STUDENT BEHAVIOR AND DISCIPLINE

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

1. Arson

2. 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 making or transmitting or causing or allowing to be transmitted, any telephonic, computerized or electronic message

3. 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, publishing or distributing or causing or allowing to be broadcast, published or distributed, any message or material

4. Cheating

5. Conduct that threatens or jeopardizes the safety of others

6. Cutting class or sleeping, eating or refusing to work in class

7. Disruption of the educational process or operation of the NTC school site

8. Extortion

9. Failure to attend assigned detention, alternative school or other disciplinary assignment without approval

10. Failure to comply with state immunization records

11. False reports or false calls

12. Fighting

13. Forgery

14. Gambling

15. Harassment, intimidation, and bullying, including gestures, written or verbal expression, electronic communication or physical acts

16. Hazings (initiations) in connection with any school activity
17. Immorality
18. Inappropriate attire
19. Inappropriate behavior or gestures
20. Inappropriate public behavior
21. Indecent exposure
22. 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)
23. Obscene language
24. Physical or verbal abuse
25. Plagiarism
26. Possession of a caustic substance
27. Possession of obscene materials
28. Possession, without prior authorization, of a wireless telecommunication device
29. Possession, threat or use of a dangerous weapon and related instrumentalities (i.e., bullets, shells, gun powder, pellets, etc.)
30. Possession, use, manufacture, distribution, sale, purchase, conspiracy to sell, distribute or possess or being in the chain of sale or distribution, or being under the influence of alcoholic beverages, low-point beer (as defined by Oklahoma law, i.e., 3.2 beer), illegal chemical substances or any substance represented to be an alcoholic beverage, low-point beer or illegal chemical substance, regardless of its actual content
31. Possession of illegal and/or drug related paraphernalia;
32. Profanity
33. Sexual or other harassment of individuals including, but not limited to, students, NTC employees, volunteers
34. Theft
35. Threatening behavior, including gestures, written or verbal expression, electronic communication or physical acts
36. Truancy

37. Use or possession of tobacco in any form

38. Use or possession of missing or stolen property if property is reasonably suspected to have been taken from a student, an NTC employee, or NTC

39. Using racial, religious, ethnic, sexual, gender or disability-related epithets

40. Vandalism

41. Violation of Board of Education policies, rules or regulations or violation of NTC rules and regulations

42. Vulgarity

43. Willful damage to NTC property

44. Willful disobedience of a directive of any NTC official

45. Any student found to have assaulted, attempted to cause physical bodily injury, or acted in a manner that could reasonably cause bodily injury to an NTC employee or person volunteering for NTC. In addition, conduct occurring outside of the normal NTC school day or off NTC school property that has a direct or immediate negative effect on the discipline or educational process or effectiveness of NTC, will also result in disciplinary action, which may include out-of-school suspension.

In addition, conduct occurring outside of the normal NTC school day or off NTC school property that has a direct and immediate negative effect on the discipline or educational process or effectiveness of NTC, will also result in disciplinary action, which may include in-school placement options or out-of-school suspension. This includes, but is not limited to, electronic communication, whether or not such communication originated at NTC or with NTC equipment, if the communication is specifically directed at students or NTC personnel and concerns harassment, intimidation or bullying at NTC.

School Bullying Prevention Act (Okla. Stat. tit. 70, § 24-100.2)

The Oklahoma Legislature established the School Bullying Prevention Act with the express intent of prohibiting peer student harassment, intimidation, bullying and threatening behavior. These terms include, but are not limited to, any gesture, written or verbal expression, electronic communication or physical act that a reasonable person should know will:

1. harm another student;

2. damage another student’s property;

3. place another student in reasonable fear of harm to the student’s person or damage to the student’s property; or
4. insult or demean any student or group of students in such a way as to disrupt or interfere with NTC’s educational mission or the education of any student.

The Board has also adopted a policy prohibiting harassment, intimidation, bullying and threatening behavior that defines and explains this conduct and NTC’s plan to address it.

Student Suspension

The judicial extension of Fourteenth Amendment protection to students in the public school emphasizes the need for school administrators to protect the procedural due process rights of students in discipline cases. NTC’s policy must be consistent with the due process rights of students and must provide proper machinery for fair and consistent treatment of students. The term "out-of-school suspension" refers to removal out of school for a period not to exceed one (1) calendar year for offenses involving firearms and the remainder of a current semester and the succeeding semester for all other offenses. ALTERNATIVE IN-SCHOOL PLACEMENT, DETENTION AND SIMILAR DISCIPLINARY OPTIONS OR CORRECTIONAL MEASURES ARE NOT CONSIDERED BY LAW TO BE OUT-OF-SCHOOL SUSPENSION AND DO NOT REQUIRE OR INVOLVE THE DUE PROCESS PROCEDURES SET FORTH HEREIN.

