the Head of School or administrative designee and the student or student's representative, time limits and other conditions of this policy may be waived.

**Expulsion Appeals:** Appeals of the Head of School's final decision may be submitted for review by the OVCA Board by filing a written notice of appeal for board review within ten (10) calendar days of the notice of Head of School's final decision following the original appeal. Failure to request an appeal within ten (10) calendar days of the receipt of the written decision will result in a waiver of the right to appeal and the Head of School's written decision will become final.

The appeal must state specific facts and arguments that support reversal of the expulsion decision on one of the following grounds:

- The Head of School's decision is not supported by the facts established at the hearing;
- The student was not afforded procedural due process; or
- The student was expelled in violation of Board Policy.

The Head of School or their designee may submit a written response to the appeal to the Board and address matters raised in the request for appeal for inclusion in the record to be considered by the Board. If an appeal is timely requested, the School's Board of Education will review the record and offer the opportunity for representatives of the school and the student to make statements to the Board at a board meeting. No new evidence will be considered unless such evidence was not reasonably discoverable at the time of the hearing. The School's Board of Education will make a determination as to whether the appeal has merit based on one of more of the grounds. The Board will provide a written decision within five (5) calendar days of the board meeting.

If the Board agrees with the student's position in the appeal, all school records pertaining to the expulsion will be expunged from the student's file, and a corrected copy of the student's file will be provided to the student's parent/guardian by mail.

**Denial, Revocation of Transfer.** Pursuant to 70 O.S. 24-101.3 and OVCA Board Policy, the School may deny a transfer or revoke a transfer that is required to attend the School for the acts and reasons provided for in Oklahoma law and Board Policy. The Board may also deny a transfer or revoke a transfer that is required to attend the School should the student have a history of absences as defined by Oklahoma law and as provided for in Board Policy.

**Corporal Punishment:** OVCA prohibits the use of corporal punishment.

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**Discipline of Students with Disabilities:** Except as provided in federal and state law, students with disabilities shall be subject to the Charter School's Conduct and Discipline Code and its policies and procedures governing the discipline of students.

Students with disabilities include those students receiving special education services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973, as amended (Section 504).

**Acceptance of Students with Prior Offenses:** OVCA may accept students with prior offenses, such as but not limited to suspension or expulsion, with their previous school of record. Prior to course start date with OVCA, the following will be addressed via phone conference with administrator, student, legal guardian, and learning coach (if different than legal guardian):

- Probationary enrollment status for 6 school weeks
- Mandatory intake screening with school-level Social Emotional Counselor and agreement to follow recommendations
- Exclusion of any in-person events during probationary period, with the exception of state-mandated activities (e.g., state testing)

Upon completion of the probation period, the team of administrative representative, Social Emotional Counselor, legal guardian, learning coach (if different than legal guardian), teacher representative, and student will meet to review probation status. At that time, the team will decide to either release the student from probation, extend the probation period, or withdraw the student.

**Denial of Admissions:** New students to OVCA shall be enrolled conditionally until educational records, including discipline records, are received from the student's previously attended school(s). In the event the student's records indicate a reason to deny admission, the student's conditional enrollment status may be revoked.

The Head of School or their designee, may deny admission to the school in accordance with applicable law and Board Policy.

Grounds for Denial of Admission include but are not limited to:

- Having been expelled from any school district during the preceding twelve months;
- Behavior in another school district during the preceding twelve months that is detrimental to the welfare or safety of other students or school personnel;
- Graduation from the twelfth grade of any school or receipt of any document evidencing completion of the equivalent of a secondary curriculum;
- Failure to meet the requirements of age (students must be between the ages of 5 and 21 on or before September 1).

## Bullying

See OVCA Bullying Policy

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## Harassment Reporting

It is important for students who feel they are being harassed in the high school environment to report the problem immediately to their instructional coordinator or teacher. Harassment comes in many forms including the following:

- Spam (unsolicited e-mails not pertaining to the course)
- Threatening communications
- Offensive communications or any other kind of communication that makes the student feel uncomfortable
- Contacting a fellow student that does not wish to be contacted and has directly expressed this

Disciplinary actions will be taken against students, such as removing them from the interaction, contacting parent/guardian and/or suspension from such interactions. If necessary, the student may enter the formal discipline procedure.

## Monitoring

OVCA reserves the right to review any material transmitted using OVCA instructional computing resources or posted to an OVCA instructional computing resource to determine the appropriateness of such material. OVCA may review this material at any time, with or without notice to students. E-mail transmitted via OVCA instructional computing resources is not private and may be monitored.