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

The reference to "teacher/NTC employee" means the NTC staff member to whom the Superintendent has delegated the responsibility for student discipline.

A. Behavior or Conduct that May Result in Suspension:

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

   1. violation of an NTC regulation;
   2. immorality;
   3. adjudication as a delinquent for an offense that is not a violent offense. For the purposes of this section, "violent offense" shall include those offenses listed as the exceptions to the term "nonviolent offenses" as specified in Okla. Stat. tit. 57, § 571. "Violent offense" shall include the offense of assault with a dangerous weapon but shall not include the offense of assault;
   4. possession of an intoxicating beverage, low-point beer, as defined by Okla. Stat. tit. 37, § 163.2, wireless telecommunication device, or missing or stolen property if the property is reasonably suspected to have been taken from a student, an NTC employee, or NTC during NTC activities; and
   5. possession of a dangerous weapon or a controlled dangerous substance, as defined in the Uniform Controlled Dangerous Substances Act. Possession of a
firearm shall result in out-of-school suspension as provided in NTC’s policy related to firearms.

6. In the event of a suspension for any of the reasons listed above, an education plan as discussed in Out-of-School Suspension Requirements below, shall be applicable for acts which fall within paragraphs 1. through 4. above. However, no education plan shall be necessary for acts that fall within paragraph 5., above.

Any student found to have assaulted, attempted to cause physical bodily injury, or acted in a manner that could reasonably cause bodily injury to an NTC employee or person volunteering for NTC shall be suspended for the remainder of the current semester and the next consecutive semester. For good cause and considering the totality of the circumstances, NTC’s Superintendent or designee may modify the term of the suspension. Final action as to any such suspension, including its term, remains with the Board of Education pursuant to a timely appeal.

Students suspended for a violent offense directed toward an NTC teacher shall not be allowed to return to the teacher’s classroom without the teacher’s prior approval. Whether an offense is considered a violent offense, requiring an affected teacher’s approval as a condition of return to a particular classroom, shall be based on applicable provisions of the Oklahoma school law regarding student suspension and applicable Oklahoma criminal law distinguishing between violent and nonviolent offenses.

NTC’s Obligation Applicable to All Out-of-School Suspensions

Alternative In-School Placements

Before NTC, through its designated representatives, recommends out-of-school suspension, alternative in-school placements, including, but not limited to: placement in an alternative NTC school setting, reassignment to another classroom, placement in in-school detention, or other available disciplinary or correctional options shall be considered. These shall not be considered as an out-of-school suspension but shall be treated as disciplinary or corrective actions that may be used, if warranted, as an alternative to out-of-school suspension.

Students with Disabilities

NTC WILL PROVIDE ADDITIONAL PROCEDURAL SAFEGUARDS AS REQUIRED BY LAW FOR STUDENTS IDENTIFIED AS HAVING DISABILITIES UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT OR SECTION 504 OF THE REHABILITATION ACT/TITLE II OF THE AMERICANS WITH DISABILITIES ACT WHO ARE SUSPENDED OUT-OF-SCHOOL OR ARE OTHERWISE SUBJECT TO DISCIPLINARY REMOVAL.

Pre-Out-of-School Suspension Conferences
1. When a student violates Board policy or a school rule or regulation or has been adjudicated as a delinquent for an offense that is not a violent offense (as set out in Okla. Stat. tit. 57, § 571), NTC shall conduct an informal conference with the student.

2. At the conference with the student, the NTC employee shall read the policy, rule or regulation that the student is charged with having violated and shall discuss the conduct of the student that is a violation of the policy, rule or regulation.

3. The student shall be asked whether he/she understands the policy, rule or regulation and be given the opportunity to explain and discuss his/her conduct.

4. If it is concluded that an out-of-school suspension is appropriate, the student shall be advised that he/she is being suspended and the length of the out-of-school suspension.

5. The NTC employee shall immediately notify the parent by phone and in writing that the student is being suspended out of school and that alternative in-school placement or other available options have been considered and rejected. The written notice should state what alternative in-school placement or other available options have been considered and why they were rejected.

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

1. A student may be suspended out-of-school without the above pre-out-of-school suspension conference with the student only in situations where the conduct of the student reasonably indicates to the NTC employee—that the continued presence of the student in the NTC facility will constitute an immediate danger to the health or safety of the students, or NTC employees, or to NTC property, or a continued substantial disruption of the educational process.

2. In such cases, an out-of-school suspension conference with the student and the parent or guardian will be scheduled as soon as possible after the student has been removed from the NTC facility.

Conferences with Parents

1. The NTC employee will seek to hold a conference with the parent or guardian as soon as possible after the out-of-school suspension has been imposed.

2. At the conference, the NTC employee will read the policy, rule or regulation the student is charged with having violated and will briefly outline the conduct or behavior on the part of the student.

3. At the conclusion of the conference, the NTC employee shall state whether he/she will terminate or modify the out-of-school suspension. In all cases, the
F. Out-of-School Suspension Requirements

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

2. In no event should an out-of-school suspension extend beyond the current school semester and succeeding semester, except in the case of possession of a firearm, in which case an out-of-school suspension for up to one (1) calendar year is appropriate. Out-of-school suspensions involving firearms are governed by NTC’s Gun-Free Student Suspension Policy. Out-of-school suspensions should have a definite commencement and ending date; indefinite out-of-school suspensions are not permitted.

G. Individualized Plans for Out-of-School Suspension

Out-of-school suspensions in excess of five (5) days shall include an Individualized Plan for Out-of-School Suspension ("Plan") that shall describe either a home-based school work assignment setting or other appropriate work assignment setting. The plan shall be prepared by the NTC employee with the assistance of other employees as warranted by the circumstances of the out-of-school suspension.

The Plan shall provide for the core units in which the student is enrolled. Core units shall consist of the minimum English, mathematics, Science, Social Studies and Art units required by the Oklahoma State Department of Education for high school graduation in grades nine through twelve.

A copy of the Plan shall be provided to the student and parent or guardian. The parent or guardian shall be responsible for provision of a supervised, structured environment in which the parent or guardian shall place the student. The parent or guardian shall bear responsibility for monitoring the student's educational progress until the student is readmitted into school. The Plan shall set out the procedure for education and shall also address academic credit for work satisfactorily completed.

Records and Reports

The NTC employee will keep written records of all out-of-school suspension conferences.

I. Long-Term Out-of-School Suspensions (Out-of-School Suspensions in Excess of Ten (10) School Days)
1. Right of Appeal: A parent or the student may appeal the out-of-school suspension decision of the NTC employee to the Superintendent and the Board of Education or a Hearing Officer appointed by the Board of Education. At the student and/or parent or guardian’s option the appeal may be directly to the Board of Education or the Board’s appointed Hearing Officer.

2. Method of Appeal to the Superintendent or Designee: An appeal can be presented by letter to the Superintendent.

3. If no appeal is received within five (5) calendar days after the NTC employee’s decision is received by the parent or student, the NTC employee’s out-of-school suspension decision will be final.

4. The Superintendent or designee should hold a conference with the parent or guardian as soon as possible after receipt of the appeal. The conference will be held during regular school hours, Monday through Friday, with consideration given to the hours of working parents whenever possible.

5. At the conference, the Superintendent or designee will read the policy, rule or regulation the student is charged with having violated and will briefly outline the conduct of the student.

6. At the conclusion of the conference, the Superintendent or designee will state whether he/she shall uphold, terminate or modify the out-of-school suspension. In all cases the parent shall be advised of his/her right to have the out-of-school suspension reviewed by the Board of Education or a Board-appointed Hearing Officer. If the parent is in agreement with the decision of the Superintendent or designee, he/she shall be requested to sign a waiver of review by the Board.

Method of Appeal to the Board of Education or the Board’s Hearing Officer

1. An appeal can be requested by letter to the Superintendent or to the Clerk of the Board of Education.

2. If no appeal is received within five (5) days after the decision of the Superintendent or designee is received by the parent or student, the decision of the Superintendent or designee will be final. A direct appeal to the Board or Board-appointed Hearing Officer requires the student, parent, or guardian to file the written request for appeal within five (5) days of receipt of the NTC employee’s decision.

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 nonappealable.
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.

Procedure for Student Out-of-School Suspension Appeal Hearing Before the Board of Education or Hearing Officer

1. The Board President or the appointed Hearing Officer should:
   a. Announce that the next agenda item is an out-of-school suspension review hearing for the student stating her/his name.
   b. Ask whether the parents/child wish the hearing to be open to the public or in executive session. The offer of an open hearing and their response is to be made a part of the minutes of the meeting. If parents/child request a closed hearing, a motion to go into executive session per their request should be made and voted on.

2. The Board President or Hearing Officer should advise the parents/child:
   a. That they are entitled to legal counsel, if they desire it.
   b. That the administration will present its witnesses first and that after each witness the parents or their legal counsel will be given an opportunity to cross-examine.
   c. That the parents/child will be given an opportunity to call any relevant witnesses and present any relevant evidence they may wish, subject to cross-examination by legal counsel for the administration.
   d. That the Board or its Hearing Officer will consider the evidence and documents and reach a decision that will be recorded by vote in open session.
   e. That the parents/child may ask any questions about the procedure.

3. Following presentation of 1. and 2. above, all administration witnesses and documents should be presented subject to cross-examination.

4. Parents/child may call any witnesses and present any documents subject to cross-examination.

5. After each witness is presented School Board members or the Hearing Officer may ask the witness any questions.

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 when rendering a decision.

**Attendance at School Pending Appeal Hearing**

Pending the appeal hearing of an out-of-school suspension to the Board or Hearing Officer, the student will have the right to attend school under such “in-house” restrictions as the NTC employee deems proper, except that at the discretion of the NTC employee, the student may be prohibited from attending any NTC classes pending any appeal hearing if in the judgment of the NTC employee:

1. the conduct for which the student was suspended out of school reasonably indicates that continued attendance by the student pending any appeal hearing would be dangerous to other students, staff members or NTC property; or

2. the conduct for which the student was suspended out of school reasonably indicates that the continued presence of the student at NTC pending any appeal hearing would substantially interfere with the educational process at NTC.

**Short-Term Out-of-School Suspensions (Out-of-School Suspensions of Ten (10) or Fewer School Days)**

Appellate rights in such instances are satisfied in an effective and expedient manner by giving the student the right to appeal the out-of-school suspension decision to a committee composed of administrators and/or teachers. The composition of the committee shall be reserved to NTC’s discretion. The decisions of this appeals committee shall be final and no other appeal shall be heard.

**Right of Appeal**

A student who has been given a short-term out-of-school suspension and that student's parent have a right to appeal an out-of-school suspension decision to a committee composed of administrators and/or teachers. A student with a short-term out-of-
school suspension and his/her parent shall be informed by the NTC employee of this right and the method of submitting an appeal.

Method of Appeal to a Committee

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

2. Upon receipt of the request, the NTC employee shall confirm that the student's out-of-school suspension falls within the category of out-of-school suspensions to which an appeal to the committee is authorized.

Hearing the Appeal

1. The Superintendent or his designee shall appoint a review committee consisting of not less than three NTC employees who shall be certified administrators and/or teachers, and shall designate a chairperson for the committee. No administrator or teacher is eligible to serve on the committee who was a witness to the student's conduct, nor is any teacher eligible to serve who has the student in his/her class for the current school term.

2. The Superintendent or his designee shall schedule the committee hearing as soon as possible during regular school hours, Monday through Friday. Reasonable consideration shall be given to accommodate the work schedules of the parent or guardian whenever possible. The student and his/her parent or guardian will be notified in writing of the date, time and place of the hearing. The NTC employee who issued the out-of-school suspension decision shall attend the committee hearing. Either party choosing to have legal counsel at the committee hearing shall give the other party twenty-four (24) hours advance notice of that decision. The failure to give such notice will preclude the party's right to have counsel attend the hearing.

3. The committee will conduct a full investigation of the student's out-of-school suspension in an informal manner. The NTC employee will briefly outline the student's conduct, read the policy, rule or regulation that the student's conduct violated, and present any evidence and witnesses that support the NTC employee’s decision to suspend the student. The student and his/her parent or guardian will be asked by the committee if they understand the rule and charges against the student. The student and his/her parent or guardian will then briefly explain the student's conduct, and present any evidence and witnesses that support the student's position.

4. At the conclusion of the presentation of the evidence, the committee shall retire to render a decision by a majority vote as to the guilt or innocence of the student. The committee shall also determine the reasonableness of the term of
the out-of-school suspension. The committee's decision shall be confirmed, in writing, and a copy will be mailed to the parent or guardian of the student, the NTC employee, and the Superintendent.

5. The decision of the committee shall be final and nonappealable.

Student Privileges While Under Out-of-School Suspension or Under Other Disciplinary or Correctional Measures

Participation in the extracurricular activities of NTC is a privilege and not a right. Accordingly, when a student's behavior results in a determination by the NTC employee of an out-of-school suspension, the student immediately, notwithstanding the filing of an appeal, forfeits the privilege of participating in all NTC extracurricular activities.

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

Amended on January 7, 2008
Amended on September 14, 2009
Amended July 26, 2016